

Working Group on  
Access Rights and the Regional Instrument  
Declaration on the application of Principle 10 of the  
Rio Declaration on Environment and Development  
in Latin America and the Caribbean

[This document has not been subject to editorial review]

**DRAFT PROPOSAL ON THE NATURE AND CONTENTS TO BE DEVELOPED IN THE REGIONAL INSTRUMENT FOR CONSIDERATION AT THE FOURTH MEETING OF THE FOCAL POINTS DESIGNATED BY THE SIGNATORY COUNTRIES OF THE DECLARATION ON THE APPLICATION OF PRINCIPLE 10 IN LATIN AMERICA AND THE CARIBBEAN**  
**(20 August 2014)**

**BACKGROUND**

1. At the Fourth Meeting of the Working Group on Access Rights and Regional Instrument, held on 4 April 2014, it was agreed to request that the Economic Commission for Latin America and the Caribbean (ECLAC) prepare a first proposal of the matters to be considered in the regional instrument, on the basis of the results of the assessment. Consequently, and also considering the other documents adopted in the framework of the process of implementation of the Declaration, such proposal was presented and discussed at the Fifth Meeting of the Working Group held on 23 May 2014.
2. At that meeting, it was agreed that a window of six weeks would be given to make commentaries and suggestions to the document of matters to be considered in accordance with the calendar of the Working Group and the objectives to be reached by the Working Group during 2014.
3. In addition, it was agreed that the inputs received would be widely disseminated and uploaded to the website of the process (<http://www.cepal.org/rio20/principio10>).
4. The inputs received both from governments and members of the public indicated below are highlighted and greatly appreciated. Inputs were received from the governments of Argentina, Chile, Colombia, Costa Rica, Dominican Republic, Honduras, Jamaica, Mexico, Panama and Peru and the following members of the public: Academia de Derecho Ambiental de la Universidad Andrés Bello, AFDEA - Asociación de Formadores Docentes en Educación Ambiental, AIDA – Asociación InterAmericana para la Defensa del Medio Ambiente, Alianza ONG, AMARRIBO Brasil, Aprender Entidade Ecológica, APUES - Ámbito Proceso Uruguay Entero Sur, Article 19, Asociación Ambiente y Sociedad, Asociación Eusebio Vidal, Associação dos Especialistas em Políticas Públicas do Estado de São Paulo, CAAOBETÍ - Grupo de Monte Nativo, CAD – Consorcio Ambiental Dominicano, CAinfo - Centro de Acceso a la Información Pública, Carla Delfina Aceves Ávila, Casa de la Paz, Castries Fishermens' Co-operative Society Ltd., CECN - Centro de Estudios de Ciencias Naturales, CEDA - Centro Ecuatoriano de Derecho Ambiental, CeDePesca, CEIDUR - Centro Interdisciplinario de Estudios sobre el Desarrollo Uruguay, CEMDA - Centro Mexicano de Derecho Ambiental, Centro de Investigaciones Jurídicas, Políticas y Sociales del Grupo de Investigación, Estudios

