



Acuerdo
de Escazú

Escazú Thursdays with the IUCN

15 July to 12 August 2021



IUCN

Comité Regional
del Caribe

Caribbean Regional
Committee

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des Caraïbes



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Alianza de Derecho Ambiental y Agua ADA2



Abogando por el Derecho Humano al Agua



CEESP
Commission on Environmental,
Economic and Social Policy

ESCAZÚ THURSDAYS WITH THE IUCN

Report

Virtual event

15 July to 12 August 2021

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I. INTRODUCTION

The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, known as the **Escazú Agreement**, is of great importance due to the fact that it is the first regional environmental instrument and pioneer in the sense that it contains specific provisions for the protection of environmental activists.

With the recent entry into force of the Escazú Agreement on 22 April 2021, continuing and extending efforts to strengthen capacities and mechanisms that ensure the fulfilment of its objectives becomes even more relevant for the countries of our region.

Within the International Union for Conservation of Nature (IUCN) it has been identified a need to promote joint work, taking advantage of the strengths of Members, Commissions and their experts, as well as the Secretariat to contribute to the implementation of the Agreement. In October 2020, the IUCN membership adopted Resolution [WWC-2020-Res-051](#), which calls on IUCN to provide technical support and capacity building, share materials, as well as promote events and activities to foster the implementation of the Agreement.

In this regard, the Regional Committees of the Caribbean, Mesoamerica and South America, the Commission on Environmental, Economic and Social Policy (CEESP), the Regional Office for Mexico, Central America and the Caribbean (ORMACC, in Spanish), and Alianza de Derecho Ambiental y Agua joined their efforts and capacities to hold the first dialogue forum within the IUCN community entitled "**Escazú Thursdays with IUCN**" — aimed at both member organizations and experts of the Commissions, and other relevant organizations and actors interested in participating — in order to find out where we stand and identify lines of work that lay down the steps to follow, specifically with regard to rights of access to information, public participation and justice in environmental matters (access rights).

Escazú Thursdays with IUCN, which attracted more than 200 people from 20 countries in the region, were presented as a core activity to gather information, identify tools, and expand the community that drives the Escazú Agreement, and as a platform for outlining the design and creation of joint initiatives to contribute to the successful implementation of the Agreement's objectives.

This document is a synthesis of the five sessions of **Escazú Thursdays with IUCN**, including the objectives and methodology that determined the content and dynamics of the sessions, as well as a final section that motivates us to move forward and take

the next steps in developing and implementing projects and initiatives that promote access rights in our region.

II. METHODOLOGY

The **general objective** of the Escazú Thursdays was focused on:

Laying the foundations in the IUCN to kick-start initiatives and projects that contribute to the fulfilment of the objectives of the Escazú Agreement on the rights of access to information, public participation and environmental justice in environmental matters (access rights).

In addition, four **specific objectives** were determined to guide the content and dynamics of the sessions:

- ◆ Establish common ground in terms of the conceptual framework on the access rights.
- ◆ Provide a general overview of the situation of access rights in the region, including experiences aimed to guaranteeing them and challenges to be faced.
- ◆ Identify lines of action with the potential to generate collaborative initiatives and projects aimed at guaranteeing access rights.
- ◆ Lay the foundations for collaboration so that countries can incorporate and advance the implementation of the Escazú agenda with the collaboration of the pillars of IUCN

To achieve these objectives, **Escazú Thursdays** was developed as five virtual sessions of two hours each, starting with an introductory session attended by Dr. Grethel Aguilar, Deputy Director General of IUCN, as well as Kristen Walker, President of the CEESP, and Ernesto Herrera, President of the Mesoamerican Regional Committee on behalf of the Caribbean and South American Regional Committees.

The first session aimed to provide an introduction to the Escazú Agreement, with presentations on its background, content and implications for the environmental work of governments, civil society, indigenous peoples and local communities, among other relevant actors. These presentations were delivered by specialists and people directly involved in the negotiation and implementation of the Agreement.

Each access right was addressed in depth on the next three Thursdays, respectively. The structure of the sessions consisted of a presentation by specialists in the field to elucidate the most relevant concepts, as well as provide an overview of the situation of these rights in the region. Subsequently, in each session, the participants

were invited to actively take part in working groups and use digital tools to share their insights on the situation they observe in their countries, about experiences on implementation, as well as the challenges they identify in guaranteeing access rights.

