DRAFT WORKING MODALITIES OF THE
COMMITTEE TO SUPPORT IMPLEMENTATION AND COMPLIANCE
OF THE ESCAZÚ AGREEMENT

10 DECEMBER 2023

This document has not been subjected to editorial review

CONTENT
I. Purpose and nature
II. Structure and composition
III. Meetings and organization of work
IV. Reporting functions and support to the Conference of the Parties
V. Advice functions and support to Parties
VI. Participation of the public in the functions of the Committee
VII. Communications
VIII. Cooperation and capacity-building
IX. Standard of conduct, independence and impartiality
X. Continuous review and amendments

I. Purpose and nature

1. The present document contains the working modalities of the Committee to Support Implementation and Compliance ("Modalities"), in accordance with the “Rules relating to the structure and functions of the Committee to Support Implementation and Compliance” ("Rules relating to the structure") 1.

2. The objective of these Modalities is to guide the effective management of the Committee to Support Implementation and Compliance ("Committee"), and provide details on its structure and functions.

3. These Modalities shall ensure the meaningful participation of the public of the countries of Annex 1 of the Regional Agreement on Access to Information, Public Participation and Justice in environmental matters in Latin America and the Caribbean ("Agreement"), as appropriate, and consider national capacities and circumstances of State Parties.

4. In the implementation and interpretation of these Modalities, the nature and functions of the Committee shall be considered, as established in the Agreement and the Rules relating to the structure, including its consultative and transparent, non-adversarial, non-judicial and non-punitive nature and as a subsidiary body of the Conference of the Parties. The Committee shall seek to fulfill its support mandate, giving the same importance to the implementation of as to compliance with the Agreement.

II. Structure and composition

Chair and Vice-chairs of the Committee

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1 Decision I/3 of the First meeting of the Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.
1. The Committee shall elect a Chair and two Vice-chairs in accordance with the Rules relating to the structure.

2. In electing these positions, the Committee shall take into account equitable geographic distribution, gender balance and, to the extent possible, rotation among members.

3. The Chair and Vice-chairs of the Committee shall be elected for a period of two years and may be re-elected.

4. The Chair shall preside all meetings and activities of the Committee, ensuring that the objectives are met. The Chair shall open and adjourn each of the meetings, with the required quorum, give the floor, direct the discussions, submit the issues for consideration and proclaim the decisions adopted, overseeing the implementation of the Rules relating to its structure and the Modalities.

5. The Chair shall direct the proceedings of the meetings, resolve points of order and shall ensure that order is maintained. During the debate on a matter, the Chair may propose limiting the duration of the interventions of the speakers, limiting the number of interventions of each speaker on a question and closing the list of speakers. Discussions shall be limited to the matter being considered by the Committee, and the Chair may call to order a speaker whose remarks are unrelated to the matter under discussion. The Chair may also propose the suspension or adjournment of the meeting or the postponement of the debate on the matter in question.

6. When the Chair is temporarily absent from a meeting or part of it, he or she shall designate one of the Vice-chairs to act as Chair. The Vice-chair acting as Chair shall have the same powers and obligations of the Chair.

7. The Chair shall represent the Committee in the meetings and activities in which the Committee is officially invited to participate. If the Chair is unable to represent the Committee at that meeting or activity, they may designate one of the Vice-chairs or, if neither is available, another member of the Committee, to attend on their behalf.

8. If the Chair or any of the Vice-chairs cease to be a member of the Committee, do not exercise their functions or declare that they are unable to continue exercising them or for any reason cannot continue to hold the position, the following shall apply:
   a. The Chair shall be replaced by one of the Vice-chairs and the vacant position be filled by one of the members elected by the Committee.
   b. The new Chair or Vice-chairs shall be selected for the time remaining until the expiration of his predecessor’s term.