Jurídicos y Sociojurídicos de la Universidad de Caldas, CIAM - Centro de Incidencia Ambiental, CINTEC, Comisión Salud y Ambiente PIT-CNT, Comunicación y Educación Ambiental, COPAU - Consumidores Organizados de la Producción Agroecológica del Uruguay, CRECE - Conselho de Representantes dos Conselhos de Escolas, CUI - Centro Uruguay Independiente, Cultura Ecológica, DEMAVAL - Grupo Defensa del Medio Ambiente de Colonia Valdense, Ecoa – Educação comunitária ambiental, Escola de Governo de São Paulo, Ernesto Villegas Rodríguez, Eyolquy Ríos López, FARN - Fundación Ambiente y Recursos Naturales, Fboms - Fórum Brasileiro de ONGs e Movimentos Sociais para o Meio Ambiente e o Desenvolvimento, FIMA - Fiscalía del Medio Ambiente, FORJAR - Asociación Civil Cultural de DDHH, Fórum Mudanças Climáticas e Justiça Social, Fundação Avina, Fundação Grupo Esquel Brasil, Fundación DECIDE, Fundación ECOANDINA, Fundación PACMA, Fundación UNIDA, GAIA Derecho Ambiental, Grupo Artigas 86, Grupo Ecológico de Young, Grupo Vecinos de Guichon, IDAHMO - Instituto Derecho Ambiental de Honduras, Idesam - Instituto de Conservação e Desenvolvimento Sustentável do Amazonas, IDPV - Instituto Direito por um Planeta Verde, Iepé - Instituto de Pesquisa e Formação Indígena, Iguassu Iterei Movimento da Cidadania pelas Águas, Florestas e Montanhas, Imaflores - Instituto de Manejo e Certificação Florestal e Agrícola, IMV - Instituto Madeira Vivo, INESMA - Instituto de Estudios del Medio Ambiente, INSAPROMA - Instituto de Abogados para la Protección del Medio Ambiente, Instituto Ambiente y Sociedad, Instituto Humanitas, International Rivers, IPEH - Instituto de Pesquisas em Ecologia Humana, Jamaica Environment Trust, Mariano Jorge Beret Rodríguez, Movimento Ficha Verde, MOVITDES - Movimiento por la Vida, el Trabajo y un Desarrollo Sustentable, MOVUS - Movimiento por un Uruguay Sustentable, MVVC~CC – Plataforma Montanha, Vales, Vida e Cidadania, Observatorio Ambiental de Bogotá, Observatório do Clima, OCC- Organización para la Conservación de Cetáceos, OSCRENEA - Grupo de Organizaciones de la Sociedad Civil de la Red Nacional de Educación Ambiental, Prodena – Asociación ProDefensa de la Naturaleza, PRONATURA, RED Uruguaya de ONG's AMBIENTALISTAS, Rede Latinoamericana de Ministério Público Ambiental, Saint Lucia National Trust, Sébastien Duyck, Sociedad Amigos del Viento, Terrae Organização da Sociedade Civil, UNES - Unidad Ecológica Salvadoreña, Voto Consciente, WRI - World Resources Institute.

5. It is worth mentioning that the objective of this Working Group is to raise awareness on access rights in view of making a proposal on the nature and content of the regional instrument. Therefore, the calendar of the Working Group for 2014 establishes that the result of the Seventh meeting of the Working Group (which will take place on 10 and 11 September 2014 in San José, Costa Rica) is a proposal on the nature and contents of the regional instrument, taking into consideration the reports and products provided by the Working Group on Capacity-Building and Cooperation.
6. With this end, and within the agreed timeframes, the coordinators offer for consideration of countries and public the following document on contents to be developed in the second phase of the process on the adoption of a regional instrument.

## CONSIDERATIONS

1. Considering the objective of the Working Group, this document has prioritized matters which reflect certain consensuses and matters which do not cause rejection as well as matters which despite not being in the document prepared by ECLAC are considered interesting inputs.
2. Given that they reflect the consensuses of the process, the agreed documents (Road map, Plan of Action to 2014 and Lima Vision) have been considered for preparing this proposal.
3. It is worth noting that the objective of this proposal on contents is to reach a consensus among countries on an annotated index of contents which could be included in a future regional instrument. Consequently, details and/or specificities of some of the contributions received are not included in this proposal, without prejudice that all of these are public and could be considered during the second phase of the process.
4. Given that it is an annotated index for the sole purposes of facilitating the understanding of the matters to be developed, certain points include examples proposed by governments and the public, included in the annexes. These do not seek to prejudge the negotiation which will take place during the second phase of the process.
5. As was agreed in the framework of this process, the inputs from governments and the public have been taken into consideration.
6. This proposal is offered for the consideration of countries and the public to be discussed during the Seventh meeting of the Working Group to be held on 10-11 September in San José, Costa Rica, so as to present a final proposal of the Working Group sufficiently in advance for the discussion and adoption of agreements at the Fourth meeting of Focal Points designated by the signatory countries of the Declaration (4, 5 and 6 November 2014).
7. Even if the proposal should consider the nature of the instrument, this draft does not pronounce itself on this matter given that the coordinators consider that this point should be discussed in greater detail at the meeting in Costa Rica. It should, however, be included in the document which results from that meeting.

