



New York, September 2, 2020

Honorable Presidents and Prime Ministers:

Mr. Hubert Minnis
Prime Minister of the
Bahamas

Mr. Carlos Alvarado
Quesada
President Republic of Costa
Rica

Mr. Andrés Manuel López
Obrador President Republic
of Mexico

Mr. Dean Barrow
Prime Minister of Belize

Mr. Luis Abinader
President Dominican
Republic

Mr. Martín Alberto Vizcarra
Cornejo President Republic
of Peru

Mr. Jair Bolsonaro President
Federative Republic of Brazil

Mr. Nayib Bukele
President Republic of El
Salvador

Ms. Paula Mae-Weekes
President Republic of
Trinidad and Tobago

Mr. Sebastián Piñera
President Republic of Chile

Mr. Iván Duque Márquez
President Republic of
Colombia

Mr. Alejandro Giammattei
Falla President Republic of
Guatemala

Subject: Petition for Ratification and Effective Implementation of the Escazú Agreement.

Dear Honorable Presidents and Prime
Ministers :

As Executive Director and an Officer of Waterkeeper Alliance, Inc.¹, with headquarters in New York City, and also acting as spokesperson for the following Latin American and Caribbean Waterkeepers: Waterkeepers Bahamas of the Bahamas; Placencia Lagoon Waterkeeper in Belize; Guanabara Baykeeper in Brazil; Futaleufú Riverkeeper and Maule Itata Coastkeeper in Chile; Bocas de Ceniza Waterkeeper, Cartagena Baykeeper, and Rio Inírida Waterkeeper in Colombia; Nicoya Peninsula Waterkeeper in Costa Rica; Rio Ozama Waterkeeper in the Dominican Republic; Jiquilisco Bay Waterkeeper in El Salvador; Rio Motagua Waterkeeper in Guatemala; Cabo Pulmo Coast Waterkeeper, La Paz Waterkeeper, Loreto Coastkeeper, Los Cabos Coastkeeper, San Quintin Bay Waterkeeper, and Tijuana Waterkeeper in Mexico; Rio Mapacho Waterkeeper, Ramis Riverkeeper, Marañón Waterkeeper and Amazonas Perú Waterkeeper in Perú; and Gulf of Paria Waterkeeper in Trinidad & Tobago, I respectfully request that you adopt the necessary measures in your countries, in accordance with the internal legislation of each State, to **sign and ratify the Escazú Agreement**, as well as to ensure its effective implementation in those countries in which the Agreement has been ratified.

As of the Rio+20 Conference in 2012, the States, aware of the few and uneven advances made in 20 years in terms of the commitments made at the United Nations Conference on Environment and

¹ Waterkeeper Alliance Inc., is a 20-year-old non-governmental organization that strengthens and grows a global network of local leaders protecting everyone's right to clean water. We are the largest and fastest growing movement focused solely on clean water, connecting and supporting more than 350 water advocacy groups around the world. Waterkeeper Alliance works to ensure that every community on the planet has access to clean water for drinking, fishing and swimming.

CLEAN WATER  **STRONG COMMUNITIES**

Development (Rio 1992), ratified their commitment to continue working on and cooperating to reduce extreme poverty, achieve "sustainable development," and called for "holistic and integrated approaches to sustainable development that will guide humanity to live in harmony with nature and lead to efforts to restore the health and integrity of the Earth's ecosystem." (U.N., A/RES/66/288 The Future We Want, 2012).

This is an historical moment that demands more than political will; it requires swift action to ensure a fairer, more equitable world, guaranteeing future generations an Earth with drinkable, swimmable and fishable water, clean air to breathe, and biodiverse ecosystems that continue the planet's natural cycles.

I. BACKGROUND

1. The final document of the 2012 Rio de Janeiro (Brazil) U.N. Conference, "The Future We Want," called poverty the greatest problem humanity faces, and its reduction an indispensable condition to achieve sustainable development.
2. This conference emphasized the concept of a green economy to achieve sustainable development and eradicate poverty, demanding policies that encourage a green economy to be a duty compatible with international law. The conference further recognized the duty of respecting the national sovereignty each country holds over its natural resources, promoting inclusive development, encouraging innovation and the empowerment of citizens, and respecting human rights. The conference concluded that a green economy will improve the capacity for the sustainable management of natural resources, making efficient use of these resources and consequently reducing waste and carbon footprints.
3. In addition to the above, this conference reaffirmed the commitments to meet the Millennium Development Goals (by 2015) and to apply the principles of the Rio Declaration, Agenda 21, the Plan for Further Implementation of Agenda 21, the Plan of Implementation of the Decisions of the World Summit on Sustainable Development and the Declaration of Johannesburg on Sustainable Development, among other instruments, in a comprehensive manner.
4. Regarding the principles of sustainable development, it was agreed that these should be based on Agenda 21 and the Johannesburg Plan of Implementation of Decisions and that all the Rio principles be fully respected. The conference recognized that it is critical to strengthen local, regional, national, and global governance in order to advance sustainable development.
5. The Declaration on the Application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean was signed in 2012 at the U.N. Conference on Sustainable Development. Chile, Costa Rica, Jamaica, Mexico, Panama, Paraguay, Peru, the Dominican Republic and Uruguay stated: "each individual should have appropriate access to information, the opportunity to participate in decision-making processes and effective access to judicial and administrative proceedings." The governments further declared their "willingness to launch a process for exploring the feasibility of adopting a regional instrument, which can go from guidelines, workshops or best practices, to a Regional Convention open to all the countries of the region with significant participation by all concerned citizens." The governments pledged to prepare a 2012-2014 action plan with the support of the Economic Commission for Latin America and the Caribbean (ECLAC), as the Technical Secretariat to advance in the achievement of a regional agreement or other similar instrument (Declaration on the Application of Principle 10 of the Rio Declaration on Environment and Development).
6. The preparatory stage took place between 2012 and 2014, adopting the following foundational

documents: Roadmap, Action Plan, Lima Vision, Priority Action Lines for Capacity-Building and Cooperation, San José Content and Santiago Decision (www.cepal.org).