III. Meetings and organization of work

Meetings

1. The Committee shall hold a minimum of three ordinary meetings each year, one in person and two virtual. Ordinary meetings shall be held on the dates decided by the Committee in consultation with the Secretariat, taking into account the calendar of conferences and meetings.
2. The Committee may convene extraordinary in person or virtual meetings. When the Committee is not holding ordinary meetings, the Chair may convene extraordinary meetings after consulting the other Officers of the Committee and the Secretariat. The Chair may also convene extraordinary meetings to deal with matters of an urgent nature that must be considered before the next ordinary meeting at the request of the majority of the members of the Committee. The decision to hold an extraordinary meeting shall be taken by consensus or, failing that, by two thirds majority of the members. Extraordinary meetings shall take place preferable virtually.

3. The Secretariat shall notify the members of the Committee of the place and date of each meeting. This notification shall be sent at least eight weeks before the opening of an ordinary meeting and at least 10 business days before the opening of an extraordinary meeting.

4. The meetings of the Committee shall be announced on the website of the Secretariat and through the Regional Public Mechanism.

5. For a better and more efficient management of the work of the Committee, the Chair upon consultation with the other members may establish working subcommittees. These shall be composed of 3 members, one of which shall act as the coordinator. The membership of each subcommittee shall be reviewed every 2 years, promoting rotation among its members.

6. In addition, to facilitate the performance of the functions of the Committee, the Chair upon consultation with the other members, may designate one or more members as rapporteur or rapporteurs. The rapporteur shall assist in all substantive aspects required by the Chair. The member of the Committee who acts as rapporteur shall be in charge of preparing all the necessary draft documents for consideration by the Committee and any other specific task entrusted by the Chair.

**Agenda**

7. The Secretariat shall prepare the provisional agenda for the ordinary meeting in consultation with the Chair. The agenda shall include at least:
   a. Any item whose inclusion has been decided by the Committee in a previous meeting, or on which its conclusion is pending;
   b. Any item proposed by the Chair of the Committee;
   c. Any item related to a function of the Committee that must be considered in a specific meeting by virtue of the Escazú Agreement, the Rules relating to its structure or the Modalities.

8. The Secretariat shall transmit to the members of the Committee the provisional agenda and the working documents related to each item included in it at least eight weeks before the opening of the ordinary meeting in question.

9. The provisional agenda for an extraordinary meeting of the Committee shall include only the items that have been proposed for consideration at that meeting.

10. At the beginning of each meeting, the provisional agenda shall be considered by the Committee for its review, amendment and approval.

**Decision-making**
11. The Committee shall reach its decisions by consensus. In its absence, it shall adopt its decisions by a two-thirds majority of its members. The Committee may take decisions in in-person meetings or virtually or electronically, through appropriate technologies, with support from the Secretariat.

12. Generally, the decision-making process shall be as follows:
   a. The Chair, with the support of the Secretariat, shall send the draft decision text to the other members giving at least 10 business days for comments.
   b. The members of the Committee shall indicate within that timeframe if they are satisfied with the proposed text or propose amendments.
   c. The proposal shall be considered adopted during a meeting, once all the members of the Committee have indicated their agreement with the last text proposed by the Chair, or failing that, if no one expresses an objection to it within the said period, indicating this in the minutes.
   d. When, in light of the comments received, the Chair considers that the matter requires additional time for discussion, he or she may propose that decision-making take place at a subsequent meeting. If he or she considers it inadequate to proceed with the electronic procedure, he or she may propose that a decision be made at an in-person meeting.

13. The Committee makes its decisions collegially, with its members assuming collective responsibility for all of its decisions.

Languages

14. The working languages of the Committee are Spanish and English.

15. The Secretariat shall provide interpretation services for the interventions and translation of official documents in both languages in the meetings of the Committee.

16. Any speaker addressing a Committee meeting in a language other than one of the working languages shall be responsible for providing interpretation into one of the working languages. When appropriate, the Committee, in coordination with the Secretariat, may provide arrangements for interpretation to facilitate the participation of persons in vulnerable situations who have submitted a communication.

17. To be considered by the Committee, all documentation shall be submitted in one of the working languages. Documents in other languages must be translated by the Party or member of the public and submitted together with the document in the original language. In cases where it is justified, the Committee may request said translation from the interested Party, particularly legislation and jurisprudence. With regard to supporting or secondary documentation, the Committee shall determine which sections are most relevant and request their translation.

