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# ACCESS RIGHTS IN ENVIRONMENTAL ISSUES FROM THE ESCAZÚ AGREEMENT AS A WAGER FOR THE CONSTRUCTION OF AN ECOLOGICAL CITIZENSHIP

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**Abstract:** *Starting from the question: what are the deontological dimensions in the regulations from the Escazú Agreement that contribute to the development of an ecological citizenship? this work described citizenship as a predefined category containing different dimensions, as that of ecological citizenship. Later on, a deontological analysis of the Escazú Agreement regulations that contribute to the configuration of this kind of citizenship in Colombia was performed. A qualitative methodology design was employed, with a dogmatic legal approach supported by the deontological dimension of the study of regulations, that can be derived from the trial vision of law, under hermeneutical guidelines, over documentary sources where the debates about citizenship and access rights in environmental issues are held. This allowed the triangulation of sources to build the analysis. It was concluded that the deontological dimensions in the Escazú Agreement connect to a citizenship conceived primarily from the correlation right-duty. Here, duty, as an element for the ecological citizenship, is progressively gaining preponderance, with a preferential differentiating approach that thinks of the reality of the human rights activists in environmental issues.*

**Key words:** *citizenship, ecological citizenship, access rights in environmental issues, Escazú Agreement.*

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## Introduction

Crisis is the common denominator that defines two scenarios, which should not be divided due to their natural and necessary rapport: social and environmental matters. Overcoming this division is possible from a holistic, integrated and complex comprehension that, rather than dividing the human and environmental issues, considers them as a single reality affected by the same variables of a civility crisis, a “*crisis in civilization*” (Castro, Cruz y Ruiz, 2009, p. 355).

That situation opened the doors to the urgent duty of deeply reasoning and critically reflecting, in order to promote a change in people’s attitudes, and with it a change in the ways of thinking the humanity; appropriating a consciousness of species with an identity that overcomes any parameter of discrimination (Kinne, 1997; Novo, 1997; Sosa, 1997; Toledo, 1997; Rozzi, 2001; Foladori, 2002; Mejía, 2006; Castro, Cruz and Ruiz, 2009).

In spite of the acknowledgement and characterization of the current civilization crisis, it is not possible to say that the human beings have an understanding of it. The variables that compose the crisis are perpetuated, and many of them are intensified and divided, which multiplies the conflicts that generate a perception of uneasiness and human vulnerability. Paradoxically, that perception resists to connect these critical variables with ways of thinking and acting of the human beings as generating facts of the same. The crisis is supported in their own lack of understanding and “*nothing seems more difficult than changing the ways of a society when the current development style is very deeply rooted*” (Rodríguez and Paba, 2013, p. 85).

The civilization crisis, as a crisis of understanding, leads to an axiological one, and with it a behavioral and a relational one. This affects the individual and collective vital dimensions. Due to their characteristics, education has been proposed as a way to resolve it (Gavilanes and Tipán, 2021), but in cases in which the social order is altered or threatened, human beings don’t stop recurring to ruling entities that coerce behavior to face the situations where the most essential values end up violated.

Nevertheless, the law is not exempt of being a human elaboration in crisis as part of the civilization crisis, as it is disputed between polarized and antagonistic ends: the ideal of the realization of justice and the limitations of strict legality, the detailed formal elaborations and the deficiencies of the

material realization of rights, or the elaborated theoretical decantation facing the irregular practical implementations. In this law culture, the description of a context where *“the trust of citizens in law is not, or at least not always, product of an illusion, and the persistence of the paradox rises suspicion of higher stakes than a simple collective deceit”* (Rodríguez, 2009, p. 19) is still current. Law is an unchallenged support to overcome the crisis, but not the only one, as the responses to the civilization crisis will turn into failed attempts if they are only trusted to the efficacy of law. The solution is not only thought through a *“coercively imposed legislation, but mostly through a free adhesion and participation of citizens, based on an exercise of moral virtue of civility”* (Cortina, 1997, p. 22).

In Colombia, the civilization crisis reaches levels that exceed, by far, the limits of the respect of what is right; the cruelest acts against human nature confirm the exercise of a precarious moral virtue of civility, against those who advance in the understanding of the most essential rapport between human and environment. This comprehension is usually limited to the most affected and aggravated communities in the country, that claim for the indivisible relation between the environmental and the human. The environmental activists, defined as those who *“on their own or through a professional name, and pacifically, make an effort to protect and promote the human rights related to the environment”* (UN, 2016, p. 6), personify those attacks, as they do the appropriation of a belief that human is not different from environmental. Through their actions, they reveal the possibility of a new citizenship founded on an ecological ethics that vexes multiple sectors.