## **PROPOSAL OF ANNOTATED INDEX OF CONTENTS OF THE REGIONAL INSTRUMENT**

### **FIRST PART**

#### **Preamble**

1. The region and its countries have made progress as evidenced by the document prepared by ECLAC “Access to information, participation and justice in environmental matters in Latin America and the Caribbean: situation, outlook and examples of good practice” (LC/L.3549/Rev.2), which allows to advance towards the full application of access rights.
2. The process aims to include and be relevant for all countries of the region. As a result, the discussion of the instrument will seek the widest regional participation.
3. Capacity-building and cooperation is an essential element of this instrument.
4. The instrument shall allow for the creation of synergies and enhance the post-2015 development agenda.
5. Rights-based approach: right to information, participation and justice in environmental matters.
6. Right to a healthy environment: everyone has the right to a healthy environment, which is essential for the full development of human beings and for the achievement of sustainable development, poverty eradication, equality, and the preservation and stewardship of the environment for the benefit of present and future generations. (Lima Vision).
7. Acknowledgement of the fundamental role played by the public in the protection of the environment.
8. Interrelation and interdependence of access rights: access rights are interrelated and interdependent, and so each should be promoted and implemented in an integrated and balanced manner (Lima Vision).
9. Link between human rights and environment: The exercise of the rights of access to information, participation and justice in environmental matters deepens and strengthens democracy and contributes to a better protection of the environment and thus of human rights (Lima Vision).
10. Importance and benefits of access rights:
  - i. Rights of access to information, participation and justice in environmental matters are essential to the promotion of sustainable development, democracy and a healthy environment. (Lima Vision).
  - ii. They represent an important contribution to the formulation and implementation of informed, transparent and appropriate measures for furthering the well-being of the population and contributing to accountability and the effective rule of law. (Lima Vision).
  - iii. They contribute to greater public awareness and allow the public to express its concerns regarding environmental problems and challenges and this, duly acknowledged by the authorities, leads to greater public involvement and support for the decisions taken. (Lima Vision).
  - iv. An adequate access to these rights is essential for the governance of natural resources in the region and contributes to the promotion of

dialogue between authorities and citizens in natural resource management. (Lima Vision).

- v. They contribute to inclusiveness, social cohesion and environmental equality.

### **Objective**

Countries can consider the objective of the Declaration of the process (the full implementation of access rights), the capacity-building and cooperation approach and the contributions of a regional instrument outlined in the Lima Vision.

### **Use of terms or definitions**

Considering national and international experiences, countries can include definitions of concepts such as: party, public authority, environmental information, public participation, access to environmental justice, public and/or capacity-building and cooperation.

### **Principles**

Equality, inclusion, transparency, proactivity, collaboration, progressive realization and non-regression (according to Lima Vision).

