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TRINIDAD AND TOBAGO

ENVIRONMENTAL CIVIL SOCIETY STAKEHOLDER SUBMISSION

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I. Introduction

This submission is presented by a coalition of environmental civil society organisations (CSOs) active in Trinidad and Tobago (T&T), including organisations working on participatory natural resource management, environmental law, coastal and marine ecosystems, environmental justice, and community rights. It is directed to the UN Human Rights Council Working Group conducting the Fourth Cycle Universal Periodic Review (UPR) of T&T at its 53rd Session in November 2026.

- 1.1** The Caribbean Natural Resources Institute (CANARI) is a regional technical non-profit institute headquartered in T&T which has worked across the Caribbean for more than 36 years promoting participatory governance of natural resources. Its work focuses on biodiversity and ecosystems, equity and justice, participatory governance, and resilience. Recent work has included working with a civil society coalition in Trinidad and Tobago to improve environmental governance with strengthened transparency, accountability, inclusive decision-making and more informed and just public policy, protecting the right to a healthy environment in T&T. The aim is to empower CSOs and community members to advocate for and support vulnerable groups in accessing information, participating in decision-making, and seeking justice in environmental matters.
- 1.2** This submission has been developed in consultation with, and is supported by, a broad coalition of civil society organisations and individual environmental and human rights activists in Trinidad and Tobago, reflecting the intersectional nature of the concerns it raises. This submission is strengthened by the support of civil society organisations whose work gives concrete meaning to the governance gaps it documents.
- 1.3** This submission is further supported by individual activists – who bring lived experience of environmental advocacy in Trinidad and Tobago, including direct engagement with communities affected by industrial pollution, coastal degradation, and barriers to environmental information access. Their participation reflects the broader civil society commitment across the country to ensuring that T&T's governance landscape is robust and the country's accession to the Escazú Agreement translates into meaningful rights for all people.
- 1.4** Together, the submitting and supporting organisations and individuals represent the diversity of perspectives — rural, urban, gendered, youth-led, and community-rooted — that effective environmental governance in Trinidad and Tobago must serve.
- 1.5** In this submission, the coalition examines T&T's compliance with its international human rights obligations in five interconnected areas of environmental governance: (i) the institutional independence and integrity of the Environmental Management Authority (EMA) and the Environmental Commission; (ii) access to environmental information; (iii) public participation in environmental decision-making; (iv) access to justice in environmental matters, including the protection of environmental defenders; and (v) fulfilment of the right to a clean, healthy and sustainable environment.
- 1.6** During the Third Cycle UPR examination of T&T in 2021, the State received a total of 136 recommendations, of which it accepted 104. A limited number of accepted recommendations carried implications for environmental governance, including commitments relating to transparency, access to information, and strengthening institutional mechanisms for sustainable development. An analysis of the legal and policy landscape, together with evidence gathered by environmental CSOs during the reference period (2021–2026), reveals that implementation of these commitments in the environmental domain has been partial or absent.
- 1.7** The Fourth Cycle submission covers a reference period marked by one significant positive development: on 27 January 2026, Trinidad and Tobago deposited its instrument of accession to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement), which

enters into force for T&T on 27 April 2026.¹ CSOs, including the submitting coalition, campaigned for this accession for more than seven years. The coalition welcomes it unreservedly. The recommendations in this submission are therefore framed around implementation of the Escazú Agreement's binding obligations.

II. Methodology

This submission was prepared as part of the EnviroRightsTT project² (2023–2026), a civil society capacity-strengthening initiative funded by the European Union (NDICI/CSO/2023-449-480), and draws on consultations with affected communities, CSO representatives, legal experts, and youth advocates; review of ministerial statements, press releases, and media reports; review of Environmental Management Authority (EMA) and Environmental Commission public records; and data from the Escazú Agreement Secretariat, ECLAC.

2.1 This submission is structured as follows:

- Section III thematic areas of concern, examining:
 - a. T&T's environmental governance landscape
 - b. the operationalisation of the pillars of the Escazú Agreement
 - c. the right to a clean, healthy and sustainable environment
- Section IV contains recommendations.

