



Department of  
**International  
Development**

## Essay Cover Sheet

**2021-22**

<b>Course Code</b>	DV55
<b>MSc programme (circle as applicable/add if your programme isn't listed)</b>	<input checked="" type="radio"/> DM <input type="radio"/> DS <input type="radio"/> IDHE <input type="radio"/> H&ID
<b>Candidate Number</b> (5 digit number from LSE for you - <b>NOT</b> from your ID card, <b>NOT</b> your Student number)	29865
<b>Individual Strategy title</b>	Towards environmental justice: the ratification of the Escazu Agreement
<b>Seminar Leader</b>	Professor Duncan Green and Dr Tom Kirk
<b>Due Date</b>	Monday, 25 <sup>th</sup> April 2022
<b>Word Count</b> ( <i>excluding</i> title, header, bibliography, appendices; <i>including</i> footnotes/endnotes and everything else)	2477

Essays must be submitted with a header in the following format:

**Course Code**

**Page x of y**

**5 digit Candidate Number**

**Word limit:** Exceeding the word limit will AUTOMATICALLY be penalised at the rate of 1 mark per 100 words (or part thereof).

**Late penalties:** Submitting work late *without a previously arranged extension* will AUTOMATICALLY be penalised at the rate of 5 marks per day (24 hour period, not including weekends or bank holidays) or part thereof.

**Plagiarism (unacknowledged borrowing or quotation):** is an examination offence and carries heavy penalties. In submitting his/her essay the student acknowledges it as his/her own work which contains no plagiarism AND that it has not been submitted previously for any assessed unit on the course or any other degree course at the LSE or elsewhere.

I have uploaded files (either Word or .pdf) as required to **Moodle** and within the time limit.

I have read, understood and adhered to the conditions stated above, please mark an **X** in the box to confirm this

**X**

### **Towards Environmental justice: the ratification of the Escazu Agreement**

#### **Aim:**

Get the Peruvian congress to ratify the Escazú agreement considering growing environmental concerns and lack of a normative framework to deal with them. The strategy outlined seeks to do so by gathering the support / hiding the opposition of the private sector, known for guiding politicians' actions, and using access to foreign investors as an incentive. Done thorough a combination of insider and outsider strategies this strategy can swing the necessary votes to pass ratification.

#### **Context:**

In September 2018 the Peruvian government joined 21 States of Latin America and the Caribbean in signing the Escazu agreement. A big step towards environmental and human rights protection, the agreement has 3 main objectives (United Nations, 2018):

- Guarantee the full and effective implementation of the rights of access to information in environmental matters
- Public participation in the environmental decision-making process
- Access to justice in environmental matters

This entered into force on April 22<sup>nd</sup>, 2021, in the 12 States that ratified it to date. Despite being one of the original signatories, however, Peru failed to ratify the agreement in 2020, when the Foreign Affairs Commission (FAC), mirroring arguments voiced by private business guilds, voted for the bill's archival, denying it a plenary vote. However, new political parties entered the field through the April 2021 elections making it feasible to try again.

For the agreement to come into effect in the country, it must be ratified by congress in a three-step process:

1. Proposal of a bill to ratify the agreement (either by congresspeople or by the Executive)
2. Approval of the bill by the Foreign Affairs Committee (given that it is an international treaty)
3. Approval through a plenary vote

The most recent attempt at rushing the bill to a plenary vote – bypassing the three-step process by presenting a request to the Board of Spokespersons for a bill to be exonerated of commission evaluation – has also failed (Actualidad Ambiental, 2022). While this was done amidst as political crisis – which might have shifted the priorities of the legislative – those opposed quoted loss of sovereignty as a justification (Luque, 2022). By relying on the regular three-step process, however, we can make the most of the slow bureaucratic proceedings gathering private sector support and lobbying commission members with enough time be FAC and subsequent plenary vote.