Environmental activists are one if the issues regulated by the Escazú Agreement, the regional Agreement about the access to information, participation and access to justice in environmental matters in Latin America and the Caribbean, that was approved in Colombia through the Law 2273 of 2022. Even if it has mobilized one of the most profound and polarized debates in the national environmental sector in the last years, this regional instrument has been translated into a set of articles that allows a civil vindication through which multiple social sectors, historically relegated because of their special and unique ways of understanding life with and in the environment, experience an expansion of the echo sent from the law ruling to dignify a different perspective and behavior to contribute to the resolution of the civilization crisis.

More than an international instrument that is installed with coercive character over the relational dynamics of society, the Escazú Agreement

re-opens the doors to the construction of an ecological citizenship founded over an ethical perspective that relocates the others, the otherness and the link between them. Because of that, the objective of this work is to establish the deontological dimensions present in the dispositions of the Escazú Agreement that contribute to the formation of an ecological citizenship, focusing on the citizenship, understood through different perceptions; as those of Turner (1990) who differentiates it in the public and private spheres, and in their active and passive modalities; Marshall, who proposes a civilian citizenship, a political citizenship and a social citizenship; and Dobson (2001), who introduces the modality of the ecological citizenship.

The concept of citizenship has gone through a path where it has been identified with the demandability of rights, from the acceptance of a sense of belonging to a political community, to the fulfillment of obligations, in order to support the need for an ecological citizenship based on the fulfillment of duties, as an ethical imperative for the satisfaction of the general interest, current and future. The ecological citizenship is thought of in the regulations of the Escazú Agreement, a regulating context of social behavior in the environmental sector. Its contents are focused on the exercise of the rights of access to the information, the participation and justice, and represent an axiological support that allows for the development of an ecological citizenship.

A qualitative methodology design was employed, with a dogmatic legal approach supported by the deontological dimension of the study of regulations, that can be derived from the trial vision of law (fact, value, law). Hermeneutical guidelines were employed over documentary sources where the debates about citizenship and access rights in environmental issues are held. This allowed the triangulation of sources to build reflection.

To answer the question: what deontological dimensions are present in the ruling of the Escazú Agreement that contribute to the development of an ecological citizenship? This article makes first an analysis of the citizenship as a predefined category containing different dimensions, as that of the ecological citizenship. Later on, a deontological analysis of the Escazú Agreement dispositions that contribute to the configuration of that citizenship in Colombia is performed and some conclusions are proposed.

## **The dimensions of a citizenship in crisis as an antecedent for the environmental citizenship**

Starting from the citizenship, in a civilization crisis that is represented in threats of extinction of the ways of life known by the humans, unveils the crisis of citizenship in itself and legitimates the invitation of Adela Cortina (1997) when she explains that the study of citizenship starts from the “need, in the postindustrial societies, to generate among its members a type of identity in which they are acknowledged and made feel a sense of belonging, as this type of societies clearly suffers a deficit of adhesion” (p. 20).

However, the conceptualization of citizenship is not clear in the diverse theoretical scenario where it is built. This represents serious challenges to the institutionalization of the ecological dimension, if it is considered that *“there is not a single citizenship; it changes according to the times, the countries, the traditions, and mostly it is not homogeneous and comprises several dimensions rather contradictory among themselves”* (Dubet, 2003, p. 220). Citizenship can be defined from the legal and political status, it can refer to the vindicating efforts, to the time it has been considered as an acknowledgement that should operate among the ones belonging to society (Perez, 2002), and all of those perspectives are valid, as the citizenship changes with the social transformations and demonstrates its flexibility in the path in which it incorporates rights and duties to new groups of people (León, 2008).

Traditionally, citizenship is represented as a connection between a person and a political community, to guarantee its presence and participation in it; a connection that generates an understanding from the acknowledgement and the concern present in the political community about each one of its members. This translates into a political relationship where the person belongs to a community that acknowledges it and shows concern for it, but to which, at the same time, keeps permanent loyalty (Heather, 1990).

