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United Nations Economic Commission for Latin America and the Caribbean



The Escazú Agreement: Overview of content, implications and future steps:

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Saint John's, 8 December 2020

Structure



General part

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

Operative part

- General provisions (art. 4)

First pillar

Access to environmental information (art. 5 and 6)

Second pillar

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

Third pillar

Access to justice (art. 8)

Fourth pillar

Human rights defenders in environmental matters (art. 9)

Fifth pillar

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

Final provisions (art. 13-26)

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

Annex I

Objective (art. 1)

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



Information



Participation



Justice



Capacity-building
Cooperation



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



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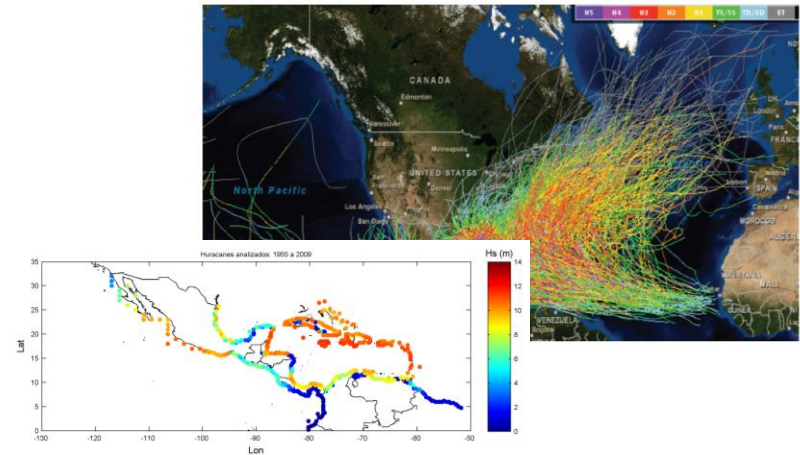
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Underlying basis of the Escazú Agreement



Environmental issues are best handled with the active participation of all concerned

Access to environmental information is critical for sound policy-making



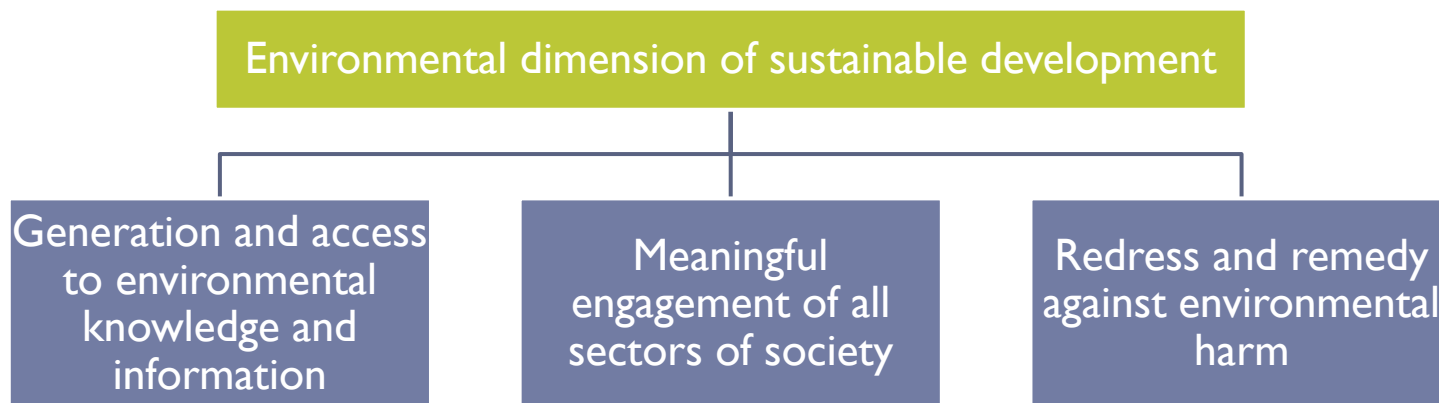
Environmental harm must be prevented and remedied