In this sense, the questions raised to motivate participation and learn more about the situation in the different contexts of the region were:

1. In terms of legislation and policies how prepared is your country to implement the Escazú Agreement?
2. What challenges/obstacles do you identify in your country that affect the implementation of the Escazú Agreement?
3. What examples of successful initiatives and projects are you aware of?

These questions were applied to each right of access, through rounds of participation. At the end of each session, the facilitators presented in plenary the most relevant findings discussed in the working groups.

With the inputs collected, the organizing team carried out a systematization, in particular, on the implementation challenges identified and the good practices that are already happening.

In the fifth session, the results of the previous sessions were presented to frame the discussions between the participants in a workshop mode. In this way, a carousel dynamic was carried out to problematize the challenges identified and devise possible solutions in each of the access rights. Similarly, at the end, the conclusions of the working groups were presented in plenary.

Finally, during the closing of the forum, participants were informed that the results would be shared to encourage new working groups and the development of joint projects and initiatives.

As mentioned above, Escazú Thursdays with IUCN were open to individuals and organizations, inside and outside IUCN, interested in the implementation of the Escazú Agreement. The dialogues welcomed 222 attendees, representing some 143 organizations and institutions from the public sector, civil society and academia. 65% of the attendees were linked to IUCN, and 13% belong to IUCN Commissions: Education and Communication Commission, the Commission on Environmental, Economic and Social Policy and the World Commission on Environmental Law.



The regional representation in the dialogues was from 20 countries in Latin America, the Caribbean and some from other parts of the world as shown in Figure 1, below.

Figure 1. Participating countries



III. BACKGROUND TO THE ESCAZÚ AGREEMENT

After several years of negotiation, with the support of the Economic Commission for Latin America and the Caribbean (ECLAC), the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, known as the **Escazú Agreement**, was adopted on 4 March 2018. It entered into force on 22 April with its ratification by 12 countries – Antigua and Barbuda, Argentina, Bolivia, Ecuador, Guyana, Mexico, Nicaragua, Panama, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Saint Lucia and Uruguay.

The objective of the **Escazú Agreement** is to guarantee the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in the environmental decision-making process and to justice in environmental matters, and the creation and strengthening of capacities and cooperation, contributing to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development.¹

To provide an overview of the background and implications of the Agreement, the first session included presentations from the perspective of civil society, government, indigenous peoples and local communities, as well as from individuals who took part in the negotiations and are now serving as Representatives of the Public.

Tomás Severino², Representative of the Public to the Escazú Agreement, highlighted the role of civil society in the Escazú Agreement since the beginning of the negotiations, as well as the establishment of the Public Representation body, made up of six people from Argentina, Chile, Colombia, Saint Lucia, Jamaica and Mexico, respectively.

He stressed the importance of the Escazú Agreement as a human rights instrument that will allow greater enforceability of its guarantees of access rights, and for being the first international agreement in the world to establish an article on the obligations of states to guarantee the human rights of environmental defenders.

Likewise, it is also relevant that within its provisions it places the strengthening of the capacities and cooperation of the state parties at the same level and allows for synergies with other international processes.

¹ Article 1 of the Escazú Agreement.

² Director at Cultura Ecológica and Representative of the Public to the Escazú Agreement from Mexico.

Ana Di Pangracio³, from the Environment and Natural Resources Foundation, commented that the ECLAC, as technical secretariat of the negotiation process, established and coordinated the so-called Public Mechanism, through which civil society had a voice in the decisions, was able to incorporate proposals presented by the public into the Agreement and allowed the institutionalisation of a network of more than 30 organisations that participated in the process.

To guarantee its incorporation and compliance by States Parties, the participation of civil society organisations continues to be essential during the implementation phase of the Escazú Agreement.

Aida Gamboa⁴, from Derecho, Ambiente y Recursos Naturales, explained that local actors, indigenous peoples and young people also participated directly by consolidating their own initiatives, which were then promoted by governments. Even those States that have not yet ratified the Agreement have incorporated its principles and standards, such as Peru, with the development of the Register of Complaints and Incidents against Human Rights Defenders.

