

Committee to Support Implementation and Compliance of the Escazú Agreement

SECOND MEETING
Virtual, 15 November 2023





Committee to Support Implementation and Compliance

- It is established in article 18 of the Escazú Agreement
- At COP I, held in Chile 2022, the rules relating to its structure and functions were adopted:
 - Purpose and nature
 - Structure and composition
 - Meetings and working methods
 - Functions
 - Communications
 - Register of cases, among others

Committee to
Support
Implementation
and Compliance
of the Escazú
Agreement
(CSIC)

Escazú Agreement
Art. 18

- Is a subsidiary body of the Conference of the Parties
- Nature:
 - consultative
 - transparent
 - non-adversarial
 - non-judicial
 - non-punitive
- Its objective is to promote the compliance and support the Parties in the implementation of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

Structure

Rules relating to the structure
and functions of the
Committee (Decision I/3
COP1. Annex 1)

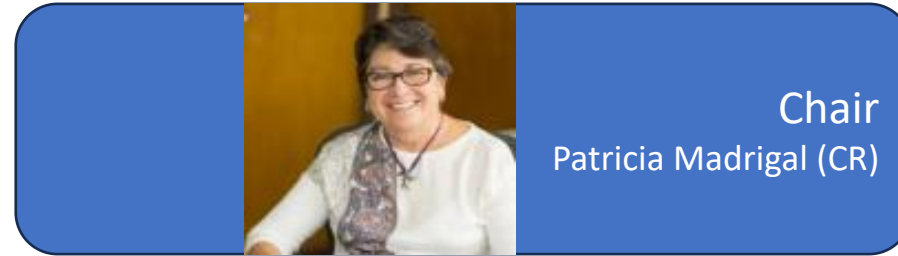
Election (Decision I/2 COP2)

Integrated by:

- 2 members from the Mesoamerica subregion,
- 3 members from South America and
- 2 members from the Caribbean. (Decision I/3 COP1. II).
- In April 2023, at COP 2 in Argentina, the 7 members were elected (Decision I/2 COP2):
 - Patricia Madrigal (Costa Rica)
 - Felix Wing Solís (Panama)
 - Andrés Napoli (Argentina)
 - Guillermo Acuña (Chile)
 - Mariana Blengio (Uruguay)
 - Rita Joseph-Olivetti (Grenada)
 - Carole Stephens (Jamaica)
- They do not represent any country, *ad honorem* and for a period of 4 years generally. (Decision I/3 COP 1. II.4).

Assumption of duties and first meeting

ECLAC Santiago,
10 August 2023



Priorities and next meetings

- 1. Preparation and approval of the working modalities by the Committee,** It is an internal document of the Committee that includes the way in which it will organize itself to fulfill its objectives and functions. (Decision I/3).
- 2. Inform the purpose and functions of the Committee.**
- 3. Next meetings:**
 - 2nd meeting: 15 November 2023 (virtual)
 - 3rd meeting: 20 March 2024 (virtual)
 - 4th meeting: 25-26 April 2024 (in person)

Content of the Working Modalities

Purpose and nature

Structure and
composition

Meetings and
working methods

Reporting and
support to the
Conference of the
Parties

Advice and support
to the Parties

Significant
participation of the
public in the
functions of the
Committee

Communications

Standards of
conduct,
independence and
impartiality

Cooperation and
capacity building

Continuous review
and amendments

Purpose and nature

- Article 18 Escazú Agreement
- Rules relating to the structure and functions of the Committee.
- They shall ensure the significant participation of the public and consider national capacities and circumstances of State Parties.
- **Equal importance** to implementation and compliance

Structure and composition

- **Chair and Vice-chairs** of the Committee, elected for 2 years with the possibility of re-election.
- **Possibility of entrusting specific functions** to certain member(s) for the preparation of reports, review of cases, and follow-up.

