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# **Constructing Green Seats for the Table: Environmentalist perspectives on the democratisation of environmental governance in Colombia**

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## Abstract

This dissertation presents an assessment of the strengths and limitations of environmental democracy in the context of governance through exploring the localisation of the Escazú Agreement and its ongoing implementation in Colombia. The country has observed a procedural strengthening of environmental governance measures, yet the situation has remained volatile and dangerous for those involved in environmental matters. As environmental democracy aims to enhance public participation in decision-making regarding environmental matters, it is of high value to identify the strengths and weaknesses of such an approach to environmental governance within the socio-ecological conditions of a country such as Colombia. Particularly in terms of having substantive participation, the exploration of how the agreement is understood and experienced by those affected by it is essential. With the dissertation seeking to assess the localisation of the Escazú Agreement, and in turn, understand the theoretical and practical implications of integrating environmental democracy into Colombian environmental governance, it creates fertile ground for understanding the significance of regional legal frameworks in promoting environmental, and potentially also ecological, justice. The research was based on 14 semi-structured interviews with local environmentalists in Medellín and Bogotá, conducted over a six-week period in early 2023. In understanding the Escazú Agreement as a tool for democratisation, the dissertation argues that the agreement can positively impact environmental justice in Colombia. The study reveals that the agreement will not have a direct impact on nature as an actor in its own right as the agreement takes an anthropocentric approach to environmental governance. This also points to a need for radical structural change, and here, environmental justice can serve as a steppingstone for more transformative measures enabling ecological justice in the future.

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## List of Abbreviations

The Aarhus Convention – Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters

ANLA – Autoridad Nacional de Licencias Ambientales  
(National Environmental Licensing Agency)

Cancillería – Ministerio de Relaciones Exteriores (Ministry of Foreign Affairs)

CAR – Corporación Autónoma Regional (Autonomous Regional Corporations)

CCEEU – Coordinación Colombia Europa Estados Unidos  
(Coordination Colombia-Europe-United States)

ECLAC – United Nations Economic Commission for Latin America and the Caribbean

The Escazú Agreement – The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean

FARC – las Fuerzas Armadas Revolucionarias de Colombia  
(the Revolutionary Armed Forces of Colombia)

Minambiente – Ministerio de Ambiente y Desarrollo Sostenible  
(Ministry of Environment and Sustainable Development)

PND – Plan Nacional de Desarrollo (National Development Plan)

The Rio Declaration – Rio Declaration on Environment and Development

UNECE – United Nations Economic Commission for Europe

UNTC – United Nations Treaty Collection

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## Chapter 1. Introduction

The dissertation seeks to assess the localisation of the Escazú Agreement in Colombia, in order to explore the opportunities and limitations of environmental democracy in a governance context. Furthermore, it explores the various impacts of the implementation process and how these are experienced by local environmentalists. Finally, it examines the implications of integrating environmental democracy, both in theory and praxis, in a country where both democracy and environmental protection is challenged, as well as its significance for the social and ecological actors within the country.

The Escazú Agreement is the first legal treaty in Latin America and the Caribbean concerning the environment, promoting environmental democracy through access rights in environmental matters. Although it is not the first of its kind in terms of being a legal framework regarding environmental rights and protection, it is the first regional framework to target these facets, and that in a region where being an environmental defender often can be considered a death sentence (Appleby 2022). Colombia is considered one of the world's most dangerous countries for those who speak out against injustice or act in protection of their rights, communities, and environments. With a sordid reputation of silencing dissent from both the state and from the various groups involved in the armed conflict and narco-trafficking, the presence of violence against those who speak up is one of familiarity in the country. Between 1995 and 2015, 729 human rights defenders were murdered in Colombia, and those are only the assassinations on record (Somos Defensores 2016). Prior to the Peace Agreement between the Colombian government and the largest, most prominent guerrilla group, las Fuerzas Armadas Revolucionarias de Colombia (FARC) in 2016, 55 and 63 assassinations of defenders took place in 2014 and 2015 (Ibid.). In the following years, the number would only increase, reaching its peak in 2020 with 199 assassinations (Somos Defensores 2021). This alarming trend seems likely to continue, as just four months into the year, 71 social leaders, human rights defenders, and demobilised ex-combatants have already been murdered (INDEPAZ 2023).

Regarding defenders involved in environmental protection, more than 300 people were recorded to have been murdered for their defence between 2012 and 2021 (Global Witness 2022). These have been considered one of the most vulnerable groups of activists, as their struggle is often intersectional and not entirely limited to one cause (Swedish Society for Nature Conservation 2019). Despite all this, Colombia has continuously been highlighted as a progressive pioneer in environmental politics and management, with its ecological constitution

from 1992, backed by a history of extensive legislative systems for both governing and protecting nature (Bandura, Burniston and Ramanujam 2020; the World Bank 2022). In more recent years, it has also become one of the first countries in the world to legally acknowledge the rights of nature through the recognition of 14 ecological regions, most prominently including the Atrato river basin and the Colombian Amazon, as legal rights-holders (Richardson and McNeish 2021, 155). In other words, there is a complex paradox at play in Colombia: historically, there has been a strong presence of procedural environmental governance, yet the situation has remained volatile and dangerous for those involved in environmental matters.

Although Colombia ratified the Escazú Agreement in 2019, the process came to a complete standstill for three years during the presidency of Iván Duque, calling to question whether the agreement had a future in the country at all (Bates 2022). However, with the change of government in 2022 introducing the first left-wing president of Colombia in Gustavo Petro Urrego, the process was reinvigorated and expedited; the final signing was brought on within Petro's first hundred days as president (Cancillería 2022). With his new government maintaining a strong focus on social and environmental justice, alongside a great emphasis on public participation and an expressed intention of fully implementing the Escazú Agreement, there is now a window of opportunity for the agreement to become a properly integrated part of Colombia's environmental governance.

A successful and comprehensive implementation of the agreement could mediate the current paradoxical situation to benefit environmental defenders and those otherwise involved in environmental matters in Colombia. In other words, it could make it significantly safer for environmentalists to participate in the public sphere, both in terms of their work and through their activism, and also reinforce Colombia's efforts towards protecting its vast human and ecological wealth. Therefore, the aim of this thesis is to contribute to the literature on the implications and significance of regional legal frameworks that promote environmental democracy. This will be achieved using theoretical and empirical accounts, with a particular focus on impacts affecting social and ecological actors within the given context. As the topic is often discussed through a legal lens, the dissertation's approach is novel. With the Escazú Agreement being the first regional legal framework concerning the environment rights and justice, its recent formal introduction in Colombian legislation and politics presents an opportunity to assess the potential impacts of such an agreement on human and non-human actors in Colombia. As Colombia recognises the legal rights of nature, the inclusion of non-human ecological actors in the scope of the research is appropriate.

In order to assess the political and practical integration of environmental democracy in Colombia, the following research objectives are introduced:

- Examine the development of the Escazú Agreement in Colombia.
- Identify implications related to a localised implementation of the Escazú Agreement.
- Evaluate the Escazú Agreement's significance for human and non-human actors in the country.

To achieve these objectives, the study will make use of primary data in the form of semi-structured interviews, and secondary data through various academic and journalistic sources, official documents, and second-hand accounts. The dissertation comprises six chapters and is structured as follows; Chapter 1 briefly introduces the work through presenting its context and objectives, while also presenting my positionality. Following this, Chapter 2 delves into the evolution of the Escazú Agreement, discussing its history, contents, and its current state as of August 2023. This is necessary to situate the Escazú Agreement within a regional and domestic context, while highlighting the need for progressive environmental governance in Colombia. Then, Chapter 3 presents a theoretical framework developed from a literature review of debates and theories on democracy and democratisation within an environmental context, along with establishing working definitions on environmental and ecological justice. Chapter 4 describes the methodology, through the sampling approach and data collection developed to achieve the objectives, as well as discussing research positionality, ethical considerations, and limitations to the study. Afterwards, Chapter 5 presents the perspectives from local environmentalists, based on their experience with and opinions regarding the Escazú Agreement. Recurring and important themes are introduced and analysed considering the prior chapters. Finally, Chapter 6 will conclude on the research to provide an answer to the following research questions:

- How can the democratisation of environmental governance, as proposed through the implementation of the Escazú Agreement, positively impact ecological justice in Colombia?
  - ❖ What are the implications of the integration of environmental democracy in regards to human and non-human actors in the country?
  - ❖ What do these implications suggest about environmental democracy as a viable model to supporting positive environmental outcomes?



## *Positionality*

No research process is entirely based on neutrality; knowledge is situated and produced from somewhere (Longhurst 2009, 432). A researcher's identity, experiences, and beliefs have an impact on how they make decisions, the biases they are prone to, and the knowledge they share. The acknowledgement of one's positionality can contribute to mediating potential limitations, making for a more ethical and transparent research process (Clark et al. 2021, 367-8). Although my own interests, biases, and values have affected the research to various degrees, they are not intended to explicitly inform the insights made in this dissertation. I do, however, acknowledge that they have shaped the topic, the methods, and the approach to the research. A more detailed elaboration on this can be found in section 2.3, but a brief overview will be presented here.

I first discovered the Escazú Agreement in December 2018 while analysing data for my bachelor thesis on the vulnerabilities of female environmental activists in Latin America. Since that time, I have been following the process of ratification, receiving updates from the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) regarding news or developments through their Escazú mailing list and following the process through social media. Despite the challenges it has met in some of the Latin American countries, I have genuinely believed that this agreement could set a precedent for how countries and other regions protect their ecologies and all those within them. Particularly with its provisions on human rights defenders in environmental matters, or environmental defenders, the agreement has remained one of my main political interests.

I would not consider myself environmental defender, nor am I a local of the context of which I have been focusing on in this research. Nonetheless, I was born in Colombia, with strong affections for the country. As an environmentalist who identifies with the left side of the political spectrum, I perceive the recent shift towards the left in Colombia as a positive development. Thus, I acknowledge my bias towards the Petro administration in Colombia, especially when compared to previous administrations, those of Álvaro Uribe and Iván Duque in particular.

## Chapter 2. A Brief History of the Escazú Agreement

The Escazú Agreement might be the first Latin American legal framework to promote environmental democracy, but it is not the first multilateral agreement of its kind. Before the Escazú Agreement existed, there was the Aarhus Convention—both regional treaties anchored in the Rio Declaration’s principle 10. In addition, the 2012 UN Conference on Sustainable Development, also known as Rio+20, helped set the stage for the Escazú Agreement’s creation. In sum, several events played a significant role in the development of the agreement. Therefore, the following section will provide some background on the case study through a brief review of the Rio Declaration and the Aarhus Convention, before delving into the historical context and trajectory of the Escazú Agreement in Colombia.

### 2.1 From Rio to Bogotá

In the summer of 1992, at the United Nations Conference on Environment and Development, the *Rio Declaration on Environment and Development* (the Rio Declaration) was introduced, named after the location of its adoption, Rio de Janeiro, Brazil. The declaration would serve as the first step in the evolution of sustainable development as more than just a term, underpinning it with 27 principles, “[...] recognizing the integral and interdependent nature of the Earth, our home.” The brief document stated the importance of holding countries accountable in environmental matters, acknowledging the responsibilities its inhabitants have of protecting nature and the environment. It marked a symbolic step for the international environmental consciousness in the coming decades of increased climate urgency. Amongst these 27 principles was principle 10, which would come to serve as the blueprint of several environmental treaties in the time after. Principle 10 reads:

*Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided. (Rio Declaration 1992)*

Here, the three fundamental pillars of what would come to be known as *environmental democracy* were established. With the adoption of Principle 10, its significance would also be affirmed by the international community, recognising the three as key components of

environmental governance. It also emphasised the active role of citizens in environmentally conscious action (Stec and Jendroška 2019, 534). These key elements were ‘access to information’, ‘civic participation’, and ‘access to justice in environmental concerns’. *Access to information* would be obtained through both direct access to environmental information, and facilitation and dissemination of information through the government. *Participation*, through partaking in environmental processes and decision-making pertaining to those affected, and *access to justice* through fair trials and appropriate outcomes. These access rights were perceived as the foundation to achieve the other objectives presented in the Rio Declaration at a national level, such as developing reparations schemes for those affected by environmental hazards, and establishing and enforcing environmental policies, legislation, and monitoring schemes (Orellana 2016, 52). Also internationally were they considered to play a vital part, especially in reinforcing the global commitment towards taking care of the planet’s biosphere and ecosystems while at the same time contributing to the efforts of ending poverty. The interconnectedness of developmental and environmental processes was acknowledged and perceived as solvable through active participation by the actors involved (Ibid.). Access rights would thus facilitate the process of solving social and environmental issues. It was, however, not explained why civil participation was vital in dealing with these types of matters, the declaration instead focusing on how participation contributes to enhancing sustainable development (Sharman 2023, 347). It did, however, become a turning point for environmentalism, where prior to Rio, it used to be a micro level project, targeting micro level problems. From hereon out, it would be considered a macro level issue which needed a macro level solution, where coordination and cooperation on all levels of society was needed (O’Brien 1995, 13). In order to provide solutions to the environmental crisis at hand, individuals and entities at all levels of society would have to work together to provide equitable and sustainable solutions.

