



ESCAZU AGREEMENT: AN OPPORTUNITY FOR THE PEOPLES OF LATIN AMERICA AND THE CARIBBEAN IN THE FACE OF ENVIRONMENTAL CRISES

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1. INTRODUCTION

Perhaps the greatest challenge in our world today is the need to identify and implement solutions to our planet's latent environmental crises. This is a highly complicated process, one that requires serious political dialogue between the Global North and Global South. To date there has been limited progress in creating international, regional or local solutions and agreements to respond to the effects of climate change.

Many international conferences have been convened to discuss these issues. At the first Summit on Environment and Sustainable Development (Rio de Janeiro, 1992) the UN Framework Convention on Climate Change (UNFCCC) was created, with its annual Conference of the Parties (COP). But these meetings have often had disappointing results. For example, the Copenhagen Conference

of the Parties (2009) failed to advance the Kyoto Protocol into a strategy aggressively implemented by world leaders, one that addressed the depletion of natural resources, pollution, loss of biodiversity, climate change and the depletion of the ozone in the context of climate change.

After more than a century and a half of industrialization, deforestation, and large-scale agricultural practices, the amount of greenhouse gases in the atmosphere has increased to levels never seen in the last three million years. Climate change could plunge another 100 million people into poverty by 2030.¹

While our whole planet is experiencing the impact of climate change, the poorest countries are particularly vulnerable and likely to suffer the most. Their rights are greatly at risk to climate-related phenomena, human health repercussions, food insecurity, loss of livelihoods, and difficulty in accessing safe water sources. The recent COVID-19 pandemic has significantly worsened an already precarious situation.

There are no easy solutions for these issues. The political, economic and military dominance of global economic powers over the planet is founded on a neoliberal, capitalist system that plunders our natural resources. It turns humankind into a machine at the service of economic growth without

providing comprehensive solutions to society's fundamental needs for a decent life in peace and harmony with nature.

But against these forces is a growing awareness that our world is a single ecosystem and that the environmental deterioration of one part has repercussions for other, distant places, even the entire biosphere. The care and protection of the natural environment has thus become a growing priority for the global political agenda.

Latin America's Amazon is an important resource, not only for the region but also for the whole world and plays a critical role not only in the defense of our natural environment but also in the promotion of alternative economies to care for our world. The latter reflects community systems, which create biogeographic spaces that have a strategic value in conserving biodiversity, culture and identity in the face of global warming. This framework could be applied to all ecosystems in Latin America and the Caribbean contributing to both a regional and a worldwide system change.

To support this vision, it is necessary to have effective multilateral agreements in place at the global and regional level. This would allow countries to access environmental, economic, political and social justice resources to support inclusive and sustainable development. The 2030 Agenda for Sustainable Development and the Escazú Agreement for Latin America and the Caribbean are two such initiatives.

2. THE ESCAZÚ AGREEMENT FOR ENVIRONMENTAL SUSTAINABILITY IN LATIN AMERICA AND THE CARIBBEAN

The 2030 Agenda for Sustainable Development, approved by the United Nations Member States, sets out the path towards greater dignity, prosperity and sustainability for the people and the planet.

Latin American and Caribbean countries have played a relevant role in developing this vision. This has included multilateral initiatives resulting in the adoption of the only legally binding agreement derived from the 2012 United Nations Conference on Sustainable Development (Rio + 20). The Escazú Agreement is the first environmental treaty in the region and the world to include provisions about environmental human rights defenders.

“The Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean” was adopted in Escazú (Costa Rica), in March 2018.² Negotiated by the States with meaningful civil society and general public engagement, this Agreement

confirms the value of regional dimensions of multilateralism for sustainable development. It links global and national frameworks, establishes regional standards, and promotes capacity building, particularly through South-South cooperation. It lays the foundation for a supportive institutional structure and offers tools to improve policy-making and decision-making.

