

The Escazú AGREEMENT

Kishan Kumarsingh

Outline

- Genesis – Principle 10 of the Rio Declaration
- Evolution in the region
 - Regional, sub-regional and international agreements/arrangements
 - Multilateral Environmental Agreements (MEAs)
 - SDGs
- National Policy/Legislative Frameworks in the Region
- Role and provisions of the Escazu Agreement

Genesis – Principle 10 of the Rio Declaration on Environment and Development (1992)

1. **Citizens participation** - Environmental issues are best handled **with participation of all concerned citizens**, at the relevant level.
2. **Access to information** - At the national level, each individual shall have **appropriate access to information** concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the **opportunity to participate in decision-making** processes.
3. **Access to environmental justice** - States shall facilitate and encourage public awareness and participation by making information widely available. **Effective access to judicial and administrative proceedings**, including redress and remedy, shall be provided.

Genesis – Principle 10 of the Rio Declaration on Environment and Development (1992)

The spirit and letter of Principle 10 provides for more effective environmental governance in the context of sustainable development:

- ▶ More effective democracies, better functioning economies and greater justice = greater societal benefits through protection of rights, responsibility and accountability
- ▶ Greater recognition of environmental quality as a public good and a fundamental right
- ▶ Increasing responsibility role of State to its citizens to foster:
 - ▶ A culture of collective development based on participation and inclusiveness
 - ▶ A strategic vision of long-term development
 - ▶ Active State policies/legislation to provide enabling environment
 - ▶ A system of fundamental value: coherence, transparency, effectiveness

Evolution in the region

International/Multilateral

Multilateral Environmental Agreements (MEAs) and SDGs

- Subscribe to Agenda 2030 and the SDGs
- Countries of the region are already ratified signatories of MEAs that are premised on provisions of Principle 10

Evolution in the region

International/Multilateral

SDGs

The full implementation of **Principle 10 must be at the heart of the 2030 Development Agenda** in order to guarantee that all persons, including vulnerable groups and the poor, have access to reliable information and can participate in decisions which affect their lives, allowing for a fairer distribution of benefits and placing equality at the core of sustainable development.

Evolution in the wider region

Principle 10 in action in LAC

- The region has made great strides...
 - 20 countries recognize the right of persons to live in a healthy environment in their constitutions
 - 22 countries have enacted freedom of information laws
 - 20 countries provide for the right of any person or group to bring legal actions to safeguard the environment
 - 25 countries have provisions in their general laws on the environment to promote public participation
 - 18 countries have specialized entities, judicial or otherwise, in environmental matters

Evolution in the wider region

Principle 10 in action in LAC

- ... but many challenges remain:
 - Environmental degradation, vulnerabilities and pressures
 - Marked inequalities
 - Socio-environmental conflicts
 - Environmental rights defenders

	Antigua and Barbuda	The Bahamas	Barbados	Belize	Dominica	Granada	Guyana	Haiti	Jamaica	Saint Kitts and Nevis	Saint Vincent and the Grenadines	Saint Lucia	Suriname	Trinidad and Tobago
Minamata Convention on Mercury, 2013	2016						2014		2017	2017				
International Treaty on Plant Genetic Resources for Food and Agriculture, 2001	2017						2015	2001	2006			2003		2004
Stockholm Convention on Persistent Organic Pollutants, 2001	2003	2005	2004	2010	2003		2007	2001	2007	2004	2005	2002	2011	2002
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 1998	2010		1998	2005	2005		2007		2002	2012	2010	1999	2000	2009
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994	1997	2000	1997	1998	1997	1997	1997	1996	1997	1997	1998	1997	2000	2000
Convention on Biological Diversity, 1992	1993	1993	1993	1993	1994	1994	1994	1996	1995	1993	1996	1993	1996	1996
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010	2016					2011	2014							
Nagoya - Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, 2010	2011													
Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 2000	2003	2004	2002	2004	2004	2004	2008	2000	2012	2001	2003	2005	2008	2000
United Nations Framework Convention on Climate Change, 1992	1993	1994	1994	1994	1993	1994	1994	1996	1995	1993	1996	1993	1997	1994
Paris Agreement, 2015	2016	2016	2016	2016	2016	2016	2016	2017	2017	2016	2016	2016	2016	2018
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989	1993	1992	1995	1997	1998		2001	1989	2003	1994	1996	1993	2011	1994
Vienna Convention for the protection of the Ozone Layer, 1985	1992	1993	1992	1997	1993	1993	1993	2000	1993	1992	1996	1993	1997	1989
Montreal Protocol on Substances that Deplete the Ozone Layer, 1987	1992	1993	1992	1998	1993	1993	1993	2000	1993	1992	1996	1993	1997	1989
Convention on the Conservation of Migratory Species of Wild Animals, 1979	2007													
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973	1997	1979	1992	1986	1995	1999	1977		1997	1994	1988	1982	1980	1984