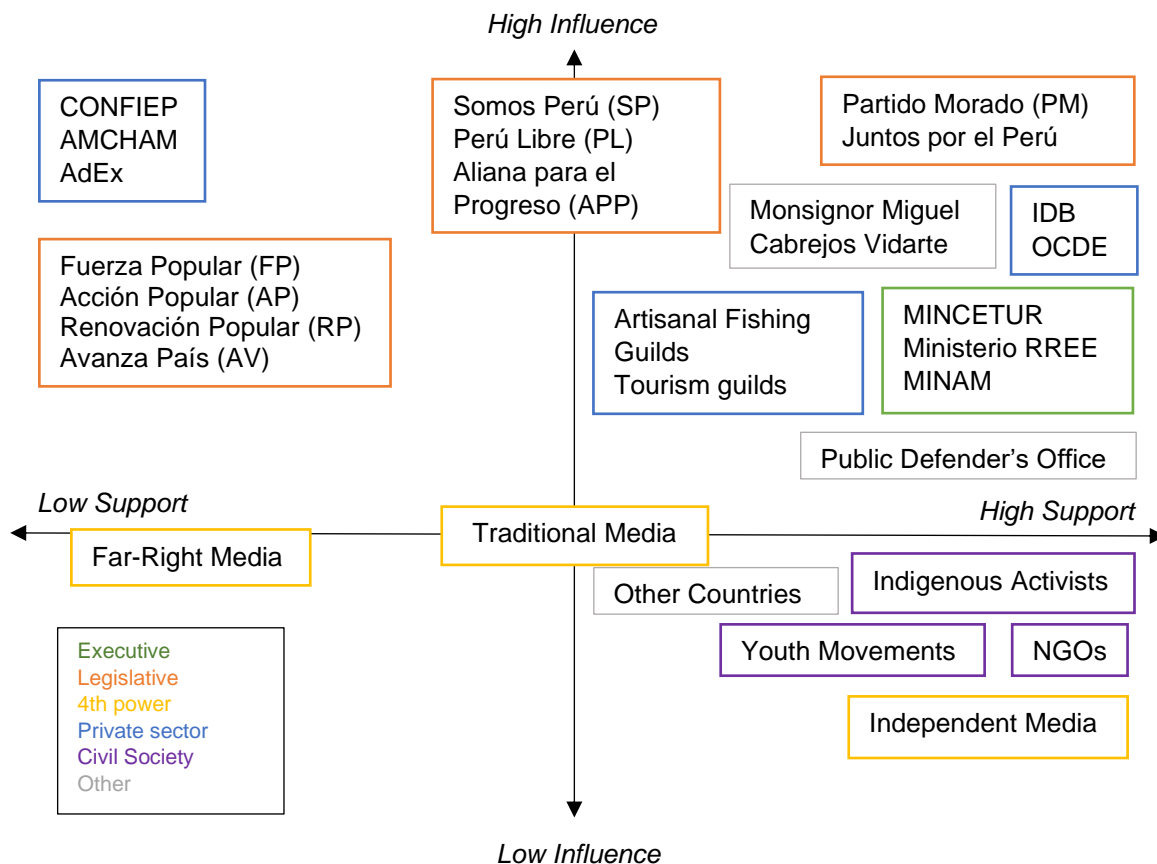
#### **Window of Opportunity:**

Latest polls show the President, the president in of the Congress, and Congress itself with their lowest approval ratings to date – 19%, 15%, and 14%, respectively (IPSOS, 2022). The recent oil spill in the capital's coastline, and the lack of/delayed action to correct the environmental crisis and sanction those responsible has already sparked civil society's unrest and highlights the need for a normative framework that guarantees access to information and environmental justice. Furthermore, the latest addition to the list of indigenous activists getting murdered in the VRAEM region – 5 this year alone – has once again brought to light the vulnerability of the communities fighting for the environment. Recent tax cuts announced after long and violent transport strikes in the Andean region (Cervantes and Quinn, 2022) also inform us about the government's responsiveness to civilian upheaval.

This proposal exploits congress' need for a 'win' by turning to civil society and pressuring the private sector – backer of opposition politicians – to voice its approval / hide their opposition to the agreement. With upcoming regional and municipal elections, it relies on political parties' desire to clean their image before being placed under public scrutiny. This is something of particular importance for the newly formed parties seeking to establish themselves and keep their portion of the electorate. Given that the

crimes against indigenous activist are happening in selected regions the strategy too the desired reputation FAC members wish for their party in the area.

### Stakeholder Map:



### Actors at play and Power analysis:

The Executive holds a limited form of visible power, as it has already signed the agreement, but its ratification does not depend on this branch of the government. It can, however, propose the bill for its ratification to the FAC. The map shows the relative power and level of support three ministries: Foreign Trade and Tourism (MINCETUR), Foreign Affairs (RREE), and Environment (MINAM). These institutions have publicly called for the ratification of the agreement as they are directly related to it (ONAMIAP, 2020) but other 8 ministries are also in favour of the agreement.

