

The Ministry of Water, Land, Environment and Climate Change (MWLECC) as Focal Point for Jamaica on the captioned matter, would like to congratulate the Economic Commission for Latin America and the Caribbean (ECLAC) for drafting a comprehensive document based on the request of the Member States. As presented at the First Meeting of the Negotiating Committee, the document is comprised of key elements that were outlined in the San Jose Content. ECLAC's contribution throughout the process to date has been tremendous which has assisted Members States to participate effectively in the Principle10 process.

At the First Meeting of the Negotiating Committee, it was agreed that Members States should facilitate national consultations on the Preliminary Document and submit comments/feedback by August 31, 2015. In response to this request, Jamaica through MWLECC established a Working Group in May 2015 comprising individuals from government ministries and the public. This Working Group was tasked with the review of the Preliminary Document and to provide recommendations.

Based on the review of the Preliminary Document, one of the major issues identified by the Working Group was related to the translation of the document from Spanish to English. This created several challenges as some paragraphs were difficult to interpret and in other instances, terms/words used were not of English origin. Another challenge encountered was with the inconsistent use of some terms throughout the document, examples include "rights of access" versus "access rights" and "competent authority" versus "obligated entity".

Jamaica's request, as presented at previous meetings for a flexible document was evident in the articles presented. The document has both binding and non-binding provisions which creates an enabling environment for discussions. However, recommendations were made to change the obligatory nature of some paragraphs based on national legislation and the capacity of the country at this time. It is important to note that the changes suggested will not erode the true meaning of the paragraphs.

In general, the document provides a platform for Member States to build on. The Second Meeting of the Negotiating Committee will be in late October 2015 and will be a pivotal meeting in the regional process. Jamaica's participation at the meeting has been recommended and a response will be provided to ECLAC shortly.

Best regards,

**Princess Gordon-Commock**

Director

Documentation/Information and Access Services

Ministry of Water, Land, Environment and Climate Change



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First meeting of the negotiating committee  
of the regional agreement on access to information,  
participation and justice in environmental matters  
in Latin America and the Caribbean

Santiago, 5-7 May 2015

**PRELIMINARY DOCUMENT OF THE REGIONAL INSTRUMENT ON  
ACCESS TO INFORMATION, PARTICIPATION AND JUSTICE ON  
ENVIRONMENTAL MATTERS IN LATIN AMERICA AND THE CARIBBEAN**

**PRELIMINARY DOCUMENT**  
**REGIONAL AGREEMENT ON ACCESS TO INFORMATION, PUBLIC**  
**PARTICIPATION AND ACCESS TO JUSTICE IN ENVIRONMENTAL**  
**MATTERS IN LATIN AMERICA AND THE CARIBBEAN**

**BACKGROUND**

1. This technical document has been prepared by the Economic Commission for Latin America and the Caribbean (ECLAC) as requested by the countries signatory to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean in the Santiago Decision adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration held in Santiago, Chile, from 4 to 6 November 2014.

2. In the Santiago Decision the countries agreed to commence the negotiation of a regional instrument on access to information, participation and justice in environmental matters with a view to conclude by December 2016. To this end, a negotiating committee was created under the coordination of the Presiding Officers and with significant participation by the public.

3. To prepare this preliminary document, the outcomes of the process to date, the San José Content for the Regional Instrument, the regional assessment prepared by the ECLAC and national laws, practices and institutions of the 33 countries of Latin America and the Caribbean were considered, along with the region's challenges and needs. In addition, the input and comments from the group of experts established by ECLAC to this end were likewise considered. Consideration was also given to the input submitted by the signatory countries and the public as agreed in the Santiago Decision. All contributions are available for consultation on the website for the process (<http://www.cepal.org/rio20/principio10>).

4. Each of the provisions suggested in the preliminary document of the regional instrument is accompanied by way of example of references to national legislation and policies or international and regional agreements, as applicable, in order to illustrate how the issues have been addressed in national, regional and international law. Although there are general references to access rights in all the countries of Latin America and the Caribbean, this document has given priority to sources that specifically refer to environmental matters. It should be noted that although the legislative examples try to ensure an adequate representation of the legal framework in the region, they are not exhaustive. Furthermore, in the majority of cases, the texts are not literal but rather an adaptation to the topic of the present Agreement. Both direct and indirect references are included. 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.

5. This technical document is an input by ECLAC to the negotiations for the adoption of the regional instrument on access to information, participation and justice in environmental matters. The final text of the regional agreement will be determined during the negotiation process.

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**PRELIMINARY DOCUMENT**  
**REGIONAL AGREEMENT ON ACCESS TO INFORMATION, PUBLIC**  
**PARTICIPATION AND ACCESS TO JUSTICE IN ENVIRONMENTAL**  
**MATTERS IN LATIN AMERICA AND THE CARIBBEAN**

**PREAMBLE**

*The Parties to the present Agreement,*

*Reaffirming* the 1992 Rio Declaration on Environment and Development (hereinafter, “Rio Declaration”) and especially Principle 10 thereof, which establishes, “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”,<sup>1</sup>

*Recalling* the Declaration of the United Nations Conference on the Human Environment, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Declaration of Barbados and the Programme of Action for the Sustainable Development of Small Island Developing States, the Mauritius Declaration and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development,<sup>2</sup> as well as the multilateral environmental agreements adopted to date,<sup>3</sup>

*Recalling also* that, in the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro (Brazil) in June 2012, entitled “The future we want”, among the many provisions referring to Principle 10 of the Rio Declaration, the Heads of State and Government and highlevel representatives acknowledged that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, were essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and eradication of poverty and hunger; underscored that broad public participation and access to information and judicial and administrative proceedings were essential to the promotion of sustainable development; and encouraged action at the regional, national, subnational and local levels to promote access to information, public participation in decision-making and access to justice in environmental matters, as appropriate,<sup>4</sup>

*Recalling further* that at the United Nations Conference on Sustainable Development, held in Rio de Janeiro (Brazil) from 20 to 22 June 2012, the Governments of Latin America and the Caribbean put forward the Declaration on the application of Principle 10 of the Rio Declaration, in

**Comment [D1]:** Insert date.

**Comment [D2]:** Verify the language used with the reference for the Declaration.

**Comment [D3]:** The Samoa Pathway (2014) can be added to the list considered that SIDS are members of the process.

1 which they reaffirmed their commitment to the rights of access to information, participation and  
2 justice regarding environmental matters (hereinafter, [referenced as](#) “rights of access”) and declared  
3 their willingness to work towards a regional instrument promoting the full application of those  
4 rights,<sup>5</sup>

5  
6 *Emphasizing* that the countries of Latin America and the Caribbean have underscored the  
7 importance of the application of Principle 10 of the Rio Declaration to increase public  
8 participation in promoting sustainable development in the framework of the Community of Latin  
9 American and Caribbean States (CELAC),<sup>6</sup>

10  
11 *Emphasizing also* the national laws, instruments and practices, as well as regional and  
12 global developments in the area of rights of access in [forums](#) such as the United Nations  
13 Environment Assembly, the Human Rights Council, the Forum of Ministers of the Environment  
14 of Latin America and the Caribbean, sessions of ECLAC, the Port of Spain Accord on the  
15 Management and Conservation of the Caribbean Environment, the Port of Spain Consensus of  
16 the Caribbean Regional Economic Conference, the St. George’s Declaration of Principles for  
17 Environmental Sustainability and the Treaty of Basseterre of the Organization of Eastern  
18 Caribbean States, the Convention on Access to Information, Public Participation in Decision-  
19 making and Access to Justice in Environmental Matters (Aarhus Convention) and its Protocol on  
20 Pollutant Release and Transfer Registers, the Guidelines for the Development of National  
21 Legislation on Access to Information, Public Participation and Access to Justice in  
22 Environmental Matters (Bali Guidelines), the Inter-American Strategy for the Promotion of  
23 Public Participation in Sustainable Development Decision-Making, the Model Inter-American  
24 Law on Access to Public Information and the Open Government Partnership, among others,<sup>7</sup>

