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A Co-Created Project of Legal Design and Visual Law Applied to International Environmental Law: Transformation of the Escazú Agreement and Environmental Access Rights into Visual Materials for and with the Chiquitano People

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Abstract: Legal Design (LD) and Visual Law (VL) are two instruments that can be used in favor of elaborating on clearer and more transparent, and adequate legal solutions for the law recipients, the legal entities, and society at large. This book chapter will explain the project “*Legal Design and Visual Law in International Environmental Law: Conversion of the Escazú Agreement into Visual Materials for the Chiquitano People*”. The objective of the project was to teach students, in practice, an efficient method to create understanding and engagement in Environmental Law. Simultaneously, the project aimed to support the co-production of didactic materials with and for the Chiquitano people, which could act as a tool for strengthening environmental participation. This book chapter also aims to outline the different steps of the project by clarifying the methods and methodology of co-creation used. The chapter is divided into 3 sections: an overview of the concepts of LD and VL (section 1), the requisite steps LD and VL (section 2) and lastly, the chapter demonstrates how these steps have been applied to the co-creation of the comic book (section 3).

Key-words: Legal Design; Visual Law; Environmental law; Legal co-creation; Chiquitano People.

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Introduction⁴

Ignorance or obscure knowledge about rights, in particularly socio-environmental rights, are one of the most unfortunate realities within contemporary society. For this reason, legal scholars and researchers need to find new ways to increase the understanding of the law, especially for those that are most vulnerable and historically marginalized, such as indigenous people. It is also important to create avenues for increasing the integration of knowledge in Law that has been predominantly considered unscientific.

Legal Design (LD) and Visual Law (VL) are two instruments that can be used to pave new paths to achieve this goal and stimulate the co-creation of knowledge in the field of law.

These tools are used to investigate how creativity can be effectively utilized to formulate legal solutions that are more suitable for the recipients of Law, and society in general. For instance, LD is a creative way of thinking about Law that demystifies legal concepts for individuals who are not part of the legal world. LD is largely predicated on the concept of behavior change, focusing on transforming thought patterns, thus enabling legal professionals to think in more inclusive ways. Conversely, VL is the manifestation of this paradigm shift in legal thinking and encompasses the production of pieces and documents concerning Law in an explicative and creative way. Currently, these instruments are being developed by large law firms to help clients comprehend the legal processes that affect them.

Now, Legal scholar may wonder why these relatively instruments should be used in Environmental Law and the academic world? The answer, they rectify a vast knowledge gap. The general public's dearth of awareness about socio-environmental rights is an unfortunate reality. For much of the population, environmental laws are a great mystery, one that only legal experts (jurists) are knowledgeable of. There is an urgent need to create new methods to improve the general public's understanding, not only of Law overall, but in particular Environmental Law and its specificities. The introduction of tools such as environmental participation for its recipients, particularly for those who are

⁴ Giulia Parola wrote sections 1, 2 and 3(c,d,e,f); Silvano contributed with the empirical data research and wrote section 3(a, b) and Margherita she wrote the conclusion. All authors contributed to the research, editing and supervision of the final version.

most vulnerable, can help bridge the public unfamiliarity with legalese. If brought to the academic world, LD would be an innovative resource that could be further studied and debated so as to be more readily applied to empowering vulnerable and marginalized peoples.

For this reason, the project “*Legal Design and Visual Law in International Environmental Law: Conversion of the Escazú Agreement in Visual Materials for the Chiquitano People*”, coordinated by Prof. Dr. Giulia Parola (UNIRIO-Brazil) and Prof. Margherita Paola Poto (UiT The Arctic University of Norway and Unito, Italy), and developed during the related elective course (throughout 2020), by the students of the UNIRIO’s Postgraduate Law Program and other researchers included the active participation of the Chiquitano people from Mato Grosso (Brazil). This project significantly relied upon the participation and guidance of Silvano Chue Muquissai, an indigenous member of the Chiquitano people and a graduate from the Universidade Federal de Mato Grosso (UFMT), as well as other constituents of the Aldeia Vila Nova Barbecho (Nova Barbecho Village) in Mato Grosso (Brazil)⁵.

The objective of the project was to teach students, in practice, an efficient method to create understanding and engagement in Environmental Law. Simultaneously, the project aimed to support the co-production of didactic materials with the Chiquitano people, which could act as a tool for strengthening environmental participation. Silvano Chue Muquissai worked as the cultural mediator between the legal world and the Chiquitano reality. Members of the Chiquitano People participated in the step-by-step execution of materials, providing feedback about the choices made by working groups. They provided critical explanatory insights into what were and were not considered appropriate choices for the design and implementation of the legal tools. The integration of interested parties is fundamental to the project design process as it incorporates LD and VL. Active participation from all the involved parties results in a greater sense of inclusion, empathy, and commitment.