The Legislative holds visible power by being the public figures who actively decide on the matter. The unicameral nature of this entity means it is congresspeople that make up commissions and then vote on the bill if this passes to the plenary. Current legislation prevents re-election, meaning that while representatives should respond to the needs of their constituents it is more fruitful to consider their interests through political affiliation. Congresspeople wanting to deepen their political career therefore make sure their parties maintain relevance in multiple regions as can provide them future opportunities. As shown in the map, the legislative is divided among strong advocates and opponents of the agreement. The current FAC is made up of 17 members (FP:5, AP:2, AV:2, APP:1, RP:1, PL:5, Independent:1), for a bill to pass in this commission a simple majority is required.

The fourth power (media) can be understood as having 'power to' as it can actively guide public opinion about an issue enable social movement in doing so. The spread of information provided by these institutions can help civil society hold their representative accountable. Within this sector the strongest advocate for ratification is independent media, as this is usually funded directly by citizens and with massive industry ties. However, their status as 'pull' news limits reach, decreasing then their levels of

influence. Both traditional and far right media are broadcasted through over-the-air signals increasing their influence and stance of non-involvement and opposition, respectively.

The private sector (business guilds) holds hidden power as these are the actors lobbying politicians to pass or block a reform. This is seen in the financial support given to political campaigns of 'status quo' candidates (El Comercio, 2019) that make up the current opposition block. The organization of the private sector takes centre stage for understanding support and levels of influence. Some Communities of Practice (CoP), such as Artisanal Fishing and Tourism, are in favour of the agreement given they have been disproportionately affected by the recent oil spill – raising demands for regulation and compensation (CooperAcción, 2022). However, these CoP's are also part of bigger 'private enterprise' coalitions such as the CONFIEP. Self-defining as 'the CoP of CoPs' this organization, along with other coalitions, has previously voiced its opposition to the agreement (CONFIEP, 2020; RCR, 2020) using arguments that were then repeated by congresspeople in the first attempt at ratification (Romo and Sierra, 2020). The opposing views within such coalitions allows for an entry point in overcoming previous blockage.

Within the private sector, there is also significant influence of foreign investors. Predominant entities like the OECD and the IDB have issued public statements calling countries in the region to ratify the agreement (OECD, 2020). Earlier this year the OECD opened accession discussions with Peru, the first steps towards a potential membership (OECD, 2022). The clear stance of this organization towards the agreement is to be carefully considered by institutions that seek this membership. On the other hand, the IDB has developed an Environmental and Social Policy framework that sets parameters to be met for its new projects, in direct alignment with the 3 Escazu objectives (IDB, 2020). Representatives of the World Bank and European Investment Bank have also highlighted the importance of ratification in guaranteeing investment stability (CEPAL, 2022).

Other relevant actors are religious referents, the president of the Peruvian Episcopal Conference issued a letter to congress asking for agreement ratification, quoting here statements by the Pope regarding environmental protection (Tufani, 2020). The importance given to religion in the country means this institution potentially affects both regulation (hidden power) and public perceptions by dictating what citizens should care about (invisible power). The known religious ideology behind some political parties can therefore give the church power over them as it also increases civil society's support. Autonomous entities such as the Judiciary and Public Defender's office have no direct influence but their support for The Agreement can help in legitimizing pro-ratification arguments.

Regarding other countries, the recent signing of the Agreement by the Chilean government can have a positive influence in local perception of it. This action can be taken to show our congress how other world leaders – among which are those of the richest countries in the region – support this international collaboration. The case of Chile is particularly useful since former president Piñera refused to sign the Agreement with similar arguments as those used in Peru (Cueto, 2020), the recent signing is to be used to disprove said arguments in our context. Furthermore, the event was well received internationally, a fact that could appeal to the egos of current legislators as it would be them making Peru part of a movement now being led by Mexico, Argentina and Chile (Alonso, 2022).

Finally, Civil Society actors have limited lobbying (hidden) power and one could argue they are under the invisible power of an irresponsible state, making them naturalise crisis and indifferent to the failings of government. However, recent protests and their outcomes show there are organisations fighting this.

### **Strategy:**

Considering the three-step process required to pass the bill and the recognised actors at play, this strategy seeks to turn the vote of FAC members through a combination of insider and outsider strategies. Public portals have allowed for mapping of interests of each commission member based on trajectory prior to politics, bills they have authored, and meetings held. Omitting the commission members affiliated with PL due to their known support, the remaining FAC members and their interests are presented in Table 1, with yellow used to identify swing voters.

