

Strategies for the ratification and effective implementation of the Escazú Agreement in the Amazonian countries

CLIMATE JUSTICE Learning Community

Below you will find the All Eyes on the Amazon/CJ Learning Community joint reflection on the ratification and implementation of the Escazu Agreement, based on the input from:

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The Escazú Agreement

- The Escazú Agreement (EA) is the 1st multilateral agreement to address environment and human rights. It is a regional instrument for Latin America and the Caribbean.
- EA addresses: i) Access to environmental information; ii) Participation in decision-making processes related to the environment; iii) Access to justice in environmental matters; iv) Environmental defenders; and v) Capacity building and cooperation on these issues.
- It entered into force on April 22nd 2021 and has been ratified by 13 Latin American countries: Argentina, Mexico, Antigua and Barbuda, Bolivia, Ecuador, Chile, Guyana, Nicaragua, Panama, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia and Uruguay. Other 11 countries have signed it.
- Escazú's COP1 took place in April 2022, in Chile. Its main objective was to define the rules of procedure needed to move forward with implementation and compliance.
- Some of the main decisions taken at COP1 are:
 - *Regular COPs will take place every 2 years and will be public. Decisions will be made by consensus, or if not reached, by 3/4 of Parties.*
 - *A trust fund with voluntary contributions will be set up as a funding mechanism for the Agreement.*
 - *A complementary Support Committee will guide and monitor EA's Implementation and Compliance.*
 - *A special Working Group on Environmental Defenders was created. The WG will put together an Action Plan for the Protection of Environmental Defenders, to be presented at COP2.*

Ecuador's experience in Escazú's ratification

Civil society played a key role in the process that led to Ecuador's ratification of the agreement. Articulated under the Escazu Agreement Working Group, several organizations and individuals, including Hivos, planned and implemented key strategic actions. Some of the most important were:

- **Positioning Escazú in the government's agenda.**

A key move was to include EA in the government's priorities under Ecuador's First Open Government National Action Plan (2019-2022). This allowed for access to financial resources from international cooperation and generated an explicit political commitment from the government.

- **Connecting and organizing civil society organizations around a common strategy.**

Working in diverse coalitions has led to the generation of collective intelligence, the definition of joint advocacy strategies, and the capacity to pool and complement existing financial and technical resources. There are several groups in the region, including Escazú Ahora Ecuador and Escazú Ahora Perú.

- **Planning well and establishing a roadmap.**

The EA Working Group defined a plan and roadmap that included all necessary work for the country's ratification. Under it, different organizations contributed with financial and technical resources, as well as with social capital and materials. The roadmap responded to the specific political context and was flexible enough to allow the group to take advantage of key windows of opportunity that appeared for advocacy (including electoral processes, for instance). The plan included actions and representation both in formal and informal platforms and processes, like government-led roundtables or direct access to decision-makers through personal relationships.



Photo: Andressa Zumpano

Ecuador's experience cont'd

• Implementing advocacy actions at different levels.

Using the roadmap as a foundation, several positioning and advocacy actions were implemented. They included, among others:

- Strategic communications, led by a specific working group that defined key messages, channels and communications/advocacy strategies.
- Direct lobby and advocacy with political actors and decision-makers that were key in the ratification process. This included actions both in the legislative and executive powers.
- Regional joint campaigns. On top of national actions, joint regional campaigns were set up with groups and coalitions across Latin America.

From ratification to implementation: what's next?

Key actions identified to advance EA's implementation in Amazon countries include:

- Establishing a roadmap that defines clear and concrete actions for the generation of the enabling conditions required for the implementation.
- Actions should take place both at legal and practical levels. Existing gaps between the Agreement and national laws need to be addressed. Simultaneously, conditions to guarantee the enforcement and application of such laws should be considered. For instance, advocacy actions should strive to guarantee the full exercise of human rights in environmental issues and land defense, including appropriate budget allocation from the government.
- Guaranteeing the inclusion of civil society in governance structures established for the EA. In the case of Ecuador, for instance, CSOs are organized under the Escazu Ahora group and they are also represented in the Environmental Democracy Table set by the government.
- There is no EA without indigenous peoples. It is thus key to further strengthen the articulation and collaboration between CSOs and indigenous organizations. This will allow for the EA's implementation to be grounded in local rightsholders' perspectives, as well as for the adequate protection of environmental defenders on the ground.
- More than a legally-binding instrument, the EA has become a movement that mobilizes others and grows across Latin America and the Caribbean.

Other key considerations

- By guaranteeing access to information, participation and justice in environmental issues, the EA becomes a key procedural tool that allows for the exercise of other individual and collective rights.
- Rules of procedure, which include both public participation modalities and rules for the organs, are key as they define the future implementation of COPs. These rules must guarantee access to information and public participation around the Agreement itself.
- Civil society must articulate and strategize at different scales, including local, national and regional levels.
- The EA is a regional response to common challenges. As such, regional collective action is key in generating pressure for its ratification and implementation. However, EA's implementation falls under each Party's responsibility and sovereignty, so civil society strategies must also be flexible and adapt to each country's political situation and specific conditions.
- Efforts must not only focus on lobbying and advocacy, but also on bringing the EA closer to the citizens, positioning it in public opinion, and strengthening a civic movement that can drive changes in policies and in practice.
- While indigenous peoples and local communities play a key role in the conservation of the Amazon, they are often murdered or persecuted for defending their territories. It is essential that the work be driven by the communities and grounded in their perspectives, ensuring the timely, adequate and proper implementation of the EA. Several regional and national indigenous organizations have programs and strategies for forest protection and protecting environmental defenders. COICA's Defending the Defenders Program (DDP) is an example.
- There are alternative tools and mechanisms in Amazon countries for the defense and protection of environmental and human rights defenders that should connect to the EA. For instance, in Peru, there is an Intersectoral Mechanism for the Protection of Human Rights Defenders and the Functional Unit for Environmental Crimes. Other national mechanisms should be enforced, specially in LAC countries that have not yet signed the mechanism, to ensure the protection of defenders' rights, while advocacy actions for EA's ratification take place.