

# LIFESTYLE

## Environment

11 PAGES OF WHAT'S GOING ON

Denyse Renne

**T**HE Caribbean Natural Resources Institute (Canari) is calling on Trinidad and Tobago to ratify the Escazú Agreement.

At a seminar on January 23, at the Noor Hassanali Auditorium, Faculty of Law, The University of the West Indies (The UWI), St Augustine campus, titled, "Why the Escazú Agreement matters: environmental rights, justice and public participation in the Caribbean", representatives called for support of the agreement.

The Escazú Agreement is the first environmental human rights treaty in Latin America and the Caribbean. It was approved in March 2018 after a negotiation that lasted about six years.

It develops Principle 10 of the 1992 Rio Declaration on Environment and Development, which seeks to ensure access to information, citizen participation and access to justice in environmental matters. The Escazú Agreement develops these three rights and aims to promote better governance of natural resources in the region.

Twenty-four states approved its final text in March 2018, in the Costa Rican town of Escazú, where the last of the nine meetings of the negotiating committee was held.

Canari is a leading regional technical institute whose focus is on participatory natural resource management in the Caribbean, particularly in the areas of climate change resilience, forests and coastal and marine natural resources management, sustainable livelihoods and green-blue economy.

Canari and its partners—the EquiGov Institute, Cropper Foundation and Environment Tobago—are leading on public awareness and advocacy for the signing and ratification of the Escazú Agreement by the Government of T&T.

Delivering the feature address at the seminar was Caribbean Court of Justice (CCJ) Judge Winston Anderson. He explained to the audience that the Escazú Agreement matters to the Caribbean because it affirms and strengthens the region's commitment to respecting the environmental access rights of its citizens, and because it promotes the adherence by the Caribbean to sustainable development.

"Simultaneously, the agreement challenges the Caribbean to undertake new paradigms in collaboration and to make the necessary accommodations in its jurisprudence in the service of environmental access rights.

"The Caribbean has a long and proud tradition of enunciating policies that promise and promote what today is referred to as 'environmental access rights'. This

# Why Escazú?

## ...call to support agreement protecting citizens' rights

region was one of the first to draw attention to these environmental issues, and I have made the point several times during the negotiating process of the Escazú Agreement that the Caribbean was among the pioneers in the elaboration of access rights at the regional, international and national levels. In many ways, as the young people would say, "we own this".

### Regional level

Taking a step back in time, Anderson said, at the regional level, "The Port of Spain Accord on the Management and Conservation of the Caribbean Environment was signed by ministers of environment of the Caribbean in Port of Spain in 1989; that is, a full three years before the 1992 Rio Declaration."

The accord, the judge explained, "identifies as a strategic approach for environmental protection, the promotion of public education and awareness, and the collection and dissemination of environmental information. In 1991, one full year before the 1992 Rio Declaration, and again here in Trinidad and Tobago, the Port of Spain Consensus of the Caribbean Regional Economic Conference was adopted.

"The consensus gave 'pride of place' to human resources development and made clear that the economic development was to be pursued within the broad context of democratisation, social partnership and human resources enhancement".

### International level—multilateral environmental agreements

"At the international level, the Escazú Agreement is an important addition to the existing network of binding obligations towards the environment. Multilateral environmental agreements (MEAs) have often recognised the interlinkages between the fulfilment of their specific objectives and access rights.

"Accordingly, there are important references to the rights to information, participation and justice in many different binding international agreements which



**FLASHBACK, January 23:** Independent Senator Anthony D Vieira, left, and Caribbean Court of Justice (CCJ) judge Justice Winston Anderson chat after the Escazú Agreement public lecture at The UWI Faculty of Law, St Augustine. —Photo: CANARI

have been accepted by Caribbean states," he said.

Adding that the national level, more so the Caribbean, has been the pacesetters in important aspects of access rights, Anderson said, in the early days of the environmental movement, before the emergence of environmental legislation, "planning laws were used to advance environmental protection.

"These laws are now to be combined with specific legislative effect to the right of access to environmental information (spearheaded by Belize, which was the first country in Latin America and the Caribbean to adopt a Freedom of Information Act), and by the advent of modern, comprehensive environmental legislation enacted in several Caribbean countries, most notably Jamaica (1991), Belize (1992), St Kitts and Nevis (1996), Guyana (1996), Trinidad and Tobago (2000), St Lucia (2001), and Antigua and Barbuda (2003)".

Anderson indicated the agree-

“A response to citizen demands for transparency and inclusion regarding developmental projects

ment challenges the Caribbean to engage in new paradigms for environmental protection.

"These new paradigms include south-south co-operation, the embracing of new environmental obligations (e.g., defenders of the earth) and the challenge to incorporate new environmental concepts (such as 'non-regression') into the jurisprudence of the Caribbean. It is probably true to say, used properly, the Escazú Agreement can become a tool of Caribbean development."

Also speaking at the seminar was senior technical officer at Canari Sasha Jattansingh, who noted on September 27, 2018, after six years of negotiation by countries in Latin America and the Caribbean, 14 heads of state signed the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

"This agreement was created as a response to citizen demands for transparency and inclusion regarding developmental projects impacting communities and their environment. It obliges states to protect the people and groups that defend the environment.

"It means everyone will be able to access information on the state of the environment and how a development project might affect it, be consulted and participate in decisions that affect our environment, seek reparations in the courts if our environment is adversely affected or if our views are not taken into account.

"The agreement is also the first legally binding instrument that recognises the need to protect environmental and human rights defenders. The environment is at the heart of efforts to achieve the Sustainable Development Goals (SDGs) which were adopted by governments worldwide and serve as the blueprint to achieve a better and more sustainable future for all by 2030.

"Public participation and access to information and justice regarding important decisions that affect people and the environment are universal principles that should guide the actions taken in every context. These are particularly relevant to SDG 16 on access to justice and building accountable, effective and inclusive institutions.

A legally binding agreement such as the Escazú Agreement, in which the environment and human rights go hand in hand, can serve to end environmental conflicts and provide a solid framework for pursuing the SDGs in the participatory and transparent manner, which protects people and planet," Jattansingh noted.