The speaker highlighted the importance of the Agreement in guaranteeing relevant information in cases of imminent threat to public health or the environment, and the creation of an early warning system; ensuring public participation from the initial stages of the decision-making process; promoting the value of local knowledge, dialogue and the interaction of different visions and knowledge; and incorporating mechanisms for the systematisation and dissemination of judicial and administrative decisions, the use of interpretation or translation of languages other than the official ones, and free technical and legal assistance.

She also considered important that in the post-pandemic world, governments should establish targeted plans with suitable cultural mechanisms for indigenous peoples; that they should incorporate into their economic recovery plans the environmental and social standards of the Agreement for the respect of human rights; transmit information with suitable, up-to-date and timely mechanisms in indigenous languages; and consider the use of mass media such as local radio stations and indigenous community networks.

³ Deputy Executive Director and Biodiversity Coordinator at Fundación Ambiente y Recursos Naturales (FARN)

⁴ Coordinator of the Amazonia Program at Derecho, Ambiente y Recursos Naturales (DAR)

To give a government perspective, **Camila Zepeda**⁵, Director General for Global Affairs at the Mexican Ministry of Foreign Affairs, stressed that her country had worked to promote the Escazú Agreement, recalling that, together with Argentina, they were the last two national governments that ratified the Agreement so that it could enter into force.

In terms of the right of access to public information, the National Institute of Transparency, Access to Public Information and Protection of Personal Data (INAI, in Spanish) has already put institutions in place to comply with the provisions of the instrument. Likewise, information systems will be updated and take vulnerable groups into account, an example of which is translating the Agreement into five indigenous languages.

With respect to the right of access to public participation, the speaker commented that the government of Mexico will work to evaluate the participation mechanisms that are in place and develop strategies to improve them and train public servants. In Mexico, there is more work to be done on guaranteeing the right of access to justice in environmental matters; specialized courts are required and work will be done with the different public entities to identify training needs and develop strategies to address them.

She also pointed out that, in the implementation of the Agreement, Mexico will have a roadmap that includes outreach to civil society and the private sector, while international cooperation is being sought for capacity building, as are regional initiatives to share Mexico's best practices.

IV. RIGHT OF ACCESS TO INFORMATION

a. Conceptual framework

Andrea Sanhueza, renowned Chilean political scientist and Public Representative to the Escazú Agreement, presented in detail the implications of compliance with the right of access to information. The points she highlighted included:

- ◆ Environmental information refers to information on the environment, its protection and management, natural resources, environmental risks, adverse impacts on the environment and health.
- ◆ Environmental public information is based on the generation of information, which is a challenge in many countries in the region.

⁵ Mexico's Chief Negotiator for climate change and biodiversity.

Articles 5 and 6 of the Escazú Agreement

- ◆ The right consists of the obligation of states to make information available to the public in an accessible form.
- ◆ Environmental information makes it possible to take care of and respect the territories and resources of local communities for their development, as well as to raise awareness among citizens about the importance of protecting the environment.
- ◆ People have a "right to know" about the environmental risks to which they are exposed.
- ◆ Public environmental information helps to prevent corruption in project decision-making.
- ◆ Article 5 of the Agreement refers to laws on transparency and access to public information.
- ◆ Article 6 of the Agreement requires that environmental authorities generate, collect and disseminate environmental information periodically and in an accessible manner. Reference is also made to the environmental information held by the private sector and their sustainability reports.
- ◆ Environmental information systems must have information about the regulatory framework, reports, scientific studies, environmental impact assessment processes, sanctions, among other aspects.

b. Challenges

In the workshops of the second and fifth sessions, participants delved into the situation, problems and challenges experienced in their countries with respect to ensuring access to information.

While it is recognized that most countries in the region offer transparency and access to information laws, as well as have relevant public institutions in place, there are still gaps in both national regulatory frameworks and challenges in implementing the provisions.

The identified challenges and their implications are presented below:

1. Lack of adequate dissemination and implementation of the regulatory framework on access to information

- ◆ Lack of awareness of the importance of information.
- ◆ In other cases, the information is centralized.
- ◆ In both situations, this leads to the failure to raise awareness of the this right normative framework.

- ❖ Absence of institutional capacities in the field, which means that the relevance of publishing information is minimal and that the implementation of the regulations is not expeditious.