**Comment [D4]:** Error in translation.

25  
26 *Resolved* to make commitments to ensure the full exercise of the [access rights](#) as enshrined in  
27 Principle 10 of the Rio Declaration, understanding these to be prerequisites [are important](#) for building  
28 a citizenry that is committed to sustainable development in line with a rights-based approach,<sup>8</sup>

**Comment [D5]:** Use of access rights vs rights of access – there should be some consistency throughout the document.

29  
30 *Affirming* that everyone has the right to a healthy environment in harmony with nature,  
31 which is essential for the dignity and full development of human beings and for the achievement  
32 of sustainable development, poverty eradication, equality, and the preservation and stewardship  
33 of the environment for the benefit of present and future generations,<sup>9</sup>

34  
35 *Taking into account* that exercising access rights deepens and strengthens democracy and  
36 contributes to better protection of the environment and thus of human rights,<sup>10</sup>

37  
38 *Reaffirming* the obligations assumed by the Parties to respect, protect and fulfil the right  
39 to freedom of thought, expression, assembly and association, and the right to information,  
40 participation in public affairs and access to justice, among others, established in international  
41 human rights law [and domestic laws of the parties](#),<sup>11</sup>

42  
43 *Emphasizing* that access rights are interrelated and interdependent, and so each and every  
44 one of them should be promoted and implemented in an integrated and balanced manner,<sup>12</sup>

1 *Bearing in mind* that access to information is the cornerstone of all democratic  
2 societies and that it is essential to take active measures to bring environmental information  
3 into the public domain, within specific circumstances of individual states doing everything  
4 possible to guarantee ready, rapid, effective and practical access to that information,<sup>13</sup>  
5

6 *[Reaffirming* that it is essential to promote participation by all sectors of society in  
7 furthering the issues that form the region's environmental agenda, as an important part of the  
8 process of building and establishing a collective awareness of the diverse natural and cultural  
9 heritage of our peoples, in order to advance social inclusion, enhance solidarity, eradicate  
10 poverty and inequality and restore the balance and the health and integrity of our planet,<sup>14</sup> ]

11  
12 *[Recalling* that as a fundamental pillar of Principle 10, constraints on and/or the lack of  
13 suitable means by which to access environmental justice deprives people of their legitimate right  
14 by denying them and/or limiting real ways to exercise them, and that the principles underpinning  
15 environmental rule of law, as well as equality, accessibility and effectiveness, must be  
16 guaranteed not only at the start but all the way through the settlement process,<sup>15</sup> ]

17  
18 *Recognizing* that institutional cooperation, capacity-building and political consensus-building  
19 through effective mechanisms are essential for the full implementation of access rights,<sup>16</sup>

20  
21 *Bearing in mind* also that it is necessary to promote awareness and environmental  
22 education of the public sector and the public, in order to contribute to the effective  
23 implementation of access rights, and provide people with the knowledge, skills and  
24 understanding they need to participate in environmental decision-making,<sup>17</sup>  
25

26 *Underscoring* the important contribution and fundamental role of the public and social  
27 organizations, and especially women, children and youth, indigenous and tribal peoples and  
28 other groups and constituencies in the effective implementation of access rights and the  
29 attainment of sustainable development,<sup>18</sup>  
30

31 *Reiterating* that regardless of the measures agreed upon in order to strengthen the full  
32 implementation of access rights, nothing shall preclude, and the Parties shall be encouraged to  
33 adopt, additional measures to ensure even broader access to information, participation and justice  
34 in environmental matters,<sup>19</sup>  
35

36 *Recognizing* the plurimulti-cultural diversity and plurimulti-culturalism of the Latin  
37 America and the Caribbean region,<sup>20</sup> and the different cosmovisions of its peoples as well as the  
38 holistic and spiritual view of the environment,<sup>21</sup>  
39

40 *Convinced* that the present Agreement will help generate synergies at the international,  
41 regional and national levels by supporting implementation in Latin America and the Caribbean  
42 of the United Nations agenda for sustainable development,<sup>22</sup>  
43

44 *Reiterating* that the present Agreement will facilitate concerted action and strategies,  
45 promote and strengthen dialogue, cooperation and technical assistance and promote the creation  
46 of a regional agenda in line with national priorities and needs with respect to access rights,<sup>23</sup>

**Comment [D6]:** Clarification and/or further discussion needed.

**Comment [D7]:** At what level?

**Comment [D8]:** Clarification needed from ECLAC.

**Comment [D9]:** Clarification needed from ECLAC.

**Comment [D10]:** Verification of this terminology is needed.

1 Have agreed as follows:

2  
3 Article 1  
4 Objective

5  
6 The ultimate objective of the present Agreement is the strengthening of environmental  
7 governance and the realization of the right to live in a healthy and sustainable environment  
8 through the full application in Latin America and the Caribbean of the access rights enshrined in  
9 Principle 10 of the Rio Declaration, under an approach based on cooperation and capacity-  
10 building that enables the Parties to improve their laws, policies, institutions and practices to  
11 guarantee that those rights are fully observed and implemented.<sup>24</sup>

**Comment [D11]:** Proposed language for Article 1 - The ultimate objective of this Agreement is to ensure the full application in Latin America and the Caribbean of the rights of access to information, public participation in decision making and justice in environmental matters as enshrined in Principle 10 of the 1992 Rio Declaration in order to strengthen environmental governance and to protect the rights of present and future generations to live in a healthy environment in accordance with the provisions of this Agreement.

14 Article 2  
15 Definitions

16 For the purposes of the present Agreement:

17  
18  
19 “Access rights” means the rights of access to information, participation and justice in  
20 environmental matters, as enshrined in Principle 10 of the 1992 Rio Declaration.<sup>25</sup>

**Comment [D12]:** Definition for Access rights should be before Competent authority.

**Comment [D13]:** A list of the provisions under Principle 10 should be provided here rather than making a reference.

21  
22 “Competent authority” means any public body that, by legal mandate, exercises the powers,  
23 authority and functions for the application of access rights.<sup>26</sup> In the right of access to information  
24 provisions set out under article 6 the present Agreement, a competent authority shall mean any  
25 public authority in any branch of the State (executive, legislative and judicial) and at any level of  
26 the internal government structure (central or federal, regional, provincial or municipal); it also  
27 applies to independent and autonomous bodies, organizations and entities owned or controlled by  
28 the government, whether by virtue of powers granted by the Constitution or other laws, as well  
29 as to private organizations that receive substantial public funds or benefits (directly or indirectly)  
30 or that perform public functions and services, but only with respect to the public funds or  
31 benefits received or to the public functions and services performed.<sup>27</sup>

**Comment [D14]:** This would include all branches of government and is a major concern for Jamaica.

**Comment [D15]:** Covered under the ATI Act to some extent.

32  
33 ~~“Access rights” means the rights of access to information, participation and justice in~~  
34 ~~environmental matters, as enshrined in Principle 10 of the 1992 Rio Declaration.~~<sup>28</sup>

**Comment [D16]:** ATI Act and/or other local laws would need to be amended to give effect to this. The obligations of the Competent authority would need to be assessed. This bit could be deleted. A definition of “public function” is needed.

