



Escazú Agreement for young people



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Escazú Agreement for young people

Gain in-depth understanding of the Escazú Agreement, its importance and all its articles in youth-friendly language.

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Presentation

"We, as young people, are agents of change in different sections of society. We are not being left behind in **climate action**: our voices are being increasingly heard and we are demanding the right to **participate fully**. In fact, our participation is a right that should be central to the formulation of public policy."

The **Toolkit for Young Climate Activists in Latin America and the Caribbean** was created by young people who, like you, are concerned about our planet's situation and who, as activists, have faced many challenges when advocating and taking action.

Our goal is to share clear, concise, easily understandable information that describes the course that global, regional and national climate action is taking, in order to prepare you for **meaningful and informed participation**.

The booklets interrelate and are designed so that you can read them in succession and progressively deepen your knowledge of each of the topics. You can also consult them independently, according to your needs.

These are:

Tools for climate action: Key tools for making progress towards the global climate action goals and the Sustainable Development Goals, including the Paris Agreement, nationally determined contributions and other tools.

What is climate governance? Information about climate governance and the decision-making process at the national and international levels, including the Framework Convention on Climate Change, how it works and the mechanisms for participation.

Prepare to take action! Practical advice and accounts of other activists' experiences to help you develop the skills needed to take part in and influence the climate agenda.

The Paris Agreement for young people: Details of the Agreement, its importance, and all its articles in simple language.

Escazú Agreement for young people: Essential information about the Agreement, its importance, and its articles in simple language.

Climate glossary for young people: Important concepts and definitions that every climate activist needs to know.

This booklet uses the terms "youth" and "young people" to refer to adolescents and young people between 15 and 24 years old.

0 to 17

10 to 19

15 to 24

10 to 24

Acknowledgements

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Introduction

Latin American and Caribbean countries have created a pioneering tool for environmental protection and human rights that reflects the region's ambition, priorities and specific features: the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement).

Latin America and the Caribbean is one of the regions with the fewest mechanisms for transparency and access to environmental information in the world. It also has one of the highest incidences of crimes against environmental defenders. To put this into context, 202 crimes were committed against environmental defenders in 2019, of which 148 occurred in the [region](#).

Against this background, the Agreement establishes the commitment to include people who have traditionally been excluded, marginalized or underrepresented in decision-making spaces for environmental issues. It also provides for the protection of the human rights of environmental defenders, a measure that reflects the challenges those defenders face in Latin America and the Caribbean.

The Agreement is based on principle 10 of the Rio Declaration, the product of the United Nations Conference on Environment and Development. Principle 10 states **the importance of citizens' access to information, participation and justice in environmental matters**.

The Agreement was adopted in Escazú, Costa Rica, in 2018, after two years of preparation and negotiations among Latin American and Caribbean countries. Although many countries have signed the Agreement, it still needs to be ratified by the corresponding bodies in each country. In addition, at least 11 countries need to ratify the Agreement for it to enter into force.¹

As of November 2020, the following countries had ratified the Agreement: Antigua and Barbuda, Argentina, Bolivia, Ecuador, Guyana, Mexico, Nicaragua, Panama, Saint Kitts and Nevis, Saint Vincent and the Grenadines, and Uruguay.

The Agreement has been signed by: Antigua and Barbuda, Argentina, Belize, Bolivia, Brazil, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, Grenada, Guatemala, Guyana, Haiti, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Uruguay.

¹ There are different ratification processes.

Why is the Escazú Agreement important?

Because of its objectives

The Agreement is important because it aims to guarantee that all people can:

- Access information on the state of the environment, plans that may affect it, and the decisions and votes taken by decision makers.
- Give their opinion and participate in environmental decision-making processes.
- Go to the courts to seek redress if the environment is damaged or if people are excluded from environmental decision-making processes.
- Enjoy the right to a healthy environment and sustainable development, with an intergenerational approach.
- Create and strengthen capacity-building and cooperation.

Because of its content

- It establishes a relationship between human rights and environmental protection and aims to guarantee the rights of environmental defenders and respect for the rights of indigenous peoples and local communities.
- It establishes specific measures in favour of people and groups in vulnerable situations.
- It encourages countries to produce new mechanisms, updated information systems, procedures and reforms in the regulatory framework to guarantee access rights (information, participation and justice).

