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**REPORT 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**

**Santiago, 20–22 April 2022**

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## A. ATTENDANCE AND ORGANIZATION OF WORK

### Place and date of the meeting

1. 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 (Escazú Agreement) was held in hybrid format at the headquarters of the Economic Commission for Latin America and the Caribbean (ECLAC) in Santiago, from 20 to 22 April 2022.

### Attendance<sup>1</sup>

2. The meeting was attended by representatives of the following States parties to the Escazú Agreement: Antigua and Barbuda, Argentina, Ecuador, Guyana, Mexico, Nicaragua, Panama, Plurinational State of Bolivia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines and Uruguay.

3. Representatives of the following annex 1 countries of the Escazú Agreement participated as observers: Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Haiti, Honduras and Peru.

4. Representatives from the United States also participated as observers.

5. Attending from the Secretariat of the United Nations were representatives of the Economic Commission for Europe (ECE), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the resident coordinator system.

6. The following United Nations agencies, funds and programmes were also represented: Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), United Nations Environment Programme (UNEP), World Bank.

7. Representatives of the following intergovernmental organizations also attended: Caribbean Community (CARICOM), Central American Bank for Economic Integration (CABEI), European Union, Inter-Parliamentary Union, Organisation of Eastern Caribbean States (OECS), Organization for Economic Cooperation and Development (OECD), ParlAmericas and Transparency and Access to Information Network.

8. Representatives of the following cooperation agencies were also in attendance: Agence française de développement (Afd) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

9. The guest of honour was Gabriel Boric Font, President of Chile.

10. Also in attendance were special guests and international experts in access to information, participation and justice in environmental matters and public international law and elected public representatives and members of the public, in accordance with the Final Act of the ninth meeting of the negotiating committee of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and with the modalities for significant participation by 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, as well as other special guests included in the list of participants.

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<sup>1</sup> See the list of participants in annex 3.

### **Election of Presiding Officers**

11. The Conference elected the following Presiding Officers:

Chair: Uruguay  
Vice-Chairs: Antigua and Barbuda  
 Argentina  
 Mexico  
 Saint Lucia.

### **B. AGENDA**

12. The Conference adopted the following agenda:

1. Organizational matters.
  - a. Election of Presiding Officers
  - b. Adoption of the agenda
2. Actions carried out at the national level by States Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) and activities carried out by the secretariat.
3. Special session on the effective implementation of the Escazú Agreement.
4. Discussion of the matters to be addressed at 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.
5. High-level event to mark the first anniversary of the entry into force of the Escazú Agreement and International Mother Earth Day.
6. Other matters.
7. Decisions adopted and closing session.

### **C. PROCEEDINGS**

13. At the opening session, statements were made by Gabriel Boric Font, President of Chile; Epsy Campbell Barr, Vice-President of Costa Rica; María Cecilia Nicolini, Secretary of Climate Change, Sustainable Development and Innovation of Argentina; Andrea Sanhueza and Karetta Crooks Charles, elected representatives of the public; and Mario Cimoli, Acting Executive Secretary of the Economic Commission for Latin America and the Caribbean (ECLAC). The representatives of Costa Rica and Uruguay also took the floor as outgoing and incoming Chairs, respectively.

14. The President of Chile said that he and his government saw it as a priority for Chile to resume regional leadership in environmental matters and to promote the consolidation of the Escazú Agreement in Latin America and the Caribbean. The Escazú Agreement had been forged in response to urgent needs in the region, the most dangerous place for defenders of environmental human rights, and was the expression of a deep desire for peace, justice and decisive action to address environmental degradation. Environmental responsibilities could not be addressed by States individually. When the environment suffered, humanity would either suffer and succumb alone or be saved together, as the coronavirus disease (COVID-19) pandemic had shown. Chile was a deeply and proudly Latin American country, and the Escazú Agreement advocated for a common effort, from a climate justice perspective, to confront the climate crisis caused by human actions, and for the countries of the South to speak with one voice in the light of the crucial need for climate justice and a just transition. People must determine their own goals and priorities, and environmental benefits and burdens alike must not only be shared equitably but also based on a collective decision made by the people. Noting that the meeting presented an opportunity for the region to assert its will, he said that Chile had begun the process towards a decisive and robust implementation of the Agreement, all the while aware that its implementation would face serious challenges particular to the realities of its States parties. It was important to recognize the strengths of countries in the region; the ability to improve existing structures for information, participation and access to justice was one. Through the Escazú Agreement, the region was making progress in ensuring stable, sustainable growth and development, protecting the place that its people called home and protecting the rights of those who were defending it for future generations. Lastly, he said that the meeting was a testament to the collaboration, trust and multilateralism that were so necessary in the world today.

15. The Vice-President of Costa Rica said that with the Escazú Agreement Latin America and the Caribbean had broadcast a powerful message to the world regarding what the region was capable of achieving when one of the most prized values of Latin Americans was at stake: love for nature. For hundreds of years, the cultures of the region had understood that stewardship of nature was fundamental to ensuring the survival of the human species. Indigenous people and people of African descent continued to preserve ancestral customs and traditions which saw Mother Nature as sacred. It was important to avoid polarization in debates and the creation of a false dichotomy between environmental conservation and sustainable development, which hindered progress in public policy and legislation. In that regard, the Escazú Agreement established a very robust legal framework that set high standards for Latin America and the Caribbean in order to promote responsible investment and provide tools to a variety of economic actors to improve transparency and environmental safeguards. Any public or company policy that took into account the principles of the Escazú Agreement would result in significant support and trust, which would greatly increase its chances of success. The region had established itself as a pioneer in democracy, justice and citizen participation in environmental matters, expanding upon principle 10 of the Rio Declaration on Environment and Development. The challenge now lay in ratification of the Agreement by countries which had not yet done so and in building the capacity to implement it.

16. The Secretary of Climate Change, Sustainable Development and Innovation of Argentina said that environmental action should be guided by a transformative vision of reality, address urgent needs in the region, guarantee and enhance rights and lead to sustainable development. The region was at a juncture characterized by extreme vulnerability, and the growth of countries could not be achieved at the expense of the environment, nor could transformative environmental policies be implemented without addressing both people's needs and the prevailing economic constraints. Discussions during the meeting would focus on the articulation of a sustainable development model for countries in the region over the next 20 or 30 years. That model would clearly be at stake during discussions to reach agreement on environmental policies and rights in the region. In facing that challenge, States' representatives must not only interpret the environmental demands of citizens, they must ensure the full and effective participation of citizens in

decision-making, a matter of particular importance during such complex and uncertain times. That imperative was the basis of the need to enhance legal certainty and trust in public institutions. It was a task that must be accomplished in a responsible manner for the sake of the well-being of countries and democracies, for decent living conditions on the continent, to do justice to history, to combat current inequalities and to build a fairer and more equitable future, leaving no one behind.

17. One elected representative of the public said that the Escazú Agreement should be understood as a strategic tool to be implemented by States to ensure the participation of social and political stakeholders, academia, the scientific community, the private sector, indigenous communities, indeed, all citizens, in environmental decision-making and implementation processes. Environmental defenders in the region were threatened, attacked and even killed. The region must not become inured to violence, social exclusion and an ongoing climate and environmental crisis, or resign itself to such a daily reality. It was therefore essential for more countries in the region to accede to and ratify the Escazú Agreement. The implementation of the Agreement provided an institutional path for managing existing conflicts and protecting environmental defenders, presenting an opportunity for enhanced governance and social peace. The application of environmental regulations would also benefit from the provisions of the Agreement, and she gave examples from the region. Private sector support for the Escazú Agreement was a must. The existence of mechanisms for participation from the beginning was an opportunity for companies to gain awareness of the various interests at play, anticipate possible conflicts, enhance their impact management and gain support from communities for projects that were consistent with sustainable development. The Escazú Agreement would also provide opportunities for the private sector to participate in the drafting of instruments in which they had a stake and to contribute their knowledge and experiences. For their part, multilateral banks had specifically incorporated the Escazú Agreement into the social and environmental safeguards with which States must comply to receive support and funding. Lastly, she expressed her hope that the first meeting of the Conference of the Parties would be equal to the challenges ahead.

18. Another elected public representative of the public said that the public fully supported the revised rules of procedure of the Conference of the Parties, which replicated the model of meaningful participation of the public in shaping the Agreement. Continued dialogue had facilitated the channelling of information between the wider public and the Presiding Officers. Requisites for gender balance and adequate geographic representation in the meetings of the subsidiary bodies had been welcomed, particularly given the historical underrepresentation of the Caribbean and the potential harm of mega projects in the subregion to biodiversity and to those who depended on the land. Live streaming of public sessions would help to ensure broad participation in the context of the pandemic and it was to be hoped that States parties would uphold the spirit of the Agreement in allowing everyone's voice to be heard, per the proposed rules of procedure. A functional compliance mechanism was key to the effective implementation of the Agreement and States parties were urged to adopt the revised proposals on the rules relating to the structure and functions of the Committee to Support Implementation and Compliance. Integral to the effectiveness of the Agreement was the understanding by all parties of the importance of abiding by compliance rules, and that the Committee would provide advice and support to States as needed. They also commended the provisions for the public—those most directly affected by decision-making in environmental matters—to make submissions to the Committee, and for the Committee to recommend protective measures for the public and human rights defenders at risk. The register of cases could serve as a learning tool for parties on how to avoid non-compliance. In closing, she commended the Secretariat for its work and continued support over the years.

19. The Acting Executive Secretary of ECLAC expressed his appreciation to the President of Chile for having signed the Escazú Agreement accession bill as one of his first official acts. He greeted the countries in attendance and the staff of ECLAC, congratulating them for the institution-building work they had done on the Agreement. The meeting was the first in-person meeting in the two years since the outbreak of the

pandemic, and ECLAC could be proud that all member States as well as the host country, Chile, were in attendance. In the midst of the uncertainty caused by the war in Europe, increasing inflation, setbacks in environmental policies, pressure on supply chains and growing poverty, it was a time for reflection on the significance of the meeting. The countries of Latin America and the Caribbean were meeting, at a time when multilateralism was fraught with difficulty, to discuss an agreement enshrining environmental rights, which was worthy of appreciation by leaders and citizens alike. The Agreement would boost investment, serve as a foundation for truly sustainable investment and set a path for redistributive growth that would address environmental issues. Complex times lay ahead and an agreement such as the Escazú Agreement, which enabled institution-building, was an achievement worth celebrating.

20. The representative of Costa Rica, in her capacity as outgoing Chair, said that, while the entry into force of the Escazú Agreement and the present meeting represented an important step forward for environmental law and for ensuring access to information, participation and justice in environmental matters, it was also important for the exercise of human rights, in particular the right to a sustainable and healthy environment. The Agreement strengthened democracy and the rule of law and contributed to better decision-making and implementation. Economic, social and environmental matters were interrelated, and the Agreement had the potential to advance the drafting of the social and governance agreements required for a sustainable, inclusive, green and solidarity-based recovery. As Costa Rica relinquished its role as Chair, it was a source of satisfaction that many States had become party to the Agreement. She called on participants to safeguard the Agreement and continue to work towards its implementation. Recalling the environmental defenders who had been killed in the region and all who were under threat for defending environmental rights, she said that her country looked towards the future of the Agreement with hope and conviction and that its existence showed that multilateralism would always prevail.

21. The representative of Uruguay, in his capacity as incoming Chair, thanked the parties for the trust accorded to his country and acknowledged the leadership of Chile and Costa Rica in the process leading up to the Conference of the Parties. He noted that a new era had begun: with the entry into force of the Agreement, negotiations had given way to commitment, which meant a number of rules, rights and obligations for States, governments and people alike. During the first meeting of the Conference of the Parties, countries would need to make weighty decisions related to the effective implementation of the Agreement and the procedures to ensure that it was truly functional and effective. For Uruguay, environmental protection, sustainable development and the human right to a healthy environment were policy priorities, as they were extremely important not only for people and settlements but also for the economy and development. His country was eager to support the success of parties in the context of the Agreement, which sought to promote cooperation among States in the implementation of rights of access and public participation. The Presiding Officers were also committed to assisting signatory countries to become parties and to work with the public, which had been a key driver of the process.

22. Next, the Chair submitted the provisional agenda for the consideration of the meeting; it was adopted without amendment.

Actions carried out at the national level by States Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) and activities carried out by the secretariat (agenda item 2)

23. Under this agenda item, the representatives of the States parties to the Escazú Agreement detailed national actions undertaken in relation to the Agreement.

24. The representative of Antigua and Barbuda thanked ECLAC for its work as Secretariat. She said that as a small island developing State, Antigua and Barbuda was disproportionately affected by climate change. When the meeting of the countries signatory to the Agreement had been held, activities had taken place involving a cross-section of stakeholders: government, trade unions, church groups, communities and the Environmental Awareness Group. Although Antigua and Barbuda had an Environmental Protection and Management Act (No. 10 of 2019) that encompassed many provisions of the Agreement, it was important that people understood that the Agreement gave them information, participation in decision-making and access to justice. She underscored that the Agreement was for the benefit of future generations and there was still a long way to go.

25. The representative of Argentina said that her country saw the Agreement as a key instrument and that holistic consideration of the environment was enshrined in the Constitution and in all actions taken to promote appropriate access to information, meaningful participation in decision-making and access to justice when those rights had been violated. A National Climate Change Cabinet had been created, which coordinated civil society participation in designing climate policy, in particular on mitigation and adaptation by 2030 and the long-term strategy for achieving carbon neutrality, the instruments for meeting the country's climate goals. Several initiatives had been taken in comprehensive environmental education, environmental training for decision-makers, mainstreaming citizen participation in environmental matters, protecting the right of access to information and identifying the climate component in the national budget, as well as in informing citizens of the manner in which funding was allocated and spent. All those efforts went beyond those of a government ministry and were the expression of State policy and of the country's will to fully and effectively implement the Agreement.

26. The representative of the Plurinational State of Bolivia said that, in the context of its Constitution, work in his country was being undertaken within a paradigm known as "the good way of living", which represented a change in public policy, and that the Escazú Agreement was part of the country's domestic legislation. A set of regulations had been created that served as a legal framework to support the implementation of the Agreement. His country was already taking action to implement the Agreement and he spoke of a set of environmental information systems, records and monitoring tools for a variety of environmental domains. A draft environmental procedure code had also been completed, with a view to regulating procedure and jurisdiction in environmental matters, and he underscored efforts made regarding public participation in environmental matters. Challenges that lay ahead included the need to continue refining institutional capacity to manage production processes in harmony with nature and with the good way of living paradigm and the need for more detailed and specific information. That would require better coordination, strengthened dialogue between the government and stakeholders and the consolidation of progress in access to justice.

27. The representative of Ecuador said that national and international environmental governance must enter a new phase in which the implementation of existing environmental commitments was prioritized through the strengthening of financial cooperation mechanisms, capacity-building, and technology transfer and development. In his country, significant progress had been made in the implementation of the Escazú Agreement, including a set of initiatives related to systems for recording and disseminating environmental information. With regard to justice, a specialized unit had been established to investigate environmental crimes and strengthen the capacity of judges, prosecutors and expert witnesses with a view to enhancing the enforcement of environmental law and legislation passed to promote the rights of and protect human and environmental rights defenders, among others. He underscored the importance of collective leadership and ongoing dialogue with all stakeholders for the effective implementation of the Agreement and the meaningful protection of the environment for current and future generations. In closing, he said that citizens, public institutions, civil society organizations and academia were all stakeholders in that process and that all would need to join forces, propose solutions, take constructive action and foster dialogue to achieve national and regional agreements, strengthen regulations, enhance capacity and create space for cooperation so that the Agreement could be fully and effectively implemented.



28. The representative of Mexico said that the Escazú Agreement was a milestone in strengthening the link between environmental and human rights and a legacy for the rest of the world. In her country, an inter-agency group had been established to monitor its implementation and an assessment had been conducted of the status of accession to each right. The priorities set included building capacity in transparency and access to information, improving mechanisms for citizen participation and developing monitoring mechanisms for the rights listed in the Agreement; regarding access to justice, building capacity in the judicial system and combating the lack of knowledge of regulations were the greatest challenges. She announced that Mexico would make a contribution to the Voluntary Fund to support the effective implementation of the Escazú Agreement. After underscoring the importance of ensuring the participation of all stakeholders, she said that, in keeping with article 11 of the Agreement, Mexico had established relationships with universities, international organizations and cooperation agencies, including regarding to the development of indicators, dialogue with civil society and subnational governments and the development of governance mechanisms. Lastly, she offered to share best practices for compliance with the obligations arising from the Agreement.

29. The representative of Panama said that the Escazú Agreement had been approved in her country in February 2020. Since 1998, Panama had established mechanisms for public participation and access to information and justice with the passing of the Environment Act. That law also provided for a national system for environmental information, which, with the entry into force of the Escazú Agreement, had created an enabling environment for the strengthening of related public policy in the country. She noted the close collaboration between Panama and the Open Government Partnership to promote open data. In the short term, Panama planned to implement an advanced documentation system that would enable citizen access to international and local cooperation agreements and to the environmental plans and programmes in force in the country. A list of national institutions with jurisdiction in environmental matters and of non-governmental organizations (NGOs) and citizens' organizations was also available. At the regulatory level, Panama had made progress through the adoption of several different laws, including a national climate change action plan and a national plan for gender and climate change. With regard to public participation, several awareness-raising workshops had been held to foster close collaboration with local communities (in particular, on water security, climate change and protected areas, and workshops related to specific plans in different regions of the country). The Ministry of the Environment was working with grass-roots community organizations, which had been granted legal personality, and with watershed committees. The Ministry had encouraged public participation in the drafting of environmental bills, which had already undergone robust public consultation before being presented to parliament. In closing, she invited countries to ratify the Escazú Agreement and underscored that regional cooperation was the key to development.

30. The representative of Saint Kitts and Nevis thanked the ECLAC team for making it possible for his country to be part of the Agreement. His country had been active in raising awareness of its benefits at the national and regional levels, was pleased to have ratified the Agreement and to be participating in the meeting and pledged its continued support. As a small island developing State, Saint Kitts and Nevis faced environmental challenges, many of which were shared with others at the meeting and which could only be mitigated through collaborative action. His country was committed to placing the environment at the heart of decision-making. The country had stressed the importance of the Escazú Agreement to all stakeholders and would continue to do so; a lot of work had been spearheaded by NGOs. Saint Kitts and Nevis strongly believed that the public should always have a voice in decisions affecting the environment. Elements of the Agreement would be included in a new environmental act. As a result of the Agreement, the country had revisited how information was collected and stored, as it needed to be available in a more accessible and reliable manner. Saint Kitts and Nevis would continue to work for a safer and healthier environment for current and future generations.

31. The representative of Saint Vincent and the Grenadines said that in larger States, natural disasters or climate shocks could be localized to particular areas, but in smaller countries, they were national shocks. The impact of such disasters had been evident in Saint Vincent and the Grenadines from 2010 to 2021, with numerous interconnected natural disasters that had been catalysed by climate change, including hurricanes, flooding, earthquakes and ashfall. Over a period of 12 years, the cumulative losses had amounted to around US\$ 220 million. To address the Caribbean's vulnerability to climate change, three things were needed: (i) an enabling environment to facilitate the mainstreaming of climate change adaptation in planning, budgeting and implementation processes by strengthening governance structures to enhance synergies between adaptation and disaster risk reduction, including the identification, implementation, monitoring and evaluation and communication of adaptation actions; (ii) improved capacity for data and information collection, management and sharing, determination of climatic risk and access to technology and financing for adaptation; and (iii) adaptation actions to increase the resilience of the most vulnerable. Great progress had been made on environmental information systems with support from ECLAC. Saint Vincent and the Grenadines would continue to support the Agreement and national actions for implementation.