⁵ Acknowledgements: We are immensely grateful to the residents of the Chiquitano Village Vila Nova Barbecho and in particular: Adriano Boro Makuda, Alanis Valentina Rodrigues Urupe, Anderson Ferreira Rocha, Edleny Chue Muquissai, Elena Laura Chue, Elza Margarida Chue Akurudodo Arogiareudo, Florencio Urupe Muquissai, Francisco Xaviel Dorado Ferreira, Leiliane Chue Muquissai, Maria Chue Muquissai, Renivaldo Nezokemae, Samyla Chue Manaca, Silvano C. Muquissai.

Hence, this book chapter aims to outline the different steps of the project by clarifying the methods and methodology of co-creation used. In the following sections, we will explore: Definition of LD and VL (Section 1), the steps involved in the creation of the LD and VL (Section 2) and lastly, the steps which apply to the Co-Creative Process with the Chiquitano people for the creation of the comic books (Section 3).

1. Definition of Legal Design and Visual Law

Before describing the process of comic book co-creation, an overview of the concepts of LD and VL will be provided, as they are both relatively unknown, even amongst legal scholars.

LD was created through an initiative of the Stanford Law School that brought together three areas of design, technology, and law to simplify legal language. As defined by Margaret Hagan, creator of the concept and author of the book *Law by Design* (2021), this instrument is: “the way we evaluate and design legal business in a simple, functional, attractive and usable way.”⁶

LD, borrowing from the domain of design thinking⁷, is centered on people and their needs. It shifts the focus from the professional viewpoint (mainly of lawyers and judges) to the recipients of the legal document, such as common citizens, private and public individuals, organizations, and communities. The aim is to create effective solutions following feedback obtained from ongoing interactions with the final recipients. Such feedback is continuously mapped and collected, from the inception of the project until the implementation phase. In other words, in working with LD, the legal world can empathetically examine how to meet the needs of the law recipients and legal entities through a process of hands on communication and active listening.

While LD focuses on helping the legal community develop effective communication at the service of the law beneficiaries and creating the foundations for creative legal

⁶ <http://www.lawbydesign.co/en/home/>, last access September 2022.

⁷ Design thinking is an approach that brings together tools, techniques and knowledge to break down a complex problem into stages and design innovative ideas to forward solutions. The central idea is that the process is carried out collectively and collaboratively, in order to gather as many different perspectives as possible. In this way, design thinking is based on the ability to be intuitive, recognize patterns, and develop ideas that have an emotional meaning beyond functionality. Further, design thinking can facilitate expression through mediums beyond words or symbols (Brown, 2009). Design Thinking is divided into four stages: immersion (understanding); ideation (creation); prototyping (testing); development (application).

reasoning, VL is the visual manifestation of this concept thinking. This distinction can be visualized through the imagery of an iceberg⁸, with LD representing the hidden bottom of an iceberg and VL representing the exposed top that can be observed and experienced by all. Essentially, the VL is the external manifestation of the LD and serves to put into practice and make legal documents more explanatory, through a non-conventional format. VL can be developed through features that include, but are not limited to, images, illustrations, videos, infographics, graphics, timelines, QR codes, flowcharts, bullet points, pictograms, comics, storytelling, maps, story mapping, links, music, gamification, and podcasts.

While LD and VL have their origins in the world of law firms, as tools to help clients understand the legal processes that affect them, they have been progressively adapted to achieve other goals (Hagan, 2018, 2019, 2020).

First, as will be further elaborated in the following sections, LD and VL can be developed as legal education resources to help stimulate the mindsets of future legal scholars toward thoroughly understanding community needs.

Second, in legal research, the outcomes from LD and VL can be used as practical tools to effectively disseminate and communicate project results.

Third, these instruments are innovative strategic tools that can empower society to overcome the challenging and often opaque process of standing up for their rights.

Finally, these tools can be applied to support the decolonization of legal mindsets and law itself (Poto, 2022). This is accomplished, by involving research participants typically outside of the dominant Western legal doctrine of environmental law and further developing techniques for knowledge co-creation. Hereinafter, the expressions West, Western-centric and Eurocentric are used interchangeably to denote those epistemologies founded on the colonality of knowledge (Fonseca, 2019; Quijano, 2000). Colonality of knowledge is defined as the epistemic violence perpetrated by the settlers at the ‘encounter’ with the ‘other’. This practice is based on the invisibility, denial, silencing, expropriation, and extraction of non-Western knowledge, and largely remains the dominant rationality of Western value-sets (de Sousa Santos, 2010).