35  
36 “Disadvantaged groups” means those persons or groups of persons with a greater likelihood of  
37 not knowing the risks related to the environment to which they are exposed, or of not fully  
38 exercising their access rights, including, among others, women, indigenous peoples, Afro-  
39 descendants, older persons, children, youth, persons with disabilities, in situations of  
40 vulnerability due to discrimination, poverty, illiteracy, lack of fluency in the official language,  
41 health or any other condition.<sup>29</sup>

**Comment [D17]:** In most conventions the term “Vulnerable groups” is used and should be adopted for the document.

**Comment [D18]:** Include “minority groups” to capture other groups as well.

42  
43 “Environmental information”<sup>30</sup> means, non-exhaustively, any information that is written,  
44 visual, audio, electronic or recorded in any other form that is in the possession of the competent  
45 authority, or should be, in fulfilment of its national obligations and international commitments  
46 and that addresses the following matters:

**Comment [D19]:** The language from Article 6.1 should replace this phrase which is in-keeping with the ATI Act.

**Comment [D20]:** Delete if necessary.



- 1  
2 (a) the state of the biotic and abiotic elements of the environment, such as the air and atmosphere,  
3 water, earth, landscapes, protected areas, biological diversity and its components, including  
4 genetically modified organisms; and the interaction between these elements;  
5  
6 (b) factors, such as substances, energy, noise, radiation and waste, including radioactive waste,  
7 emissions, spills and other releases into the environment, that affect or could affect elements  
8 of the environment;  
9  
10 (c) legislation, administrative acts related to environmental matters or that affect or could affect  
11 the elements and factors cited in subparagraphs (a) and (b), and the measures, policies, rules,  
12 plans, programmes that support them;  
13  
14 (d) reports and administrative acts on compliance with environmental legislation;  
15  
16 (e) economic and social analyses, as well as other studies used to make decisions related to the  
17 legislation, administrative acts and supporting mechanisms referred to in subparagraph (c);  
18  
19 (f) the state of the health and safety of individuals, living conditions, cultural assets, sites and  
20 built structures, when these are or could be affected by the state of the elements of the  
21 environment cited in subparagraph (a) or any of the factors or measures indicated in  
22 subparagraphs (b) and (c);  
23  
24 (g) acts, resolutions, and decisions on matters related to the environment that are issued by the  
25 national judicial and/or administrative bodies; and  
26  
27 (h) any other information on the environment or on elements, components or concepts related thereto.  
28

29 **“Public participation”** means the process by which people, individually or collectively,  
30 influence decisions on environmental matters through institutionalized various modalities ways  
31 offor participation.<sup>31</sup>

32  
33 **“Public”** means any natural or legal person or community organization or non-governmental  
34 organizations.<sup>32</sup>

35  
36 **“Directly affected public”** means public affected or potentially affected by decisions with  
37 environmental impacts. ]

38  
39 **“Environmental decision-making”** means the design, development, implementation,  
40 compliance and evaluation of laws, regulations, policies, plans, strategies, programmes, projects  
41 —whether public or private— and rules liable to affect the environment or the use, exploitation  
42 or conservation of natural resources, at all levels of the internal government structure (central or  
43 federal, regional, provincial or municipal).<sup>33</sup> ]

**Comment [D21]:** Remove cultural assets and replace with cultural sites and built structures (as in the Aarhus Convention.)

**Comment [D22]:** Adopt the definition used in the Aarhus Convention. “The public” means [one or more] natural or legal persons, and, in accordance with national legislation or practice, [their] associations, organizations or groups; There is still need for discussion on requirements for ngo/groups.

**Comment [D23]:** To include NGO which is in-keeping with the BALI Guidelines and Aarhus Convention.

**Comment [D24]:** Adopt the definition used in the Aarhus Convention. “The public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest.

**Comment [D25]:** It was agreed that those sections in which the term is used should be assessed for obligation before the definition can be approved. There is mention of future generations in the Preamble which could support the point for potentially affected. This is to be assessed further. Potentially affected should remain.

**Comment [D26]:** To be rephrase based on discussions. Ms. Guthrie and Mrs. Davis will draft the definition.

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4  
5 Article 3  
6 Principles<sup>34</sup>  
7

8 The Parties, in the measures they adopt to fulfil the objective of the present Agreement and apply  
9 its provisions, shall be guided, inter alia, by the following:

10  
11 a. **Equality and non-discrimination:** The Parties should guarantee that all persons are able to  
12 exercise their access rights without experiencing any form of discrimination based on social status,  
13 gender, age, nationality, race, religion, language, disability, political opinion or any other factor.  
14

15 b. **Inclusion:** The Parties should make special efforts to involve all persons and groups and  
16 ensure equality of opportunities in accordance with provisions in this agreement.<sup>35</sup>

**Comment [D27]:** It is also captured under A and could be removed.

17  
18 c. **Transparency and accountability:** The Parties should promote transparency and accountability  
19 to ensure that the interests and the objectives of the decisions with environmental impacts ~~of the~~  
20 ~~Parties~~ are explicit/transparent/clear and that all necessary information is [reliable and] provided in a  
21 timely manner.<sup>36</sup>

**Comment [D28]:** Disclaimers are normally used when information is from secondary sources.

22  
23 d. **Proactivity, co-responsibility and mutual trust:** The Parties and the public should take  
24 initiatives consistent with their respective roles, exercised responsibly, to develop their full potential  
25 and enrich the decision-making process for sustainable development in an effective and timely  
26 manner. ~~based on clearly defined responsibilities, legal certainty, transparency and mutual trust~~.<sup>37</sup>  
27

28 e. **Collaboration:** The Parties should recognize that collaborative efforts between the various  
29 stakeholders and between countries at all levels are essential because they facilitate the  
30 achievement of common objectives, strengthen and improve the quality of dialogue, enable the  
31 exchange of experiences and knowledge and promote prevention of conflicts and dispute  
32 settlement.<sup>38</sup>  
33

34 f. **Progressive realization and non-regression:** The Parties should advance progressively  
35 towards full implementation of Principle 10, building on the agreements already reached in the  
36 region and avoid taking any step backward, while recognizing the individual circumstances and  
37 capacity of each country with regard to access rights.<sup>39</sup>

**Comment [D29]:** Same as before.

38  
39 g. **Good faith and solidarity:** The Parties should cooperate in good faith and in the spirit of  
40 solidarity in the implementation of the present Agreement.<sup>40</sup>  
41

42 h. **Prevention:** The Parties should take the necessary measures to prevent environmental  
43 damage. The causes and sources of environmental problems will be addressed comprehensively  
44 and as a matter of priority.<sup>41</sup>  
45

1 | i. **Precautionary**: In order to protect the environment, the Parties should broadly apply the  
2 precautionary principle in accordance with their capacities. When there is danger of serious or  
3 irreversible damage, the lack of absolute scientific certainty shall not be invoked as a reason for  
4 postponing the adoption of cost-effective measures to prevent environmental degradation.<sup>42</sup>

**Comment [D30]:** Reference and use the definition from the 1992 Rio Declaration. In addition, The term "Precautionary" should be used instead of "Precaution".

6 | j. **Intergenerational equity**: The Parties should take steps to ensure appropriate use and  
7 enjoyment of the environment by present and future generations.<sup>43</sup>

**Comment [D31]:** Intragenerational equity should also be added.

9 | k. **Traceability**: The Parties should consider the possibility of identifying the origin and different  
10 stages of a process related to access rights. They should also recognize that it is essential to guarantee  
11 appropriate documentation of attributions, sources, responsible parties and custodians.<sup>44</sup>

**Comment [D32]:** Further clarification needed on the definition provided.

14 | Article 4  
15 | Scope of application<sup>45</sup>

17 | Within the limits of the scope of application of the relevant provisions of the present Agreement,  
18 all persons shall have the right to ~~obtain~~ access ~~to~~ information, to participate in decision-making  
19 and to ~~have~~ access ~~to~~ justice in environmental matters.

22 | Article 5  
23 | General obligations

25 | 1. ~~In order to contribute to sustainable development, (~~The Parties shall ensure the **full**  
26 **enjoyment of the** right of all individuals to live in a healthy ~~and sustainable~~ environment, ~~that~~  
27 ~~enables them to guarantee their health and well-being and the effective enjoyment of their~~  
28 ~~human rights in harmony with nature.~~<sup>46</sup>

30 | 2. Each Party shall adopt the legislative, regulatory or other measures necessary, **consistent with**  
31 **domestic circumstances** to guarantee ~~full~~**the** implementation of the provisions of the present  
32 Agreement.<sup>47</sup>

34 | 3. Each Party shall endeavour to ensure that its officials and authorities advise the public, especially  
35 **vulnerable/disadvantaged** groups, and provide technical assistance so it can obtain access to  
36 information, participate in decision-making and have access to justice in environmental matters.<sup>48</sup>

38 | 4. Each Party shall promote environmental awareness and education in the public sector and  
39 among the public, for the purpose of contributing to the effective application of rights of  
40 access to information, participation and justice in environmental matters and providing  
41 people with **information/knowledge, and build [capacity] where necessary and**  
42 **understanding** so they can participate in environmental decision-making.<sup>49</sup>

**Comment [D33]:** In keeping with allocation that will be made available throughout this process.

**Comment [D34]:** Clarity needed from ECLAC.

44 | 5. Each Party shall create an enabling environment and grant recognition, protection and  
45 support to associations, organizations, groups and/or individuals that defend and/or protect  
46 the environment and exercise the rights recognized in the present Agreement.<sup>50</sup>

**Comment [D35]:** Proposed language: Each Party shall foster an environment which does not impede the operations of associations, organizations, groups and/or individuals which, compatible with the principles of this Agreement, defend or protect the environment to exercise their rights as recognized in the present Agreement.