Regional cooperation is key

Salient features of the Escazú Agreement



- **Rights-based**
- **People-centered**
- **Leave no one behind**
- **Capacity-building and cooperation**



Special consideration of Small Island Developing States

Implementation support

Progressive realization



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Right-holders and principles

- ▶ **Nationals or subject to the national jurisdiction (“the public”)**
- ▶ **Persons or groups in vulnerable situations:** those that face particular difficulties in fully exercising access rights, because of circumstances or conditions in each context

- ▶ Equality and non-discrimination;
- ▶ Transparency and accountability;
- ▶ Non-regression and progressive realization;
- ▶ Good faith;
- ▶ Preventive principle;
- ▶ Precautionary principle;
- ▶ Intergenerational equity;
- ▶ Maximum disclosure;
- ▶ Permanent sovereignty of States over their natural resources;
- ▶ Sovereign equality of States; and
- ▶ *Pro persona*



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General provisions (art. 4)

- ▶ **Right of every person to live in a healthy environment**
 - ▶ Adoption of all measures necessary for implementation
 - ▶ Duty to guide and assist, particularly persons and groups in vulnerable situations
 - ▶ Enabling environment for the work of persons, associations or groups, by recognizing and protecting them
 - ▶ **No limitation or repeal of other more favourable rights and guarantees and Parties may grant broader access (a floor, not a ceiling)**
 - ▶ Encourage ICTs, such as open data. Shall not constrain or result in discrimination against the public.
 - ▶ Promotion in other international forums
-

Environmental information



- ▶ **Access to information (art. 5)**
 - ▶ *Accessibility*
 - ▶ *possession, control or custody*
 - ▶ *no mention of interest or reasoning*
 - ▶ *persons and groups in vulnerable situations*
 - ▶ *Refusal of access*
 - ▶ *Conditions for delivery (format, timeframes, cost)*
 - ▶ *Independent review mechanisms*

- ▶ **Generation and dissemination of information (art. 6)**
 - ▶ *Environmental information systems*
 - ▶ *PRTRs*
 - ▶ *Disasters / early warning systems*
 - ▶ *Report on State of Environment*
 - ▶ *Information for consumers and users*
 - ▶ *Company sustainability reports*



Public participation (art. 7)

- ▶ **Open and inclusive participation**
 - ▶ Mechanisms in project and activities with significant impact
 - ▶ Promotion in other decision-making processes
 - ▶ Early stages
 - ▶ Necessary information in a clear, timely and comprehensive manner
 - ▶ Reasonable timeframes
 - ▶ Due consideration to observations
 - ▶ Decisions shall be made public and be accessible
 - ▶ Social, economic, cultural, geographical and gender characteristics of the public
 - ▶ Special consideration of persons and groups in vulnerable situations
 - ▶ Affirmative measures for the directly affected public
 - ▶ Additional measures for the public directly affected by activities and projects
- ▶ **Promotion of public participation in international forums and negotiations**



Access to justice (art. 8)

- ▶ Judicial and administrative mechanisms / Due process
- ▶ Effective, timely, public, transparent and impartial procedures that are not prohibitively expensive
- ▶ Access to expertise
- ▶ Broad legal standing
- ▶ Redress / Precautionary-interim measures / Evidence
- ▶ Measures to minimize or eliminate barriers
- ▶ Publicize the right and the procedures
- ▶ Support mechanisms for persons or groups in vulnerable situations
- ▶ Alternative dispute resolution mechanisms



Environmental defenders (art. 9)



- ▶ **Safe and enabling environment** for persons, groups and organizations that promote and defend human rights in environmental matters
- ▶ Adequate and effective measures to **recognize, protect and promote** the rights of human rights defenders in environmental matters
- ▶ Appropriate, effective and timely measures to **prevent, investigate and punish** attacks, threats or intimidations



