Escazú Agreement

A regional agreement on access to information, public participation and justice in environmental matters

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An Edelman Global Advisory LATAM Report

Latin America is breaking paradigms in environmental matters

> " Our region is setting a shining example of how to balance the three dimensions of sustainable development by engaging the public in all decisions that affect them and establishing a new relationship between the State, the market and society "

Alicia Bárcena
Former Executive Secretary for the Economic Commission for Latin America and the Caribbean

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The need for Escazú

As a region, **Latin America has struggled with the access to environmental rights** such as public participation, justice and transparency.

Violence towards activists and their protection have also been a mainstay in environmental relations.

LATAM countries saw the need to implement a more complex mechanism to promote the environmental rights of the public **and thus the agreement was born** in 2018 in Escazú, Costa Rica.

Escazú is more than an environmental agreement

The treaty is not centered around the protection of the environment, but rather in guaranteeing the right of participation in decision making, access to justice and transparency in environmental matters.

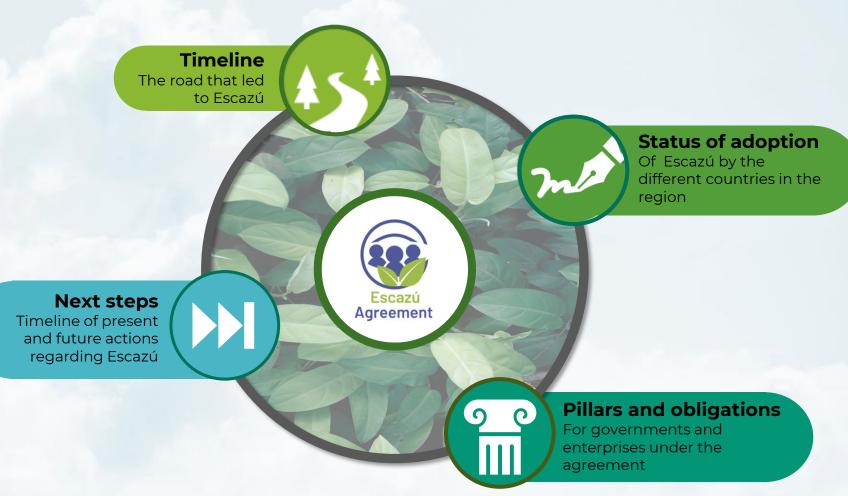Furthermore, it places responsibilities on both: the State and private enterprises.

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Escazú and its many layers

LATAM calls for an innovative environmental agreement, not just a "traditional" a treaty

Click Away

This is an interactive report designed to help you get to the information you are most interested in with ease.

Just click on any of the following categories to move on and look for the buttons at the foot of every slide to go back and forth as you please.

Timeline
The road that led to Escazú

Status of adoption
Of Escazú by the different countries in the region

Next steps
Timeline of present and future actions regarding Escazú

Escazú Agreement

Pillars and obligations
For governments and enterprises under the agreement

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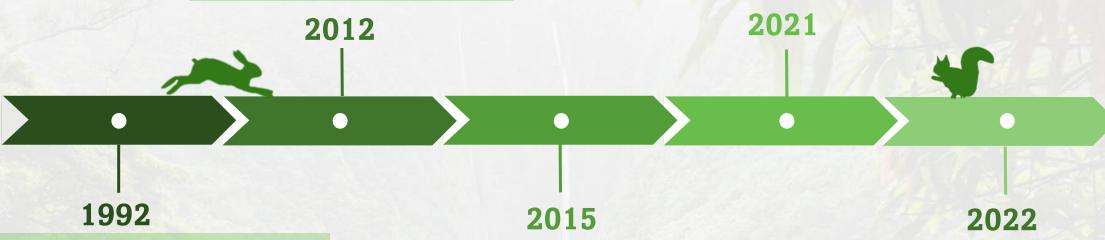
How it started: The road to Escazú

From small commitments to groundbreaking ideals

UN Conference on Sustainable Development Goals

The conference resulted in a political document with clear and practical measures for implementing sustainable development actions.