- 1  
2 6. The Parties shall encourage the non-Party countries of Latin America and the Caribbean to  
3 observe the provisions and become signatories ~~adhere~~ to this present Agreement.<sup>51</sup>  
4  
5 7. The Parties shall increase cooperation, including cross-border cooperation, in order to fully  
6 implement rights of access to information, participation and justice, based on the principles  
7 of sovereign equality, territorial integrity, solidarity, mutual benefit and good faith.<sup>52</sup>  
8  
9 8. The Parties shall collaborate ~~within each State, at all levels and~~ with all sectors within their  
10 respective States ~~of society~~, for implementation of the provisions of the present Agreement.<sup>53</sup>  
11 They shall also coordinate the activities conducted in accordance with the present Agreement as  
12 well as with any other relevant international agreements to which they may be party, in order to  
13 strengthen synergies between the activities carried out under each agreement, while avoiding  
14 duplication of efforts.<sup>54</sup>  
15  
16 9. None of the provisions of the present Agreement shall limit or repeal other rights or  
17 standards set forth in any other existing international agreement.<sup>55</sup>  
18  
19 10. The provisions of the present Agreement shall not prevent the Parties from ensuring broader  
20 access to information, participation and justice in environmental matters than provided  
21 herein, by means of existing or future national measures.<sup>56</sup>  
22  
23 11. Each Party shall endeavour to ensure that the principles set out in the present Agreement are  
24 applied in international decision-making on environmental matters, as well as in the  
25 framework of international ~~forums~~ forums on the environment.<sup>57</sup>  
26  
27 12. The Parties shall guarantee enjoyment of the rights recognized in the present Agreement  
28 ~~under equal conditions without distinctions~~, in accordance with the principle of equality and  
29 non-discrimination.<sup>58</sup> In fulfilling their obligations, the Parties shall give special  
30 consideration to ~~vulnerable groups, women, minorities, indigenous peoples and~~  
31 Afro-descendants, children, youth and older persons.<sup>59</sup>  
32  
33 ~~13. In the implementation of the present Agreement, the Parties shall adopt the most favourable~~  
34 ~~interpretation in order to guarantee the fullest effectiveness of access rights and the~~  
35 ~~protection of the environment.~~<sup>60</sup>  
36  
37 ~~14.~~13. To guarantee access rights, the Parties shall encourage the use of, inter alia, new information and  
38 communications technologies, such as electronic government, social networks and social and telematic  
39 media.<sup>61</sup>  
40  
41

#### Article 6

#### Access to environmental information

#### *Accessibility of environmental information*

**Comment [D36]:** New paragraph needed to express this obligation.

1 1. The Parties shall guarantee that all environmental information in possession of, under the  
2 control of, or in the custody of competent authorities is public and presumed to be relevant,  
3 regardless of format, medium, support, date of creation, origin, classification or processing,  
4 except as established in the present Agreement.<sup>62</sup>

5  
6 2. For effective exercise of the right of access to environmental information, the Parties shall  
7 guarantee the following for any person requesting environmental information from  
8 competent authorities:<sup>63</sup>

9  
10 (a) to freely request information without demonstrating or even mentioning a special interest  
11 or explaining why the information is being requested;<sup>64</sup>

12  
13 (b) to be informed promptly whether the documents that contain the requested information or  
14 from which such information can be derived are in the possession or not of the entity,  
15 authority or organization receiving the request;<sup>65</sup> and

16  
17 (c) to be informed of the right to appeal if information and requirements are not delivered.<sup>66</sup>

18  
19 The requests for environmental information should be understood in the broadest possible  
20 terms, such that the response includes all other information that can be presumed to be part of  
21 the request even if not expressly requested, such as background information, supplemental  
22 annexes, clarifications or contextual statements that contribute to a full understanding of the  
23 requested information.<sup>67</sup>

24  
25 3. Each Party shall create an environmental information system and keep it up to date, to  
26 include, inter alia:<sup>68</sup>

27  
28 (a) the texts of international treaties and agreements, as well as laws, regulations and  
29 administrative acts on or relating to the environment;

30  
31 (b) reports on the state of the environment, referred to in article 7.5;

32  
33 (c) the list of public authorities that have information with environmental content and that  
34 should be publicly accessible;

35  
36 (d) reports on environmental liabilities;

37  
38 (e) information on the use, conservation and exploitation of natural resources;<sup>69</sup>

39  
40 (f) systematized and updated information on administrative environmental impact  
41 assessment files;<sup>70</sup> and

42  
43 (g) information on hazardous materials, substances and activities.<sup>71</sup>

44  
45 The Parties shall guarantee that environmental information systems are duly organized,  
46 updated, accessible to all persons and available electronically.

**Comment [D37]:** Delete and replace with the following:  
1. Each Party shall ensure that, subject to this Agreement, competent authorities, in response to a request for environmental information, make such information available to the public, within the framework of national legislation.

**Comment [D38]:** Assuming that the Aarhus wording is adopted for 6.1 which speaks to working within the "Framework of Nation Legislation" the wording is satisfactory. Otherwise, insert "within the framework of national legislation."

**Comment [D39]:** Delete and replace with the following:  
It should be understood in the broadest possible terms, and the competent authority shall afford the applicant reasonable opportunity to consult with the authority with a view to identifying the information that may be required to contribute to a full understanding of the requested information.  
  
In keeping with sections 10 and 7(3) of National Legislation establishes a framework whereby the applicant is afforded an opportunity and assistance to clarify and identify the information that is to be the subject the application.

1  
2 The Conference of the Parties/secretariat may promote the creation and development of  
3 standards in relation to environmental information systems. The Conference of the Parties/  
4 secretariat may also suggest measures to facilitate the best use of resources.

**Comment [D40]:** Move to Article 7 based on the contents of the paragraph.

- 5  
6 4. The Parties shall endeavour, subject to the availability of resources, to facilitate access to  
7 information for ~~vulnerable/disadvantaged~~ individuals and/or groups, making alterations — as  
8 their specific challenges require— for the presentation of requests, processing and delivery of  
9 information, for the purpose of promoting access and participation under equal conditions.<sup>72</sup>  
10 Each Party shall guarantee that members of indigenous peoples have the right to receive  
11 assistance for preparing their requests in the official language and to receive a prompt  
12 response<sup>73</sup>.

**Comment [D41]:** Reference: Inter-american court of human rights re: maroons in Suriname.

13  
14 ~~Exceptions~~Exemptions regime

- 15  
16 5. In the event that the requested information or part thereof is not delivered to the  
17 ~~application/petitioner/applicant~~ because it falls under the ~~exemption/exemptions~~ regime, the  
18 competent authority shall duly justify its refusal<sup>74</sup> and ~~notify/give~~ the ~~petitioner/applicant~~:

- 19  
20 (a) ~~a reasonable estimate of the volume of whether the~~ material that is considered  
21 ~~confidential/exempt~~;  
22  
23 (b) ~~a of the~~ specific ~~description of the~~ provisions invoked and the reasons relied on to  
24 withhold it; and  
25  
26 (c) ~~information on~~ the ~~petitioner/applicant~~'s right to file an appeal and proceedings.<sup>75</sup>

- 27  
28 6. The ~~only~~ circumstances which can be invoked to refuse total or partial access to  
29 environmental information ~~\_~~ are the following:<sup>76</sup>

- 30  
31 (a) when its disclosure, communication or knowledge would affect the rights of individuals,  
32 especially as related to their safety, health or private life;  
33  
34 (b) when its disclosure, communication or knowledge would affect national security or  
35 interests, particularly with respect to national economy, national defence, public order,  
36 public health or international relations;  
37  
38 (c) when its disclosure, communication or knowledge would affect protection of the  
39 environment; and  
40  
41 (d) when the requested information is classified as exempt in accordance with national laws  
42 ~~secret or confidential by laws in force~~ and their respective regulations.