The richness in the debate about citizenship comes from the forms or modalities through which this connection is built and recognized. It usually leads to the confirmation of a political relationship supported by the identity that the person consolidates with the community, either by the legal status given to the person, by the agency acquired in the political institutions of the community, or by the acknowledgement of the social group of its belonging. The connection to which the person adheres

commits it to the participation and interest in the public affairs, localizes it in the public sphere with a level of responsibility that goes beyond the private scenario, which usually leads to see citizenship as a transactional category of contractual nature “*between the State and the citizen, through which the citizen claims its rights from the State, but at the same time commits to contribute to the ends of the State*” (Dobson, 2001, p. 170).

A first specific dimension of citizenship is that which privileges its understanding from the entitlement of rights (Marshall, 1998; Roche 1992; Kymlicka and Norman, 1994), where their recognition in the person is taken as a status granting a condition of equality. That is a dimension with legal nature, that recognizes as citizen the one who is declared by the ruling order as entitled to the attributes of legitimate demandability towards the others, including the State. For Marshall (1950) it is a “*Status that is granted to the members in full right of a community. Its beneficiaries are equal in terms of the rights and obligations it implies*” (p. 37). This gives basis to the citizenship in the titularity of civil, political and social rights, which is one of the traits that along equality and the connection of belonging to a political society, guarantee the three dimensions that constitute citizenship: civil, political and social. The first, includes the exercise of fundamental freedom, the second the participation, and the third the conditions for wellness (Marshall and Bottomore, 1998).

Marshall’s perspective makes citizenship the political component that links the human being to the State. It makes it acquire a defined position in a community, and with that a source of the sovereign power as elector or eligible among the members of the community. The citizen is entitled to rights that demand the exercise of obligations that give it acknowledgement and self-reference (Castrillón Alzate, 2012). Aragón Rivera (2012) takes from Marshall’s proposal the acknowledgement of the triad of rights of the person, the consolidation of that triad as a result of a progressive historical process motivated by the social transformations, and finally, the character of national institution of the citizenship, in which he encodes a “*feeling of belonging to the community that is perceived as a common heritage*” (Aragón Rivera, 2012, p. 142).

The dimension of citizenship as the “status granted to the members in full right of a community” (Marshall, 1950, p. 37), encoded in the entitlement to attributes of demandability, creates a formal perspective, deeply legal in nature, very oriented to the passive dimension proposed by Turner (1992),

where the citizen can turn into a “subject of an absolute authority”, a subject that “claims to the State for its rights” (Benedicto and Morán, 2002, p. 12).

In addition to the dimension that favors citizenship as a legal or formal status, there is another citizenship, the “*substantial or citizenship as a performing activity is the effective and real practice of those rights given by the legal order*” (Marshall and Bottomore, 1998, p. 66). This stance serves to broaden the citizenship to a dimension where the entitlement of rights is accompanied by an entitlement of duties. It is an active citizenship (Turner, 1992) in which the duties acquire the same importance that is given to the rights, promoting the participation and involvement in the public matters.

The dimension of citizenship from a balanced understanding of the rights and the duties is a bet for the democratic empowerment and for the social cohesion so that the citizens “get behind the society where they live and defend the values associated to the democracy, the equality and the understanding of different cultures and different opinions” (Hoskins and Mascherini, 2009, p. 461-462). This is a dimension that aims at overcoming the understanding of the citizenship “centered on the rights, relatively exempt of obligations and non-reciprocal” (Roche, 1992, p. 31), to adjust it to a panorama from the contractualist perspective, where there is a reciprocity between the recognition, the ensuring and the exercise of rights with the fulfillment of duties.

From the dimension of citizenship as the reciprocity between rights and duties, a broadening of the concept can be observed; the sense of responsibility is increased, which can be explained from the “concept of the common sense of morality” (Roche, 1992, p. 31). In the case of Colombia, in the context of an iconic environmental conflict, it was explicitly recognized by jurisprudence “*One of the characteristics of almost all the fundamental constitutional rights is that they are not absolute rights that can be exercised without any burden by the entitled person, as they are subject to limits beyond which their exercise is illegitimate.*” (Corte Constitucional, 1992, T – 411).