32. The representative of Saint Lucia welcomed the incoming Presiding Officers and thanked the outgoing Officers. She said that the country's Cabinet of Ministers had approved and adopted a concept note outlining measures to implement the Agreement, such as improving access to information, establishing national environmental information systems, formulating adaptation plans and preparing state of the environment reports. With support from the Secretariat, a successful public awareness campaign had been conducted, accompanied by capacity-building for the judiciary and other workers. A review was under way of its freedom of information bill, its fiscal planning and its environmental laws, and advocacy had been conducted to ensure that access rights were specifically included in the Constitution. Saint Lucia had collaborated with Antigua and Barbuda to raise public awareness across the region and had reached out to Dominica and Grenada. At the regional and global levels, Saint Lucia had been asked to mentor regional forums, sharing experiences from the Commission on the Status of Women and from the Forum of the Countries of Latin America and the Caribbean on Sustainable Development. The representative thanked the other members of the working group on the Committee to Support Implementation and Compliance for their work on the proposed rules and expressed hope that the rules for the committee would be adopted during the meeting.

33. The representative of Uruguay expressed his thanks for the nomination of his country to chair the historic meeting of the Conference of the Parties. The Escazú Agreement was an outstanding instrument in and Uruguay, there was a clear commitment to environmental and human rights matters. The enjoyment of a healthy environment was already being recognized internationally as a human right. Concrete actions carried out in his country included the organization in 2018 by several entities of the Executive Branch of an event related to the Escazú Agreement. That same year, at the seventy-third session of the United Nations General Assembly, Uruguay had signed the Agreement, which its legislature had ratified in 2019. In 2020, the National Human Rights Institution and Office of the Ombudsperson had worked with the Ministry of Housing and Land-use Planning on a joint publication on the right to access information. Despite pandemic-induced delays, progress had continued, and the establishment in 2020 of the Ministry of the Environment had enhanced national capacity in matters related to the Agreement. Shortly after the ratification of the Agreement, it had been cited in some court judgments, signalling the integration of the instrument into Uruguayan jurisprudence. The task then remained to continue implementing the Agreement. In broad terms, Uruguay already had a great heritage in access to justice, human rights and access to information, which could be applied to environmental matters. The Escazú Agreement would strengthen the ability to do so and would enhance the achievement of those goals in the country.

*Statements by annex 1 countries*

34. The representative of Chile underscored his country's commitment to the Agreement and expressed hope that Chile would participate as a State party at the next meeting of the Conference of the Parties. Thanking participants for the opportunity to address the historic meeting, he said that the President was committed to human rights, democracy and the environment. The authorities would be responsible for translating that commitment into concrete measures for the full and effective implementation of the rights of access to information, public participation and justice in environmental matters. Enhanced governance and decision-making were key to confront the climate, social and environmental crises and for a just transition, both social and environmental. By coordinating with the various ministries in a participative and decentralized manner, a path would be sought towards a new development model that would give equal weight to providing well-being to people and protecting ecosystems. To that end, the following priorities had been identified: mainstreaming environmental issues into every action taken by the government, implementing the Climate Change Framework Act and carrying out centralized mitigation and adaptation measures. Some regions of Chile had been devastated by the water crisis and an agglomeration of polluting industries; a guiding principle of the government plan was therefore to begin decarbonizing the energy mix, rehabilitating the environment and providing reparations to communities whose rights had been violated. Those processes should be multilateral and multisectoral and should involve various levels of State structures to find definitive solutions for the short, medium and long term. In short, the government was firmly committed to taking the lead in a robust process to enhance environmental democracy. Chile was in the process of acceding to the Agreement, which Congress would have to approve for Chile to become a State party. The government was committed to the prevention of any type of attack, threat or intimidation against human rights defenders, including environmental defenders. In closing, he said that the experience of many countries that had made progress with the Escazú Agreement was extremely valuable for Chile as it embarked upon the same path.

35. The representative of Costa Rica made three main points. Regarding access to information and justice in environmental matters, she underscored the importance of the constitutional justice system in her country and the constitutional reforms of 1994 and 2020. Next, she referred to recent public policy and the process for its preparation, in particular the decarbonization plan, and the establishment in 2017 of a citizens' consultation committee on climate change (known as the "5C" committee), which was a platform for consultation and discussion and for collaboration in the design and implementation of national climate change policy. Lastly, she recalled that the Human Rights Council of the United Nations, in its resolution 48/13 of 5 October 2021,<sup>2</sup> had acknowledged that having a clean, healthy, and sustainable environment was a human right.

36. The representative of Colombia emphasized the importance of the meeting and said that his country considered it a priority to enhance domestic policy and consolidate effective mechanisms to enable citizens to enjoy rights that were already recognized. In that regard, it was hoped that the signing of the Escazú Agreement by Colombia in 2019 would bolster efforts to enhance the effectiveness of current regulatory and institutional frameworks. The Escazú Agreement presented an extremely significant opportunity for environmental action in Colombia, as it set out four focus points for the achievement of sound environmental governance: (i) environmental information; (ii) public participation; (iii) access to justice in environmental matters; and (iv) the protection of environmental human rights defenders. The Government of Colombia had decided to sign the Agreement to enhance existing mechanisms and to ratify its commitment to environmental democracy, defending human rights and promoting sustainable development, and based on the concerns expressed by citizens during a national dialogue on the matter in 2019. The

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<sup>2</sup> A/HRC/RES/48/13.

Agreement was an international road map for the establishment of a shared vision for planet-wide sustainable development that took into account the economic, social and environmental dimensions. Rights of access to information, participation and justice in environmental matters had also been recognized by the United Nations as key to the achievement of the Sustainable Development Goals. His country saw the Agreement as an opportunity to redouble its efforts to achieve the Goals. Lastly, he said that Colombia expected that the requirements for the ratification of the Escazú Agreement would soon be met.

37. The representative of Peru said that the meeting was a landmark in the exercise of the rights of access enshrined in the Escazú Agreement and that her country hoped that consensus would be reached on the texts under consideration. The pandemic had triggered a resurgence in illegal activity with serious impacts on the environment, gravely threatening the security of environmental defenders. Environmental governance required public coordination mechanisms together with systematic and organized scientific data on which to base timely and efficient responses to the various challenges to meeting citizen's needs for the fulfilment of the right to a healthy environment. In her country, public policy was firmly grounded in science. A central focus was the generation of empirical evidence for decision-making and the promotion of access to information and opportunities for participation in the creation and application of environmental regulations. Efforts were made to ensure the effective exercise by different stakeholders of the rights of access to information, public participation and environmental justice. Reiterating that Peru was committed to taking action to implement the rights of access to information and to protecting environmental human rights defenders, as set out in the Agreement and in national legislation, she shared some of the most salient progress made in that regard.

38. The representative of the Dominican Republic reaffirmed her country's commitment to the Escazú Agreement, as one of its signatories. Her country had made all necessary efforts for the Agreement to be ratified without delay and was in the process of establishing mechanisms for its application after ratification.

*Statements by representatives of the public*

39. The alternate elected representative of the public outlined measures related to the Escazú Agreement taken in different countries. In Mexico, a variety of meetings, including workshops, webinars, courses and discussions had been held. In Ecuador, activities had mainly been carried out by Centro Internacional de Investigaciones sobre Ambiente y Territorio (CIAT) in accordance with the areas of research of Universidad Hemisferios. As part of the open government plan of Ecuador, Universidad Hemisferios had collaborated with the Ministry for the Environment, Water and the Ecological Transition, including on three awareness-raising campaigns, with support from the "Ecuador SinCero" programme implemented by the Federal Ministry for Economic Cooperation and Development (BMZ) of Germany and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). In Chile, members of civil society had conducted media campaigns, along with many webinars and meetings to lobby the country's congress, seeking accession to the Agreement. In Jamaica and Saint Lucia, the World Resources Institute had supported the Caribbean Coastal Area Management Foundation (C-CAM) in carrying out a law and policy assessment to determine the reforms required to comply with the Agreement and effectively implement it. The Caribbean Natural Resources Institute (CANARI), based in Trinidad and Tobago, had supported OECS in the development of a stakeholder engagement strategy for civil society and the private sector. In Argentina, a workshop had been held for members of the judiciary, organized by Fundación Ambiente y Recursos Naturales (FARN). FARN had also presented a motion to the International Union for Conservation of Nature and Natural Resources (IUCN) in which States in the region were urged to sign and ratify the Escazú Agreement.

Statement by the Secretariat

40. The Chief of the Policies for Sustainable Development Unit of the Sustainable Development and Human Settlements Division of ECLAC, said that Secretariat activities had focused on facilitating signing, ratification and accession to the Escazú Agreement in various countries. Work had also been done by ECLAC to facilitate meetings between signatory countries. From the moment the Agreement had been adopted, meetings of signatory countries had begun, with the second meeting having been held online owing to the pandemic. The ceremony for the entry into force of the Agreement had also been held online and had counted important stakeholders among its attendees. Another significant event had been the preparatory meeting for the first meeting of the Conference of the Parties to the Escazú Agreement, which had been held online on 4 March 2022. Over the same period, eight meetings of the Presiding Officers had been held (two with the public and six online), and three working groups had been formed. He made particular reference to the public registered to attend the Conference, both in person and remotely, and highlighted the work by the Secretariat to facilitate a variety of activities, both in the region and elsewhere. Many capacity-building events had also been held, both online and in person. The Secretariat had also done work to maintain the Observatory on Principle 10 in Latin America and the Caribbean, which had the most visits of all ECLAC observatories. In closing, he drew attention to a number of partnerships that had been concluded by ECLAC to support the Escazú Agreement, the publication of various graphic materials, and the importance of the Escazú Agreement website.

Special session on the effective implementation of the Escazú Agreement (agenda item 3)

41. In the special session on the effective implementation of the Escazú Agreement, statements were made by Zaal Lomtadze, Deputy Director of ECE - secretariat of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention); Kareen Jabre, Director of the Division of Programmes of the Inter-Parliamentary Union (IPU); Andrew Scyner of the Directorate-General for International Partnerships of the European Commission; Germán Zarama, Centre for Responsible Business Conduct, OECD; Jacqueline Álvarez, Regional Director for Latin America and the Caribbean, UNEP; María José Torres, Resident Coordinator of the United Nations system in Chile; Ileana Hidalgo Rioja, Chair of the Transparency and Access to Information Network (RTA); Chamberlain Emmanuel, Head of the Environmental Sustainability Cluster of OECS; Amrikha Singh of the CARICOM Secretariat; Jan Jarab, Regional Representative for South America of OHCHR; Paolo Mefalopulos, UNICEF representative in Chile; Juliette Grundman, Regional Director for Mexico, Costa Rica and Cuba of the Agence française de développement (Afd); Nicolas Maennling, Senior Advisor of the Regional Cooperation for the Sustainable Management of Mining Resources in the Andean Countries (MinSus) of the Federal Ministry for Economic Cooperation and Development (BMZ) of Germany/Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and Federal Institute for Geosciences and Natural Resources (BGR); Raúl Bolaños Cacho Cué of ParlAmericas; Anna Wellenstein, Regional Director for Latin America and the Caribbean of the Sustainable Development Practice Group of the World Bank; Petra Bayr, Member of Parliament of Austria and Treasurer of Parliamentarians for Global Action; Laura Serna and Sebastián Benfeld, “Champions de Escazú” initiative; and David Barrio Lamarche, Environmental Affairs Officer in the Secretariat of the Escazú Agreement of ECLAC.

42. The Deputy Director of the Environment Division (ECE) - secretariat of the Aarhus Convention, said that the Secretariat had been supporting the Escazú Agreement since its inception and stood ready to deepen that collaboration during the implementation phase of the Agreement. The Escazú Agreement was an efficient and effective instrument, through which significant results could be achieved at a minimal cost. After 20 years of experience with the Aarhus Convention, many lessons had been learned that could be of benefit for Latin America and the Caribbean. From an economic perspective, it was more convenient and

efficient for members of the public to participate in such processes from the beginning, an approach which generated trust, peace and security. The Agreement was beneficial for all countries, irrespective of the size of their economy or level of development. Environmental democracy was a driver of transparency, the circular economy, sustainable pandemic recovery and regional cooperation, and would lay the foundations for just and democratic societies.

43. The Director of the Division of Programmes of IPU recalled that, owing to the representative, legislative, budgetary and oversight roles of legislatures, those bodies were crucial for the implementation of the Escazú Agreement, and it was therefore important for them to be involved from the earliest stages of the process. Her organization, which had 178 members, promoted the leadership of parliaments and parliamentarians in environmental action. They were actively working to build the capacity of legislators to confront environmental challenges, including by sharing knowledge to strengthen national legislation. A report had been recently launched on public engagement in the work of parliament, which included climate change and recommendations to enhance public participation in decision-making and to achieve more inclusive and responsive parliaments.

44. The representative of the Directorate-General for International Partnerships of the European Commission said that the European Union and its member States parties to the Aarhus Convention had warmly welcomed the entry into force of the Escazú Agreement and the first meeting of its Conference of the Parties. He emphasized that the European Parliament had adopted a resolution on the effects of climate change on human rights, in which the European Commission was requested to implement a programme to support the Escazú Agreement, including to promote its ratification and implementation, collaborate with civil society and contribute to its Voluntary Fund. Under the “EUROCLIMA+” programme, activities related to the key topics addressed by the Agreement were being developed and conducted.

45. The representative of the Centre for Responsible Business Conduct of OECD said that the ratification of the Agreement and its effective implementation would provide a public policy framework that would enable sustainable development, corporate responsibility and the protection of human rights defenders in the region. The Escazú Agreement was aligned with other efforts and proposals for the regulation of corporate environmental responsibility, such as the recent proposal for guidelines on due diligence for companies with relation to sustainability. He highlighted existing synergies between the Agreement and instruments developed by OECD to foster responsible business conduct, including the OECD Guidelines for Multinational Enterprises and its chapter VI, on environmental matters. The Agreement also had significant elements in common with the various OECD instruments on due diligence. In that regard, the ratification of the Escazú Agreement was a key step towards the promotion of sustainable development and effectively addressing the environmental dimension of policymaking.

46. The UNEP Regional Director for Latin America and the Caribbean said that UNEP was committed to fulfilling the objectives and aspirations of the Escazú Agreement. Science had incontrovertibly demonstrated that the triple planetary crisis of climate change, biodiversity loss and pollution must be addressed through information-sharing and the promotion of participation and justice, especially among the most vulnerable populations and groups. The pillars of the Escazú Agreement were fully in line with the mandate of UNEP and its programme of work, and UNEP was supporting countries in meeting several of the related commitments made.

47. The Resident Coordinator of the United Nations in Chile, speaking on behalf of the resident coordinator system of the United Nations in the region, underscored four key elements of the Escazú Agreement: (i) the protection of environmental human rights defenders; (ii) the preventative approach of the Agreement, which sought to avoid conflicts and build partnerships for sustainable development; (iii) the inclusion of legal commitments, which by definition would involve legislators; and (iv) the participation of

civil society from the earliest phases of the drafting of its text, as a good practice. Recalling that resident coordinators could provide support for national efforts, she said that important progress was being made on the Agreement in Belize, Chile and Uruguay.

48. The representative of the Transparency and Access to Information Network emphasized that the Escazú Agreement provided a vast array of possibilities to promote better governance in environmental information. The need to develop processes to foster convergence between local realities, national legislation and the provisions of the Agreement should promote the forging of new partnerships that were able to enhance the use of information in decision-making and the right of all to a healthy environment. The Transparency and Access to Information Network stood ready to build mechanisms to facilitate the implementation of the Agreement by preparing a regional assessment on the status of access to environmental information, working to build connections at the local, national and regional levels, and organizing events, forums and seminars.

49. The Head of the Environmental Sustainability Cluster of OECS, said that member States from the Eastern Caribbean were taking the lead with the Escazú Agreement. OECS had formalized a partnership with ECLAC to conduct a support programme for the Agreement and the St. George's Declaration of Principles for Environmental Sustainability. Collaboration would focus on policymaking, technical cooperation, capacity-building, promotion and awareness-raising strategies, and analysis, with a view to promoting a green recovery from COVID-19. One area where progress had been made was in generating, gathering and systematizing environmental information in the Caribbean, through a regional information system and by enhancing environmental statistics.

50. The representative of the CARICOM Secretariat said that the Escazú Agreement was proving to be a valuable environmental governance instrument in Latin America and the Caribbean. Many of its member States had worked on developing the Agreement and Guyana had been the first country in the region to ratify it. To support regional commitments, the CARICOM Secretariat had prioritized statistics, which were fundamental for access to environmental information and an essential component of the Agreement. Her organization would continue to support its member States in compliance with international commitments, including those arising from the Escazú Agreement.

51. The Regional Representative for South America of OHCHR recalled that the human rights agenda and the environmental protection agenda were closely linked. The interrelated crises of pollution, climate change and biodiversity loss acted as multipliers of challenges and intensified structural inequalities. The effective and timely implementation of the Escazú Agreement through a human rights-based approach presented a major opportunity for progress. In keeping with his mandate, he emphasized the importance of mainstreaming cross-cutting measures for access to information, public participation, access to justice and the protection of persons into national and sectoral plans, in line with the Escazú Agreement.

52. The representative of UNICEF in Chile thanked all young people who were "Champions of Escazú" and said that their commitment to sustainable development, protecting the environment and to the Escazú Agreement was inspiring. It was the first time that a whole generation had been born and would grow up in a world that had become far more dangerous and uncertain owing to climate change and environmental degradation. The climate crisis was also a crisis for the rights of children, and intergenerational justice had therefore become crucial. Through the Escazú Agreement, young people could strengthen their role as agents of change in environmental protection. To facilitate access to climate and environmental knowledge, UNICEF had released a toolkit for young climate activists that included a specific pamphlet on the Escazú Agreement.

53. The Regional Director for Mexico, Costa Rica and Cuba of AfD said that the Escazú Agreement was an invaluable tool for promoting sustainable and fair economic growth, in particular in the wake of the pandemic, for more inclusive development that gave appropriate consideration to the environment. The Agreement also represented an opportunity to strengthen ties between Europe and Latin America. AfD was working on a regional project for the implementation of the Agreement in four countries: Costa Rica, Ecuador, Mexico and the Plurinational State of Bolivia. Joint work with national institutions and ECLAC was focused on two areas: developing specialized training in environmental rights for judges, prosecutors and civil servants; and fostering dialogue on environmental law between professionals at the regional level while strengthening participation mechanisms for environmental decision-making. In Mexico, support was also being provided at the subnational level for the creation of protocols for human rights defenders.

54. The Senior Advisor of the Regional Cooperation for the Sustainable Management of Mining Resources in the Andean Countries (MinSus) of the Federal Ministry for Economic Cooperation and Development (BMZ) of Germany/Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and Federal Institute for Geosciences and Natural Resources (BGR) said that the transition towards a more sustainable global economy, with low-carbon energy systems, was a central challenge. The MinSus programme was geared towards promoting more responsible mining and strengthening legislation and environmental democracy; in that context, the Escazú Agreement was essential. The Agreement promoted more responsible and sustainable investment through community participation and aimed to foster investment that was more environmentally sustainable over the long term. BMZ/GIZ would continue to support national and regional efforts to implement the Escazú Agreement.

55. The representative of ParlAmericas said that three priority areas of focus had been set in the legislative agenda for the hemisphere with regard to political dialogue and cooperation, areas of focus that were also at the heart of the Escazú Agreement: gender equality, open government and climate change. In that regard, citizen participation was currently one of the most essential and important tools to build societies that were fully democratic, resilient and sustainable. The goal of the Escazú Agreement was for communities to have the right and capacity to influence decisions on the environment, decisions that would determine their future and well-being. Legislators from the region who participated in the Parliamentary Network on Climate Change were committed to the effective implementation of the Agreement.

56. The Regional Director for Latin America and the Caribbean of the Sustainable Development Practice Group of the World Bank said that the ratification of the Escazú Agreement should be a priority for all countries. The World Bank not only shared the objectives of the Agreement but also had goals and practices that aligned with the Agreement's commitments. The Agreement presented an integrated approach to social development and environmental risk, placing the protection of communities at the heart of development projects, in particular for vulnerable and marginalized groups, while strengthening national capacities and processes. The Agreement also had the potential to reduce social conflict and create enabling conditions for sustainable projects. The Bank was taking steps to build partnerships and support its effective implementation, which would support growth and development in the region, empowering all stakeholders to leave no-one behind.