**Comment [D42]:** The wording at items (a) to (c) is acceptable except that for the categories of exemptions should be expanded to be aligned with internationally accepted/standard list such as those reflected in the Jamaican ATI Act; (d) raises the issue as to whether state sovereignty will be impeded/constrained in its ability to enact legislation that may alter the categories of exemptions as it determines appropriate.

If so, there is need to determine whether the GOJ is willing to be so constrained.

- 43  
44 7. The aforementioned reasons for refusal shall be legally established in advance, clearly  
45 defined and regulated taking into account the public interest and thus interpreted  
46 restrictively.<sup>77</sup> The burden of proof will lie with the competent authority.<sup>78</sup>

- 1  
2 8. For the purposes of the present Agreement, information on human and environmental health  
3 and safety shall not be considered confidential.<sup>79</sup>  
4  
5 9. Severability/partial disclosure: When not all information contained in a document is exempt from  
6 disclosure under the [exceptions/exemptions](#) set out in article 6.6, a public version may be created  
7 that redacts only the indispensable part. The non-exempt information shall be provided to the  
8 [petitioner/applicant](#) and made public.<sup>80</sup> To the extent practicable, the Parties shall ensure that the  
9 public knows the nature of the information excluded, including through non-confidential indexes  
10 or summaries.<sup>81</sup>  
11  
12 10. The Parties shall encourage the establishment of tests of public interest, instances for  
13 mediation or other mechanisms in order to weigh the interest of withholding information  
14 against the interest of disclosing it.<sup>82</sup>  
15

16 *Conditions applicable to the delivery of environmental information*

- 17  
18 11. The Parties shall guarantee that requested information is provided in the format specified by the  
19 [petitioner/applicant](#) at any time in the event that it is available, whether by physical or electronic  
20 means.<sup>83</sup>  
21  
22 12. All competent authorities shall respond to requests for environmental information as quickly as  
23 possible and avoid any type of delaying formalities.<sup>84</sup> The maximum period for responding to an  
24 information request shall be thirty business days from the date of receipt of the request.<sup>85</sup>  
25  
26 13. Inasmuch as a request requires a search or review of a large number of documents, a search  
27 in offices that are physically separate from the office receiving the request or consultations  
28 with other obligated entities prior to taking a decision on disclosure, the competent authority  
29 handling the request may extend the deadline for responding to the request by up to twenty  
30 additional business days.<sup>86</sup>  
31  
32 14. In the event that the competent authority cannot complete the response process in thirty  
33 business days, or within fifty business days if under the conditions set out in paragraph 13 of  
34 this article, the lack of response from the competent authority shall be understood as a refusal  
35 of the request.<sup>87</sup>  
36  
37 15. The competent authority to which the request is made shall respond by either granting access  
38 to the information or issuing a reasoned refusal.<sup>88</sup>  
39  
40 16. In the event that the entity to which the request for information is made is not competent to  
41 handle the request or does not possess the requested documents, it shall immediately forward  
42 the request to the competent authority or the authority that possesses the documents, to the  
43 extent that the latter can be identified, and so notify the [petitioner/applicant](#). If the competent  
44 authority cannot be identified or if the requested information is in the possession of multiple  
45 entities, the entity to which the request is made shall notify said circumstances to the  
46 [petitioner/applicant](#).<sup>89</sup>

1  
2 | 17. When the information does not exist, the ~~petitioner~~applicant shall be so notified.<sup>90</sup>

3  
4 | 18. The Parties shall guarantee that access to environmental information is free and that no fees  
5 | are charged other than the cost of reproducing the information and, as applicable, the cost of  
6 | delivery, if required.<sup>91</sup> No fee may be charged for information delivered electronically.<sup>92</sup>

7  
8 | *Independent review mechanisms*

9  
10 | 19. The Parties shall have an autonomous, independent and impartial entity or institution to  
11 | promote transparency in access to environmental information, oversee compliance with rules  
12 | and guarantee the right of access to information. This entity may have sanctioning powers.<sup>93</sup>

13  
14  
15  
16  
17  
18 | Article 7

19 | Generation and dissemination of environmental information

**Comment [D43]:** It was suggested that Article 6.3 be moved to Article 7. It could be placed before or after 7.1

20  
21 | 1. The Parties shall endeavour to generate, collect, systematize, make publicly available and  
22 | disseminate environmental information in a proactive and timely, regular, accessible and  
23 | comprehensible manner.<sup>94</sup> The Parties shall periodically update this information<sup>95</sup> and  
24 | encourage the disaggregation and decentralization of environmental information at the  
25 | subnational and local levels.<sup>96</sup>

**Comment [D44]:** Capacity concerns

26  
27 | 2. All environmental information in the public interest that is produced, handled and  
28 | disseminated shall be as practicable timely, ~~objective,~~ reliable, complete, up-to-date,  
29 | reusable, processable and available in formats that are accessible to ~~petitioner~~applicants and  
30 | interested parties, with no restrictions on its reproduction or use, in accordance with legal  
31 | provisions and ~~exception~~exemptions.<sup>97</sup> Open-data formats shall be encouraged.<sup>98</sup>

**Comment [D45]:** Capacity concerns

32  
33 | 3. Emergencies and disasters: Each Party shall ensure that in the case of an imminent threat to  
34 | ~~human~~the health or environment, whether attributable to human activities or due to natural  
35 | causes, all information that might help the public take measures to prevent or limit potential  
36 | damage that is in the possession of an ~~obligated entity~~competent authority is disseminated  
37 | immediately and without delay.<sup>99</sup>

38  
39 | 4. In order to facilitate access by ~~vulnerable~~disadvantaged groups to information that  
40 | particularly affects them, the Parties shall where practicable ensure that ~~obligated~~  
41 | ~~entities~~competent authority disclose environmental information in various languages and  
42 | prepare alternative formats that are comprehensible for said groups. The Parties shall  
43 | guarantee access to that information for the various ethnic and cultural groups in the country  
44 | and in particular shall ensure that suitable channels of communication are arranged to  
45 | provide access to ~~vulnerable~~disadvantaged individuals or groups.<sup>100</sup>



1 5. Each Party shall use its best endeavours to publish and disseminate at regular intervals not to  
2 exceed five years a national report on the state of the environment, which will contain at least:<sup>101</sup>  
3

4 (a) information on the quality of the environment;

5  
6 (b) pressures on the environment;

7  
8 (c) environmental legislation and policies;

9  
10 (d) national actions to fulfil international commitments;

11  
12 (e) number and type of participation mechanisms that were implemented during the period  
13 covered by the report and evaluation; and

14  
15 (f) specific description of advances in the implementation of access rights.

16  
17 ~~(f)~~(g) Institutional arrangements among responsible government ministries, departments  
18 and agencies.

19  
20 The reports should be drafted in an easily comprehensible manner and should be accessible  
21 to interested parties in different formats on various means. They should also be disseminated  
22 through culturally adequate means, including community radios and neighbourhood or  
23 community meetings.

24  
25 The Parties may invite the collaboration of the public in the preparation of these reports and  
26 may also request the support of the secretariat, along with other international organizations,  
27 for the systematization, publication and dissemination of these reports at the regional level.  
28

29 6. The Parties shall encourage independent environmental performance review on the basis of  
30 common criteria and indicators on environmental, economic and social matters, with a view  
31 to evaluating the efficacy, effectiveness and progress of their national environmental policies  
32 in fulfilment of their national and international commitments and generating relevant  
33 conclusions and recommendations for said policies. The reviews should include participation  
34 by the various stakeholders in society.<sup>102</sup>

35  
36 7. Each Party shall create, administer and periodically update a pollutant release and transfer  
37 register for the air, water, soil and subsoil, materials and waste in its jurisdiction, among  
38 others. The registered information will be public and electronically accessible and will  
39 contain disaggregated and standardized data.<sup>103</sup>

40  
41 8. Each Party shall establish dissemination mechanisms in accordance with its national laws  
42 for the purpose of guaranteeing public access to contracts, authorizations or permits signed  
43 by public authorities that involve the execution of investment projects subject to  
44 environmental assessment.<sup>104</sup>  
45

**Comment [D46]:** Capacity concerns. Also, seek clarification from ECLAC on the paragraph. What will the review process entail, is it an independent audit? What about review of legislation?