Then followed the first regional environmental treaty: the *Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (The Aarhus Convention)*, established by the United Nations Economic Commission for Europe (UNECE) in 1998. Here, the convention adopted the Rio Declaration’s access rights to for application in Europe, with amendments made to the European Union’s legal framework in order for it to align with the convention’s participation requirements (Hartley and Wood 2005, 320). As it is a convention rather than a declaration, it is a legally binding instrument with set standards for the countries to adhere to. Despite it initially being intended as a purely regional convention, any country outside of Europe would also be allowed to sign and participate as

long as they fulfilled the requirements and are accepted by the other parties (ECLAC 2018, 21). Thus, as of the 4<sup>th</sup> of April 2023, there are 38 signatories of 47 parties to the convention with the latest inclusion of Guinea-Bissau (UNTC 2023a).

In the convention's first article, the links between environmental democracy and environmental rights are immediately highlighted. The article reads: "In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention." Access rights are, in other words, considered key components in ensuring environmental rights are being upheld. Less strong is the wording related to environmental protection, as it utilises the phrase "an environment adequate to his or her health and well-being" without ever describing the standards which *adequate* equates to. It has also been criticised for having a strong focus on empowerment rather than environmental protection, which promotes an anthropocentric perspective of environmental action (Sharman 2023, 350). Regardless, the Aarhus Convention was the first example of the operationalisation of the access rights principles, by way of establishing a legally binding framework and providing provisions to enhance public participation in environmental processes.

On the 20<sup>th</sup> anniversary of the Rio Declaration, the 2012 UN Conference on Sustainable Development (Rio+20) was held in the same city it was born. The conference produced two important documents: the Declaration on the implementation of Principle 10 of the Rio Declaration on Environment and Development and the conference's outcome document, "The future we want" (Escazú Agreement 2018, *preamble*). The first served as a formal commitment towards creating what would later be known as the Escazú Agreement, explicitly tying public participation to sustainable development, while the latter would influence several provisions of the agreement regarding intersectionality (Sharman 2023; Stec and Jendroška 2019; The Future We Want, Art. 31, 32). This would become the first legally binding international agreement promoting environmental democracy through access rights, strengthening regional cooperation in Latin America, and encouraging a wide array of actors to become involved (López-Cubillos et al. 2022).

## 2.2 The Escazú Agreement

The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) was adopted on the 4<sup>th</sup> of March, after six years of preparation and negotiation (ECLAC 2023a). The 27<sup>th</sup> of September 2018 saw the agreement open for signatures and as of August 2023, the treaty has 24 signatories, whereof 15 have ratified it (UNTC 2023b). Despite it being a regional agreement, the provisions within it are meant to be adapted to suit each country's own needs and priorities, meaning a great deal of emphasis is put on the agreement's localisation regarding its implementation process (ECLAC 2023b, 83).

The Escazú Agreement comprises five pillars, of which four of them are called the substantive pillars (ECLAC 2023b, 30). Three of these are based on the access rights as operationalised through the Aarhus Convention, with an additional fourth pillar of 'human rights defenders in environmental matters'. Between 2021 and 2022, there were a total of 1733 recorded assassinations of environmental and land defenders in the world (Global Witness 2022, 16). 68 per cent of these deaths took place within Latin America, making the region the most lethal region in the world for being involved in environmental activism. The countries with the highest rates were Brazil and Colombia, which together have accounted for almost 40 per cent of the murders in total, recording 342 and 322 deaths, respectively (Ibid., 17). Hence, the fourth pillar is a result of the specific condition of the excessive violence exercised against environmental activists. The fifth and final pillar discusses capacity-building and cooperation and underpins the four other pillars; they all depend on each other to fulfil the aim of the agreement (ECLAC 2023b, 31). The contents of all five pillars are outlined below.

Firstly, the provisions on access to information can be found in Articles 5 and 6. These comprise the most conditions, with 31 points all together, as Article 5 focuses on the access part, while Article 6 presents the information generation and dissemination. They provide for active and passive transparency measures to ensure public access to environmental information without the need for special interest or explanation, with the right to challenge and appeal non-delivery. Competent authorities must respond within 30 business days, provide information at no cost, if possible, with special consideration to vulnerable applicants, and establish oversight mechanisms. The parties must also generate, collect, publicize, and disseminate environmental information in a systematic, proactive, timely, regular, accessible, and comprehensible manner, and establish environmental information systems and pollutant release and transfer registers.

Secondly, the provisions on public participation in environmental decision-making are

located in Article 7, comprising 17 points. Article 7 requires mechanisms for public participation in the process of issuing authorizations or permits for projects with significant environmental impact, as well as promoting participation in other decision-making processes. Participation should occur early on, with clear and timely information provided to the public, and efforts made to identify and facilitate participation of vulnerable groups. The article also covers promoting public participation in international environmental forums and negotiations.

Thirdly, Article 8 holds the provisions on access to justice in environmental matters and holds seven points. Article 8 requires each party to ensure access to judicial and administrative mechanisms to challenge decisions related to environmental information and public participation, as well as any decision that could adversely affect the environment or violate environmental laws. Competent entities with expertise in environmental matters should be available, along with effective, timely, transparent, and impartial procedures that are not prohibitively expensive, broad legal standing, and mechanisms for evidence production and redress. Alternative dispute resolution mechanisms are also provided for.

Fourth, the provisions on human rights defenders in environmental matters are in Article 9 and contains three points, the least of the four. Article 9 aims to protect human rights defenders in environmental matters through preventive and reactive measures. The parties must ensure a safe environment for these individuals and take effective measures to recognize, protect, and promote their rights. Appropriate measures must also be taken to prevent, investigate, and punish attacks, threats, or intimidations against these defenders while exercising their rights. The article highlights the importance of safeguarding these defenders and their dangerous, yet vital role in environmental protection.

Finally, Article 10 to 12 hold the provisions on capacity-building and cooperation. Article 10 specifically discusses capacity-building in two points, while Article 11 has five points on cooperation. These two provide provisions related to training, education, capacity-building programs, equipment and resource provision, and public awareness promotion, based on each party's priorities and needs. Lastly, Article 12 establishes a “virtual and universally accessible clearing house on access rights”, operated by ECLAC. A clearing house is a platform for exchanging and storing information for awareness-raising, monitoring, and knowledge building, and ECLAC has already established this in the *Observatory on Principle 10 in Latin America and the Caribbean* website (ECLAC 2023b, 206).

## 2.3 Environmental Governance and Escazú in Colombia

The recent decades have observed an intensification of neoliberal environmental policies in Colombia, most noticeably through economic and taxation incentives (Salamanca Sarmiento 2016, 93). Those willing to invest in green business ventures would be able to receive financial incentives from the state, and these would be further enhanced through tax reforms. These were implemented to attract national and foreign investments to increase the rate of green energy development, conservation, and reforestation projects (OECD/ECLAC 2014; Salamanca Sarmiento 2016). Environmental management was also decentralized and deregulated to ensure local management without the added cost of bureaucracy, as consolidated through the new constitution in 1991 and green management law introduced in 1993 (OECD/ECLAC 2014). With the introduction of agencies such as the National Environmental Licensing Agency (ANLA) and the Autonomous Regional Corporations (CAR) to enhance the reach of the Ministry of Environment and Sustainable Development (Minambiente), in addition to the presence of partially autonomous local authorities within each department, the system became increasingly fragmented. This would cause inefficiency and a lack of regulation despite the institutional reinforcement (Ibid.). It became clear that the governments of the past few decades were more interested in introducing regulatory measures, rather than targeting the causes of socio-environmental conflicts.

With the increasing attacks made against environmental defenders as documented by Global Witness (2022), one could argue that the environmental policies of these governments did little to solve environmental conflicts or to safeguard vulnerable communities in defence of their territories. During his administration, Álvaro Uribe even became known for claiming that activists were terrorists, and human rights organisations as working to support and lobby for terrorism and ended up criminalising and violently policing these groups. This led to random arrestations on flimsy grounds, demobilisation due to repression, and even forced disappearances and death (Rojas 2013; Werenskjold and Young 2008). The most well-known and wicked tactic of the time was that of *falsos positivos*, where the Uribe administration had decreed that financial bonuses would be awarded based on results for “participating in operations of national interest” (Rojas 2009, 233). As these results were based on body counts, it created incentives for members of the armed forces to create ‘false positives’. These victims were often people in the territories, like indigenous leaders or people from farming communities, often targeted for one reason or another, though it would happen that they were selected at random. After being chosen as a target, they would be kidnapped and murdered, to

later be framed as guerrilleros who died in battle or through self-inflicted terrorist attacks (Ibid.). There are assumed to be about ten thousand victims of the sinister and systematic assassinations between 2002 and 2010 (Daniels 2018).

Despite its well-recorded history, concerns regarding the violence against environmental defenders was for long perceived as a non-issue, with society inclined to deny links between deaths or threats and socio-environmental conflicts (Morales 2023). This is not an unfamiliar tactic, as presented by Sandvik in the 2018 study on the nexus of gendered violence and female political mobilisation. Gendered violence has often been depoliticised and framed as interpersonal violence, like when Colombian human rights activist Keila Esther Berrío Almanza was assassinated for her work and newspapers instead claimed that she was the victim of a lovers' quarrel (Sandvik 2018, 255). Much like in this case while also reflecting that of the *falsos positivos*, Morales (2023) recalls that local authorities were blaming the deaths of people involved in environmentalism on external causes. These were not just people at the frontline either, but ecologists, researchers, and people working in conservation—people with access to environmental information. With access to environmental information, they had access to the severity of environmental problems such as the rampant deforestation experienced by the Colombian Amazon, the illegal mining and logging ventures, and other territorial disputes rooted in the conflict.

Throughout his presidency, former president Iván Duque presented himself as an environmental leader in international contexts. Through utilising various platforms such as the COP26, he managed to promote his government's goals of reducing GHG emissions by 51 per cent by 2030 and achieving climate neutrality by 2050 to a global audience (Echeverry and Miller 2021; OECD Environment 2021). Similarly, he was lauded for his successful push towards renewable energy through various projects and capacity enhancements (Tarazona 2022). The full extent of his environmental governance was experienced quite differently back home and was even claimed to further entrench the deep-seated social and environmental crises in the country (CCEEU 2022). In mirroring Uribe's preference for militarised solutions, Duque's policies included a militarised approach in Operation Artemisa to combat deforestation, which affected small-scale perpetrators to a much greater extent than the larger actors with ties to regional elites (Tarazona 2022). Furthermore, his governing period observed increased rates of threats and violence against social and indigenous leaders, as well as demilitarised ex-combatants who had signed the peace agreement. Rather than seeking to solve this issue through consultations with the affected communities, Duque again went with a militarised approach, which had a negative impact on society's trust in the government (Ibid.).



When Duque signed the Escazú Agreement in 2019, it was considered performative for various reasons. Some claim that it was one last push before the end of his presidential term to secure that his legacy would involve environmental action (CCEEU 2022). Others, like Castro Buitrago (2023) and Aldana Rivera (2023) believe it was due to the pressure Duque was facing at the time regarding the fracking protests and the national strike of 2019, caused by great dissatisfaction with the government's inaction. It was, after all, easier to sign an agreement to hush down complaints than ban a venture benefitting his economic interests and collaborators. The following process of congressional consultations would be halted repeatedly due to successful disinformation campaigns and lobbying efforts from the private sector (Rodríguez Becerra, as quoted in Duque 2020; Murcia Huertas 2021). It would therefore take another three years, and a change of presidency for the agreement to finally be ratified.

On the 5th of November 2022, right before leaving for the UN Climate Change Conference COP27, President Petro sanctioned and signed the draft bill, thereby passing the Ley 2273 de 2022 (Cancillería 2022). Following this, the early stages of the implementation process were initiated, both from the executive and judicial branch. The government was quick to act, with the Ministry of Environment and Sustainable Development (Minambiente) presenting their initial roadmap only nine days after the bill went through. As presented by the Minister of the Minambiente, Susana Muhamad, the roadmap consisted of five points: (1) An environmental information management policy (2) A strategy to support environmental defenders (3) Increasing civic participation in environmental decision-making (4) Support for the creation and reinforcement of citizen's review boards (5) A robust information system on socio-environmental conflicts (Minambiente 2022). The plan is to utilise the time given in wait of the Agreement to be approved, to create the implementation plan. A trusted source shared that the government is committed to ensuring that the implementation of the agreement is participatory. That way, instead of imposing actions on various parties, the groundwork will have enabled the actors to have their say and hopefully have come to a consensus for when the time comes to carry out the implementation. The plan will consist of dynamic proposals based on the official implementation guide as provided by ECLAC, with Colombia-specific key points, and these proposals will be taken to the territories, to organisations, and communities for public consultation. This is to ensure informed and effective participation, instead of participation disguised as information sharing, which has often been the case in prior participation processes in the country.<sup>1</sup>

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<sup>1</sup> Anonymous. 2023. Personal communication to author, the source anonymised due to confidentiality.

A few months later, it would also be included in the first draft of the national development plan (PND), with a brief section detailing the implementation plan under the catalyst of “Environmental Justice and Inclusive Governance” (DNP 2023, 47). The section was an elaboration of the roadmap, outlining several points which would contribute to the implementation of the agreement. These were the creation of a commission which would oversee the implementation, alongside the establishment of social and environmental safeguards to secure sustainable investment projects and for guaranteeing access to environmental information. Further, it would also include the strengthening of citizen oversight bodies, the development of a national environmental education program with focus on vulnerable regions, and the protection for individuals and groups defending environmental and territorial rights. In terms of protection, this would be institutionally orchestrated in order to ensure they could protect their communities without being threatened. Finally, they would also invest in research on the causes of environmental conflict and the motivations of those perpetrating them, in order to promptly resolve them (Ibid.). The congress approved the final draft on the 5<sup>th</sup> of May, with representative María del Mar Pizarro stating, “We have a national development plan! A text that is committed to land management with environmental justice, and the making of a new social contract” (Cámara de Representantes 2023). The Escazú Agreement was, however, not included in the legal text of the plan (Proyecto de Ley 2023).

