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Economic Commission for Latin America and the Caribbean

Preliminary document of the regional agreement on
access to information, public participation and
access to justice in environmental matters
in Latin America and the Caribbean

Sustainable Development and Human Settlements Division

25 August 2015



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Calendar of the regional process (2015)

Santiago Decision (November 2014)

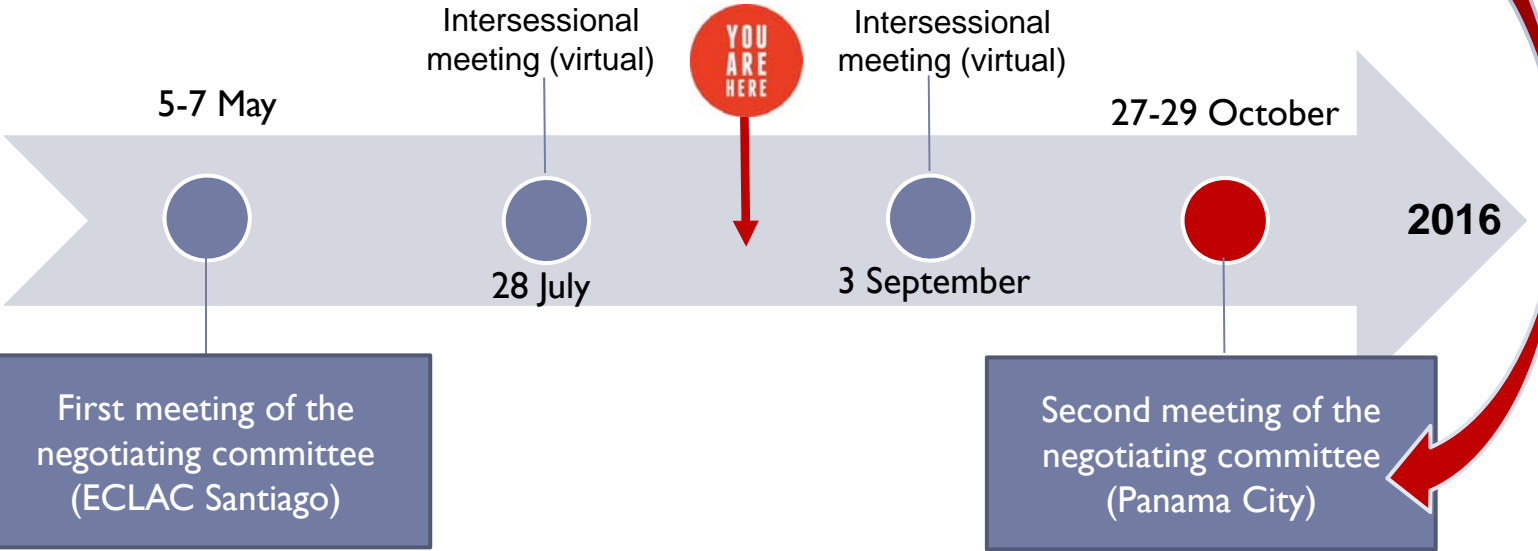
Organization and Work Plan of the Committee (May 2015)



Preliminary document of the regional agreement (31 March 2015)



Language proposals (preamble, art. 1-10) submitted by 31 August 2015





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Preparation of the preliminary document (I)

▶ Mandate

- ▶ Santiago Decision (November 2014)

▶ Sources

- ▶ Input from the Governments and the public
- ▶ Outcomes of the process to date
- ▶ San José Content
- ▶ Regional assessment prepared by ECLAC
- ▶ National laws, practices and institutions of the 33 Latin American and Caribbean countries
- ▶ Consideration was also given to the region's challenges and needs

Group of experts



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Preparation of the preliminary document (I)

- ▶ Each of the provisions is accompanied **by way of example** of references in order to illustrate how the issues have been addressed in national, regional and international law and practice.
 - ▶ Examples of laws are not exhaustive
 - ▶ References try to ensure an adequate representation of the legal framework of the region
 - ▶ The drafting has followed the international agreement format
 - ▶ Direct and indirect / sectoral references are included
 - ▶ Priority has been given to those sources that specifically refer to environmental matters

- ▶ In no particular order of priority and for illustrative purposes only, the sources are cited as follows:
 1. documents from the regional process;
 2. international and regional texts;
 3. national legislation, policies, rulings and resolutions (countries listed alphabetically);
 4. input received from governments and the public and
 5. other relevant sources.