III. Thematic areas of concern

a. Environmental governance:

The Third Cycle UPR examination of T&T, conducted on 9 November 2021 and formalised in the Working Group Report (A/HRC/49/16, 20 December 2021), produced 136 recommendations, of which T&T accepted 104 and noted 32.³ The accepted recommendations addressed a range of human rights issues including gender-based violence, migrant and refugee protection, the death penalty, LGBTQ+ rights, prison conditions, trafficking in persons and climate change. The governance concerns documented in this section – the institutional independence of the EMA and the jurisdiction of Environmental Commission – have accumulated without any prior UPR scrutiny and without any accepted commitment by the State to address them. The Fourth Cycle therefore represents the first opportunity for the international human rights community to examine the institutional integrity of T&T's environmental governance system.

- 1) The EMA and the Environmental Commission are the two central institutions of T&T's environmental governance architecture under the Environmental Management Act, Chapter 35:05 of 2000 (EM Act).⁴ The EMA is the primary environmental regulator; the Environmental Commission is a specialist superior court of record with jurisdiction over appeals from EMA

¹ "Trinidad and Tobago accedes to the Escazú Agreement." (<https://acuerdodeescazu.cepal.org/cop4/en/news/trinidad-and-tobago-accedes-escazu-agreement>) January 2026)

² <https://canari.org/civil-society-and-governance/envirorightstt/>

³ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Trinidad and Tobago, UN Doc A/HRC/49/16 (20 December 2021), paras 108–109. The review was held at the 39th Session of the UPR Working Group on 9 November 2021. <https://www.ohchr.org/en/hr-bodies/upr/tt-index>

⁴ Environmental Management Act, Chapter 35:05 of the Laws of Trinidad and Tobago (2000) (EM Act). The Act was originally enacted in 1995 and re-enacted in 2000: see EMA, 'Legislation' (ema.co.tt, accessed April 2026).

decisions, enforcement applications, and direct private party actions for environmental harm under section 69 of the Act.⁵

- 2) The coalition's most significant concern is the structural subordination of both bodies to the imperatives of investment facilitation and hydrocarbon development due to the location of the EMA within the Ministry responsible for planning and economic development, and power given to the Minister under the Act, which compromises its ability to act as an independent regulatory authority. The parent ministry simultaneously holds mandates for national development planning and environmental management — an inherent structural tension.
- 3) This pattern became publicly explicit on 29 December 2025, when the Ministers of Planning and Energy jointly presented the EMA's issuance of a Certificate of Environmental Clearance (CEC) to ExxonMobil Trinidad and Tobago Deepwater Limited at a government press conference.⁶ The Energy Minister stated publicly that slow permitting processes were costing T&T US\$120 million per year, characterising the EMA's procedures as "one of the problems over the years."⁷ The EMA's Deputy Chairman described the CEC as reflecting the board's focus on "strengthening governance, accountability, and efficiency in alignment with the Honourable Prime Minister's development agenda."⁸ The EMA subsequently published a media release stating it was "committed to supporting the Government's thrust to advance sustainable development and national priorities."⁹
- 4) On 26 February 2026, the EMA held a dedicated stakeholder engagement exclusively with eleven upstream oil and gas operators — (including BPTT, EOG Resources, Heritage Petroleum, ExxonMobil, Perenco, Shell, and others) — to address industry concerns about CEC processing timelines.¹¹ No equivalent engagement with affected communities or environmental civil society was announced.
- 5) The EMA's board of directors is appointed entirely at the discretion of the Minister with responsibility for the environment, currently the Minister of Planning, Economic Affairs and Development (MPEAD), this process has no requirement for parliamentary oversight, civil society consultation, or independent expert nomination, and with no fixed or staggered terms to insulate board composition from electoral cycles.¹²
- 6) The Environmental Commission, as a judicial body, is formally independent from the executive branch, and the coalition acknowledges that this formal independence has generally been respected during the reference period. However, the Commission is not immune to political pressure. In early 2026, the Minister of Justice met with the EMA Chairman to discuss "proposed changes" involving the Commission; the full content and outcome of those discussions have not been made public. Proposals to reduce the Commission's jurisdiction over

⁵ EM Act, s. 81 (Environmental Commission as superior court of record); ss. 62–69 (compliance and enforcement, including direct private party actions); ss. 14–36 (functions and powers of the EMA, including the CEC process). See also Environmental Commission, 'Environmental Management Act' (ec.gov.tt accessed April 2026); Fitzwilliam, Stone, Furness-Smith & Morgan, 'Trinidad and Tobago Environmental Management Act' (fitzwilliamstone.com, accessed April 2026): "The Commission is a superior court of record with power to enforce its orders and judgments and to punish contempt. The primary jurisdiction is to hear appeals on decisions taken by the Authority; applications for enforcement; assessments of compensation; complaints brought in private party actions."