For the judicial branch, in order to enable the implementation process, they were given the main responsibility after the signing, with the bill remaining the hands of the Constitutional Court to undergo a period of revision which was initiated in December 2022 (Auto LAT-484 de 2023). The review is necessary as the law must be adapted to make sure its principles are in accordance with the constitution’s content, though major changes or revisions are prohibited, as per Article 23 of the agreement (Escazú Agreement 2018). One could argue that with the number of legal instruments and institutions, including the so-called Green Constitution, there is little to pose an obstacle for the agreement in the Constitutional Court. Recent proceedings in other parts of the region do, however, manifest as stark reminders of how fickle politics can be. Earlier this year, almost six years after they initially signed the Escazú Agreement, the Constitutional Court of the Dominican Republic ruled it unconstitutional, thus discarding the treaty (Sentencia TC/0076/23 de 2023). Not long after, Costa Rica, the very home of the village that gave name to the agreement, saw a situation contradictory to what took place in Colombia with the transition from Duque to Petro; the newly elected President Rodrigo Chaves officially abandoned the ratification process about a year after taking office, claiming it would not be beneficial for the country (EFEverde 2023). Another hit came in Peru, the country signing the

agreement in 2018, only to have it dismiss the ratification process twice, first in October 2020 and again in July 2022 (SPDA Actualidad Ambiental 2022). A final bad omen remains present in Guatemala, where in late 2022, the country's government informed the Secretary-General that they have no intention of becoming a part of the agreement, despite being one of the initial signatories (UNTC 2023b).

## Chapter 3. Democratising Environmental Governance

To assess the democratisation of environmental governance and its use in promoting environmental and ecological justice, we must first understand the concepts involved. Therefore, the following chapter presents a theoretical framework developed from a review of literature regarding various debates and theories on democracy and democratisation, particularly within an environmental context. First, environmental and ecological justice will be presented with working definitions. Then follows a section on democracy, situating the concept theoretically and within the context of Latin America and Colombia. Afterwards, the four modes of democracy relevant to the scope of the dissertation are presented in liberal, deliberative, environmental, and ecological democracy—the latter followed by a brief introduction to ecological citizenship. Finally, democratisation will be elaborated on, alongside four processes relevant to the term.

### 3.1 Justice in an Environmental Governance Context

In discussing the nexus of justice and sustainability, the reciprocal nature of the two has been strongly emphasised. Laurent (2021) claims that if a society is more equitable, it will be more sustainable, and vice versa. The author expands the argument to crises, explaining that “social inequalities feed ecological crises while ecological crises in turn aggravate social inequalities” (Ibid., 29). A term such as environmental justice thus becomes applicable in dealing with environmental issues, as it sets out to improve both social and environmental conditions. To utilise the definition presented by Bustos and Richardson, environmental justice refers to “the equitable distribution of environmental ‘goods’ (benefits) and ‘bads’ (burdens, risks) across human society considering time, space, and societal dimensions (e.g., current and future generations, race, class, gender, etc.)” (2023, 231). Through focusing on the distributive implications for the human beings affected, it maintains an anthropocentric perspective. Within the context of Colombia, it might be of interest to take on a more ecologically minded approach. This is due to the Colombian courts having recognised nature as a legal right-holder during several occasions in the last decade. One such occasion was through the Victims and Land Restitution Law in 2011, where the territory was first recognised as a victim of the armed conflict (Ruiz Serna 2017, 86-7). Another two were more recent, with the landmark rulings by the Colombian Constitutional court extending legal personhood to the Atrato River Basin in 2016 and the Colombian Amazon in 2018 (Bustos and Richardson 2023, 237-40). These would later be followed by more rulings, totalling 14 ecosystems with acknowledged rights in 2021

(Richardson and McNeish 2021, 155). With that in mind, ecological justice is introduced. Ecological justice has a similar distributional foundation as environmental justice, merely replacing the human condition with “non-human nature” and including biological elements and species of the present and future as points of consideration (Bustos and Richardson 2023, 233). Therefore, in order for a policy to be considered in line with ecological justice, it must be created with strong consideration to cause as small of an impact as possible.

### 3.2 Democracy in the context of Latin America

Democracy is a core concept of politics and is considered a “leading standard of political legitimacy” (Held 2006, x). The term predates modern history in praxis and articulated throughout time with its name originating from the Greek *demokratia*—with *demos* and *kratos* meaning the people and rule, respectively (Ibid., 1). It descriptively refers to a mode of decision-making founded upon the principle of equal popular sovereignty, where governments and officials are elected by their populations to represent them. Its definition has been highly contested, but the most dominant understanding of the term maintains a liberal underpinning. This is a result of a hegemonic propagation of liberal democracy as the standard by influential global institutions and nations in the political West (Ayers 2006, 321-2). In the Latin American context, the use of liberal democracy is particularly pertinent (Peeler 1985, 22-3). The region found its newly liberated states taking inspiration from the liberalist political movements of the Enlightenment and the American and French revolutions during the early stages of their state formation. The countries would come to establish their own governments based on liberal democratic practices such as universal and equal rights—for those whom they considered people (McNeish 2021, 54). However, these practices often turned out to be more formal than substantive due to extensive corruption and violence, which persisted long into modern times (Peeler 1985, 22-3). This also rings true in the Colombian context, where widespread domestic warfare and elite clientelism has eroded democratic practices and participation, leaving otherwise democratic outcomes within all sectors of society tainted by violent and structural repression (Flores and Vargas 2018, 584; Osterling 1988, 166). In brief; from the start of the 20th century, Colombia experienced increasingly excessive violence in the political power struggle. At the core of the conflict were the two traditional political parties wanting to remain in charge of the country—the Liberal Party and the Conservative Party. The crisis reached its apex during the 1940s and 50s; the era was appropriately named *La Violencia*, marked by the almost two hundred thousand victims it claimed (Fergusson, Ibáñez, and Riaño 2020, 7). The

period came to an end in 1958, when the two parties signed a truce, signifying the reinforcement of the formal institutions of liberal democracy. They had persisted; Majority-decided voting processes were re-established with elections within both the executive and legislative branch, though running for government initially was restricted to those within the two traditional parties serving to demobilise the public (Peeler 1985, 57-8). Even though the two major parties had come to an agreement, the violence would persist in various forms, most notably with an escalation into a new civil war during the mid-80s between left-wing guerrilla groups such as the FARC and the government aided by right-wing paramilitaries (Díaz 2018, 18). The conflict brought on large-scale forced displacement and territorial dispossession of the rural, often also marginalised, population, as instigated by the elite-backed paramilitaries (Counter 2019, 2022).

Through the late 80s and 90s, Colombia would experience a strengthening of the legal system with an influx of institutional reforms and electoral laws, paired with the new constitution of 1991 which granted political and human rights, in addition to codifying environmental rights as constitutional (Avilés 2006, 380). However, even with the democratic institutions enduring the initial period of hardship and being judicially strengthened through new legal frameworks, the new conflict with its extreme violence had exhibited a weak state unable to control its margins or protect its citizens without the use of excessive militarised force (Serres 2000, 211). Moreover, these effects were made worse with the intensification of neoliberal reform within all sectors of politics. Despite the Colombian economy steadily growing without inflation-related issues and attracting foreign investment since the early 90s, the impacts have proved to affect the population disproportionately (Mora and Junior 2019, 50-1). In addition to that, the policies have led to damaging privatisation of the public and health sectors, social demobilisation, and union busting, while also exacerbating extractivism and environmental degradation (Laurens, Abadía-Barrero, and Hernández 2023, 98). The violence itself has continued to have a detrimental effect on public and equal participation, with Colombia observing low voting rates during elections and referendums despite its number of registered voters, in addition to expansive exclusion of marginalised groups (Gallego 2018, 607-8; Steele and Schubiger 2018, 597). With peace-building efforts being a political priority in the country, now might be the time to discuss democracy once again and perhaps also to seek out alternatives to the liberal model. The following section will elaborate more on what a liberal democracy constitutes, before introducing a dynamic alternative in deliberative democracy. Finally, this brings us to two types of democracy thinking within the environmental context—environmental and ecological democracy—and their potential end goals.

### *3.2.1 Liberal and Deliberative Democracy*

In his work on Latin American democracies, Peeler (1985, 5) utilises the term ‘liberal democracy’ in referring to a representative democracy founded upon the political ideology of liberalism. A liberal democracy is understood as a regime where its people maintain the right to vote when they are of age, where representatives to government and other ruling bodies are elected by their constituents through fair and open elections, while citizens are allowed to mobilise politically to influence politics and decision-making (Ibid.). To elaborate, Rhoden (2015, 568) emphasises the high importance of liberalist fundamentals in democracy, as liberalism enables rule of law and individual rights and liberties, thus ensuring political equality. Similar sentiments are stressed by Beetham (1992, 41), claiming democracy to be rendered meaningless without the liberalist rights of individuals to express themselves, to mobilise and vote, and to gain access to information. The author further outlines two main characteristics of liberal democracy in state limitation and liberal epistemology (Ibid.). Through maintaining strong limitations on the state’s involvement in the ‘private’ sphere, the interests and autonomy of citizens can better be guaranteed. In regards to epistemology, liberal democracy emphasises that the public good is best decided on by the people, without the influence of technocrats or fundamentalists (Ibid., 42).

Despite its ideas remaining prevalent within governance discourse, liberal democracy has been criticised. Beetham’s previously mentioned claim of liberalist values enabling democratic freedoms can also be challenged with the same coin; conversely, individual rights could be at odds with or hinder democratic rights. For example, private property rights over natural resources could allow the resources to be exploited, despite adversely affecting surrounding populations (Takacs 2008, 764). In critiquing the liberalist claim of enhancing political participation and equality, Eckersley (2020, 218-9) argues that the foundations of liberal democracy are archaic and thus renders the system unsuitable for a modern world. Being bound to the notion of state sovereignty and self-rule, liberal democracies are not equipped to deal with the problems of an increasingly globalised world. Moreover, its ties to modern nationalism and what a nation’s ‘the people’ constitutes, renders the interests and rights of certain marginalised and less represented groups decreasingly invisible and disconnected in the decision-making process (Ibid.). These arguments emphasise the need for a more transformative model of democracy, if true equity is what is sought-after.

In support of the critique, Grant (2000, 56-6) argues for substantive participation which does not merely ensure that the headcount is high. Instead, he emphasises the need for a

democracy to acknowledge and include “the strength of feelings expressed, and the quality of arguments advanced” (35-6). Ochoa Espejo (2011, as presented in McNeish 2021, 63) mirrors this sentiment, expressing the dynamic nature of a people, suggesting that they are an open and ever-evolving process rather than a mere collection of individuals. These arguments for a more comprehensive type of democracy invokes the theory of deliberative democracy. Rather than dismissing liberal democracy as a model, Dryzek (2009, 1380) instead points out how the system lacks a vital component, namely that of deliberation. In concurrence with Dryzek, Chambers (2003, 308) defines deliberative democracy as 'an expansion of representative democracy', where accountability and discussion are the main facets. Accountability is achieved through policies which can be transparently presented and justified to those affected by it, while discussion promotes the sharing of perspectives and collective consideration on the course of action prior to any vote (Ibid.). Rather than aiming for merely a consensus based on individualistic interests and endeavours, the focus remains on establishing political spaces conducive to productive debates. Here, those involved can agree on alternative outcomes based on new ideas or sound reasoning presented by others, without necessarily changing their own opinions or straying entirely from promoting their own interests (Ibid., 309).

In addition to discussion and accountability, Dryzek (2009, 1382) outlines three essential parts comprising deliberation—authenticity, inclusiveness, and consequentiality. Authenticity relates to how deliberation must not be underpinned by coercion in any way; rather, the discussion should be based on a shared understanding of reciprocity and certain guiding principles, which allows participants to share and reflect sincerely. Inclusiveness builds on this, emphasising the need for a deliberative democracy to account for the broad political spectrum within its electorate, and the interests present. This, in particular, is vital for the accountability aspect, as diverse participation both enriches the conversation and better holds those in charge accountable for their actions (Gellers and Jeffords 2018, 102). Finally, consequentiality is defined as having both explicit (policies) and implicit (process-related) implications for the outcome. Deliberation is a precondition for policymaking; however, policymaking does not always need to be the end-result of deliberation. Therefore, the impacts of deliberation can manifest both directly and indirectly within the political process.

A major concern for a deliberative democracy, as per Ganuza Fernández (2011), is how justification does not ensure mutual agreeance. There are discussions where no common ground can be found due to fundamental viewpoints and dominant interests. Along similar lines, it presumes that the normative understanding of ‘common interests’ and ‘the greater good’ is equally understood by all participants, which is both a faulty presumption and could



negatively impact the process (Ibid.). Furthermore, the deliberation process involves being exposed to other perspectives than one's own, to a higher extent than in other types of democracy. As argued by Mutz (2006, 9-10), people are often less inclined to participate in discussions with those who hold different perspectives, thus rendering diversity a repelling rather than an attractive characteristic. Moreover, not everyone is interested in participating in political processes, particularly not those which are not perceived as relevant to themselves, nor does everyone have the time and energy to do so (Ganuza Fernández 2011). In polarizing debates, Fiorina (1999, 422-3) explains that this could potentially result in those who do participate having more extreme positions or adjusting their opinions to better align with an extreme they might have avoided in other circumstances.