Minutes

18. The Secretariat shall prepare summary minutes of the Committee meetings. The minutes shall be distributed as soon as possible to the members of the Committee which may submit comments within a week thereof.

19. The summary minutes of the public meetings of the Committee in their final form and, where applicable, the recordings of the public meetings shall be publicly accessible, unless, in exceptional circumstances, the Committee decides otherwise providing due justification thereof.
20. The summary minutes of the closed meetings shall be distributed to the members of the Committee. They may be provided to other persons, when so decided by the Committee, at the time and under the conditions it decides. Regardless of this, in accordance with paragraph III.4 (c) of the Rules relating to the structure, the Committee may decide not to disclose the minutes of closed sessions, where there is a need of preventing risks and damages to the integrity and safety of persons or the environment.

IV. Reporting functions and support to the Conference of the Parties

Report on its activities

1. The Committee shall present at each ordinary meeting of the Conference of the Parties a report on its activities since the last ordinary meeting of the Conference.

2. Said report shall contain an overview of the meetings and activities undertaken, as well as the support functions for the implementation and compliance carried out between periods, including the conclusions and recommendations formulated and the application of COP decisions related with the Committee during that period.

Report on systemic issues

3. The Committee shall present at least every other ordinary meeting of the Conference of the Parties a report on systemic issues related to the implementation and compliance with the Agreement.

4. A systemic issue means that which refers to general recurring issues in implementation or compliance or cross-cutting barriers to enforcement and compliance that may affect the Agreement as a whole or a significant group of Parties.

Reports on any aspect related to implementation and compliance

5. The Committee shall present reports on any aspect related to the implementation and compliance with the Agreement that the Conference of the Parties requests from it. In said request, the term for its submission shall be indicated, as well as the minimum contents that the report must include.

6. To prepare its reports, the Committee may present drafts in open sessions, publish them in the website of the Secretariat or circulate them for comments by parties and the public. It may also hold open dialogues with Parties and members of the public.

7. The final version of the report shall be available at least eight weeks before the meeting of the Conference of the Parties in which is considered.

V. Functions of advice and support to the Parties

General comments

1. The Committee may decide to prepare and adopt general comments on specific topics related to certain aspects of the Agreement, in order to assist States Parties in fulfilling their obligations under the Agreement.
2. Before work on the preparation of a general comment begins, the Chair shall invite members of the Committee to propose suitable topics for a general comment. The Committee shall select a theme among the proposals and appoint one or more members of the Committee to act as rapporteurs in charge of facilitating the preparation of the general comment.

3. The Chair or whom he or she designates shall present an initial proposal for a general comment to the Committee, which shall subsequently examine the proposal, make the necessary changes and authorize its distribution.

4. The preliminary draft of the general comment shall be distributed to States Parties and the public, through the Regional Public Mechanism, for comments. The Committee may decide to convene a public hearing which shall be held during an ordinary meeting, whether it be in-person, virtual or hybrid, as well as invite any interested person or expert entity to present their written opinion on the draft general comment.

5. The Committee shall consider, on second reading, any additional changes to the general comment. It shall then consider the formal endorsement of the general comment.

6. The Committee shall notify the States parties and the public, through the Regional Public Mechanism, of the general observations it has approved. They shall also be made available on the Secretariat’s website in the official languages.

Consultations on the interpretation of the Agreement

7. Any Party, through its designated national focal point, may consult the Committee on the interpretation of the Agreement, with the aim of facilitating its application and compliance. Likewise, representatives of the public, elected in accordance with the third paragraph of Rule XIV of Decision I/1 of the Conference of the Parties adopting the Rules of Procedure of the Conference of the Parties, may consult about the interpretation of the Agreement.

8. Consultations on the interpretation of the Agreement shall be sent in writing to the Secretariat, preferably by email, and must precisely formulate the specific questions on which the opinion of the Committee is sought. They must also indicate the provisions of the Agreement whose interpretation is requested and the considerations that originate the consultation.

9. Upon receipt of a consultation, the Committee shall transmit a copy of it to all States parties and to the elected representatives of the public and it shall be published on the website of the Secretariat. The Chair shall set a period for those Parties and interested persons to submit information and their perspectives or their written observations in relation to the consultation.