57. The Member of Parliament of Austria and Treasurer of Parliamentarians for Global Action announced a new campaign launched by her organization to mobilize parliamentary representatives for climate action, with a focus on the English-speaking Caribbean, that was also aimed at raising awareness of the Escazú Agreement and implementing it as an instrument for climate governance and for ensuring rights of access in environmental matters. Parliamentarians for Global Action was about to release a technical document for parliamentarians on the Escazú Agreement, which included concrete steps that they could take to foster progress in its signing, ratification and implementation.



58. Representatives of the “Champions of Escazú” initiative said that young people had carried out a range of activities to promote the Agreement and to raise awareness in their countries and the region. They had collaborated with a variety of civil society groups and organizations to promote intergenerational dialogue, conduct campaigns, events and training and create youth networks, among other activities. They would continue working for environmental democracy, based on their firm conviction that it was critical for societies to have an agenda that prioritized environmental and human rights issues as well as actions to mitigate and address social and environmental problems.

59. The representative of the Secretariat of the Escazú Agreement presented the Escazú Agreement Implementation Guide prepared by ECLAC and a group of subject matter experts.<sup>3</sup> He said that it sought to support the implementation of the Agreement, raise awareness of its content and to provide guidance and support to improve understanding of and compliance with its provisions. Informing participants that the Guide was available online for public input until 11 May 2022, he invited them to submit comments and observations.

Discussion of the matters to be addressed at 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 (agenda item 4)

60. Under this agenda item, representatives discussed matters to be addressed at the first meeting of the Conference of the Parties to the Escazú Agreement as set forth in its articles 14, 15.4(a) 15.4(b) and 18.1.

61. To facilitate the discussion, three sessions were organized on the following matters: (i) the rules of procedure of the Conference of the Parties, including the modalities for significant participation by the public (article 15.4(a)); (ii) the financial provisions necessary for the functioning and implementation of the Agreement (articles 14 and 15.4(b)); and (iii) rules relating to the structure and functions of the Committee to Support Implementation and Compliance (article 18.1).

62. During the session on the rules of procedure of the Conference of the Parties, including the modalities for significant participation by the public, representatives considered draft decision I/1, submitted by the Chair of the Presiding Officers. The draft decision was adopted by acclamation, as amended, and is contained in annex 2.

63. The rules relating to the structure and functions of the Committee to Support Implementation and Compliance, as set out in draft decision I/3, were then analysed. The draft decision was adopted by acclamation, as amended, and is contained in annex 2.

64. Lastly, the meeting considered the financial provisions necessary for the functioning and implementation of the Agreement. Draft decision I/4, submitted by Mexico on behalf of the coordinators of the relevant working group (Antigua and Barbuda, Argentina and Mexico), was presented to the meeting for its consideration. The draft decision was adopted by acclamation, as amended, and is contained in annex 2.

High-level event to mark the first anniversary of the entry into force of the Escazú Agreement and International Mother Earth Day (agenda item 5)

65. The high-level event was moderated by Mario Cimoli, Acting Executive Secretary of ECLAC, and the panellists were Luis Vayas, Deputy Minister for External Relations of Ecuador; Alicia Bárcena, former Executive Secretary of ECLAC; Patricia Madrigal, former Deputy Minister for the Environment of Costa Rica; Katta Alonso, President of Mujeres de Zona de Sacrificio en Resistencia (MUZOSARE) of

<sup>3</sup> See [online] <https://www.cepal.org/en/notes/public-consultation-escazu-agreement-implementation-guide>.

Chile; Laura Serna, Escazú Youth Champion of Colombia; Nadino Calapucha, of the Coordinating Body of Indigenous Organizations in the Amazon Basin (COICA); María-Noel Vaeza, Regional Director of UN-Women for the Americas and the Caribbean; Inger Andersen, Executive Director of UNEP; and Michelle Bachelet Jeria, United Nations High Commissioner for Human Rights.

66. After welcoming those present, the Chair of the Presiding Officers invited the representative of the United States, who had requested the floor, to speak.

67. The Assistant Secretary of State for Economic Growth, Energy and the Environment of the United States congratulated participants on the holding of the first meeting of the Conference of the Parties to the Escazú Agreement and said that the celebration of the first International Mother Earth Day had marked the beginning of a global movement, which, in his country, had led to a legislative process that created the Environmental Protection Agency and to the handing down of laws promoting access to information, public participation and access to justice in environmental matters. The United States had long been a supporter of the rights set out in the Escazú Agreement, and welcomed support given to all who exercised those rights in a peaceful manner. The commitments made by countries under the Agreement were more important than ever and his country welcomed and supported efforts to enhance security for those who were taking action to protect the environment. In closing, he said that individual and joint action could create a solid foundation for the protection of nature, people and communities everywhere, address the climate and biodiversity crises and bring economic benefits for generations to come.

68. The Chair said that the attendance of distinguished participants at the meeting to mark the first anniversary of the entry into force of the Escazú Agreement and International Mother Earth Day was a testament to the importance of the Agreement and the opportunities it brought to the region.

69. The moderator said that the first meeting of the Conference of the Parties was an appropriate venue for a discussion by such distinguished panellists and invited them to share their thoughts on ways in which the implementation of the Agreement could be promoted.

70. The Deputy Minister for External Relations of Ecuador said that it was a crucial moment for environmental protection and that international environmental governance should be focused on generating timely, synergistic and participatory solutions that would enable a decisive response to environmental crises. To achieve that, multilateralism should be strengthened, as it was fundamental to promoting the protection of the environment and biodiversity and the fight against climate change. The aim should be to take cooperative action, enhance capacity, transfer technology and set goals for compliance and environmental transparency, within a framework of justice and protection for human rights. Ecuador was committed to constructively contributing to those efforts and convinced that multilateral leadership would enable real solutions for planetary problems by seeking a sustainable balance between economic development and the conservation of ecosystems.

71. The former Executive Secretary of ECLAC, thanking the individuals and organizations who had worked to bring to fruition the Escazú Agreement, said that other actors needed to become involved, in particular the private sector and large corporations, and that the Agreement provided a path towards a different kind of development and progress, but cautioned that investment and growth aspirations could not be without limits. The Agreement was an unprecedented example of multilateralism in action, having been forged with the participation of governments and the public. While the path ahead was the right one, new and very significant challenges lay ahead, and Latin America and the Caribbean should speak and act as one because of the region's global commitment to protecting nature. At stake was the very survival of the human species. The Agreement called for countries to work together to protect their common heritage and

create new and better institutions, with good governance and respect for the rule of law and without corruption. The aim was to create transparent institutions and rules, for rules that were understood and equally applied to all would increase certainty and enable appropriate investments to be made. In closing, she said that the Agreement should create opportunities for regional integration and for a fair and balanced approach to addressing environmental challenges.

72. The former Deputy Minister for the Environment of Costa Rica said that the Escazú Agreement represented a crossroads and was a model of multilateralism that was more than a binding legal instrument, having become a regional movement that continued to gain momentum every day. While much work remained, the various stakeholders were learning to work together, make decisions by consensus and build bridges towards progress. The Stockholm Declaration in 1972 had proposed that human rights and environmental protection were interlinked; this was a central theme of the Escazú Agreement, which also proposed a way forward based on overcoming the fear of those whose thinking may differ and embracing the region's diversity. The Agreement provided tools for access to information, public participation and justice in environmental matters while acknowledging and protecting vulnerable persons and groups and human rights defenders in environmental matters. The entry into force of the Agreement had marked the beginning of a process to develop regulations and procedures, and significant agreements had been concluded in that regard thanks to work done by the public and governments. Things were on the right track. While much work remained, the manner in which agreement could be reached was clear.

73. The President of Mujeres de Zona de Sacrificio en Resistencia (MUZOSARE) of Chile said that a just society was based not only on respect for human rights but also on the same respect for nature. Everything depended on nature, for without it, there was no life. Time was up, nature could not take any more, and climate change was the proof. For that reason, it was important for Chile to join the Escazú Agreement. Speaking of the area of Quintero and Puchuncaví, where she lived, she described a context of environmental pollution, cases of poisoning and other human health problems, and social and economic difficulties, in a region where 18 dangerous companies were operating and emitting pollutants along 8 km of shoreline. Despite that situation, it was her hope that through new policies and measures and through the Escazú Agreement, progress could be made to create a more just society in which nature was central to the lives of all people. In closing, she said that, as the spokesperson for Mujeres de Zona de Sacrificio en Resistencia, she believed that civil society as a whole—including organizations of persons of African descent, migrants and indigenous peoples, who all had important lessons to teach—should participate in the Agreement.

74. The Escazú Youth Champion of Colombia said that it was her honour to represent the voice of young people in the region in order to deliver a message on environmental democracy. No agreement, on its own, could achieve change; people must act to make change a reality. The fabric of Latin America and the Caribbean had been damaged by violence, misuse of resources and the erasure of the people who were the custodians of those resources. The Escazú Agreement sought to create a new social fabric and make the region into an example of environmental democracy for the world. The Agreement was a fundamental step for the region in establishing a baseline for rights to guide a new vision for development. Young people in the region were committed to that work and were taking concrete action through united, diverse and cross-cutting leadership. Lastly, she said that young people were aware of their responsibility in the change society needed and of the significant work that lay ahead, and trusted that they could contribute to creating societies in which human rights and the environment came first.

75. The representative of the Coordinating Body of Indigenous Organizations in the Amazon Basin (COICA) said that humanity and the planet had reached the point of no return. There was a crisis not only of the climate and the economy, but also a social, human and civilizational crisis, and commitments must

be made to change that story. Indigenous peoples were present, and they came not only to engage in discussion but with proposals in hand, such as the motion presented at the IUCN World Conservation Congress held in Marseille, France in 2021, proposing to protect 80% of the Amazon by 2025. Treaties and agreements were important, but it was people who could change the planet. According to several studies, most of the planet's best-preserved biodiversity was in the territories of indigenous peoples, but this had come at the cost of many lives. It was impossible to speak of combatting climate change without defending the lives and rights of the defenders of the Earth. Indigenous peoples were the best stewards of the land, but they could not continue to be excluded, erased and murdered. To combat climate change, people would have to work together. Although it seemed that the conversations were changing, urgent change was needed for a global change in direction.

76. The Regional Director of UN-Women for Latin America and the Caribbean said that the link between women, environmental protection and environmental defenders needed to be made, as the role played by indigenous, Afrodescendent and rural women was often ignored. They preserved water and biodiversity while disproportionately suffering the consequences of phenomena such as desertification and water shortages. Noting that the forecast on the consequences of failing to urgently put a stop to greenhouse gas emissions was dire, she called for recognition of the link between gender, the environment and security and for the implementation of feminist, inclusive and intersectional climate solutions with stewardship of the Earth and care for people at their core. That was why, during the Regional Conference on Women in Latin America and the Caribbean scheduled to be held in Argentina in November 2022, an appeal would be made to care for the planet and for people. While climate change mitigation actions could reinforce existing inequalities, they could also focus on strengthening gender equality. The agreed conclusions of the sixty-sixth session of the Commission on the Status of Women had established an ambitious plan to strengthen the resilience and adaptive capacities of women and for the full realization of their human rights. Protecting nature could create thousands of jobs in the region and many of those should be for women, in particular rural and indigenous women, who had always protected natural resources without receiving fair pay. She also underscored the importance of involving the private sector and of companies taking into consideration both gender equality and environmental protection, which would make a double contribution to better business. In that regard, she expressed her appreciation for the participation of all sectors of society.

77. The Executive Director of UNEP said that the first meeting of the Conference of the Parties was a historic occasion and a step change in dealing with the triple planetary crisis of climate change, pollution and waste, and nature and biodiversity loss, in building a healthy environment and in protecting those who protected nature. The right choices had already been made in words, but that had not been reflected in deeds. The Escazú Agreement was one path towards the action that was needed, guaranteeing the right to live in a healthy environment, and was the first environmental agreement to explicitly reference environmental defenders. The Agreement was a step towards enabling environmental defenders to freely exercise their rights, and in that regard, it was encouraging to see action from several States in the region. However, civil society actors and environmental defenders still faced discrimination and violence; there had been worrying signs of the dismantling of rights and of repressive measures to silence voices and control access to information. Areas managed by indigenous peoples and local communities had been consistently shown to experience less environmental degradation. The world needed that nature intact in order to achieve the Sustainable Development Goals. UNEP was therefore committed to working with States, ECLAC and defenders to make article 9 of the Agreement a reality. The time had come for the full and meaningful implementation of the Agreement and for ratification by more States. It was time for the world to make peace with nature.

78. The United Nations High Commissioner for Human Rights drew attention to a set of international instruments that represented progress in environmental rights, but noted that the triple planetary crisis of

climate change, pollution and biodiversity loss was seriously hindering the full enjoyment of those rights and worsening social conflict and structural inequalities, which increased people's vulnerability. The Escazú Agreement presented an important opportunity for States to implement meaningful measures to ensure access to information, participation, justice and protection, giving central importance to historically marginalized people and groups. Environmental defenders played a leading role in the Agreement, but three out of four killings of defenders occurred in the region, and those doing legitimate work often faced legal action from companies in the extractive industry, an unacceptable reality and an indication that it should be a priority for the region to address the issue. People and communities in the region who defended the environment and the organizations that helped them were not safe, and spaces for their meaningful participation did not exist; if that did not change, both action and policy were destined to fail. Lastly, she reaffirmed the commitment of OHCHR to supporting all efforts to protect the planet and adopt measures to make the world a safer place for human rights and environmental defenders.

79. In closing, the moderator reiterated that environmental defenders faced an extremely grave situation, including in areas dubbed "sacrifice zones" in one of the presentations delivered. He reiterated that the task before countries was the swift implementation of the Agreement. Lastly, he congratulated panellists and participants on the outcome and said that ECLAC was firmly committed to continuing its work.

80. Next, OHCHR and ECLAC signed an inter-agency cooperation agreement for the implementation of the Escazú Agreement in Latin America and the Caribbean. Under the agreement, the organizations committed to strengthening the human rights-based approach in the implementation of the Escazú Agreement and to supporting national and regional efforts in that regard.

#### Other matters (item 6)

81. Under this agenda item, the meeting considered a draft political declaration (annex 1), as well as draft decision I/5 on subsequent meetings of the Conference of the Parties and draft decision I/6 on human rights defenders in environmental matters (annex 2).

82. The Conference of the Parties adopted the three draft documents by acclamation and welcomed the offer made by Argentina to host the second meeting of the Conference of the Parties, which would be an extraordinary meeting, in 2023.

#### Decisions adopted and closing session (item 7)

83. The Chair read the decisions adopted, as set forth in annex 2.

### **Closing session**

84. At the closing session, statements were made by Adrián Peña, Minister for the Environment of Uruguay; Natalia Gómez and Tomás Severino, elected representatives of the public; and Joseluis Samaniego, Director of the Sustainable Development and Human Settlements Division of ECLAC.

85. The Minister for the Environment of Uruguay recalled that one year earlier, on International Mother Earth Day, the entry into force of the Escazú Agreement had been commemorated. At the time, the Agreement had become a reality and was continuing to develop, bringing together countries that were parties and signatories, all with a firm desire to achieve effective access to information, public participation and justice in environmental matters. The task was not an easy one, and was often misunderstood, mainly because of a lack of knowledge of the advantages it would bring in environmental protection, social and

economic development and an informed and engaged populace. Uruguay had long been committed to ensuring access rights and had been one of the first countries to ratify the Agreement, in 2019. Stating that it had been both a great honour and a great responsibility to chair the meeting of the Conference of the Parties, he said that the excellent outcome would not have been possible without the many and varied examples of commitment and support shown by all delegations and representatives of the public. Access to justice in environmental matters was crucial, and for that reason, Uruguay needed the support and knowledge of academia and all of civil society. The Escazú Agreement presented an important opportunity, establishing obligations for States and governments while serving as a guide and a set of best practices, which fostered cooperation and discussion to ensure access rights and contribute to environmental protection. The history of the Agreement was and would remain the history of environmental democracy in Latin America and the Caribbean.

86. The elected representative of the public said that the meeting of the Conference of the Parties was a step forward in the implementation of the Escazú Agreement and had brought hope that a better world was possible. She thanked representatives, who for years had worked tirelessly with the public towards their common goal, both in person and online, the Secretariat, civil society organizations and movements of young people, indigenous peoples and feminists, all of whom had joined in the process, and highlighted the active public participation in the meeting. The good practices established had been evidenced through robust mechanisms for participation and were the subject of admiration by other international processes; those practices continued to be strengthened through the adoption of the rules of procedure. The Committee to Support Implementation and Compliance was key to the effective implementation of the Agreement. The rules for the functioning of that Committee adopted during the meeting would contribute to building capacity for parties and would ensure both meaningful public participation and transparent accountability. The Committee would also contribute to implementing protection for defenders of environmental human rights, who were killed, criminalized and attacked in the region. The adoption of the related decision was a significant display of political will to change the situation and a recognition of the important role of defenders. She highlighted the work done by indigenous peoples to defend the environment and repeated that the number of defenders being threatened and killed in the region could no longer be allowed to increase. Amid a global climate crisis without precedent, the meeting was a milestone and laid the foundation for the effective implementation of the Agreement, which was no longer simply a paper instrument but would now become a mechanism that could truly protect people and guarantee the right to a healthy environment.

87. The elected representative of the public said that the rules of procedure that had been adopted had crystallized the progress made and, going forward, would enable real participation by the public, its representatives and the wider population in the region. Countries that had not yet ratified or acceded to the Agreement needed to do so, and their executive, legislative and judicial branches would have to work together to implement it. Recalling some of the most salient points made that day, which reflected the spirit of the meeting, he invited participants to join in electing a new slate of representatives. It had been both a privilege and a challenge to work as elected representatives of the public in recent years, during which they had received support from various organizations committed to human rights and environmental governance. In closing, he said that the meeting had been an example of robust and diverse participation and he hoped that would continue and grow.

88. The Director of the Sustainable Development and Human Settlements Division of ECLAC thanked all participants and delegations who had attended the meeting of the Conference of the Parties, both in person and online, and said that its achievements provided a clear path forward. The documents brought before the meeting for consideration had reflected the deep interest of countries and their commitment to strengthening the implementation of the Escazú Agreement. The Escazú Agreement was a key instrument

for achieving progress in effectively protecting Mother Earth, the rights of current and future generations, including young people and indigenous peoples, and the ecosystems upon which the life and health of the planet depended. It proposed a different way of making decisions and valuing people. That new path could include embracing biodiversity conservation and restoration, ending poverty and reducing risk for humans and other species. A shift was needed towards more sustainable economies, with an acknowledgment of the real cost of development but also of the value intangible assets, economies that worked for both people and the planet, with economic development that created investment, solidarity, trust and hope, based on greener growth. The first meeting of the Conference of the Parties was a resolute step forward in that regard and represented significant progress towards consolidating the link between human rights and the environment within a framework of environmental democracy and from a perspective that could acknowledge the range of needs and specific situations of vulnerable people and groups in the region. In closing, he reiterated that ECLAC was committed to a vital and operational Escazú Agreement and called for countries that had not yet done so to ratify and accede to the Agreement.

89. In closing, the Chair said that from the first day of the meeting he had sought to assist parties in complying with their commitments and obligations and in exercising their rights, had supported signatory countries so that they could ratify the Agreement and become parties thereto, and had supported the public in the meaningful exercise of its right of access. That had been achieved thanks to the collaboration of all participants. He expressed particular appreciation for the cooperation of delegations from States parties and signatory countries, who had made important contributions, and to the public, who had brought forward many suggestions, ideas and contributions. Lastly, he thanked the delegation of Uruguay and the staff of ECLAC.