Structure of the preliminary document

First part

- Preamble
- Objective (art. 1)
- Definitions (art. 2)
- Principles (art. 3)
- Scope of application (art. 4)

Operative part

- General obligations (art. 5)

First pillar

Access to environmental information (art. 6 and 7)

Second pillar

Public participation in environmental decision-making (art. 8)

Third pillar

Access to justice (art. 9)

Capacity-building and cooperation (art. 10)

Implementation, monitoring and evaluation

Resources

Rules of procedure

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Preamble

- References to Rio Declaration, Rio+20 and other documents and developments (para. 1 to 6)
- Right to a healthy environment which is essential for the dignity and full development and the achievement of sustainable development (para. 7-8)
- Rights-based approach, strengthening of democracy and human rights (para. 8, 9 and 10)
- Access rights are interrelated and interdependent (para. 11, 12, 13 and 14)
- Capacity-building and cooperation is essential and environmental education (para. 15-16)
- Contribution and fundamental role of the public, social organizations, women, youth, indigenous peoples and other groups and constituencies (para. 17)
- Basic instrument that does not preclude further development (para. 18)
- Recognition of Latin America and the Caribbean's pluricultural diversity and pluriculturalism (para. 19)
- Generation of synergies at all levels and recognition of the role of the public (para. 20)
- Creation of a regional agenda in line with national priorities and needs (para. 21)



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Objective

“The ultimate objective of the present Agreement is the strengthening of environmental governance and the realization of the right to live in a healthy and sustainable environment through the full application in Latin America and the Caribbean of the access rights enshrined in Principle 10 of the Rio Declaration, under an approach based on cooperation and capacity - building that enables the Parties to improve their laws, policies, institutions and practices to guarantee that those rights are fully observed and implemented.”



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Principles

Equality and non-discrimination

Inclusion

Transparency and accountability

Proactivity, co-responsibility and mutual trust

Collaboration

Progressive realization and non-regression

Good faith and solidarity

Prevention

Precaution

Intergenerational equity

Traceability

Lima Vision



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General obligations

- ▶ Full enjoyment of the right to a healthy environment
- ▶ Adoption of legislative, regulatory or other measures necessary to guarantee full implementation of the agreement
- ▶ Duty to assist and provide advice by officials and authorities
- ▶ Environmental awareness and education
- ▶ Protection, recognition and support to groups and individuals
- ▶ Encouragement of the non-Parties to adhere
- ▶ Cooperation between countries, including cross-border cooperation
- ▶ Collaboration within each State and coordination with other relevant international agreements
- ▶ No limitation or repeal of other agreements signed by the parties
- ▶ Parties can ensure a broader access (a floor, not a ceiling)
- ▶ Promotion in other international forums
- ▶ Equality and non-discrimination. Consider women, minorities, indigenous peoples and Afro descendents, children, youth and older persons
- ▶ Most favourable interpretation for the exercise of the rights
- ▶ Use of new technologies, open government, social networks and social and telematic media



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Measures for application

Article 5.2 of the Preliminary Document:

“Each Party shall adopt the legislative, regulatory or other measures necessary to guarantee full implementation of the provisions of the present Agreement.”

San José Content:

National measures and institutions for implementation of the instrument, including public participation

Scope of application and national measures for the implementation of the instrument

Legislation of Antigua and Barbuda:

“7.2 [...] the Department shall [...]

(q) Make reasonable and timely efforts to ensure that environmental laws and regulations comply with relevant international treaties and conventions, including any international agreements on the transboundary movement and management of hazardous substances; [...]



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Environmental awareness and education

Article 5.4 of the Preliminary Document:

“Each Party shall promote environmental awareness and education in the public sector and among the public, for the purpose of contributing to the effective application of rights of access to information, participation and justice in environmental matters and providing people with knowledge, capacity and understanding so they can participate in environmental decision-making.”

San José Content:

Awareness-raising and environmental education

Port of Spain Accord, St. George’s Declaration, legislations of Antigua and Barbuda, Belize, Haiti, Jamaica, and Trinidad and Tobago

St. George’s Declaration: “[...] well-educated citizens are fundamental for sustainable development, implying the need for broad-based programmes of environmental education, training and awareness.”