⁶ EMA, 'Media Release: EMA Issues First CEC to ExxonMobil for Offshore Ultra-Deepwater Project' (ema.co.tt, 30 December 2025).

⁷ Trinidad and Tobago Newsday, 'Exxon Gets EMA Approval, Moonilal Says Red Tape Costing TT US\$120m Annually' (30 December 2025). <https://newsday.co.tt/2025/12/30/exxon-gets-ema-approval-moonilal-says-red-tape-costing-tt-us120m-annually/>

⁸ 'Exxon Gets Green Light' *Trinidad Express*, (30 December 2025).

⁹ EMA, 'EMA Enhances CEC Process' (ema.co.tt, 3 February 2026); MPEAD, 'Enabling Development While Safeguarding Natural Resources' (planning.gov.tt, February 2026).

¹⁰ 'Swaratsingh: EMA review aimed at efficiency, not shortcutting approvals' <https://www.guardian.co.tt/news/swaratsingh-ema-review-aimed-at-efficiency-not-shortcutting-approvals-6.2.2443688.80cb0a52ea>

¹¹ MPEAD, 'EMA Engages Oil and Gas Operators on CEC Delays' (planning.gov.tt, 26 February 2026); *Trinidad Express*, 'EMA Engages Oil and Gas Operators on CEC Delays' (26 February 2026).

¹² EM Act, ss. 5–9 (board composition and appointments). <https://www.energy.gov.tt/wp-content/uploads/2021/07/Environmental-Management-Act-35.05.pdf>

CEC-related appeals, which circulated in government and industry circles before the April 2025 general election, may resurface particularly during reform of the Environmental Management Act which has been proposed by the Minister.¹³¹⁴

- 7) Both the EMA and the Environmental Commission fall short of proactive disclosure obligations. The EMA does not proactively publish compliance inspection records, notices of violation, enforcement outcomes, or the results of investigations into public complaints in a searchable public format.¹⁵ The EMA's real-time air quality monitoring portal is a commendable exception; that standard must be extended to water quality data, CEC compliance monitoring, and enforcement outcomes. The Commission's proceedings and outcomes should likewise be routinely published in a format accessible to citizens.

b. Operationalisation of the pillars of the Escazú Agreement

T&T has a formal legal framework for environmental information access, public participation in permitting decisions, and access to justice in environmental matters. The Freedom of Information Act (FOIA) provides a general right of access to government-held information. The Certificate of Environmental Clearance (CEC) process under the EM Act provides for public notification and comment when an Environmental Impact Assessment is required. The Environmental Commission provides a specialist judicial forum for environmental appeals and direct party actions. These instruments represent a foundation that many comparable jurisdictions in the Caribbean do not yet possess.

However, each of these mechanisms contains structural limitations that in practice render them inaccessible or ineffective for the communities and CSOs most directly affected by environmental harm.

1. The FOIA, Chapter 22:02 is the primary domestic mechanism for public access to government-held information. It operates as a purely reactive, request-based instrument: it imposes no obligation on public authorities to proactively publish environmental information, and it carries multiple exemptions that shield industrial performance data from scrutiny — including "trade secrets" and "confidential business information" provisions under the EM Act — that can be invoked to restrict access to information about the environmental performance of industrial facilities.¹⁶
2. The CEC process under the EM Act provides for public participation where an EIA is required. The EMA must publish notice of the EIA and receive public comments before making its determination. These existing participation provisions contain structural gaps that consistently fall short of meaningful community engagement in practice.¹⁷ Public participation in the CEC process is constrained by four documented design failures: notification is effected through Gazette and newspaper publication rather than direct community engagement; public scoping of the EIA is not mandatory; the statutory comment period is 30 days; and the EMA has no obligation to provide

¹³ MPEAD, 'EMA Engages Oil and Gas Operators on CEC Delays' (planning.gov.tt, 26 February 2026) (referencing the non-public discussions between the Minister of Justice, EMA Chairman, and Environmental Commission).