## Annex 1

**POLITICAL DECLARATION**

*We, the representatives of the Parties, gathered in Santiago from 20 to 22 April 2022 on the occasion 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 (Escazú Agreement),*

1. *Welcome with great satisfaction* the entry into force of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean on 22 April 2021, on International Mother Earth Day, and express our determination to implement the Agreement;

2. *Reaffirm* the importance of cooperation and multilateralism for moving forward as a region with efforts to achieve sustainable development and environmental protection and deepening those efforts;

3. *Recognize* that strategies for economic and social recovery from the repercussions of the coronavirus disease (COVID-19) pandemic and for overcoming the environmental crisis must have sustainability at their core, and must be guided by the pursuit of more inclusive development, accelerated implementation of environmental protection measures and greater climate action;

4. *Highlight* the role of the rights of access to information, public participation and access to justice in environmental matters and of the 2030 Agenda for Sustainable Development and all the Sustainable Development Goals as vital road maps for bringing about transformative recovery and sustainable development in Latin America and the Caribbean, ensuring that no one is left behind;

5. *Recognize* the important work of human rights defenders in environmental matters for strengthening democracy, access rights and sustainable development and their fundamental contributions in this regard;

6. *Reaffirm* that the Escazú Agreement is a driving force for sustainable development and a crucial governance tool for the development of better public policies in the region, with a view to ensuring a healthy environment for present and future generations;

7. *Commit* to continue working to make progress on the topics to be addressed at the extraordinary 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 to be held in Argentina in 2023, or which may be necessary for the proper functioning and implementation of the Agreement, in particular exploring additional funding options with a view to securing adequate, stable and predictable resources;

8. *Urge* all the countries signatory to the Escazú Agreement that have not yet ratified the Agreement to do so at the earliest opportunity;

9. *Encourage* all countries from the region that are not signatories or Parties to the Escazú Agreement and that wish to accede to the Agreement, to do so at the earliest opportunity;

10. *Call* for continued international cooperation to build national capacities for full implementation of the Escazú Agreement;

11. *Thank* the Economic Commission for Latin America and the Caribbean, in its capacity as secretariat, for its support in the deployment of the Observatory on Principle 10 in Latin America and the Caribbean, pursuant to article 12 of the Escazú Agreement, and in the organization of the first meeting of the Conference of the Parties;

12. *Also thank* the Presiding Officers who have steered the process up to the first meeting of the Conference of the Parties, as well as all the delegations for their dedication and commitment;

13. *Further thank* the public and the representatives of the public for their meaningful participation in the first meeting of the Conference of the Parties and for their contributions;

14. *Thank* the experts and regional and international organizations and other important stakeholders that participated in this meeting.

**DECISIONS**

**DECISION I/1**

**RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES**

*The Conference of the Parties,*

*Recalling* Article 15.1 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which establishes a Conference of the Parties,

*Recalling also* article 15.4(a) of the Agreement, which states that at its first meeting, the Conference of the Parties shall discuss and adopt by consensus its rules of procedure, including the modalities for significant participation by the public,

1. *Adopts* the Rules of procedure of the Conference of the Parties contained in annex 1 to the present decision.

**Annex 1****RULES OF PROCEDURE 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****I. PURPOSE**

These rules of procedure shall apply to any 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, convened pursuant to articles 15.2 and 15.3 of said Agreement.

**II. DEFINITIONS**

For the purposes of these rules of procedure:

- (a) “Agreement” means the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.
- (b) “ECLAC” means the Economic Commission for Latin America and the Caribbean.
- (c) “Conference of the Parties” or “the Conference” means the Conference of the Parties convened pursuant to articles 15.2 and 15.3 of the Agreement.
- (d) “Presiding Officers” means the Presiding Officers appointed in accordance with rule VII of these rules of procedure.
- (e) “Observer” means any country which, at the time of a meeting, is not a Party to the Agreement.
- (f) “Subsidiary body” means a body established by the Conference of the Parties as provided in article 15.5(a), of the Agreement.
- (g) “Chair” means the Chair elected in accordance with rule VII of these rules of procedure.
- (h) “Public” means one or more natural or legal persons and the associations, organizations or groups established by those persons, that are nationals or that are subject to the national jurisdiction of the countries in annex 1 to the Agreement.
- (i) “Focal Point” means a person officially designated by a Party to receive communications from the Secretariat relating to the Agreement.
- (j) “Secretariat” means the Executive Secretary of ECLAC, as provided in article 17 of the Agreement.

### **III. PLACE AND DATE OF THE MEETING**

1. The meetings of the Conference of the Parties shall be held at the headquarters of ECLAC in Santiago, unless the Parties decide otherwise.
2. Ordinary meetings of the Conference of the Parties shall be held at least once every two years, unless the Parties decide otherwise.
3. At each ordinary meeting, the Parties shall decide, in consultation with the Secretariat, on an indicative date and duration of the next ordinary meeting.
4. Extraordinary meetings of the Conference of the Parties shall be held when the Conference deems necessary, as provided in article 15.3 of the Agreement.
5. Extraordinary meetings of the Conference of the Parties shall be held as decided by the Conference at an ordinary meeting, or at the written request of any Party, provided that at least half of the Parties have expressed their support within 90 days of the request being communicated to the Parties by the Secretariat.
6. If an extraordinary meeting is held at the written request of a Party, it shall be held not more than 90 days after the date at which the request is supported by at least half of the Parties.
7. When, due to force majeure, the Conference of the Parties cannot meet in person, it can take place virtually.

### **IV. NOTIFICATION**

1. The Secretariat shall notify all Parties, through their Focal Points, and the regional public mechanism, established in accordance with paragraph 3 of rule XIV of these rules of procedure, at least eight weeks before the opening of the meeting in question, of the date and venue of ordinary and extraordinary meetings.
2. Unless there are specific reasons requiring the use of other communication methods, notifications by email, provided that the recipient acknowledges receipt, it can be otherwise verified that the notification was received, or 10 days have passed from the date the email was sent, or through the official website of the respective meeting shall be considered sufficient for the purposes of this rule.

### **V. AGENDA**

#### **Preparation of the provisional agenda of meetings**

1. In consultation with the Presiding Officers, the Secretariat shall prepare the documentation for the meetings of the Conference of the Parties and its bodies, including working documents, provisional agendas and annotated provisional agendas, with their corresponding objectives and items for discussion.

2. The provisional agendas of meetings with their corresponding objectives and items for discussion shall be distributed at least eight weeks before the opening of the meeting, to facilitate proper decision-making of the Conference.
3. The Secretariat, with the prior agreement of the Presiding Officers, may include additional items in the provisional agenda that arise after circulation of the provisional agenda and before the opening of the ordinary meeting. Any Party may propose additional items to the Presiding Officers at least thirty days before the date of the opening of the regular meeting.
4. At each meeting, the Conference shall determine the main items to be discussed at the following meeting. Any agenda item of an ordinary meeting, consideration of which has not been completed at the meeting, may be included by the Presiding Officers in the provisional agenda of the next ordinary meeting.
5. The agenda of an extraordinary meeting shall include only those items proposed for consideration at an ordinary meeting of the Conference of the Parties or in the request for the holding of an extraordinary meeting. The agenda shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting.
6. The Secretariat shall inform the Conference of the Parties regarding administrative and budgetary matters relating to its functions.

#### **Adoption of the agenda**

7. At the beginning of each meeting, the provisional agenda shall be submitted to the Conference for consideration, amendment or adoption, as applicable. Where appropriate, the Conference may include only those items which it considers to be urgent and important.

### **VI. REPRESENTATION AND CREDENTIALS**

1. Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.
2. An alternate representative or an adviser may act as a representative upon designation by the head of delegation.
3. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretariat no later than 48 hours before the opening of the meeting. Any subsequent change in the composition of a delegation shall also be communicated to the Secretariat.
4. The Presiding Officers shall examine the credentials and submit a report to the Conference of the Parties.

## **VII. PRESIDING OFFICERS OF THE ESCAZÚ AGREEMENT**

1. At the first ordinary meeting of the Conference of Parties, a Chair and four Vice-Chairs shall be elected from among the Parties present at the meeting. They shall serve as the Presiding Officers. The Presiding Officers shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any extraordinary meetings that may be held in the interim.
2. At the second and subsequent ordinary meetings of the Conference of Parties, a Chair and four Vice-Chairs shall be elected from among the Parties present at the meeting in question. They shall serve as the Presiding Officers. Their term shall commence at the closure of the meeting and they shall remain in office until the closure of the next ordinary meeting of the Conference of the Parties, including for any extraordinary meetings that may be held in the interim.
3. The positions of Chair and Vice-Chair shall be subject to rotation. No Party shall serve as Presiding Officer for more than two consecutive terms.
4. If the Chair resigns or is otherwise unable to complete his or her term of office, the Presiding Officers shall designate another of their members as Chair for the remainder of the term.
5. The Chair shall participate in meetings of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in meetings and to exercise the right to vote.
6. The Presiding Officers shall meet every six months preferably in a virtual format or when circumstances warrant. The decision to hold extraordinary meetings of the Presiding Officers shall be taken by consensus.
7. The Presiding Officers shall also be composed of one of the elected representatives of the public, to participate in meetings with a voice but not a vote. They shall also maintain a continuous dialogue with the public and with those representatives designated by the public, holding regular joint meetings. The Presiding Officers shall hold at least one virtual meeting with the public to inform them of the dates and venue and the provisional agenda of the next meeting of the Conference and one face-to-face meeting at the beginning of each meeting of the Conference.
8. The election of Presiding Officers shall be held preferably by acclamation, giving special consideration to the need to ensure adequate geographical representation of the Parties and gender balance among representatives.

## **VIII. SUBSIDIARY BODIES**

1. The Conference of the Parties may establish by consensus such subsidiary bodies as it deems necessary, as provided in article 15.5(a) of the Agreement.

2. These rules of procedure shall apply mutatis mutandis to the subsidiary bodies, with the exception of rule VI on representation and credentials, unless otherwise determined by the Parties.
3. Meetings of the Conference of the Parties shall determine the functions of each subsidiary body.
4. The Conference of the Parties may decide that any subsidiary body may meet between ordinary meetings of the Conference, or immediately before, during or after them.
5. Ordinary meetings of subsidiary bodies shall be public. Subsidiary bodies shall have significant participation of the public.
6. Regarding the structure and composition of subsidiary bodies, the Parties shall give special consideration to the need to ensure adequate geographical representation and gender balance in participation.

## **IX. SECRETARIAT**

The Executive Secretary of ECLAC shall carry out the secretariat functions of all meetings of the Conference of the Parties and its subsidiary bodies, as provided in article 17 of the Agreement.

## **X. CONDUCT OF BUSINESS**

### **Quorum**

1. Meetings of the Conference of the Parties at which decisions are taken must have a quorum of half plus one of the Parties.

### **Powers of the Chair of the meeting**

2. The Chair shall ensure that the objectives of the meeting are met. She or he shall declare the opening and closing of each meeting, direct discussions, ensure observance of these rules of procedure, accord the right to speak, submit questions for consideration and announce adopted decisions.
3. The Chair shall rule on points of order and, subject to the present rules of procedure, shall control the proceedings and ensure the maintenance of order during meetings. The Chair may also propose the suspension or adjournment of the meeting or the adjournment of the debate on the item under discussion.
4. If the Chair is temporarily absent from a meeting or any part thereof, she or he shall designate a Vice-Chair to act as Chair. The Chair so designated may not simultaneously exercise the rights of a representative of a Party.
5. A Vice-Chair acting as Chair shall have the same powers and duties as the Chair.



6. The Chair or Vice-Chair acting as Chair, in the exercise of their functions, remain under the authority of the Conference of the Parties.

7. The Chair, or Vice-Chair acting in their stead, shall convene meetings of the Presiding Officers, which shall be coordinated with the Presiding Officers beforehand.

### **Public and closed meetings**

8. The meetings of the Conference of the Parties shall be held in public unless, exceptionally, and where justified, the Conference of the Parties decides otherwise. The reasons for closing part of a meeting shall be given by the Parties. Any decisions taken during the closed part of a meeting shall be announced at a subsequent public session.

9. All public sessions shall be webcast live.

### **Statements**

10. No one may address the Conference during a meeting without having previously obtained the permission of the Chair. The Chair shall give the floor in the order in which it is requested, regardless of whether the respective speakers are representatives of a Party, an observer, international agencies, elected representatives of the public or their alternates, or members of the public, aiming to ensure that everyone is heard and that the meeting is effective.

11. Nonetheless, in order to ensure that the meeting fulfils its objectives, the Chair may give preference to Parties and the elected representatives of the public in the use of the floor, limit the time allocated for statements and the number of times each speaker may speak, and request the grouping of statements. The Chair shall seek to prevent the repetition of points on which agreement has already been reached.

12. The Chair shall call a speaker to order if their remarks are not relevant to the subject under discussion.

13. During the discussion of any matter, a Party may raise a point of order, on which the Chair shall immediately rule in accordance with these rules of procedure. A Party may appeal against the ruling of the Chair. The appeal shall be put to the vote immediately and the ruling of the Chair shall stand unless overruled by a majority of the Parties present and voting. In raising a point of order, Parties may not speak on the substance of the matter under discussion.

14. Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

15. Proposals and amendments to proposals shall be introduced in writing, in one of the working languages of the meeting as set forth in rule XIII of the present rules of procedure, by the Parties and submitted to the Secretariat, which shall circulate copies to delegations and the public. No proposal or amendment to a proposal shall be discussed or put to the vote at a meeting unless copies of it have been circulated to delegations not later than the day preceding the meeting. The Chair may, however, permit the discussion and

consideration of proposals, amendments to proposals or procedural motions even though these proposals, amendments or motions have not been circulated or have been circulated only the same day.

16. A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

17. When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the proposer of the motion, one speaker in favour of the motion and two speakers against the motion, after which it shall be put immediately to the vote.

## **XI. DECISION-MAKING**

1. Each Party shall have one vote, as provided in article 16 of the Agreement.

2. The Parties shall make every effort to reach a consensus.

3. If all efforts to reach consensus have been exhausted and no agreement has been reached, a decision on a matter of substance shall, as a last resort, be taken by a three-fourths majority vote of the Parties present and voting at the meeting, unless otherwise provided in the Agreement or the present rules of procedure.

4. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting at the meeting.

5. If the question arises of whether a matter is one of a procedural or substantive nature, the Chair shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the ruling of the Chair shall stand unless overruled by the majority of the Parties present and voting at the meeting.

6. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

7. When two or more proposals relate to the same matter, the Conference of the Parties shall vote on these proposals in the order in which they have been submitted, unless it decides otherwise.

8. The Conference of the Parties may, after each vote, decide whether to vote on the next proposal.

9. Any Party may request that part of a proposal or of an amendment be voted on separately. The Chair shall grant the request unless a Party objects. If an objection is made to the request for division, the Chair shall permit two Parties to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The Chair may limit the time allowed to each speaker.

10. If the request referred to in paragraph 9 is accepted or adopted, those parts of the proposal or of an amendment to the proposal which are adopted shall then be put to the vote as a whole. If all operative parts of a proposal or of an amendment are rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

11. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote; if the amendment is adopted, the amended proposal shall be put to the vote.
12. When two or more amendments to a proposal are put forward, the Conference of the Parties shall vote first on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. The Chair shall determine the order of voting on the amendments under this rule.
13. Voting, except for elections, shall normally be by show of hands. A roll-call vote shall be taken if so requested by any Party. The roll-call vote shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the Chair. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.
14. The vote of each Party participating in a roll-call or recorded vote shall be recorded in the relevant documents of the meeting.
15. After the Chair has announced the beginning of voting, no Party shall interrupt voting except on a point of order in connection with the voting process. The Chair may permit the Parties to explain their votes, either before or after the voting process. The Chair may limit the time allowed for these explanations. The Chair shall not permit the proposer of a proposal or of an amendment to a proposal to explain their vote on their own proposal or amendment, except if it has been amended.

## **XII. ELECTIONS**

1. All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.
2. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.
3. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.
4. When two or more elective places are to be filled at one time, those candidates obtaining the largest number of votes in the ballot of the Parties present and voting, which together amount to a majority of the votes cast by the Parties present and voting, shall be deemed elected.
5. If the number of candidates obtaining such a majority is less than the number of persons or delegations to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the largest number of votes in the previous ballot, in a number not exceeding twice the number of places remaining to be filled. However, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

6. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

### **XIII. LANGUAGES, DOCUMENTS AND REPORTS**

#### **Working languages of the meetings**

1. The working languages of the meetings shall be English and Spanish.

#### **Interpretation**

2. Simultaneous interpreting shall be provided for the statements made in the working languages of the meetings.

#### **Languages of official documents**

3. The official documents shall be published in the working languages of the meeting.

#### **Documents**

4. Meetings will be paperless. Documents should only be printed if this is strictly necessary to ensure the validity thereof.

#### **Meeting reports**

5. After each meeting, the Secretariat shall prepare a report of the meeting, briefly describing the discussions and detailing, where appropriate, the decisions adopted.

#### **Report of the Secretariat**

6. The Secretariat shall report on matters relating to its management, including budgetary matters.

### **XIV. PUBLIC PARTICIPATION**

1. The public shall participate meaningfully in the Conference of the Parties and the subsidiary bodies established.

2. The modalities of public participation include attendance, reporting and making statements, and apply to both face-to-face and virtual meetings. In this regard, the public:

- (a) May participate in the meetings of the Conference of the Parties and of the subsidiary bodies upon registration and confirmation of accreditation. In the case of face-to-face meetings, accreditation shall be carried out in strict order of registration and with no other limitation than the space available in the room.
- (b) Shall have access to all official information and documents.
- (c) May make statements, in accordance with rule X of these rules of procedure.
- (d) May circulate documents and make oral and written contributions.
- (e) May make written text proposals, which shall be compiled in a separate document and formally collected and submitted by at least one Party for consideration in the negotiation of an official text of the Conference of the Parties or its subsidiary bodies.
- (f) May organize side events, round-table discussions and briefings, in coordination with the Secretariat and the Presiding Officers.

3. The Secretariat shall maintain a regional public mechanism whereby interested persons can register by filling in a short form available on the Secretariat's website. Representatives of the public shall be elected through the regional public mechanism, in order to encourage and facilitate public participation and to channel their contributions, including the submission of proposals on behalf of the public. The elected persons and their contact details, as well as any changes thereto, shall be communicated to the Parties and to the Agreement bodies. Elected representatives shall consult with the general public through the regional public mechanism. The elected representatives of the public shall have two seats at the main table in the room.

4. The Secretariat shall circulate in advance the list of registered participants in the face-to-face or virtual meetings organized.

5. All official meeting documents shall be made available to the public in a timely manner. In addition, the availability of such documents shall be so informed via email, through the regional public mechanism.

6. It shall be the responsibility of the Chair, the Presiding Officers and the Secretariat to ensure that the modalities of public participation are observed.

## **XV. AMENDMENTS**

The Conference of the Parties may amend these rules of procedure by consensus.

## **XVI. PRIMACY OF THE AGREEMENT**

In the event of any conflict between any provisions of these rules of procedure and those of the Agreement, the Agreement shall prevail.

### **XVII. SUBSIDIARY APPLICATION OF THE RULES OF PROCEDURE OF ECLAC**

In all matters not expressly regulated in these rules of procedure, the Terms of reference and rules of procedure of the Economic Commission for Latin America and the Caribbean (ECLAC) shall apply *mutatis mutandis*, where appropriate.

### **XVIII. INTERPRETATION**

In the interpretation of these rules of procedure, articles 31 to 33 of the Vienna Convention on the Law of Treaties shall be taken into consideration.

**DECISION I/2**

**ELECTION OF PRESIDING OFFICERS**

*The Conference of the Parties,*

*Recalling* its decision I/1 adopting the rules of procedure of the Conference of the Parties,

*Recalling also* rule VII of the rules of procedure, which states that at the first ordinary meeting of the Conference of Parties, a Chair and four Vice-Chairs shall be elected from among the representatives of the Parties present at the meeting to serve as Presiding Officers,

*Reiterating* that the Presiding Officers shall also include one of the elected representatives of the public, with a voice but no vote, and shall maintain a continuous dialogue with the public and with those representatives designated by the public, holding regular joint meetings,

*Taking into consideration* that the Presiding Officers shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any extraordinary meetings that may be held in the interim,

1. *Elects* the Presiding Officers, comprising Uruguay as Chair, and Antigua and Barbuda, Argentina, Mexico and Saint Lucia as Vice-Chairs, who shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties;

2. *Requests* the public to designate one of its elected representatives, within two months of the adoption of the present decision, to be a member of the Presiding Officers with a voice but not a vote, and to formally notify the Presiding Officers of this designation, as well as of any changes that may occur.

