

**13th meeting of the Aarhus Convention's Task Force on Access to Justice
Geneva, hybrid, 15-16 February 2021**

**Developments related to other international forums
Statement of Marcelo J. Cousillas (Uruguay)**

Mr. Chair, delegates, ladies and gentlemen, I bring you greetings from Latin America and from my country, Uruguay. Allow me to express my gratitude on behalf of my Government and the Latin American and Caribbean region as a whole, for the opportunity to address this **13th meeting of the Task Force on Access to Justice of the Aarhus Convention** and present some developments from our side of the world.

Despite the current challenges, the climate change and biodiversity crises and the exceptional situation posed by COVID-19, I must say these are promising times for us. As you are aware, under the auspices of Economic Commission for Latin America and the Caribbean (ECLAC) (UNECE's sister commission), 24 countries of our region adopted on March 4 2018 the **Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean**, also known as the **Escazú Agreement**. Less than three years since the adoption date, I am happy to report that 24 countries of the region (more than two thirds of them) have signed the treaty and half of them, 12, have now become Parties.

Uruguay, as a promoter country of the regional process to implement the **Principle Ten of the Rio Declaration** in the region, was one of the first countries in signing and ratifying the agreement in July 2019.

With the deposit of the instruments of ratification of Argentina and Mexico last January 22, the Escazú Agreement will enter into force on April 22, the next Earth Day. This means that we will hold our first Conference of the Parties (COP) in 2022.

The agreement is **the first regional environmental** treaty of Latin America and the Caribbean. In addition, the Escazú Agreement offers a highly valuable tool, adapted to the realities and specificities of the region. In that regard, the agreement is rights-based, focuses on persons and groups in vulnerable situations *aiming to leave no one behind*, and particularly protects those who defend the environment, while also putting capacity-building and cooperation at the core.

As in the Aarhus Convention, one of the pillars of the Escazú Agreement is **access to justice**. Article 8 of our agreement ensures the right of access to justice in environmental matters in accordance with due process, and to that end provides for judicial and administrative mechanisms to challenge and appeal decisions, actions or omissions on access rights or that affect or could affect the environment adversely or violate laws and regulations related to the environment.

Several elements make up this right: competent State entities with access to expertise in environmental issues; effective, timely, public, transparent and impartial procedure; broad active legal standing in accordance with domestic legislation; mechanisms for redress; and measures to facilitate the production of evidence of environmental damage, when appropriate, among others. Furthermore, measures are foreseen to minimize or eliminate barriers to the exercise of the right, including support mechanisms for persons or groups in vulnerable situations. Alternative dispute resolution is likewise promoted.

Also related with access to justice is article 9 that specifically protects **human rights defenders** in environmental matters, so that they are able to act free from threat, restriction and insecurity.

The **Aarhus Convention** has been a constant point of reference for our region. Moreover, our process, we have been highly fortunate had the opportunity to receive significant support from the UNECE secretariat. As we start to implement the Escazú Agreement, our region stands ready to continue partnering with the European region to make environmental democracy a reality for all. Particularly, on access to justice, it will be of extreme importance to learn more about your experience, good practices and lessons learned and

receive all cooperation and support possible. We in Latin America and the Caribbean will also be delighted to share our developments and continue promoting access to justice in environmental issues.

Uruguay tries to be a *natural country*, as a matter of national policy in different fields: clean energies, green production, innovative education and also, the development and improvement of Environmental Law. The Fifth Montevideo Programme (the UN programme for the development and review of environmental law) at the global level or, the Escazú Agreement at the regional level, are examples of our commitment. For that reason, it is an honor for me to represent the region in this session.

Thank you for your attention.

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