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Regional cooperation

Article 5.7 of the Preliminary Document:

“The Parties shall increase cooperation, including cross-border cooperation, in order to fully implement rights of access to information, participation and justice, based on the principles of sovereign equality, territorial integrity, solidarity, mutual benefit and good faith.”

San José Content:

Collaboration between the countries in the region

Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region (Cartagena Convention), Treaty of Chaguaramas

Revised Treaty of Chaguaramas (art. 65):

“1. The policies of the Community shall be implemented in a manner that ensures the prudent and rational management of the resources of the Member States. In particular, the Community shall promote measures to ensure: [...]

(c) the adoption of initiatives at the Community level to address regional environmental problems.”

“4. In giving effect to this Article, the Community and the Member States shall, within their respective spheres of competence, co-operate with third States and competent environmental organisations”



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Access to information



▶ **Passive transparency**

- ▶ **Accessibility of environmental information**
 - All environmental information in possession of, under the control of, or in the custody of competent authorities is public and presumed to be relevant
 - Right to freely request information, without demonstrating special interest
 - Creation and updating of an environmental information system
 - Facilitation of disadvantaged groups
- ▶ **Exceptions regime**
 - Limited, interpreted restrictively and duly justified
 - Circumstances to refuse total or partial access
 - Divisibility of information, tests of public interest and mediation
- ▶ **Conditions applicable to the delivery of information**
 - Format, as quickly as possible (maximum of 30 days)
 - Possibility of extending the deadline
 - Free access. No fees other than the cost of reproducing the information
- ▶ **Independent review mechanisms**
 - Autonomous, independent and impartial entity



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Right to request information

Article 6.2 of the Preliminary Document:

“For effective exercise of the right of access to environmental information, the Parties shall guarantee the following for any person requesting environmental information from competent authorities:

- a) to freely request information without demonstrating or even mentioning a special interest or explaining why the information is being requested;
- (b) to be informed promptly whether the documents that contain the requested information or from which such information can be derived are in the possession or not of the entity, authority or organization receiving the request; and
- (c) to be informed of the right to appeal if information and requirements are not delivered.

San José Content:

Freedom of information: Everyone has the right to access the information held by the bodies under obligation, without prejudice to the exceptions and limitations established by law.

Extent: It is not necessary to demonstrate (or mention) a special interest or provide any reason.

Maximum dissemination: Information should be provided in the broadest possible terms, excluding only that which is subject to constitutional or legal exceptions.

Model Law, legislations of Antigua and Barbuda, Belize, Guyana, Jamaica, Saint Vincent and the Grenadines, Saint Lucia and Trinidad and Tobago

Legislation of Saint Vincent and the Grenadines: “Reasons for decisions to be given: [...] where the decision is to the effect that the document does not exist, state that a thorough and diligent search was made to locate the document [...] inform the applicant of his right to apply to court for a review of the decision and the time within which the application for review is required to be made”



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Environmental information systems (I)

Article 6.3 of the Preliminary Document:

Each Party shall create an environmental information system and keep it up to date, to include, inter alia:

- (a) the texts of international treaties and agreements, as well as laws, regulations and administrative acts on or relating to the environment;
- (b) reports on the state of the environment, referred to in article 7.5;
- (c) the list of public authorities that have information with environmental content and that should be publicly accessible;
- (d) reports on environmental liabilities;
- (e) information on the use, conservation and exploitation of natural resources;
- (f) systematized and updated information on administrative environmental impact assessment files; and
- (g) information on hazardous materials, substances and activities.

The Parties shall guarantee that environmental information systems are duly organized, updated, accessible to all persons and available electronically.

The Conference of the Parties/secretariat may promote the creation and development of standards in relation to environmental information systems. The Conference of the Parties/ secretariat may also suggest measures to facilitate the best use of resources.

