

THE ESCAZÚ CONVENTION



Danielle Andrade-Goffe
Elected Representative of the Public
Regional Agreement on Access to Information, Participation and Justice
in Environmental Matters in Latin America and the Caribbean

20 March 2018

ACCESS RIGHTS



BREAKING DOWN BARRIERS



© Henry Shirley

- Literacy
- Communication channels
- Cost
- Exposure to risk from participation
- Cultural context

24 SIGNATORY COUNTRIES



Source:
 GDP/Cap (Dollar, at current market prices) and total population (Thousands of persons, at mid-year)
 ECLAC (2011) Statistical yearbook of Latin America and the Caribbean
 HDI: UNDP, 2011
 Note: The names and boundaries shown on this map do not imply official endorsement or acceptance by the United Nations.

SCOPE OF ESCAZÚ CONVENTION



Distr.
LIMITED
LC/CNP10.9/5
4 March 2018
ORIGINAL

Ninth meeting of the negotiating committee
of the regional agreement on access to information,
participation and justice in environmental matters
in Latin America and the Caribbean

San José, 28 February–4 March 2018

REGIONAL AGREEMENT ON ACCESS TO INFORMATION,
PARTICIPATION AND JUSTICE IN ENVIRONMENTAL MATTERS
IN LATIN AMERICA AND THE CARIBBEAN

ESCAZÚ, COSTA RICA

MAIN ARTICLES	
1	Objective
2	Definitions
3	Principles
4	General obligations
5	Access to environmental information
6	Generation & dissemination of environmental information
7	Public participation in environmental decision-making
8	Access to justice
9	Human rights defenders in environmental matters
10 & 11	Capacity building & Cooperation



ACCESS TO ENVIRONMENTAL INFORMATION

Articles 5 & 6

WHAT IS ENVIRONMENTAL INFORMATION?

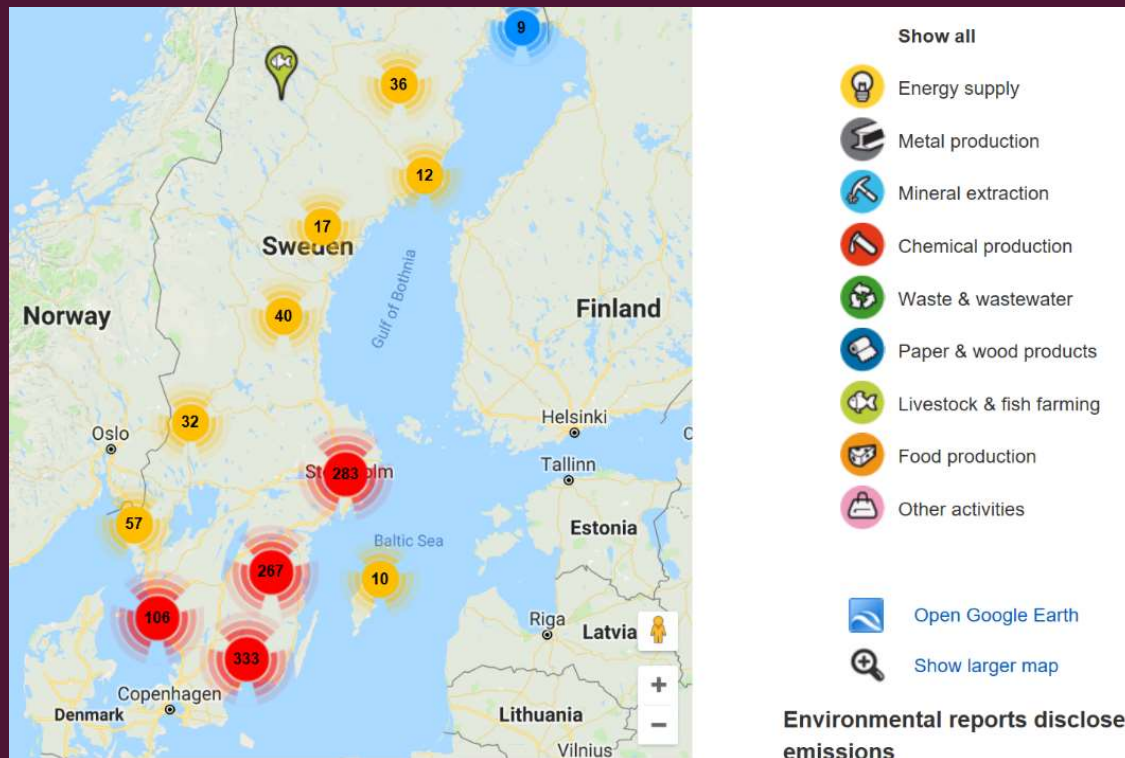


- Environment and its elements
- Natural Resources
- Environmental risks
- Adverse impacts on environment and health
- Environmental protection
- Environmental management

ENVIRONMENTAL INFORMATION SYSTEM

1. Treaties, international agreements, env. laws, regulations & administrative acts
2. State of the environment reports
3. List of public env. entities & their areas of operation
4. List of polluted areas, by type of pollutant & location
5. Info. on use & conservation of natural resources & ecosystem services
6. Scientific, technical or technological reports, studies & info. on env. matters
7. Climate change sources aimed at building national capacities
8. Info. on EIA processes, env. management instruments & env. licences or permits
9. Estimated list of waste by type, volume, location & year
10. Info. on administrative sanctions imposed in env. matters

POLLUTANT RELEASE TRANSFER REGISTER



Sweden's PRTR



ENVIRONMENTAL & PUBLIC HEALTH THREATS



Riverton Landfill on fire (2014) © Jamaica Environment Trust



PUBLIC PARTICIPATION

Article 7

PARTICIPATE IN WHAT?