Through knowledge co-creation supported by collaborative use of LD and VL tools, it is

⁸ <https://www.legalhack.com.br/> last access September 2022.

possible to contribute to the re-emergence of indigenous perspectives and cosmovisions⁹, weaving them into the scientific method (Saida, 2022). Unfortunately, indigenous knowledge, value-sets, and legal orders are historically considered inferior to the predominance of the “universalization of law” (Colaço, Damázio, 2017), which supports a single and universal way to build legal rights and obligations.

Ultimately, the objective of using LD and VL is to facilitate effective participation of all parties involved in environmental matters, by making all parties effective co-participants in environmental legal research. This explains the adoption of the expression “recipient/participant”, hereinafter to define the actors of our LD and VL co-created legal methodology.

An example of effectiveness of LD and VL as legal tools, is highlighted in the experience of the Escazú Agreement (EA) on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters as transformed into comic books (Parola, Poto, 2021a and 2021b). This transformation will be described in greater detail in Section 3. In the project “*Legal Design and Visual Law in International Environmental Law: Conversion of the Escazú Agreement in Visual Materials for the Chiquitano People*” our primary goal was to facilitate the Chiquitano understanding of environmental rights, recognized in the EA (CEE/ONU, 1998), in tandem with improving Environmental Democracy based on three pillars: access to information¹⁰, participation¹¹ and access to justice¹² in environmental matter (see section 3). At the same time, the project sought to promote the co-creation of new knowledge through actively

⁹Definition of the term Cosmovision “means the conception that indigenous peoples have, both collectively and individually, of the physical and spiritual world and the environment in which they conduct their lives”. Available at <https://www.lawinsider.com/dictionary/cosmovision>, last access September 2022.

¹⁰The right to access to information, which constitutes the first of the three pillars and is the fundamental starting point for any public involvement in decisions. This right guarantees that members of the public are conscious of what is occurring in their adjacent environment and ensures that the public is competent to participate in an informed manner. The first information pillar includes both the ‘passive’ (when the public access environmental information from public authorities) and ‘active’ aspects (when the government has the obligation to collect and disseminate environmental information).

¹¹Public participation constitutes the second pillar, and it serves as an important link between the other two pillars as public participation cannot occur without sufficient access to information, or the possibility of enforcement.

¹²Access to justice, the third pillar, addresses with two situations. Firstly, it protects/strengthens the other two pillars by providing access to review procedures in relation to information, as well as access to review procedures to challenge decisions, acts, or omissions subject to the public participation provisions. Secondly the pillar provides the right to review procedures to challenge public decisions that have been made without respecting environmental law in general.

encouraging Chiquitano participation.

2. Stages of Legal Design and Visual Law

This section illustrates the steps that put LD into practice by applying the techniques of VL. It is important to note that the following stages are based on our interpretation and unique experience using these methods, and thus differ from how LD and VL are typically constructed and applied in the context of a legal firm. Hence, our goal is to advance and expand upon the process involved in the creation of legal material, which includes the recipients as not only the recipients of the legal document, but as active participants in the co-creation of the material.

a) Selection of Recipient/Participant

As explained above, the first step in LD and VL is to choose the creative project's target audience. The target audience, as in the specific case developed within the ECO_CARE methodology, act as co-participants throughout the research journey. Thus, the innovative term 'recipient/participant' refers to the active role that all parties play in the process of co-creation. Defining the target audience of recipients/participants is a fundamental step that ensures that the project results are appropriately tailored to the needs in question. We argue that processes and results of LD and VL projects represent community-specific value-sets, and contribute to overcoming Western centrism in research and law (Qujano, 2000). The fact that projects results are tailored to the needs of the target audience does not affect the reuse of data, as it allows researchers to analyze and publish findings based on the same data, as well as greatly contribute to the emerging body of literature through generating new discussion and publications on the results.

b) Study of the Needs of the Recipient/Participant – Empathy

The study of the recipient/participant target audience marks the second stage of the project process. The second stage of the project comprises of an in-depth assessment and subsequent analysis of targeted community's characteristics (demographics) and needs (which include cultural legacy, legal values, language, educational system, and access to digital technologies). Such an assessment and analysis process is more typical of health

care studies, however, this process provides significant insights and serves as an innovative tool for legal scholars and researchers.

The process is quite consolidated in health care studies, while it presents innovative traits for legal scholars and researchers (Di Lallo et al., 2019). The community needs assessment and analysis are fundamental to demarcate the study field. Building a field of study through dialogues and meaningful interactions with participants can help to develop a sense of collective purpose and advance levels of active participation. When the study in question takes shape as a collective endeavor, this structure can contribute to ingratiating empathy in education and research activities (Berardi 2020). According to widely cited research, even though empathy is an innate quality (Sofronieva 2012, Hoffmann, 2000)¹³, it can be developed by practicing positive social behaviors. In LD and VL, the process of promoting and strengthening empathy unfolds via two steps: first, a unilateral understanding of the needs of the project recipients must be established; second, in tandem with the elaboration of recipients/ participants needs, an effective involvement of the recipients in the co-creation process must be conscientiously facilitated.