Antigua and Barbuda: National Environmental Information Management and Advisory System



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Review mechanisms

Article 6.19 of the Preliminary Document:

“The Parties shall have an autonomous, independent and impartial entity or institution to promote transparency in access to environmental information, oversee compliance with rules and guarantee the right of access to information. This entity may have sanctioning powers”

San José Content:

Independent national body / institution to ensure compliance

Legislation of Antigua and Barbuda, Belize, Guyana, Jamaica and Saint Lucia

Antigua and Barbuda: Information Commissioner

Jamaica: Appeal Tribunal



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Access to information



▶ **Active transparency**

- ▶ Generation and dissemination of environmental information
- ▶ Periodic reports on the state of the environment
- ▶ Emergencies and disasters
- ▶ Pollutant Release and Transfer Registers
- ▶ Information on contracts, authorizations and permits
- ▶ Use of information and communication technologies
- ▶ Information of private entities (information for consumers, sustainability reports, among others)
- ▶ Management and archiving



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Generation of information

Article 7.1 of the Preliminary Document:

“The Parties shall endeavour to generate, collect, systematize, make publicly available and disseminate environmental information in a proactive and timely, regular, accessible and comprehensible manner. The Parties shall periodically update this information and encourage the disaggregation and decentralization of environmental information at the subnational and local levels”

San José Content:

Generation and dissemination of environmental information

– Parties shall seek to generate environmental information and make it publicly available in a proactive, timely, regular, accessible and comprehensible manner.

San José Content, St. George’s Declaration, Port of Spain Accord, legislation of Antigua and Barbuda, Bahamas, Belize, Guyana, Jamaica, Saint Lucia and Trinidad and Tobago

Legislation of Bahamas:

“5. (1) The Department shall arrange and carry out all functions which are required for the proper discharge of the responsibilities and functions of the Minister under this Act, and without prejudice to the generality of the foregoing, the Department will: [...]

(c) gather, collate, analyse, publish and disseminate information relevant to the foregoing; [...]”



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Emergencies and disasters

Article 7.3 of the Preliminary Document:

“Each Party shall ensure that in the case of an imminent threat to the health or environment, whether attributable to human activities or due to natural causes, all information that might help the public take measures to prevent or limit potential damage that is in the possession of an obligated entity is disseminated immediately and without delay”

San José Content:

Environmental emergencies: Information shall be effectively and immediately disseminated to communities affected by environmental emergencies.

Aarhus, Bali Guidelines, legislation of Antigua and Barbuda, Haiti and Saint Vincent and the Grenadines

Legislation of Saint Vincent and the Grenadines:

“The National Disaster Management Plan shall contain details of arrangements under the coordination of the Director for prevention, preparedness, response and recovery in relation to disasters, including [...]

procedures for informing persons under paragraph (a) and the public in the State and elsewhere of the existence of a disaster alert or a disaster [...]”



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Pollutant Release and Transfer Registers (PRTR)

Article 7.7 of the Preliminary Document:

“Each Party shall create, administer and periodically update a pollutant release and transfer register for the air, water, soil and subsoil, materials and waste in its jurisdiction, among others. The registered information will be public and electronically accessible and will contain disaggregated and standardized data.”

San José Content:

Public pollutant release and transfer registers

Legislation of Chile and Mexico and input. References in Belize and Trinidad and Tobago

Legislation of Belize:

“The powers, duties and functions of the Department shall be to: [...] maintain a register of all wastes, discharges, emissions, deposits or other sources of emission or substances which are of danger or potential danger to the environment; [...]”

Legislation of Trinidad and Tobago:

“The Minister may, in accordance with section 27, make Rules subject to negative resolution of Parliament, for the following:

- (a) procedures for the registration of sources from which pollutants may be released into the environment and the characterisation of such sources;
- (b) the quantity, condition or concentration of pollutants or substances containing pollutants that may be released into the environment generally or by specific sources or categories of sources; [...]”



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Participation in decision-making (I)



- ▶ Implement open and inclusive participation mechanisms, including in processes associated with conservation, use and management of natural resources
- ▶ Opportunity to have an impact
- ▶ Access to relevant information
- ▶ Reasonable periods
- ▶ Presentation of observations
- ▶ Autonomy and characteristics of communities
- ▶ Consideration of observations
- ▶ Re-examination or updating
- ▶ Notification of decision / result
- ▶ Guides and guidelines on participation
- ▶ Participation in international forums
- ▶ Formal spaces for consultation



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Participation in decision-making (II)



- ▶ **Special consideration of specific or vulnerable groups**
 - ▶ Efforts to identify communities in vulnerable situations
 - ▶ Consider best media and formats to supply information to vulnerable communities, ensuring respect for cultural characteristics
 - ▶ When individuals or groups belonging to an indigenous people are affected, the Parties shall ensure that the applicable national and international standards on this matter are observed
- ▶ **Additional measures for activities and projects**
 - ▶ Mandatory public participation procedures for all projects and activities subject to environmental assessment in accordance with national law
 - ▶ Efforts to identify the public directly affected and to facilitate their participation
 - ▶ Access to specific information and notification



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Access to relevant information

Article 8.3 of the Preliminary Document:

“The public shall have access to relevant information for active and effective participation in a timely, comprehensible and objective manner and in a simple and clear format, through suitable means. The information will contain at least the following: the type or nature of the decision, including a non technical summary thereof; the competent authority for making the decision and other authorities involved; and the procedure specified for participation, including the date on which the procedure will begin, the possibilities offered to the public to participate and the date and place of any public consultation or hearing as applicable.

