



United Nations Economic Commission for Latin America and the Caribbean



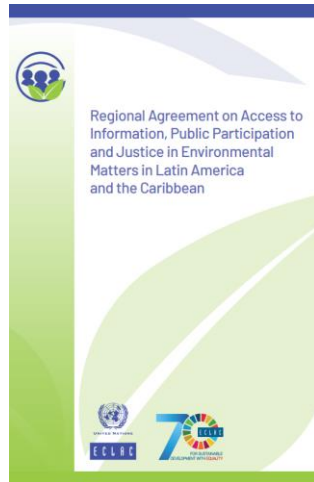
The significant participation of the public in the Escazú Agreement in preparation for its entry into force: proposals and inputs

Escazú Agreement Secretariat

Webinar 28 May 2020



The Escazú Agreement



Adopted in Escazú (Costa Rica) on **4 March 2018**
Period for signature open until 26 September 2020

- Only treaty stemming from the UN Rio+20 Conference
- First regional environmental treaty of Latin America and the Caribbean
- First treaty in the world with specific binding provisions on environmental human rights defenders
- Innovative negotiation in terms of means of public participation

Open to the **33** LAC countries

11 ratifications required
to enter into force

9 countries have ratified it

11 ratifications needed for entry
into force



Objective (art. 1)

Guarantee the full and effective implementation in Latin America and the Caribbean of environmental access rights *and* the creation and strengthening of capacities and cooperation



Information



Participation



Justice



Capacity-building
Cooperation



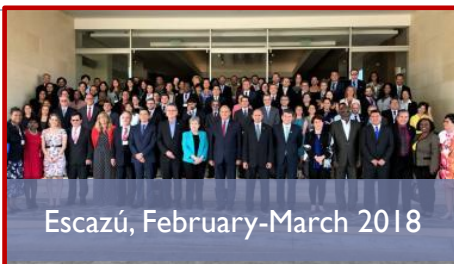
contributing to the protection of the right of every person of *present and future generations* to live in a healthy environment *and* to sustainable development.



ECLAC

Open and participatory negotiation: representatives, text proposals, requests for the floor and web streaming

Adoption of the Escazú Agreement



Escazú, February-March 2018



ECLAC, November 2017



Buenos Aires, July-August 2017



Brasilia, March 2017



ECLAC, November 2016



Santo Domingo, August 2016



Montevideo, April 2016



Panamá, October 2015



ECLAC, May 2015

Start of negotiations


+ 6 inter-sessional virtual meetings





ECLAC

Information and participation: Website and Regional Public Mechanism

Countries History of the Regional Agreement Meetings Text of the Regional Agreement Contact **Regional Public Mechanism**



Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean

ECLAC and the OECS Establish an Enhanced Programme of Action on the Escazú Agreement in the Eastern Caribbean
The Programme will support OECS Member States in the implementation of the Escazú Agreement and the environmental dimension of the 2030 Agenda

22 Signatures
9 Ratifications

How to participate in the Regional Agreement?

Meetings

27/05/2020 to 28/05/2020
Webinar "The significant participation of the public in the Escazú Agreement in preparation for its entry into force: proposals and inputs"

01/04/2020
The Escazú Agreement: towards the implementation of the 2030 Sustainable Development Agenda (Seminar for Civil Society Representatives and Interested stakeholders)

31/03/2020
The Escazú Agreement: towards the implementation of the 2030 Sustainable Development Agenda (Seminar for public officials)

04/03/2020
Second anniversary of the adoption of the Escazú

Regional Agreement

The certified true copies of the Regional Agreement are available at the website of the United Nations Treaty Section

English
Spanish
Portuguese
French

News

19/05/2020
Enhanced Programme of Action on the Escazú Agreement in the Eastern Caribbean
ECLAC and the OECS Establish an Enhanced Programme of Action on the Escazú Agreement in the Eastern Caribbean

05/05/2020
Virtual sessions on the Escazú Agreement are organized

13/03/2020
Escazú Agreement Secretariat participates in National Implementation Meeting in Mexico

04/03/2020
The Escazú Agreement's Adoption Two Years Ago is Celebrated as its Entry into Force Approaches

<http://www.cepal.org/en/escazuagreement>



Informed participation: Observatory on Principle 10

<https://observatoriop10.cepal.org/en>

Observatorio del Principio 10 en América Latina y el Caribe

INICIO PAÍSES DERECHOS TEMAS INSTRUMENTOS DE POLÍTICA JURISPRUDENCIA TRATADOS PUBLICACIONES DIFUSIÓN MAPAS

Observatorio de leyes, políticas, jurisprudencia y tratados que garantizan que los derechos de las personas a la información, la participación y la justicia en asuntos ambientales, consagrados en el Principio 10 de la Declaración de Río, sean aplicados cabalmente.