Citizenship, defined in the correlation right-duty, places the obligations or the duty along the rights, as the elements that validate the status in the community and in front of the State. After that, it proposes the conditions for the exercise of freedom, participation and ensuring of social conditions as a common task and not centered in the role of demandability that a person can exercise towards others. This is an active citizenship, where

duty can even be considered as condition for the right, as it confirms that the satisfaction of any personal right depends upon the fulfillment that the entitled of that possibility does of its duties. Through that fulfillment, the others ensure the realization of their own personal rights:

*(...) supposes that the one entitled to a right has, at the same time, an obligation about those behaviors protected by the fundamental right. It is not about another person having a duty regarding the right of the entitled, but that the one entitled to that right accepts the demand of a duty. It regards rights so highly valued by the community and the legal order that they cannot be abandoned to the autonomy of will, so the State establishes duties for all, at the same time it gives them faculties over them (Peces Barba, 1968, p. 209, cited by Corte Constitucional, 1992, sentence T – 411).*

Different perspectives proposing diverse implications of citizenship come from the understanding of citizenship as the correlation of rights and duties (Cortina, 1997; Aragón Rivera, 2012; Ramírez Sáiz, 2012, Castrillón Alzate, 2012). An example of this is the civil citizenship, related to equality, as the avoidance of discrimination and hierarchies or social imbalances, and freedom as the capacity of the person to exercise and realize without State limitations coming in front of it.

The political dimension is based on the exercise of association and participation in the political life of the State and is connected to the different modalities of participation. Instrumental, where the citizen participates through means that usually formalize its exercise by mediating and performing scenarios of discussion, decision making and control exercises; and normative, where the citizen has a direct intervention that is not mediated by any instrument (Sánchez Torres and Muriel Ciceri, 2007).

In its turn, the social citizenship has a strong and evident link to the tenants of the Social State of Law, in the way that it refers to the effective realization of the essential conditions that ensure social justice without limiting to the realization of the civil and political rights. The economic dimension refers to the condition of employee and employer, where the productive activities for survival are debated. Lastly, the cultural dimension that is divided into two aspects: “1. *The right to access to the cultural goods, tangible and intangible, pertaining to a society and the responsibility towards them, and 2. The right to being different and the respect to it*” (Ramírez Sáiz, 2012, p. 21).



Without excluding the role played by rights and duties, the comprehension of an active citizenship surpasses the formalization and the status of legal origin, to take it as the status achieved due to the correlation among the people in a society and the society itself. It is a kind of citizenship founded over the “*recognition of the society towards its members followed by their adherence to the collective projects of a common currency*” (Cortina, 1997, p. 23). This is a citizenship that works from the sense of belonging to a community that is defined by the feeling and conviction of being a part and coming together with a political community, because the minimum values that lead to the realization of their life project are shared, an “*ethics of the minimum*” is shared. (Cortina, 1997, p. 25).

This refers to Levdet’s (2017) third dimension of citizenship, according to which the identification of the human being in and with the group is ensured, a citizenship that “has meant belonging; concretely, belonging to the community in which you live your own life. In its turn, the sense of belonging has implied invariably degrees of participation in the community” (Held, 1991, p. 20 cited in Dobson, 2001, p. 171). This form of citizenship is proposed here as the addition of three components: it starts from the sense of belonging of a person towards a political community, a feeling that is supported on the conviction and will to belong and involve in common projects where their own projects have a place; a recognition from the political community about that sense of belonging; and a legitimate permanence, as long as the feeling of belonging, as well as the recognition of that feeling, should not be exceptional, circumstantial or occasional.

## **Ecological citizenship as the status to overcome the civilization crisis**

The different dimensions of citizenship unveil that not even the strongest back up in legality, nor the broadening of the status from the correlation with duties, or the moral reciprocity among people, have achieved the consolidation of a link that ensures the processes of identity that allows social cohesion to work for the public affairs. On the contrary, the expressions of the civilization crisis unveil the absence of an “*interactive reciprocity among the people implied in the moral action*” (Roche, 1992, p. 31). This

demands to wager on a focused citizenship in the civilization crisis as a public problem that depends on the comprehension that the human being has of itself in and with the environment, of the value that is given to that relationship and the actions that it defines from that.

This is the sense that must be used to understand the ecological citizenship, whose reach starts from the diverse and profound challenges it faces. This dimension depends on the way the human being sees itself and reads itself in the environment, as from that understanding it interprets and signifies the own facts of the civilization crisis, gives them value, transmits that value and even elaborates dispositions to regulate the behavior and solve the environmental conflicts it faces. It is a citizenship that must face the “*unfulfilled promises of democracy*” (Prada, 2018, p. 136), as the citizen that has not been educated, the apathy, the undue favoring or the interchange vote, the manipulated participation and the tele-directed politics (Prada, 2018). The ecological citizenship must overcome patterns in which the civilization crisis is installed, as the immediatist satisfaction of sensitive wishes that overrule the communitarian affection to give place to an active responsibility for the burdens of public life. (Cortina, 1997).