	Access to information	Participation	Access to justice	Capacity-building
Paris Agreement	X	X		X
Minamata Convention	X	X		X
Stockholm Convention	X	X		X
Rotterdam Convention	X	X	X	X
United Nations Convention to Combat Desertification	X	X	X	X
Convention on Biological Diversity	X	X	X	X
United Nations Framework Convention on Climate Change	X	X		X
Kyoto Protocol	X	X		X
Basel Convention	X	X	X	X
Vienna Convention	X	X	X	X
Montreal Protocol	X	X		X
CITES	X	X	X	X
Ramsar Convention	X	X		X

Evolution in the region

Regional:

- ▶ **1989 Port of Spain Accord on the Management and Conservation of the Caribbean Environment**, signed by Ministers of Environment of the Caribbean at the First CARICOM Ministerial Conference on the Environment
 - ▶ Identified the promotion of public education and awareness and the collection and dissemination of environmental information as strategic approaches for environmental protection
- ▶ **1991 Port of Spain Consensus**
 - ▶ Democratization and social partnership – recognised that development is for people

Evolution in the region

Sub-Regional:

At CARICOM

- ▶ Port of Spain Accord
- ▶ Port of Spain Consensus
- ▶ Treaty of Chaguaramas
- ▶ CARICOM Charter of Civil Society – recognition of rights in a democratic society, including greater accountability and transparency in government

Evolution in the region

OECS

- ▶ Saint George's Declaration of Principles of Environmental Sustainability
- ▶ Revised Treaty of Basseterre

Evolution in the region

OECS

Saint George's Declaration of Principles for Environmental Sustainability (2001):

- ▶ Principles 1, 3, 4, 5 and 7 specifically relate to access rights, including stakeholder partnerships, active transparency measures such as the creation of centralized or networked national data management systems on the status of natural resources, and the meaningful and informed participation of civil society, the private sector, and local level governments and administrations in decision-making on the environment.

Revised Treaty of Basseterre (2011)

- ▶ Makes the Saint George's Declaration binding and, in so doing, calls for the incorporation of the “objectives, perspectives, resources, knowledge and talents of all of society in environmental management” (article 24)
- ▶ Article 5.5 clearly states that none of its provisions will preclude public participation by a Member State

Evolution in the region

At National Levels

▶ **Constitutions**

- ▶ Freedom of expression, peaceful assembly and association, rule of law and due process
- ▶ Constitution of Guyana: article 149J “everyone has the right to an environment that is not harmful to his or her health or well-being”; article 25 “duty to participate in activities designed to improve the environment and protect the health of the nation”
- ▶ Constitution of Jamaica: Section 13(3)(I) the right to enjoy a healthy and productive environment free from the threat of injury or damage from environmental abuse and degradation of the ecological heritage

▶ **Physical planning laws**

- ▶ General environmental laws
- ▶ Environmental health services acts
- ▶ Sectoral environmental laws