¹⁴ "Strategic Discussions on amendments to the Environmental Management Act with Focus on Environmental Justice." <https://www.planning.gov.tt/newsite/strategic-discussions-on-amendments-to-the-environmental-management-act-with-focus-on-environmental-justice/>

¹⁵ ELAW, 'Trinidad & Tobago' (<https://elaw.org/elm/trinidad-tobago>, updated September 2025).

¹⁶ Freedom of Information Act, Chapter 22:02 of the Laws of Trinidad and Tobago; Environmental Management Act, Chapter 35:05 of 2000 (EM Act), s. 23 (public register; information requests; trade secret and confidential business information exemptions).

¹⁷ EM Act, s. 28 (administrative record; public comment process); Certificate of Environmental Clearance Rules, 2001 (CEC Rules), rr. 5–7 (screening, terms of reference, and public notice requirements).

reasoned responses to public submissions explaining how comments influenced its determination.¹⁸

3. Access to justice through the Environmental Commission is formally available to all persons under section 69 of the EM Act, which grants broad standing to any individual or group with a general interest in the environment. In practice, however, this mechanism is rendered inaccessible by cost barriers, adversarial procedural rules, absence of legal aid, and low public awareness. In over 25 years, only six direct party actions have been brought — of which only three have been by CSOs.¹⁹
4. The EMA's consent agreement mechanism, which allows enforcement matters to be settled bilaterally between the Authority and a violator without judicial scrutiny or community involvement, further limits the availability of remedies for affected communities and suppresses the development of environmental case law.²⁰
5. Additionally, environmental defenders who raise environmental complaints, bring proceedings, or engage in environmental advocacy have no specific legal protection against retaliation, intimidation, harassment, or strategic lawsuits against public participation (SLAPPs). This exposure to retaliation operates as a structural deterrent to the exercise of environmental access rights. Self-censorship has been reported by environmental defenders, who are fearful of exercising their rights to access information and seek justice under the Environmental Commission, given experiences of threats and attacks (see documented examples)²¹ on those few that have done so.

c. The right to a clean, healthy and sustainable environment

The UN General Assembly adopted Resolution 76/300 in July 2022, recognising the right to a clean, healthy and sustainable environment as a universal human right.²² T&T voted in favour of this resolution. The UN Human Rights Council had adopted a parallel resolution (48/13) in October 2021. The Preamble of the Escazú Agreement — now binding on T&T — affirms that "everyone has the right to live in a healthy environment."

1. Despite these international affirmations, the right to a clean, healthy and sustainable environment has not been recognised in T&T's domestic legal order — neither through a constitutional amendment nor through primary legislation. T&T's 1976 Constitution does not include an environmental right. Among civil society inputs to the recent constitutional review process has been a call for the right to a healthy environment to be expressly enshrined in the Constitution. This recommendation is captured in the report of the National

¹⁸ CEC Rules, r. 6(1) (notice requirements: Gazette and newspaper publication); EM Act, s. 28(2) (EMA discretion over supporting documentation in administrative record); CEC Rules, r. 6(4) (30-day comment period). The absence of a mandatory written response to public submissions is confirmed by ELAW, 'Trinidad & Tobago' (elaw.org, updated September 2025): "There is no requirement that the environmental authority explain to the public how comments were considered in the determination." Compare Escazú Agreement, art 7(3) (early participation, before decisions are made); art 7(6) (reasonable timeframes); art 7(7) (reasoned notification of decisions to the public).

¹⁹ EM Act, s. 69(2): "any individual or group of individuals expressing a general interest in the environment or a specific concern with respect to the claimed violation shall be deemed to have standing to bring a direct private party action."

²⁰ EM Act, s. 67 (consent agreements: bilateral settlement of enforcement matters between EMA and violator).

²¹ Examples of documented attacks in T&T:

- Well known environmental defender and proponent for "zone of peace" and critic of US military action in Caribbean [LINK](#).
- Prime Minister's comments on Rocky Point Hotel "I will make sure hotel is built at Rocky Point" and slams past actions of environmental defenders as antidevelopment for "chasing Sandals out" [LINK](#).
- Illegal quarrying and community safety concerns over threats [LINK](#)

²² UNGA Resolution 76/300, 'The Human Right to a Clean, Healthy and Sustainable Environment' (28 July 2022).

Advisory Committee on Constitutional Reform²³, however no bill to amend the Constitution so as to insert a right to a healthy environment has been introduced in Parliament. Environmental litigation has proceeded through generic constitutional rights (life, liberty, equality) with uncertain and resource-intensive outcomes.

