Escazú Agreement:

Adopted in Escazú (Costa Rica) on 4 March 2018
Opened for signature at UNGA on 27 September 2018

- 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
- First treaty concluded under the auspices of ECLAC

Open to the **33** countries of Latin America and the Caribbean

16 have already signed it
1 ratification
11 ratifications required to enter into force
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>Declaration on the Application of Principle 10 in Latin America and the Caribbean (in the margins of the UN Conference on Sustainable Development – Rio+20)</td>
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<tr>
<td>2012-2014</td>
<td>Preparatory Stage: 4 Meetings of the focal points of the Declaration, 14 meetings of the contact group established (adoption of foundational documents: Guadalajara Plan of Action, Lima Vision for the regional instrument, Contents of San Jose, Santiago Decision)</td>
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<tr>
<td>2015-2018</td>
<td>Negotiation of the Escazu Agreement (9 meetings of the Negotiating Committee, 6 intersesional meetings)</td>
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<tr>
<td>4 March 2018</td>
<td>Adoption of the Regional Agreement in Escazu, Costa Rica</td>
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<tr>
<td>27 September 2018</td>
<td>Opening for signature ceremony of the Escazu Agreement (in the margins of the 73 General Assembly of the United Nations)</td>
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</tbody>
</table>
## Structure of the Escazú Agreement

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

### Operative part
- General provisions (art. 4)

<table>
<thead>
<tr>
<th>First pillar</th>
<th>Second pillar</th>
<th>Third pillar</th>
<th>Fourth pillar</th>
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<tbody>
<tr>
<td>Access to environmental information (art. 5 and 6)</td>
<td>Public participation in the environmental decision-making process (art. 7)</td>
<td>Access to justice (art. 8)</td>
<td>Human rights defenders in environmental matters (art. 9)</td>
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**Capacity-building and cooperation (art. 10 and 11) and clearing house (art. 12)**

### Implementation, monitoring and evaluation

### Resources

### Rules of procedure

### Institutional framework

### Final provisions
Principles (art. 3)

- Equality and principle of non-discrimination;
- Transparency and principle of accountability;
- Non-regression and principle of 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
General provisions (art. 4)

- Right of every person to live in a healthy environment and any other universally-recognized human right
- Free exercise of the rights recognized in the present Agreement
- **Adoption of legislative, regulatory, administrative or other measures necessary to guarantee implementation of the agreement**
- Provision of information to facilitate the acquisition of knowledge on access rights
- Duty to guide and assist the public, 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)**
- Most favourable interpretation for the full enjoyment of and respect for access rights
- Encourage the use of new information and communications technologies, such as open data. Shall not constrain or result in discrimination against the public.
- Promotion in other international forums
Environmental information

- Access to environmental information (art. 5)
  - Accessibility of environmental information
  - Refusal of access to environmental information
  - Conditions applicable to the delivery of environmental information
  - Independent review mechanisms

- Generation and dissemination of environmental information (art. 6)
Public participation in environmental decision-making (art. 7)

- Ensure the public’s right to participation - open and inclusive participation
  - Mechanisms
  - Promotion
  - 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
  - Favourable conditions for public participation
  - 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 in environmental matters (art. 8)

- Guarantee the right of access to justice in environmental matters in accordance with the guarantees of due process

- Access to judicial and administrative mechanisms
  - 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 defense 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 (reversal of the burden of proof / dynamic burden of proof, when appropriate and as applicable)
  - Mechanisms for redress, where applicable
  - 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

- Judicial and administrative decisions set out in writing

- Promote, where appropriate, alternative dispute resolution mechanisms 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.
Capacity-building, cooperation and clearing house (art. 10-12)

- Creation and strengthening of national capacities, based on national priorities and needs
- Cooperation to strengthen national capacities through activities and mechanisms such as…
- Clearing house
Escazú Agreement: Next steps

27 September 2018 - 26 September 2020
Opening for signature of the 33 LAC countries at UN Headquarters in NY

Ratification or accession of the Regional Agreement

Entry into force: 90 days after the 11th instrument of ratification or accession

Implementation of the Regional Agreement
Escazú Agreement website

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

Secretario General de la ONU celebra primer tratado de CEPAL

"Celebramos el primer tratado suscrito, bajo los auspicios de esta comisión regional, y felicitamos a todas las personas que lo hicieron posible."

16 Firmas
0 Ratificaciones

Reuniones

24/10/2019
Hemiciclo: reconocimiento global del derecho a un medio ambiente sano

25/10/2019
Segundo Taller: Fortalecimiento del Acuerdo

27/09/2019
Reunión de seguimiento en Arica (Chile)

Acuerdo Regional

Las copias aurícolas, certificadas en español e inglés, están disponibles en la Collección de Tratados de las Naciones Unidas.

Noticias

10/10/2019
Se efectúa el Acuerdo de Escazú en el Foro de Ministros de Medio Ambiente de América Latina y el Caribe

27/05/2018
Asociaciones, autoridades y ciudadanos de la asociación

Catorce países firmaron en el acto de la ONU, tratando de mejorar organizaciones y poder para la protección de las actividades de la información de la salud ambientales.
Final Act of 9th NC Meeting
(LC/CNP10.9/4)

Adopts the Escazú Agreement

Requests Presiding Officers to continue to steer and conduct the necessary work with signatory countries, significant participation by the public and the support of ECLAC as technical secretariat

Decides to apply *mutatis mutandis* the Modalities for participation of the public in the negotiating committee until the first COP

Invites all Latin American and Caribbean States to sign the Agreement, and to ratify, accept, approve or accede to it, as appropriate, as soon as possible

Applies between the opening for signature and the first COP
Technical Secretariat – Escazú Agreement
Sustainable Development and Human Settlements Division
United Nations, ECLAC

http://www.cepal.org/en/escazuagreement
http://observatoriop10.cepal.org

#AcuerdodeEscazú     #EscazúAgreement