▶ **Freedom of information laws**

▶ **Common law principles**

- ▶ legitimate expectations
- ▶ right to fair hearing
- ▶ natural justice

Evolution in the region

At National Levels

General environmental laws in the Caribbean

Country	Name of the law	Year of adoption (amendment)
Antigua and Barbuda	Environmental Protection and Management Act (No. 11 of 2015)	2015
Bahamas	Conservation and Protection of the Physical Landscape Act (No. 12 of 1997)	1997 (2000)
Belize	Environmental Protection Act (No. 22 of 1992)	1992 (2009)
Guyana	Environmental Protection Act (No. 11 of 1996)	1996 (2005)
Haiti	Décret portant sur la Gestion de l'Environnement	2006
Jamaica	Natural Resources Conservation Authority Act (No. 9 of 1991)	1991
Saint Kitts and Nevis	National Conservation and Environment Protection Act (No. 5 of 1987)	1987 (1996)
Saint Lucia	Land Conservation and Improvement Act (No. 10 of 1992)	1992
Suriname	Nature Conservation Act (No. 26 of 1954)	1954 (1992)
Trinidad and Tobago	Environmental Management Act (No. 3 of 2000)	2000 (2014)

Evolution in the region

At National Levels

Freedom of information laws in the Caribbean

Country	Name of the law	Year of adoption (amendment)
Antigua and Barbuda	Freedom of Information Act (No. 19 of 2004)	2004
Bahamas	Freedom of Information Act (No. 1 of 2017)	2017
Belize	Freedom of Information Act (No. 9 of 1994)	1994
Guyana	Access to Information Act (No. 21 of 2011)	2011
Jamaica	Access to Information Act (No. 21 of 2002)	2002
Saint Vincent and the Grenadines	Freedom of Information Act (No. 27 of 2003)	2003
Trinidad and Tobago	Freedom of Information Act (No. 26 of 1999)	1999

Evolution in the region

At National Levels

Physical planning laws in the Caribbean

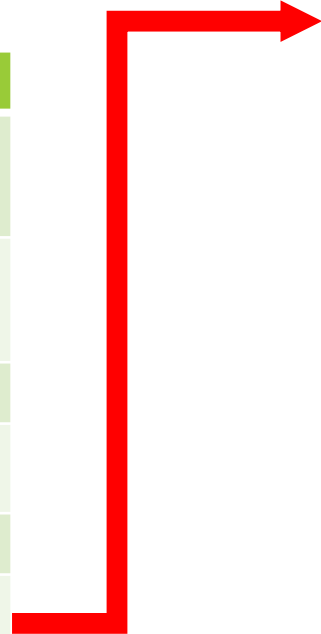
Country	Name of the law	Year of adoption (amendment)
Antigua and Barbuda	Physical Planning Act (No. 6 of 2003)	2003
Bahamas	Planning and Subdivision Act (No. 4 of 2010)	2010
Barbados	Town and Country Planning Act (No. 14 of 1968)	1968
Belize	Housing and Planning Act Land Utilization Act	1947 (2000) 1981 (2000)
Dominica	Physical Planning Act (No. 5 of 2002)	2002
Grenada	Physical Planning and Development Control Act (No. 25 of 2002)	2002 (2016)
Guyana	Town and Country Planning Act (No. 24 of 1946)	1948 (1998)
Haiti	<i>Décret-loi établissant les règles spéciales relatives à l'aménagement des villes et campagnes</i>	1937 (1971)
	<i>Loi établissant des règles spéciales relatives à l'habitation et à l'aménagement des villes et des campagnes en vue de développer l'urbanisme</i>	1963
	<i>Décret sur le lotissement</i>	1977
Jamaica	Town and Country Planning Act (No. 42 of 1957)	1958
Saint Kitts and Nevis	Development Control and Planning Act (No. 14 of 2000)	2000
Saint Vincent and the Grenadines	Town and Country Planning Act (No. 45 of 1992)	1992
Saint Lucia	Physical Planning and Development Act (No. 29 of 2001)	2003
Suriname	Urban Planning Act (No. 96 of 1972)	1972
	National Planning Act (No. 89 of 1973)	1973
Trinidad and Tobago	Planning and Facilitation of Development Act (No. 10 of 2014)	2014

So what is the relevance of the Escazú Agreement?