7. The negotiation process took place between 2014 and 2018, culminating in the signing of the Agreement in Escazú (Costa Rica) on 4 March 2018.
8. The Escazú Agreement was opened for signature by the 33 countries of Latin America and the Caribbean on 27 September 2018, and during the 73th U.N. General Assembly, held in New York.
9. The Escazú Agreement marks a milestone in the recent history of Latin America, not only because it is the only agreement with binding force originated in the Rio Conference (2012), but also because it is the only one for Latin America that develops Principle 10 (Rio 1992) on Access Rights² and also includes legal provisions to protect citizen activists working in defense of the environment. The agreement is unlike the Aarhus Convention (Denmark 1998), ratified in 2001 and pertaining to European Union countries and others, which also focuses on the rights of Access (Principle 10), but without articles in defense of such activists.
10. The Escazú Agreement addresses fundamental aspects of environmental management and protection from a regional point of view, regulating the rights of access to environmental information, public participation in decision-making processes in environmental matters, and access to justice in environmental matters, in areas as important as the sustainable use of natural resources, the conservation of biological diversity, and the fight against land degradation, climate change, and increased resilience to disasters.
11. We applaud the Agreement for including provisions for the benefit of human rights defenders in environmental matters, especially article 9, which requires the parties to establish favorable environments in which individuals, groups and organizations that promote and defend human rights in environmental matters can act without threats, restrictions and insecurity.³
12. The foregoing is imperative in this region, where unfortunately, environmental rights defenders face serious attacks and intimidations. The number of murders is scandalous, especially in Brazil, Colombia and Mexico. Global Witness reported that in 2018 there were 164 murders of environmental activists internationally, with more than half of them in Latin America. To date, the number of murders does not appear to be declining, confirming that Latin America is a place of grave danger when raising one's voice for environmental rights.

Although the Escazú Agreement is in the interest of all member countries, their citizens, and their most vulnerable populations, as well as for the the protection and preservation of the member countries' environment and natural resources, it is disturbing that to date only 22 of 33 countries have signed the Agreement and only 9 countries have ratified it. The countries that have ratified the Agreement include:

² Article 1 of the Escazú Agreement states: "The objective of the present 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 access 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."

³ Importantly, Article 9 states: "Each Party shall also take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer while exercising the rights set out in the present Agreement"

Ecuador, Antigua & Barbuda, Bolivia, Guyana, Nicaragua, Panama, Saint Kitts & Nevis, Uruguay, Saint Vincent & Grenadines. It is necessary for a minimum of 11 countries to ratify the Escazú Agreement for it to enter into force. The countries to which this letter is addressed have not yet ratified the Agreement.

Ratifying this Agreement will be an advance for citizens in Latin America and the Caribbean, as well as an opportunity for governments to show their commitment to the global agenda for sustainable development and environmental protection. However, it is evident that for it to enter into force, an even greater effort is required from the countries to achieve the minimum number of ratifications that are necessary. Otherwise, the main purpose of the Escazú Agreement and its innovative and imperative development for the Latin American community would become a "dead letter" if the countries that signed it failed to carry out the procedures necessary for the Agreement to enter into force. Further, it will be critical for the countries to develop appropriate legislation to implement the provisions of the Agreement.

II. SPECIAL REQUESTS

1. We respectfully request that the Presidents of Chile, Trinidad and Tobago and El Salvador, and the Prime Ministers of the Bahamas and Belize, assume the historical, environmental and political responsibility that corresponds to them and agree to sign the Escazú Agreement, as well as to ensure its ratification according to their countries' internal regulations.
2. We respectfully request that the Presidents of Brazil, Colombia, Costa Rica, Guatemala, Mexico, Peru, the Dominican Republic order and carry out all the pertinent legal and administrative actions to ratify the Escazú Agreement and take the effective measures to guarantee Access Rights in their respective countries.
3. We respectfully request that the Presidents of Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala, Mexico, and Peru promote laws that effectively guarantee Access Rights, and guarantee participation in environmental matters by indigenous peoples and Afro-descendants. This request does not mean mere sharing of information, but rather legal tools suitable to guarantee real, meaningful participation, ensuring that citizens or non-governmental organizations can present reasonable technical and scientific observations on projects that may seriously affect or impact the environment and natural resources and be informed by the governmental authorities in each country about the reception or not of these observations. Further, we request effective measures to protect environmental defenders, such as providing them with security when necessary, and creating specialized judicial investigation groups to investigate crimes against environmental defenders, among many other measures.

We thank you in advance for your attention to this communication and we trust that these requests will be taken into account and governments will support the rights of their citizens.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc Yaggi', with a stylized flourish at the end.

Marc Yaggi
Executive Director

C.C:
Hon. Alicia Bárcena ECLAC Executive Secretary