## **OPERATIVE PART**

### **General provisions**

(See examples of what each matter could contain in Annex 1)

- Open nature of the instrument
- Awareness raising and environmental education
- Instrument as a basis not preventing greater developments
- Protection, recognition and support
- Maximum dissemination of access rights and duty of authorities and civil servants to facilitate their exercise
- Encouragement of principles of the instrument in other fora at the regional and international level
- Scope of application and national measures to enable the application of the instrument

### **Access to environmental information**

(See examples of what each matter could contain in Annex 2)

### **Guidelines**

Countries can consider the following to guide the promotion of access to environmental information:

- Relevance
- Freedom of information
- Openness and transparency
- Maximum dissemination
- Non-discrimination
- Opportunity of the information

- Control
- No-cost
- Accessibility
- Divisibility

***Passive transparency:***

- Accessibility of information
  - Presumption in favour of access of the public
  - Extent
  - Refusal
  
- Mechanisms to facilitate access to information
  - Format
  - Deadline
  - Language
  - Guarantee of reply
  - Costs
  - Systems

***Active transparency:***

- Generation and dissemination of environmental information
  
- Periodic reports on the state of the environment and environmental performance reviews
  
- Consideration of specific issues  
 Encompassing the following matters:
  - Environmental emergencies
  - Public pollutant release and transfer registers
  - Information on dangerous materials and activities
  - Information on permits authorizing large undertakings or environmental impacts
  
- Use of new communication technologies
  
- Specific consideration of specific or vulnerable groups
  
- Information held by private parties  
 Encompassing the following matters:
  - Information for consumers
  - Encouragement of sustainability reports and environmental compliance by private parties
  - Minimum standards on quality of information and participative environmental monitoring
  
- Document management and archive  
 Encompassing the following matters:
  - Management and archive of administrative documents

## **Access to participation of the public in environmental decision-making**

(See examples of what each matter could contain in Annex 3)

### ***Guidelines:***

Countries can consider the following to guide the promotion of access to participation of the public in decision-making in environmental matters:

- Openness and inclusion
  - Autonomy
  - Respect for cultural diversity
  - Co-responsibility
  - Institutions
  - Opportunity of incidence
- 
- Types of activities  
Encompassing the following matters:
    - Applicable to development, execution and evaluation of environmental decisions
    - Applicable to activities susceptible of having significant environmental impacts
    - Also applicable to processes linked to the conservation and management of natural resources
- 
- Mechanisms and instruments for the participation of the public  
Encompassing the following matters:
    - Institutions and norms
    - Forms of participation
    - Spaces of incidence
- 
- Facilitation of participation of the public  
Encompassing the following matters:
    - Notification
    - Identification
    - Channels of information and logistics
    - Technical support
    - Possibility of early participation of the public, to provide the background at the beginning of the project's development
    - Public participation in control and complaint processes
    - Promotion of guides/frameworks to enable and support the participation of the public
- 
- Access to information  
Encompassing the following matters:
    - Relevant information
    - Summary
- 
- Consideration of observations from the public and adopted decision
- 
- Decision taken  
Encompassing the following matters:

- Informing the decision
- Instances for appeal and follow-up
- Special consideration to specific or vulnerable groups

## **Access to justice**

(See examples of what each matter could contain in Annex 4)

### ***Guidelines:***

Countries can consider the following to guide the promotion of access to justice in environmental matters:

- Justice and equality
- Publicity and transparency
- Mechanisms to appeal in cases of refusal of access to information requests and/or participation and in cases of violations of environmental regulations
- Facilitating access to justice  
Encompassing the following matters:
  - Opportunity
  - Communication channels
  - Costs
  - New mechanisms
- Special consideration to specific or vulnerable groups
- Decisions adopted
- Training of judicial and administrative officers and cooperation
- Alternative dispute resolution

## **MEANS OF IMPLEMENTATION**

(See examples of what each matter could contain in Annex 5)

- **Proposal from the Working Group on Capacity-Building and Cooperation to be included**
- Financing

## **RULES OF PROCEDURE**

- Rules for the participation of the public in the meetings of the instrument (according to Plan of Action)
- Participation of the public in the application of the instrument at the national level



- Publicity and transparency
- Efficiency of resources and use of information technologies

#### **INSTITUTIONAL FRAMEWORK**

- Meeting/Conference of the signatory countries (with significant participation of the public)
- Presiding Officers
- Secretariat
- Advisory Group or subsidiary bodies
- Compliance and/or follow-up mechanism
- Adoption, amendments, right to vote, signature, ratification, entry into force, reservations, withdrawal, depositary, authentic texts.