Because it promotes cooperation and transparency

- The Agreement aims to ensure that all countries of the region, to the same extent, protect, guarantee and promote access rights (information, participation and justice).
- It sets out measures for cooperation and capacity-building among countries.
- It constitutes a step forward in transparency in environmental matters and in accountability at the country level.
- It has a framework of principles that will chart the course of each country.
- It promotes the participation of different sectors of society.



Because of the importance it attaches to social actors

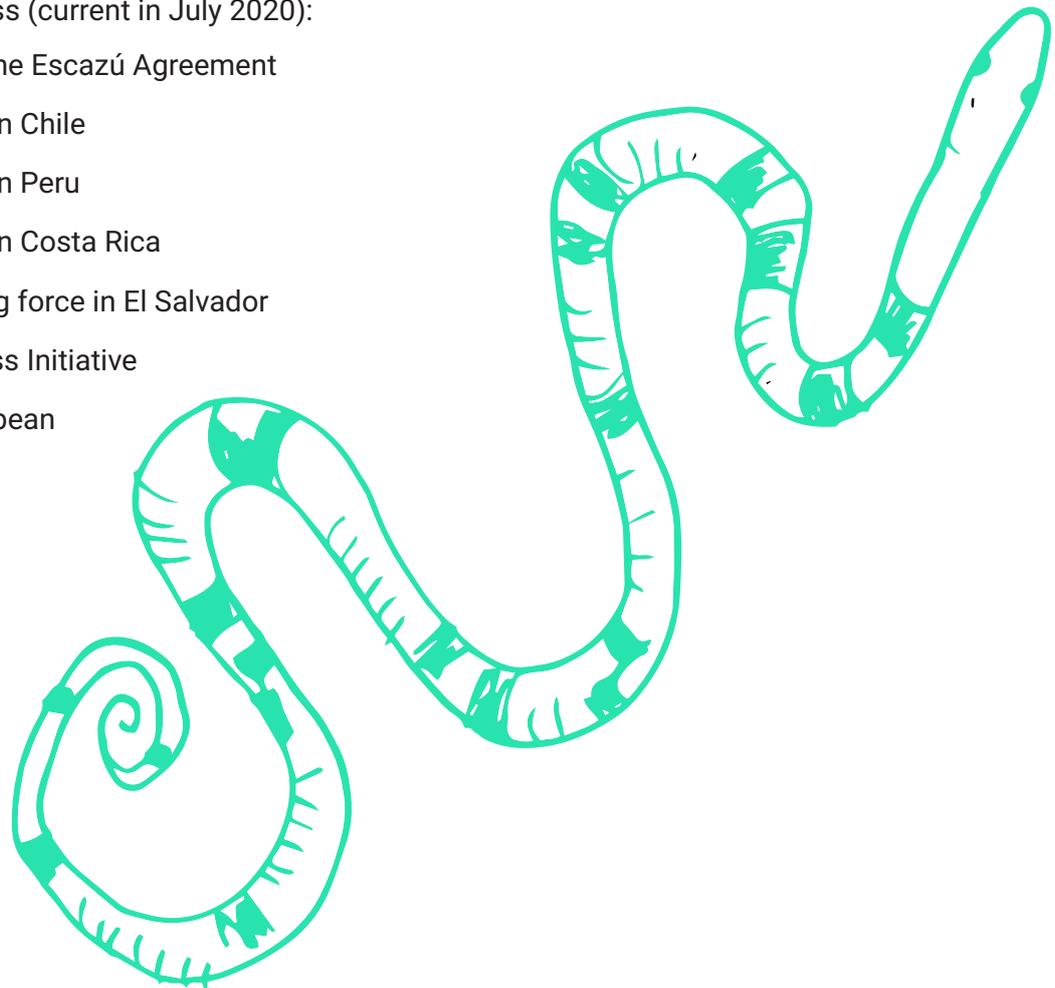
➤ The Agreement has been created by and for the people. Social actors have been responsible for promoting the creation of the Agreement and its ratification by the different countries. The involvement and participation of everyone, including young people, is necessary to ensure that the Agreement is widely ratified and implemented in each country. Different mechanisms must be created to integrate social actors. The Regional Public Mechanism is an example of one such mechanism.