San José Content:

Timely notification, appropriate deadlines and prior information

Relevant information: The public must have access to relevant information for their participation to be active and effective

St. George’s Declaration:

“Good environmental management depends on the regular involvement of the full range of stakeholders in the exchange of information, knowledge and lessons learned, and in the formulation of policies, strategies, plans and decisions. All stakeholders must also have access to clear and timely information on environmental matters and the opportunity to participate in and receive reports back on all decisions regarding development plans and actions that affect their use of and access to natural resources and their benefits, both now and in the future [...]”

“meaningful and informed participation of civil society”



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Consideration of observations

Article 8.7 of the Preliminary Document:

“Each Party shall duly take into consideration the outcome of the participation process when making decisions. When the observations or recommendations of the public are not taken into account, the reason should be reported and substantiated in writing to those who made them.”

San José Content:

Consideration of observations received from the public and decision taken

– Extent of public participation and justification of the consideration given to the comments from the public

Legislation of Bahamas, Dominica, Guyana and Saint Vincent and the Grenadines

Legislation of the Bahamas:

“(3) Every objection in writing received by the Director on or before the date stated in the notice, shall be considered by the Director before a permit is granted or refused.”

Legislation of Dominica:

“The Authority shall consider any representations made to it (development plan) within the prescribed period.”



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Formal spaces for consultation

Article 8.12 of the Preliminary Document:

“The Parties shall encourage the establishment of permanent formal spaces for consultation on environmental matters in which representatives of various groups and sectors will participate. The Parties shall promote regard for local knowledge, dialogue and interaction of different views and knowledge.”

San José Content:

Impact forums: Establishment of permanent forums with representatives of different sectors (representatives of civil society and public authorities).

Respect for cultural diversity: Respect for the particular conditions and plurality of all, especially vulnerable groups and indigenous peoples, and promotion of the value of local knowledge.

Jamaica: Local forest management committees



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Activities and projects (I): Mandatory participation procedures

Article 8.15 of the Preliminary Document:

“The Parties shall guarantee mandatory public participation procedures for all projects and activities subject to environmental assessment in accordance with national law. In all cases, public participation shall be guaranteed in projects and activities related to mining, electricity generation, production activities and certain uses of hazardous substances and treatment and disposal of waste. In addition, public participation shall be ensured in projects and activities relating to coastal development.”

San José Content:

Applicability to the formulation, execution and evaluation of projects, policies, plans, standards, regulations, programmes and strategies in environmental decisions

Applicability to activities that may have significant environmental impacts

Legislation of Belize, Guyana, Haiti, Trinidad and Tobago



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Activities and projects (II): Identification of the public directly affected

Article 8.16 of the Preliminary Document:

“Each Party shall require the competent authorities to make efforts to identify the public directly affected by the project or activity and promote specific actions to facilitate their informed participation in decision-making, including, inter alia, technical and financial assistance.”

San José Content:

Identification of those are directly affected

Technical support for participants and resources for participation

Legislation of Colombia, Costa Rica, Ecuador, Guyana, Peru and input

Legislation of Guyana:

“the principles to facilitate the participation of communities which are likely to be adversely affected by the activity of a developer, taking into account the rights of indigenous communities”



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Activities and projects (III): Decision taken

Article 8.18 of the Preliminary Document:

“Any public directly affected by a decision in the environmental assessment of projects and activities shall be promptly and specifically informed, and the decision shall be accompanied by the reasons and considerations supporting it. The decisions adopted and the grounds on which they are made will be public”

San José Content:

Decision taken

– Communication of the decision: the public must be promptly informed of the decision taken and the reasons for it must be made public and be accessible

Legislation of Guyana: on EIA

“e. maintain and make available to members of the public during normal working hours a register of all environmental impact assessments carried out, environmental authorisations granted and other information in accordance with section 36”

“The environmental impact assessment and the environmental impact statement shall be public documents and the developer and the Agency shall have such documents available for the duration of the project and five years thereafter for inspection, subject to the deletion therefrom of such information as may disclose intellectual property rights, during normal working hours at their respective offices and shall supply on request and on payment of cost of photocopying copies of such documents.”