Capacity-building, cooperation, clearing house (art. 10-12)



- ▶ **Creation and strengthening of national capacities, based on national priorities and needs**
 - ▶ Training for authorities and officials (including judicial and administrative officials)
 - ▶ Awareness-raising, equipment and resources
 - ▶ Education and training, through basic educational modules at all levels of education

- ▶ **Cooperation to strengthen national capacities through activities and mechanisms**
 - ▶ Workshops, expert exchanges, technical assistance
 - ▶ Educational, training materials and programmes
 - ▶ Sharing good practices and standards

- ▶ **Clearing house**



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ECLAC Observatory on Principle 10

The screenshot shows the website's main dashboard. At the top, it features the United Nations logo and navigation links for ECLAC, the Escazú Agreement, About, Contact, Español, and English. The main heading is "Observatory on Principle 10 in Latin America and the Caribbean". Below this is a navigation menu with categories: HOME, COUNTRIES, RIGHTS, TOPICS, POLICY INSTRUMENTS, JURISPRUDENCE, TREATIES, PUBLICATIONS, and RESOURCES. A central text block states: "The Observatory analyzes legislation, policies, jurisprudence and treaties that guarantee the full enjoyment by all persons of the rights to have access to information, public participation and justice in environmental matters, as enshrined in Principle 10 of the Rio Declaration." A "More information" button is provided.

Three circular progress indicators are displayed:

- Information:** 23 countries have enacted freedom of information acts.
- Participation:** 76% of the countries include provisions to promote public participation in general environmental laws.
- Justice:** 20 countries allow any person or group to bring actions in defense of the environment.

There are sections for "Highlights" (Cuba enacts new Constitution, 33 LAC countries are now Parties to the Paris Agreement, 36 countries have signed the Escazú Agreement) and "Resources" (Latin America and the Caribbean: Status of Creation of Pollutant Release and Transfer Registers (PRTR), Newsletter number 3).

The "Publications" section features four book covers with titles: "Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean", "Access to information, participation and justice in environmental matters in Latin America and the Caribbean: Towards achievement of the 2030 Agenda for Sustainable Development", "Derechos de acceso en asuntos ambientales en el Perú: Hacia el desarrollo de una actividad minera responsable del entorno y las comunidades", and "Ensuring environmental access rights in the Caribbean: Analysis of selected case law". A "More publications" button is also present.

At the bottom, three icons represent "POLICY INSTRUMENTS", "JURISPRUDENCE", and "TREATIES".

- ✓ Treaties
- ✓ Laws
- ✓ Policy instruments
- ✓ Case law
- ✓ Resources
- ✓ Publications

Topics

A grid of 12 topic cards, each with a representative image and a label:

- BIODIVERSITY:** Image of a green tree frog.
- ENVIRONMENTAL DEFENDERS:** Image of a group of people sitting together.
- CLIMATE CHANGE:** Image of cracked, dry earth.
- CERTIFICATION:** Image of solar panels on a roof.
- CITIES:** Image of a city skyline with a river.
- ENVIRONMENTAL EDUCATION:** Image of a person reading a book outdoors.
- ENERGY:** Image of wind turbines.
- ENVIRONMENTAL ASSESSMENT:** Image of a river flowing through a forest.
- GENDER:** Image of a group of women smiling.
- MINING:** Image of a yellow mining truck.
- INDIGENOUS PEOPLES:** Image of people in traditional attire.
- POLLUTANT RELEASE REGISTER:** Image of a smokestack emitting white smoke.