2. There is a need to harmonize the regulatory framework on access to information so that it meets the needs of the provisions of the Escazú Agreement

- ❖ Many regulatory frameworks do not include safeguards yet to ensure access to information, transparency and accountability.
- ❖ In the case of free, prior and informed consultation, there are no corresponding regulatory frameworks that specify the means and tools that guarantee access to information as part of this exercise.

3. There is no coordination of public institutions in the implementation of the right of access to information

- ❖ In general, there are no information systems in place that aggregate and articulate the relevant information held by government sectors for decision-making in environmental matters.
- ❖ In the case of projects that involve non-environmental sectors, but that have impacts on the environment, access to information is not covered by the provisions of the Agreement or by environmental regulations.

4. The authorities do not have the capacity or the political will to facilitate public access to information

- ❖ Public servants do not have sufficient knowledge to comply with their obligations to make information transparent.
- ❖ In some cases, public institutions do not have the capacity in terms of staff, tools and resources to manage and disseminate information.
- ❖ In other cases, public institutions do not have the will to guarantee access to information or there exists corruption, whereby corporate interests prevail over public benefits and thus hinder this right.

5. Where information is available, it is usually not presented in accessible and open formats

- ❖ People do not have enough expertise to make efficient use of the tools that allow them to access information.

- ◆ The information is not available in accessible formats and in a way that is understandable to all people, in particular, to vulnerable groups.
- ◆ There is a need to ensure that policies and mechanisms to ensure access to information facilitate the inclusion of vulnerable groups.
- ◆ Currently, much of the public information is in digital form, so the digital divide makes it difficult to ensure access by diverse social groups, in particular, indigenous peoples and rural communities.

c. **Good practices in the region**

Translation of the Escazú Agreement into indigenous languages

Currently, the Agreement has an official translation in Quechua. In Mexico, the National Institute of Indigenous Peoples is working on the translation of the Agreement in three of the most widely used indigenous languages in the country.

Strategic litigation

In Argentina, strategic environmental litigation made the national authority set up an office specialized in the generation and dissemination of public information.

Indigenous radio

Indigenous or community radio is a means of communication implemented and used directly by indigenous peoples and communities to broadcast and disseminate information of their interest in their own languages. In the Amazon, a digital initiative called Lanceros Digitales has been formed to disseminate information on projects to be implemented by the state. They have a community radio station to disseminate all information affecting indigenous peoples.

Natural Resources Transparency Index (ITRN in Spanish)

ITRN is a methodology developed and implemented by civil society organisations Causa Natura, Cartocrítica, the Fondo para la Comunicación y Educación Ambiental and Reforestamos México, as a tool to determine the status of public information on water, forests and fisheries.

d. Devising solutions

Based on the above challenges and the good practices identified, the participants brainstormed possible solutions. The proposals that stood out were:

- ❖ Form alliances with the media to position the importance of information for public decision-making, as well as guaranteeing access to it.
- ❖ Organise national programmes based on civil society partnerships for the dissemination of the Agreement.
- ❖ Adapt regulatory frameworks to ensure access to information with due consideration of transparency and accountability.
- ❖ Integrate commissions in legislative bodies based on open parliament mechanisms.
- ❖ Guarantee and strengthen information systems in environmental and related sectors.
- ❖ Adapt and harmonize regulatory frameworks to establish a distribution of competences and powers to involve diverse governmental sectors and levels.
- ❖ Conduct training courses for public officials in the area of information and transparency.
- ❖ Use community radios to disseminate information.

V. RIGHT OF ACCESS TO PUBLIC PARTICIPATION

a. Conceptual framework

In her presentation in the third session, **Mara Lorena Bocaletti**, Director of the International Platform Against Impunity in Guatemala, stressed that public participation implies that any person, individually or collectively, can participate in decision-making processes to provide input and influence solutions and improvements to policies, legislation, plans and programmes implemented by the state.

In addition, she noted that it was important to consider the following points:

- ❖ Public participation in environmental decision-making processes is provided in Article 7 of the Agreement.
- ❖ Citizen participation implies the exercise of democratic control in the management of the State: questioning, inquiring and monitoring.
- ❖ Prior access to relevant information is a key step in participation.
- ❖ Transparency and availability of information in the public domain.
- ❖ Sustained, effective and reliable channels of dialogue.