10. The Committee may decide to call a public hearing, which shall take place in an ordinary meeting, whether in-person, virtual or hybrid, as well as invite any interested person or expert entity to present their written opinion on the points submitted for consultation.

11. Once approved, the opinion of the Committee shall be notified to the author of the consultation and published on the website of the Secretariat, unless the Committee defines otherwise.

Regular consultations and dialogues with the Parties
12. The Committee shall hold regular consultations and dialogues with each of the Parties. Each Party shall participate in consultations and dialogues at least once every four years. To plan the activities for the incoming year, at the last ordinary meeting of every year, the Committee shall invite State parties to express interest in holding a consultation and dialogue. If there are no requests, the alphabetical order of the name of the Party in Spanish will be followed. The consultations and dialogues shall be convened during ordinary meetings of the Committee.

13. In its work plan, the Committee shall publish the agenda of scheduled dialogues and shall notify Parties that they have been included in the Work Plan.

14. During regular consultations and dialogues, each Party and the Committee shall engage in an open, constructive and interactive manner on any matter relating to the implementation of and compliance with the Agreement, striving to agree on a programme and an agenda. At least eight weeks before the session in which they are held, both the Party and the Committee may propose a list of issues to be considered in the dialogue. The Committee shall prepare itself for the regular consultations and dialogues and may receive information from the interested Party, the public and any expert person or organization.

15. Observations and reports received by the Committee shall be sent to the Party for its consideration.

16. The Committee shall prepare a report on the consultation and dialogue and send it to the State Party, which will have eight weeks to provide comments. Once elapsed or if observations are received, these shall be analyzed to issue the final report of the consultation.

17. At the proposal of a Party or at the request of the Committee with the consent of a Party, periodic consultations and dialogues with a Party may take place while visiting its territory. The Party and the Committee shall agree on the requirements of the visit, with the support of the Secretariat.

VI. Participation of the public in the functions of the Committee

Open dialogues with Parties and the public

1. In accordance with paragraph IV.4c.iv of the Rules relating to the structure, the Committee may hold open dialogues with the Parties and members of the public in its meetings regarding any item on the agreed agenda of the respective meeting, notifying the place and date of the dialogue and facilitating the participation of interested parties through a public notice.

VII. Communications

Authors of communications

1. Communications may be submitted by a Party with respect to itself, a Party with respect to another Party or members of the public.

2. The author of a communication may request either support for implementation or allegation of non-compliance with one or more provisions of the Agreement.

3. It shall correspond to the national focal points designated by each Party, as recorded in the list maintained by the Secretariat, to present a communication from a Party about itself.
4. The communications of a Party with respect to another Party must be presented by those persons having the corresponding full powers, issued by the Head of State, Head of Government or Minister of Foreign Affairs of the State in question. Before presenting the communication, evidence must be provided of having taken steps towards the interested State in order to inform it of any concerns that exist and hold a prior dialogue to resolve them.

5. Members of the public may be nationals or subject to the jurisdiction of a State party. Submitting a communication on behalf of individuals or groups of individuals shall require their consent, unless the author can justify acting on their behalf without expressing such consent.

6. Communications may be presented by the person or group of persons who are considered directly affected or through a representative. The author of the communication must give written consent to do so. If acting on behalf of a group or community it shall be mandated to do so in writing by the community or group, expressed in accordance with representative and culturally sensitive forms.

7. The author of a communication may withdraw from it at any time during the procedure, and must communicate it in writing. Said withdrawal shall not prevent them from submitting a new communication on the same case or another case.

8. Communications shall be presented in writing following the present Modalities and be a documented statement. They must be accompanied by all those documents and information that serve as its basis. Documents must be in Word or PDF format.

9. Communications shall clearly set out the grounds and related articles of the Agreement, avoiding superfluous or voluminous information. Communications shall contain a brief description of the facts which substantiate the statements and provide enough information to allow the Committee to examine them including any documentary evidence that justifies the request.

10. Communications shall be submitted in one of the Committee’s working languages, preferably the working language most commonly spoken in the State party to which they refer.