### *3.2.2 Introducing the Environmental Context*

It has been argued that the liberal democracy system is incompatible with productive environmental action, as solving environmental issues requires a great deal of collective and self-less action (Graham 2003, 53). Often, environmental concerns lose in competition with economic interests, and its claim to represent 'the people' is limited to those within certain locations and political communities (Eckersley 1996, 214). The resulting cynicism and passivity within the population has led to further demobilisation of the public, challenging the notion of citizenship as participatory as promoted by a liberal system (Offe and Preuss 1991, as cited in Parola 2013). Building on the premise that deliberative democracy could enhance how traditional liberal democracy functions, we introduce both modes to the context of environmental governance.

Despite the criticism, the interaction between liberal democracy and environmental action has been acknowledged and promoted on a global scale, most notably resulting in the codification of environmental laws by various UN agencies, as seen in Chapter 2 (Eckersley 2020, 218). The synergistic relation has its roots in the early days of the environmental social movement. From the 1960s onwards, concerns about consumption patterns and the depletion of natural resources, particularly of non-renewables, were increasing (Ibid., 216-7). This was predominantly due to the proliferation of information on the topic, provided by various environmentalists, scientists, and politicians (Carson 1962; Hardin 1968; Meadows et al. 1972; White 1967). Through utilising their rights to advocate for the environment amongst other democratic practices, the environmental movement gained legitimacy and helped bring nature into the political agenda. Eckersley (2020, 218) explains this as 'performing environmental

democracy’, introducing the most prominent mode of democracy in an environmental context.

As mentioned in Chapter 2, environmental democracy was formally recognised the Rio Declaration in 1992. To reiterate, it is based on the normative believe that those who are affected by environmental issues should be involved in addressing them (Fischer 2017, 99). Furthermore, it is underpinned by three procedural environmental rights—the rights of access to information, public participation, and access to justice in environmental matters (Peeters 2020, 14). These rights are incremental for strengthening environmental governance processes as they enable citizens to participate (Gellers and Jeffords 2018, 116). Inclusion is here a vital component of decision-making, particularly in ensuring that no group is disproportionately affected by the result. Regarding its orientation towards change, environmental democracy operates within the system of a liberal democracy, seeking to reform it rather than transform it to achieve positive and equitable environmental outcomes. In this context, these outcomes have primarily involved reinforcement of the aforementioned environmental rights and increased environmental participation, in addition to a more equitable distribution of natural resources (Pickering, Bäckstrand, and Schlosberg 2020, 4; Gellers and Jeffords 2018, 116).

Similarly to the critiques against liberal democracy, the transformative potential of environmental democracy is challenged. As it remains within the framework of traditional democracy, it does not question structures such as capitalism and legal frameworks infringing on collective rights to the extent needed for significant socio-environmental change (Pickering, Bäckstrand, and Schlosberg 2020, 5). This could potentially result in a stagnation of the progress towards a sustainability transformation; the “goal” could be formally reached through democratising environmental decision-making, despite the ongoing exacerbation of environmental degradation (Eckersley 2020, 218).

With wicked environmental problems more unconventional solutions are required, which encourages us to take a step further away from the anthropocentric. From a deliberative theory stance, Berg and Lidskog (2018, 11) stress that in order to improve green governance, institutions must respond to societal problems with consciousness towards both the social and the ecological. Drawing on findings from Smith (2003) and Dryzek (2013), the scholars argue that such institutions will have to operate on the basis of environmental value pluralism, which has the potential to make decisions reflecting the interest of a majority of the actors involved, both human and non-human, of the now and of the future (Ibid.). Such a principle is found within ecological democracy.

The concept could be considered an extension of deliberative democracy; an approach to democratic environmental governance that moves away from environmental democracy’s

liberal foundations to embrace ecocentrism as a guiding principle (Pickering, Bäckstrand, and Schlosberg 2020, 2). In accord with this sentiment, Arias-Maldonado (2000, 56-7) claims that only a collective adoption of "green values" can lead to instrumental action towards sustainability. In addition to a more ecocentric focus, it is inherently more critical of the system, encouraging fundamental transformations, alongside comprehensive, meaningful participation (Pickering, Bäckstrand, and Schlosberg 2020, 2). Evoking Rocheleau's ideations of 'emergent ecologies' where human beings exist and participate in their environments to the same extent as other living entities (2016, 213), Eckersley (2004) promotes an ecological democracy where "all those potentially affected by ecological risks ought to have some meaningful opportunity to participate or be represented in the determination of policies or decisions that may generate risks" (243). This expands the range of actors to be represented, opening the category of environmental actors to both those who are human and those who are not. It seeks to be what Dryzek (2013) calls "democracy without boundaries" (238), both in terms of the theoretical boundaries between people and nature, and in regards to legislative and governmental boundaries imposed by traditional institutions. Despite this, Eckersley (2020, 221) elaborates that proponents of ecological democracy acknowledge the necessity of basic principles of civil and political rights as established through liberalism, even if they do criticise the democratic mechanisms the system itself has entrenched.

Manifestations of similar ecological consciousness within environmental governance are locally found in Latin America, with countries such as Ecuador formally adopting the indigenous notion of *Buen Vivir* as a guiding principle (Kothari, Deemaria, and Acosta 2014, 367). Here, biocentrism is emphasised, with mother earth, or Pachamama, in the centre, and all living beings existing in symbiosis with her (Calisto Friant and Langston 2015, 64-5). The overarching aim is to achieve holistic, radical change, expanding that of environmental governance, moving away from neoliberal value systems and capitalist ventures towards a socio-ecological reorganisation of society (Ibid.).

The main concern regarding ecological democracy lies within its scope. For ecological democracy to be realised, it requires a comprehensive restructuring of governing institutions as we know them, if not the complete abolition of a system created to serve humans first and the other parts of the ecosystems after (Pickering, Bäckstrand, and Schlosberg 2020, 5). These are changes which, in the most extreme case, are impossible within the boundaries of the governance system most countries have adopted today. Despite this, both Eckersley (2020) and Pickering, Bäckstrand, and Schlosberg (2020) agree that the two modes can be understood to complement each other symbiotically. The two need not be understood as mutually exclusive.

Instead, environmental democracy can be seen as a steppingstone towards ecological democracy, especially as the use of reforms could later facilitate the introduction of a more ecocentric perspective. One way to facilitate this could be to use the rights of access to environmental information and public participation, and channel these into strengthening environmental education. With time, this could create ecological citizens with stronger consciousness towards nature. Ecological citizenship, as per Dobson (2006), does not find its ground in the humanitarian. Unlike traditional citizenship in the liberal sense, where the state is accountable to 'the people', ecological citizenship is founded upon justice-driven motivation (Ibid.). Unlike traditional citizenship, it is not tied to territorial boundaries, nor does it focus on rights (Dobson 2003, 82). Instead, it is about practice as informed by one's responsibilities, guided by one's ecological footprint—one's own environmental impact on the world, and the production and consumption patterns which influence it (Dobson 2006). In Western contexts, where those with the largest ecological footprints are located, ecological citizenship has been argued to motivate behaviour-change towards environmentally friendly action (Wolf, Brown, and Conway 2009). Despite these effects being observed on an individual-level and there lacking research and examples on its effect on the governmental level, one could argue that societal behaviour-change on a large enough scale could eventually have a significant impact on a governance level.

### 3.3 Democratisation

In his work on democracy and democratic processes, Tilly (2007, 12) defines democratisation as changes in the relationship between states and their population to increase public and substantive participation and promote active and inclusive citizenship. He outlines three specific processes through which democratisation develops in relation to public politics: through enhancing the integration of trust networks, through further insulating politics from categorical inequality, and through decreasing the autonomy of large power centres (Ibid., 23).

By enhancing the integration of trust networks, Tilly refers to the inclusion of tightly knit groups with similar values and interests, who due to their collective actions have remained insulated, on the outside of governance processes due to lacking trust (2007, 75). This involves a great variety of actors and communities as informality and defiance can manifest in different ways. Those with high levels of power in their own right choose to partially avoid state intervention through partaking in clientelist, extra-legal business ventures and trade systems (Tilly 2004, 134). On the other hand, those groups with less power can maintain their informal

networks while showing resistance to outside forces through false compliance, evasion, and feigned ignorance amongst other tactics of the ‘weak’ (Scott 1985, xvi). With the belief that most government intervention would hinder their operations, these trust networks have safeguarded themselves from active interruption. Therefore, an integration of these networks would require strong collaboration and cooperation, in addition to building trust and accountability between the state and the networks.

Regarding the further insulation of public politics, the use of categorical relates to the various sociological categories which influence a person’s lived experience and how these organise people both socially and politically (Tilly 2007, 75). The aim is not diminishing these categories but rather avoiding that they negatively affect a person’s ability and opportunity to participate in politics. This could be achieved by levelling the playing field, or ‘equalising’ resources and connections. What Tilly means by this is ensuring equal access to public goods and services, equal rights, and opportunities, in addition to diminished influence of private connections and financial status (2004, 132). Thus, mediating these influences through targeted efforts is required for a successful democratisation process.

Finally, when it comes to the autonomous clusters of power, the presence of these tends to put limitations on participation. These can be factions of society where a fragmented state has left room for elites, dissident groups, or fundamentalists to rise and expand their political reach to the direct and indirect detriment of others (Tilly 2007, 11). While they generally operate externally to public policy structures, their influence shapes governance processes and outcomes significantly, often aiding to maintain the system as it benefits them. In some cases, the influence can also be from within the state, as seen through dictatorships or military governments (Ibid., 76). In negating the problem, the powerful reach must be subdued, if not eradicated entirely, in order to ensure that the governance reflects the interests of the populace and not the specific cluster. In sum, democratisation happens through broadly expanding participation based on principles of equitable inclusivity in consideration of existing power structures.

As democratisation has been conceptualised by Dryzek (2009) as “deliberative capacity-building”, we add a deliberative condition to supplement Tilly’s democratisation theory. As previously mentioned, deliberative theory requires institutions to respond to societal problems with consciousness towards both the social and the ecological, with emphasis on plurality of environmental values and interest inclusion (Berg and Lidskog 2018., 11). To emphasise the need for institutional restructuring, Dryzek and Niemeyer (2019) stress that all institutions, from civil society to governmental hearings, should be made more deliberative.

By doing so, governing institutions enable structural transformations—through a mix of grassroots involvement and “top-down institutional innovation and redesign” (Ibid., 412). Thus, deliberative capacity building could include ‘reflexive institutions’, as proposed by Hajer (1995, presented in Berg and Lidskog 2018, 13). This would constitute an institutional reinforcement with “inclusive and reasoned political dialogue” as a core value (Berg and Lidskog 2018, 11). In reflexive institutions, Hajer refers to the “institutionalisation of public debate”, meaning to enhance public debate through improved organisation and guided by a framework based on specific conditions, with the goal of creating an understanding of the problem at hand (Ibid., 13-4). These conditions could involve the parties elaborating on their positions to situate their concerns, which in turn would present all parties with cost-benefit considerations, alternative lines of action, and the possibility to reflect on these (Ibid.). This could, for example, make for more substantive and reflexive consultation processes. Therefore, we can claim that democratisation also happens through processes of deliberative capacity-building, in implementing measures such as reflective institutions.

Based on the four processes presented, we arrive at an understanding of democratisation which mainly revolves around enhancing participation, both through enhancing the debate and ensuring broad representation. As this sentiment is mirrored in the Escazú Agreement, one could argue that the agreement has the normative and procedural conditions in place for it to be considered a tool for democratisation; Normative, through the strong emphasis on equitable and substantive participation, and procedural, through its provisions on access rights, protection of environmental defenders, and capacity-building.

## Chapter 4. Research Methodology

In order to examine the implications of integrating environmental democracy through the Escazú Agreement in Colombia, the following chapter will present the research process and methodology of the dissertation. First, the objectives will be reiterated and further developed through the introduction of data requirements. Then, the research design and methods are introduced, followed by the research and sampling approach, data collection and analysis, before the ethical considerations, limitations, and assessment are presented in the final sections.

### 4.1 Research Objectives and Research Questions

In exploring the implications of the Escazú Agreement, the main aim of the dissertation is divided into three research objectives:

- Examine the development of the Escazú Agreement in Colombia.
- Identify implications related to a localised implementation of the Escazú Agreement.
- Evaluate the Escazú Agreement's significance for human and non-human actors in the country.

In order to achieve the objectives, a qualitative approach to the research is deemed the most appropriate. Regarding objective i, this has been elaborated on in Chapter 2. There, primary and secondary data was used to present the contents of the Agreement and its trajectory in Colombia. For objective ii, the theoretical framework presented in Chapter 3 will serve as a starting point. From there, empirical data will be introduced through insights from local environmentalists. The data was collected through conducting interviews with Colombian environmentalists, and the empirical data resulting from these interviews will enhance the understanding of the implications of the agreement, particularly in regards to the localisation aspect of the implementation. Lastly, for objective iii, the findings from the two prior objectives will serve as a basis for answering the research questions.

Through these objectives, I propose the following research question, alongside two sub-research questions:

- How can the democratisation of environmental governance, as proposed through the implementation of the Escazú Agreement, positively impact ecological justice in Colombia?
  - ❖ What are the implications of the integration of environmental democracy in regards to human and non-human actors in the country?
  - ❖ What do these implications suggest about environmental democracy as a viable model to supporting positive environmental outcomes?