- Concrete expression of the ultimate goal of the 2030 Agenda: Leaving no one behind. Establishes specific measures in favor of persons and groups in vulnerable situation and seeks to overcome barriers to exercise access rights and to prevent any form of discrimination.
- Focuses on basic democratic rights and Rule of Law: governance, transparency, accountability, inclusion, participation
- Seeks to strengthen informed decision-making: governments, individuals and private sector
- Provides legal certainty, channels public participation and reduces socio-environmental conflict
- Builds legitimacy and social cohesion
- Facilitates implementation of national and international legal and policy frameworks
- Establishes domestic obligations (vertical application), but also among States in relation to cooperation and capacity building (horizontal implications), and creates a common standard for implementation.
- Centrality of capacity building and cooperation.
- **Special nature of environmental matters**
 - Inexistence of boundaries
 - Difficulties in restoration / irreversible damages
 - Immediacy and urgent action
 - Overriding public interest / diffuse interest
 - Asymmetries of information, tools and power
 - Difficulties in determining liabilities
 - Highly technical (scientific)
 - Vulnerable groups

How did we get here?

International context	
1992	Río de Janeiro – UN Conference on Environment and Development (Principle 10 of the Declaration)
1994	Barbados – Global Conference on the Sustainable Development of Small Island Developing States
1998	Aarhus – Aarhus Convention
2002	Johannesburg – World Summit on Sustainable Development
2010	UNEP Bali Guidelines
2012	UN Conference on Sustainable Development (Rio +20)
2014	Resolution on the implementation of Principle 10 at the First UNEA
2014	Lima Ministerial Declaration (COP 20 UNFCCC)
2016	Resolution on Principle 10 at the Second UNEA
2018	Final report of the UN Special Rapporteur on Human Rights and the Environment



Developments in Latin America and the Caribbean	
2012	Declaration on the Application of Principle 10 in Latin America and the Caribbean
2013	Declaration of the First Summit of the Community of Latin American and the Caribbean (CELAC)
2013	Guadalajara Action Plan for the implementation of the Declaration on the Application of Principle 10 in LAC
2013	Lima vision for a regional instrument on access rights relating to the environment
2014	Declaration of the XIX meeting of the Forum of Ministers of the Environment of Latin America and the Caribbean
2014	Resolution 686 (XXXV) of the thirty-fifth session of ECLAC
2014	San Jose Contents for the Regional Instrument
2014	Beginning of the negotiations on the regional instrument on access to information, participation and justice in environmental matters in Latin America and the Caribbean
2016	Declaration of the XX meeting of the Forum of Ministers of the Environment of Latin America and the Caribbean
2016	Resolution 706 (XXXVI) of the thirty-six session of ECLAC
2018	Adoption of the Escazu regional agreement



The Escazú Agreement

Art. 1 – Objectives

The objective of the present Agreement is to **guarantee the full and effective implementation in Latin America and the Caribbean of the rights of access** to environmental information, public participation in the environmental decision-making process and access to justice in environmental matters, and the **creation and strengthening of capacities and cooperation**, contributing to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development.



The Escazú Agreement

Art. 5 – Access to Environmental Information

• *Accessibility of environmental information*

- Obligation to ensure the public's right of access to environmental information in accordance with the principle of maximum disclosure
- Right to request and receive information without mentioning any special interest or explaining the reasons for the request; be informed promptly whether the requested information is in possession or not of the authority and of the right to challenge and appeal and requirements
- Facilitate access for persons or groups in vulnerable situations
- Persons or groups in vulnerable situations, including indigenous peoples and ethnic groups, shall receive assistance in preparing their requests

• *Refusal of access to environmental information*

- Legally established in advance, clearly defined and regulated taking into account public interest and interpreted restrictively
- Communicate refusal in writing, including the legal provisions and the reasons justifying the decision in each case, and inform the applicant of the right to challenge and appeal
- Limited exceptions when a Party does not have a domestic legal regime of exceptions
- Test of public interest and divisibility of information

• *Conditions applicable to the delivery of environmental information*

- In the format requested by the applicant, if available, as quickly as possible (maximum of 30 business days or less)
- Possibility of extending the deadline in exceptional circumstances, with notification and for a maximum of 10 business days
- Disclosed at no cost, except for reproduction or delivery costs (reasonable and made known in advance, and payment can be waived)

• *Independent review mechanisms*

- Autonomous, independent and impartial entity

The Escazú Agreement



Art. 5 – Access to Environmental Information

What is environmental information?