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



Institutional architecture and final provisions (art. 13-26)

- ▶ **Voluntary Fund to support implementation**
 - ▶ **Conference of the Parties**
 - ▶ At its first COP: rules of procedure, financial provisions, structure and functions of CSIC
 - ▶ **Secretariat ECLAC**
 - ▶ **Committee to Support Implementation and Compliance**
 - ▶ Consultative and transparent nature, non-adversarial, non-judicial and non-punitive
 - ▶ Ensuring the significant participation of the public
 - ▶ Paying particular attention to the national capacities and circumstances of the Parties
-

Benefits of the Escazú Agreement

- ▶ **Sustainable development and environmental stewardship but much more**
 - ▶ Governance, transparency, accountability
- ▶ **Equality: leave no one behind**
- ▶ **Recognizes and sets out content of rights (HRBA)**
 - ▶ Deepens democracy
- ▶ **Mainly national obligations (towards own societies) with support from the region (assistance, cooperation and capacity-building among States)**
- ▶ **Shared priorities, values and interests**
- ▶ **Sets out regional benchmark**
 - ▶ Levels the playing field
- ▶ **South-South cooperation**
- ▶ **Enhances region's reputation**
- ▶ **Provides legal certainty**
- ▶ **Assists in garnering resources and capacity-building**
- ▶ **Supports implementation of international agreements**
- ▶ **Green/blue recovery**



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Website

Naciones Unidas

CEPAL Observatorio Capítulo 10 English Español Português

Antecedentes del Acuerdo Regional Texto del Acuerdo Regional Países Reuniones Mecanismo Público Regional Contacto

Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe

TREATY EVENT
CÉREMONIE DES TRAITÉS

Santa Lucía ratifica el Acuerdo de Escazú

Con fecha 1 de diciembre de 2020, el país caribeño ratificó el acuerdo regional

24 Firmas
10 Ratificaciones

¿Cómo participar en el Acuerdo Regional?

Reuniones

09/12/2020 a 10/12/2020
Segunda Reunión de los Países Signatarios del Acuerdo Regional sobre el Acceso a la

Acuerdo Regional

Las copias auténticas certificadas en español e inglés están disponibles en la Colección de Tratados de las Naciones Unidas

Noticias

II REUNIÓN DE LOS PAÍSES SIGNATARIOS DEL ACUERDO DE ESCAZÚ
04/12/2020

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



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Website of the meeting

 **Second Meeting of the Signatory Countries to the Escazú Agreement**
Saint John's/virtual, 9 and 10 December 2020



Second Meeting of the Signatory Countries to the Escazú Agreement Will Take Place on December 9-10

ABOUT THE EVENT

The second meeting of the signatories to the Escazú Agreement will take place on 9 and 10 December 2020 under the auspices of the Government of Antigua and Barbuda. Discussion on the topics to be addressed at the first meeting of the Conference of the Parties will be resumed.

The meeting will be webcast live.



PROGRAMME

Sesiones en hora de Saint John | Sessions in Saint John's time | GMT -5

Saint John's GMT-4	12:02 pm Mon, Dec 7	11 am	12 pm	1 pm	2 pm	3 pm
Your Time GMT-3 DST	1:02 pm Mon, Dec 7	12 pm	1 pm	2 pm	3 pm	4 pm

Powered by **WORLD TIME BUDDY** AM/PM 24

Tue, Dec 08 2020 Trade Winds Hotel, Dickenson Bay, Saint John's, Antigua

National Activity In Antigua and Barbuda - The Escazú Agreement: empowering societies for sustainable development (In person)
09:00 am to 01:30 pm

MAIN DOCUMENT

 **Escazú Agreement**
UN Symbol: LC/PUB.2018/8/*

FIRST MEETING OF THE SIGNATORY COUNTRIES - 2019

SUBSCRIPTION

Get ECLAC updates by email

SUBSCRIBE

VIDEO



<https://acuerdodeescazu.cepal.org/s2/en>



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Contact

Secretariat – Escazú Agreement

Sustainable Development and Human Settlements Division
United Nations, ECLAC

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

<http://observatoriop10.cepal.org>

#AcuerdodeEscazú **#EscazúAgreement**