The simple majority required, and with the 5 PL votes guaranteed, allows to target our effort to the 6 highlighted commission members. This is done to have some leeway as 4 additional votes would

suffice, but the support of all six could finally present a united front environmental protection. The six swing FAC members are from centre-right political parties (AV previously presided by Hernando de Soto) and 3 of them represent the interests of regions current social conflicts.

Table 1

Comission Member	Political Affiliation	Region	Relevant Laws authored / known meetings
Ernesto Bustamente Donayre	FP	Lima	Voiced opposition to agreement
Jorge Zeballos Aponte	RP	PEX	
Illich Fredy López Ureña	AP	Junin*	Authors bills about sustainable development, authors bill about 'green investment' / Previous work with same political party
Arturo Alegría Garcia	FP	San Martín*	Former member of PPC
Rosselli Amuruz Dulanto	AV	Lima	Keeps Hernando de Soto as Referent, Meetings with 'Asociacion de transportistas'
Maria Cordero Jon Tay	FP	Tumbes	Little cooperation with other parties
Heidy Juárez Calle	APP	Piura	Authors bill that protects coastline from oil companies / Work experience in fishing company, meetings with fishing guild
Juan Carlos Lizarzaburu Lizarzaburu	FP	PEX	Meeting with Spanish party VOX, unlikely to go against overall FP consensus
Jorge Alberto Monte Figari	FP	Loreto	
Ivett Paredes Fonseca	AP	San Martin*	No environmental stance, bill to promote Access of information of public entities
Luis Picón Quedo	Independent	Huanuco*	No definite party alliance, authors bill that protects coastline from oil companies / has met with fishing guilds
Adriana Tudela Gutiérrez	AV	Lima	Meetings with CONFIEP and AGAP

\*regions with environmental social conflicts

#### 1. Step one: Outsider Coalitions

This is done to bring Escazu Ratification to the forefront as a framework that deals with recent crisis and public outcries incentivising its introduction to FAC agenda, the messages are lighter as this eases acceptance.

Private sector: Information campaign that enables the cooperation among CoPs disproportionately affected by environmental losses. This supports ratifications by extending the conceptualisation of the agreement to one that protects relevant sectors of the economy, both in profit and cultural/flagship terms. Examples:

- 'No fishing, no ceviche #EscazuNow' this takes the existing claims by fisherman ('no fishing because of Repsol') and turns the messaging to target the consumer and the importance given to gastronomy in the country
- 'No amazon, no nature retreats #EscazuNow' in a similar way, this looks at the tourism sector

Civil society: while citizens without prior activism history can help in spreading the previous phrases, it will be joint work by existing activist groups that lead with the message of Escazu as Justice. This focuses on the inequalities deepened by environment-related crisis.

- 'I don't want to be next #EscazuNow' message shared by youth movement showing the new generation of activists and alluding the killings of those protecting the environment in the Amazon.
- 'El pueblo consciente de aquel que lo defiende' rally cry holding political parties accountable for lack of action in conflict regions

With both private sector and civil society involved a new Ratification bill can be drafted. This is to clearly address any issues of loss of sovereignty so as to weaken the opposition's argument.

## 2. Step two: Insider Coalitions and Lobbying

Empower the congresspeople in favour of the agreement with data about IDB and OEDC statements and investment projects financed by these entities in countries where the agreement is already in place. Rely on the 6 swing votes' stances on foreign investment and protection of private property, to 'sell' this ratification. The independent FAC member can be influenced to join either side of the argument, rely on the external pressure of private sector along with evidence demystifying the Agreement is 'bad for business'. For AV FAC members use Hernando de Soto's government plan – taking the necessary measures to speed up OECD membership status – as an argument.

## 3. Step three: Outsider Education Campaign

Factual statements aimed at weakening any opposition statements made by both politicians and business with clear conflicts of interest.

- 'My life is not bad for business #EscazuNow' reinforcing the importance of access to justice in environmental matter
- 'Confie se consecuente' Slogan asking the CoP to align with its publicly announced reformation program (where it takes the OECD as reference point)

## Conclusion:

By targeting the interests of 6 key FAC member the outline strategy can make the Escazu Agreement pass the Foreign Affairs Commission and the groundwork done for this also guarantees its approval in a following plenary vote.