**DECISION I/3****RULES RELATING TO THE STRUCTURE AND FUNCTIONS OF THE COMMITTEE  
TO SUPPORT IMPLEMENTATION AND COMPLIANCE**

*The Conference of the Parties,*

*Recalling* article 18.1 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which establishes a Committee to Support Implementation and Compliance as a subsidiary body of the Conference of the Parties to promote the implementation of the Agreement and to support the Parties in that regard,

*Recalling also* that the rules relating to its structure and functions shall be determined by the Conference of the Parties at its first meeting,

*Reaffirming* that the Committee is of a consultative and transparent nature, non-adversarial, non-judicial and non-punitive and shall review compliance of the provisions of the Agreement and formulate recommendations, ensuring the significant participation of the public and paying particular attention to the national capacities and circumstances of the Parties,

1. *Adopts* the Rules relating to the structure and functions of the Committee to Support Implementation and Compliance;
2. *Requests* the Secretariat to translate and circulate the text proposed by the Plurinational State of Bolivia at 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;
3. *Requests* the Chair, with the support of the Secretariat, to begin consultations with the States Parties, with significant participation of the public, to examine the compatibility of the proposed text with the agreed language, with a view to fine-tuning the Rules relating to the structure and functions 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 and, as appropriate, considering them at the next ordinary meeting of the Conference of Parties, to strengthen the implementation of the Agreement.



**Annex 1****RULES RELATING TO THE STRUCTURE AND FUNCTIONS 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****I. PURPOSE AND NATURE**

1. The Committee to Support Implementation and Compliance (hereinafter “the Committee”) is a subsidiary body of the Conference of the Parties to promote the implementation of the Agreement and to support the Parties in that regard. It has a consultative and transparent nature and is non- adversarial, non-judicial and non-punitive.
2. The Committee shall define its working modalities in accordance with the Rules relating to the structure and functions of the Committee (hereinafter, “rules”), which shall ensure the significant participation of the public of the countries in annex 1 of the Agreement, as appropriate, and pay particular attention to the national capacities and circumstances.

**II. STRUCTURE AND COMPOSITION**

1. The Committee is composed of seven members, serving in their personal capacity.
2. The members of the Committee shall be persons of high moral standing, with recognized competence in access rights or other matters of the Agreement. They shall be nationals of or residents in the countries set out in annex I to the Agreement and be independent from the executive, legislative or judicial powers of such countries.
3. In the election of the members of the Committee, the following shall be considered: equitable geographical distribution of membership, gender parity and legal knowledge and experience.
4. No more than one Committee member may be of the same nationality.
5. The procedure to nominate candidates to the Committee shall be as follows:
  - (a) Any person meeting the criteria established in paragraph 2 of the present rule may nominate him or herself;
  - (b) The Presiding Officers shall prepare a roster of up to 10 candidates, for consideration by the Conference of the Parties. The Presiding Officers shall invite the elected representatives of the public to participate in a meeting and consult them regarding the roster, prior to preparing the roster for consideration by the Conference of the Parties;

- (c) From the roster of candidates, the Conference of the Parties shall elect the members of the Committee by consensus. If consensus cannot be reached, the Conference of the Parties shall elect such members by simple majority of the Parties present and voting, by secret ballot.
6. The term of office of Committee members shall be four years, renewable for another four years. A Committee member's term of office shall begin at the conclusion of the meeting of the Conference of the Parties at which he or she is elected. Of the members elected at the first election, three shall be chosen by lot to serve a term of six years. Immediately after the first election, the Chair of the Conference of the Parties shall draw by lot these three members.
7. Every member of the Committee shall, before taking up his or her duties, make a declaration in an open session of the Committee, as follows "I solemnly declare that I will perform my functions as member of the Committee to Support Implementation and Compliance honestly, independently, impartially and conscientiously".
8. The Committee shall elect one Chair and two Vice-Chairs to serve as officers of the Committee. The officers of the Committee shall organize the work of the Committee, in accordance with the present rules and the working modalities adopted by the Committee.
9. The procedure to fill a vacancy in the Committee shall be as follows:
- (a) If a member resigns or if, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his or her functions fully for any reason, the Chair of the Committee or, in his or her absence, one of the officers of the Committee, shall declare the seat of that member vacant and so notify the Presiding Officers;
  - (b) Upon receipt of such notification, the Presiding Officers shall proceed to fill the vacancy without delay, by consensus, from the roster set forth in paragraph 5 of this rule. If consensus cannot be reached, the member shall be elected by the majority of the Presiding Officers by secret ballot;
  - (c) Any member of the Committee elected to fill a vacancy shall hold office for the remainder of the term of the member who vacated the seat on the Committee. Any member's mandate can be renewed.
10. Each State Party shall grant the members of the Committee the facilities and guarantees necessary for the exercise of their functions.
11. Committee members shall serve ad honorem, without salary. Travel expenses incurred by Committee members in the exercise of their functions shall be covered by the Secretariat, in accordance with United Nations rules.

### **III. MEETINGS AND WORKING METHODS OF THE COMMITTEE**

1. The Committee shall meet preferably in virtual format, failing which it shall meet at the Economic Commission for Latin America and the Caribbean (ECLAC) headquarters in Santiago, or wherever the Committee decides, in consultation with the Secretariat and subject to available resources.

2. The Committee may meet with a quorum of the majority of its members.
3. The Committee shall hold in-person meetings at least once a year and virtual meetings with the frequency defined in its working modalities.
4. The meetings of the Committee shall be open to the public. However, the Committee shall hold closed sessions when:
  - (a) The Committee deliberates on cases of non-compliance;
  - (b) The Committee adopts concluding observations on such cases;
  - (c) The Committee decides to hold closed sessions to prevent risks and damage to the integrity and safety of persons or to the environment.

In these cases, the Committee shall provide the conclusions of the session as soon as possible.
5. The working languages of the Committee shall be Spanish and English. When applicable, and in coordination with the Secretariat, arrangements may be made for translation or interpretation to facilitate the participation of vulnerable persons who have submitted communications.
6. Decisions of the Committee shall be made by consensus. In the absence of consensus, decisions shall be reached by a majority of two thirds of its members. The Committee may take decisions virtually or electronically, using appropriate technologies, with the support of the Secretariat.
7. At its open meetings, the Committee may hold an open dialogue with Parties and members of the public.

#### **IV. FUNCTIONS OF THE COMMITTEE**

1. The Committee shall have the following functions:
  - (a) The Committee shall provide a report to the Conference of the Parties on its activities, including its observations in cases of non-compliance.
  - (b) The Committee shall provide support to the Conference of the Parties on implementation of and compliance with the Agreement. This shall include:
    - (i) A systemic report periodically submitted by the Committee to the Conference of the Parties on implementation of and compliance with the Agreement. The Committee shall decide on the periodicity of its systemic report in its working modalities.
    - (ii) Reports requested by the Conference of the Parties may be on any aspect of implementation of and compliance with the Agreement.
  - (c) The Committee shall provide advice and support to the Parties on implementation of and compliance with the Agreement. This shall include:

- (i) The formulation by the Committee of general comments on interpretation of the Agreement;
  - (ii) The response to queries on interpretation of the Agreement made by a Party or an elected representative of the public;
  - (iii) The engagement in periodic consultations and dialogues with each of the Parties. These consultations and dialogues may take place during Committee meetings or during visits by the Committee to the territory of a Party. To visit the territory of a Party, such Party shall have provided its consent. The periodicity of the consultations and dialogues with each Party shall be established by the Committee in its working modalities.
  - (iv) The Committee may hold open dialogues with Parties and members of the public.
- (d) The Committee shall examine cases of allegations of non-compliance, in accordance with the present rules.

#### **V. COMMUNICATIONS FROM THE PARTY CONCERNED, ANOTHER PARTY, OR A MEMBER OF THE PUBLIC**

1. A Party with respect to itself, a Party with respect to another Party or a member of the public may file communications requesting support for compliance or alleging non-compliance of one or more provisions of the Agreement.
2. The Committee shall adopt protection measures in favour of the members of the public that file a communication when, from the information available, it considers that a situation of possible risk, attack, threat or intimidation exists. It shall seek consultation of the member of the public concerned prior to adopting such measures.
3. The Committee, with the support of the Secretariat, shall enter the case into the register, unless the communication does not contain the requirements stipulated by the Committee in its working modalities.
4. The Committee shall consider the merits of each registered case, unless it declares it inadmissible. The Committee shall decide whether to address the question of admissibility with or without a hearing. Both the Party concerned, and the author of the communication shall have the right to request a hearing before the Committee on the admissibility of a communication. The Committee shall decide whether it accedes to such request or not.
5. The Committee shall determine if a communication is admissible on the basis of the following criteria:
  - (a) The communication does not include information on the steps taken in the State Party concerned to resolve the case;
  - (b) The case is being heard or has been ruled on through another international procedure of a binding nature;
  - (c) The case falls outside the scope of the Agreement;
  - (d) The communication is anonymous, trivial, vexatious, or does not include sufficient corroborative information, or is incompatible with the Agreement or the present rules.

6. The Committee may revise its decision on the admissibility of the case, if the background so warrants, up to the time of deliberating on the merits.
7. If the Committee declares admissible a communication:
  - (a) The Committee shall give two months for:
    - (i) Other Parties to present written observations on the interpretation of the Agreement;
    - (ii) Members of the public to present written observations on the case.
  - (b) The Committee shall give the opportunity for the Party concerned to provide in writing within four months information and observations on the allegations of non-compliance, including the measures taken to that effect;
8. The Committee shall decide whether to address the merits of the case with or without a hearing. Both the Party concerned, and the author of the communication shall have the right to request a hearing before the Committee on the merits of the case. The Committee shall decide whether it accedes to such request or not.
9. The Committee shall deliberate on the allegations of non-compliance and adopt preliminary observations on the case. If the Committee concludes that the Party concerned is in breach of the Agreement, the preliminary observations of the Committee may include specific recommendations for the Party concerned. The Committee shall transmit its preliminary observations to the Party concerned and to the author of the communication. The Committee shall invite the Party concerned and the author of the communication to submit written comments on its preliminary observations within a specific and timely deadline.
10. After such deadline, the Committee shall adopt its final observations on the case, adopt the measures and make recommendations it considers appropriate in accordance with the present rules. It shall present its conclusions and recommendations to the Party concerned and to the author of the communication and, when applicable, monitor the implementation of its recommendations by the Party concerned.
11. If the Committee concludes that the Party concerned has failed to implement the Committee's conclusions and recommendations, it will report the case to the Conference of the Parties.

## **VI. SIGNIFICANT PARTICIPATION OF THE PUBLIC IN THE FUNCTIONS OF THE COMMITTEE**

1. The public may participate in the functions of the Committee, in accordance with the working modalities of the Committee, exercising the following rights:
  - (a) Right to provide information to the Committee. The public may provide information and observations for:
    - (i) The preparation of the systemic report;

- (ii) The preparation of a report on any aspect of implementation of and compliance with the Agreement requested by the COP to the Committee;
  - (iii) The preparation of general observations on the interpretation of the Agreement;
  - (iv) The application of the Agreement by a Party, in the context of the dialogues and consultations with each Party;
  - (v) Factual or legal aspects of a case(s) of non-compliance, including on the implementation of the conclusions of the Committee by the Party concerned.
- (b) Right to participate in the meetings of the Committee. The Public may participate in:
- (i) The periodic dialogues and consultations between the Committee and each Party;
  - (ii) Any public hearings on a case of non-compliance, if applicable, 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.

## **VII. INFORMATION AND CONFIDENTIALITY**

1. The Committee may use any source of information it deems relevant.
2. The Committee may call upon technical or legal experts and bodies, including academic centres or non-governmental bodies, at its discretion.
3. The Committee may request from the Party concerned, information on issues under its consideration.
4. The Committee may, with the consent of the Party concerned, collect information through a mission to the territory of a Party.
5. The Committee may draw on information compiled by the clearing house provided for in article 12 of the Agreement.
6. Information held by the Committee shall not be confidential, unless the Committee so decides, in accordance with the objectives of the Agreement and the rights of individuals, including, in particular:
  - (a) The identity of persons who may suffer reprisals or persecution;
  - (b) Individual privacy;
  - (c) Protection of the environment and its components.

## **VIII. MEASURES BY THE COMMITTEE AND THE CONFERENCE OF THE PARTIES**

1. The Committee may take such measures as it deems necessary to facilitate a Party's implementation of and compliance with the Agreement. In adopting measures, the Committee shall consider the national

capacities and circumstances of the Parties. In cases of non-compliance, the Committee shall consider the cause, type, severity, and frequency of non-compliance. In particular, the Committee may adopt the following measures:

- (a) Formulate observations on cases submitted to it;
- (b) Provide the Party concerned with specific recommendations to strengthen its laws, measures and practices;
- (c) Request that the Party concerned prepare an action plan to ensure full implementation of the Agreement;
- (d) Request that the Party concerned report on progress with implementation of the Committee's conclusions, recommendations and other measures it has adopted;
- (e) Provide advice and support to a Party in the implementation of and compliance with the Agreement;
- (f) When applicable, recommend to the Party concerned to adopt necessary measures to safeguard human rights defenders in environmental matters involved in a specific case.

2. The Conference of the Parties may take such measures as it deems necessary to facilitate a Party's implementation of and compliance with the Agreement, including:

- (a) Formulating declarations of non-compliance by a Party;
- (b) Facilitating support for compliance;
- (c) Issuing cautions;
- (d) Suspending the rights and privileges of a Party, including its voting rights.

## **IX. SYNERGIES WITH OTHER MULTILATERAL AGREEMENTS AND PROCESSES**

The Committee may enter into dialogue and consultations with other multilateral agreements, institutions and processes, at the global or regional level, to seek synergies for the full implementation of access rights and other matters covered by the Agreement.

## **X. REGISTER OF CASES**

1. There shall be a register of cases, with documents and substantive correspondence on cases submitted to the Committee, including:

- (a) Documents submitted to the Committee relating to cases, including those declared admissible and inadmissible;
- (b) Substantive correspondence between the Secretariat, the Party concerned and the author of a communication;

- (c) Substantive correspondence between the Secretariat and those concerned by a case;
  - (d) Preliminary and concluding observations and recommendations by the Committee on a case;
  - (e) Documents on the follow-up of the implementation of recommendations by the Committee by the Party concerned.
2. The register shall not include information that the Committee considers reserved, in accordance with the present rules and the principle of maximum disclosure.

## **XI. INSTITUTIONAL ARRANGEMENTS**

1. The Secretariat shall provide the services required for the work of the Committee, subject to availability of resources.
2. The Secretariat may provide guidance to the public and Parties on procedures on and requirements for the admissibility of communications made to the Committee.
3. The Secretariat shall maintain a register of cases, in accordance with the present rules.

## **XII. TRANSITIONAL PROVISIONS**

1. The Committee may not receive communications on the compliance of a Party before the closure of the second meeting of the Conference of the Parties.
2. The Committee may not receive communications on a Party's compliance until one year after the entry into force of the Agreement for that Party.



**DECISION I/4**  
**FINANCIAL ARRANGEMENTS**

*The Conference of the Parties,*

*Recalling* article 15.4(b) of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which states that at its first meeting, the Conference of the Parties shall discuss and adopt by consensus the financial provisions necessary for the functioning and implementation of the Agreement,

*Recalling also* article 14 of the Agreement, which establishes a Voluntary Fund to support the financing of the implementation of the Agreement, the functioning of which shall be defined by the Conference of the Parties,

*Recalling further* article 17.1 of the Agreement, which states that the Executive Secretary of the Economic Commission for Latin America and the Caribbean shall carry out the secretariat functions of the Agreement,

*Recognizing* the need for adequate, stable and predictable resources for the implementation of the Agreement,

*Whereas* financial arrangements must be based on the principles of equality, non-discrimination, transparency, accountability, solidarity, an intergenerational approach, coherence, equitable burden-sharing, efficiency and sound financial management,

1. *Agrees* that the Voluntary Fund established pursuant to article 14 of the Agreement shall be constituted as a trust fund in accordance with the Financial Regulations and Rules of the United Nations and other applicable directives;
2. *Also agrees* that the Voluntary Fund and the activities financed by it shall be administered by the Secretariat in accordance with the applicable regulations, rules, procedures, guidelines and policies of the United Nations, there being no earmarking of contributions to the Fund;
3. *Requests* the Secretariat to submit, at each meeting of the Conference of the Parties, a consolidated report on the finances and implementation of the activities financed by the Fund, prepared in accordance with the financial regulations and accounting and reporting procedures of the United Nations, without, however, the Secretariat being required to submit substantive and financial reports for each individual contribution received;
4. *Thanks* Mexico for announcing the first contribution to the Voluntary Fund and invites the Parties, signatory countries and other States and organizations to contribute to that Fund to support the implementation of the Agreement, preferably through multi-year or recurring annual contributions;
5. *Entrusts* the Presiding Officers to lead, with the support of the Secretariat, discussions to explore additional funding options with a view to securing adequate, stable and predictable resources for the implementation of the Agreement, including through the regular budget of the United Nations;

6. *Requests* the Secretariat to continue exploring additional sources of funding to support the activities planned for the 2022–2024 period;
7. *Requests* the Economic Commission for Latin America and the Caribbean to allocate additional resources from its regular budget to support the Agreement;
8. *Agrees* to consider the question of financial arrangements at its second ordinary meeting.

**DECISION I/5****SUBSEQUENT MEETINGS OF THE CONFERENCE OF THE PARTIES**

*The Conference of the Parties,*

*Recalling* article 15.2 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which states that, after the first meeting of the Conference, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference,

*Considering* rule III of the rules of the procedure of the Conference of the Parties, which states that ordinary meetings of the Conference of the Parties shall be held at least once every two years, unless the Parties decide otherwise, and that at each ordinary meeting, the Parties shall decide, in consultation with the secretariat, on an indicative date and duration of the next ordinary meeting,

*Considering also* that extraordinary meetings of the Conference of the Parties shall be held when the Conference deems necessary, as provided in article 15.3 of the Agreement and rule III of the rules of procedure of the Conference,

1. *Agrees* to convene an extraordinary meeting, to be held in Argentina, tentatively on 20 and 21 April 2023, in order to elect the inaugural members of the Committee to Support Implementation and Compliance and consider any other matter decided by the Parties;
2. *Also agrees* that the second ordinary meeting will be held, tentatively, from 22 to 24 April 2024;
3. *Invites* the Parties to host the second ordinary meeting, failing which the meeting will be held at the headquarters of the Economic Commission for Latin America and the Caribbean in Santiago.

**DECISION I/6****HUMAN RIGHTS DEFENDERS IN ENVIRONMENTAL MATTERS**

*The Conference of the Parties,*

*Recalling* article 9 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which refers specifically to the protection of persons, groups and organizations that promote and defend human rights in environmental matters,

*Stressing* the importance of the work of human rights defenders in environmental matters for strengthening democracy, access rights and sustainable development and their fundamental contributions in this regard,

*Reaffirming* the critical importance of guaranteeing an enabling environment for the work of persons, associations, organizations or groups that promote environmental protection, by recognizing and protecting them, in accordance with article 4.6 of the Agreement,

*Stressing* that the Escazú Agreement contributes the right of every person to live in a healthy environment and that the guarantee of that right is a fundamental enabler of access to justice in environmental matters for human rights defenders in environmental matters,

*Recalling* article 15 of the Agreement, which states that the Conference of the Parties shall examine and promote the implementation and effectiveness of the Agreement and, to that end, shall examine and adopt any measures needed to achieve its objective,

1. *Decides* to establish an open-ended ad hoc working group on human rights defenders in environmental matters, which shall allow for meaningful public participation, especially by indigenous peoples and local communities, endeavouring to include persons or groups in vulnerable situations, and receive the assistance of the Economic Commission for Latin America and the Caribbean in its capacity as Secretariat;
2. *Agrees* to entrust the open-ended ad hoc working group on human rights defenders in environmental matters with the preparation of an action plan in that regard, to be presented at the second ordinary meeting of the Conference of the Parties for consideration and adoption;
3. *Also agrees* to hold an annual forum on human rights defenders in environmental matters with recognized specialists in the field, with the assistance of the Secretariat, following which a final report will be prepared to serve as input for drafting and review of the relevant action plan;
4. *Invites* the Parties and all countries of the region to step up their efforts to develop and strengthen all necessary measures at the national level to ensure the rights of human rights defenders in environmental matters.