Más información

<p>Información</p> <p>23</p> <p>países han adoptado leyes de acceso a la información pública</p>	<p>Participación</p> <p>76%</p> <p>de los países incorporan disposiciones para promover la participación pública en leyes generales sobre el medio ambiente</p>	<p>Justicia</p> <p>20</p> <p>países favorecen que cualquier persona o colectivo pueda ejercitar acciones en defensa del medio ambiente</p>
--	---	--

Destacados

- Panamá ratifica el Acuerdo de Escazú
- Nicaragua ratifica el Acuerdo de Escazú
- Antigua y Barbuda ratifica el Acuerdo de Escazú

Más destacados

Mapas

América Latina y el Caribe: Países que cuentan con ley sobre cambio climático

Más mapas

Difusión

Boletín número 48

El Acuerdo de Escazú no dejar a nadie atrás

Más difusión

Publicaciones



- **18** treaties
- **211** policy instruments
- **43** rulings
- **37** publications
- **17** resources
- **49** newsletters

Aplicación Web Progresiva
Observatorio del Principio 10
en América Latina y el Caribe

CEPAL

New cell phone App
(iPhone and Android)

Where are we in the process?

Adoption of the Agreement (4 March 2018)

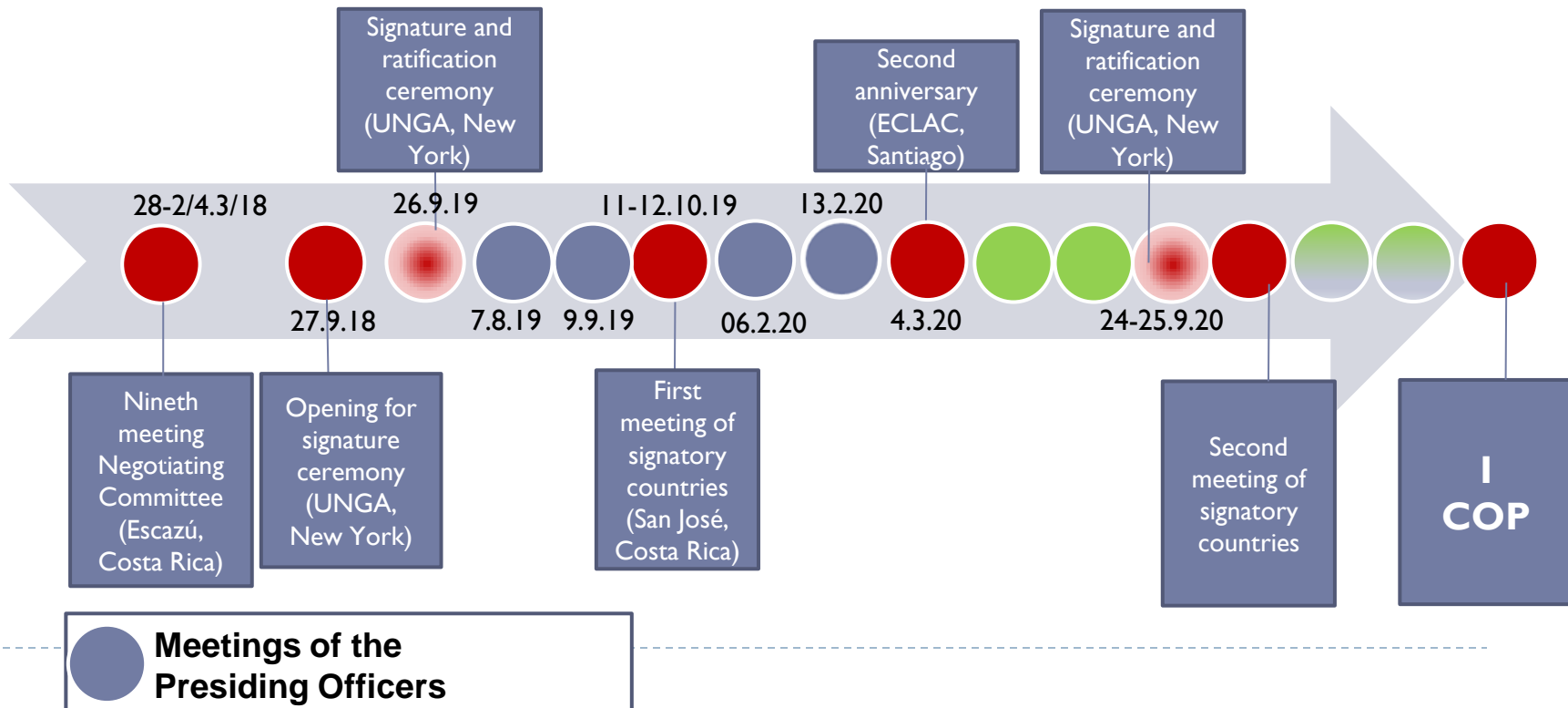
Technical assistance
and capacity-building