Article 7
of the
Escazú
Agreement

- ◆ The mechanisms are regulated by law, guaranteeing how and at what time one can participate.

b. Challenges

Most countries in the region have established mechanisms for public participation in environmental matters such as public hearings, consultations, councils and environmental impact assessment mechanisms.

The right of access to participation promotes a more democratic country by developing decisions in consensus with society, as well as a better economy by making decisions transparently, and represents an instrument that puts a brake on corruption.

However, during the workshop discussions in the third and fifth sessions, a number of challenges to effective public participation were still identified:

1. The regulatory frameworks do not address participation in accordance with the provisions of the Escazú Agreement

- ◆ Legislative frameworks that include the right to public participation do not reflect yet high standards in the exercise of participation mechanisms.
- ◆ The level of importance of citizen participation in public decision-making is still low, this is reflected in the absence of participation mechanisms.
- ◆ When participation mechanisms are in place, the results are generally not binding or do not provide a strong rationale for acceptance or rejection.
- ◆ The provisions in regulatory frameworks have not been standardized with the aim of ensuring coordinated participation mechanisms for activities or projects that fall within the competence of different government sectors.

2. Participation is neither democratic nor equitable for all actors

Participation is hardly carried out under conditions of equity and a democratic environment. This is due to:

- ◆ Lack of access to participation mechanisms in public decision-making processes, in particular in the case of vulnerable social groups, whose needs are not taken into account.
- ◆ The lack of access to knowledge about the Escazú Agreement and the right of access to information due to language barriers and jargon that hinder easy understanding.
- ◆ Ignorance about legislation, competent authorities and procedures governing public participation.

- ◆ The lack of consideration of the mechanisms of self-management and cultural practices of indigenous peoples and local communities for exercising the right of participation in public decisions.
- ◆ Different social groups, in particular, indigenous peoples and local communities lack relevant and accessible information on public participation rights and mechanisms.

If the above situations are not adequately addressed, participation mechanisms tend to become a simulation of participation exercises with questionable results, opening the door to corruption.

3. There is a lack of regulatory frameworks that ensure the proper conduct of free, prior and informed consultations

- ◆ Free, prior and informed consultations cannot be carried out adequately in the absence of regulatory frameworks that specify the means, tools and conditions for their implementation.

4. In many cases, safeguards are not in place that to ensure the safety of persons making use of participation mechanisms

- ◆ People who have an interest in participating may feel discouraged if they faced by the possibility of being subjected to threats and retaliation.
- ◆ There are no security protocols in place to protect participants, in particular, environmental defenders.

5. There is a lack of capacity building in public institutions so that they can promote, facilitate and implement public participation in decision-making

- ◆ In many cases, the authorities maintain a negative perception of public participation because they feel observed and subject to accountability, which in turn results in a lack of political will to implement participation mechanisms.
- ◆ The exercise of this right does not yet have a high level of importance, which translates into a lack of budgetary resources for its implementation and in the absence of training for public officials on the exercise of this right.

c. Good practices in the region

Biocultural community protocols

In Panama and Mexico, indigenous communities develop these instruments for making decisions about the use and management of biodiversity present in their territories.

National Youth Participation Index

In Mexico, the NGO Ollin developed a methodology to measure youth participation in advocacy spaces.

Alliances and coalitions of citizens and NGOs for the defence of protected areas

In the Dominican Republic and other countries in the region, the integration of coalitions has allowed the defence of protected areas.

Empty chairs


In Ecuador, the debates that take place in the sessions of the autonomous governments are public, allowing interested persons and communities to participate with voice and vote.

National Forestry Council of Mexico

Established under the General Law for Sustainable Forest Development, this is an institutionalized participation mechanism of a consultative nature which demands the participation of various social sectors with an impact on forestry. On the government side, managers with the authority to make commitments participate.

d. Devising solutions

Based on the complexity of the challenges identified, the participants proposed many solutions to improve democratic and equitable participation. These included:

- 
 Alliances with organizations that work with legislators to sensitize them on the issue of adapting normative frameworks, in particular, to ensure that the results of participation mechanisms are binding. For example: collaboration with the ICCF Group to strengthen the capacities of legislators, and with USAID on democracy and participation.