In both steps, reflexivity and empathetic thinking are practiced and developed by all project participants (be they students, researchers, or community members). In our case, the mutual connections and exchange helped grow empathy among the participants by fostering trust, friendship, and compassion, which took place through an on-going open dialogue.

c) Study of the Legal Issue

In the third phase, two questions are posed to all the participants: (1) What is the environmental legal problem and/or social/legal need that must be solved? (2) What is the legal problem that the recipient/participant must deal with? Having identified the legal problem, the creation phase can start, with the help of the recipients/participants.

d) Ideation and Options

¹³ <https://www.sciencedaily.com/releases/2019/07/190729111225.htm>, last access September 2022.

In this project phase, there is no assessment of good and bad ideas, but rather a discussion of all ideas presented and considered by all participants. This open discussion is followed by filtering and refining the ideas presented. Every idea is written down on a physical or virtual sticky note. This technique is meant to encourage the development of unorthodox and unachievable ideas.

The second technique requires foresight, specifically, mapping out potential risks and challenges that may undermine the proposed plans of action (Evans 2012). The aim is to unlock the participants' creative thinking, as it is often easier to criticize and identify gaps in rationale than to outline a strategy for success. As Hagen *et al.* put it: *"Using reverse-brainstorming as an idea generation tool, participants often find that identifying negative elements is easier than identifying positive elements [...], creating an exercise that is cognitively stimulating, interesting, and even somewhat silly [...]. After negative elements are identified, [...] instructors can turn the question into a positive, asking students to use the negative elements to provide a clearer solution to the problem, thereby engaging multiple levels of cognition and increasing creativity and idea generation. [I]nstructors may find that using reverse-brainstorming as a tool will engage students in deeper discussions that challenge them to generate ideas and turn those into workable, classroom- and content-appropriate solutions. Because students may find it easier and more engaging to identify negative elements, classroom collaboration and communication can improve."* (Hagen *et al.*, 2016). Once the group has finished compiling the list of bad ideas, they are asked to turn negative ideas into positive ones, by analysing the failed suggestions and coming up with ways to alter the failed idea to result in the opposite effect. In essence, reverse engineering of ideas prompts the group to consider the 'who, what, why, and how' behind an idea and what aspects (i.e. why, how) would need to be changed to result in a novel, feasible solutions.¹⁴

To conclude this phase, the group selects the best idea based on a set of co-produced implementation criteria. Implementation criteria can include considerations regarding logical consistency and plausibility, generalizability, simplicity, efficiency, effectiveness and accessibility. As previously stated, in the original LD process (Hagan, 2020), the group does not include the recipients of the final project results. In our approach, since

¹⁴Reverse Brainstorming, A Different Approach to Brainstorming, at https://www.mindtools.com/pages/article/newCT_96.htm, last access September 2022.

recipients actively participate in all the steps of the co-creation process and therefore are recipients/participants, they provide constant feedback thus, effectively contributing to every step. Notably, in the case of the ECO_CARE project, an indigenous representative of the Chiquitano people worked back-to-back with the LD and VL students, to help select the most appropriate, implementable, and culturally aware project idea.

e) **Prototyping**

After the selection of the most promising and executable idea, the group starts developing the project prototype (Meinel, Leifer, 2012). Prototyping helps the process move forward efficiently. As Olsen puts it: *“Prototyping moves the Design Thinking project forward. By building simple models or drawings sketches before knowing the answer, prototyping helps the innovators to think. The goal of rapid prototyping is to make mistakes as fast as possible. By making multiple simple models of unsolved problems, the idea is that surprising discoveries will be encountered.”* (Olsen, 2015). At this stage, the recipients/participants are active co-creators, contributing to the development of the project prototype and therefore transforming the process of LD into a final, tangible VL product.

3. Steps in the creative process: the creation of the comic book

The steps mentioned in Sections 2 were followed for the creation of the comic book. Throughout the course of the project, extensive research material was used (the references of which are at the end of this article) in coordination with the co-creation stages outlined above. Legal research material was consulted throughout the project's duration concluding with the production of the final comic book.

a) Choice of Recipients/Participants: the Chiquitano People

As recipients/participants of the project, the group chose to work with the Chiquitano people, from Mato Grosso (Brazil), particularly with members of the Chiquitano community in Vila Nova Barbecho. The Chiquitano territory is not fully demarcated and

consequently, the Chiquitano People are facing serious environmental threats and suffering from gross human rights violations by state-sponsored actors (primarily landowners who occupied their territory). As reported by Silvano Chue Muquissai and Loyuá Ribeiro F.M. da Costa (Chue Muquissai, Ribeiro F.M. da Costa 2021, p. 304): *“Many villages are currently delimited by farms [...] and therefore it is impossible to build school buildings, hospitals, and other infrastructures that could enhance their quality of life. In addition, many indigenous people depend on work and daily allowances on farm owners as their contractors, committing, often informally, to clear the pasture on farms and other services”*¹⁵. The authors make clear that *“the lack of access to their own territory hampers hunt, swidden planting, and access to water, threats that repercuss to a series of violations of human rights that put the existence of the indigenous population at risk”*.