➤ In addition to the Regional Public Mechanism, various networks or groups of social actors have also been formed to promote the Agreement. If your country does not yet have a network, you could start one. The following networks may be able to guide you in this process (current in July 2020):

- Network for the Escazú Agreement
- Escazú Now in Chile
- Escazú Now in Peru
- Escazú Now in Costa Rica
- Escazú driving force in El Salvador
- Mexico Access Initiative
- Escazú Caribbean



The Agreement is a historical milestone for civil society participation in the region's decision-making processes – this type of representation was previously non-existent.



The articles of the Escazú Agreement

1

Objective

The objective of the Agreement is to guarantee the implementation in Latin America and the Caribbean of the following rights:

1. Access to environmental information.
2. Public participation in environmental decision-making.
3. Access to justice in environmental matters.

And the creation and strengthening of capacities and cooperation to help protect the right of every person to live in a healthy environment and to sustainable development.

2

Definitions

- “Access rights” means the right to information, the right to participation in environmental decisions and the right to justice in environmental matters.
- “Competent authority” means any public institution that exercises the powers, authority and functions for access to information.
- “Environmental information” means any information that is recorded in any format regarding the environment, its elements and natural resources, as well as the risks and possible impacts to environmental protection and management.
- “Public” means people, associations and organizations that are nationals or were created under the laws of a country of the Escazú Agreement.
- “Persons or groups in vulnerable situations” means those that face difficulties in exercising the rights recognized in this Agreement.

3

Principles

The Agreement will be guided by the principles of equality and non-discrimination, transparency and accountability, non-regression and progressiveness, and good faith; the preventive and precautionary principles; the principles of intergenerational equity, maximum disclosure, permanent sovereignty of States over their natural resources, sovereign equality of States and pro persona.



4

General provisions for countries

Each country shall:

- Guarantee the right of all people to live in a healthy environment, and any other universally-recognized human rights related to this Agreement.
- Ensure that the rights recognized in this Agreement are freely exercised.
- Adopt the necessary measures to guarantee the implementation of the Agreement and provide the public with information so that everyone understands their access rights.
- Ensure that the public, especially the most vulnerable, can exercise their rights of access. It will also provide protection and recognition to individuals and organizations that protect the environment.
- Encourage the use of information and communication technologies to implement the Agreement.
- Promote knowledge of the provisions of the Escazú Agreement in international forums related to environmental matters.

During its implementation, the Agreement will be interpreted in the manner most favourable for the enjoyment and respect of access rights. The Agreement will never limit or repeal existing, more favourable rights or guarantees provided for at the national level or by other agreements.



Remember that access rights are the right to information, the right to participation in environmental decisions and the right to justice in environmental matters.

5

Access to environmental information

Each country must create mechanisms to guarantee access to all environmental information, assisting persons or groups in vulnerable situations to formulate their requests and obtain responses. Individuals may request and receive information from the authorities without giving reasons for their interest. If the requested information is available, the authorities must provide it.

Refusal to provide access to environmental information: Each country may refuse access to information in accordance with its national laws and established exceptions, and must inform the person requesting the information, in writing, of the reasons for refusal. The decision to deny access to the information may be appealed.

To make a decision to deny access to information, a country must take into account human rights and weigh the public interest against the interest of withholding information.

If the country does not have a regime of exceptions, it may apply the exceptions provided for in article 5 of this Agreement.

Conditions for the delivery of environmental information: The conditions for the delivery of environmental information can be found in article 5.11 of the Escazú Agreement.

Independent oversight mechanisms: Each country will establish one or more entities to promote transparency in access to environmental information, to oversee compliance with the rules, and to monitor, report on and guarantee the right of access to information.