11. To be received by the Secretariat, any communication must contain the following essential elements:
   a. The name, address and contact details of the author or legal representative in the case of legal persons, including the telephone number and email address;
   b. The name of the State party to which the communication refers;
   c. In the case of members of the public: proof of nationality, residence or subjection to the national jurisdiction of the State party concerned; indicate if the author is an indigenous person and to which group he or she belongs; in the case of representatives of a Party: name of the State they represent;
   d. The object of the communication;
   e. The facts on which it is based and corroborative information of the communication;
   f. The provision or provisions of the Agreement for which support is requested or non-compliance is alleged;
   g. Demonstrate that the facts to which it refers did not occur before the entry into force of the Agreement for the interested Party, unless those facts or their effects continue;
   h. Information on the steps taken in the State party concerned to resolve the case, or failing that, explanation of its absence;
   i. Information on whether the same matter is being or has been examined in the framework of another binding regional or international procedure;
j. If the author opposes that his identity or communication be revealed to third parties and the reasons for said opposition.

12. The Committee commits to protect the identity and privacy of persons who request it.

Transmission and reception of communications

13. The Secretariat shall bring to the attention of the Committee, in accordance with the Rules relating to the structure and these Modalities, communications that have been submitted for consideration by a Party or members of the public.

14. The Secretariat may request the author of a communication to clarify whether he or she wishes the communication to be submitted to the Committee for consideration. If there are still doubts about the author’s intent, the Committee shall consider it under the principle of most favorable interpretation.

15. Legal assistance shall not be required to present a communication.

16. The Secretariat shall acknowledge receipt of any new communication received. It shall review that the communication is in the required format and has been properly completed, and shall bring it to the attention of the Committee.

17. If the communication does not contain the essential elements or is not in the required format, the Secretariat shall invite the author to resend the amended communication. The Secretariat may request the author of a communication to make clarifications or provide additional information in order to determine these aspects, giving an adequate deadline for it, failing which the request shall be dismissed.

18. The Committee shall not consider any communication that: a) concerns a State that is not a Party to the Agreement or when a year has not elapsed since entry into force for that Party; b) has not been submitted in writing and in the required format; c) is outside the scope of the Agreement; d) is anonymous, trivial, abusive, does not include sufficient corroborative information, or is incompatible with the Agreement or the Rules relating to the structure.

Registration of communications

19. Every case that contains the essential elements indicated in these Modalities shall be registered in the registry managed by the Secretariat. In case of doubt, the Committee shall be consulted.

20. The decision not to register a case shall be communicated to the author of the communication, being final and unappealable. However, a new communication may be sent on the same facts that contains the essential elements following the required format.

21. Each registered case shall be assigned a registration number, which shall appear in all phases of the procedure.

22. The registration of a case shall be notified to the author and to the interested Party, through the designated national focal points included in the list managed by the Secretariat.

Admissibility procedure
23. Every month, the Secretariat shall forward all registered communications to the Committee. The Committee shall analyze them and preliminarily determine which ones deserve to be admitted and considered in substance.

24. Eight weeks before each meeting of the Committee, the recommendation on the cases whose admissibility should be declared shall be sent to all members. The corresponding documentation of each case shall be attached, explaining the reasons that justify the recommendation and indicating, as appropriate, whether the admissibility should be determined with or without hearing.

25. Before determining the admissibility of a communication, the Committee may request additional information to the author. If the author does not provide it, the communication shall be dismissed in account of the lack of merits.

26. The Committee shall analyze the admissibility of the communications based on the criteria established in rule V.5 relating to the structure in the order in which they have been received by the Secretariat, unless the Committee decides otherwise taking into account the circumstances and the issues at hand.

27. When assessing the steps taken in the interested State Party, written exchanges between the author and the interested Party, those administrative, judicial and extrajudicial mechanisms that have been presented or are available and their status, the use of alternative dispute resolution mechanisms and any other relevant action taken and proven should be taken into account. Likewise, the possible inexistence of internal legislation that protects the right, that the exercise of the rights and/or access to remedies of the internal jurisdiction had not been allowed, that all available remedies have been exhausted and/or that there is an unjustified delay in the decision on the aforementioned remedies or that they are ineffective may be considered.