**Comment [D47]:** Not all categories would apply as legislation only covers air and water.

1 9. The Parties shall encourage the implementation of open-data policies at the various levels of  
2 government to help improve information systems, enhance transparency, generate  
3 inter-operability of data and promote innovation. The Parties shall also encourage the use of  
4 new information and communication technologies, including social networks and media, to  
5 disseminate environmental information. In the event of limitations, consideration should  
6 likewise be given to alternative dissemination and access mechanisms.<sup>105</sup>  
7

8 10. The Parties shall use its best endeavour to ensure that consumers and users have information  
9 ~~that is verifiable, relevant, precise, non-deceptive and science-based~~ on the environmental  
10 qualities and corresponding health effects of goods and services, in order to promote  
11 sustainable production and consumption patterns.<sup>106</sup>  
12

**Comment [E48]:** Reference should be made to "the public"

13 11. The Parties shall develop legislation, policies and guidelines~~regulations~~ that promote  
14 adequate management and archiving of environmental information and corresponding  
15 requests, to help make it available to the public, redistribute and reuse it, except as  
16 established in article 6.6 of the present Agreement. The competent authority may destroy  
17 information in its possession in accordance with national legislation, policies and  
18 guidelines.~~In no case may a competent authority destroy information in its possession.~~<sup>107</sup>  
19

20 12. The Parties shall promote, ~~through legal and/or institutional frameworks, the~~ access to  
21 environmental information generated by private entities.<sup>108</sup> The Parties shall ~~also encourage~~  
22 ~~the preparation of~~ sustainability reports on State-owned entities. ~~and~~  
23

**Comment [D49]:** ECLAC to provide clarification on information that would be included in the sustainability reports.

24 ~~13.~~ 13. The Parties shall encourage private entities~~enterprises~~ that contain information on the  
25 effects of companies' activities on the environment, health and safety, in particular  
26 information on dangerous substances or activities to provide such information to the  
27 public~~social and environmental performance of their activities.~~<sup>109</sup>  
28

29 ~~14.~~ 14. The Parties shall encourage access to adequate and specific information on the effects of  
30 companies' activities on the environment, health and safety, in particular information on  
31 dangerous substances or activities.<sup>110</sup>  
32  
33

**Comment [D50]:** Integrated in Article 7.12 above.

#### Article 8

##### Public participation in environmental decision-making

36  
37 1. The Parties commit to implement open and inclusive participation mechanisms for  
38 environmental decision-making.<sup>111</sup> ~~These mechanisms shall also apply to processes~~  
39 ~~associated with conservation, use, exploitation and management of natural resources.~~<sup>112</sup>  
40

**Comment [E51]:** In Article 8.1 there is a different commitment than that of Article 8.15

41 2. Each Party shall adopt measures to ensure timely public participation when all options and  
42 solutions are still possible and when the public is able to influence the outcome of the  
43 decision-making process~~exercise real influence.~~<sup>113</sup>  
44

**Comment [E52]:** Deleted based on the consideration for the definition for environmental decision making under Article 2 and reference to Article 8.15.

- 1 3. The public shall have access to relevant information for active and effective participation in a  
2 timely, comprehensible and objective manner and in a simple and clear format, through  
3 suitable means. The information will contain at least the following:<sup>114</sup>  
4
- 5 | (a) the type or nature of the decision, including where practicable a non-technical summary  
6 thereof;  
7
- 8 (b) the competent authority for making the decision and other authorities involved; and  
9
- 10 (c) the procedure specified for participation, including the date on which the procedure will  
11 begin and end, the possibilities offered to the public to participate and the date and place  
12 of any public consultation or hearing as applicable.  
13
- 14 4. For the different phases of the public participation procedure, reasonable periods will be  
15 provided that allow sufficient time to inform the public and enable it to prepare and  
16 participate effectively throughout the entire environmental decision-making process.<sup>115</sup>  
17
- 18 | 5. ~~Any~~ Any individual or group consulted person may present observations, information,  
19 analysis or opinions that he or she considers relevant in writing or through electronic means,  
20 at a public hearing or consultation or other established mechanisms.<sup>116</sup>  
21
- 22 6. The Parties shall ensure that the public is able to participate with full autonomy<sup>117</sup> and that  
23 accommodations are made for the social, economic, cultural, geographical and gender  
24 characteristics of individuals or groups of communities, by implementing differentiated  
25 participation processes intended to overcome any barriers to participation.<sup>118</sup> In particular,  
26 when ~~groups reside in the involved areas that~~ the directly affected public speak primarily  
27 languages other than the official language, the competent authority shall guarantee that the  
28 means are provided to facilitate their understanding and participation.<sup>119</sup>  
29
- 30 7. Each Party shall duly take into consideration the outcome of the participation process when  
31 making decisions.<sup>120</sup> A consultation report inclusive of ~~When~~ the observations or  
32 recommendations of the public should be disseminated accordingly, ~~are not taken into account,~~  
33 ~~the reason should be reported and substantiated in writing to those who made them.~~<sup>121</sup>  
34
- 35 8. Each Party shall ensure that when a public authority re-examines or updates projects,  
36 activities, policies, plans, rules, regulations, programmes or strategies liable to generate  
37 environmental impacts, the provisions contained in this article are observed.<sup>122</sup>  
38
- 39 9. Each Party shall ensure that once a decision has been made, the public is informed promptly,  
40 following the appropriate procedure. Each Party shall communicate to the public the text of the  
41 decision, and where applicable in-keeping with national laws communicate to the public  
42 accompanied by the interests and reasons on which the decision is based, including consideration  
43 of the observations of the public. ~~The decision and its basis will be public.~~<sup>123</sup>  
44
- 45 10. The Conference of the Parties may develop manuals and propose guidelines for the  
46 implementation of public participation in environmental decision-making.<sup>124</sup>

1  
2 | 11. Each Party shall strive to promote effective public participation in international forums and  
3 negotiations on environmental matters and/or with an environmental impact.<sup>125</sup>

**Comment [E53]:** This provision can be interpreted two ways (1) for Parties to include mechanisms for public participation and (2) Parties champion the issue of public participations at international and regional meetings. Clarification is needed from ECLAC as it relates to which interpretation should be adopted.

4  
5 | 12. ~~The Parties shall encourage the establishment of permanent formal spaces for consultation on~~  
6 ~~environmental matters in which representatives of various groups and sectors will~~  
7 ~~participate.~~<sup>126</sup> ~~The Parties shall promote regard for local knowledge, dialogue and interaction~~  
8 ~~of different views and knowledge.~~<sup>127</sup>

9  
10 | 13. The Parties shall make additional efforts to identify ~~vulnerable/disadvantaged~~ individuals and  
11 groups in order to ~~remove barriers to participation, engage them in an active, timely and~~  
12 ~~effective manner. For these purposes, the best media and formats will be considered, to~~  
13 ~~support their participation and ensure respect for their cultural characteristics.~~<sup>128</sup>

**Comment [E54]:** It is recommended that this article be merged with Article 8.6 which speaks to barriers to participation.

14  
15 | 14. When individuals or groups belonging to an indigenous people are affected, the Parties shall  
16 ensure that the applicable national and international standards ~~on this matter~~ are observed.<sup>129</sup>

**Comment [E55]:** The status of Maroons in Jamaica will have to be further assessed before a consensus can be reached on this paragraph.

17  
18 | *Additional measures for activities and projects*

19  
20 | 15. ~~The Parties shall guarantee mandatory public participation procedures as contained in the~~  
21 ~~article~~ for all projects and activities subject to environmental assessment in accordance with  
22 national law.<sup>130</sup> In all cases, public participation shall be guaranteed in projects and activities  
23 related to mining, electricity generation, production activities and certain uses of hazardous  
24 substances and treatment and disposal of waste.<sup>131</sup> In addition, public participation shall be  
25 ensured in projects and activities relating to coastal development.<sup>132</sup>

**Comment [PG56]:** Such obligations would not apply in all cases and the language used could be softer as mandatory suggest that the public would be forced to participate.

