

Comments submitted to the International Law Commission in respect of the draft principles on protection of the environment in relation to armed conflicts

The Economic Commission for Latin America and the Caribbean (ECLAC) appreciates the invitation made by the International Law Commission to make comments and observations on the draft principles on protection of the environment in relation to armed conflicts in accordance with articles 16 to 21 of its Statute.

ECLAC observes that the protection of the environment and the sustainable management of natural resources are fundamental for peace, stability and security. A clean, healthy and safe environment is the foundation on which sustainable development and the full respect, promotion and protection of human rights are premised. Moreover, sound, informed and participatory environmental management contributes to conflict prevention and resolution. Such postulates have inspired the 1992 Rio Declaration on Environment and Development¹ including Principles 4, 10, 11, 13, 24 and 25.

At the national level, the right to a healthy environment has been widely enshrined in constitutions and legal frameworks by countries of the region². At the regional level, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (“Escazú Agreement”)³, adopted on 4 March 2018, also safeguards the right of every person to live in a healthy environment and articulates a regional benchmark on access to information, public participation and justice in environmental matters⁴. The Escazú Agreement is the first regional environmental treaty of Latin America and the Caribbean and the first in the world to contain specific provisions on environmental human rights defenders.

The Escazú Agreement builds on Principle 10 of the Rio Declaration and provides clear standards with respect to access to information, public participation and access to justice in environmental matters by Latin American and Caribbean countries. It is likewise synergistic with the UNECE Aarhus Convention, referenced in the draft principles.

¹ See General Assembly, *Report of the United Nations Conference on Environment and Development* (A/CONF.151/26 (Vol. I)).

² See Economic Commission for Latin America and the Caribbean (ECLAC), *Access to information, participation and justice in environmental matters in Latin America and the Caribbean: towards achievement of the 2030 Agenda for Sustainable Development* (LC/TS.2017/83), Santiago, 2018, [online] https://repositorio.cepal.org/bitstream/handle/11362/43302/1/S1701020_en.pdf

³ See Economic Commission for Latin America and the Caribbean (ECLAC), *Regional Agreement on Access to information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean* (LC/PUB.2018/8/-*), Santiago, 2018, [online]: https://repositorio.cepal.org/bitstream/handle/11362/43583/1/S1800428_en.pdf and the Observatory on Principle 10 in Latin America and the Caribbean [online]: <http://observatoriop10.cepal.org/en>.

⁴ The current status of signatories and parties is available at the Observatory on Principle 10 in Latin America and the Caribbean: <https://observatoriop10.cepal.org/en/treaties/regional-agreement-access-information-public-participation-and-justice-environmental>



Considering the complementary nature of the Escazú Agreement, the International Law Commission may wish to additionally mention the Escazú Agreement where the Aarhus Convention is referenced. The International Law Commission may also refer to ECLAC's Observatory on Principle 10 in Latin America and the Caribbean⁵ for additional supporting information. The Observatory contains information and references to the constitutions, laws, policies and case law of the 33 countries of Latin America and the Caribbean and applicable treaties related to environmental access rights.

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⁵ See [online] <http://observatoriop10.cepal.org/en>.