The reports from Silvano and Loyuá raises a critical question for the Chiquitano people’s survival in their villages. What legal choices do the Chiquitano people have in the face of this existential threat? The Chiquitano face complex socioeconomic and legal issues covering decades of human rights issues and environmental challenges. While this book is not the sole solution to address the plight of the Chiquitano people, the premise that LD explores can effectively imbue the community with necessary legal knowledge. This book establishes a process of affirmation and emancipation, co-creating legal material so that it can be used as a means to voice the struggles the Chiquitano people have been facing since colonization.

¹⁵The original quote in Portuguese is translated by the authors.

access to land, and thus secure access to water and raw materials needed for life, health, food security and food safety, the Chiquitano People's self-determination is jeopardized. Hence, as highlighted by the Chiquitano representatives participating in the videoconferences led by Silvano, the community's primary need was to gain visibility and advance the legitimacy of the issue in the public's eyes. Visibility is predicted to lessen the likelihood of public authorities colluding with farmers, a common occurrence throughout Mato Grosso. The premise is that with greater visibility the Chiquitano people will see the authorities defend their rights

The study of the urgent need for visibility contributed to developing sentiments of accountability, cultural awareness, and mutual respect. It is important to underline that in our project the path travelled (knowledge exchanges/ sharing) was bilateral, where both sides (university researchers and Chiquitano) could cultivate reciprocal empathy.

c) Choosing the legal materials: The Escazú Agreement 2018

On March 4, 2018, in the city of Escazú, Costa Rica, twenty years after the signature of the Aarhus Convention (AC) *on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* (CEE/ONU, 1998), after six years of negotiations¹⁷, twenty- four countries in Latin America and in the Caribbean adopted the Escazú Agreement (EA) *on Access to Information, Participation and Justice in Environmental Matters in Latin America and Caribbean* (CEPAL, 2018). The EA is the first legally binding treaty on environmental rights in the region (Parola, 2019), the treaty entered into force on 22 April 2021¹⁸.

Interview during the first online meeting, 18 November 2021. Translation by the authors.

¹⁷□ In November 2014, the countries launched the negotiation phase of the regional agreement and established a Negotiating Committee with a view to concluding the negotiations by December 2017. The Negotiating Committee was composed of the signatory countries with the significant participation of the public and met for the first time in Santiago (May 2015). At that meeting, it adopted its organisation and work plan, which established that countries would continue with their national consultations on the preliminary document of the regional agreement prepared by CEPAL and submit language proposals on the document by 31 August 2015. The Committee met again in Panama City (October 2015), Montevideo (April 2016), Santo Domingo (August 2016), Santiago (November 2016), Brasilia (March 2017), Buenos Aires (August 2017), and Santiago (November 2017) and in March 2018 in Escazú whereby the Agreement was adopted. The Agreement was negotiated by 24 countries in Latin America and the Caribbean but the signature and ratification is open to the 33 countries of the region.

¹⁸To date, 24 countries have signed it, and 12 of which have also ratified it: Antigua and Barbuda, Argentina, Bolivia, Ecuador, Guyana, Mexico, Nicaragua, Panama, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Saint Lucia, and Uruguay.

The negotiating parties of the EA were inspired by the AC that was the first international treaty that implemented Principle 10 of the Rio Declaration on Environmental Access Rights¹⁹. The Convention established a process of assessment that includes individuals and their right to exercise control over acts of government, thereby participating and contributing to decision-making in environmental matters (Parola, 2017, 2019). AC represents the first international treaty aimed at creating trans-boundary environmental procedural rights of individuals and NGOs (access to information, participation, and access to justice), also referred to as the three pillars towards the construction of an Environmental Democracy (Parola, 2013, 2017).

The EA is also an implementation of Principle 10 that aims to “*move a step closer towards making equality*”²⁰, and to “*leave no one behind*” (AGENDA 2030)²¹.

In fact, the Agreement was chosen as the legal material for the co-created project of LD and VL, primarily because of its specific focus to improve the rights of access to information and justice, as well as participation regarding environmental matters of people or groups in vulnerable situations, such as Indigenous Peoples or traditional communities. Throughout Latin America and the Caribbean, there are sectors of society that have historically been marginalised from decision-making on environmental Issues (Gastón Médiçi, 2018). To this end, steps have been taken in the EA, both before and during the drafting process, in order to build the capacity of persons that have been underrepresented in participatory processes.