## **REFERENCE ANNEXES**

## ANNEX 1

### GENERAL PROVISIONS

- **Open nature of the instrument:** *Recognizing the need for and the importance of strengthening access rights in a broad manner the instrument will be open to all the countries of Latin America and the Caribbean. (Plan of Action)*
- **Awareness raising and environmental education:** *According to the Lima Vision.*
- **Instrument as a basis not preventing greater developments:** *Regardless of the measures that we, the signatory countries, agree upon in order to strengthen the full implementation of access rights, nothing shall preclude our ability to take additional measures to ensure even broader access to information, participation and justice in environmental matters. (Lima Vision).*
- **Protection, recognition and support:** *Countries can explore modalities in support of those associations, organizations or groups having the aim of protecting the environment and those that exercise the rights recognized in this instrument.*
- **Maximum dissemination of access rights and duty of authorities and civil servants to facilitate their exercise:** *Mechanisms and procedures for the access to information, participation and justice should facilitate the exercise of the right, excluding requirements which could obstruct or impede it.*
- **Encouragement** *of principles of the instrument in other fora at the regional and international level.*
- **Scope of application and national measures** *to enable the application of the instrument.*

## ANNEX 2

### ACCESS TO ENVIRONMENTAL INFORMATION

#### **Guidelines**

- **Relevance:** *All information which is in possession of bodies which are obliged is presumed relevant, regardless of its format, support, date of creation, origin, classification or processing, considering the exceptions provided for in the law.*
- **Freedom of information:** *Everyone has the right to access the information that is in possession of bodies which are obliged, with the sole exceptions and limitations established by law.*
- **Openness and transparency:** *All information which is in possession of bodies which are obliged is presumed public, unless it is subject to regulated exceptions.*
- **Maximum dissemination:** *Information should be provided in the broadest possible terms, excluding only that which is subject to constitutional or legal exceptions.*
- **Non-discrimination:** *The bodies which are obliged shall provide information to anyone that requests it, under equal conditions, without making arbitrary distinctions and without requiring any justification for the request, always in accordance with its national law.*
- **Opportunity of information:** *In accordance to which those bodies that are obliged shall reply to information requests within the legal deadlines, as quickly as possible and avoiding all types of dilatory procedures, with defined and justified extensions.*
- **Control:** *Compliance of the rules governing the right of access to information will be constantly controlled and the resolutions on requests of access to information will be appealable.*
- **No-cost:** *According to which access to information of bodies which are obliged is free, without prejudice to justified exceptions.*
- **Accessibility** of information systems.
- **Divisibility:** *According to which in the event of an administrative act that contains information which can be known and information which can be denied on legal grounds, access to the former will be granted but not to the latter.*

#### **Passive transparency:**

- Accessibility of information
  - **Presumption in favour of access of the public:** *to any environmental information in possession of public authorities, with clear, limited and regulated exceptions.*
  - **Extent:** *It is not necessary to demonstrate (nor mention) a special interest or provide any reason.*
  - **Refusal:** *Public bodies must justify the refusal of an information request and in the event of refusals of access to information requests, there must be independent mechanisms to review the rejection.*
- Mechanisms to facilitate access to information
  - **Format:** *Obligation to provide information in the required format if available.*
  - **Deadline:** *Deadlines to provide the information.*
  - **Language:** *Language shall not constitute a barrier, considering specially the languages of indigenous peoples.*

- Guarantee of reply: *Assistance and/or redirection in case of lack of competence*
- Costs: *If there are costs, these should not surpass what is reasonable according to the request.*
- Systems: *Establishment and/or development of information systems, with the aim of promoting greater access of users.*

**Active transparency:**

- Generation and dissemination of environmental information

Examples:

- *Parties will seek to generate and make available to the public environmental information in a proactive, appropriate, regular, accessible and comprehensive manner.*
- *All information of public interest which is produced, managed and disseminated should be appropriate, objective, reliable, complete, up-to-date, reusable, processable and be available in accessible formats for petitioners and those interested without restrictions for their reproduction or use, in accordance with legal provisions and exceptions.*

- Consideration of specific issues

Examples:

- *Environmental emergencies: information is effective and immediately disseminated to communities which could be affected by environmental emergencies*
- Public pollutant release and transfer registers
- Information on dangerous materials and activities
- Information on permits authorizing large undertakings or environmental impacts

- Use of new communication technologies:

Examples:

- *Development of mechanisms aimed at fostering the implementation of open data policies at the different government levels which allow for the improvement of information systems, increase transparency, generate interoperability of data and encourage innovation.*
- *Due to possible limitations, alternative mechanisms for dissemination and access should also be considered.*

- Specific consideration of specific or vulnerable groups

Examples:

- *Consider channels which are culturally, economically, spatially and temporally appropriate and used by vulnerable groups.*

- Information held by private parties

Examples:

- Information for consumers: *Information on products to guarantee a well-informed choice in environmental matters*

- Encouragement of sustainability reports and environmental compliance by private parties: *compliance with principles, guidelines, human rights and socio-environmental responsibility*
  - Minimum standards on quality of information and participative environmental monitoring
- Document management and archive
- Examples:
- *Management and archive of administrative documents: enabling their retrieval and making them available if required, except for confidential information in accordance with legal provisions and exceptions.*

## ANNEX 3

### ACCESS TO PARTICIPATION OF THE PUBLIC IN ENVIRONMENTAL DECISION-MAKING (PROJECTS, POLICIES, PLANS, NORMS, REGULATIONS, PROGRAMMES, STRATEGIES AND INTERNATIONAL FORA AND AGREEMENTS)

#### **Guidelines:**

- **Openness and inclusion:** *ensure that the participation of the public is open and inclusive*
- **Autonomy:** *The participation of the public must be exercised with complete autonomy.*
- **Respect for cultural diversity:** *Respect for particularities and plurality of all, particularly of vulnerable groups and indigenous peoples and promote the value of local knowledge.*
- **Co-responsibility:** *Participation must be exercised with co-responsibility by governments and the public, adopting both an active role and acting in good faith in the social constructionist process of public policies.*
- **Institutions:** *Institutions and mechanisms that enable the effective and transparent exercise of the right to participation of the public in public management.*
- **Opportunity of incidence:** *significant participation and when options are still open*

#### **Examples of each matter:**

- Types of activities
  - Applicable to development, execution and evaluation of environmental decisions (Cases in which it would be compulsory and discretionary to be determined)
  - Applicable to activities that may cause significant environmental impacts
  - Also applicable to processes linked to the conservation and management of natural resources
- Mechanisms and instruments for the participation of the public
  - Institutions and norms: on the basis of their regulatory frameworks, legal and institutional traditions and international instruments.
  - Forms of participation: Consider commentaries in writing or in public hearings and differentiated and gradual mechanisms which are consistent with the degree of impact that the project could produce
  - Spaces of incidence: Establishment of permanent spaces with representatives of different sectors (representatives of civil society and public authorities).
- Facilitation of public participation
  - Timely notification, sufficient deadlines and prior information
  - Identification of those that are directly affected
  - Appropriate channels of information and logistics
  - Technical support of participants and resources for participation
  - Possibility of early participation of the public, to provide the background at the beginning of the project's development

- Public participation in control and complaint processes
- Promotion of guides/frameworks to enable and support the participation of the public
- Access to information
  - Relevant information: The public shall have access to relevant information for an active and effective participation
  - Summary: Dissemination of summary of the issue
- Consideration of observations from the public and adopted decision
  - Extent of participation and provide a justified response of the consideration of observations from the public.
- Decision taken
  - Inform of the decision: public must be informed promptly of the decision taken and the reasons backing it must be made public and be accessible
  - Instances for appeal and follow-up
- Special consideration to specific or vulnerable groups:
  - Identify those communities which are in a situation of vulnerability.
  - Consider best means and formats to provide information to vulnerable communities, including language when appropriate.
  - Costs: Seek to support participation at the least possible cost.
  - Raise awareness and build capacities to ensure informed participation.
  - Ensure that the characteristics of vulnerable communities are taken into account.
  - Encourage active and timely participation.