28. Both the interested Party and the author of the communication shall have the right to request to the Committee to be heard in a hearing on the admissibility of a communication. Said request must be included in the original communication, together with the aspects that justify it. The interested Party to which said communication relates may also make the request within eight weeks of being notified of the registration of the communication. The Committee shall decide whether or not to accept said request.

29. The objective of the admissibility hearing shall be to clarify questions of fact and law related to the criteria indicated in rule V.5 of the Rules relating to the structure. In each case, the Committee shall examine the documentation with a view to deciding whether a hearing is indeed necessary. For these purposes, it may request clarifications or additional information from the author of the communication, as well as from the interested Party. Such hearings shall take place in the framework of ordinary meetings.

30. To make a decision on whether the consideration of admissibility should be with a hearing, the Committee shall take into account the following criteria:

   a. Need to clarify questions of fact and law that cannot be determined exclusively from the written documentation presented;
   b. The special complexity of the case;
   c. The seriousness or urgency of the case, when it is considered that the available information reveals situations of risk and damage to the integrity and safety of people or the environment.
   d. The financial implications and availability of resources to assume them.
If the Committee decides that a hearing is necessary to determine admissibility, both the interested Party and the author of the communication shall be invited to attend the hearing.

When the Committee decides that a communication is inadmissible, it shall communicate its decision as soon as possible to the author of the communication and to the State party concerned.

The Committee may review its decision on the admissibility of the case, if it is so justified, up to the moment in which it deliberates on the merits of the case, notifying the author of the communication and the interested Party of the new decision.

*Comments from the interested Party, other Parties and members of the public*

Once a communication has been declared admissible, it shall be brought to the attention of the State party concerned, which shall be requested to submit a written response within four months from the date of admissibility. The Interested Party may provide information and its view on the allegations of non-compliance, including measures it has taken in this regard. If the circumstances so warrant and provided that this does not unduly delay the examination of the communication, the Committee may request the author to submit a reply to the observations of the State party and the State party, a rejoinder, indicating appropriate deadlines for it. The reply and rejoinder shall focus on the issues that have not yet been resolved.

Likewise, there shall be a period of two months from the date on which admissibility is declared for:

a. Other Parties may submit written comments on the interpretation of the Agreement;

b. Members of the public may submit written comments on the case.

Written comments or other documents submitted after the deadline shall not be included in the case file.

Before the Committee considers the merits of the case, parties may be requested to provide updated information on the status of the case.

Before a communication can be examined on the merits, the Committee must have decided whether the communication is admissible.

*Examination on the merits*

The Committee shall consider the merits of communications in the order in which they have been determined admissible, unless the Committee decides otherwise in light of the circumstances and issues involved.

Both the interested Party and the author of the communication shall have the right to request the Committee to be heard in a hearing on the merits of the case. The author or interested Party must make their request within eight weeks of being notified of the admissibility of the communication. The Committee shall decide whether or not to accept said request, which shall take place in the framework of its ordinary meetings, whether in-person, virtual or hybrid. In the event of a hearing on the merits of the case, the Committee may send in advance a list of issues and questions to be discussed, both to the interested Party and to the author of the communication.
41. The Committee may decide, if it considers it appropriate, that two or more communications be examined jointly, including its views on the holding of a hearing, or that hearings take place jointly.

42. The Committee shall not examine the merits of a communication whose factual and legal grounds are identical or essentially of the same nature as those on which the Committee has already ruled. In these cases, the Committee may refer to the final conclusions on the previous cases and make those recommendations that it considers mutatis mutandis.

43. If necessary, the Committee may decline to consider the merits of a communication that does not reveal that the author has been at a clear disadvantage, unless the Committee finds that the communication raises a serious issue of general importance. To do so, it may consider the nature of the rights allegedly affected, the seriousness of the facts or their possible effects on the author’s personal situation.

44. The Committee may put an end to the examination of a communication when it can be concluded from the information available that the reasons for its presentation have disappeared.