“The Agency shall publish its decision and the grounds on which it is made.”



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Access to justice

- ▶ Right to access justice (justice and equity)
- ▶ Appeal mechanisms:
 - ▶ Appeal mechanisms when access to information has been denied
 - ▶ Appeal mechanisms when participation has been denied
 - ▶ Appeal mechanisms to deal with infringement of environmental rules and claims relating to environmental damage and compensation
- ▶ Guarantees on access to justice
 - ▶ specialized entities
 - ▶ broad active legal standing
 - ▶ measures to facilitate the determination of environmental damage
- ▶ Environmental defenders
- ▶ Facilitating access to justice
- ▶ Disadvantaged groups
- ▶ Decisions adopted
- ▶ Capacity-building in access to justice
- ▶ Environmental legal cooperation
- ▶ Alternative dispute resolution



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Justice and equity

Article 9.1 of the Preliminary Document:

“Each Party shall guarantee the right to access justice in environmental matters within a reasonable period of time through administrative and/or judicial means, in the framework of a process that grants guarantees of due process based on the principles of legality, effectiveness, publicity and transparency, through clear, fair, appropriate and independent procedures. The Parties shall ensure the right of appeal to a superior administrative and/or judicial body”

San José Content:

Justice and equity: Right to be heard, within a reasonable time, through legal and/or administrative means, in a process that grants guarantees of due process; right to be judged on the basis of the principle of legality; clear, fair, appropriate and independent procedures; right of appeal in respect of superior court rulings; and, where these exist, specialized courts.



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Appeal mechanisms

Article 9.2 of the Preliminary Document:

“Each Party shall ensure, in the framework of its national laws, that any person is entitled to have access to a judicial body or other autonomous, independent and impartial body or administrative procedures to challenge the legality of:

- (a) any decision, action or omission related to the access to environmental information;
- (b) any decision, action or omission, with respect to substance or procedure, related to participation by the public in environmental decision-making; and
- (c) any decision, action or omission by an individual, public authority or private entity that could affect the environment or violate, with respect to substance or procedure, the environmental laws and regulations of the State related to the environment”

San José Content:

Appeal mechanisms when access to information has been denied

Appeal mechanisms when access to participation has been denied

Appeal mechanisms to deal with infringement of the rules and claims relating to environmental damage and compensation

San José Content, Aarhus, St. George’s Declaration, Bali Guidelines, Model Law, legislation of Antigua and Barbuda, Bahamas, Belize, Guyana, Jamaica, Saint Vincent and the Grenadines, Saint Lucia and Trinidad and Tobago



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Guarantees in access to justice (I)

Article 9.3 of the Preliminary Document:

“To guarantee this right, the Parties shall establish:

- (a) jurisdictional or non-jurisdictional entities specialized in environmental matters;
- (b) effective, reasonable, fair, open, rapid, transparent, equitable and timely procedures;
- (c) broad active legal standing in defense of the environment, which may include collective actions;
- (d) timely and effective execution mechanisms for decisions;
- (e) timely, adequate and effective mechanisms for redress, including restitution, compensation and other suitable measures, and attention to victims as applicable, and the establishment of funds;
- (f) the possibility of ordering precautionary, interim and oversight measures to safeguard the environment and public health; and
- (g) measures to facilitate the determination of environmental damage, including objective responsibility and reversal of the onus of proof.

The Parties shall encourage, insofar as possible, the establishment of judicial and/or administrative standards of review in cases pertaining to environmental damage, such as the *in dubio pro natura* principle.”