6

Generation and dissemination of environmental information

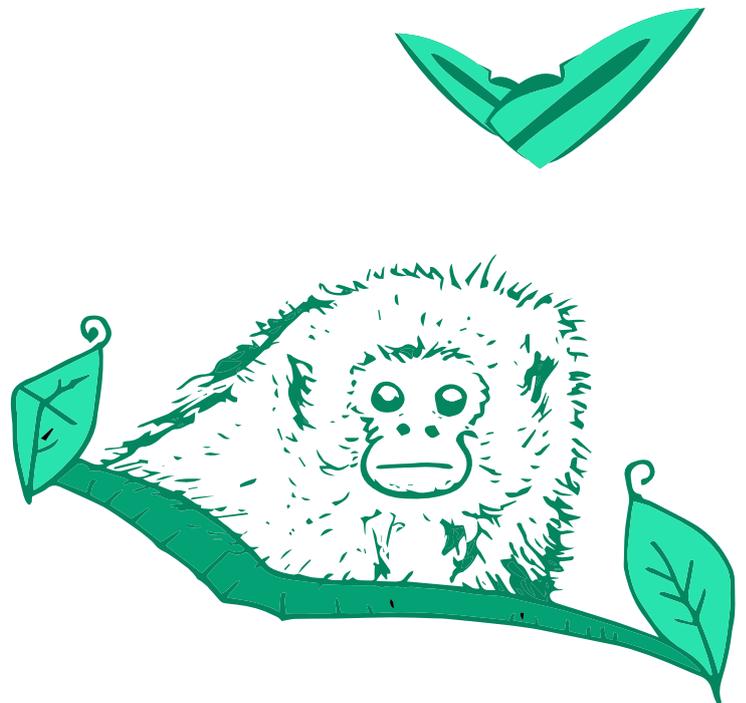
Each country shall ensure that resources are provided so that the competent authorities can proactively generate environmental information that is reusable and processable, and which is available in accessible formats without restrictions on its reproduction or use. In addition, each country must have up-to-date and organized environmental information systems that are accessible to all people and available through computerized and georeferenced resources. To find out more about the information that must be included in the information systems, see article 6.3 of the Escazú Agreement.

Every five years, each country shall publish a report that is easily understandable and accessible to the public in different formats. This report should be disseminated through appropriate means, taking into account cultural realities. The report should contain information on the state of the environment and natural resources, national measures to fulfil environmental legal obligations, progress in the implementation of the right of access to environmental information and collaboration agreements between the public and private sectors.

Each country shall encourage independent environmental performance reviews, which will include the participation of different actors.

In addition, each country shall promote access to information contained in concessions, contracts, agreements or authorizations that involve the use of public resources. Countries should also ensure that consumers and users have official information on the environmental qualities of goods and services and their effects on health.

Each country shall take the necessary measures to promote access to environmental information held by private entities, and shall encourage public and private companies to prepare sustainability reports that reflect their social and environmental performance.



7

Public participation in environmental decision-making processes

Each country shall ensure the right to public participation in environmental processes, and shall guarantee mechanisms for public participation in:

- decision-making processes,
- revisions, re-examinations or updates of projects and activities,
- processes for granting environmental permits that have or may have an impact on the environment and health.

In addition, each country shall promote public participation in the following processes:

- land use planning processes,
- development of policies, strategies, plans, programmes, rules and regulations that have or may have a significant impact on the environment and health.

Each country shall make public the information and processes about the projects to be developed and they shall be in a language that is accessible to all people. To see more details on the information and processes, see article 7 of the Escazú Agreement.

Countries shall provide for reasonable time frames that allow sufficient time to inform the public and to enable effective participation in the stages of a decision-making process. Each country will also ensure that observations are considered and that they contribute to the process.

The public shall be informed in an understandable and timely manner, through appropriate means, about the type of environmental decision, the authorities involved and the procedure for public participation and for requesting information. Each country must inform the participating public of the reasons and grounds for the decisions taken, as well as how their comments were taken into account.

Each country shall adapt participation processes to the social, economic, cultural, geographical and gender characteristics of the public. Each country shall promote the appreciation of local knowledge, dialogue and the interaction of different visions and knowledge in the consultation processes.

Each country must make efforts to involve people or groups in vulnerable situations in an active, timely and effective manner and to remove barriers to participation. The rights of indigenous peoples and local communities must be respected.