Meetings and working methods of the Committee



THE COMMITTEE WILL HOLD AT LEAST THREE ORDINARY MEETINGS PER YEAR, ONE IN PERSON AND TWO VIRTUAL



THE COMMITTEE MAY CALL EXTRAORDINARY SESSIONS, IN PERSON OR VIRTUAL



THE INFORMATION IS SHARED ON THE SECRETARIAT WEBSITE AND THE REGIONAL PUBLIC MECHANISM



DECISION MAKING (RULE: CONSENSUS; 2/3 MAJORITY (SUBSTANTIVE DECISIONS))



THE FUNCTIONS OF THE COMMITTEE WILL BE EXERCISED IN A PERSONAL CAPACITY AND COLLECTIVE DECISION-MAKING, COLLECTIVE RESPONSIBILITY.



THE WORKING LANGUAGES ARE SPANISH AND ENGLISH. INTERVENTIONS AND DOCUMENTS IN THOSE LANGUAGES

Reporting and support to the Conference of the Parties

- **Report of activities:** each COP ordinary meeting.
- **Systemic report:** at least every two ordinary meetings, refers to recurring general aspects and transversal barriers that may affect the implementation of the Agreement.
- Reports on **any aspects** related to **implementation and compliance that the COP requests.**

Advice and support to the Parties

- **General comments**
- **Queries on interpretation of the Agreement**
- **Periodic consultations and dialogues with each of the Parties**
- **Open dialogues with Parties and members of the public**

Communications

Rules relating to the structure
and functions of the Committee
(Decision I/3 COP 1. Annex 1)

¿Who may file
them?

Party with respect to itself

Party with respect to another Party, or

A member of the public

¿What for?

Requesting support for compliance

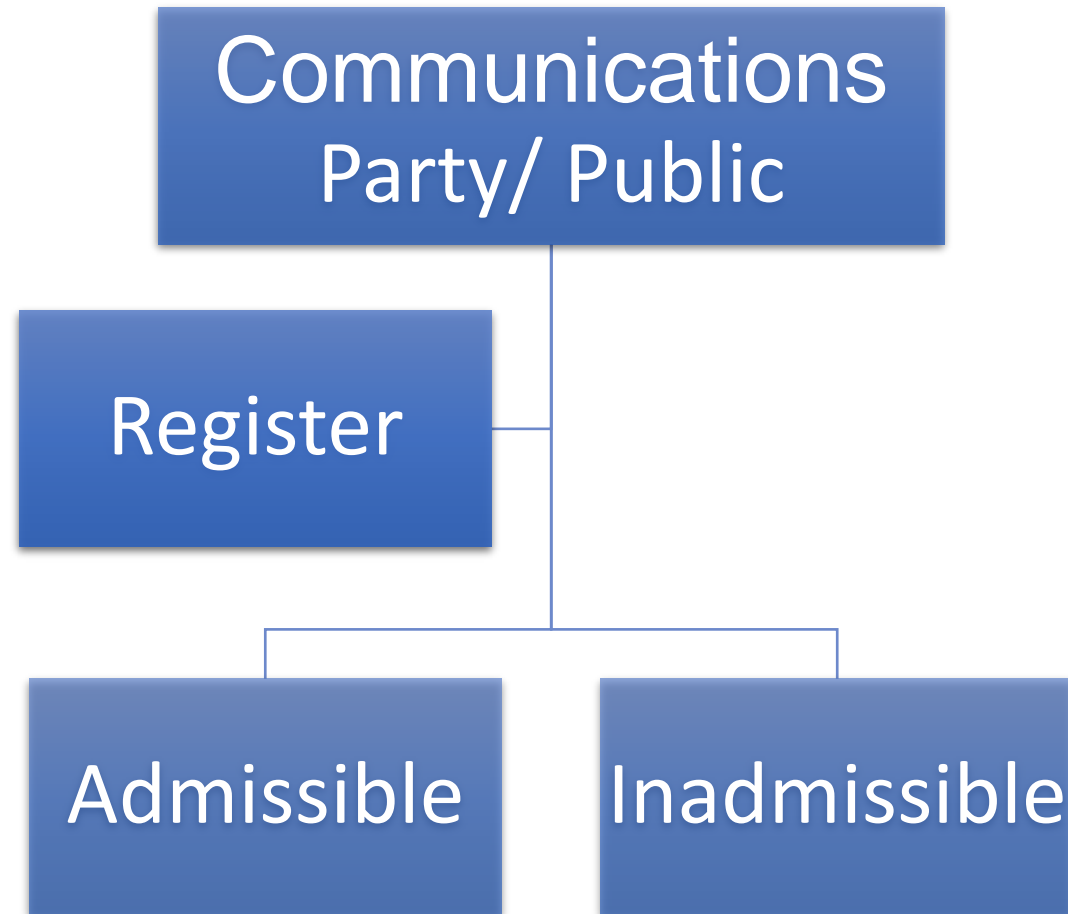
Alleging non-compliance of one or more provisions of the
Agreement.