## ANNEX 4

### ACCESS TO JUSTICE

#### **Guidelines:**

- **Justice and equality:** *Right to be heard, within a reasonable time, through legal and/or administrative means, in a process that grants due process guarantees; right to be judged on the basis of the principle of legality; clear, fair, appropriate and independent procedures; right of appeal in respect of rulings of superior courts and, as there may be, specialized courts.*
- **Publicity and transparency** *of the judicial proceedings and of the rights in environmental matters, in accordance with legal provisions and exceptions.*
- Mechanisms to appeal in cases of refusal of access to information and/or participation and in cases of violations of environmental regulations.
  - Active legal standing
  - Attention to victims
  - Environmental and access rights defenders  
*E.g. Right to promote and defend, individually or in association with others, the protection of the environment and access rights. Need that States adopt necessary measures to ensure that this right is guaranteed effectively.*
  - Precautionary, interim and control measures to safeguard the environment
  - Specialized courts/chambers in environmental matters
  - Liability of civil servants in cases of refusal of access to information and/or participation
  - Execution and reparation mechanisms  
*E.g. Funds to repair damages*
- Facilitating access to justice (such as cost, opportunity)
  - Broad dissemination of mechanisms to facilitate access
  - Effective communication channels between authorities
  - Reduction of economic costs and duration of trials, support/build capacities of affected communities and public
  - New mechanisms: *virtual, electronic and by phone*
- Special consideration to specific or vulnerable groups
  - Free legal assistance
  - Consider channels which are culturally, economically, spatially and temporally appropriate and used by vulnerable groups.
- Decisions adopted
  - Notification and justification
  - Judicial decisions shall be made available to the public
- Training of judicial and administrative officers and cooperation
  - *Foster capacity-building programmes on environmental law for judicial and law enforcement officials, other jurists and stakeholders*
  - *Regional cooperation for the investigation and prosecution of environmental crimes*

- Alternative dispute resolution
  - *Promote the development and use of mechanisms for alternative dispute resolution, in appropriate cases, for example in oral trials, conciliation and arbitration*
  - *Alternative and inexpensive means including commissions, “ombudsmen”, among others*

## ANNEX 5

### MEANS OF IMPLEMENTATION

- Financing:
  - *Possibility of having a specific fund to finance the capacity-building and cooperation component*
  - *Provisions on financial cooperation of State Parties and relevant international organizations or bodies, cooperation between State Parties as well as financial resources managed by the body responsible for the instrument.*

### INSTITUTIONAL FRAMEWORK

- Meeting/Conference of the signatory countries (with significant participation of the public)
- Presiding Officers
- Secretariat
  - According to Plan of Action
  - *Capacity-building and relations with other multilateral bodies*
- Advisory Group or subsidiary bodies
  - *Specialized technical groups or panels to provide advice to States*
- Compliance and/or follow-up mechanism
  - *Voluntary non-adversarial and non-judicial mechanisms of a consultative nature to review respect of the instrument's provisions*
  - *Appropriate participation of the public and review of communications from members of the public on matters related to the instrument*
  - *Consideration of capacities and national legislation*
  - *Means for compliance and follow-up*  
*E.g. periodic reports, monitoring, communications from members, peer review*
- Adoption, amendments, right to vote, signature, ratification, entry into force, reservations, withdrawal, depositary, authentic texts.