As environmental democracy aims to enhance public participation in decision-making regarding environmental matters, it is of high value to identify the strengths and weaknesses of such an approach to environmental governance. Particularly in terms of having substantive participation, the exploration of how the agreement is understood and experienced by those affected by it is essential. With the dissertation seeking to assess the localisation of the Escazú Agreement, and in turn, understand the theoretical and practical implications of integrating environmental democracy into Colombian environmental governance, it creates fertile ground for understanding the significance of regional legal frameworks in promoting environmental, and potentially also ecological, justice.

## 4.2 Research Design

In choosing the research strategy for the dissertation, I found that a qualitative approach would be the most suitable. Qualitative research seeks to explore phenomena and the broader contexts of which they exist within. Through this approach, it is possible to make in-depth inferences based on engaging with the location and the social actors (Clark et al. 2021, 350). It also emphasises how researched phenomena exist within processes, and how factors such as time, behaviours, values, and interests interact with them (Ibid., 355). As the research questions could not be fully addressed through statistics or other quantitative data, a qualitative approach was chosen. By adopting this method, I could engage with experts in the field, collect primary data, and conduct an inductive analysis of the theory and data. This approach also allowed for a comprehensive understanding of the agreement's context, as it enabled the exploration and analysis of the opinions and experiences of individuals with relevant knowledge and expertise.



To frame the research and analysis, a suitable research design is needed (Clark et al. 2021, 39). Seeing as the study aims to research the broader implications and significance of the Escazú Agreement, I found that a case study design would be the best. Case study research seeks to do in-depth analysis of a case based on its complex history and specific context (Stake 2005, as presented in Denzin and Lincoln 2018, 557). Cases can be programmes, happenings, activities, processes, groups or individuals (Creswell 2003, 15). In this particular study, the case is the implementation process of the Escazú Agreement in Colombia. Case studies often make use of qualitative research methods and have an emphasis on the setting of the case (Clark et al. 2021, 59). This research is no deviation from that, as the historical and theoretical context was elaborated on in the two previous chapters. The aim of the case study is not to produce generalisations, but to provide deep and nuanced understanding of the phenomenon (Ibid.).

#### *4.2.1 Design*

I decided to pursue an interpretive, qualitative approach based on semi-structured, in-depth interviews. The semi-structured interviews would take place during a period of fieldwork in Colombia, to gather insights from local environmentalists on their perceptions of the agreement. It would also be possible to gather data on the topic through opinion pieces, published interviews, or through social media, to minimise the data collection process and the overall cost. Primary data, however, is specifically collected to respond to the scope of the particular research. The location and participants are consciously chosen based on the objectives of the research, the researcher themselves a tool for gaining access to the research population (Hox and Boeije 2005, 595). Due to the realisation of the Escazú Agreement being a relatively new event in Colombia, the amount of data on the topic was insufficient. Also, the data available was from a particular type of specialist on the topic, rather than from a broader spectrum of voices. The activists' voices, in particular, were absent in the newspaper interviews and opinion pieces. Therefore, as the specific secondary data was to some extent unavailable, this posed a great opportunity for primary data collection. Additionally, by spending an extended period of time in the country, I could gain a deeper, more nuanced understanding of the various conflicts of interests at play in environmental governance, management, and protection. This would allow me to better comprehend the complex network of actors involved and to understand whose voices were heard and whose remained absent in the process.

### 4.2.2 *Methods*

Having decided on a research strategy, the data collection method selected was semi-structured interviews. I chose semi-structured interviews to retain some flexibility and informality, although the levels of each factor were adjusted based on the individual I was interviewing. Semi-structured interviews allow for a conversational tone with more elaboration in the responses and are based on the social interaction between the interviewer and the interviewed (Longhurst 2010, 105-6). Interviews with open-ended questions and less restrictive interview guides lets the participant share in-depth about their beliefs and experiences, and this generates data that substantially reflects the informant's perspective (Clark et al. 2021, 425). With semi-structured interviewing, I had to prepare an interview guide with suitable questions, make decisions regarding the sample and find willing participants, decide on a place to hold the interviews, and transcribe the data; all this while being aware of ethical considerations and the relationship between myself and my informants (Longhurst 2010, 106).

In regards to sampling, I chose to use methods of non-probability sampling, as there was a thematically specific albeit broad research population I wanted to reach. I also chose this as the aim was not to make generalisations or claims to representativeness regarding the perspectives of all environmentalists (Clark et al. 2021, 378). The techniques were generic purposive sampling and snowball sampling, a common combination in social research. I had several criteria which had to be in place for the participant's knowledge and perspective to be valuable for my research, which is why generic purposive sampling was chosen (Ibid., 382-3). Snowball sampling, which involves gaining access to more informants through the ones already sampled, was selected to serve as reinforcement in case the generic purposive sampling was unsuccessful in obtaining enough participants. It is also a suggested technique when interest networks exist within the population (Ibid., 383-5).

## 4.3 Research Approach

As mentioned in the introduction, my approach to the research was shaped by personal interests, biases, and values. Simultaneously, there were several considerations I had to reflect on prior to conducting the fieldwork for my dissertation. I chose to engage with these through a process of methodological reflexivity.

Reflexivity, which originates from feminist and critical research methods, involves recognising bodies and their intersectionality as phenomena within time-space-influenced contexts (Longhurst 2009, 429-30). Thus, methodological reflexivity is the process of critically

and introspectively engaging with one's own positionality and subjectivity as a researcher. It can be considered important in field research as the researcher's physical and sociological characteristics can impact their engagement with their informants (Jokinen and Caretta 2016, 1667). Examples of this can be how a researcher can gain access to information through their informants recognizing their own characteristics in the researcher, or through physical manifestations of socio-cultural beliefs, these factors reducing the reactivity of the participants (Liong 2015, 945). The following section will delve into reflections regarding three personal characteristics or themes, and how these influenced my research approach. These are themes I found to influence my decisions the most: being a first-time researcher; being a researcher from the Global North; and being a native foreigner in Colombia.

### *Researching, as a new researcher*

The fieldwork was in many ways a grand and new experience for me. First of all, this was my first experience as a field researcher, due to my prior dissertations being founded on desk-based research. Prior to this, I had never interviewed people in an academic or formal setting, nor sent cold emails or messages, so I made sure to consult with my supervisor and other academics who had done fieldwork in the region before to know what to expect and how to behave. I also discussed conducting fieldwork with young researcher friends, in hopes to learn from their experiences. Before my first interview, I was expressing my concerns about being inexperienced and uncomfortable to a good friend and fellow researcher, who gave me some advice which would shape my approach to the research. "The best thing you can do about those concerns, I think, is just be really sincere with everyone." The following day, I showed up to the meeting and in presenting myself and my work, I was honest and shared that I was nervous because this was my first interview and my first time using Spanish in a professional setting. This was met with warmth and understanding from the three interviewees at Penca de Sábila and allowed me to breathe a little easier once I started the interview. Learning from that experience, I made sure to meet each person with the same energy, expressing my appreciation of them taking their time to talk to me and for them being patient with my level of Spanish, if the interview was held in that language.

Another thing I was unfamiliar with was how to gain contacts and network. As a sociable and extroverted person, talking to new people does come easy to me, yet within this context, having no arenas available for networking nor personal contacts who were involved in the topic, finding participants posed a challenge. From my personal experience, a person's

phone number or contact information is something private. Unless it is given to you by the individual or you are within a work context and expected to reach out, it is not a channel one can easily reach out through. Contact through email adds another layer of privacy between oneself and the recipient, so sending cold emails did not feel as intrusive. Cold messages, however, were initially a whole other level of discomfort which I had to navigate. Nevertheless, in Colombia I found that this was generally the preferred way of contacting people, and I would often receive someone's WhatsApp contact instead of an email address to contact them through. Using the message template I had made prior to arriving, I would first refer to the contact who had provided me with the person's number to exhibit my connection and familiarity, and prove the legitimacy of my work. In some of the instances, my contact attempts were further aided by other informants, who had asked potential subjects on my behalf if they were interested in participating in my project. This type of WhatsApp messaging helped me gain access to networks and people whom I might not have been able to reach through other channels or by myself as an independent researcher. It also emphasised the importance of having connections within the field or at the location of research, as it served as both a tool of access and legitimisation.

As Colombia is one of the most dangerous countries in the world for environmental activists, particularly for women in the public sphere, I had to take sound precautions in conducting my fieldwork. There has been a long-standing and violent hostility shown towards those speaking up against injustices and impunity in the country, thus there would be a certain risk being involved with some organisations and individuals, even if the involvement would be external. Seeing as I wanted to spend a longer period in the country in order to meet and talk to both locals and others involved with socio-ecological matters, my safety was a significant consideration.

Prior to the fieldwork, I had no personal contacts in the country, only Colombians who were currently residing in Europe, and I had only visited the country once before as a child. It was also my first visit as an adult to a developing country with significant security concerns, both for me as a solo traveller and as a young woman. With these considerations in mind, it seemed like much too great a risk to travel unaccompanied to the rural areas most exposed to social and environmental threats, as these often were exposed to the additional danger of territory disputes between armed groups. The people in these areas might have been able to provide me with especially valuable insights from their involvement at the physical frontlines, yet the trade-off would not have been worth the potential risk. It could be dangerous for me to travel and stay with a vulnerable community, but a consideration few make is that it can be

equally dangerous for the community welcoming the researcher. José Cote described this in an interview, how informants had told him that while he, in his fieldwork as a journalist, could merely do the research before packing up and leaving, the locals who had been involved were left to face the consequences of having participated (Prada and Badia i Dalmases 2023). Moreover, Cote emphasised how in communal settings, the arrival of outsiders and who they talk to becomes common knowledge, something which could put the informants in danger. Thus, it is up to the researcher to ensure the safety of the participants and their identities. This requires resources much beyond the capabilities of an entry-level researcher with a master's degree project, from funding for safe locations to hold the interviews and potential remuneration for their help and participation to additional time to better connect with the communities and getting to know both them and their lived experience.

Thus, the security aspect did play a part in the selection of location, moving my attention towards two of the larger cities in Colombia, Medellín and Bogotá. As many organisations and institutions of interest were located in these cities, I anticipated being able to visit and connect with some of them in person, my presence there allowing for in-person interviews. Although some of the urban areas exhibited similar crime rates, these were often crimes such as *paseo millonario* kidnappings, theft, and drugging, which are types of crimes one can prepare for and take necessary measures to avoid. One of the measures I took was to bring along an old phone to use with my Colombian SIM-card when I was out and about in order to attract less attention. I only brought my Norwegian phone on some occasions, if for example I had been in contact with the informant prior to having a Colombian SIM. In addition to that, cities have a stronger network of mobility infrastructure, with full coverage of private transportation apps such as Uber and Cabify, but also through public transport, such as the Medellín metro and the Transmilenio in Bogotá, as well as the local *colectivos* which could bring you to the smaller towns at the outskirts of the cities. This was important as the potential distances I would have to cover to move around within the cities were sizable, making it necessary to have access to some form of transportation. Also, walking around alone, especially at night, could be a threat to my security, and was discouraged by the majority of the people I consulted with before leaving. Taking these factors into consideration, I chose the locations I would live with caution, making sure my apartments would be in safe and well-connected areas; In Medellín, I stayed in both Laureles and the Belén area, while in Bogotá, I spent the month in an apartment in Chapinero Alto. While none of the neighbourhoods were particularly close to the institutions or areas that I ended up frequenting for my meetings in either city, the normalisation of using transportation apps made for streamlined travel. If I left during peak

hours, the traffic would be congested like in any other city, but the time spent was used well as I got to practise my Spanish with the drivers.

### *Researching, as a researcher from the Global North*

I was twice reminded of the trap of performing neo-colonialism through my research. First when talking to a potential contact in late September 2022 who warned me that I should be prepared for it being difficult to recruit informants, seeing as it could be hard to find organisations who were willing to work with foreigners. When asked if it was due to the language barrier, the contact responded yes, but also mentioned the “white-saviour complex” and how people had been coming to the country over the years with that attitude, making nationals predisposed to respond negatively to requests. By white-saviour complex, the contact referred to how well-meaning privileged Westerners travel to countries in the Global South to ‘fix’ them, often with little-to-no regard to the local socio-historical context or those within it (Cole 2012). The second time confirmed the statement of the first instance, as an informant, after agreeing to the interview, asked me to kindly share the results of my research. They went on to explain how they had been asked for interviews or to participate in research before and felt used once the researchers disappeared without sharing any more details about their work nor the results. The candid request made me reflect on my own position and ethics on the matter, and in answering, I made sure they knew my stance on reciprocity in research. A certain awareness must be had in these situations, regarding the power-relation between the informant and the interviewer, in addition to the ethics of one’s praxis. The Latin American region has a long and bloody history with European colonisers arriving and stealing both material and immaterial wealth from the locals and bringing it home for glory and prosperity. It is nothing new for a people whose entire history has been marred by the greedy hands of imperialists. Researchers from the Global North, in going to a less developed country to mine it for information and insights without acknowledging what they are gaining from the process, are merely mimicking the actions of what their ancestors did before them. Not wanting to partake in and further perpetuate this, it was important for me that my interactions and interviews were all founded on respect and reciprocity towards the parties involved.