What foundation can be used to support the ecological citizenship as status to overcome the civilization crisis, then? Two theoretical views are proposed, they are not opposed and motivate the individual and collective actions, private and public, and even voluntary as coercible. If the civilization crisis claiming for the ecological citizenship comes from a public problem anchored in the comprehension of the human and the environmental, the first view is to re-take the paradigmatic foundations about the environment to start paying the debt, at least, for the citizen that was not educated, the apathy, and the manipulated participation.

For this, it is necessary to retake the believed three paradigmatic foundations about the environment that have informed the decisions made in the judiciary power regarding environmental conflicts innate to the crisis, without leaving aside that they can be considered as “*ethical or axiological stances, as they are related to the attribution of values given to nature, according to the same characteristics of its existence, acknowledged or not to the society*” (Rendón Osorio, 2024, p. 343).

The first paradigmatic foundation is the anthropocentric one, and it is the one that serves the best to explain the generating facts of the civilization crisis. In it, the comprehension of the environment over locates the human

being over the other life expressions in the planet; it generates not only a hierarchization of its place over the other species but an idea of use, enjoyment and disposition that can be unlimited as long as it is committed to the satisfaction of the human needs.

The anthropocentrism “*has defined the man as the only rational, worthy and complete being in the planet. From this point of view, the only thing that matters is the survival of the human being and only in this way can the environment be protected*” (Corte Constitucional, 2016, T – 622), a way of understanding that has oriented for decades the legal order from the premise in which “the human being is the one with intrinsic value and the rest of the things or beings only acquire value and recognition as long as they are useful for men” (Prada, 2012, p. 33). It has cultivated the relations of appropriation and ecological exploitation supported on an ethical perspective lacking in solidarity and dignification of the other ways of life.

For the anthropocentrism, the vital and necessary fusion between human and environmental does not exist. It feeds the conflicts as it promotes taking advantage, using and exploiting natural resources where the vital relations that determined populations build with the environment are not contemplated. It does not acknowledge the vital complex dimensions that the human being has with those resources, either. This paradigmatic foundation harvests a comprehension of the environment serving the human being, constructs patterns of belonging to the political community conditioned to the participation in the model of exploitation of the environment, even an unlimited and irrational one, justified in the satisfaction of current needs.

The anthropocentrism was opposed by the biocentrism, that gave a new value to the environment and its relation to the human being. This paradigmatic foundation vindicates the “more global and solidary interpretations of social responsibility that claim, in much the same way, for the duties of men towards nature and the coming generations” (Corte Constitucional, 2016, T – 622). The comprehension of the environment includes broadening the political community, where the future generations and the human generational interdependence have a place. This is the reason to apprehend the reality in a form that is “*holistic, integrated, interconnected, interdependent, systemic and complex of the earth, in which everything that exists depends on the continue interrelations and each thing, each being, human or*

*not, depends on its relationship to the whole*” (Barros, 2010 cited in Vargas-Chavez et al, 2020, p. 90).

In the biocentrism, the comprehension of the reality gives place to the civilization crisis, so that the re-apprehension of an ecological citizenship can take place. With this paradigmatic foundation, there is a broadening of the human responsibility, and it implies a renewed way to place oneself in and with the environment and to place the solidarity obligations facing the rest of members of the political community, even in an intergenerational way. The biocentrism refutes the division of human-environmental, as well as the stance of hierarchical superiority of the human beings over the rest of the beings in the ecosystem. It manages to develop a value facing the reality supported in the interdependence, the integration and the complex thought as guidelines that unveil the necessary synergies to ensure a dignified life. That is to say, it understands that the human being is one more element with an interdependence to survive.

Lastly, the ecocentrism, ends up being a form of comprehending the environment that, far from giving place to the ecological citizenship, demands its development as a requirement for the exercise of values and the construction of law. In it, the sense of belonging to a political community, and its corresponding recognition from that plurality, is supported in a common valuing of the civilization crisis as a public problem that generates a broadening of the acknowledgement of the entitling of rights to the non-human living beings that require protection and defense as the crisis advances: *“The human species is only one more event in a long evolution chain that has lasted thousands of millions of years, so in no way it is the owner of the rest of the species, the biodiversity or the natural resources”* (Corte Constitucional, 2016, Sentencia T – 662).