This Treaty is groundbreaking. It makes a major contribution to democratic governance by guaranteeing the right to gender equality, a healthy environment and sustainable development, which is centered on people and vulnerable groups. It establishes urgent priorities for environmental management and protection from a regional perspective; regulates rights to access information and to public participation; and advocates for justice in the sustainable use of natural resources. It supports biodiversity conservation for the establishment of greater trust, stability and transparency in our societies.

3. THE ESCAZÚ SIGNATURE PROCESS AND ITS IMPLEMENTATION IN LATIN AMERICA AND THE CARIBBEAN

The Escazú Agreement prioritizes all-encompassing sustainable development:

“...By engaging the public in all decisions that affect them and establishing a new relationship between the State, the market and society, our countries are refuting the false dichotomy between environmental protection and economic development. Growth cannot take place at the expense of the environment and the environment cannot be managed if our economies and peoples are ignored.”

Legal certainty and trust in public institutions are also crucial to sustainable development.³

Such interlinkage and interdependence, recognized in the Regional Agreement, makes the first regional treaty of ECLAC an invaluable tool for achieving the 2030 Agenda for Sustainable Development.”

These are times of profound transformations, ones that are reshaping social and labor relations. The mechanisms contained in the Agreement can serve as a basis for regulations to prevent, control and limit

production systems that are motivated by profit maximization ambitions, regardless of their risk to the environment.

This is a regional Agreement involving the 33 countries that comprise Latin America and the Caribbean or all those that ratify it. The Agreement requires that a minimum of 11 countries must ratify the Agreement in order for it to be put into force. This is about to occur as 24 countries have signed the Agreements, and the eleven necessary countries have ratified it (Antigua and Barbuda, Bolivia, Ecuador, Guyana and Jamaica, Nicaragua, Panama, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Uruguay, Argentina and Mexico).

There is no doubt that the Escazú Agreement has many opponents who perceive it as a serious threat. These opposing sectors are polarizing discussions and are lobbying for States not to add their support and signatures to this Agreement. This dissension is causing social polarization in some countries such as Chile, Colombia, Paraguay and Costa Rica.

It is important to clarify that the Escazú Agreement is an agreement signed by States, but it does not establish substantive obligations and rights between States. Instead, most of its provisions (Articles 1 to 10) focus on a series of Obligations and Commitments that each State, within its territory and in relation to the people living under its jurisdiction, undertakes to implement.

The entry into force of this instrument, the first at the international level to extend special protection to those who defend the environment, is urgently needed. Latin America is already facing the effects of climate change, including an accelerated loss of biodiversity and the lack of protection of soil and safe drinking water sources in many parts of the region.

Just as important is the need to address past wrongs, to re-establish citizen and indigenous people's participation in environmental justice. Latin America has a violent history to account for – the region has the highest number of killings of environmental and community leaders. At least 264 human rights defenders were killed in the Americas in 2020, with 40% of violations from the land, Indigenous Peoples and environmental rights sector.⁴ This legacy includes the intimidation and other forms of attacks that undermine the efforts of individuals and communities who dedicate part of their lives to environmental advocacy efforts.

The entry into force of the Escazú Agreement sends a strong message to the national and international community about our region's commitment to human rights in environmental issues. It opens spaces for international cooperation to implement development cooperation principles inside national plans, environmental and socio-economic policies, strategies and programs formulated by governments and civil social organizations (CSOs). All these actions are important contributions towards the implementation of the 2030 Agenda for Sustainable Development and the Paris Agreement on Climate Change.

4. THE ENVIRONMENTALIST MOVEMENT IN LATIN AMERICA AND THE CARIBBEAN

New social actors, who are mobilizers of change and transformation, are being empowered in the LAC region. The environmental movement has played a central role in the development of these movements in Latin America, as represented by the Leader Bertha Cáceres. She raised environmental awareness amongst thousands of young people and ultimately gave her life to the defense of Indigenous Peoples' rights.