- Environment and its elements
- Natural Resources
- Environmental risks
- Adverse impacts on environment and health
- Environmental protection
- Environmental management



The Escazú Agreement

Art. 6 – Generation and dissemination of environmental information

- Generation and dissemination of environmental information (encourage disaggregation and decentralization at the subnational and local levels, accessible formats and measures for persons and groups in vulnerable situations)
- Have in place one or more environmental information systems
- Take steps to establish Pollutant Release and Transfer Registers
- Obligation to immediately disclose and disseminate through the most effective means all pertinent information in cases of imminent threat to public health or the environment. Develop and implement early warning system
- Periodic reports on the state of the environment
- Independent environmental performance reviews
- Information on contracts, authorizations and permits
- Information of private entities (information for consumers, sustainability reports, etc.)



The Escazú Agreement

Art. 6 – Generation and dissemination of environmental information

Environmental Information System

1. Treaties, international agreements, env. laws, regulations & administrative acts
2. State of the environment reports
3. List of public env. entities & their areas of operation
4. List of polluted areas, by type of pollutant & location
5. Info. on use & conservation of natural resources & ecosystem services
6. Scientific, technical or technological reports, studies & info. on env. matters
7. Climate change sources aimed at building national capacities
8. Info. on EIA processes, env. management instruments & env. licences or permits
9. Estimated list of waste by type, volume, location & year
10. Info. on administrative sanctions imposed in env. matters



The Escazú Agreement

Art. 7 – Public participation in environmental decision-making

- Ensure the public's right to participation - open and inclusive participation
- Guarantee mechanisms for the participation of the public in decision-making processes, revisions, re-examinations or updates with respect to projects and activities, and in other processes for granting environmental permits that have or may have a significant impact on the environment
- Promote the participation of the public in decision-making processes, revisions, re-examinations or updates other than those referred to in paragraph 2 of the present article with respect to environmental matters of public interest, such as land-use planning, policies, strategies, plans, programmes, rules and regulations, which have or may have a significant impact on the environment
- Adopt measures to ensure that the public can participate from the early stages
- Provide the public with the necessary information in a clear, timely and comprehensive manner. At least a minimum (type/nature of decision, procedures for participation, responsible authority, etc)
- Reasonable timeframes
- Right to present observations through appropriate means available. Given due consideration
- Public informed in a timely manner of the decisions and its grounds. The decision and its basis shall be made public and be accessible
- Establish conditions that are favourable to public participation and that are adapted to the social, economic, cultural, geographical and gender characteristics of the public
- Affirmative measures for the directly affected public
- Promotion of public participation in international forums and negotiations on environmental matters or with an environmental impact and at the national level on matters of international environmental forums



The Escazú Agreement

Art. 7 – Public participation in environmental decision-making

- Special consideration of persons and groups in vulnerable situations
 - Efforts to identify and support persons or groups in vulnerable situations – adequate media and formats
 - Observation of domestic legislation and international obligations in relation to the rights of indigenous peoples and local communities
- Additional measures for activities and projects
 - Make efforts to identify the public directly affected and promote specific actions to facilitate their participation
 - Make information public (area of influence, impacts, related measures, non-technical summary, monitoring actions, etc.)