San José Content:

Active legal standing; Victim support; Precautionary, interim and oversight measures to safeguard the environment; Specialized courts/chambers to deal with environmental matters; Execution and remedy mechanisms (for example, funds to repair damage)



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Guarantees in access to justice (II)

Specialized entities:

- Jamaica: Office of the Director of Public Prosecutions
- Trinidad and Tobago: Environmental Commission

Broad active legal standing:

- Antigua and Barbuda: “Any person who is aggrieved by a violation of this Act may, with the leave of the court, institute proceedings in a court [...]”
- Trinidad and Tobago: leave of court in public interest

Determination of environmental damage:

- Argentina: *“El que cause el daño ambiental será objetivamente responsable de su restablecimiento al estado anterior a su producción. En caso de que no sea técnicamente factible, la indemnización sustitutiva que determine la justicia ordinaria interviniente, deberá depositarse en el Fondo de Compensación Ambiental que se crea por la presente, el cual será administrado por la autoridad de aplicación, sin perjuicio de otras acciones judiciales que pudieran corresponder”*
- Colombia: *“En materia ambiental, se presume la culpa o el dolo del infractor, lo cual dará lugar a las medidas preventivas. El infractor será sancionado definitivamente si no desvirtúa la presunción de culpa o dolo para lo cual tendrá la carga de la prueba y podrá utilizar todos los medios probatorios legales.”*
- El Salvador: *“La carga de la prueba en el procedimiento ambiental corresponderá al demandado”*



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Disadvantaged groups

Article 9.6 of the Preliminary Document:

“In order to exercise the right of access to justice, the Parties shall give consideration to disadvantaged groups by establishing, inter alia:

- (a) support mechanisms, including free technical and legal assistance;
- (b) channels that are linguistically, culturally, economically, spatially and temporally appropriate; and
- (c) assistance in case of difficulties with reading and writing.

San José Content:

Special consideration of specific or vulnerable groups, including indigenous and Afro-descendent peoples

- Free legal assistance
- Consideration of channels that are culturally, economically, spatially and temporally appropriate and used by vulnerable groups.

Trinidad and Tobago: “Where a person or group of persons aggrieved or injured by reason of any ground referred to in paragraphs (a) to (o) of subsection (3), is unable to file an application for judicial review under this Act on account of poverty, disability, or socially or economically disadvantaged position, any other person or group of persons acting bona fide can move the Court under this section for relief under this Act”



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Alternative dispute resolution

Article 9.10 of the Preliminary Document:

“The Parties should encourage the development and use of alternative dispute resolution mechanisms, as applicable and provided that no relinquishment of the right to access to justice is involved.”

San José Content:

Alternative dispute resolution

- Promote the development and use of alternative dispute resolution mechanisms, in appropriate cases, for example hearings, mediation and arbitration
- Alternative and inexpensive methods such as commissions and ombudsmen

Legislation of Antigua and Barbuda: “In performing its functions the Department shall facilitate cooperation among persons and manage the environment in a manner which fosters participation and promotes consensus, including the encouragement and use of appropriate means to avoid or expeditiously resolve disputes through mechanisms for alternative dispute resolution”



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Capacity-building and cooperation (I)

- ▶ Based on national demands and needs, specific regional considerations, flexibility, efficiency and effectiveness, results-based management and consideration of the target audiences.
- ▶ Objective: to establish a framework for peers to share experiences and carry out activities of common interest, particularly in those Parties that are least developed countries or **Caribbean small island developing States**
- ▶ Modalities of cooperation:
 - ▶ Discussions, workshops, exchanges of experts, technical assistance, observatories
 - ▶ Development, exchange and implementation of educational materials and programmes
 - ▶ Voluntary codes of conduct, guidelines, best practices and/or standards
 - ▶ Sharing of experiences at all levels
 - ▶ Use of committees, councils and public-private platforms



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Capacity-building and cooperation (II)

- ▶ Clearinghouse on access rights
 - ▶ Cooperation between authorities at the national level and education and awareness raising of the public
 - ▶ Cooperation with institutions and organizations at the global regional, subregional and national level
-



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Other provisions

- ▶ Resources
 - ▶ Conference of the Parties
 - ▶ Right to vote
 - ▶ Presiding Officers
 - ▶ Secretariat
 - ▶ Consultative groups or subsidiary bodies
 - ▶ Implementation, monitoring and evaluation
 - ▶ Final provisions
-



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Implementation, monitoring and evaluation

- ▶ Conference of the Parties
 - ▶ Consideration of least developed countries or **Caribbean small island developing States**
 - ▶ Preparation of periodic implementation guidelines and good practices
 - ▶ Facilitation and Follow-up Committee
 - ▶ non-adversarial, non-judicial and of a consultative nature
 - ▶ Peer review mechanism
 - ▶ Evaluation of effectiveness of the Agreement
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