2. The absence of a domestically recognised environmental right has concrete consequences for communities bearing disproportionate pollution and health burdens — including communities in proximity to petrochemical facilities in Point Fortin and Couva, communities adjacent to the Beetham landfill in Port of Spain, Gulf of Paria coastal communities affected by historical hydrocarbon contamination, and communities in Tobago affected by coastal erosion and marine pollution. Without a recognised right, there is no corresponding duty on the State or on polluting actors that communities can enforce directly before a domestic court. Environmental policy commitments in the National Environmental Policy (2018) and National Climate Change Policy (approved by Cabinet July 2025) are not legally enforceable at the instance of individual citizens.
3. The OHCHR's Regional Representative, addressing the EnviroRightsTT Civil Society Town Hall on 25 June 2025, affirmed that a clean, healthy and sustainable environment is not a privilege but a fundamental human right.²⁴

These conditions — reactive information access, inadequate participation, inaccessible justice, and unprotected defenders — collectively represent the domestic baseline for delivery of T&T's obligations under the Escazú Agreement.

IV. Recommendations to the Government of Trinidad and Tobago

The undersigned organisations call on the Government of Trinidad and Tobago to give full and effective domestic legal force to its obligations under the Escazú Agreement and under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and relevant UN Human Rights Council resolutions. In the light of the concerns raised in this submission, the following specific recommendations are made.

- **Recommendation 1 EMA independence:** Amend the Environmental Management Act to reinforce the EMA's institutional independence from both the line Ministry and from industry interests, including through parliamentary and civil society consultation in board appointments, fixed and staggered terms for board members, and a statutory primary duty to act in the public environmental interest as its primary obligation — consistent with Escazú Agreement Articles 4 and 5.
- **Recommendation 2 Adequate resourcing:** Substantially increase the EMA's annual budget to a level that enables it to process all CEC applications rigorously and within statutory timeframes, to conduct regular compliance inspections across all registered facilities, and to

²³ The Report of the National Advisory Committee on Constitutional Reform entitled, "We the People".

<https://papers.ttparlament.org/wp-content/uploads/2025/05/The-Report-of-the-National-Advisory-Committee-on-Constitutional-Reform-entitled-We-the-People.pdf>

²⁴ Michelle Braithwaite-Joseph, Regional Representative of OHCHR, address to the EnviroRightsTT Civil Society Town Hall, Barataria, Trinidad, 25 June 2025; CANARI, 'Powerful Partnerships, Practical Action: Civil Society Unites for Environmental Governance in Trinidad and Tobago' (canari.org, July 2025).

maintain and publish comprehensive environmental monitoring data, without reliance on any form of cost-sharing with project applicants or industry bodies.

- **Recommendation 3 Non-discriminatory consultation:** Direct the EMA to adhere to its formal public consultation mechanism – which includes environmental CSOs and affected communities equivalent to the industry stakeholder engagement held in February 2026, Formal engagement with the public and stakeholders should include regular structured dialogue on EMA regulatory priorities, application backlogs, enforcement trends, and proposed rule changes, consistent with Escazú Agreement Articles 5 and 7.
- **Recommendation 4 Commission jurisdiction:** Publicly disclose the content and outcomes of any discussions between government ministries, the EMA, and the Environmental Commission concerning proposed changes to the Commission’s jurisdiction or the CEC appeals process, and commit that no legislative or regulatory changes reducing third-party appeal rights or the Commission’s jurisdiction will be made without full and transparent public consultation – consistent with Escazú Agreement Article 8.
- **Recommendation 5 Proactive disclosure regulation:** Enact a statutory instrument or amend the EM Act within 18 months of the Escazú Agreement entering into force for Trinidad and Tobago to establish a mandatory proactive disclosure framework meeting the requirements of Escazú Agreement Article 6, including regular publication of: all CEC applications and decisions; full EIA reports and supporting documentation; compliance inspection records; notices of violation; enforcement outcomes; and environmental monitoring data from all registered facilities. This obligation must extend to other ministries and agencies holding environmental information within the meaning of Escazú Agreement Article 2(c), not only the EMA. This recommendation addresses a gap that the FOIA alone cannot fill: the FOIA creates a right to request information that exists; this recommendation creates a duty to generate, maintain, and publish environmental information as a core function of environmental regulation.
- **Recommendation 6 Freedom of Information reform:** Amend the FOIA to: introduce proactive disclosure obligations for environmental information; restrict the application of trade secret and confidential business information exemptions where information relates to public health or environmental risk; establish enforceable response timelines with automatic penalties for nondisclosure.
- **Recommendation 7 Fast-track safeguards:** Establish a formal protocol ensuring that any fast-track or streamlined CEC process — including those under the Energy Accelerator Hub or any equivalent instrument — maintains the same minimum participation standards as apply to standard applications, and that no reduction in participation timeframes or community notification requirements is introduced without parliamentary approval and prior civil society consultation.
- **Recommendation 8 Certificate of Environmental Clearance rules amendment:** Amend the CEC Rules within 18 months of the Escazú Agreement entering into force for T&T to incorporate the minimum participation standards of Article 7, specifically: mandatory community notification at the screening stage; mandatory public scoping meetings before EIA terms of reference are finalised; a comment period of no less than 60 days for EIA documents; multi-format and accessible engagement for projects affecting coastal, rural, or vulnerable communities; and a written, reasoned response from the EMA to all substantive public submissions.
- **Recommendation 9 Open environmental data portal:** Develop and maintain a publicly accessible, continuously updated Open Environmental Data Portal, consolidating EMA

