The Escazú Agreement is 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 networks 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 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 (spared-headed 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 agreement 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."