The paradigmatic foundation determines the ethical stance that a person takes, and with it, the forming of an ecological citizenship. Biocentrically or ecocentrically, the ecological citizenship is defined by the fulfillment of duties without focusing on the entitlement of rights. According to Dobson (2001), it means a correlation of rights and duties that is supported in the compassion and justice and not in the reciprocity. That is to say, there is a relation between rights and duties that is not conditioned to a transactional logic in which duties are fulfilled as long as the rights are ensured. On the contrary, the duty is fulfilled because of the sense of

justice and compassion felt for the present and future generations, not waiting for something in return.

Hence, the ecological citizenship is timeless, as it is concerned by the intergenerationality. Its fulfillment also goes beyond the defined composition of the political community of the current generation, as it is not exercised to benefit a specific person or group; as a result, it fades away the contractual tradition that has defined the citizenship. As explained by Dobson (2001), its obligations are one-sided and non-reciprocal: “the fundamental duty of the ecological citizen is to act with care and compassion towards the unknown and distant beings (human and also non-human) in place and time.” (Dobson, 2001, p. 172).

## **Contributions of the Escazú Agreement to the formation of an ecological citizenship**

The still recent approval of the Escazú Agreement offers an uncertain scenario whose legal efficacy cannot be guaranteed. However, the issues that integrate it and the goals that justify it go beyond the limits of the symbolic efficacy, as this instrument installs in the legal order a set of powerful contents to face the civilization crisis. The deontological dimensions of the Escazú Agreement define contents of what should be and of justice, belonging to an ecological citizenship supported in the moral reciprocity of people by articulating the facts that characterize the crisis, the values that are broken, and the law that aims at stopping it. Beyond its legal and coercive nature, the Escazú Agreement is supported on a set of values and principles that remind that “*In the evolution of the species, the setback is possible; that some “humanizing guidelines”, learnt by repetition and punishment do not have other future than their disappearance in the short, medium or long term*” (Cortina, 1997, p. 17).

The first deontological dimensions that contribute to the ecological citizenship are written in the article 9, dedicated to the human rights activists focused on environmental affairs. Seen through the different perspectives of citizenship, the article 9 highlights elements that consolidate the ecological citizenship. From the most traditional interpretation, it formalizes the entitlement of fundamental rights that are inferred from an interpretation oriented by the matter and end of the dispositions: to provide guarantee to the exercise of the defense of the

environment, articulated to the protection of life, personal integrity, freedom of thought and movement; as well as with the right of association and assembly. It implies a recognition of the rights that strengthen the civic and political citizenship, to which the right to access to information, participation and justice are added. It privileges the protection of values belonging to a democratic society, where the human being personifies the end in itself of a legal order that, when it is protecting it, is also protecting the rest of the environment.

Over the interpretation of citizenship as the exercise of rights, the interpretation that intertwines rights and duties becomes more relevant in article 9, as the sense of justice claimed by the Escazú Agreement conditions the warrant of the rights the entitled is defending, from the fulfillment of the duty of the State. That is to say, it moves the fulfillment of the duties to the State, as highest authority in the political community, as a condition for the effective exercise of rights from the activists of human rights in environmental issues.

Each of the three paragraphs that comprise the article 9 proposes the realization of a series of ends that depend on the materialization promoted by the State, without being limited to it. Contrary to the thought that the bond that configures citizenship is reduced to the right-duty that can intertwine the activists of human rights in environmental issues to the authorities of the State, the citizenship is supported by the status that the activist acquires from the connection to the State, when the political community recognizes it as an activist. This recognition operates when the State fulfills the duties established in the article 9 of the Escazú Agreement.

The fulfillment of rights, comprising the generation of measures and scenarios for the due exercise of the defense of rights, translates into an obligation that comes from the State to the political community, and that has to be later on appropriated and replicated in the members of that community. That is why, the Escazú Agreement acknowledges the scarce and irregular conditions of people who claim belonging to the social structure and not only to the groups with which they share mission statements in the defense of the environment. The threats and intimidations translate into violations of their constitutional rights, in a public scenario defined by the absence of acknowledgement of the exercise of defense, evidenced through the indifference and the lack of identity of the other members of the political community.