- ◆ Diagnostics and analysis to establish safeguards for public participation.
- ◆ Environmental citizenship projects.
- ◆ Incorporation of suitable courses for different educational levels.
- ◆ Alliances with the media and use of indigenous radio stations to disseminate content.
- ◆ Linking participation mechanisms with the self-management mechanisms of indigenous peoples and local communities.
- ◆ Legislative projects to regulate free, prior and informed consultation, with the participation of national government institutions with powers and competencies in issues of participation, environment, rights of indigenous peoples and local communities.
- ◆ Public recognition of exemplary civil servants.
- ◆ Training courses on technical terms and values.
- ◆ Partnerships with sub-national government platforms and networks to provide training. For example: training facilitated by the National Association of State Environmental Authorities, creation of training courses by organisations such as IUCN for members representing governments.

VI. RIGHT OF ACCESS TO JUSTICE

a. Conceptual framework

Andrés Napoli, Executive Director of the Environment and Natural Resources Foundation, explained in his presentation that the right of access to justice implies, on the one hand, guaranteeing ways and means to access it and, on the other, providing effective responses by the competent bodies.

Likewise, the environmental due process contains special measures in accordance with Article 8 of the Escazú Agreement, relating to access to judicial and administrative bodies to challenge and appeal any decision, action or omission related to access to environmental information; public participation in environmental decision-making processes; and any other that affects or may adversely affect the environment or contravene legal norms related to the environment.

The judiciary needs to specialise in environmental issues to guarantee the right of access. In addition, effective, timely, public, transparent, impartial and affordable special procedures and mechanisms are required that provide for:

- ◆ Precautionary and provisional measures to prevent, cease, mitigate or remedy damage to the environment.

Article 8
of the
Escazú
Agreement

- ◆ Measures to facilitate the gathering and documentation of evidence of environmental damage.
- ◆ Mechanisms for the timely enforcement and compliance with judicial and administrative decisions.
- ◆ Remedial mechanisms (e.g., restitution to the pre-damage state, restoration, compensation, guarantees of non-repetition).

b. Challenges

The challenges and problems identified during the fourth and fifth sessions included:

1. The general principles of environmental law recognized in national legislation are not best implemented by State agencies.

- ◆ There is a lack of institutional capacity, in particular, of environmental prosecutors' offices, to monitor compliance with the principles of environmental law recognized in national legislation, as well as those set forth in international cases.
- ◆ Often administrative procedures are not carried out in a clear and legally compliant manner.

2. It is necessary to align national laws to uphold the right of access to justice as set forth in the Escazú Agreement

- ◆ Political constitutions, normative frameworks for human rights and environmental matters must be harmonized in accordance with the provisions of the Agreement.
- ◆ To make the right of access to justice operational, national laws need to be adapted or modified, in particular with respect to the free, prior and informed consultation of indigenous peoples and local communities.

3. Regulatory frameworks are available in indigenous languages.

- ◆ Translate environmental regulations, both national laws and international instruments, into the respective languages of the indigenous peoples.

4. The administrative and jurisdictional authorities do not know or do not apply environmental regulations adequately.

- ◆ There is a considerable opportunity for professionals specialized in environmental matters yet.
- ◆ More judicial authorities specialized in environmental law are required.

5. It is necessary to provide information to the general population, indigenous peoples, local communities and social organizations so that they can initiate judicial processes in defence of the environment.

- ◆ In general, there is a lack of knowledge about judicial processes.

c. Good practices in the region

Yolanda Law

In Argentina, Law no. 27592 was enacted to ensure the training of all persons working for the state, including judges.

Legal clinics

In Argentina, specialized legal clinics were developed to deal with some cases.

Strategic litigation

Strategic litigation has been used as a resource to demand the right to water and to guarantee participation in the face of real estate developments in forests and mining projects.

Subnational prosecutors' offices and protection of the environment prosecutors' offices

At the subnational level, governments have promoted the creation of these bodies to monitor compliance with the environmental regulations under their remit.

