

**INITIAL PROPOSALS OF THE PUBLIC ON ELEMENTS TO BE CONSIDERED IN THE
RULES OF PROCEDURE TO THE CONFERENCE OF THE PARTIES**

**Prepared by the Representatives of the Public to the Secretariat as
contributions to the initial discussions on the Rules of procedures.**

May 15th, 2020

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The following proposals of the Public have been organized following the outline prepared by ECLAC. Specifically, this document presents proposals on the following topics:

V. Presiding Officers:

Composition

Mandates

Meetings

Significant Participation of the Public

IX. Significant Participation of the Public

COP and subsidiary bodies

Participation in meetings.

RPM

Representatives of the Public.

Introduction

- 1. The process of agreement of the Rules of Procedure for the COP and other bodies should involve the general public, in particular those registered in the RPM**

We believe that this should be a broad participatory process for organizations, people and actors who have expressed their interest in the process who

participate through the Regional Public Mechanism and who we have been promoting the signing and ratification of the Agreement.

We should make every effort to reach persons and groups in vulnerable situations including, people with disabilities, indigenous people and people with no access to the web and consider language barriers etc. The procedure does not currently address this.

The process of discussion of the Rules of Procedure and, in general, the design of the functions of the Conference of Parties should be open to the RPM in preparation for the Second Meeting of the Signatory Countries of the Agreement.

We propose that these meetings be supplemented by broader public webinars to obtain input from the public on the first draft of the ROP. We are willing to propose key activities along this line.

2. Public participation and transparency in the ROP will play a critical role in contributing to the implementation of the provisions of the agreement.

These Rules of Procedure for the Escazu Agreement should be designed to fit the substance of the agreement which guarantees procedural rights, in particular public participation in environmental decision-making.

“The promotion of broad and diverse participation by the public is grounded in the ultimate objective of this regional process” – as expressed in the *Modalities for Participation of the Public in The Negotiating Committee of The Regional Agreement on Access to Information, Participation, and Justice in Environmental Matters in Latin America and The Caribbean*.

The negotiation process for the Escazú Agreement has involved the significant participation of the public primarily through established rules called “The

Modalities for Participation of the Public in the Negotiating Committee of the Agreement” with objectives to:

- Ensure the provision of information on the negotiation of the regional agreement.
- Establish both specific and broad levels and opportunities for participation.

These Modalities proved to be innovative and effective for achieving the meaningful participation of the public in the negotiation of the Escazu Agreement. The active role of the public contributed to the inclusion of progressive provisions in the Agreement and the public should continue to have an active role in the implementation phase of the treaty. We should not regress from the modalities of public participation adopted for the negotiation of the Agreement. The principle of non-regression is expressly incorporated as a guiding principle in article 3 of the Escazu Agreement.

At the same time, considering that we are beginning a new phase in this process, the modalities can be improved in several areas to ensure transparency and broad participation in the implementation phase. We have had the opportunity of learning how they can be improved through our experience in how they were implemented in the negotiation process.

PROPOSALS

V. Presiding Officers

Composition

1. The members of the Presiding Officers should be:

- The Chair of the COP who will also be the Chair of the Presiding Officers
- The Vice Chairs
- Other representatives of Parties reflecting geographic balance
- One representative of the public, to be nominated among the Elected Representatives of the Public

2. There should be a geographical balance in the composition of members of the Presiding Officers ensuring adequate representatives from the sub-regions, such as the Caribbean. This will help to ensure that the public in the region have governmental representation at that coordinating level and will strengthen public involvement at the sub-regional level.

Meetings and significant participation of the public

3. In addition to the inclusion of the public as members of the Presiding Officers, the Presiding Officers should maintain continuous dialogue with all the Elected Representatives of the Public.
4. The Representatives of the Public will have the right to submit proposals orally and in writing, make statements, and comment on draft documents.

5. The decision -making will be made by consensus by the members of the Presiding Officers. If it is not possible to reach a consensus, and there is a voting, the Representatives of the Public will not have the right to vote.
6. The members of the Presiding Officers will be elected at the Conference of Parties where all the Parties have the right to vote with the exception of the Elected Representatives of the Public who will be nominated autonomously by the group of all Elected Representatives.

Secretariat:

7. The Secretariat will support and facilitate the participation of the public through coordination with the Elected Representatives of the Public.

IX Significant participation of the public

COP and subsidiary bodies/Participation in meetings.

8. As a principle, all COP meetings (COP- ordinary and extraordinary meetings) and meetings of subsidiary bodies should be open to the public.
9. It is common practice for meetings of the COP and Subsidiary Bodies of environmental treaties to be open to the general public.
10. The public, in the broad term, should be able to attend, report, and make oral and written statements and proposals. For practical reasons, the Chair can ask the representatives of the public to organize the interventions from the public.
11. The Public, through their elected representatives, will have two seats at the COP.

12. The Public should have a significant participation in the subsidiary bodies.
13. The Public should have the possibility to organize side events at the meetings of the COP and its subsidiary bodies, as long as they don't occur at the same time of the sessions.
14. The Chairman of the meetings shall call upon speakers in the order in which they request the floor except under extraordinary circumstances.
15. When proposals are being discussed, contributions from the public should be shown on the screen so that all Parties and others present can see and properly consider the proposals of the public. This can be reflected as the public's proposal. If a government supports the proposal it should be included in the draft text indicating that it comes from the public or it should be shown in the text as a public proposal regardless of the eventual support of Parties.
16. Information should be available promptly; transparency and the use of technologies should be present in the COP and subsidiary bodies. This should include public access to draft documents in the early stages of decision-making, before and during sessions, as well as in intersessional period. For the wider public not attending meetings, they will have access via streaming of sessions with translations/interpretations. Also they should be able to make submissions through the virtual platform (chat) during the meetings.
17. Dissemination of information will also be promoted as far as possible through other culturally adapted mechanisms by the government themselves (such as national or local radios, among others)
18. Representatives of the Public should be able to participate in working groups, task forces and drafting groups.

19. The participation of civil society organizations will be allowed as observers in the Working Groups upon request.

Regional Public Mechanism

20. The RPM has proven to be a good tool for communicating with the interested general public. Today the RPM has more than 6000 people and organizations registered. The RPM should continue to operate as the main channel of communication with the general public.

21. ECLAC should continue to administer the regional public mechanism and report regularly on its composition

22. ECLAC, the COP, Presiding Officers, all subsidiary bodies should proactively keep the public informed of their work related to the Escazu Agreement through the RPM.

23. All notifications of meetings, events and draft documents for public comment should be sent to the RPM with adequate notice. The same notice period for informing Parties of the dates of meetings should apply to notices sent to the RPM.

Representatives of the Public

24. At the 9th Negotiation Meeting of the Agreement, the countries decided “ ... to apply mutatis mutandis the Modalities for participation of the public in the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean (LC/L.4163) until the first Conference of the Parties;

Therefore, the current public's elected representation will come to and end once the COP over, the election of new representatives will be required.

25. This phase of implementation demands a new election of representatives of the Public that is gender-sensitive and has a regional balance.

26. The Elected Representatives of the Public will elaborate the election procedure and Terms of Reference for the Elected Representatives of the Public which should include, terms and mandate, functions and responsibilities, activities among others. This document will be sent to the RPM for information and input,

27. The Secretariat should work with the Representatives of the Public to facilitate holding of elections through the RPM and guarantee transparency of the electoral process.

28. The elections of the new Representatives of the Public should take place after the First COP.