



UNITED NATIONS



Escazú
Agreement



15 November 2023
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Second meeting of the Committee to Support Implementation and Compliance of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean

[This document has not been subject to editorial review]

MINUTES OF THE MEETING

Date: Wednesday, 15 November 2023

Committee members present:

Guillermo Acuña
Mariana Blengio
Rita Joseph-Olivetti
Patricia Madrigal
Andrés Napoli
Carole Stephens
Félix Wing

A. Place and date of the meeting

1. The second meeting of the Committee to Support Implementation and Compliance of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) took place virtually on 15 November 2023.

B. Meeting objective

2. The objective of the meeting was to report on the activities carried out by the Committee since the first session, held on 10 August 2023, as well as to share the progress made in the development of the working modalities, mandated by the “Rules relating to the structure and functions of the Committee to Support Implementation and Compliance” (hereinafter “Rules relating to the structure”) and open a space for general comments on the matter.

C. Agenda

3. The agenda of the meeting was as follows:
 1. Activities carried out by the Committee since the first session and progress in the development of the working modalities
 2. Open dialogue

D. Proceedings of the meeting

Activities carried out by the Committee since the first session and progress in the development of the working modalities (item 1 of the agenda)

4. The Chair noted that the Committee had agreed to meet three times a year, once in-person and twice virtually. She also recalled that the Committee is established in Article 18 of the Escazú Agreement, and that in the first Conference of the Parties (COP) the Rules relating to the structure were adopted. She explained that the Committee is a subsidiary body of the Conference of the Parties, of a consultative, transparent, non-adversarial, non-judicial and non-punitive nature. Its objective is to promote the application and support the Parties in the implementation of the Agreement. It is made up of seven members who do not represent any country, act *ad honorem* and were elected at the Second COP.
5. Since the first session of the Committee, the priority had been to advance in the preparation of the working modalities mandated by the Rules relating to the structure, which is an internal document of the Committee that includes the way in which it will organize itself to fulfill its objectives and functions. In addition, the Committee had prioritized disseminating its mandate and functions, through bilateral meetings, the preparation of an infographic by the Secretariat and the organization of an informative briefing in the framework of the Second Annual Forum on Human Rights Defenders in Environmental Matters held on 26 September 2023, in Panama City.
6. The next meetings would be as follows:
 - 3rd Meeting: 20 March 2024 (virtual)
 - 4th Meeting: 25-26 April 2024 (in person)
7. The Vice-Chair briefly presented the current content of the working modalities, in particular regarding: Purpose and nature; Structure and composition; Meetings and organization of work; Reporting functions and support to the Conference of the Parties; Advice functions and support to Parties; and Participation of the public in the functions of the Committee.
8. The Chair then summarized the communications process, particularly regarding who can present them, the objective, content, admissibility, and essential elements they must contain. She added that the Committee must ensure that persons and groups in vulnerable situations are guided and assisted when sending communications, and that the Committee may establish differentiated procedures that are aimed at overcoming asymmetries, within the rules of due process and equality in the treatment of the parties to a case. The rules for public participation in the Committee's functions were also recalled, including the right of the public to provide information to the Committee and to participate in Committee meetings.
9. Subsequently, the rules of conduct, independence and impartiality of the Committee were presented, stating, among others, that the members of the Committee act in an exclusively personal capacity, and shall not accept any type of direction, influence, or pressure of any kind.
10. The Chair finally specified that all contact with the Committee shall be made through the Secretariat and that communications can be presented once COP3 has concluded through a platform that the Secretariat will put in place for these purposes.

Open dialogue (item 2 of the agenda)

11. Under this point on the agenda, the Chair opened the space for comments by posing the following questions to the public: How do you understand that open dialogues with the public should be? What should the

frequency be? Should the dialogues be general or thematic? What role should the elected representatives of the public play? What can the public do to support the work of the Committee?

12. The public asked what actions the Committee has taken to engage with indigenous organizations. It was suggested that the Committee constantly receive information from representative organizations and the directly affected public, in person in the territories to the extent possible, as well as virtually. It was also asked if there is a deadline to submit comments on the working modalities and if the Committee could generate contacts with expert networks and other compliance mechanisms. Likewise, they consulted on the role of the Committee in the national implementation plans of the Escazú Agreement.
13. In turn, Nicole Leotaud, elected representative of the public, commented that to achieve effective public participation, capacity building was essential, and this meant that there should be mechanisms in place but also that awareness should be raised, and capacity should be created to use them. Then, she highlighted that the elected representatives of the public were willing to discuss how they could promote the fulfillment of the Committee's work.
14. In response to the comments, the Committee said that it was open to receiving proposals from the public on the points raised. The deadline for submitting written comments to the working modalities was in February 2024, as the document would be presented at COP3 which would take place from 22-24 April. Regarding contacts with networks of experts and other mechanisms, the rules relating to the structure and composition allowed these contacts and they had already begun. Regarding the national implementation plans, the Committee positively valued their preparation and would work with the Parties to support them.
15. In relation to a comment about the need to consider progressivity and the need to take national actions to advance implementation, the Committee stated that they were aware of the challenges and different levels of progress in implementation by the Parties. The Agreement was based on the principles of progressive realization and non-regression and one of the pillars was the strengthening of capacities and cooperation. Therefore, when analyzing the implementation and compliance of a Party, they would pay attention to the specific case, the circumstances and realities of each country. The Committee would also give equal importance to both its compliance and implementation support functions.
16. Regarding open dialogues with the public, a member of the public suggested that they could be thematic and follow a calendar. Flexible and dynamic modalities could also be carried out to accommodate different members of the public.
17. Having met the objectives of the meeting, the Committee thanked the public for their participation and the meeting was closed.