The Escazú Agreement

Art. 8 – Access to justice in environmental matters

- Guarantee the right of access to justice in environmental matters in accordance with the guarantees of due process
- Access to judicial and administrative mechanisms:
 - Decision, action or omission on access to environmental information
 - Decision, action or omission on public participation in the decision-making process regarding environmental matters;
 - Any other decision, action or omission that affects or could affect the environment adversely or violate laws and regulations related to the environment
- Each Party shall have, considering its circumstances:
 - Competent State entities with access to expertise in environmental matters
 - Effective, timely, public, transparent and impartial procedures that are not prohibitively expensive
 - Broad active legal standing in defence of the environment, in accordance with domestic legislation
 - The possibility of ordering precautionary and interim measures
 - Measures to facilitate the production of evidence of environmental damage, when appropriate and as applicable
 - Mechanisms to execute and enforce judicial and administrative decisions in a timely manner
 - Mechanisms for redress, where applicable
- Each Party shall establish:
 - Measures to minimize or eliminate barriers to the exercise of the right of access to justice
 - Means to publicize the right of access to justice and the procedures to ensure its effectiveness;
 - Mechanisms to systematize and disseminate judicial and administrative decisions, as appropriate; and
 - The use of interpretation or translation of languages other than the official languages when necessary
- Special consideration of persons or groups in vulnerable situations
 - Establish support mechanisms, including, as appropriate, free technical and legal assistance
- Judicial and administrative decisions adopted and their legal grounds shall be set out in writing
- Promote, where appropriate, alternative dispute resolution mechanisms in environmental matters



The Escazú Agreement

Art. 9 – Human rights defenders in environmental matters

- Each Party shall guarantee a **safe and enabling environment** for persons, groups and organizations that promote and defend human rights in environmental matters, so that they are able to act free from threat, restriction and insecurity.
- Each Party shall take **adequate and effective measures to recognize, protect and promote all the rights of human rights defenders in environmental matters**, including their right to life, personal integrity, freedom of opinion and expression, peaceful assembly and association, and free movement, as well as their ability to exercise their access rights, taking into account its international obligations in the field of human rights, its constitutional principles and the basic concepts of its legal system.
- Each Party shall also take **appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations** that human rights defenders in environmental matters may suffer while exercising the rights set out in the present Agreement.



The Escazú Agreement

Art. 10-12 Capacity-building, cooperation and clearing house

- Creation and strengthening of national capacities, based on national priorities and needs:
 - Train authorities and civil servants on environmental access rights
 - Develop and strengthen environmental law and access rights awareness-raising and capacity-building programmes for, inter alia, the public, judicial and administrative officials, national human rights institutions and jurists
 - Provide the competent institutions and entities with adequate equipment and resources;
 - Promote education and training on, and raise public awareness of, environmental matters
 - Develop specific measures for persons or groups in vulnerable situations, such as providing interpreters or translators in languages other than official languages when necessary;
 - Acknowledge the importance of associations, organizations or groups that train the public on or raise public awareness of access rights; and
- Cooperation to strengthen national capacities through activities and mechanisms such as:
 - Discussions, workshops, expert exchanges, technical assistance, education and observatories;
 - Developing, sharing and implementing educational, training and awareness-raising materials and programmes;
 - Sharing experiences of voluntary codes of conduct, guidelines, good practices and standards; and
 - Committees, councils and forums of multisectoral development stakeholders to address cooperation priorities and activities.
 - **Particular consideration to least developed countries, landlocked developing countries and small island developing States from Latin America**
 - Encourage partnerships with States from other regions, intergovernmental, non-governmental, academic and private organizations, as well as civil society organizations and other relevant stakeholders
 - Recognize that regional cooperation and information-sharing shall be promoted in relation to all aspects of illicit activities against the environment
- Clearing house
 - The Parties shall have a virtual and universally accessible clearing house on access rights. Operated by ECLAC and may include, inter alia, legislative, administrative and policy measures, codes of conduct and good practices.



The Escazú Agreement

What then is the added value?

- Protection of the environment but more than an environmental agreement
- Recognizes and sets out content of rights = deepen democracy
- Vertical application (State vis-à-vis their societies) with horizontal implications (assistance, cooperation and capacity-building among States)
- Evidences shared values and interests / high degree of cohesion
- Foster South-South cooperation
- Level the playing field in the region
- Enhance the region's reputation internationally
- Promote stability and prevents conflict
- Assist in garnering resources and capacity-building
- Support implementation of international agreements



The Escazú Agreement

What then is the added value?