### *Researching, as a native foreigner*

Finally, the fieldwork would mark my return as an adult to the country of my birth, which I only ever had experienced ten years prior as a young teenager. Although I was born in Colombia, I only spent my three first months there before travelling across the Atlantic to where I would spend my childhood and teenage years—a small island community on the north-western coast of Norway. I was socialised in a Norwegian context, with my mother tongue a broad and monotone islander dialect instead of the clear dancing tones of a Rolo accent. My only exposure to Spanish came from mediocre Spanish-as-a-second-language classes in secondary and high school, and the occasional visit to Spain, although this would change as my interest for Latin America, Spanish, and social justice increased with age. Graduating from my bachelor's with a Latin American area-specialisation brought me academically closer to the region, with new knowledge of its history, politics, culture, and economics, and how these factors interplayed in shaping the continent as we know it today. Yet none of this could prepare me for the travel and for the experience of being in Colombia for those six weeks. Although I am native to the country in some aspects of the word, I did not have relations in Colombia prior to going there, nor the language, culture, or a cedula. This posed an identity-paradox which put me in a unique position, as a researcher, but also as a person: I am a foreigner, yet I pass as a local. It was an unfamiliar experience for me. Usually, it is the other way around, having my Norwegianness challenged all my life as I am a local to the country, yet to most people I look like a foreigner. Having a Norwegian name in Norway despite not being Norwegian-passing, has benefitted me, knowing the discrimination people with non-Norwegian sounding names face in job searching, the housing market, and other social arenas. Yet in Colombia, my name would instantly categorise me as a foreigner, an outsider. I briefly considered going by my birth name prior to leaving, as the name is decidedly more Colombian-sounding than my government name, but in the end, I decided against it. When meeting with the informants, they compared what information they had from my email and WhatsApp with the individual in front of them, and if it came up, I would share my background with them with the approach of sincerity—why I looked like I did yet had an accented Spanish and a difficult-looking name. It almost felt like an act of reciprocity—I would share who I was and parts of my story, and in return they would share their knowledge with me. The identity paradox could have affected how I was treated, although I personally felt welcomed and comfortable in all of the interviews. I was met with politeness and warmth and felt particularly comfortable bonding with the participants who were around the same age as myself. I found that in the meetings where we had spent some

time talking or eating before starting the interview, the process felt more like a discussion between friends, with relaxed body language and an easy trade of jokes back and forth.

#### 4.4 Sampling Approach

As there were uncertainties in regard to how large the sample size should be and the responsiveness of potential informants and contacts, I decided to base my sample on broad criteria. They were:

[1] The informant must be a local to the context.

[2] The informant must have (some) knowledge of the Escazú Agreement.

[3] The informant must be involved in environmentalism in one way or another.

The first criterion was set to ensure that any finding would be focused on a country context. The two last criteria opened for a large pool of potential informants. In the case of the second criteria, the addition of some in parenthesis meant that the informant did not have to have read up on the agreement prior to the meeting, nor did they have to be completely aware of all of its contents and principles. It was sufficient that they were aware of it and what it was for. Regarding the third criteria, the use of environmentalism was also intentional, based on the dictionary definition of environmentalist rather than any political discourse.<sup>2</sup> Utilising the broad term would avoid limiting the sample to only those involved in specific types of advocacies (through using “activism” or “environmental defence/protection”). Additionally, the category environmentalism opened for the inclusion of actors from both human rights advocacy as well as the more ecologically oriented interest groups. This was particularly important as these camps often have a vastly different understanding of the terms like ‘sustainability’ and ‘development’ within their respective platforms, despite human rights and environmental struggle being highly intertwined categories in the Latin American context.

The sampling of participants took place over three periods of time, within a timeline spanning from November 2022 until February 2023. The aim was to have at least five interviews. Prior to the initial stage, I made preparations for utilising generic purposive sampling. Here, I researched and created a list of key organisations and individuals of interest

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<sup>2</sup> Environmentalism, as defined in the Concise Oxford Dictionary of Politics, is “a belief in and concern for the importance and influence of environment within a society” (Allison 2009).



to contact. These were Colombian organisations, or international organisations with local chapters in Colombia, with clear environmental agendas through legal work, ecological and/or human rights advocacy, or educational platforms. In line with the country being centrally concentrated in terms of governance, the majority of the organisations had their headquarters in Bogotá, with a few also located in Medellín, and this further encouraged my approach to conduct my fieldwork within the two urban centres. Regarding the individuals, I took note of names which came up in relation to the Escazú Agreement process in Colombia, both through official documents and online news articles, and sought to find their contact information.

Furthermore, I created email and WhatsApp templates of my initial message in Norwegian, English, and Spanish. This was done to minimise the later sampling work. In the email template, I introduced myself, presented the aim of the research and some preliminary research questions, and asked if they or someone they knew would be interested in talking to me.<sup>3</sup> Similarly, the WhatsApp template included an introduction of myself and the work and gave information in regard to my fieldwork and availability.<sup>4</sup> The text would be modified to suit the recipient based on the reason for contacting the individual, the extent of familiarity or distance between us, and the exact moment of sending.

Following this, I started the sampling process, reaching out through email to international organisations with local chapters or collaborators in Colombia, in addition to some other potential contacts located in both countries and did this throughout November and December 2022. This proved mostly unsuccessful as the organisations were unable to provide contacts or information, or did not respond, whereas the individuals were understandably busy with Christmas coming up. Arriving to January 2023, I continued with my second stint of making contact with organisations through email and WhatsApp, this time focusing on those located in Colombia, in addition to contacts I knew in Medellín. Here, I was more successful, and by the time I had arrived and settled in Medellín, I had five interviews organised through one local contact who, while not involved with my research topic, had contacts in the city who could put me in contact with my future informants. Here, snowball sampling allowed me to gain access into a network of environmentalists, an occurrence which happened twice during my fieldwork without me having to ask for additional contacts from the informants. Through my Medellín contact and subsequently the interview with Luisa Granjales, I received two more informants in Laura Morales and Laura Restrepo, the former who provided me with two additional informants in Santiago Aldana and Laura Serna. Finally, once in Bogotá I continued

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<sup>3</sup> See Appendix A

<sup>4</sup> See Appendix B

my third period of sampling participants, contacting organisations located there, as well as local contacts. Through contacts connected to the national Congress of Colombia, I again gained access to an environmentalist network. Here, the Congress contacts provided me with the informants of Christian Torres Salcedo, Environmentalist A, and an auxiliary contact from whom I managed to gain access to Mauricio Madrigal and Environmentalist B from. Although I have only presented some reflections from specific interviews, the contents of all the interview extensively informed my research. See table 1 for an overview of the informants, categorised by their affiliation, position, and location.

No.	Name	Affiliation (If applicable)	Position	Location
1.	Camila Perez Failach	Corporación Ecológica y Cultural Penca de Sábila	Lawyer	MED
2.	Deisy Peña	Corporación Ecológica y Cultural Penca de Sábila	Lawyer	MED
3.	Javier Marquez Valderrama	Corporación Ecológica y Cultural Penca de Sábila	Co-founder and director	MED
4.	Erika Castro Buitrago	Universidad de Medellín	Professor	MED
5.	Luisa Granjales		Director	MED
6.	Laura Santacoloma	Dejusticia	Director of climate justice section	BOG
7.	Laura Morales	Citizens Climate Lobby Colombia	Leader of organisation	BOG
8.	Laura Restrepo	The Climate Reality Project LatAm	Special projects coordinator	BOG
9.	Laura Serna	Escazú Youth Champion	Escazú Youth Champion	BOG
10.	Environmentalist A			BOG
11.	Christian Torres Salcedo	Extinction Rebellion	Activist	BOG
12.	Santiago Aldana Rivera		Ecology/climate programme coordinator	BOG
13.	Mauricio Madrigal-Perez	Universidad de Los Andes	Professor	BOG
14.	Environmentalist B			BOG

TABLE 1. *List of research informants*

## 4.5 Data Collection

The data utilised in the research was based on primary and secondary data. Regarding the primary data, I conducted 14 semi-structured interviews with a mix of closed and open-ended questions in order to allow the informant to share their insights in detail without too much interruption (Clark et al. 2021, 433). The interviews were conducted in person, during the six-week-long period of fieldwork in Colombia. The fieldwork lasted from mid-January throughout February 2023, where the time was split between the capital of the Antioquia province, Medellín, and Colombia's capital city, Bogotá, where I spent two and four weeks, respectively.

Out of the 14 interviews, six were carried out in English, meanwhile eight were in Spanish. As I have an intermediate proficiency in Spanish, I was able to let the participant choose which language they felt the most comfortable corresponding in, and based on this, I would approach the interview in their chosen language. Prior to the interviews, I prepared an interview guide comprised of 11 questions, with additional follow-up questions and aiding notes.<sup>5</sup> The guide proved particularly useful during the Spanish-language interviews, as it was harder to sufficiently ask follow-up questions or elaborate more on each question asked if there were misunderstandings. The average interview time was 50 minutes, and the location would vary from offices to cafes, based on the preference of the informant. When scheduling the interviews, the informants were sent a copy of the information letter and consent form.<sup>6</sup> Before starting the interviews, the content of the documents was briefly reiterated, any questions regarding the research were answered, and the form was signed by the informant. Here, the informant was asked again if it was okay for the interview to be recorded. Utilising a recording device allowed me to focus on what was being said, rather than whether what I wrote in my notes correctly corresponded with what was being said or not. I also kept a field diary where I made notes on the interviews, and my experiences and observations from the fieldwork.

Regarding the secondary sources, the data mainly consisted of peer-reviewed journal articles, academic books, and reports from institutions and independent organisations. The data was from local and international sources, in both English and Spanish. Using a wide range of secondary data allowed me to stay updated on the debates regarding environmental democracy and similar topics related to the thesis. Particularly useful was the text of the Escazú Agreement itself, alongside the implementation guide provided by ECLAC, in understanding the principles of the agreement in its original form in the absence of a localised roadmap. Having these documents also allowed me to triangulate the primary data collected, or cross-check that the findings were of relevance to answering the research questions (Clark et al. 2021, 364).

## 4.6 Data Analysis

The interviews were audio recorded as I received consent from all participants prior to the interview. After the meetings, I uploaded the audio file and signed consent form to the NMBU OneDrive cloud system for safe storage. To transcribe the files, I utilised Descript, a transcription management software. After transcription, I coded the interviews based on

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<sup>5</sup> See Appendix C

<sup>6</sup> See Appendix D

recurrent topics and distinctive statements, using Microsoft Excel. A thematic analysis was particularly useful as the preliminary research questions I had presented the interviewees would change to the extent that they did. After organising the data, these were further assessed and interpreted in relation to the research objectives, in order to best respond to the current research questions.

#### 4.7 Other Ethical Considerations

In making sure the informants were fully informed about the contents of the interview and the information I was looking for, I provided them with an information letter and consent form through email prior to the meeting. The information letter was drafted based on the template provided from SIKT, and later translated into Spanish, in order for the informant to be able to select their language of choice. Here, the informant was informed about the project itself, but also about how to rescind their consent or gain access to their own data. Similarly, the consent form had ample space for any additional information the informant might have wanted to provide in relation to their identity or position, in addition to a box asking for consent to record the interview. This was important as the participant was made aware that their integrity would be preserved and not misrepresented in any way, and if they decided to withdraw from the project, they were within their full right to do so. Before the interview started, I asked if they had found the time to read the documents, and if the answer was 'no', I would give them time to do so or go through it together with them, answering any questions they had. If they had read it, I asked them to cross off on the suitable boxes on the form and for them to sign it. There were several boxes they could tick related to the information they wanted to divulge or associate with their name and role. Two participants wanted to remain anonymous, and these are only referred to as Environmentalist A and B to ensure their identities remain protected. The rest of the participants allowed me to associate their names and roles with their opinions, and some also their organisation, group, or institution.

In terms of data storage, the data collected was classified in accordance with the colour classification system, as presented by NMBU (Fossum-Raunehaug 2019). The data was classified as yellow, meaning it was less sensitive research data with limited personal or identifying information. Therefore, I could safely store the files on the NMBU OneDrive cloud system. This also included the audio recordings of the interviews, which I was the only one able to access. Once the thesis is done and defended, the recordings will be deleted and any other stored data will be anonymised, as outlined in the consent form.

## 4.8 Limitations and Assessment

As the dissertation amounts to 30 ECTS and is to be completed within the timeframe of one semester, the work has several practical limitations. Due to the restraints posed by safety and time, the population sampled could be considered quite homogenous. This is a common concern related to snowball sampling. In this case, it would mean that the sample mainly consisted of well-educated people working within formal institutions or in non-governmental organisations, with strong educational or experienced backgrounds and a good network of connections. This, however, does not discount their insights nor their roles, as this research does not seek to make generalisations regarding the considerations or views of environmentalists. Furthermore, as the Escazú Agreement was ratified in October 2022 and signed by President Gustavo Petro in November 2022, the realisation of the agreement was very recent. This left little time for the government to present plans or share information about how they were going to proceed regarding the implementation of the agreement. Similarly, it made it nearly impossible to gain insights into whether the informants agreed with the government's approach or not, as they were unable to respond properly to the question unless they had ties to the government or the process otherwise. Due to the scope of the research, there was also no room for speculating on a long-term perspective without being overly assuming or get too caught up in the potentials.

In regards to the language, while I do speak Spanish, I am not fluent and this could have affected the quality of my interviews. Although I have several years of formal Spanish language education, the classes heavily emphasised writing, reading, and comprehension rather than practical use of the language. In praxis, this means I understand more Spanish than I am able to express. Within the context of fieldwork, this means I that I did miss out on good opportunities to ask follow-up questions or not responding appropriately to verbal cues due to my level of Spanish. I did, however, attempt to mediate the outcome through preparing thoroughly prior to the meetings and utilising an interview guide.