Community-based organizations for the dissemination of environmental rights

In Panama, the Ministry of Environment provided resources to an NGO to train tourist guides from protected areas, who then created grassroots organizations that currently disseminate information on environmental rights and duties.

d. Devising solutions

Based on the complexity of the challenges identified, the participants proposed many solutions to help guarantee access to justice in environmental matters. These included:

- ◆ Set up training programmes for public officials and judges, such as legal clinics.
- ◆ Disseminate information on the instances where complaints can be filed at a supranational level. National courts should commit to the principle of control of conventionality.
- ◆ Carry out diagnoses on national legislation in accordance with the Agreement in order to develop action plans to incorporate or adapt provisions to ensure compliance.
- ◆ Develop and implement training programmes for strategic litigation, as well as integrate national and regional networks on strategic litigation.
- ◆ Setup institutional projects for the translation and dissemination of environmental regulatory frameworks.
- ◆ Create programmes for dissemination of judicial processes in environmental matters and legal accompaniment.
- ◆ Create a repository for organized civil society that fosters the sharing of experiences and information.
- ◆ Integrate and promote university programmes in environmental law, including access rights. Provide courses and webinars on environmental law for interested audiences.
- ◆ Train judicial authorities. For example: Partnerships with foundations that promote training on human rights and the environment.
- ◆ Develop easily understood security protocols against threats that involve the activation of competent administrative and judicial instances. Implement dissemination and training programmes for vulnerable groups. For example, public institutions working on issues of indigenous peoples and other vulnerable social groups, as well as on discrimination prevention and human rights, can develop specialized programmes.
- ◆ Create coalitions of courts to share good practices and facilitate the creation and strengthening of new courts.
- ◆ Incorporate into public budgets items for programmes and policies that contribute to guaranteeing access to environmental justice.

VII. CONCLUSIONS: WHAT'S NEXT?

Escazú Thursdays with IUCN marked the first collaboration between IUCN pillars to foster the implementation of the Escazú Agreement.

The dialogues made it possible to invite many organizations and interested individuals to familiarise themselves with the Agreement and to engage in constructive dialogue to trigger multi-stakeholder alliances to carry out concrete actions.

It was noted that Latin American and Caribbean countries already have in place legislation and institutions dedicated to the rights of access to information, participation and environmental justice. However, the common denominator is that there are still gaps and lack of coordination in the regulatory frameworks governing environmental sector issues which in turn impede the effective exercise of these rights. In addition, there is a lack of public policies to advance the actions that governments should promote to improve the environment in which access rights are exercised.

Likewise, it is perceived that it is necessary to increase awareness of the importance of these rights as part of the enabling conditions to achieve the conservation and sustainable use of the ecosystem services offered by nature, while allowing the various social sectors to benefit equitably in their sustainable development.

During the dialogues, the participants agreed that the solutions and actions must start from diagnoses at the country level and require the use of methodological tools such as indices to determine specific needs for improvement. The need to harmonize regulatory frameworks governing environmental matters and activities that generate impacts on the environment, incorporating specific regulations to make access rights operational was also highlighted.

State authorities and citizens participate in the exercise of access rights, thus formal education at different educational levels, the training of professionals and the continuous training of public servants, legislators and members of the judiciary is crucial.

In addition, the Latin American and Caribbean region is characterized by its great cultural richness manifested in the large number of indigenous peoples and local communities and their languages, which is why emphasis must be placed on recognising and addressing their needs, considering that often they are under vulnerability conditions.

Finally, it is necessary to remember that less than half of the Latin American and Caribbean States are Parties to the Escazú Agreement, which means many countries still face these and other challenges to guarantee access rights.

The outcomes of Escazú Thursdays with IUCN have motivated us to deepen the various lines of work identified to activate projects and initiatives at the regional, subregional, national and subnational levels on the basis of alliances that add experience and capacities. In this sense, the findings presented in this document will be disseminated with the expectation of carrying out new dialogue exercises, specialised working groups, project generation and resource mobilisation to achieve the objectives of the Escazú Agreement.

ACCESS TO RECORDINGS

Recordings of the five sessions are available in Spanish and English on the YouTube channel of the Commission on Environmental, Economic and Social Policy <https://www.youtube.com/channel/UCtKMA8LPmxDvoazCbx2-p1A>

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- Ernesto Herrera Guerra – Chair of the Mesoamerican Committee
- Rossana Berrini – Chair of the South American Committee
- Ana Isabel Estrada – Coordinator of Constituents and Official Relations of the Regional Office for Mexico, Central America and the Caribbean
- Jeanette de Noack – Director of the Environmental Law and Water Alliance

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