As an illustration using the last bullet of previous slide – support implementation of international agreements – the Paris Agreement

- Many provisions of the United Nations Framework Convention on Climate Change (UNFCCC) and its Paris Agreement are directly hinged on various aspects of the **Escazú Agreement** :
- Acknowledges need to respect and protect **human rights** obligations.
- Affirms the importance of **education, training, public awareness, public participation, public access to information and cooperation** at all levels on the matters addressed in the Agreement.
- To achieve goals, establishes a **transparency and global stocktake system**. Establishes an **enhanced transparency framework** in order to build mutual trust and confidence and to promote effective implementation of the Agreement, provide clarity and facilitate follow-up of the progress made.
 - **Obligation to provide a national inventory report and information** on effects of climate change and adaptation
 - **Nationally Determined Contributions (NDCs)** available in a public registry and assessed by the Conference of the Parties through the global stocktake.
- Establishes a **Capacity-building Initiative for Transparency** in order to build institutional and technical capacity, and support developing country Parties, upon request, in meeting enhanced transparency requirements.
- Establishes a **mechanism to facilitate implementation of and promote compliance** consisting of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive.



The Escazú Agreement

What then is the added value?

As an illustration using the last bullet of previous slide – support implementation of international agreements – the Paris Agreement

- Many provisions of the United Nations Framework Convention on Climate Change (UNFCCC) and its Paris Agreement are directly hinged on various aspects of the **Escazú Agreement** :
- Parties shall cooperate in taking measures, as appropriate, to **enhance climate change education, training, public awareness, public participation and public access to information**, recognizing the importance of these steps with respect to enhancing actions under this Agreement.



The Escazú Agreement

What then is the added value?

As an illustration using the last bullet of previous slide – support implementation of international agreements – the Paris Agreement

- **Provide access to information to the public / governments receive climate-related information**
- **CO2 emissions, who/what/when/what types of emissions --- PRTRs**
- **Ensure the public participates in decisions for climate adaptation and mitigation**
 - Sustainable development requires the involvement of all actors
 - Increased synergies between governments and civil society
 - More participation generally leads to better decision-making: increases quality of decisions
 - Better implementation of decisions: generate ownership and legitimacy
- **PRINCIPLE 10 = BETTER CLIMATE DECISION-MAKING AND CLIMATE GOVERNANCE**
- **ASSIST IN TREATY IMPLEMENTATION AND COMPLIANCE**
- **(e.g. Paris Agreement enhanced transparency framework)**



The Escazú Agreement

What then is the added value?

Bottom line:

- **Only treaty stemming from the United Nations Conference on Sustainable Development (Rio+20)**
- **First regional environmental treaty** of Latin America and the Caribbean
- First treaty in the world with specific binding provisions on **environmental human rights defenders**
 - Concrete expression of the ultimate goal of the 2030 Agenda: Leaving no one behind. Stablishes specific measures in favor of persons and groups in vulnerable situation and seeks to overcome barriers to exercise access rights and to prevent any form of discrimination.
 - Focuses on basic democratic rights and Rule of Law: governance, transparency, accountability, inclusion, participation
 - Seeks to strengthen informed decision-making: governments, individuals and private sector

The Escazú Agreement



What then is the added value?

Bottom line:

- Provides legal certainty, channels public participation and reduces socio-environmental conflict
- Builds legitimacy and social cohesion
- Facilitates implementation of national and international legal and policy frameworks
- Establishes domestic obligations (vertical application), but also among States in relation to cooperation and capacity building (horizontal implications), and creates a common standard for implementation.
- Centrality of capacity building and cooperation.



The Escazú Agreement

What then is the added value?

Bottom line:

- The Escazú Agreement contains all the essential ingredients for creating the requisite enabling environment for effective environmental governance
- Can provide an effective framework for ambitious climate action, through the Paris Agreement, as well as for achievement of several SDGs
- Serve to strengthening responsibility, transparency, and accountability at the national level, thereby increasing confidence for financial investment and economic growth, enhanced environmental quality and ultimately the enhancement of the quality of life for the average citizen

Thank You
Questions?