On the topic of sampling, the initial intention was to have informants from various sectors, from environmental technocrats working with conservation or climate change mitigation efforts to politicians with green political platforms, to complement the more obvious choice of talking to academic field specialists, NGO staff with green advocacy, project management, or education jobs within their respective organisation, or activists with the environmental movement in the country. However, when attempting to make contact with the two former groups, my efforts were unsuccessful. In regards to the environmental technocrats,

I reached out to some geologists and ecologists working on projects regarding climate change, but the general response was that they did not consider themselves suitable participants for the project and could not help me. For the politicians, a major obstacle was the National Development Plan of 2023-2026 and its first draft which was presented on the 6<sup>th</sup> of February. As the following couple of months would be dedicated to revising the plan and discuss it in the many debates planned before it would be passed as a law, my congress contacts became harder to get in touch with as they got increasingly busier. Thus, it was easier to try and make contact with environmental interest organisations.

Although I had the opportunity to visit Congress and have a meeting with the advisory team of one of the *congresistas*, it was clear that they were there to provide me with auxiliary help and contacts, rather than opinions and perspectives.

In having some of the interviews in various public locations, there was a potential safety risk. This was less of a concern in Medellín, as the five interviews were held in closed-off locations where I had to provide and register my identity by the entrance upon arrival. In Bogotá, however, I had several interviews in cafes with other people around, which could have compromised the safety of the informant. However, the location was left up to the informant to decide on, making this a precaution I believe they would be aware of when deciding on a place to share their opinions at.

## Chapter 5. Perspectives on the Ground

To gain local insights, this chapter is based on the results of the interviews conducted with individuals involved with environmentalism in Colombia. The interviews all followed the same structure, as directed by the sections of the interview guide. Each interview comprised three parts—first, an introductory section to situate the participant; then, a section discussing their relation, perspectives, and opinions in regard to the Escazú agreement; before finally, a last section on the beneficiaries of the agreement. Almost all the informants became familiar with the agreement around 2018 and 2019 due to the coverage of the ratification around that time, with the topic making the rounds within their respective circles. Some were introduced to the agreement earlier, between 2012 and 2015, due to involvement in the preparation and negotiation phases. Most of the participants were unfamiliar with the current state of the agreement as the last, widely transmitted update came with the final approval and subsequent presidential signing in the autumn of 2022. In my analysis, I identified several themes and trends which stood out. These topics will be explored in the following sections:

### 5.1 Implications of expanding participation

A major topic was that of the various implications of expanding participation, as the informants identified both positive and negative impacts of this. With enhancing participation as one of the core elements of the agreement, it naturally came up when discussing several parts of the agreement. In regards to positive outcomes, the majority of the informants responded that the main beneficiaries of the agreement would be the communities, in reference to the communities affected by extractive ventures and other socio-ecological conflicts.

Expanding participation also opens for the inclusion of voices which do not necessarily have humanitarian or ecologically motivated mindsets. Several informants mentioned the need for the inclusion of economic and business interests, with Laura Serna (2023), one of the current Escazú Youth Champions, particularly expressing the need to include those outside of the obvious groups, to educate them and made these actors aware that Escazú could benefit them also.

Santiago Aldana Rivera (2023), an ecology and climate programme coordinator, pointed out one concern in particular in that of co-optation. Co-optation happens when external forces influence a movement, process, or group to make them stray from their initial goal through incentives or manipulation. In promoting access to participation as a major priority for

the government, Aldana Rivera (2023) believed it could become easier for influential political strongholds such as the oil lobby to co-opt environmental decision-making processes. Opening the decision-making process to more actors does not necessarily mean that those actors maintain the same perspective towards protecting nature or with an ecologically minded orientation. That does not, however, mean that such actors should be barred from participating.

## 5.2 Paradox of procedure

The Escazú Agreement, above all, is a legal framework which seeks to implement and enhance procedural rights and processes. Thus, the usefulness of implementing new legal frameworks was a recurring theme in the interviews. It was mentioned several times that Colombia already has access laws in place, despite the lack of effective enforcement.

In stressing the importance of access rights, Erika Castro Buitrago (2023), a professor at the University of Medellin specialised in environmental law, explained that as environmental problems are reinforced by systemic impunity and injustice, these key rights are needed to ensure and enable other rights. “If you don’t have information, if you can’t participate, if you’re not guaranteed a just process or worse, if you’re not protected by the state to act against deforestation, fracking, illegal mining [...], how are you going to defend the environment?” The leader of the Citizen’s Climate Lobby Colombia, Morales (2023), also expressed faith in the process, sharing that the government is planning to utilise brand new methodologies for the implementation. These will involve provisions on how to best identify and target conflict zones, the root causes of the conflicts, the relevant parties involved, and how to provide effective and comprehensive support to protect leaders (Ibid.). Considering the preliminary roadmap set to be further developed and the wide-reaching consultation rounds planned, the use of innovative methodologies is an enhancing and welcome addition.

A valid critique was posed by Extinction Rebellion activist, Christian Torres Salcedo (2023), about the top-down structure of the agreement. The agreement has gained a lot of traction internationally, particularly due to the Latin American context and provisions on defending environmental activists. Therefore, there has been pressure to implement it from both global and regional entities, in addition to promotion through national actions such as the Alliance for the Escazú Agreement in Colombia. It has been televised, present on social media and in the news, in addition to being presented as one of the Petro administration’s main policy priorities once he won the election. This has removed the attention from a bill made at the grassroots called “The Environmental Democracy Bill which according to Salcedo Torres



(2023), would have a much greater impact in the territories. “Yes, the agreement is almost a distraction from what is really important.” Another concern was related to the distrust in the legal branch. “On one side, the Colombian courts have set very high standards for participation,” Aldana Rivera (2023) said, referencing the *consulta previa*, or the right to free, prior, and informed consultation for indigenous peoples and Afro descendants which was granted through the 1991 Constitution (Rodríguez Garavito and Baquero Díaz 2018). It encapsules principles similar to those of the Escazú Agreement, established to ensure the participation of affected populations in the decision-making process.’

But at the same time, there have been rulings such as the issue of the fracking pilot project which was met with protests. It has been a controversial project and there has even been legal action taken against the state to suspend the regulations that allow fracking in Colombia. Nevertheless, the Council of State greenlit some of the pilot projects despite arguments such as scientific doubt or economic interest. In fact, the Court practically told the state that they could do the pilots and see if they were worth it or not, in other words making them part of the problem. (Aldana Rivera 2023)

He here referred to the case of Puerto Wilches, where ANLA initially awarded the Colombia-US partnership between Ecopetrol and Exxon Mobil Corp licenses to do exploratory fracking in the area (Reuters 2022). The project was then blocked and subsequently suspended by a local court due to a faulty *consulta previa* process where an incremental local group, Afrowilches, was excluded from the consultations. However, not long after, a higher-level court revoked the decision, an action which the Colombia Free from Fracking Alliance claimed to be dismissive of the faulty consultation process (Fracking Free Colombia Alliance 2022). This comes two years after the Colombian Constitutional Court ruled that *consultas populares*, or public hearings on extractive ventures were not to operate as barriers for the projects to be realised (Bates 2022). The two instances serve as perfect examples of what can be called a procedural paradox in the Colombian environmental governance context: despite environmental rights being awarded and reinforced, they can just as easily be dismissed or disregarded to allow for violence and environmental degradation. Camila Perez Failach (2023) and Deisy Peña (2023), two lawyers working for the Medellín-based eco-cultural NGO Penca de Sábila, both mentioned this problem of regulatory reinforcement without effective enforcement. Peña (2023) initially introduced the topic, with Perez Failach (2023) supplementing her colleague:

I believe that the problem, [...] is that we have a completely fragmented environmental regulatory system with too many mandates, too many norms, too many entities. And this makes effective protection of nature very difficult. I do believe that talking about the rights of nature is undoubtedly a change from anthropocentrism to ecocentrism in law. But the real challenge, beyond the philosophical conceptions of the relationship between nature and human beings, is to enforce and actually guarantee the protection of the rights of nature, and that is extremely timely here because institutional design and regulations often hinder protection instead of helping it. (Perez Failach 2023)

This points to a larger, more structural problem, of ineffective and fragmented governance systems, perhaps proving that the solution might not be as simple as broadening participation.

### 5.3 Importance of leadership

The importance of leadership and political motivation was another topic which stood out. Almost unanimously, the informants emphasised that in order to make the Escazú Agreement successful, the government had to be the actor to put in the most effort. This makes sense as it is the government that will have to organise and formally carry out the implementation process, as well as finance operations. In several interviews, the informants brought up the importance of determination and intent, particularly in relation to what was considered required from the state for the implementation to be successful. As observed during the Duque administration, the process was stalled in the congressional hearings which eventually led to the ratification being left in limbo for three years. When asked from which actor(s) the most effort would need to be put in, most of the responses were the government. In relation to this, Morales (2023) expressed excitement for the new government, in belief that the new left-wing makeup of the government showed great potential. “It was kind of weird to see a lot of people who are in government right now, [who also] were in the national strike. [...] We were in the opposition, and now we are in government.” Further, she explained that she was not as worried about the agreement potentially ending up in a limbo again:

But it is actually really good because you don't have to tell this government that you have to do it. Yeah. They have the motivation to do it. They're willing to do it and they're putting people to work on it. I think it's going to be a slow change. Especially because this government wants to do it right. (Morales 2023)

With limited knowledge of the state of the implementation process status, apart from the five points introduced by the Minambiente Minister Susana Muhamad (See section 2.3) and additional information from specific interviews, it was difficult to discuss the government's approach to the implementation. While the majority of the informants, like Morales, expressed

that it was only natural due to the approval of the agreement being a relatively recent development, Torres Salcedo (2023) had a more critical perspective and expressed distrust, albeit sardonically:

Well of course, it is understandable that the government is busy creating the PND, various other reforms on different topics, and the hearings they have with the Congress, but if the Escazú Agreement was one of the main flags on your environmental platform, then [the process] should be something that is shared transparently and constantly, just as the agreement says, no? (Torres Salcedo 2023)

#### 5.4 Nature in the context of environmental democracy

Despite the country's legal recognition of nature as a rightsholder, the informants were generally of the belief that nature would not be impacted by the agreement. At least not in a direct manner. During the interview's final section, when asked who they considered to be the main beneficiary of a successful implementation, no one responded the environment or nature. This further proves the notion of the Escazú Agreement as an anthropocentric framework, making it less likely to effectively target non-humans. When asked the follow-up question of "What about nature?", most of the informants became unintentionally caught in "gotcha" moment—responding with various versions of '*of course*', as if that was an obvious despite them not mentioning it in their initial response. This hinted at the potential of an indirect causality between the Escazú Agreement's environmental democracy approach to green governance and ecological justice. Several responses also hinted at this, with Castro Buitrago (2023) elaborating on how there initially was a push towards the agreement adopting a more radical and ambitious approach:

The Escazú agreement did not adopt an ecocentric perspective. We tried to get it to do so through the *pro natura* principle, but it did not, and the *pro homine* principle remained, and that is clear. [...] Escazú has an anthropocentric vision, but I think that we in Colombia could take an ecocentric position in the implementation and adjust the approach that Escazú brings. [...] Escazú does not have it, but it can be strengthened, [...] because if we review some proceedings, political and administrative activities that do not fit well within an ecocentric vision, we could make it clear in, let's say, honouring participation, access to information and through that, work towards an ecocentric vision, I think so, but it is not because of the Escazú agreement. It is because of the focus that you put into the implementation, because Escazú does not have it. (Castro Buitrago 2023)

*Pro natura* and *pro homine* are principles most often invoked in international law. The most common of the two is *pro homine*, also known as *pro persona*, meaning ‘for the person’. In legal terms, it relates to putting human rights and dignity before all else (Kowalska 2021), *Pro natura*, on the other hand, is most often referred to through the maxim *in dubio pro natura*. This translates to ‘when in doubt, act with nature’s best interest in mind’ and mirrors the precautionary principle, which was intended as a guiding principle, encouraging precaution in policy processes where there might be harm caused to either human or environmental health (Hanson 2018, 361). In reference to these principles, Castro Buitrago (2023) explained how there initially was support for marking a more progressive and ecological justice-centred agreement. As the process progressed, the holistic ambition was lowered due to conflicts of interest, and the agreement adopted the more anthropocentric foundations it currently has. While the document itself is decidedly anthropocentric, the professor believed that it can be implemented in a more ecocentric way. Like during the negotiation phases, conflicting interests could end up eroding the process and maintaining its anthropocentric nature. However, Castro Buitrago’s (2023) sentiments mirror those of Eckersley (2020) and Pickering, Bäckstrand, and Schlosberg (2020) in regards to the complementary potential of environmental and ecological democracy. The implementation of the agreement could serve as a steppingstone to more radical reforms later. An example, perhaps far-fetched, could be in how accessible environmental information could be utilised in informing the creation of comprehensive and inclusive green educational reforms. These could target children from a young age to teach them about ecosystems and environmental impacts, thus increasing the potential of instilling them with green values and consideration towards non-humans. Such teachings would not need to take place within a classroom, or with a traditional teacher either.

