THE ESCAZÚ CONVENTION

A Historic Step Forward for Environmental Rights in Latin America and the Caribbean

Photo Source: Midia Ninja/Flickr
“I cannot freely walk on my territory or swim in the sacred river, and I am separated from my children because of the threats. I cannot live in peace. I am always thinking about being killed or kidnapped. But I am a human rights fighter, and I will not give up this fight.”
-Berta Cáceres, Honduras
VIOLENCE AGAINST DEFENDERS IS RISING

In 2017, Global Witness reported that almost four environmental defenders were killed each week for protecting their land, forests, waterways and wildlife.

Photo Source: Ruy Sposati/Reporte Brasil
Of the 200 killings in 2016, 122 of these murders occurred in Latin America and the Caribbean.
Plagued by increasingly violent conflicts over natural resources, Latin America is the most dangerous region in the world for those who stand up to protect the environment, with more than 60 percent of defender deaths in 2016 occurring across its remote villages or deep within its rainforests. In the Caribbean, threats against activists are also intensifying.
On March 4, 2018 after a six-year negotiation process, 24 countries adopted the Escazú Convention, the region’s first ever legally binding treaty on environmental rights. Also known as the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters, the landmark accord is designed not only to protect environmental defenders, but also to make it easier for nearly 500 million people to get information, participate in the decision-making processes that will affect their lives and hold powerful interests to account.
The Escazú Convention is world’s second regional treaty on Principle 10 of the Rio Declaration, which focuses on establishing and safeguarding environmental rights. Modeled after Europe’s Aarhus Convention, it extends these principles onto a new continent. African and Asian processes are next on the horizon.
Protecting Environmental Defenders | The Convention is the first international agreement guaranteeing the protection of environmental defenders. It requires governments to take measures to prevent, investigate and punish threats and attacks against activists.
Strengthening Public Participation in Environmental Decision-making | Governments must guarantee timely opportunities for the public to participate early on in projects that will significantly impact the environment and their lives.
Reducing Barriers that Undermine Vulnerable Communities’ Ability to Exercise their Environmental Rights

For the first time in international law, the Convention requires governments to ensure that vulnerable populations can exercise their full rights to information, participation and justice.
Facilitating the Proactive Release of Environmental Information | Governments must disclose timely, local information on pollution levels, concessions, land planning decisions and more.
The Convention represents a major step forward for Latin America and the Caribbean, demonstrating global leadership from the region. Protecting communities’ environmental and human rights will not only help reduce violence against defenders and natural resource conflicts, but these safeguards will also help prevent environmental degradation. Greater transparency, for instance, will equip citizens with the information they need to understand where deforestation is happening and advocate for harsher penalties for illegal logging. Meanwhile, stronger accountability mechanisms will allow communities to take mining companies to court for dumping toxic waste into the rivers that sustain their livelihoods.
The Convention will open for signature in September 2018 at the United Nations General Assembly; signatories must then ratify the Convention, which will enter into force when 11 countries have ratified it. Governments and civil society must come together now to build momentum for ratification. The Convention allows for the fulfilment of SDG 16 through a process of building support, capacity and engagement on the key procedural rights which are essential for meeting - 16.7. Ensure responsive, inclusive, participatory and representative decision-making at all levels and 16.10. Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.
WHAT HAPPENS NEXT?

Adopting the Convention is just the first step for Latin America and the Caribbean. Full implementation will depend on:

- Raising awareness around the Convention and its potential impact to support ratification and implementation
- Dedicating funding to support civil society’s participation in government efforts to follow through on implementation
- Providing technical support and advice from countries that have successfully implemented the Aarhus Convention

Photo Source: Ruy Sposati/Repórter Brasil
CIVIL SOCIETY’S ROLE IN THE NEGOTIATIONS

The Access Initiative (TAI), the world’s largest civil society network dedicated to ensuring that citizens have the right and ability to influence decisions about the natural resources that sustain their communities, played an instrumental role in negotiating the Convention. In 2012, TAI launched a campaign to encourage Latin American and Caribbean governments to develop a regional treaty on environmental rights, and in June of that same year, 10 countries issued a declaration that laid the foundation for the Convention’s negotiations. Over the next six years, TAI partners acted as elected representatives of the public and successfully supported a thematic focus on environmental defenders. WRI is the Secretariat of TAI. To learn more about TAI and our work on environmental democracy, visit www.accessinitiative.org and WRI.org/governance.