¹⁹ Principle 10 provides that: “Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided”. Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26 (vol. I), 31 ILM 874 (1992).

²⁰ In the words of Alicia Bárcena, Executive Secretary Economic Commission for Latin America and the Caribbean (ECLAC): “Visionary and unprecedented, it is an agreement reached by and for Latin America and the Caribbean, reflecting the ambition, priorities and particularities of our region. It addresses key aspects of environmental management and protection from a regional perspective (...) The strong regional commitment to environmental protection and human rights is expected to lead to the Regional Agreement’s prompt entry into force. By joining this landmark treaty, the 33 countries of Latin America and the Caribbean will not only continue to strengthen environmental democracy, but will also move a step closer towards making equality, sound economic growth and sustainable development for all a reality. (Barcen, 2018, p. 5)”

²¹ UN General Assembly, *Transforming our world : the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1, available at: <https://www.refworld.org/docid/57b6e3e44.html>, last access September 2022.

The States that negotiated and signed the EA are committed to finding ways to facilitate the three pillars rights.

The EA goal is to remove socio-economic barriers that hinder access rights to those groups of people that have traditionally been under-represented in participatory processes and to combat inequality and discrimination. Consequently, the EA focuses on “*persons or groups in vulnerable situations*’ and defines them in the Article 2 as ‘*those persons or groups that face particular difficulties in fully exercising the access rights recognized in the present Agreement, because of circumstances or conditions identified within each Party’s national context and in accordance with its international obligations.*”

Vulnerable populations are not just recognised as the focus of the Agreement, but the text itself requires governments to take action to ensure that these populations can effectively exercise the three access rights. In particular, Article 4, paragraph 5 states, “*each party will ensure guidance and assistance to the public – especially to the people or groups in vulnerable situations – in a way such that the exercise of their rights to access is facilitated.*”

Moreover, there are specific paragraph(s) for each right outlined in the agreement,

access to information²², participation²³ and access to justice²⁴, concerning a corresponding action to help support them.

To conclude, the EA aims to help the people and/or groups in vulnerable situations to exercise their rights to access, and the co-created project of LD and VL sought to achieve this objective within the context of the Chiquitano community of Mato Grosso. By converting the referred rights and legal concepts into visual materials, this project enabled the active participation of the Chiquitano people. Advancing both the

²²With regards to passive access to information, Article 5 of the Escazú Agreement in paragraphs 3 and 4 ask each party to “3. *facilitate access to environmental information for persons or groups in vulnerable situations, establishing procedures for the provision of assistance, from the formulation of requests through to the delivery of the information, taking into account their conditions and specificities, for the purpose of promoting access and participation under equal conditions.* 4. *Each Party shall guarantee that the above-mentioned persons or groups in vulnerable situations, including indigenous peoples and ethnic groups, receive assistance in preparing their requests and obtaining a response.*” Concerning active access to information, Article 6 (6) also requires the government to favor access by groups in vulnerable situations to information that particularly affects them, and also includes the directive that each Party shall also endeavour “*where applicable, to ensure that the competent authorities disseminate environmental information in the various languages used in the country, and prepare alternative formats that are comprehensible to those groups, using suitable channels of communication.*” (Parola. 2018) It is important to add that in 2022, the website of CEPAL was updated to include the Quechuan version of the Escazú Agreement. Quechuan languages are the languages of the former Inca Empire and the principal native languages of the central Andes today, which consists of a large Indigenous population, many of whom are monolingual. Encyclopedia Britannica, Quechuan languages, Last Updated: jun 1, 2022, <https://www.britannica.com/topic/Quechuan-languages>

²³ The agreement essentially follows the AC but adds, (Parola, 2019) in Article 7 (10) and Article 7(11), new aspects, as it affirms that each Party has to adapt the environmental decision-making processes to the public, taking in account “*the social, economic, cultural, geographical and gender characteristics of the public*” (10). Moreover, paragraph 11 specifies that if the affected public primarily speaks a language that differs from the official language, “*the public authority shall ensure that means are provided to facilitate their understanding and participation.*” Moreover, Article 7 (13) outlines that, in order to facilitate participation, the parties shall establish “*appropriate spaces for consultation on environmental matters or the use of those that are already in existence in which various groups and sectors are able to participate*” and also “*promote regard for local knowledge, dialogue and interaction of different views and knowledge, where appropriate*”. Finally, concerning the persons and vulnerable groups, paragraph 14 of Article 7 affirms that the public authorities will identify and support those persons or groups “*in order to engage them in an active, timely and effective manner in participation mechanisms. For these purposes, appropriate means and formats will be considered, in order to eliminate barriers to participation*”. Additionally, paragraph 15 talks about the implementation of the Agreement, and requires that “*each Party shall guarantee that its domestic legislation and international obligations in relation to the rights of indigenous peoples and local communities are observed*”.