45. When examining the merits of the communications presented, the Committee may obtain information directly and request or accept the information presented by third parties that may be relevant to properly make a decision on the communication. The Committee may establish guidelines on the requirements for the presentation of information by third parties. The Committee shall transmit the information presented by third parties to the parties in the communication, who shall have the right to respond by presenting observations and comments in writing. Persons or entities that are third parties shall not be considered parties to the communication.

Specific measures for people and groups in vulnerable situations

46. Within the framework of the Rules relating to the structure and of these Modalities, the Committee shall ensure that people and groups in vulnerable situations are guided and assisted. It may, in turn, establish differentiated procedures aimed at overcoming asymmetries that may exist to guarantee their rights, as long as they do not undermine due process and equality in the treatment of the parties in a case.

47. When appropriate, the Committee, in coordination with the Secretariat, may put in place arrangements for interpretation to facilitate the participation of persons in vulnerable situations who have submitted a communication. The interpretation arrangements may be provided by the interested Party or a third party.

Rapid response mechanism

48. In cases where a risk of suffering attacks, threats or intimidations is identified vis-à-vis a member of the public that has presented a communication, the Committee may adopt the following measures:

a. Alter the order of consideration of the registered cases to give it priority;
b. Suspend the consideration of a communication in progress to deal with one where the author is in risk;
c. Call an extraordinary meeting to consider the case;
d. Exceptionally, consider admissibility and merits jointly in a case;
e. Request the interested State to submit information and perspectives within a period shorter than that established in Rule V.7 (b) relating to the structure;
f. Recommend the author of the communication recurring to a mechanism or system of national or international protection;

g. Recommend in advance, before the issuance of its final conclusions, the State concerned to adopt the necessary measures to safeguard members of the public at risk and their immediate environment;

h. Issue their preliminary and final conclusions on the case as a matter of priority.

49. For the Committee to resort to any of the above measures, the risk must be proven.

50. The author of the communication has the duty to disclose in good faith all the relevant material facts and information in relation to the risk, as well as any change in the circumstances that gave rise to it.

Amicable solution

51. At the request of any of the parties, at any time between the receipt of a communication and the adoption of a decision on the merits, the Committee may make its good offices available to the parties with a view to reaching an amicable solution. of the matter, on the basis of good faith and respect for the obligations established in the Agreement.

52. The procedure to reach an amicable solution shall be developed on the basis of the consent of the parties.

53. The Committee may designate one or more of its members to facilitate negotiations between the parties.

54. The procedure to reach a friendly solution shall be confidential and shall be understood without prejudice to the observations made by the parties to the Committee. During the examination of the communication by the Committee, no written or verbal statement or offer or concession made with a view to reaching an amicable solution may be used against the other party.

55. The Committee may terminate its facilitation of the friendly settlement procedure if it concludes that it is unlikely to allow the issue to be resolved, or if any of the parties does not consent to its application, decides to withdraw from it or does not show the necessary goodwill to reach an amicable solution based on respect for the obligations established in the Agreement.

56. Once both parties have expressly agreed to an amicable solution, the Committee shall adopt a decision in which the facts and the solution achieved shall be presented. The decision shall be transmitted to the interested parties and shall be incorporated into the case file. Before adopting the decision, the Committee shall verify that the author of the communication has accepted the friendly solution. In all cases, the friendly solution must be based on respect for the obligations established in the Agreement.

57. Any amicable solution shall put an end to the examination of a communication by the Committee. If an amicable solution is not reached, the Committee shall continue to examine the communication in accordance with the established procedure.

Adoption of conclusions and recommendations

58. After analyzing and deliberating on a communication, the Committee shall adopt its preliminary conclusions, which may include specific recommendations. The preliminary conclusions shall be transmitted to the interested Party and to the author of the communication, giving two months for written observations. After said period, the Committee shall adopt its final conclusions.
Follow-up of final conclusions, recommendations and amicable solutions

59. The Committee shall follow-up on the implementation of the recommendations by the interested Party and shall prepare the corresponding reports on this matter for consideration by the Conference of the Parties.