## Annex 3

**LISTA DE PARTICIPANTES  
LIST OF PARTICIPANTS****A. Estados Parte del Acuerdo de Escazú/  
States Parties to the Escazú Agreement****ANTIGUA Y BARBUDA/ANTIGUA AND BARBUDA**Representante/Representative:

- Maureen Hyman-Payne, Parliamentary Secretary, Ministry of Justice and Legal Affairs, email: maureen.payne@ab.gov.ag

Miembros de la delegación/Delegation members:

- Ruth V. Spencer, email: ruthspencer5@gmail.com

**ARGENTINA**Representante/Representative:

- María Cecilia Nicolini, Secretaria de Cambio Climático, Desarrollo Sostenible e Innovación, Ministerio de Ambiente y Desarrollo Sostenible, email: cnicolini@ambiente.gob.ar

Miembros de la delegación/Delegation members:

- Corina Beatriz Lehman, Ministra, Directora de Asuntos Ambientales, Ministerio de Relaciones Exteriores, Comercio Internacional y Culto, email: leh@mrecic.gov.ar
- Jessica Motok, Asesora, Secretaría de Cambio Climático, Desarrollo Sostenible e Innovación, Ministerio de Ambiente y Desarrollo Sostenible, email: motok@ambiente.gob.ar
- María Fernanda Ruano, Asesora de la Secretaría de Cambio Climático, Desarrollo Sostenible e Innovación, Ministerio de Ambiente y Desarrollo Sostenible, email: mfruano@ambiente.gob.ar
- Ayelén María Ghersi, Embajada de la República de Argentina en Chile, email:
- Nicole Makowski, Asesora de la Secretaría de Cambio Climático, Desarrollo Sostenible e Innovación, Ministerio de Ambiente y Desarrollo Sostenible, email: nmakowski@ambiente.gob.ar (virtual)
- Juan Pablo Fasano, Secretario de Embajada, Embajada de Argentina en Chile, email: fsb@mrecic.gov.ar

**BOLIVIA (ESTADO PLURINACIONAL DE)/BOLIVIA (PLURINATIONAL STATE OF)**Representante/Representative:

- Erwin Freddy Mamani Machaca, Viceministro de Relaciones Exteriores, Ministerio de Relaciones Exteriores, email: efmamani@ree.gob.bo (virtual)

Miembros de la delegación/Delegation members:

- Maysa Rossana Ureña Menacho, Directora General de Relaciones Multilaterales, Ministerio de Relaciones Exteriores, email: murena@ree.gob.bo
- Diego Pacheco Balanza, Experto en la temática, Vicepresidencia del Estado, email: Jallpa@yahoo.com (virtual)
- Sorka Copa Romero, Segundo Secretario, Ministerio de Relaciones Exteriores

## ECUADOR

### Representante/Representative:

- Luis Ignacio Vayas Valdivieso, Embajador, Viceministro de Relaciones Exteriores, Ministerio de Relaciones Exteriores y Movilidad Humana, email: lvayas@cancilleria.gob.ec

### Miembros de la delegación/Delegation members:

- Mirian Mercedes Esparza Jácome, Embajadora del Ecuador en Chile, Ministerio de Relaciones Exteriores y Movilidad Humana, email: mesparza@cancilleria.gob.ec
- Cristina Elizabeth Granda Mendoza, Ministra, Embajada del Ecuador en Chile, Ministerio de Relaciones Exteriores y Movilidad Humana, email: cristinagranda5@gmail.com
- José Eduardo Proaño Armijos, Ministro, Embajada de Ecuador en Chile, Ministerio de Relaciones Exteriores y Movilidad Humana, email: jep.rree2@gmail.com
- Holger Edisson Zambrano Loor, Director de Información Ambiental y Agua, Ministerio del Ambiente, Agua y Transición Ecológica, email: holger.zambrano@ambiente.gob.ec (virtual)
- Christian Fernando Anchaluisa Shive, Primer Secretario, Dirección de Ambiente y Desarrollo Sostenible, email: canchaluisa@cancilleria.gob.ec (virtual)
- Michelle Alejandra Sánchez Morejón, Analista 1, Dirección de Cooperación Internacional, Ministerio del Ambiente, Agua y Transición Ecológica, email: michelle22lm@gmail.com

## GUYANA

### Representante/Representative:

- Sondra Cheong, Foreign Service Officer III, Ministry of Foreign Affairs and International Cooperation, email: scheong@minfor.gov.gy (virtual)

### Miembros de la delegación/Delegation members:

- Tracy Smith, Project Manager, National Focal Point, Green Climate Fund, UNFCCC, Department of Environment and Climate Change, email: tracy.smith.decc@op.gov.gy (virtual)

## MÉXICO/MEXICO

### Representante/Representative:

- Martha Delgado Peralta, Subsecretaria para Asuntos Multilaterales y Derechos Humanos, Secretaría de Relaciones Exteriores, email: mdelgadop@sre.gob.mx; (virtual)
- Camila Zepeda Lizama, Directora General para Temas Globales, Secretaría de Relaciones Exteriores, email: focalpointmexico@sre.gob.mx

### Miembros de la delegación/Delegation members:

- Enrique Romero Leal, Encargado de Asuntos Políticos y Prensa en la Embajada de México en Chile, Secretaría de Relaciones Exteriores, email: eromero@emexico.cl
- Josdeny Alarcón González, Subdirectora para Cambio Climático, Secretaría de Relaciones Exteriores, email: jalarcon@sre.gob.mx
- Olimpia Castillo Blanco, Asesora
- Francisco Javier Ruíz Cruz, Asesor
- Miguel Ángel Zerón Cid, Titular de la Unidad Coordinadora de Asuntos Internacionales, Secretaría de Medio Ambiente y Recursos Naturales, (virtual)
- José Luis Juan Bravo Soto, Director de Políticas y Estudios para el Cambio Climático y Manejo Ecosistémico, Secretaría de Medio Ambiente y Recursos Naturales

- Mónica María Antonieta Velarde Méndez, Coordinadora de Política Multilateral de la Secretaría de Relaciones Exteriores
- Valeria Cruz Blancas, Directora de Medio Ambiente y Cambio Climático, Secretaría de Relaciones Exteriores, email: vcruzbl@sre.gob.mx
- Julieta Vargas Bernardino, Secretaria Ejecutiva “A”, Secretaría de Relaciones Exteriores
- Ileana Hidalgo Rioja, Secretaria de Acceso a la Información, Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales
- Irma Méndez Rojas, Directora de Coordinación y Seguimiento, Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales
- Edoardo Alpizar, Subdirector de Asuntos Internacionales de Acceso, Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales, (virtual)
- Rosa María González, Jefa de Departamento de Enlace, Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales, (virtual)
- Israel Araujo, Jefe de Departamento de Asuntos Internacionales de Acceso, Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales, (virtual)
- María Elena Mesta Fernández, Asesora
- Raquel Jiménez Acosta, Asesora
- Karla Priego Martínez, Asesora

## **NICARAGUA**

### Representante/Representative:

- Fanny Sumaya Castillo Lara, Ministra del Ambiente y los Recursos Naturales, email: sumayacastillolara@gmail.com (virtual)

### Miembros de la delegación/Delegation members:

- Javier Antonio Gutiérrez, Secretario de Cambio Climático de la Presidencia de la República y Viceministro del Ambiente y los Recursos Naturales, email: xaviergut@gmail.com (virtual)
- José Luis García, Procurador Nacional Ambiental de la Procuraduría General de la República, email: garciarj@pgr.gob.ni (virtual)

## **PANAMÁ/PANAMA**

### Representante/Representative:

- Mario Antonio Velásquez Chizmar, Embajador Extraordinario y Plenipotenciario y Encargado de los Asuntos Consulares de Panamá en Chile, email: mvelasquez@mire.gob.pa

### Miembros de la delegación/Delegation members:

- Francis Irene Barría, Punto Focal de Panamá ante el Acuerdo de Escazú-Abogada, Oficina de Asesoría Legal, Ministerio de Ambiente, Delegada, email: fibarria@miambiente.gob.pa
- Bolívar Cañizalez, Jefe del Departamento de Medio Ambiente y Cambio Climático, Dirección de Organismos y Conferencias Internacionales, Ministerio de Relaciones Exteriores, Delegado, email: bcanizales@mire.gob.pa

**SAINT KITTS Y NEVIS/SAINT KITTS AND NEVIS**Representante/Representative:

- Derionne Edmeade, Environmental Education Officer, Ministry of Environment and Cooperatives, email: derionne.edmeade@gov.kn

**SAN VICENTE Y LAS GRANADINAS/SAINT VINCENT AND THE GRENADINES**Representante/Representative:

- Janeille Lewis, Parliamentary Counsel and Focal Point for Escazú Agreement in Saint Vincent and the Grenadines, email: jeneillelewis@hotmail.com (virtual)

**SANTA LUCÍA/SAINT LUCIA**Representante/Representative:

- Anita Montoute, Permanent Secretary, Department of Sustainable Development, email: anita.montoute@govt.lc

Miembro de la delegación/Delegation member:

- Kate Wilson, Legal Officer, Department of Sustainable Development, email: kate.wilson@govt.lc

**URUGUAY**Representante/Representative:

- Alberto Fajardo, Embajador, Embajada del Uruguay en Chile, email: uruchile@mrree.gub.uy

Miembros de la delegación/Delegation members:

- Manuel Etchevarren, Director de Medio Ambiente del Ministerio de Relaciones Exteriores, email: metchevarren@gmail.com
- Marcelo Cousillas, Director de Asesoría Jurídica del Ministerio de Ambiente, email: marcelo.cousillas@ambiente.gub.uy
- Carina Vigilante, Asesora, Embajada del Uruguay en Chile, email: carina.vigilante@mrree.gub.uy

**B. Países signatarios del Acuerdo de Escazú/  
Signatory countries to the Escazú Agreement**

**BRASIL/BRAZIL**Representante/Representative:

- Leandro Rocha de Araujo, Segundo Secretario, Jefe del Sector de Medio Ambiente de la Embajada de Brasil en Santiago, email: leandro.araujo@itamaraty.gov.br

**COLOMBIA**Representante/Representative:

- Guillermo Botero Nieto, Embajador de Colombia ante la República de Chile, email: guillermo.botero@cancilleria.gov.co



Miembros de la delegación/Delegation members:

- Paula Sanmiguel, Coordinadora de Asuntos Ambientales, Ministerio de Relaciones Exteriores, email: paula.sanmiguel@cancilleria.gov.co (virtual)
- Laura Montejo Espitia, Segundo Secretario, Embajada de Colombia ante la República de Chile, email: Laura.montejo@cancilleria.gov.co
- Nataly Bulla Galvis, Tercer Secretario, Embajada de Colombia ante la República de Chile, email: Nataly.Bulla@cancilleria.gov.co

**COSTA RICA**Representante/Representative:

- Adriana Murillo Ruin, Embajadora de Costa Rica en Chile, email: ammurillo@rree.go.cr

Miembro de la delegación/Delegation member:

- Eduardo Salgado Retana, Ministro Consejero y Cónsul General en Chile, email: esalgado@rree.go.cr

**DOMINICA**Representante/Representative:

- Kimisha Thomas, Senior Policy Advisor, Ministry of Environment, Rural Modernisation and Kalinago Upliftment, Commonwealth of Dominica, email: kimishathomas@gmail.com

**HAITÍ/HAITI**Representante/Representative:

- O’Connell Kendzy Saint-Vil, Directeur, Maison de la diplomatie, Haiti, email: princeconnell16@gmail.com (virtual)

**PERÚ/PERU**Representante/Representative:

- Elizabeth Silvestre Espinoza, Viceministra de Gestión Ambiental, email: esilvestre@minam.gon.pe (virtual)

Miembros de la delegación/Delegation members:

- Eduardo Williams Calvo Buendía, Asesor del Viceministerio de Gestión Ambiental, email: ecalvo@minam.gob.pe (virtual)
- Milagros del Pilar Verástegui Salazar, Directora General de Educación, Ciudadanía e Información Ambiental, email: mverastegui@minam.gob.pe (virtual)
- Franco Ernesto Velit Sandoval, Primer Secretario, email: fvelit@embajadadelperu.cl
- Rocío Milagros Sifuentes Villalobos, Especialista en Gestión de la Información y Articulación Legal de la Dirección General de Educación, Ciudadanía e Información Ambiental, email: rsifuentes@minam.gob.pe (virtual)

## REPÚBLICA DOMINICANA/DOMINICAN REPUBLIC

### Representante/Representative:

- Milagros de Camps German, Viceministra, Ministerio de Medio Ambiente y Recursos Naturales, email: milagros.decamps@ambiente.gob.do

### Miembro de la delegación/Delegation member:

- Marisol Castillo Collado, Directora Convenios Internacionales y Punto Focal Comisión Interinstitucional de Derechos Humanos, Ministerio de Medio Ambiente y Recursos Naturales, email: marisol.castillo@ambiente.gob.do (virtual)

### **C. Países del Anexo 1 del Acuerdo de Escazú que participan en calidad de observadores/ Annex 1 countries of the Escazú Agreement participating as observers**

## CHILE

### Representante/Representative:

- Maximiliano Proaño, Subsecretario del Medio Ambiente, Ministerio de Medio Ambiente, email: maxproanou@mma.gob.cl

### Miembros de la delegación/Delegation members:

- Julio Cordano, Consejero, Jefe de la División de Medio Ambiente, Cambio Climático y Océanos, Ministerio de Relaciones Exteriores, email: jcordano@minrel.gob.cl
- Constance Nalegach, Jefa de la Oficina de Asuntos Internacionales, Ministerio del Medio Ambiente, email: cnalegach@mma.gob.cl
- Tamara Villanueva, Consejera, División de Medio Ambiente, Cambio Climático y Océanos, Ministerio de Relaciones Exteriores, email: tvillanueva@minrel.gob.cl
- Emilio Yañez, Tercer Secretario, División de Medio Ambiente y Cambio Climático y Océanos, Ministerio de Relaciones Exteriores, email: eyanezb@minrel.gob.cl

## HONDURAS

### Representante/Representative:

- Eleonora Ortez, Embajadora, Embajada de Honduras en Chile, email: secretaria@embajadadehonduras.cl

### **D. Países miembros de la Comisión que participan en calidad de observadores/ Member States of the Commission participating as observers**

## ESTADOS UNIDOS/UNITED STATES OF AMERICA

### Representante/Representative:

- José Fernández, Subsecretario de Estado, email FernandezJW@state.gov

### Miembros de la delegación/Delegation members:

- Alexander Hawkes, Primer Secretario, email: HawkesA@state.gov

- Mariju Bofill, Consejera de Asuntos Políticos y Económicos, email: BofillML@state.gov
- Rodrigo Garza, Asistente Especial, email: GarzaR@state.gov
- Alexis Gutiérrez, Especialista de Asuntos Económicos; Embajada de EE.UU.

**E. Representantes electos del público/  
Elected Representatives of the Public**

- Andrea Sanhueza, Representante del Público, Representante del Público, email: andreasanhuezae@gmail.com
- Andres Napoli, Director Ejecutivo, Fundación Ambiente y Recursos Naturales (FARN), email: anapoli@farn.org.ar
- Danielle Andrade Goffe, Attorney-at-Law, Elected Representative of the Public and Goffe Law, email: dandrade.law@gmail.com, (virtual)
- Karetta Crooks Charles, Alternate Elected Representative of the Public (Escazu Process) & Communications & Media Relations Manager (ECTEL), Eastern Caribbean Telecommunications Authority (ECTEL), email: karetta.charles@gmail.com
- Natalia Gomez, Asesora de Políticas de Cambio climático, EarthRights International, email: natalia@earthrights.org
- Tomás Severino Ortega, Director, Cultura Ecológica, email: tseverino@culturaecologica.org.mx

**F. Secretaría de las Naciones Unidas/  
United Nations Secretariat**

**Coordinadores Residentes/Resident Coordinators**

- María José Torres, Coordinadora Residente, Chile, email: torres8@un.org

**Oficina de los Coordinadores Residentes/Office of the Resident Coordinators**

- Paula Darville, Oficial Monitoreo y Evaluación, Chile, email: paula.darville@un.org

**Comisión Económica para Europa (CEPE)/Economic Commission for Europe (UNECE)**

- Zaal Lomtadze, Director Adjunto de la División de Medio Ambiente de la Comisión Económica para Europa (CEPE) – Secretaría de la Convención sobre el Acceso a la Información, la Participación del Público en la Toma de Decisiones y el Acceso a la Justicia en Asuntos Ambientales (Convención de Aarhus) (virtual)

**G. Sistema de las Naciones Unidas/  
United Nations System**

**Banco Mundial/World Bank**

- Anna Wellenstein, Directora Regional para América Latina y el Caribe del Grupo de Práctica de Desarrollo Sostenible (virtual)
- Bastian Pasten Delich, Counsel, World Bank, email: bpastendelich@worldbank.org, (virtual)

- Sofia de Abreu Ferreira, Lead Social Development Specialist, World Bank, email: sdeabreuferrera@worldbank.org, (virtual)
- Valeska David, Consultant, World Bank, email: vdavidcontreras@worldbank.org, (virtual)

**Entidad de las Naciones Unidas para la Igualdad de Género y el Empoderamiento de las Mujeres (ONU-Mujeres)/ United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)**

- María Noel Vaeza Baque, Directora Regional para las Américas y el Caribe, Panamá, email: regionaldirectoroffice.ac@unwomen.org
- Maria Ines Salamanca, Oficina en Chile

**Fondo de las Naciones Unidas para la Infancia (UNICEF)/United Nations Children’s Fund (UNICEF)**

- Paolo Mefalopulos, Representante, email: pmefalopulos@unicef.org
- Franca Rayanne, Youth & Adolescent Development Officer, Brasil, email: rmaximo@unicef.org (virtual)

**Oficina del Alto Comisionado para los Derechos Humanos (ACNUDH)/Office of the High Commissioner for Human Rights (OHCHR)**

- Michelle Bachelet Jeria, Alta Comisionada de las Naciones Unidas para los Derechos Humanos (virtual)
- Jan Jarab, Representante para America del Sur, email: jan.jarab@un.org
- Xavier Mena, Representante Adjunto para América del Sur, email: xavier.mena@un.org

**Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados (ACNUR)/Office of the United Nations High Commissioner for Refugees (UNHCR)**

- Alejandra Mallol, Programme Associate, email: alemallol@gmail.com (virtual)
- Marco López Arenas, Senior Supply Assistant, email: lopezare@unhcr.org

**Programa de las Naciones Unidas para el Desarrollo (PNUD)/United Nations Development Programme (UNDP)**

- Jessica Young, ROLSHR Programme and Policy Advisor for Environmental Climate Justice, Panamá, email: jessica.young@undp.org (virtual)

**Programa de las Naciones Unidas para el Medio Ambiente (PNUMA)/United Nations Environment Programme (UNEP)**

- Inger Andersen, Directora Ejecutiva del Programa de las Naciones Unidas para el Medio Ambiente (PNUMA) (video)
- Jacqueline Alvarez, Regional Director and Representative – LAC, email: jacqueline.alvarez@un.org
- Andrea Brusco, Coordinadora Regional de Gobernanza Ambiental, email: andrea.brusco@un.org