²⁴ Concerning article 8 (2) of Escazú, it is important to highlight that this article goes beyond Aarhus in the following paragraphs so as to better remove barriers that undermine vulnerable communities’ ability to exercise access to justice. Paragraph 3 provides that: “*To guarantee the right of access to justice in environmental matters, each Party shall have, considering its circumstances: (...) (e) measures to facilitate the production of evidence of environmental damage, when appropriate and as applicable, such as the reversal of the burden of proof and the dynamic burden of proof.*” In fact, the agreement adopted the reversal of the burden of proof and the dynamic burden of proof following the doctrine and jurisprudence from different Latin-American states (In Brazil we can cite the following decision by the Superior Tribunal Justiça 2a Turma. Resp 1071741/SP. Rel. Min. Antonio Herman Benjamin, j. 16.12.10. Cappelli, 2018, p. 133).

understanding of environmental rights and active participation of the Chiquitano people has created different avenues to voice the community's struggle, continue developing co-created legal projects and ultimately, increase empathy between all participants.

d) Creating proposals and requesting feedback: comic book

After studying the Chiquitano people and their needs, and choosing the legal material, the next step was to look for ideas to convert the EA into an easily accessible document. In our project, a collaborative effort which integrated all stakeholders in the creative process generated the final content. Much of the project's value was derived from this cross-cultural learning experience. Hence, Silvano participated in each step of the idealization process. Additionally, to support the provision of constant feedback on the proposals made by the group, Silvano spearheaded our efforts to understand which choices were most suitable for the Chiquitano people. Towards the end of the idealization process (Brainstorming, Reverse Brainstorming), the group came to a consensus to convert the EA into a series of comics.

e) Prototyping and finalizing the proposal

In LD, the first rule for creating an accessible document, essay, or composition that readers can efficiently understand, is to use short sentences. Writing for the final recipient requires translating legalese into common terms that accounts for the target population's age range, level of education, profession, experience, and other characteristics, such as, in this case, the appearance of indigenous ethnicity. When writing clearly and limiting the use of complicated language and technical jargon, the chances that the meaning of the legal document will be understood and utilized by the intended party dramatically increases. Accordingly, the first step in creating the comic book was to draft a script

Then paragraph 4 of Article 8 provides that to facilitate access to justice, each Party shall establish: "*a. measures to minimise or eliminate barriers to the exercise of the right of access to justice; b. means to publicise the right of access to justice and the procedures to ensure its effectiveness; c. mechanisms to systematise and disseminate judicial and administrative decisions, as appropriate; and d. the use of interpretation or translation of languages other than the official languages when necessary for the exercise of that right*". Requirement (d) is the most important for Latin American society as it states that each Party shall take due care to help individuals who do not speak the official languages. This obligation is linked to paragraph 5: "*In order to give effect to the right of access to justice, each Party shall meet the needs of persons or groups in vulnerable situations by establishing support mechanisms, including, as appropriate, free technical and legal assistance*".

between Silvano and other residents/constituents of the Vila Nova Barbecho about the EA. Through this approach, the articles of the agreement, written in a technical legal language, were transformed into an easily accessible dialogue, readily understandable by everyone.

Furthermore, each sentence in the comic dialogue was paired with an illustrated description from the village, representing places and actions that different individuals could recognize and relate to within the story. Additionally, Silvano and Edmundo Nicolau Chue Muquissai, another resident of the village and project team member, took several photos following the descriptive dialogue.



Figure 2. Three samples of pictures tooked by Silvano and Edmundo Nicolau Chue Muquissai

The group, then, transformed pictures into cartoons, using the app “Comica”, which converts photographs into cartoons and finalizes the comic book by including the corresponding speech bubbles to each image.