Escazu becomes effective

Having reached the required number of ratifications, in accordance with the conditions stipulated under Article 22, the Escazú Agreement's provisions go into effect.

2012

2021

1992

2015

2022

Rio Declaration on Environmental Development

Principle 10 of Rio Declaration guarantees that all persons have access to environmental information, justice and decision making.

LATAM regional environmental agreement negotiations

The region decided to implement the Principle 10 of Rio Declaration and commenced the negotiations for the Escazú agreement.

Conference of the Parties (COP 1)

First Conference of Parties was held.
The Economic Commission for Latin America and the Caribbean (ECLAC) signed a collaboration agreement with the UN Human Rights Council

*Infographic retrieved from CEPAL 2015

States respond to the call

The region moves forward, but there is plenty of work to be done

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Status of ratification:

13
countries **have signed** it

12
countries have **signed** and **ratified** it

8
Countries have **not signed nor ratified** it

Mechanisms of adoption

*An **international treaty is only binding for a country once it is ratified**.*

***The signing is usually done as a first step**—it is **a way for a country to express intention** to abide by the treaty—but it still needs the approval of local legislation for its ratification.*

Countries that have **ratified** Escazú

Countries that have **signed** Escazú

Countries that have not **signed, nor ratified** Escazú

Escazú's pillars are a driving force for change

Escazú places responsibilities on government and enterprises, making it one of the most ambitious environmental agreements

Escazú holds **three pillars** that establish **obligations for both the State and private enterprises**.

Click on the pillars to find out more

Public Participation

Access to Justice

Escazú Agreement

Access to Information

If you want to know more about the obligations for private enterprises, click here:

Obligations for companies

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The public as a force for change

Accountability and transparency through public participation

The Escazú agreement determines that adherents must ensure public participation; therefore, **States must implement open and inclusive participation** in environmental decision-making.

Inclusivity and accessibility

According to the agreement, States should **guarantee open and inclusive participation** in environmental decision-making

Legal viability

Escazú proposes that **domestic legislation and international law are aligned** to guarantee viability and consistency

Mechanism-based solutions

Countries should encourage the **establishment of appropriate spaces for consultation on environmental matters** and projects according to Escazú

Justice as a guarantee to the public

Rule of law as a guarantor of environmental rights

The member States of the Escazú agreement shall guarantee the right of access to justice in environmental matters, with guarantees of due process.

Participation

Each party should guarantee the **access to justice related to public participation**

Information

Access to environmental information in any decision regarding environmental matters should be granted

Protection

Mechanisms to challenge should be available for any government decision, action or omission that affects the environment

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Information as a public asset

Full disclosure: The key to accountability

Each State shall ensure the public's right to environmental information. In accordance with the principle of maximum disclosure the State should disseminate all information in its possession, control or custody.

02

Every person has the **right to be informed promptly**.

Information Request

Any person can request and receive information concerning environment matters.

01

Right to be Informed

Appeals

The population ought to be informed about their right to **appeal government decisions** when information is not delivered.

03

Where does your business fit in?

New mechanisms for public involvement in your business

Contracts

*The **public will have access to** environmental information contained in concessions and contracts, which involve public services or goods*

Environmental Information

***The state will disclose environmental information in the possession of private companies** when they have an effect on human health or the environment*

Sustainability Reports

*The State will encourage **public and private companies to prepare sustainability reports** that reflect their social and environmental performance*

Public Participation

***The State will identify the public directly affected by the projects** or activities, **and will promote specific actions to facilitate their participation** in the decision making*

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So, what's next?

Timeline of future Escazú events

2022

Fulfillment Guide

- Public Consultation for the Implementation Guide of Escazú Agreement.

2023

Extraordinary COP

- Follow-up and monitoring of the implementation of the agreement.
- Seek of additional financing options.
- Support Committee conformation.

2024

COP 2

- Achievements and scope review.
- Propose new strategies to incorporate more countries to the agreement.

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