**H. Organizaciones Intergubernamentales/  
Intergovernmental organizations**

**Banco Centroamericano de Intergración Económica/Central American Bank of Economic Integration**

- Carlos Lopez, Oficial de Acceso a la Información, Banco Centroamericano de Integración Económica (BCIE), email: cflopez@bcie.org, (virtual)

**Comisión Europea/European Commission**

- Andrew Scyner, Dirección General de Cooperación Internacional y Desarrollo (DG DEVCO) (virtual)

**Organización de Cooperación y Desarrollo Económicos (OCDE)/Organisation for Economic Cooperation and Development (OECD)**

- Germán Zarama, Centro para la Conducta Empresarial Responsable (virtual)

**Organización de Estados del Caribe Oriental (OECO)/Organisation of Eastern Caribbean States (OECS)**

- Chamberlain Emmanuel, Jefe de la División de Sostenibilidad Ambiental

**Comunidad del Caribe (CARICOM)/Caribbean Community**

- Amrikha Singh, Secretaría de la Comunidad del Caribe (CARICOM) (virtual)

**Unión Interparlamentaria (UIP)/Inter-Parliamentary Union**

- Kareen Jabre, Directora de la División de Programas (virtual)

**ParlAmericas**

- Raúl Bolaños Cacho Cué (virtual)

**Parliamentarians for Global Action**

- Petra Bayr, PGA Treasurer (video)
- Monica Adame, Program Director, Parliamentarians for Global Action, email: monica.adame@pgaction.org, (virtual)
- Saarah Monawvil, Program Officer, Climate Action and Oceans Protection Campaigns, Parliamentarians for Global Action (PGA), email: saarah.monawvil@pgaction.org, (virtual)

**I. Agencias de cooperación/  
Cooperation agencies****Agencia Francesa de Desarrollo/ Agence française de développement**

- Juliette Grundman, Directora Regional para México, Costa Rica y Cuba (virtual)
- Karim Bourtel, Project Manager, email: bourtelk@afd.fr

**Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) y el Instituto Federal de Geociencias y Recursos Naturales (BGR)**

- Nicolas Maennling, Asesor Principal del programa Cooperación Regional para la Gestión Sustentable de los Recursos Mineros en los Países Andinos (MinSus)
- Cristina Munoz, Asesora, GIZ, email: cristina.munoz@giz.de

**J. Invitados de honor/  
Guests of honour**

- Gabriel Boric Font, Presidente de la República de Chile

**K. Invitados especiales/  
Special guests**

- Epsy Campbell Barr, Primera Vicepresidenta, email: (participación virtual)
- Antonia Urrejola Noguera, Ministra de Relaciones Exteriores, Ministerio de Relaciones Exteriores de Chile
- Maisa Rojas, Ministra de Medio Ambiente, Ministerio de Medio Ambiente de Chile
- Alicia Bárcena, ex Secretaria Ejecutiva de la Comisión Económica para América Latina y el Caribe (CEPAL)
- Adrián Peña, Ministro de Ambiente de Uruguay (virtual)
- Patricia Madrigal-Cordero, Especialista en derechos humanos y ambiente, Abogada, email: pmadrigalcordero@gmail.com
- Katta Alonso Raggio, Presidenta, MUZOSARE (Mujeres de Zona de Sacrificio en Resistencia), email: kalonsora@gmail.com
- Laura Serna, joven Campeona de Escazú de Colombia
- Nadino Calapucha, Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA)
- Ileana Hidalgo Rioja, presidencia de la Red de Transparencia y Acceso a la Información (RTA)
- Marcos Orellana, Relator Especial sobre sustancias tóxicas y derechos humanos de las Naciones Unidas, email: morellana@law.gwu.edu
- Sebastián Benfeld, Coordinador Nacional, Escazú Ahora Chile, email: sebastianbenfeld@gmail.com
- Jonas Ebbesson, ex Presidente del Comité de Cumplimiento, Convenio de Aarhus
- Jerzy Jendrośka, miembro del Comité de Cumplimiento, Convenio de Aarhus

**L. Otros participantes/  
Other participants**

- Beatriz Andrea Bordel, Secretaria de Primera Instancia, Poder Judicial Ciudad Autonoma de Buenos Aires, email: andibordel@gmail.com, (virtual)
- Carlos Cuervo, Abogado Dirección de Asuntos Ambientales, Fiscalía de Estado, Mendoza, Argentina, email: cmcuervo@gmail.com (virtual)
- Johnella Bradshaw, Redonda Ecosystem Reserve Coordinator, Environmental Awareness Group, Antigua y Barbuda, email: johnella.eag@gmail.com (virtual)
- Nneka Nicholas, Legal Consultant/ Attorney at Law, Department of Environment - Government of Antigua and Barbuda, email: nneka.nicholas@ab.gov.ag (virtual)
- Javier Lareo, Jefe de Cancillería, Embajada de Argentina en Chile, email: jlr@mrecic.gov.ar
- Guido Maiulini, Delegado Argentina, email: iio@mrecic.gov.ar
- Maria Antonella Parodi, Secretaria de Embajada – Diplomática, Ministerio de Relaciones Exteriores, Comercio Internacional y Culto, email: wwp@mrecic.gov.ar (virtual)
- Alejandra Salinas, Concejala electa con la primera mayoría comunal y segunda mayoría nacional, Concejo Municipal de la Ilustre Municipalidad de Maipú, email: concejalasalinas@maipu.cl
- Amparo Quiroga, Directora de Gestión y Monitoreo de Proyectos, Ministerio de Ambiente y Desarrollo Sostenible de la Nación, Argentina, email: aquiroga@ambiente.gob.ar (virtual)
- Rafael Antonio Bielsa, Embajador de la República de Argentina en Chile, email: rfb@mrecic.gov.ar
- Willy Canchari Choque, Jefe de Unidad de Programas de Medio Ambiente y Evaluación de Productos Químicos de Uso Agrícola, Ministerio de Medio Ambiente y Agua de Bolivia, email: willycanchari21@gmail.com (virtual)

- Christian Weimar Villarreal Durán, Tercer Secretario – Unidad de Madre Tierra y Agua, Ministerio de Relaciones Exteriores de Bolivia, email: cvillarreal@rree.gob.bo; elqamaqe@gmail.com (virtual)
- Rosmery Casillo, Profesional en Gestión de Normativas estratégicas para la Biodiversidad, Ministerio de Medio Ambiente y Agua de Bolivia, email: merychenel685@gmail.com (virtual)
- Fernando López Ariñez. Cónsul General de Bolivia en Chile, Ministerio de Relaciones Exteriores, email: flopez@consuladodebolivia.cl; ferlopezarinez@gmail.com
- Cintya Vargas Amurrio, Asesora, Vicepresidencia del Estado de Bolivia, email: jhesent1@gmail.com (virtual)
- Sonia Jurado, Asesora, Coordinación de Asuntos Ambientales Ministerio de Relaciones Exteriores de Colombia, email: sonia.jurado@cancilleria.gov.co (virtual)
- Diana Alegría Rodríguez, Asesora, Subdirección de Educación y Participación Ministerio de Ambiente y Desarrollo Sostenible de Colombia, email: drodriguez@minambiente.gov.co (virtual)
- Lizeth Carolina Quiroga Cubillos, Asesora, Subdirección de Educación y Participación Ministerio de Ambiente y Desarrollo Sostenible de Colombia, email: lquirogac@minambiente.gov.co (virtual)
- Diego Montes Ferro, Asesor, Oficina de Asuntos Internacionales, Ministerio de Ambiente y Desarrollo Sostenible de Colombia, email: dmontes@minambiente.gov.co (virtual)
- Gustavo Miranda Salgado, Secretario Técnico, Ayuntamiento de Uxpanapa, Veracruz. México, email: gmirandasal@gmail.com, (virtual)
- Ignacio Zavaleta, coordinador, Legisladores x el Ambiente, email: i.a.zavaleta@hotmail.com, (virtual)
- Laura Bermúdez, Asesora Biodiversidad, Ministerio de Ambiente y Desarrollo Sostenible, email: lbermudez@minambiente.gov.co, (virtual)
- Magdalena Toro, Relatora, Consejo de la magistratura CABA, email: mtoro@jusbaire.gob.ar, (virtual)
- Maria Alejandra Kapell, Analista Técnica, Ministerio de Ambiente de Panamá, email: mkapell@miambiente.gob.pa, (virtual)
- Maria Clara Borgese, Prosecretaria Letrada de Cámara, Poder Judicial de la Ciudad Autónoma de Buenos Aires, email: academicos.investigacion@gmail.com, (virtual)
- Sebastian Brian Lowry, Secretario de Sala, Poder Judicial de la Ciudad Autónoma de Buenos Aires, email: slowry@jusbaire.gob.ar, (virtual)
- Silvia Cappelli, Fiscal superior, Ministério Público, email: silvia.cappelli@gmail.com, (virtual)
- Tiago Fensterseifer, Defensor Público, Defensoria Pública de São Paulo, email: tfensterseifer@defensoria.sp.def.br, (virtual)

**M. Público/  
Public**

- Alfredo Pena-Vega, membre, Centre International de droit comparé de l'environnement, email: admin@cidce.org
- Andrea Detjen, coordinadora Área Desarrollo y Ambiente, CIEDUR, email: andreadetjen@gmail.com
- Ashley Walsh, Pasantia, estudiante de derecho, FIMA, email: ashley.alexander.walsh@gmail.com
- Bárbara Neira, Ingeniera de Proyectos, Asociación Chilena de Hidrógeno, email: barbara.neira@h2chile.com
- Benjamín Cofré Yáñez, Director, Corporación Motum, email: bcofrey@motumcorp.org
- Carmen Cristina Capriles Flores, Coordinator of LAC region, Women Earth and Climate Action Network (WECAN), email: carmengato@gmail.com
- Catalina Santelices Brunel, Cofundadora y Directora Ejecutiva, Latinas for Climate, email: catalinasantelicesb@gmail.com

- Cesar Gamboa Balbin, Director Ejecutivo, Derecho Ambiente y Recursos Naturales DAR, email: [cgamboa@dar.org.pe](mailto:cgamboa@dar.org.pe)
- Claudia Beatriz Ituarte Lima, Investigadora Senior/Senior researcher, Instituto Raoul Wallenberg & Universidad de Estocolmo, email: [claudia.ituarte-lima@rwi.lu.se](mailto:claudia.ituarte-lima@rwi.lu.se)
- Claudia Moray, Directora Instituto Derecho Ambiental, Asociación Argentinas de Justicia Constitucional. Colegio de abogados San Martín., email: [iderechoambiental@gmail.com](mailto:iderechoambiental@gmail.com)
- Christopher Hidalgo, Co-vocero, Movimiento Sociambiental Por el Agua y el Territorio- MOSACAT, email: [cristopherhidalgocornejo@gmail.com](mailto:cristopherhidalgocornejo@gmail.com)
- Daniel Barragán Terán, Director Centro Internacional de Investigaciones sobre Ambiente y Territorio, Universidad Hemisferios, email: [danielb@uhemisferios.edu.ec](mailto:danielb@uhemisferios.edu.ec)
- David Alexander Bernal Díaz, Director de Divulgación y Políticas Públicas, Centro de Investigación Educativa de Panamá, email: [dlbernal@uc.cl](mailto:dlbernal@uc.cl)
- Diego Cofré, Asesor Jurídico, Corporación Motum, email: [diegocofre.y@gmail.com](mailto:diegocofre.y@gmail.com)
- Ezio Costa, Director Ejecutivo, ong FIMA, email: [e.costa@fima.cl](mailto:e.costa@fima.cl)
- Fátima Contreras Tellez, Especialista legal en Políticas y Gobernanza Ambiental, Sociedad Peruana de Derecho Ambiental, email: [fcontreras@spda.org.pe](mailto:fcontreras@spda.org.pe)
- Felipe de la Fuente Benítez, Estudiante, Universidad San Sebastián, email: [felipe@delafuente.com.es](mailto:felipe@delafuente.com.es)
- Felipe Pino Zúñiga, Coordinador de Proyectos, ONG FIMA, email: [pino@fima.cl](mailto:pino@fima.cl)
- Felipe Pizarro Venegas, Abogado, Pizarro & Cia, email: [felipepizarro@pizarroycia.cl](mailto:felipepizarro@pizarroycia.cl)
- Francisco Chahuán Ibáñez, Director Ejecutivo, Ong Limpiando Inconsciencias, email: [contacto@limpiandoinconsciencias.org](mailto:contacto@limpiandoinconsciencias.org)
- Francisco Flores Conejeros, Estudiante, Universidad San Sebastián, email: [fa.floresconejeros@gmail.com](mailto:fa.floresconejeros@gmail.com)
- Francisco Parra, Director para América Latina y el Caribe, Climate Tracker, email: [francisco@climatetracker.org](mailto:francisco@climatetracker.org)
- Gabriel Concha Caicedo, Activista, Fridays For Future Chile, email: [gaboconchac@gmail.com](mailto:gaboconchac@gmail.com)
- Gabriela Herrera Malig, Presidenta ejecutiva, ONG CEUS Chile, email: [gherrera@ceuschile.cl](mailto:gherrera@ceuschile.cl)
- Gonzalo Alonso Rivera Morales, Administrador Público, Dimori Faja EIRL, email: [g.alonsoriveram@gmail.com](mailto:g.alonsoriveram@gmail.com)
- Gonzalo Peña, Académico Universitario, Universidad de Aconcagua, email: [gonzalo.pena.s@uaconcagua.cl](mailto:gonzalo.pena.s@uaconcagua.cl)
- Guillermo Soto Galvez, Secretario Departamento Desarrollo Comunitario, Ilustre Municipalidad de Lo Espejo, email: [gsoto@loespejo.cl](mailto:gsoto@loespejo.cl)
- Gustavo Alanis Ortega, Director Ejecutivo, Centro Mexicano de Derecho Ambiental (CEMDA), email: [galanis@cemda.org.mx](mailto:galanis@cemda.org.mx)
- Hans Alexis Hube Frias, Voluntario / Lider Nacional, Friday for Future Chile / Confederación de Estudiantes de las Ciencias Ambientales de la Educacion Superior, email: [hansalexishubefrias@gmail.com](mailto:hansalexishubefrias@gmail.com)
- Isabel López Meza, Especialista en Comunicación, Derecho, Ambiente y Recursos Naturales (DAR), email: [ilopez@dar.org.pe](mailto:ilopez@dar.org.pe)
- Isidora Francisca Riquelme Arredondo, Vocera, activista, articuladora internacional, Fridays For Future Chile, Tremendas Chile, IT'S NOW ORG, email: [isisfran.riquelme@gmail.com](mailto:isisfran.riquelme@gmail.com)
- Ismael Diaz, Coordinador De Acuerdos, Ascc Ministerio De Economia, email: [ismael.diaz@ascc.cl](mailto:ismael.diaz@ascc.cl)
- Ismaela Magliotto Quevedo, Coordinadora General / Head Coordinator, LCOY Chile (Local Conference of Youth of Chile), email: [ismagliotto@gmail.com](mailto:ismagliotto@gmail.com)
- Jackeline Del Rosario Borjas Torres, Asesora técnica y de comunicación del Programa de Defensa de Defensores y Defensoras Indígenas (PDDD), Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA), email: [jackeline.borjas@gmail.com](mailto:jackeline.borjas@gmail.com)



- Joanna Cornelius, Doctoral Candidate, Faculty of Law, Lund University, email: joanna.cornelius@jur.lu.se
- Johana Estefany Mendoza Vargas, Especialista en comunicaciones, Derecho, Ambiente y Recursos Naturales (DAR), email: jmendoza@dar.org.pe
- Judith Larissa Soto Villalobos, Activista e investigadora, La Ruta del Clima, email: larissa@larutadelclima.org
- Julieta Martinez, Fundadora, Fundación Tremendas, email: julieta@tremendas.cl
- Karla Maass Wolfenson, Asesora para América Latina, Climate Action Network (CAN), email: kmaass@climatenetwork.org
- Lina Muñoz Ávila, Profesora, Alianza por el Acuerdo de Escazú en Colombia, email: linamma@gmail.com
- Lola Esther Piyahuaje Siquihua, Vicepresidenta, Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana (CONFENIAE), email: maahuario@yahoo.com
- Maite Iribarren, Voluntaria, Fridays For Future Chile, email: iribarrencasanga@gmail.com
- Maria Grazia Campos Veintemilla, Representante del GIJ ante la Comisión Nacional de Cambio Climático, Grupo Impulsor Juvenil (GIJ) ante la Comisión Nacional de Cambio Climático / Activista Reportando, email: activistareportando@gmail.com
- Mariana Cruz Astudillo, Directora de Contenidos, ONG Ceus Chile, email: mcruz@ceuschile.cl
- Mariano Villares, Co- Fundador, Fundación Sustentabilidad sin Fronteras, email: marianov@sustentabilidadsf.org.ar
- Máximo Mazzocco, Presidente, Eco House Global, email: maximo@ecohouse.org.ar
- Miguel Hardy Guimaraes Vasquez, Vicepresidente, Asociación Interétnica de Desarrollo de la Selva Peruana (AIDSESP), email: mguiva@gmail.com
- Nicole Jheremy Leonardo Chanco, Coordinadora General, Munay PUCP, email: biomunay@gmail.com
- Nikol López Lillo, Estudiante, Universidad San Sebastián, email: nikollopez7@gmail.com
- Pamela Cifuentes Roca, Especialista en comunicación institucional, Derecho, Ambiente y Recursos Naturales (DAR), email: pcifuentes@dar.org.pe
- Pamela Venegas Campos, Coordinadora Apoyos/ Promotora Internacional ODS, Municipalidad San Javier/ Red Internacional de Promotores ODS/ Red de Gobierno Abierto, email: pamarq01@gmail.com
- Patricio Andrés Reyes Negrete, Centro de estudiantes ingeniería en energía y sustentabilidad ambiental, Universidad San Sebastián, email: preyesn@correo.uss.cl
- Paz Belén Quevedo Muñoz, Coordinadora de educación, Comité de defensa ambiental Cabrero, email: pazbelen2005quevedo@gmail.com
- Paz Suárez, Encargada de vinculación con el medio, Universidad SEK, email: paz.suarez@zonavirtual.uisek.cl
- Rodrigo Carreño Inostroza, Director área de Proyectos, CEUS Chile, email: rcarrenoi@ceuschile.cl
- Rosario Del Pilar Díaz Garavito, Directora Ejecutiva, The Millennials Movement, email: r.garavito@themillennialsmovement.org
- Sebastian Rivas Sepulveda, estudiante, USS, email: sebastian.rivas.sepu25@gmail.com
- Tomohiro Harada, Doctoral Candidate, Norwegian University of Life Science, email: tomohiro.harada@nmbu.no
- Valentina Inostroza, Asistente de gobernanza ambiental y encargada de políticas sociales y ambientales, World Wildlife Fund (WWF) Chile, email: valentina.inostroza@wwf.cl
- Vanessa Torres Rico, Subdirectora, Asociación Ambiente y Sociedad, email: vanessa.torrs@gmail.com