monitoring data, CEC decisions, compliance records, and environmental quality indicators, in machine-readable formats accessible to communities, CSOs, researchers, and the public, consistent with Escazú Agreement Article 6.

- **Recommendation 10 Access to legal aid:** Establish a dedicated environmental public interest litigation fund and/or legal aid scheme, accessible to individuals, communities, and CSOs, to remove cost barriers to bringing proceedings before the Environmental Commission – with a specific mandate to support section 69 Environmental Commission proceedings and priority for access given to cases involving communities disproportionately affected by industrial activity.
- **Recommendation 11 Section 69 Awareness:** Direct the EMA and the Environmental Commission to jointly develop and publish a plain-language guide to the section 69 direct party action mechanism and require the EMA to provide this guide to all persons who submit a formal environmental complaint, along with information on the time limits and evidentiary requirements for bringing a claim.
- **Recommendation 12 Environmental defender protections:** Enact legislation providing specific legal protection for environmental human rights defenders, consistent with Escazú Agreement Article 9 and the associated [Action Plan for Human Rights Defenders in Environmental Matters in Latin America and the Caribbean](#) and the [UN Declaration on Human Rights Defenders](#), including protection against SLAPPs, retaliation, intimidation, and harassment in connection with environmental advocacy or complaints. Consider expanding the mandate of the Ombudsman's office, or other suitable independent body, to provide support and protection. Allocate adequate resources for this function to be effectively performed.
- **Recommendation 13 Restitution framework:** Enact legislative provisions giving domestic effect to Escazú Agreement Article 8(3), establishing a clear right to restitution and compensation for individuals and communities whose environmental access rights — to information, to participation, or to justice — have been violated, including remedies against both public authorities and private actors.
- **Recommendation 14 Escazú Agreement national implementation plan:** Develop and publish a National Escazú Agreement Implementation Plan, in fulfilment of the obligation under Article 4(3) of the Agreement to adopt the necessary legislative, regulatory, administrative and other measures to guarantee implementation.²⁵ The Plan should be published within twelve months of the Agreement entering into force for Trinidad and Tobago (i.e. by 27 April 2027) and developed with meaningful civil society participation from inception, consistent with the practice of States Parties at the Escazú Agreement Conference of the Parties and with ECLAC technical guidance on national implementation.²⁶ The Plan should set out, at a minimum: a legislative reform programme and timetable for domestic law to meet the standards of Articles 5 through 9; institutional responsibilities and

²⁵ Escazú Agreement, art 4(3): "Each Party shall adopt the necessary measures, of a legislative, regulatory, administrative or any other nature, in the framework of its domestic provisions, to guarantee the implementation of the provisions of the present Agreement." The Agreement entered into force for Trinidad and Tobago on 27 April 2026, 90 days after T&T deposited its instrument of accession on 27 January 2026: ECLAC, 'Escazú Agreement – Parties' (cepal.org, accessed April 2026).

