



**Call to maintain the ambition of the procedures, modalities and standards for the meaningful participation of the public in the first Conference of the Parties of the “Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in America Latin America and the Caribbean”, and in the mechanisms and subsidiary bodies of the COP<sup>1</sup>**

In the run-up to the long-awaited first Conference of the Parties to the Escazu Agreement, first binding instrument in Latin America and the Caribbean for the promotion of Access to Information, Public Participation, Justice, and the protection of Environmental Defenders; as articulated civil society of the region, we express the need to prioritize the maintenance of the highest standards in matters of access to information and modalities of participation. The foregoing, to guarantee the effective participation of independent civil society during this first COP, and in the mechanisms and subsidiary bodies that will be established for the fulfilling of the Agreement.

In the first place, we reiterate our profound appreciation for the 12 ratifications of the current Parties, which have made possible the entry into force of the Escazu Agreement and the subsequent Conference of the Parties. This regional tool, if correctly implemented, promises to be a significant advance for contribute to the solution of the socio-environmental and climatic problems of Latin America. Likewise, with a sense of urgency, we ask the States that have not yet signed and/or ratified the Escazu Agreement, to commit as soon as possible to environmental democracy in the region through the signing and prompt implementation of this instrument.

As has been reported by the Secretariat of the Escazu Agreement, this first COP will have a hybrid format (face-to-face and digital), and the topics to be discussed will be mainly those established in Article 14, 15 and 18: i) Rules of conference procedure<sup>2</sup>, including rules on meaningful public participation; ii)

<sup>1</sup> The Legal Empowerment Network, of which Namati is the convener, is a community that brings together more than 10,000 people and 2,800 organizations from 160 countries, working for access to justice around the world together with vulnerable communities and groups. <https://namati.org/network/red-de-empoderamiento-juridico/>. For its part, Climate Action Network Latin America (CANLA), part of the Global Climate Action Network (CAN), which works to promote government action to address the climate crisis, with more than 1,300 members in more than 120 countries. <http://canla.org>.

<sup>2</sup> For more information on the content of the negotiations, review working and reference documents for the First Meeting of the Conference of the Parties to the Escazú Agreement. In particular, it is recommended to take into consideration the documents “Revised Proposed Rules of Procedure of the Conference of the Parties”; and “Revised proposal for the rules of



Rules of composition and operation of the Committee to Support Application and Compliance; and iii) Financial provisions that are necessary for the operation of the Agreement.

In this regard, the environmental and climate civil society organizations in the region, although we recognize the efforts that have been made in recent weeks by the Secretariat to strengthen public participation in the COP, we see that more ambition will be needed to achieve broad public participation in the region, especially in the current context of a pandemic and hybrid participation. To date, we have identified a lack of timely, clear and transparent information regarding the modalities and procedures for significant public participation (face-to-face and digital), hindering the democratic and participatory development of the negotiations.

For the negotiations on the Escazu Agreement to be faithful to the principles that have characterized the instrument and the procedures associated with its creation, we request the Secretariat and the Parties to take all necessary and timely measures to ensu

re the highest standards possible regarding citizen participation throughout the Conference, considering at least:

- 1) Ensure the largest possible number of seats for observers in person per room, ensuring that they are equal or more than the number of signatory States.
- 2) The preparation and publication of clear protocols, which ensure that the participation of observers connected through digital platforms is accessible, constant, relevant and timely. Likewise, limit the instances of decision of an exclusively face-to-face nature while the COVID-19 pandemic lasts.
- 3) Establish mechanisms for the permanent representation of indigenous peoples; and Afro-descendant communities, peasants, and other vulnerable communities in the decision-making processes of the COP; including mechanisms to ensure the inclusion of these groups in the Implementation Committee and the election of the Representatives of the Public.



- 4) Seek mechanisms to ensure that the public can participate in the negotiations in a meaningful way, and independently of the Parties and their delegations, including financial support for such public participation.
- 5) Establish legal empowerment strategies so that the groups that the Agreement aims to benefit and protect are aware of the procedures, mechanisms, and instances of participation in the framework of the COP and the Agreement, in a clear, accessible, timely and adequate manner.