The authority in each area has a duty to identify the public that will be directly affected by projects, and activities that have or are likely to have a significant impact on the environment and health. It will also promote measures for public participation in the process.



8

Access to justice in environmental matters

Each country will guarantee the right of access to justice in environmental matters and establish legal procedures so that individuals may express their disagreement with any decision related to access to environmental information, public participation in decision-making or any other determination that may adversely affect the environment or contravene environmental regulations.

Furthermore, the article states that countries will have to comply with a series of requirements to guarantee access to justice for the public in relation to environmental matters. To read these requirements you can consult article 8.3. In addition, each country shall establish measures and mechanisms to facilitate public access to justice in environmental matters. To find out more about them, please refer to article 8.4.

Each country must ensure that all judicial and administrative decisions on environmental issues and their grounds are in writing. In addition, it must create support and assistance mechanisms to address the needs of individuals or groups in vulnerable situations.

9

Human rights defenders in environmental matters

Each country shall ensure a safe and enabling environment for people, groups and organizations that promote and defend human rights in environmental matters, so that they can operate without threats, restrictions and insecurity.

Countries must take into account international human rights obligations, constitutional principles and any other basic concepts. In addition, each country must take measures to prevent, investigate and punish attacks, threats or intimidation against human rights defenders in environmental matters while exercising their rights.

10

Capacity-building

Each country must create and strengthen capacities, taking into account national priorities and needs. Countries may implement measures to:

- Train authorities and public officials on environmental access rights.
- Develop and strengthen awareness-raising and capacity-building programmes on environmental law and access rights for the public.
- Provide the competent institutions and bodies with adequate equipment and resources.
- Promote education, training and awareness of environmental access rights for students at all educational levels.
- Develop specific measures for people or groups in vulnerable situations, such as interpretation or translation into languages other than the official language.
- Acknowledge the importance of associations, organizations or groups that help train the public on or raise awareness of access rights.
- Strengthen capacities to collect, retain and evaluate environmental information.



11

Cooperation

The countries will cooperate in strengthening capacities to implement the Agreement, giving special consideration to landlocked developing countries and small island developing states in Latin America and the Caribbean.

The countries will create different activities and mechanisms to promote cooperation. In addition, they may encourage partnerships with countries in other regions and intergovernmental, non-governmental, academic, private and civil society organizations. The countries also recognize the need to promote regional cooperation and information-sharing on illegal activities against the environment.

12

Clearing house

With support from the Economic Commission for Latin America and the Caribbean, the countries will operate a virtual and universally accessible clearing house on access rights. The clearing house may include legislative, administrative and policy measures, codes of conduct and good practice.

13

National implementation

Each country commits to providing the means to implement the activities needed to fulfil the Agreement and its obligations. The countries will take into account national priorities and possibilities.

14

Voluntary Fund

The Voluntary Fund is established to help finance the implementation of the Agreement. The countries may make voluntary contributions to the Fund. The Conference of the Parties defines the functioning of the Fund and may invite other sources to contribute resources.

15

Conference of the Parties

The Conference of the Parties is the meeting of the countries that participate in the Agreement. It is responsible for deciding by consensus the rules of the procedure for public participation, as well as the financial provisions for the implementation of the Agreement.

16

Right to vote

Each participating country in the Agreement has one vote.

17

Secretariat

The Executive Secretary of the Economic Commission for Latin America and the Caribbean will be responsible for the secretariat functions of the Agreement.

18

Committee to Support Implementation and Compliance

The Committee to Support Implementation and Compliance is established as a support body to promote the implementation of the Agreement and to support the countries.

The Committee will be consultative, transparent, non-adversarial, non-judicial and non-punitive. The Committee will review compliance with the provisions of the Agreement and make recommendations, ensuring public participation and taking into account the countries' capacities and national circumstances.

19

Settlement of disputes

Countries that have a dispute over the interpretation or application of the Agreement shall resolve it by negotiation or by any other means of dispute settlement acceptable to them.

20-26

On the governance and procedures of the Agreement

Articles 20 to 26 of the Agreement indicate aspects of governance and procedures specific to the Agreement. If you want to read about them in detail you can consult the official version of the Escazú Agreement.

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