²⁶ ECLAC provides technical assistance to Parties in developing national implementation frameworks. As recorded in [Decision III/1 On National Implementation of COP3](#) – (ss. 7) Invites all Parties to develop, with the support of the Secretariat, plans and road maps for the national implementation of the Escazú Agreement as soon as possible and no later than 2026 or two years after the entry into force of the Agreement in the State Party, as appropriate, with the significant participation of the public, indigenous peoples and local communities, and to report on progress in its implementation and follow-up at the next ordinary meetings of the Conference of the Parties. However, the twelve-month recommendation in this submission reflects the urgency of the gap between T&T's current legal framework and Escazú standards documented throughout this submission.

designated coordination authority; resource allocations; a baseline assessment of current compliance gaps across information access, public participation, access to justice, and defender protections; and a civil society monitoring mechanism. The Plan must also include a specific workstream on the domestic recognition and enforcement of the right to a healthy environment under Article 4(1), including consultation with affected communities on the form and content of that recognition.²⁷

- **Recommendation 15 Tobago participation protocol:** In consultation with the Tobago House of Assembly and Tobagonian civil society, develop a specific, adequately resourced protocol to ensure that communities in Tobago have equitable access to participation in CEC and other environmental decision-making processes affecting Tobago's coastal, marine, and terrestrial environment.
- **Recommendation 16 Coordination mechanism:** Designate a single coordinating authority for implementation of the Escazú Agreement with cross-ministry convening power, a dedicated budget line, and a formal civil society advisory body, and ensure that implementation progress is reported to Parliament annually and submitted to the Escazú Agreement's biannual Conference of the Parties.
- **Recommendation 17 Constitutional recognition:** Initiate/revive a constitutional amendment process and/or enact primary legislation that formally recognises and gives domestic legal effect to the right to a clean, healthy and sustainable environment, consistent with UNGA Resolution 76/300, HRC Resolution 48/13, and the Preamble to the Escazú Agreement, with the recognised right being justiciable and enforceable by individuals and communities.

V. Conclusion

Trinidad and Tobago's accession to the Escazú Agreement on 27 January 2026 marks a turning point in the country's environmental governance history. For the first time, the three access rights — to information, to participation, and to justice in environmental matters — are legally binding on the State at the international level, and the rights of environmental defenders are specifically protected by treaty. Civil society celebrates this achievement and the years of constructive advocacy that made it possible.

But accession without implementation is an opportunity deferred. The same pressures that delayed accession for seven years have not disappeared: the structural dependence on hydrocarbon revenues, the political weight of energy sector investment, and the institutional tendency to frame environmental regulation as a constraint on development rather than as a prerequisite for sustainable development. These pressures are now visible in the pattern of regulatory reform being shaped primarily by industry demands for faster CEC processing, in the use of a government press

²⁷ Escazú Agreement, art 4(1): "Each Party shall guarantee the right of every person to live in a healthy environment and any other universally recognised human right related to the present Agreement." Read alongside the Preamble (which affirms that "everyone has the right to live in a healthy environment"), this creates a positive obligation on T&T to give domestic effect to this right: see Global Network for Human Rights and the Environment (GNHRE), '[Implementing Principles for the Escazú Agreement](#)' accessed April 2026): "The GNHRE strongly encourages States to guarantee the right to a healthy environment in order to fulfil the content of environmental access rights and provide the conditions for the free exercise of the right to protect the environment. As such, cooperation and implementation are the foundation of the pillars in the Escazú Agreement (access to information, public participation, and justice in environmental matters)."

conference to celebrate a CEC approval as a development milestone, and in the absence — six weeks after accession — of any announced implementation plan or civil society engagement process.

The civil society coalition calls on the Government of T&T to demonstrate, through concrete institutional, legislative, and budgetary action, that its accession to the Escazú Agreement reflects a genuine commitment to environmental democracy and not merely a diplomatic signal. The EMA must be adequately resourced and structurally independent. The Environmental Commission must be protected and strengthened, not diminished. Communities bearing industrial pollution burdens must have enforceable rights and accessible remedies. Environmental defenders must be protected. The Escazú Agreement's obligations must be given full domestic legal effect through a transparent, inclusive, and time-bound implementation plan in which civil society is a partner.

The coalition calls on Member States reviewing T&T at the 53rd UPR session to acknowledge accession to the Escazú Agreement as a positive development and to press for the concrete implementation commitments — across all seventeen recommendations in this submission — that will determine whether that accession translates into genuine environmental rights for all people in Trinidad and Tobago.