Finally, we consider of special importance the deepening and approval of the "Revised Proposal on the rules of composition and operation of the Committee to Support Application and Compliance"<sup>3</sup>, in order to achieving an effective application of the Agreement in favor of the most vulnerable communities affected in the region. In this regard, we highlight and ask the approval of:

- Article 5, which seeks to ensure a diverse composition of the Committee in terms of geography and gender. Notwithstanding on that, we recommend adding an ethnic diversity approach, and less relevance to the requirement of experience and legal knowledge, incorporating criteria of inclusivity and taking into account the practical experience of the candidates.
- Articles 22, 23, and 28 that establish the possibility for members of the public to present communications on the non-compliance of one of the Parties; the ability of the Committee to establish protection mechanisms in situations of risk for said members; and the possibility for members of the public to submit written observations on the case, respectively.
- Article 33, which establishes the right of members of the public to provide information to the Committee; and to participate in the sessions of the Committee, especially in monitoring the implementation by the Party concerned of the conclusions of the Committee.

The member organizations of Climate Action Network Latin America, the Vulnerable Central America Forum, and the Legal Empowerment Network in Latin America, as well as the rest of the organizations that sign this statement; reaffirm our availability to support the Secretariat and Parties in meeting these

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<sup>3</sup> Full document available at: <https://acuerdodeescazu.cepal.org/cop1/es/documentos/revise-proposal-rules-composition-functioning-comite-support-the-application>



minimum requirements, as well as collaborating so that the first of the Escazu Agreement successfully achieves the development of its activities.

**For environmental and climate justice for Latin America and the Caribbean, and for the protection of environmental defenders in our region!**

- Climate Action Network Latinoamérica
- Foro Centroamérica Vulnerable
- Red de Empoderamiento Jurídico Latinoamérica
- Asociación Civil por la Igualdad y la Justicia (ACIJ), Argentina
- CIMA ONG Ambiental, Argentina
- Foro del Buen Ayre, Argentina
- Fundación para el Desarrollo de Políticas Sustentables (Fundeps), Argentina
- Sustentabilidad Sin Fronteras, Argentina
- Xumek, Argentina
- Fundacao Grupo Esquel, Brasil
- Instituto Maíra, Brasil
- Centro de Documentación e Información Bolivia (CEDIB), Bolivia
- Liga de Defensa del Medio Ambiente (LIDEMA), Bolivia
- Plataforma Boliviana frente al Cambio Climático, Bolivia
- Reacción Climática, Bolivia
- Salvaginas Colectiva Ecofeminista, Bolivia
- Alerta Isla Riesco, Chile
- CEUS, Chile
- Escazú Ahora Chile
- ONG FIMA, Chile
- Asociación Ambiente y Sociedad, Colombia
- ClimaLab, Colombia
- Comunicación y Educación Ambiental SC, Colombia
- Fundación Pachamama, Ecuador
- Unidad Ecológica Salvadoreña (UNES), El Salvador
- Asociación de Organizaciones No Gubernamentales de Honduras (ASONOG)
- Centro de Desarrollo Humano (CDH), Honduras
- Centro Hondureño de Promoción para el Desarrollo Comunitario (CEHPRODEC), Honduras
- Instituto de Derecho Ambiental de Honduras (IDAMHO), Honduras
- Sustenta Honduras
- Fundar Centro de Análisis e Investigación, México
- PASO Verde A.C, México
- Proyecto de Derechos Económicos Sociales y Culturales (ProDESC), México
- Centro Nicaraguense de Conservación Ambiental (CENICA), Nicaragua
- Fundación Asla, Nicaragua
- Tierraviva, Paraguay
- CooperAcción, Perú
- Movimiento Ciudadano frente al Cambio Climático (MOCICC), Perú
- Alianza para la Acción Climática, Venezuela
- CooperAcción, Perú
- Amigos del Viento, Uruguay
- 350.org
- Consejo de Mujeres Indígenas y Biodiversidad (CMIB)
- Corporate Accountability, Campaña de Clima América Latina
- Earthrights International
- Iniciativa Cuencas Sagradas
- Latin America and the Caribbean Engagement Mechanisms (LACEMOS)