Social Movements provide a space for social agreement, critical analysis, construction of political thinking and social mobilization. They mobilize populations to stand up for their rights, lands, crops, and products. Social movements are a forum for creating strategies to establish alternative markets, decent housing and wages and the support of human rights, exposing the extractive and predatory

models of development that destroy the natural resources.

The integration of social movements is, of course, complex and dynamic. It requires the integration of the interests and views of organizations across sectors - trade unions, feminists, youth, peasants, fishermen, artisans, indigenous people, environmentalists, and migrants. This integration is a process built based on national and sectoral interests, a commitment to the protection of local resources as well as human and solidarity relations between peoples and the recovery of their collective memory. They are based on democratic principles and the realization of, peace, social justice, sustainable development, multicultural identities, self-determination, sovereignty, justice and solidarity principles.

5. CHALLENGES FOR GOVERNMENTS, DEVELOPMENT COOPERATION, AND SECTORS, MOVEMENTS AND CIVIL SOCIETY ORGANIZATIONS

Governments

- Address the urgent need for the region to raise its level of ethical commitment and political will in environmental issues. Strengthening the environmental dimension of international policies and commitments by States should be a priority for government and state public management in the region;
- Support ownership of international, regional, sectorial Agreements - Escazú LAC Region Agreement - by governments for better

governance and the establishment of democratic institutions;

- Clearly define environmental policies and development strategies at the national and regional sectoral levels to enable the implementation of the Escazú Agreements; and
- Engage citizens in political dialogue with the inclusion of multiple stakeholders, CSOs, movements, private sector, NGOs, for Environmental Agenda and Escazú Agreement implementation.

Development Cooperation

- Accompany ownership, harmonization, alignment and accountability processes with a view to strengthening governments' capacities towards the implementation of the Escazú Agreement;
- Provide resources to governments, NGOs, sectors and CSOs towards environmental policy implementation strategies, policies and programs;
- Implement South-South, multilateral and bilateral cooperation towards environmental development effectiveness linked to SDGs/2030 Agenda; and
- Reshape development cooperation in Latin America taking account the severe increase in poverty and extreme poverty as a result of COVID-19 and natural disasters that are affecting the region as a result of the environmental crisis.

Sectors, Movements, Civil Society Organizations

The environmental and climate crisis that the region has endured for decades, and now the

COVID19 pandemic, highlights the urgency of working for the protection of nature to ensure the good health of our planet and humanity.

From civil society networks, social movements and citizen spaces that promote the implementation of Escazú Agreement:

- Urge the States of the Latin American and Caribbean region that have not yet ratified or adhered to the Agreement, to provide their countries with a robust instrument that allows progress in democracy and environmental governance;
- Create campaigns and social mobilization based on awareness raising and dissemination of environmental policies and the Escazú Agreement to contribute to their implementation, with citizen oversight;
- Accompany fully informed Human Rights Defenders in the management of the environmental agenda, supporting the opening of civic spaces; and
- Reconnect with the youth of the Americas, in order to stimulate dialogue and transmit generational experience.

ENDNOTES

1. Banco Mundial, Se necesita un desarrollo rápido e informado en relación con el clima para evitar que el cambio climático empuje a la pobreza a más de 100 millones de personas para 2030, accedido en <https://www.bancomundial.org/es/news/feature/2015/11/08/rapid-climate-informed-development-needed-to-keep-climate-change-from-pushing-more-than-100-million-people-into-poverty-by-2030>.
2. CEPAL, Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, March 2018, accessed at https://repositorio.cepal.org/bitstream/handle/11362/43583/1/S1800428_en.pdf. See the web site for the Agreement at <https://www.cepal.org/es/acuerdodeescazu>.
3. *Ibid.*, page 11.
4. Frontline Defenders, Global Analysis 2020, page 20, accessed at https://www.frontlinedefenders.org/sites/default/files/fld_global_analysis_2020.pdf.