**N. Público virtual/  
Public attending remotely**

- Adrian Alberto Martínez Blanco, Director, Asociación La Ruta del Clima, email: [adrian.martinez@larutadelclima.org](mailto:adrian.martinez@larutadelclima.org), (virtual)
- Adriana Ergueta, Responsable de Comunicación, Corporate Accountability, email: [aergueta@stopcorporateabuse.org](mailto:aergueta@stopcorporateabuse.org), (virtual)
- Aldo Joseph Choquetarqui, Voluntario, Plataforma Boliviana de acción frente al cambio climático, email: [aldojosephjaja@gmail.com](mailto:aldojosephjaja@gmail.com), (virtual)
- Alexa Catherine Ortiz Rodríguez, Abogada, Por cuenta propia, email: [acor52@gmail.com](mailto:acor52@gmail.com), (virtual)
- Alexandra Goossens-Ishii, Programme Coordinator, Environment and Climate Advocacy, Soka Gakkai International, email: [alexandra.mg@sgi-ouna.org](mailto:alexandra.mg@sgi-ouna.org), (virtual)
- Alfonso Carvallo, CEO and Teacher, EliteSDGs Business Consulting, email: [elitesdgsconsulting@outlook.com](mailto:elitesdgsconsulting@outlook.com), (virtual)
- Alfonso Ramos, Coordinador General, Alianza Juvenil por la Sostenibilidad, A.C., email: [ajuves.ac@gmail.com](mailto:ajuves.ac@gmail.com), (virtual)
- Ana María León Flórez, Estudiante de Maestría en Derecho Ambiental y Sostenibilidad, Universidad de Alicante, email: [amlf.1065@gmail.com](mailto:amlf.1065@gmail.com), (virtual)
- Andrea Terrazas Ruiz, Estudiante, UAGRM, email: [andreatr2016@gmail.com](mailto:andreatr2016@gmail.com), (virtual)
- Angelina Isabel Valenzuela Rendón, Profesora investigadora del Departamento de Derecho, Universidad de Monterrey, email: [angelina.valenzuela@udem.edu](mailto:angelina.valenzuela@udem.edu), (virtual)
- Annie Morillo Cano, Independiente, Independiente, email: [annie.morillo.cano@gmail.com](mailto:annie.morillo.cano@gmail.com), (virtual)
- Antonieta Irene Prates, Analista Área Medioambiente y Desarrollo Sostenible, Defensoría del Pueblo de la Nación, email: [antoprates@gmail.com](mailto:antoprates@gmail.com), (virtual)
- Antonio Zambrano Allende, Asesor, Movimiento Ciudadano frente al Cambio Climático - MOCICC, email: [azambrano.a@protonmail.com](mailto:azambrano.a@protonmail.com), (virtual)
- Antuané Vera Román, Student, PUCP, email: [antuanee.vera@pucp.edu.pe](mailto:antuanee.vera@pucp.edu.pe), (virtual)
- Carole Excell, Director of Environmental Democracy, WRI, email: [cexcell@wri.org](mailto:cexcell@wri.org), (virtual)
- Catherine Flores Horna, Co Fundadora, Red de Jóvenes por el Agua Centroamérica, email: [cfloreshorna@gmail.com](mailto:cfloreshorna@gmail.com), (virtual)
- Cecilia Lichtschein, Experto en Gestión Ambiental, Consultor, email: [ing.cecilia.licht@gmail.com](mailto:ing.cecilia.licht@gmail.com), (virtual)
- César Martínez Torreblanca, CEO, Serce Group Consultoria, email: [serce.group@gmail.com](mailto:serce.group@gmail.com), (virtual)
- Constanza Cabrera González, estudiante, sociedad civil, email: [constanza.cabrera.g@usach.cl](mailto:constanza.cabrera.g@usach.cl), (virtual)
- Cristian Rojas Kari, Coordinador, Red Interquorum Apurimac, email: [cristian21negocios@gmail.com](mailto:cristian21negocios@gmail.com), (virtual)
- Danelia de la Caridad Diaz Verdia, Miembro de los grupos de trabajo STEM y Arte y Cultura, representante de Cuba, Latinas for Climate, email: [danieliadiaz404@gmail.com](mailto:danieliadiaz404@gmail.com), (virtual)
- Daniel Fernando Pinto Barragán, Coordinador académico, ProinAmbiente, email: [yoxdxd1105@gmail.com](mailto:yoxdxd1105@gmail.com), (virtual)
- Daniel Holness Carrasco, Director Ejecutivo, Asociación Centro De Estudios Y Acción Social Panameño, email: [padi\\_admon@cwpanama.net](mailto:padi_admon@cwpanama.net), (virtual)
- Daniele Duarte, Pesquisadora, Justiça Global, email: [daniele.duarte@global.org.br](mailto:daniele.duarte@global.org.br), (virtual)
- Diego Alejandro Saldívar Elizondo, Estudiante, Alumno del máster en derecho ambiental y sostenibilidad de la Universidad de Alicante, email: [diego.saldivare@gmail.com](mailto:diego.saldivare@gmail.com), (virtual)
- Dina Tabita Machaca Roque, Estudiante, UMSA, email: [72081256.dtmr@gmail.com](mailto:72081256.dtmr@gmail.com), (virtual)
- Eduardo Enrique Pichilingue Ramos, Coordinador en el Perú, Iniciativa Cuencas Sagradas/ Pachamama Perú, email: [epicyasuni@gmail.com](mailto:epicyasuni@gmail.com), (virtual)

- Eduardo Limón Aguirre-Berlanga, Presidente, Comunicación y Educación Ambiental S.C, email: edulimon@live.com, (virtual)
- Emilyn Troche Fernández, Consultor, Independiente, email: emilyn.trochefernandez@gmail.com, (virtual)
- Esther Camac Ramírez, Directiva, Asociación Ixacavaa de desarrollo e información indígena, email: ixacava@gmail.com, (virtual)
- Fabiana Bayá, Encargada del área de igualdad de género, Red mundial de jóvenes políticos, email: fabiana.baya.g@gmail.com, (virtual)
- Fécu Métellus, Student, Universidade Federal da Bahia (UFBA) - Brazil, email: metellusfecu3@gmail.com, (virtual)
- Fernando Hernández Pérez, Académico, FCS-UNACH, email: ferhe8@hotmail.com, (virtual)
- Gabrielle Alves de Paula, Investigadora Júnior, Plataforma CIPÓ, email: gabrielle@plataformacipo.org, (virtual)
- Georgina Muñoz, Co-presidenta, RENICC -GCAPLAC - AOED LAC- LATINDADD, email: georginanic@gmail.com, (virtual)
- Giovanni Rodriguez, Encargado, Fepes, email: giovannyrodriguezg@gmail.com, (virtual)
- Graciela Martínez González, Regional Campaigner Americas, Amnesty International, email: graciela.martinez@amnesty.org, (virtual)
- Grajam Zambrana, Voluntario, Plataforma de Acción frente al Cambio Climático, email: grajams98@gmail.com, (virtual)
- Isaac Paredes, N/A, Ciudadano, email: isaacparedesepin@hotmail.com, (virtual)
- Isatis Marie Cintron Rodriguez, Regional Coordinator of Latin America, Citizens Climate International, email: isatis.cintron@gmail.com, (virtual)
- Javiera Paz Lecourt Palacios, Directora, CEUS CHILE, email: jlecourt@ceuschile.cl, (virtual)
- Jean-Baptiste, Philippe, Maire Boudot, Asistente de Direccion, CANLA, email: asistentecanla@gmail.com, (virtual)
- Jefferson Castillo Esmeralda, Ingeniero Ambiental, Fridays For Future Ecuador, email: bolivarcastillo1976@gmail.com, (virtual)
- Jenny Gruenberger, Asesora Estratégica, LIDEMA, email: jennygruenberger@gmail.com, (virtual)
- Joana Abrego García, Gerente Legal, Centro de Incidencia Ambiental de Panamá, email: jabrego@ciampanama.org, (virtual)
- Joara Marchezini, Cordinadora de proyectos, Instituto Nupef, email: joaramarchezini@gmail.com, (virtual)
- Johanna Guzmán, Coordinadora Nacional Senior, Agencia de Sustentabilidad y Cambio Climático, email: johanna.guzman@ascc.cl, (virtual)
- Jorge Atilio Franza, Presidente de la Cámara Penal, Penal Juvenil, Contravencional y de Faltas de la CABA, Poder Judicial CABA, email: marucostarodrigues@gmail.com, (virtual)
- Jose Gudiño, Coordinador de Formación, Red de Adolescentes y Jóvenes Indígenas de Amazonas, email: josegregorio.rajia@gmail.com, (virtual)
- José Luis Bonomi, Coordinador, FUEDEM Fundación para el Desarrollo Estratégico de Mendoza, email: jlbonomi@gmail.com, (virtual)
- Joseph Julca Mendoza, Co-presidente, Sustainable Ocean Alliance (SOA) Chile, email: jjulca@uc.cl, (virtual)
- Juan Bautista Lopez, Coordinador de area, Fundación para el desarrollo de políticas sustentables, email: juanbautistalopez@fundeps.org, (virtual)
- Juan Carlos Carrillo Fuentes, Abogado Senior, Centro Mexicano de Donde Ambiental (CEMDA), email: jcarrillo@cemda.org.mx, (virtual)
- Juan Sebastián Avella Dallos, Equipo incidencia, Climalab, email: jsad02@gmail.com, (virtual)
- Katherine Valverde, Voluntaria, Fridays for future Ecuador, email: kathyvalverde1@gmail.com, (virtual)

- Laura Palmese Hernández, Directora Ejecutiva, Instituto de Derecho Ambiental de Honduras (IDAMHO), email: info@idamho.org, (virtual)
- Leandro Gomez, Coordinador de Programa de Inversiones y Derechos, Fundación Ambiente y Recursos Naturales, email: lgomez@farn.org.ar, (virtual)
- Leatrice Faraco Daros, Student, Universidade Federal de Santa Catarina, email: faracodaros@gmail.com, (virtual)
- Lenin Nuñez, Abogado, Instituto Nacional de Biodiversidad - INABIO, email: lenin.nunez@biodiversidad.gob.ec, (virtual)
- Luis Hernán Vargas Faulbaum, Consultant, Cepal, email: luis.vargasfaulbaum@un.org, (virtual)
- Luisa Fernanda Gómez Betancur, Consulting Attorney, Center for International Environmental Law, email: lgomez@ciel.org, (virtual)
- Magdolna Tóthné dr. Nagy, Executive Co-Director, Guta Environmental Law Association, email: tmagdi@rec.org, (virtual)
- Marcotulio Cardona, Juridico, Comité mundial ods, email: marcotcardona205@gmail.com, (virtual)
- Marcus M Holanda, Chefe da divisão de responsabilidade social, Universidade de Fortaleza, email: marcusholanda@unifor.br, (virtual)
- Maria Aguilar, Associate, Climate Justice, Ambiente y Sociedad, email: maguilar@ambienteysociedad.org.co, (virtual)
- Maria Belen Bertiller, Asesora, Administracion Publica Nacional, email: beluberti84@gmail.com, (virtual)
- María Camila Ramírez Ferreira, Pasante, Dejusticia, email: camila.ramirez.ferreira@gmail.com, (virtual)
- María Concepción Ajcot Camajá, Coordinadora de Enlaces, Ajkunel Radio, email: ajcot.concepcion@gmail.com, (virtual)
- María Cristina Figueroa Mamani, Miembro, Plataforma de Acción, email: macfm@outlook.com, (virtual)
- María Florencia Puebla, Abogada, Universidad de Buenos Aires, email: mfpuebla1@gmail.com, (virtual)
- María Florencia Torres Corpos, Coordinación de proyectos y sostenibilidad, Acción Colectiva, email: mariaflorenciatorres.90@gmail.com, (virtual)
- María Jose Lubertino, Presidenta, Coordinadora, Punto Focal Cono Sur, Asociación Ciudadana por los Derechos Humanos, Consejo Asesor Sociedad Civil Cancillería Argentina, Mesa de Vinculación Sociedad Civil de CEPAL, email: mariajoselubertino@gmail.com, (virtual)
- María Laura Carrizo Morales, Encargada de Proyectos, Fundeps Argentina, email: lauracarrizo@fundeps.org, (virtual)
- Maria Martha Fernández, Mediadora ambiental, Mediación Penal ambiental, email: mmfernandez1970@gmail.com, (virtual)
- Maria Moreno de los Rios, Gerente programas regionales amazónicos, Hivos, email: mmoreno@hivos.org, (virtual)
- María Ofelia Zamzem, Prof.Titular Derecho De Los Rrnn Y Proteccion Juridica Del Ambiente, Facultad de Derecho, Univ.Nacional De Catamarca (UNCA), email: ofezam@derecho.unca.edu.ar, (virtual)
- Mariana Blanco Puente, Coordinadora de proyectos en el Proyecto Transformación Social-Ecológica, Fundación Friedrich-Ebert, email: mariana.blanco@fesmex.org, (virtual)
- Marilyn Jacabel Escobar Vásquez, Secretaria de Medio Ambiente, Cambio Climático y Recursos Naturales, Coordinadora de Organizaciones de Mujeres Mayas COMAM, email: marilynescobar200530801@cunoc.edu.gt, (virtual)
- Mario G. Aguilera Bravo, Research Partner, Max Planck Institute, email: aguilerabravo@eth.mpg.de, (virtual)
- Mario Raul Gutierrez Mirada, Coordinador de proyecto, Pastoral Social Caritas Bolivia, email: mgutierrez@caritasbolivia.org, (virtual)
- Maritza Ambiado, Dirigente, Comité de defensa ambiental Cabrero, email: maritzambiado@gmail.com, (virtual)

- Martín Nicolás Arroyo, Abogado, Poder Judicial, email: martincho@hotmail.com, (virtual)
- Martín Vilela Peredo, Campaigner climate campaign, Corporate Accountability, email: mvilela@stopcorporateabuse.org, (virtual)
- Melissa Cáceres Rodas, Coordinadora de Creación y Desarrollo de Capacidades, Sustenta Honduras, email: melissa3caceres@gmail.com, (virtual)
- Melissa Hernández, Gender Officer, Latinas For Climate, email: melissa.hernandez@sdsnyouth.org, (virtual)
- Miguel Rojas, Coordinador De Juventud, Organización Regional De Los Pueblos Indígenas De Amazonas, email: rojasmiguel.rajia@gmail.com, (virtual)
- Mirna Castelnuovo Nunes, Student, Federal University of Minas Gerais, email: castelnovomirna@gmail.com, (virtual)
- Natalia Barrera, Voluntaria, ProinAmbiente, email: ing.nataliabarrera@gmail.com, (virtual)
- Nathalia Cubillos Barragán, Lideresa, Emergentes climáticos, email: ncubillosbarragan@gmail.com, (virtual)
- Oscar Rivas, Coordinador General, SOBREVIVENCIA, Amigos de la Tierra Paraguay, email: ecopolitica@sobrevivencia.org.py, (virtual)
- Palmira Cuellar Ramirez, Comité Operativo, RedLATM, email: palmira@comunidad.unam.mx, (virtual)
- Pamela Tapia, Directora del programa de voluntariado y participación ciudadana, Kalanbio, email: pamelatapia@kalanbio.com, (virtual)
- Patricia Quinones, Oficial de Proyecto, Oxfam en Perú, email: patricia.quinones@oxfam.org, (virtual)
- Patsy Contardo Urra, Coordinadora Conferencia Regional de la Juventud América Latina y el Caribe (RCOY LAC), Uno.Cinco, email: pncontardo@uc.cl, (virtual)
- Paula Fuentes Merino, Asesora, COP25, email: paulafuentesmerino@gmail.com, (virtual)
- Pilar Acosta, Coordinadora proyectos sector extractivo, Transparencia por Colombia, email: pilar.acosta@transparenciacolombia.org.co, (virtual)
- Rodrigo Loza, Secretario de Derechos Humanos, Federación Gráfica Bonaerense, email: fgbprensa@gmail.com, (virtual)
- Roxana Patricia Barroso Benavides, Voluntario, Plataforma boliviana de acción frente al cambio climático, email: roxana.barroso@outlook.es, (virtual)
- Ruben Gilardi, Secretario de Ambiente y condiciones laborales, Sindicato de Empleados de Farmacia, email: rogilardi@yahoo.com.ar, (virtual)
- Rubens Born, environmental policy expert, Fundação Grupo Esquel Brasil, email: rubensborn@gmail.com, (virtual)
- Ruth Cerezo Mota, Researcher, UNAM, email: rcerezom@iingen.unam.mx, (virtual)
- Sandra Moguel, Abogada, Asociación Interamericana para la Defensa del Ambiente, email: smoguel@aida-americas.org, (virtual)
- Santiago Aldana Rivera, Investigador justicia climática, Asociación Ambiente y Sociedad, email: saldana96@gmail.com, (virtual)
- Shaiel Amira Argandoña Camargo, Voluntaria, Latinas for Climate, email: alibelie115@gmail.com, (virtual)
- Sherrir Baver, Professor, City College and The Graduate Center-City University of New York, email: sbaver@gc.cuny.edu, (virtual)
- Sofia Echeverría, Ninguna, Ninguna, email: sofia.echeverria1962@gmail.com, (virtual)
- Sofia Mejía Órdenes, Pasante Desarrollo, Imelsa S.A., email: sofia.mejia@imelsa.cl, (virtual)
- Sofia Paz Murray Mora, Particular, Particular, email: sofia.murray@derecho.uchile.cl, (virtual)
- Thaisla Amaro Resplandes, Asistente administrativo, Sesc, email: thaislaresplandes4@gmail.com, (virtual)
- Vicenta García Vivas, Representante, Red de Voluntariado Ambiental UTEQ, email: vicentagvivas@gmail.com, (virtual)

- Victoria Castro, Sourcing specialist, South Pole, email: m.castro@southpole.com, (virtual)
- Viryiny Castrillo, Coordinadora Regional de América Latina y el Caribe, GCAP, email: viryiny.castrillo@gcap.global, (virtual)
- Ximena Ruz, Directora Ejecutiva (R), Agencia de Sustentabilidad y Cambio Climático, email: ximena.ruz@ascc.cl, (virtual)
- Yarivith Gonzalez, PhD, Unsl intequi conicet, email: yarithgon11@gmail.com, (virtual)
- Yudy Myldoryat López Molina, Estudiante, Universidad de Antioquia, email: ymyldoryat.lopez@udea.edu.co, (virtual)
- Zuleth Oriana Muñoz Velásquez, Defensora encargada de la Defensoría Socio Ambiental, Procuraduría de los Derechos Humanos, email: zulethoriana@gmail.com, (virtual)

### **O. Secretaría/ Secretariat**

#### **Comisión Económica para América Latina y el Caribe (CEPAL)/Economic Commission for Latin America and the Caribbean (ECLAC)**

- Mario Cimoli, Secretario Ejecutivo a.i. / Executive Secretary a.i., email: Mario.cimoli@cepal.org
- Raúl García Buchaca, Secretario Ejecutivo Adjunto para Administración y Análisis de Programas/Deputy Executive Secretary for Management and Programme Analysis, email: raul.garciabuchaca@cepal.org
- Luis Fidel Yáñez, Secretario de la Comisión/Secretary of the Commission, email: luis.yanez@cepal.org
- Romain Zivy, Jefe de Gabinete, Oficina de la Secretaria Ejecutiva/Chief of Staff, Office of the Executive Secretary, email: romain.zivy@cepal.org;
- Joseluis Samaniego, Director, División de Desarrollo Sostenible y Asentamientos Humanos/Chief, Sustainable Development and Human Settlements Division, email: joseluis.samaniego@cepal.org
- Carlos de Miguel, Head, Policies for Sustainable Development Unit / Escazú Agreement Secretariat, email: carlos.demiguel@cepal.org
- David Barrio Lamarche, Environmental Affairs Officer, Policies for Sustainable Development Unit / Escazú Agreement Secretariat, email: david.barrio@cepal.org
- Gabriela Burdiles, Associate Environmental Affairs Officer, Policies for Sustainable Development Unit / Escazú Agreement Secretariat, email: gabriela.burdiles@cepal.org,
- Jimena Arias Feijoó, Oficial de Asuntos Sociales, Secretaría de la Comisión/Social Affairs Officer, Office of the Secretary of the Commission, email: jimena.arias@cepal.org
- Enrique Oviedo, Oficial de Asuntos Políticos, Secretaría de la Comisión/Political Affairs Officer, Secretary of the Commission, email: enrique.oviedo@cepal.org
- Luis Flores Mimica, Asistente de Investigación, Secretaría de la Comisión/Research Assistant, Office of the Secretary of the Commission, email: luis.flores@cepal.org
- Karen Haase, Asistente de Gestión de Documentos, Secretaría de la Comisión, Senior Document Management Assistant, Secretary of the Commission, email: karen.haase@cepal.org

#### **Sede subregional de la CEPAL para el Caribe/ECLAC subregional headquarters for the Caribbean**

- Artie Dubrie, Coordinator Sustainable Development and Disaster Unit, email: dubrie@un.org (virtual)
- Jonatas de Paula, Associate Environmental Affairs Officer, email: jonatas.depaula@un.org (virtual)