26  
27 | 16. ~~Each Party shall require the competent authorities to make efforts to identify the public directly~~  
28 ~~affected by the project or activity and promote specific actions to facilitate their informed~~  
29 ~~participation in decision making, including, inter alia, technical and financial assistance.~~<sup>132</sup>

30  
31 | 17. The public ~~directly affected will~~shall have access, ~~from the point in time at which it is~~  
32 ~~available, to all information of interest for the~~ to environmental ~~impact assessments~~ ~~of~~for  
33 projects and activities, which will encompass at least the following.<sup>133</sup>

34  
35 | (a) description of the site and physical and technical characteristics of the proposed project  
36 or activity;

37  
38 | (b) description of the major effects of the project or activity on the environment;

39  
40 | (c) description of the measures established to prevent or reduce those effects;

41  
42 | ~~(e)~~(d) description of alternative locations and technologies;

43  
44 | ~~(d)~~(e) a non-technical summary of (a), (b) and (c) of this paragraph; and

45  
46 | ~~(e)~~(f) the reports and opinions addressed to the public authority.

1  
2 18. ~~Any public directly affected by a decision in the environmental assessment of projects and~~  
3 ~~activities shall be promptly and specifically informed, and the decision shall be accompanied~~  
4 ~~by the reasons and considerations supporting it. The decisions adopted and the grounds on~~  
5 ~~which they are made will be public.~~<sup>134</sup>

**Comment [E57]:** This provision is similar to Article 8.9 and as such can be deleted. There is also a similar reference in Article 6...

6  
7  
8 Article 9  
9 Access to justice in environmental matters

10  
11 1. Each Party shall ~~guarantee the right~~ facilitate to access to justice in environmental matters  
12 ~~within a reasonable period of time~~ through administrative and/or judicial means, in the  
13 framework of a process that grants guarantees of due process ~~based on the principles of~~  
14 ~~legality, effectiveness, publicity and transparency,~~ through clear, fair, public,  
15 transparent ~~appropriate~~ and independent procedures.<sup>135</sup> The Parties shall ensure the right of  
16 appeal to a superior administrative and/or judicial body.<sup>136</sup>

17  
18 2. Each Party shall ensure, in accordance with ~~the framework of~~ its national laws, that any  
19 person is entitled to have access to a judicial body or other autonomous, independent and  
20 impartial body or administrative procedures to challenge the legality of:

- 21  
22 (a) any decision, action or omission related to the access to environmental information;<sup>137</sup>  
23  
24 (b) any decision, action or omission, with respect to substance or procedure, related to  
25 participation by the public in environmental decision-making;<sup>138</sup> and  
26  
27 (c) any decision, action or omission by an individual, public authority or private entity that  
28 could adversely affect the environment or violate, with respect to substance or procedure,  
29 the environmental laws and regulations of the State related to the environment.<sup>139</sup>

30  
31 3. To facilitate access to justice as described in Article 9.1 ~~guarantee this right,~~ the Parties shall  
32 ensure where practicable establish jurisdictional or non-jurisdictional entities specialized in  
33 environmental matters which have;<sup>140</sup>

**Comment [E58]:** Clarification needed from ECLAC relating to non-jurisdictional...

- 34  
35 (a) ~~effective, reasonable, clear,~~ fair, public ~~open,~~ rapid, transparent, ~~equitable~~ and  
36 timely ~~independent~~ procedures;<sup>141</sup>  
37  
38 (b) broad active rules relating to legal standing ~~in defense of the environment,~~ which may  
39 include collective actions;<sup>142</sup>  
40  
41 (c) an enabling environment for timely and effective execution mechanisms for decisions  
42 and redress;<sup>143</sup>  
43  
44 (d) ~~timely, adequate and effective mechanisms for redress, including restitution,~~  
45 ~~compensation and other suitable measures, and attention to victims as applicable,~~<sup>144</sup> and  
46 ~~the establishment of funds;~~<sup>145</sup>

1  
2 | (e) ~~the possibility of power for~~ ordering precautionary, interim and oversight measures to  
3 safeguard the environment and public health;<sup>146</sup> and  
4

5 (f) measures to facilitate the determination of environmental damage, including objective  
6 responsibility<sup>147</sup> and reversal of the onus of proof.<sup>148</sup>  
7

8 The Parties shall encourage, insofar as possible, the establishment of judicial and/or  
9 administrative standards of review in cases pertaining to environmental damage, such as the  
10 in dubio pro natura principle.<sup>149</sup>  
11

12 | 4. The Parties shall take adequate measures ~~to prevent any attack, threat, coercion or~~  
13 ~~intimidation that any person or group may suffer while exercising the rights guaranteed by~~  
14 ~~the present Agreement and ensure that these acts, should they occur, are~~ investigated, and  
15 ~~prosecuted and punished~~ in an independent, ~~rapid~~ and effective manner any attack, threat,  
16 coercion or intimidation that any person or group may suffer while exercising the rights  
17 guaranteed by the present Agreement. ~~Victims will be entitled to protection and damages.~~<sup>150</sup>  
18

19 | 5. To facilitate access to justice in environmental matters,<sup>151</sup> the Parties shall establish:  
20

21 (a) mechanisms to eliminate and reduce any obstacle that prevents or hinders access to  
22 justice and the duration of the processes. ~~The procedures will have no costs and no~~  
23 ~~restrictions of any kind will be allowed;~~<sup>152</sup>  
24

25 (b) mechanisms to publicize the right of access to justice and procedures to ensure its  
26 effectiveness;<sup>153</sup> and  
27

28 | (c) new mechanisms, which may include virtual, electronic and telephone mechanisms.  
29

30 | 6. In order to ~~exercise the right of~~ facilitate access to justice for vulnerable groups, the Parties  
31 shall give consideration to ~~disadvantaged groups by~~ establishing, inter alia:<sup>154</sup>  
32

33 (a) support mechanisms, including free technical and legal assistance;<sup>155</sup>  
34

35 | (b) channels that are linguistically, culturally, economically, spatially and [temporally]  
36 appropriate;<sup>156</sup> and  
37

38 (c) assistance in case of difficulties with reading and writing.  
39

40 | 7. The Parties shall encourage ~~ensure~~ that the decisions adopted and reasons are set out in  
41 writing ~~and duly justified, notified in a timely manner~~ and made available to the public.<sup>157</sup>  
42 The Parties shall encourage the generation of public registers of ~~judicial and/or~~  
43 administrative decisions on environmental matters.<sup>158</sup>  
44

**Comment [E59]:** The Precautionary Principle could be adopted as it is recognized in international and regional agreements provided that is what is being implied.

**Comment [E60]:** Not sure if all administrative decisions are amenable to public disclosure.

**Comment [E61]:** All judicial decisions are posted on the websites of the Supreme Court and the Court of Appeals. Any decision to create a register for environmental cases will need policy approval.

- 1 8. The Parties shall develop environmental law awareness and capacity-building programmes  
2 for the public; judicial and administrative officials, national human rights institutions, law  
3 enforcement officers and other justice sector actors; ~~jurists~~, inter alia.<sup>159</sup>  
4
- 5 9. The Parties shall promote Latin American and Caribbean regional cooperation for the  
6 investigation, prosecution and punishment of environmental crimes.<sup>160</sup>  
7
- 8 10. The Parties shall ~~encourage~~ encourage the development and use of alternative dispute resolution  
9 mechanisms, as applicable, ~~and~~ provided that no relinquishment of ~~the right to~~ access to  
10 justice is involved.<sup>161</sup>  
11  
12