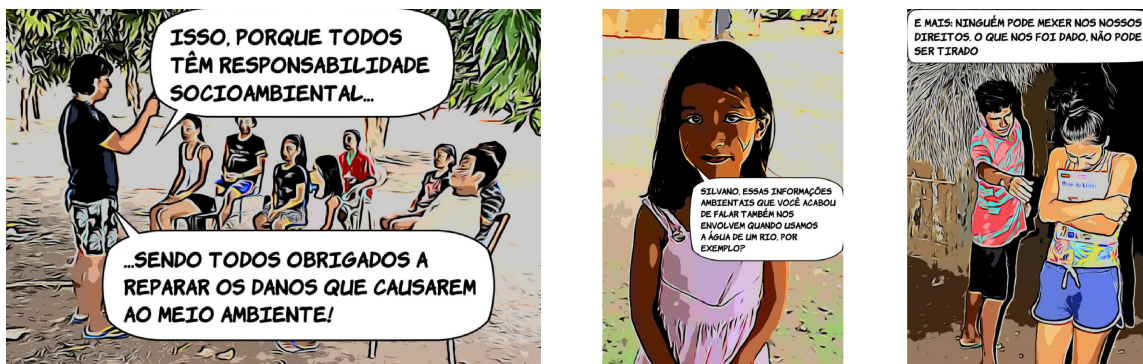


Figure 3 Three samples of pictures converted into cartoons by students

The outcome of the co-creation were two books, one in Portuguese (Parola G., Poto M. P. (Eds). 2021a) and one in English (Parola G., Poto M. P. (Eds). 2021b), funded by the Norwegian Directorate for Higher Education and Skills (HKDIR Utforsk 2020) through the project *An Exchange Program on Empathy, Compassion, and Care in Water Governance, from the Perspective of Integral Ecology – (ECO_CARE, HKDIR UTF n. 2020/10084)*,²⁵ the Faculty of Law UiT The Arctic University of Norway (Strategiske Midler 2021).

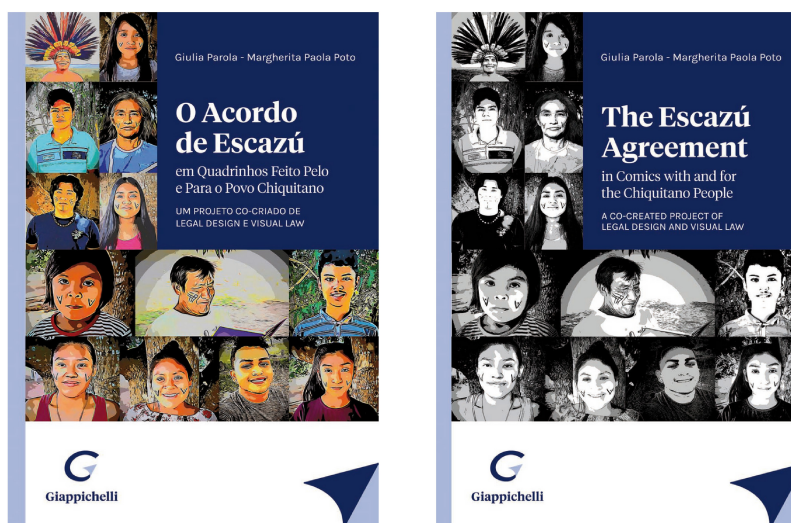


Figure 4 The two covers of the books ²⁶

²⁵ Official website: <https://en.uit.no/project/ecocare> last access September 2022.

²⁶ Cover Description: From Left To Right: Adriano Boro Makuda, Alanis Valentina Rodrigues Urupue,

The two books were published in 2021, and delivered to the Chiquitano villages on August, 29, 2022 by organizing an event to launch the work in Vila Nova Barbecho. A workshop was held on the same date that contributed to building understanding and consensus on the importance of these tools (books) to strengthen community knowledge of environmental rights and duties. The books were also disseminated to the other Chiquitano communities in the Portao do Encantado.



Figure 5. Event to launch the book in Vila Nova Barbecho

Conclusion

To conclude, the project experience and results affirm that through knowledge co-creation supported by collaborative use of LD and VL tools, it is possible to contribute to the re-emergence of indigenous perspectives and cosmovisions, combining this knowledge into scientific methodology.

The books are the tangible result of the co-creation, and serve two purposes: (1) It can be read and approached as a comic' story, by teachers and anyone interested in sensitizing children towards environmental rights; (2) It provides a frame of reference for university courses in LD, VL, as well as environmental and indigenous law, helpful for teachers to

Anderson Ferreira Rocha, Elena Laura Chue, Silvano C. Muquissai, Edleny Chue Muquissai, Elza Margarida Chue Akurudodo Arogiareudo, Florêncio Urupe Muquissai, Francisco Xaviel Dorado Ferreira, Leiliane Chue Muquissai, Maria Chue Muquissai, Renivaldo Nezokemae, Samyla Chue Manaca. Original Photos by Edmundo Nicolau Chue Muquissai.

design their classroom activities and for students to develop creative group and individual projects.²⁷ Finally, through this project, we have been drawing on an inclusive and co-created legal methodology to establish possibilities for participation, plurality and open spaces for transformative engagements in research. Consequently, as we continue engaging in an innovative research and education methodology for academic audiences and community members, we strengthen our responsibility to imbue research processes and the Law with empathy, compassion and care to the people and natural environment with whom we collaborate²⁸.

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²⁷ For a list of courses where LD and VL have been already integrated into university curricula, see the ECOCARE educational platform: <https://en.uit.no/project/ecocare/education>

²⁸ <https://en.uit.no/project/ecocare>

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