(Decision I/3 COP 1. V)

Processing of Communications by the Committee

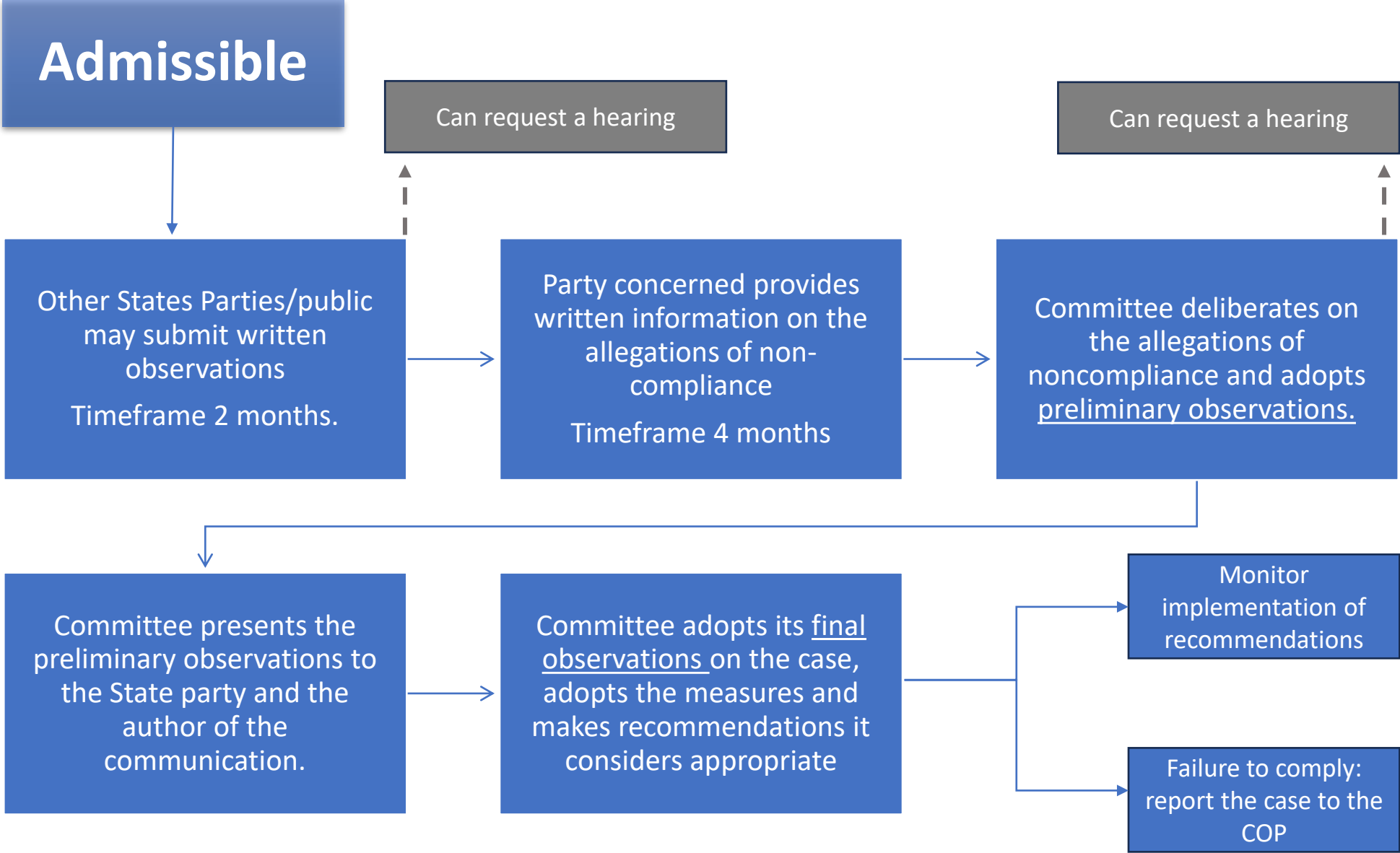
Rules relating to the structure and functions of the Committee (Decision I/3 COP 1. Annex 1)