60. Within six months from the date on which the Committee has issued its final conclusions on a communication or its decision to terminate the examination of a communication because an amicable solution has been reached, the Committee shall request the State party concerned to submit a written response that includes information on any measure action it has taken. The Committee may request any clarifications and additional information that it deems appropriate from the State party concerned.

61. The Committee shall keep the author of a communication regularly informed about the status of implementation of the conclusions and recommendations. It may propose any other complementary measure that it considers appropriate to strengthen such implementation.

62. The Committee may consult and meet with the duly accredited representatives of the State party, may collect information directly from the author of the communication and from the public, as well as from other pertinent sources in order to determine the status of implementation of the conclusions and recommendations.

VIII. Cooperation and capacity-building

1. In the framework of paragraph IX of the Rules relating to the structure, the Committee shall hold dialogues and consultations on the application of access rights and other matters of the Agreement with other multilateral agreements, institutions and processes of an international or regional nature.

2. For these purposes, the Committee in coordination with the Secretariat, shall promote the development of capacity-building and cooperation programmes to improve compliance with the objectives of the Agreement.

3. In matters related to cooperation, mechanisms that strengthen the capacities of the Committee shall be promoted, in coordination with the Secretariat, without compromising in any case its independence and impartiality.

IX. Standards of conduct, independence and impartiality

1. The members of the Committee must perform their duties with impartiality, moral standing, independence, honesty and responsibility.

2. The members of the Committee shall undertake to respect the rules of conduct, independence and impartiality under this section when they make the solemn declaration upon assuming their duties. Said declaration shall be signed by each of its members and it shall include a declaration of abstaining him or herself in considering a communication where there is a conflict of interest.

3. The members of the Committee act in an exclusively personal capacity, with independence and impartiality being essential for the performance of their functions and responsibilities. They may not be
subject to any direction or influence or pressure of any kind, and they shall not seek or accept instructions from anyone in relation to the performance of their functions.

4. During their term, all members must remain independent of the executive, legislative and judicial powers of the countries in Annex I of the Agreement.

5. They shall adopt their decisions -virtually or in person- with independence, impartiality and objectivity on the basis of the relevant facts and the applicable legislation. They shall ensure equal treatment and non-discrimination in the application of procedures and in the exercise of their functions.

6. They shall avoid any situation that may create a conflict of interest.

7. The primary responsibility for compliance with these guidelines rests with each member individually and with their own conscience. Being a national of the State party concerned or having been an official thereof shall not, by itself, entail a conflict of interest. If, for any reason, a member considers that they may be affected by a conflict of interest, they must notify the Committee as soon as possible. Ultimately, the Committee as a whole must take the measures it deems necessary to safeguard the demands of independence and impartiality of its members.

8. Any member deemed to have a conflict of interest may be present at public meetings of the Committee, but may not actively participate in the discussions. However, you shall not be able to participate in the closed meetings, in the deliberations on the case or the adoption of the conclusions by the Committee.

9. Members of the Committee may accept invitations ad honorem to present the implementation and compliance of the Escazú Agreement, in appropriate events, including conferences and workshops, or to participate in activities and capacity building initiatives on access rights. Unless expressly agreed by the Committee, Committee members who participate in such activities will act in their individual capacity and do not represent the Committee.

10. The members of the Committee must safeguard the confidentiality of the exchanges and deliberations within the Committee, closed meetings and documents and information that are declared confidential. Said duty of confidentiality shall remain even when they have ceased to be members of the Committee.

11. The members of the Committee shall avoid making statements or interviews on cases whose examination is underway or pending consideration and on any action or function of the Committee that is not public. However, they may report on conclusions and recommendations and reports that are public as well as on the mandate, functions and procedures of the Committee. In said statements or interviews they shall act individually and shall not represent the Committee.

12. These rules of conduct, independence and impartiality also apply to the exercise of functions by virtual or electronic means.

IX. Continuous review and amendments

1. The Committee shall keep the implementation of these Modalities under continuous review, with a view to improving their application and effectiveness.

2. The present Modalities may be modified at any time by decision of the Committee, giving an eight-week prior notice and informing of the date of entry into force. Any proposed amendment to the Modalities
shall be put forward for consideration of the Parties, the elected representatives of the public and the public in coordination with the Secretariat.