The article 9 contributes to the consolidation of an ecological citizenship when it acknowledges the condition and quality of defender in the other who interacts in the public sphere from a biocentric or ecocentric understanding of the environment; who expresses its wish and conviction to belong to the political community, from the exercise of the defense of values where public interest is based, without limiting it or determining it through specific people or particular groups. It constitutes an environmental defense that is timeless, as it is intergenerational, because its concerns include the generations to come, enriched by a cosmovision that expands the titularity of values to non-human living beings.

Even if the article 9 in the Escazú Agreement gathers diverse deontological dimensions, justified in a fraction of the population that is dedicated to the defense of the environment, other contents express dimensions of duty and of a sense of justice that can support the consolidation of the ecological citizenship in people who do not exercise the role of defenders. There, the law about the access to information, to participation and to justice are established. It highlights that, in these rights, the humanity has seen “*the best way to treat environmental issues*” (UN, 1992, Principle 10). These are three procedural rights, or fulfilling mediation obligations, interdependent and fundamental, through which it is reached the exercise of access to information, from where the due participation derives, and relies on justice for the solution of environmental controversies.

Adhering to the sequence deriving from the interdependence of these three rights, deontological dimensions are deposited in the articles 5 and 6 of the Escazú Agreement. From them, it is possible to envision the consolidation of an environmental citizenship. More than evidencing a traditional citizenship that recognizes the entitlement of the right to information, the articles 5 and 6 reinforce a contribution to citizenship from the correlation between right-duty, where the fulfillment of duties is transferred to the State, as a necessary condition for the effective exercise of the right to the access to environmental information for the members of the political community.

It aims at confirming the citizen status to that one who aside from exercising the right to access to environmental information, receives from the State, and the other mandatory actors, the conditions to make effective the knowledge of that information. The bond of belonging to the political

community depends on the recognition that operates through the ensuring of the access of information that is not legally reserved. Because of that, the citizenship is confirmed when the person receives the information from the authorities without demanding justification as to why it is demanded; when the State informs a person if it has the information required, and when the ones obligated to it, inform the person of the right it has to demand or not the delivery of the required information.

Citizenship, as the exercise of the right that depends on the correlative fulfillment of the duty, also stems from the provision of information in the required format, in the defined times and with the notification of any exceptional information that delays the delivery. All of them are medium warranties that acknowledge the other as a legally and institutionally credited actor, to get to information that can be directly or indirectly connected to the civilization crisis. Citizenship is evidenced also when there is a recognition of the vulnerable conditions that define certain social sectors, where the exercise of belonging to the political community is verified by the fulfillment of the right to ensure all the access media to environmental information by acknowledging the specific and special conditions the person has.

However, more than the fulfillment of duties through which the exercise of rights is made possible, and through which the activity in the public sphere where common interests are debated is made effective, the environmental information is a kind of genre in the right to information that links to the knowledge as a public problem in the civilization crisis. All of the guarantees that comprise the access to environmental information are guarantees of the access to knowledge about the environment and only as one person can have access to knowledge, it would be possible to measure itself in and with the civilization crisis.

This is why, some of the biggest deontological dimensions brought by the Escazú Agreement to Colombia consist of filling the void in the legal order about environmental information, compensated today by the literal C in the article 2. To clear the void about what environmental information is contributes to the understanding of the environment and the forms through which the understanding from the mandatory actors is generated, validated and registered. Clearing and detailing what environmental information is constitutes then a contribution to the values of knowledge, information and transparency; which can ensure the resources for the people and the



population to redefine its feelings and convictions of belonging to a political community, from the access and appropriation they have of the information, and with it, strengthen the political dimension of it by providing the input that supports the exercise of democratic participation.

On the other hand, the Escazú Agreement imposes the creation of an institution or independent entity, autonomous and unbiased, that promotes “the transparency in the access to the environmental information, surveilling the fulfillment of the regulations, as well as supervising, evaluating and guaranteeing the right to access to information” (Escazú Agreement, 2018, article 5. 18). This entity is not clear in Colombia, and it must ensure that the knowledge is being generated to be appropriated by those who debate in the public sphere. At the same time, this translates in aiming at qualifying the relation scenario of the members of the political community and of them with the State authorities.

