

# Governance Mechanisms: Examples from Escazu



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# Introduction



- ∞ Background on Escazu – Regional Agreement on Access to Information, Public Participation, and Justice in Environmental Matters In Latin America and the Caribbean
- ∞ Essential elements
- ∞ State Parties
- ∞ Ratification status

# Governance & Sustainable Development

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- ☞ Sustainable development is key throughout Escazu's terms
- ☞ Particularly evident in the Principles section, which incorporates essentially all aspects of sustainable development law and theory into the interpretation and application of the treaty's terms

# Domestic Governance Mechanisms



- ❧ Requirement to create domestic oversight mechanism for information release and sharing in each State Party
- ❧ Required disclosure of pollution and similar, potentially dangerous activities/occurrences as part of each State Party's governance structure

# Domestic Governance Mechanisms



- Focus on ensuring that domestic governance mechanisms are open to and provide easy access to/consideration of vulnerable communities
  - Particularly important in the Latin American context given the need for involvement of indigenous communities in planning and land use projects
- Overall, there is a more extensive onus on State Parties regarding ensuring public participation at many levels than in the Aarhus Convention

# International Governance Mechanisms



- Domestically and internationally, there is a deep focus on access to justice procedures and governance mechanisms relating to Escazu's terms and their implementation
- Creation of the Voluntary Fund in order to provide financial assistance to State Parties and those in State Parties as they seek to implement and fashion the methods of applying Escazu's terms

# International Governance Mechanisms



- Creation of the Committee to Support Implementation and Compliance with Escazu's terms as an additional layer of governance innovation in the context of public participation

# Lessons



- ❧ Multi-faceted approaches to the conception of public participation are essential
- ❧ Escazu emphasizes the need for domestic and international governance mechanisms in order to give full meaning to its terms and their development
- ❧ At the same time, Escazu highlights the need to incorporate financial assistance in its terms to achieve better compliance

# Conclusion



Thank you