Communications



(Decision I/3 COP 1. V)

If the communication is declared **admissible**:



Criteria that communications must meet to be received:

The name, address and contact information of the author or legal representative in the case of legal entities, including telephone number and email address;

The name of the State party to which the communication relates;

In the case of members of the public: proof of nationality, residence or subjection to the national jurisdiction of the State Party concerned; in the case of representatives of a Party: name of the State they represent;

The purpose of the communication;

The facts on which it is based and the corroborating information of the communication;

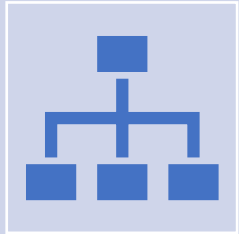
The provision or provisions of the Agreement with respect to which support is sought or non-compliance is alleged;

Information on the steps taken in the State Party concerned to resolve the case or explanation of their absence;

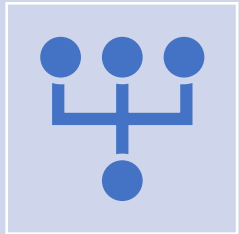
Information on whether the same matter is being heard or has been ruled on through another international procedure of a binding nature;

If the author objects to his or her identity or communication being revealed to third parties and the reasons for said opposition.

Measures for vulnerable persons who have submitted communications:



- The Committee **shall ensure** that people and groups in vulnerable situations are **guided and assisted**.
- The **Committee may establish differentiated procedures** aimed at balancing asymmetries, respecting due process and equal treatment of the parties to a case.



- The Committee, in coordination with the Secretariat, **may make interpretation arrangements** to facilitate the participation of vulnerable persons who have submitted a communication.

Public participation in the functions of the Committee

Rules relating to the structure and functions of the Committee (Decision I/3 COP 1. Annex 1)

Right to provide information to the Committee

- i) The preparation of a report on systemic issues;
- ii) The preparation of a report on any aspect related to the implementation and compliance of the Agreement that was requested by the COP to the Committee;
- iii) The preparation of general comments on the interpretation of the Agreement;
- iv) The application of the Agreement by a Party, in the context of dialogue and consultations with each of the Parties;
- v) Factual or legal aspects of cases of non-compliance, including the implementation by the interested Party of the Committee's conclusions.

(Decision I/3 COP 1. VI)

Significant participation of the public in the functions of the Committee

Rules relating to the structure and functions of the Committee (Decision I/3 COP 1. Annex 1)

Right to participate in the meetings of the Committee

i) In the periodic dialogues and consultations between the Committee and each Party;

ii) Any public hearings on a case of non-compliance, during the examination of admissibility and the examination on the merits and the follow-up to the implementation of the Committee conclusions by the Party concerned.

(Decision I/3 COP 1. VI)

Standards of
conduct,
independence
and impartiality

- The members of the Committee act in an exclusively personal capacity. They must not accept any type of direction, influence, or pressure of any kind.
- All members must remain independent of the executive, legislative and judicial powers of the countries in Annex I of the Agreement.
- Decisions must be made independently, impartially and objectively, based on the relevant facts and applicable regulations.
- Equal treatment and non-discrimination must be ensured in the application of procedures and in the exercise of their functions.
- Any situation that could generate a conflict of interest must be avoided.

Open dialogues with members of the public

- To be defined.
- How should the open dialogues with the public be? modality? frequency? general or thematic? structure and methodology?
- What role should the elected representatives of the public play?
- What can the public do to support the work of the Committee?



Contact the Committee:

- All contact is made through the Secretariat.
- To the email: comite.escazu@cepal.org
- **Communications may be presented once COP3 has concluded through a platform that the Secretariat will put in place for this purpose.**
- THANK YOU!