Similarly, the deontological dimensions related to the access to environmental participation are stated. This kind belongs to the genre of law of democratic participation, and it is a component of the political citizenship. In the same way as the access to information, the citizenship is expressed by the correlation duty-right, where the fulfillment of the duties in the article 7 is moved to the State as a necessary condition for the effective exercise of the right to access to environmental participation.

The recognition of the status of citizen is supported in the realization of the duties that allow for an open and inclusive participation, through participation mechanisms, in reasonable times, and articulated to the ensuring of information. The deontological dimensions present in the access to participation are material to overcome the apathy and the manipulation in the decision making and exercising, and in the performance of control, recognizes the belonging of the person through the delivery of observations and proposals and bears them in mind in consultation moments.

## **Conclusions**

The civilization crisis is a crisis of understanding over the complex character of the environment and over the historical division made from the human. The multiple forms of understanding this relation, unveils the

paradigmatic advances that the scientific sector has been doing from the expressions of the crisis. These advances have been appropriated by an international community that aims at introducing them in legal and political instruments that motivate the renovation of the internal order of the States that, in the end, regulate the behaviors and relations of all the political community. Hence, the scientific structures, through which the environment is understood, imply ethical considerations that are set over the legal institutions that define the role that the human being should exercise in the public sphere in which the crisis is debated. With that, the consolidation of diverse dimensions of citizenship is consolidated.

In the last century in Colombia, the foundations of anthropocentrism, biocentrism and ecocentrism have stood out. These three paradigms integrate different ethical perspectives about the environment, its components, its reach and the values and principles comprised in them. These are three paradigms that, in their juxtaposition, have been mobilizing generational transformations from the new ways to see and comprehend the values, to appropriate them, and to take them on as basis for human actions. This has progressively been reflected in the entities of the national legal order that reveal the stances taken by the people, by the public powers facing the conflicts that evidence the crisis, as well as the interpretation they make of it in the political community.

The Escazú Agreement is an instrument that re-opens the debate of those scientific and ethical foundations, not meaning that its contents give place to all of them. Even if the Escazú Agreement deals with the human being as an object of protection through the access to information, the participation and the justice in environmental matters, contrary to reproducing an anthropocentric comprehension, it has deontological dimensions that correspond to the biocentric and ecocentric foundations. They ensure the access to information, that translates into having people with the necessary knowledge about the crisis of civilization that triggers the conflicts produced by social alterations; that is to say, people who understand that the crisis is a public problem that involves them in the public scene.

Reaching an understanding about the environment through the access to information allows having people with the resources to exercise the participation, and having an informed participation can be an opportunity to prevent and mitigate conflicts; or to legally follow them based on the

certainties given by the access to knowledge and its socialization and confrontation in the processes of participation. These are potential results coming from the Escazú Agreement beyond its legal character, as the deontological dimensions corresponding to values and principles allowing for the consolidation of conceptions of citizenship that can help overcome the crisis beyond the understanding that divides the human and the environmental are contained in it.

The deontological dimensions identified in the Escazú Agreement stem from values and principles that support its regulations. They go beyond those legally positive and unveil conceptions of citizenship that are transcended, so a form of ecological citizenship can be built. The Escazú Agreement makes a first assessment that is adjusted to a positive differentiation that promotes affirmative actions, as it proposes the realization of special duties for the population sector called human rights activists in environmental issues, clearly different to those contemplated to the general of the political community.

The differential approach contained in the Escazú Agreement is supported initially in the traditional perspective of a citizenship acknowledged from the recognition of rights that have been claimed by the activists in environmental conflicts. These rights are limited to those of access in the case of non-activists. Beyond contributing to a citizenship coded in the titularity of attributes of demandability, what is right and the sense of justice of the Escazú Agreement rises from a citizenship where the fulfillment of duties as condition for the effective exercise of the right to environmental access of the members of the political community is moved to the State.

That is to say, the duty that conditions the recognition and the exercise of law gains greater importance in the effective realization of the bond that defines citizenship between a person and the State. As a general rule, the duty is the starting point and suspensive condition of the integration of a public scenario, where the existence of a political community that gathers the sense of belonging and recognizes the public interest at stake can be ensured. Provided that without the fulfillment of the duty, environmental information cannot be discussed, neither is participation, which affects a citizenship in its political and civic conceptualizations. The Escazú Agreement aims at an ecological citizenship as long as the person can feel

acknowledged, belonging and accepted from the realization of duty as correlative to the possibility to exercise the right.

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