## Chapter 6. Conclusion

The dissertation has examined the wider implications of the localisation of the Escazú Agreement in Colombia, in order to explore the opportunities and limitations of environmental democracy in a governance context. First, the context of the Escazú Agreement was presented, both in terms of its historical trajectory and the development of its theoretical structuring. Additionally, the most important parts of the agreement, namely its five substantive pillars, were elaborated on, followed by contextualising the process in Colombia to highlight the need for progressive environmental governance, after and prior to its final signing in 2022. Then, a theoretical framework was established, based on conceptualisations of democracy and democratisation within an environmental context. Traditional and alternative models of democracy were presented to serve as foundations for their green governance-related counterpart, while all modes came together to inform the conceptualisation of democratisation and its constitutive processes. From the proposed understanding of democratisation as ‘enhancing participation through improving the debate and ensuring broad representation’, the Escazú Agreement is deemed to be a tool for democratisation. This is due to agreement having a strong emphasis on equitable and substantive participation and backing this up through having specific provisions on access rights, protection of environmental defenders, and capacity building within its text. Following, the fourth chapter outlined the research methodology, presenting the qualitative approach to the research, alongside the chosen method of data collection through semi-structured interviews. The research was also reflexively framed, in addition to including ethical considerations and limitations to the dissertation. In the fifth chapter, through interviews with local environmentalists in Colombia, several implications regarding the implementation of the Escazú Agreement were analysed and reflected on, based on the information presented in chapters 2 and 3. Both positive and negative considerations were identified in regard to expanding participation, and the agreement’s potential impact.

### Main Research Findings

In regards to ecological justice, the study reveals that the agreement will not have a direct impact on nature as an actor in its own right as the agreement takes an anthropocentric approach to environmental governance. This also points to a need for radical structural change, and here, environmental justice can serve as a steppingstone for more transformative measures in the future. These implications suggest that environmental democracy is a viable model to

supporting positive environmental outcomes, if we stay within the bounds of liberal systems. Environmental democracy has the potential to enhance public participation, which could lead to justifiable policies, taking into account the great diversity of the population. It does however leave room for potential co-optation and the influence of other interests which might not have nature's best interest in mind. Including these voices is still needed to create deliberative processes, in which the full extent of the conflicts could be elaborated, and therefore better understood and targeted.

I went into this research believing that the Escazú Agreement would become a transformative solution to end most of the socio-ecological conflicts of the region. Despite no longer looking at the Escazú Agreement with rose-tinted glasses, I still believe that is a true mark of green intention from the Petro administration, and a large steppingstone towards something more radical to manifest in the future. Only time will tell if the Escazú Agreement will live up to its expectations or remain as just another good green intention. We can only hope that it at least has constructed a couple of new green seats at the table.

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## Primary data – Interviews

Environmentalist A, 01:02:36, 18 February 2023, Bogotá.

Aldana Rivera, Santiago, 01:15:11, 20 February 2023, Bogotá.

Castro Buitrago, Erika, 00:45:17, 30 January 2023, Medellín.

Environmentalist A, 01:02:36, 18 February 2023, Bogotá.

Environmentalist B, 00:39:41, 27 February 2023, Bogotá.

Granjales, Luisa F., 00:53:43, 31 January 2023, Medellín.

Madrigal-Pérez, Mauricio, 0:27:44, 23 February 2023, Bogotá.

Márquez Valderrama, Javier, 00:23:03, 24 January 2023, Medellín.

Morales, Laura, 00:59:39, 9 February 2023, Bogotá.

Peña, Deisy, 00:23:03, 24 January 2023, Medellín.

Perez Failach, Camila, 00:23:03, 24 January 2023, Medellín

Restrepo, Laura 01:09:53, 14 February 2023, Bogotá.

Santacoloma, Laura, 01:15:13, 3 February 2023, Bogotá.

Serna Mosquera, Laura 01:19:28, Bogotá.

Torres Salcedo, Christian, 00:40:18, 17 February 2023, Bogotá.

# Appendices

## Appendix A: Contact Template for Email [English]

Dear [Name/Organisation],

My name is Julie Hauge Blindheim and I'm currently enrolled as a student at the Norwegian University of Life Sciences (NMBU). I have a BA in International Studies with a Latin American area focus, and an MSc in International Development. Currently, I am pursuing an English-language master's degree in International Environmental Studies, where the topic of my thesis is the Escazú Agreement, its implementation in Colombia and what it could mean for environmental activists and those involved in environmental matters. The questions I seek to answer are:

- **How has the Colombian government's signing of the Escazú Agreement enhanced public engagement and facilitated positive socio-environmental development in the country?**
- **What do local environmental defenders and civil society groups consider vital for the successful implementation of the Escazú Agreement?**
- **What do current government and civil society efforts regarding the implementation of the Escazú Agreement suggest about its significance for changing our understanding of environmental and human rights?**

My plan is to interview social actors from various sectors, from environmental activists and social leaders to politicians, lawyers, and academics, in order to get a better understanding of the situation. I will stay in Colombia large parts of January, first in Medellín from the 17<sup>th</sup> until the 1<sup>st</sup> of February, before staying in Bogotá until the 2<sup>nd</sup> of March to do this fieldwork. Therefore, I was wondering:

**If anyone on your team (of researchers) are familiar with the Escazú agreement,**

- a. Would you be interested in taking the time to discuss it with me when I am in [City]?
  - *I believe your insights as [Insert background] would be highly valuable for my work.*
- a. Similarly, if you have any suggestions on other people/organisations I could contact, that would be great if you would be so kind as to share!
  - *These could be actors involved in the implementation itself, the promotion and campaigning, public support or in academia, analysing social, legal, environmental, or political impacts.*

I would greatly appreciate any help you would be able to provide! I have a basic working proficiency in Spanish, so I can use both English and Spanish.

If you have any questions regarding my project or anything else, please do not hesitate to reach out, either here or through WhatsApp (my number is written below)!

## Appendix B: Contact Template for WhatsApp [English]

Dear [Name],

I'm Julie Hauge Blindheim, a student from the Norwegian University of Life Sciences. I am currently writing my master's thesis about the Escazú Agreement and got your contact from [Name] at [Organisation]. The focus of my thesis is the (potential) impact of the agreement and how local environmental defenders and environmentalists would like to see it implemented, in addition to what it could mean for the rights of nature.

My plan is to interview social actors from various sectors, from environmental activists and human rights defenders to politicians, lawyers, and academics about the Agreement, and I will stay in Bogotá until the 2nd of March to do this fieldwork. Therefore, I was wondering, would you be interested in taking the time to discuss it with me? I believe that your insights as [Information regarding background] would be incredibly valuable for my work!

If you have any questions regarding my project or anything else, please do not hesitate to let me know! I have basic working proficiency in Spanish, so I can use both English and Spanish.

Thank you for your time!

## Appendix C: Interview Guide [English]

Thanking the participant for agreeing.

Introduction of interviewer, project, and aim.

Providing consent form, making sure participant reads it before signing.

Must be clarified beforehand, but will ask a second time if recording is fine.

Going over the parts of the interview before starting.

### Part 1: Personal

- First can you just tell me a little bit about your background and what you are working with now?
- How did you become involved in this type of work?
- Do you consider yourself an environmental defender/activist?
- What do you consider the most pressing issue in environmentalism in Colombia right now?

### Part 2: Escazú Agreement

- When did you become aware of the agreement? *Initial steps in the early 2010s, time of initial signing 2019, revival and final ratification 2022 being main time markers.*
  - o *If answer is pre-Petro government; If you can recall, what was your initial reaction to the agreement?*
  - o *Has this sentiment changed?*
  - o *Have you contributed in any way?*
- Are you familiar with the government's current approach towards implementation?
  - o *If so, do you believe this is a feasible approach?*
  - o *Is there anything you commend? A specific part you find important?*
  - o *Is there anything you think is missing from the plan?*
- *Refer to part 1 Q3; Do you believe the agreement will be able to impact this? If so, how? If not, why?*
- *Do you believe the agreement will impact your work/organisation in any way? If so, how? If not, why?*
- *Do you believe the agreement will have an effect? What kind?*  
*Aim for response involving short-term and long-term effects; positive and negative; personal, local, national, regional, international; symbolic or physical.*

- What is required from the following actors in making the implementation successful: government, NGOs, civil society, others?
  - o Where do you believe the most effort must be put in?

### Part 3: Environmental and Human Rights

- Who are the main beneficiaries of the ratification of the Escazú Agreement?
  - o Why do you consider these the main beneficiaries?
  - o *If response is angled towards the environment:*
    - What about environmental defenders?
    - Do you believe human rights could be strengthened through the agreement?
  - o *If response is angled towards environmental defenders:*
    - What about nature itself?
    - Do you believe nature's rights could be strengthened through the agreement? *If confusion, refer to Atrato river legal status. / If so, how?*
    - Is there anything that can be done to emphasise this?

## **Are you interested in taking part in the research project**

### ***“The Escazú Agreement and The Future of Environmental Justice in Colombia”?***

#### **The research project for the master’s thesis of Julie Hauge Blindheim**

##### **Purpose of the project**

You are invited to participate in a research project where the main purpose is to analyse the intersection of human and nature’s rights and the potential strengths and limitations of regional legal frameworks that support them. The master’s dissertation will seek to answer the following questions:

- How has the Colombian government’s signing of the Escazú Agreement enhanced public engagement and facilitated positive socio-environmental development in the country?
- What do local environmental defenders and civil society groups consider vital for the successful implementation of the Escazú Agreement?
- What do current government and civil society efforts regarding the implementation of the Escazú Agreement suggest about its significance for changing our understanding of environmental and human rights?

##### **Which institution is responsible for the research project?**

The Norwegian University of Life Sciences (NMBU) is responsible for the project (data controller). The master’s student Julie Hauge Blindheim is responsible for the project while Professor John Andrew McNeish is the supervisor.

##### **Why are you being asked to participate?**

You have been asked to participate due to your role and engagement with environmentalism and your interest in the research project. Additionally, you have knowledge of the Escazú Agreement. Several people have been asked to participate, and the goal is to obtain at least five interviews.

##### **What does participation involve for you?**

If you chose to take part in the project, the following information will ideally be collected: name, organisation, role. The interview will take approximately 45 minutes, although this can vary due to time availability. The information will be collected through notes, and if consent is given, through an audio recording device. The interview includes questions about environmentalism at various social levels and sentiments towards environmental governance, the Escazú Agreement in particular. Therefore, the information recorded might involve political and philosophical opinions related to the theme. Your answers, if given consent, will be stored for the duration of the research project.

### **Participation is voluntary**

Participation in the project is voluntary. If you chose to participate, you can withdraw your consent at any time without giving a reason. All information about you will then be made anonymous. There will be no negative consequences for you if you chose not to participate or later decide to withdraw.

### **Your personal privacy – how we will store and use your personal data**

We will only use your personal data for the purpose(s) specified here and we will process your personal data in accordance with data protection legislation (the GDPR).

- *Julie Hauge Blindheim, the student researcher, and John Andrew McNeish, the supervisor, will be the only ones with access to the data provided.*
- *To ensure that no unauthorised people are able to access the personal data, I will replace your name and contact details with a code. The list of names, contact details and respective codes will be stored separately from the rest of the collected data. Additionally, the data will be encrypted.*
- *Your name and/or position will only be identified if you have expressed permission to do so. This would be in relation to quotes drawn from the interview.*

### **What will happen to your personal data at the end of the research project?**

The planned end date of the project is in June 2023. At the end of the research project, any stored data will be anonymised.

### **Your rights**

So long as you can be identified in the collected data, you have the right to:

- access the personal data that is being processed about you
- request that your personal data is deleted
- request that incorrect personal data about you is corrected/rectified
- receive a copy of your personal data (data portability), and
- send a complaint to the Norwegian Data Protection Authority regarding the processing of your personal data

### **What gives us the right to process your personal data?**

We will process your personal data based on your consent.

Based on an agreement with the Norwegian University of Life Sciences, The Data Protection Services of Sikt – Norwegian Agency for Shared Services in Education and Research has assessed that the processing of personal data in this project meets requirements in data protection legislation.

### **Where can I find out more?**

If you have questions about the project, or want to exercise your rights, contact:

- The Norwegian University of Life Sciences via
  - Student researcher, Julie Hauge Blindheim: [julie.hauge.blindheim@nmbu.no](mailto:julie.hauge.blindheim@nmbu.no)
  - Supervisor, John Andrew McNeish: [john.mcneish@nmbu.no](mailto:john.mcneish@nmbu.no)
  - Data Protection Officer, Hanne Pernille Gulbrandsen: [personvernombud@nmbu.no](mailto:personvernombud@nmbu.no)

If you have questions about how data protection has been assessed in this project by Sikt, contact:

- Email: ([personvertjenester@sikt.no](mailto:personvertjenester@sikt.no)) or by telephone: +47 53 21 15 00.

Yours sincerely,

Julie Hauge Blindheim,  
*Student project manager*

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## Consent form

I have received and understood information about the project “The Escazú Agreement and the Future of Environmental Justice in Colombia” and have been given the opportunity to ask questions. I give consent:

- to participate in a recorded interview
- to participate in an interview, but not recorded
- that my name can appear in publication\* associated with my words
- that my professional role/occupation can appear in publication\* associated with my words
- that the name of my organisation can appear in publication\* associated with my words

(\*both the final dissertation and any potential international publication)

By signing below, I acknowledge that I have read this form in full and consent to all the permissions checked in the boxes above

---

(Signed by participant, date)

---

Participant’s full name

---

Participant organisation (if applicable)

If you would like to include additional notes regarding your participation, please use the space below.



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Thank you for your participation!



**Norges miljø- og biovitenskapelige universitet**  
Noregs miljø- og biovitenskapelige universitet  
Norwegian University of Life Sciences

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