Signature and ratification
procedures (22 signatures
and 9 ratifications)



Entry into force:
11 ratifications + 90 days



Structure of the Agreement



General part

- Preamble
- Objective (art. 1)
- Definitions (art. 2)
- Principles (art. 3)

Operative part

- General provisions (art. 4)

First pillar

Access to environmental information (art. 5 and 6)

Second pillar

Public participation in the environmental decision-making process (art. 7)

Third pillar

Access to justice (art. 8)

Fourth pillar

Human rights defenders in environmental matters (art. 9)

Fifth pillar

Capacity-building and cooperation (art. 10-12)

Final provisions (art. 13-26)

- Institutional architecture
- Resources
- Consent to be bound and entry into force

Annex I

The significant participation of the public: Rules of procedure of the COP

1. Successful experience during the negotiation

1. Guadalajara Plan of Action (2013)
2. Santiago Decision (2014)
3. Organization and Work Plan of the Negotiating Committee (2015)
4. **Modalities of participation of the public (2016)**
5. Final Act of the Ninth Meeting: application *mutatis mutandis* (2018)

2. Existence of international standards and good practices

1. Aarhus Convention
2. Other MEAs

3. Elements already determined by the Agreement

1. Matters to discuss at the first COP (art. 15.4 and 18.1)
2. Each Party shall have one vote (art. 16)
3. Majorities: consensus for COP rules of procedure, financial arrangements and establishment of subsidiary bodies + amendments to the treaty (consensus; $\frac{3}{4}$ majority)

4. Simple, clear and tailored to the Agreement



UNITED NATIONS

ECLAC

Scope of application

1. **Apply to all** meetings of the Conference of the Parties (ordinary/regular and extraordinary) --- art. 15.2 and 15.3
2. **Residual application** to Committee to Support Implementation and Compliance in all not regulated by its own rules relating to its structure and functions (art. 18.1)
3. Shall include the modalities for the **significant participation of the public**

Art. 15.4: rules shall be adopted by consensus at first COP



Significant participation of the public

1. At COP and subsidiary bodies
2. Participation in meetings
 1. Presence in the room
 2. Access to and distribution of documents
 3. Interventions
 4. Side events
3. Regional Public Mechanism
 1. Elected representatives of the public
 2. Mandate, geographical representation, re-election, revocation
4. Implementation by: Chair, Presiding Officers, Secretariat



Matters to discuss with regard to rules of procedure

- ▶ Place and date of meetings
 - ▶ Notification and agenda
 - ▶ Representation and credentials
 - ▶ **Presiding Officers**
 - ▶ **Subsidiary bodies (except for Committee)**
 - ▶ **Conduct of business**
 - quorum, public nature, interventions, decision-making
 - ▶ Languages and reports
 - ▶ Other matters (amendments, primacy)
-



Matters to discuss with regard to the structure and functions of the Committee

1. Structure and composition
 - i. Membership, quorum, mandate, election, incompatibilities, decision-making
 2. Meetings (place, date, open/closed sessions)
 3. Functions
 1. Support COP, assist Parties, examine allegations of non-compliance
 4. Information (sources, disclosure of information)
 5. Measures by the Committee and COP in cases of non-compliance
 6. Institutional arrangements (functions of the Secretariat, registry of cases)
 7. Other matters (primacy, subsidiary application, future definitions)
-



Matters to discuss with regard to the structure and functions of the Committee

1. Significant participation of the public
 1. Rights of the public
 2. Public hearings of the Committee
 3. Persons and groups in vulnerable situations



UNITED NATIONS

ECLAC

Thank you!

Escazú Agreement Secretariat
Sustainable Development and Human Settlements Division,
ECLAC, United Nations

secretaria.escazu@cepal.org

<http://www.cepal.org/en/escazuagreement>

<http://observatoriop10.cepal.org/en>

#AcuerdodeEscazú **#EscazúAgreement**