**References:**

- Actualidad Ambiental (2022) Congreso rechaza nuevamente debatir y ratificar el Acuerdo de Escazú. Available at: <https://www.actualidadambiental.pe/congreso-rechaza-nuevamente-debatir-y-ratificar-el-acuerdo-de-escazu/>
- Alonso, J. (2022) Chile quiere recuperar el liderazgo del Acuerdo de Escazú. Available at: <https://www.dw.com/es/chile-quiere-recuperar-el-liderazgo-del-acuerdo-de-escazu%C3%BA/a-61246221>
- CEPAL. (2022). Multilateral Banks and OECD View Escazú Agreement as Critical for Creating a Climate of Sustained and Sustainable Investments. Available at: <https://www.cepal.org/en/news/multilateral-banks-and-oecd-view-escazu-agreement-critical-creating-climate-sustained-and>
- Cervantes, M. and Quinn, D. (2022). Peru Announces Tax Cuts on Food and Fuel as Protests Intensify. Available at: <https://www.bloomberg.com/news/articles/2022-04-02/peru-announces-tax-cuts-on-food-and-fuel-as-protests-intensify>
- CooperAcción. (2022). Persiste preocupación de los pescadores afectados por derrame de Repsol. Available at: <https://cooperaccion.org.pe/persiste-preocupacion-de-los-pescadores-afectados-por-derrame-de-repsol/>
- CONFIEP (2020) Comunicado público sobre el Acuerdo de Escazú. Available at: <https://www.confiep.org.pe/noticias/comunicado-publico-sobre-el-acuerdo-de-escazu/>
- CONFIEP (2021), El cambio de la CONFIEP. Available at: <https://www.confiep.org.pe/noticias/el-cambio-de-la-confiep/>
- Cueto, J. (2020). Acuerdo de Escazú: el polémico rechazo de Chile al primer gran pacto medioambiental de América Latina y el Caribe. Available at: <https://www.bbc.com/mundo/noticias-america-latina-54263916>
- El Comercio (2019), Estos fueron los aportes a la Confiep declarados por los empresarios. Available at: <https://elcomercio.pe/politica/justicia/confiep-estos-fueron-los-aportes-declarados-por-los-empresarios-a-la-fiscalia-noticia/?ref=ecr>
- IDB (2020). Environmental and Social Policy Framework. Available at: <https://www.iadb.org/en/mpas>
- IPSOS (2022) Opinión Data – Abril 2022. Available at: <https://www.ipsos.com/es-pe/opinion-data-abril-2022>
- Luque, R (2022) Hoy solicitamos como @bancadaJP ampliación de agenda en pleno de Congreso para que se debata y apruebe #AcuerdoEscazu. Nuestro pedido fue rechazado. Nuevamente se levantan absurdas teorías de "afectación a soberanía", 31st January [Twitter] Available at: [https://twitter.com/RuthLuquelbarra/status/1488186011851145227?s=20&t=\\_xXpZanxIMsMtBQlcdBGBg](https://twitter.com/RuthLuquelbarra/status/1488186011851145227?s=20&t=_xXpZanxIMsMtBQlcdBGBg)
- ONAMIAP (2020) Las mujeres y pueblos indígenas seguiremos luchando por la ratificación del Acuerdo de Escazú. Available at: <https://onamiap.org/2020/11/las-mujeres-y-pueblos-indigenas-seguiremos-luchando-por-la-ratificacion-del-acuerdo-de-escazu/>
- OECD (2020). OECD Responsible Business Conduct Policy Reviews: Peru, OECD Paris
- OECD (2022). OECD takes first step in accession discussions with Argentina, Brazil, Bulgaria, Croatia, Peru and Romania. Available at: <https://www.oecd.org/newsroom/oecd-takes-first-step-in-accession-discussions-with-argentina-brazil-bulgaria-croatia-peru-and-romania.htm>
- Romo, V., Sierra, Y. (2020) Congreso peruano rechaza ratificación de Acuerdo de Escazú. Available at: <https://es.mongabay.com/2020/10/congreso-peruano-rechaza-ratificacion-del-acuerdo-de-escazu/>

RCR (2020) AMCHAM pide al congreso no ratificar Acuerdo de Escazú. Available at:

<https://www.rcrperu.com/amcham-pide-al-congreso-no-ratificar-acuerdo-de-escazu/>

Tufani, A. (2020) Obispos del Perú exhortan al Congreso a ratificar el Acuerdo de Escazú. Available at: <https://www.vaticannews.va/es/iglesia/news/2020-09/obispos-del-peru-exhortan-congreso-a-ratificar-acuerdo-escazu.html>

United Nations (2018), Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean. United Nations: Santiago