- Projects & activities with significant impact on env.
- Land-use planning, policies, strategies, plans, programmes, rules & regulations with significant impact on env.
- International forums & negotiations

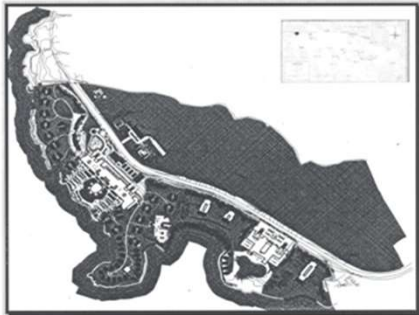
EARLY NOTIFICATION AND PROVISION OF INFORMATION

- Type or nature of decision in non-technical language
- Authority making decision & authorities involved
- Participation procedure (timeline & opportunities)
- Date and place for public consultation or hearing



EARLY NOTIFICATION AND PROVISION OF INFORMATION

ENVIRONMENTAL IMPACT ASSESSMENT



FOR

GRAND PALLADIUM
LADY HAMILTON
RESORT & SPA
AT POINT, HANOVER

- Area description; physical, technical characteristics of project/activity
- Main environmental impacts (incl. cumulative impacts)
- Mitigation measures
- Public reports & opinions of involved authorities
- Available technologies & alternative locations
- Actions taken to monitor implementation & results of EIA measures

COMMENTING PROCEDURE

Opportunity for public comment

Public comments to be considered

Decisions, reasons & how public comments were taken into account to be made public



Public hearing on hotel development, Jamaica 2005 © Wendy Lee



ACCESS TO JUSTICE

Article 8

TYPES OF CHALLENGES



Decisions, actions or omissions:

- Access to environmental information
- Public participation in decision-making process regarding environmental matters
- Adverse effects on the environment or violation of environmental laws & regulations

OBGLIATIONS TO ENSURE ACCESS TO JUSTICE

- State entities with access to **expertise in env. matters**
- Effective, timely, public, transparent & impartial procedures that are **not prohibitively expensive**
- **Broad active legal standing in defence of the environment**
- Possibility of **precautionary & interim measures** to prevent, halt, mitigate or rehabilitate damage to the environment
- Facilitate **production of evidence of env. damage** (e.g. reversal of burden of proof)

OBGLIATIONS TO ENSURE ACCESS TO JUSTICE

- Execute and enforce judicial & administrative decisions in a timely manner
- **Redress** (e.g. restoration, compensation, financial penalty, assistance for affected persons)
- **Minimize or eliminate barriers** to access to justice
- Publicize access to justice right & procedures
- Systematize, disseminate judicial & administrative decisions
- Interpretation or translation of languages other than the official languages



ENVIRONMENTAL DEFENDERS

Article 9

PROTECTING ENVIRONMENTAL DEFENDERS

- **A safe and enabling environment** so they can act free from threat, restriction & insecurity
- **Recognize, protect & promote their rights** (e.g. right to life, personal integrity, freedom of opinion & expression, peaceful assembly & association, free movement, access rights)
- **Prevent, investigate and punish attacks, threats or intimidations**



Daniel Cima

SPECIAL MEASURES: - PERSONS & GROUPS IN VULNERABLE SITUATIONS - INDIGENOUS PEOPLE

- Consider social, economic, cultural, geographical & gender characteristics of communities
- Offer technical & financial assistance
- Use language of people directly affected
- Use best media & formats
- Observe national & international standards for indigenous people





HOW CAN YOU GET INVOLVED?

First Name *	Last Name *
<input type="text"/>	<input type="text"/>
Organization	
<input type="text"/>	
Type of organization	
<input type="text" value="Academy"/>	
Position	
<input type="text"/>	
Address	
<input type="text"/>	
City	
<input type="text"/>	
Country *	
<input type="text" value="Antigua and Barbuda"/>	
E-mail *	
<input type="text"/>	
Phone number	
<input type="text"/>	
Web site	
<input type="text"/>	
Preferred language *	
<input checked="" type="radio"/> English	
<input type="radio"/> Spanish	
Please select, as applicable	
<input type="checkbox"/> I AUTHORIZE ECLAC to provide my contact information to the Governments of the signatory countries of the Declaration to receive information about the national implementation of the Declaration (workshops, meetings and others)	
<input type="checkbox"/> I AUTHORIZE ECLAC to provide my contact information to the elected representatives of the public to receive information about those actions organized by them that are of interest to the Principle 10 regional process in Latin America and the Caribbean	
For additional information, please write to: principio10.lac@cepal.org	
Please enter the code to confirm your subscription *	

REGISTER IN PUBLIC REGIONAL MECHANISM

- Invitations to the meetings and related events
- Updates on status of the process
- Communication from Elected Representatives of the Public

<http://www.cepal.org/en/regional-public-mechanism>

OPEN FOR SIGNATURES



73rd SESSION OF UN GENERAL ASSEMBLY
NEW YORK, US
SEPTEMBER 18 – 30 2018

II RATIFICATIONS - ENTRY INTO FORCE

THANK YOU!



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Elected Representative of the Public

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ALC P10 Mecanismo Público Regional (sp)**