13 Article 10  
14 Capacity-building and cooperation<sup>162</sup>  
15

- 16 1. To guarantee implementation of the provisions of the present Agreement, the Parties shall  
17 promote capacity-building and cooperation based on national demands and needs, specific  
18 regional considerations, flexibility, efficiency and effectiveness, results-based management  
19 and consideration of the target audiences. The purpose of capacity-building and cooperation  
20 will be to establish a framework for peers to share experiences and carry out activities of  
21 common interest.  
22
- 23 2. The Parties shall cooperate to build capacity and strengthen human and institutional  
24 resources to implement the present Agreement in an effective manner, particularly in those  
25 Parties that are least developed countries or Caribbean small island developing States.<sup>163</sup>  
26
- 27 3. For the purposes of implementation of the previous paragraph, and within the framework  
28 of the commitments established in the present Agreement, cooperation modalities may  
29 include, inter alia:  
30
- 31 (a) discussions, workshops, exchanges of experts, technical assistance, education and  
32 awareness-raising and observatories;
  - 33
  - 34 (b) development, exchange and implementation of educational, training and awareness-  
35 raising materials and programmes at the national and international level;
  - 36
  - 37 (c) voluntary codes of conduct, guidelines, good practices and/or standards;
  - 38
  - 39 (d) sharing of experiences at all levels; and
  - 40
  - 41 (e) use of committees, councils and public-private platforms to address cooperation priorities  
42 and activities.
  - 43
- 44 4. A clearinghouse on access rights, to be managed by the secretariat, is hereby established for  
45 the purpose of promoting synergies and coordination in capacity-building.<sup>164</sup>  
46

**Comment [PG62]:** What kind of “activities of common interest” are envisaged by ECLAC?

**Comment [PG63]:** There is need for further clarification on this paragraph.

1 The Parties shall provide to the clearinghouse on access rights whatever **may be required**  
2 in accordance with the decisions adopted by the Conference of the Parties, which may  
3 include, inter alia:

- 4
- 5 (a) legislative, administrative and policy measures on access rights;
- 6
- 7 (b) information on the national focal point and the competent authority or authorities; and
- 8
- 9 (c) codes of conduct and good practices.

10 The Conference of the Parties, at its third meeting at the latest, shall examine operational  
11 modalities for the clearinghouse on access rights, including reports on its activities and take  
12 decisions with respect to those modalities.

13  
14 5. In fulfilment of the commitments assumed under the present Agreement, each Party, to the  
15 extent of its ability, shall promote and facilitate, at the national level:

- 16
- 17 (a) capacity-building and guidance for the competent authorities and entities to help them  
18 perform their duties under the present Agreement. These measures may include, inter alia:  
19
  - 20 i. training for officials and authorities to assist and guide the public in access to  
21 information, participation and justice in environmental matters;
  - 22 ii. provisioning of government offices with human and technological resources,  
23 including information and communications technologies, to deliver assistance to  
24 the public; and
  - 25 iii. ongoing evaluation and improvements consistent with the collection of qualitative  
26 and quantitative information on the environment.
- 27
- 28 (b) promotion of environmental education and public awareness concerning environmental  
29 matters, so the public will know how to proceed to gain access to information, participate  
30 in decision-making and take recourse to justice. These measures may include, inter alia:  
31
  - 32 i. organization of awareness campaigns targeting the general public;
  - 33 ii. promotion, on an ongoing basis, of public access to relevant information, as well  
34 as broad public participation, in education and awareness activities;
  - 35 iii. promotion of the establishment of associations, organizations or groups that help  
36 raise awareness among the public;
  - 37 iv. development and implementation of training and awareness programmes for the  
38 public, especially ~~disadvantages-disadvantaged~~ groups on access rights;
  - 39 v. preparation and dissemination of basic educational modules on access rights for  
40 students in primary and secondary school; and
  - 41 vi. training for workers, scientists, educators and technical and management  
42 personnel.
- 43

Comment [PG64]: Softer language could be used.



1 6. The Parties shall cooperate, as applicable, with existing global, regional, subregional and national  
2 institutions and organizations. In this context, the Parties may partner with, inter alia, non-  
3 governmental, academic and private organizations and other relevant stakeholders.<sup>165</sup>  
4

5  
6 Article 11  
7 Resources<sup>166</sup>  
8

- 9 1. Each Party, to the extent of its ability, subject to budgetary availability and in accordance with its  
10 national policies, priorities, plans and programmes, commits to provide the resources for national  
11 activities that are needed to fulfil the obligations assumed under the present Agreement.  
12  
13 2. A fund, to be managed by the secretariat, is hereby established to finance implementation of the  
14 present Agreement to be defined at the Conference of the Parties in accordance with article 12.  
15  
16 3. The Conference of the Parties shall examine the possibility of establishing other financial  
17 provisions by consensus and technical assistance mechanisms to facilitate implementation of  
18 the present Agreement. It shall also explore additional means of financing for  
19 implementation of the present Agreement.  
20

21  
22 Article 12  
23 Conference of the Parties<sup>167</sup>  
24

- 25 1. A Conference of the Parties is hereby established.  
26  
27 2. The Executive Secretary of the Economic Commission for Latin America and the Caribbean  
28 shall convene the first meeting of the Conference of the Parties no later than one year after  
29 the entry into force of the present Agreement. Subsequently, ordinary meetings of the  
30 Conference of the Parties will be held at regular intervals to be decided by the Conference.  
31  
32 3. Extraordinary meetings of the Conference of the Parties will be held when the Conference  
33 deems necessary or when a Party so requests in writing, provided that within six months of  
34 the secretariat's notification of the request to the Parties, at least one third of the Parties  
35 support the request.  
36  
37 4. At its first meeting, the Conference of the Parties shall:  
38  
39 (a) discuss and approve the rules of procedure for subsequent meetings, including the  
40 modalities for significant participation by the public;  
41  
42 (b) discuss and approve by consensus the Fund and other financial provisions for the  
43 functioning of the bodies of the present Agreement; and,  
44  
45 (c) discuss and approve the rules of procedure and membership of the body created  
46 under article 17.4.

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5. The Conference of the Parties shall keep implementation and effectiveness of the present Agreement under permanent review and evaluation. To that effect, it shall:
- (a) establish such subsidiary bodies as it deems necessary for implementation of the present Agreement;
  - (b) cooperate, as applicable, with the competent international organizations and bodies and intergovernmental and non-governmental entities;
  - (c) receive communications from the Parties on the lessons learned from the conclusion and implementation of bilateral and multilateral agreements or other agreements related to the objective of the present Agreement to which one or several of them are party, and share these with all the Parties;
  - (d) consider all recommendations made to it pursuant to article 17.4;
  - (e) prepare and adopt, as applicable, protocols to the present Agreement;
  - (f) examine and adopt proposals to amend the present Agreement in accordance with the provisions of article 19; and
  - (g) examine and adopt any additional measures needed to achieve the objective of the present Agreement.

Article 13  
Right to vote

Each Party to the present Agreement shall have one vote.

Article 14  
Presiding Officers

1. At the Conference of the Parties, the Parties shall elect Presiding Officers consisting of at least one chair and two vice chairs, one of whom will act as rapporteur.
2. The Presiding Officers shall exercise their functions until the next meeting of the Conference of the Parties.
3. The functions of the Presiding Officers will be:
  - (a) to support implementation of the present Agreement, with the support of the secretariat;
  - (b) to convene, along with the secretariat, the meeting of the Conference of the Parties;

- 1  
2 (c) to chair the meetings of the Conference of the Parties and ensure compliance with the  
3 rules of procedure; and  
4  
5 (d) to perform other functions derived from agreements reached at the meetings of the  
6 Conference of the Parties.  
7  
8

9 Article 15  
10 Secretariat

11  
12 A secretariat is hereby established to exercise the following functions:

- 13  
14 (a) convene and prepare the meetings of the Conference of the Parties and its subsidiary  
15 bodies and provide the necessary services;  
16  
17 (b) implement the rules of procedure for participation by the public in meetings of the  
18 Conference of the Parties and its subsidiary bodies;  
19  
20 (c) provide assistance to the Parties for capacity-building, including the sharing of  
21 experiences and exchange of information and the organization of activities in accordance  
22 with article 10; and  
23  
24 (d) perform any other secretariat functions specified in the present Agreement and any other  
25 functions as determined by the Parties.  
26  
27

28 Article 16  
29 Consultative groups or subsidiary bodies

- 30  
31 1. The Conference of the Parties may create specialized technical panels or groups to advise the  
32 Parties on specific issues relevant to implementation of the present Agreement or other issues  
33 related to implementation of access rights.  
34  
35 2. The technical panels or groups may be composed of representatives from all the Parties.  
36 Meetings of the technical panels or groups will be open.  
37  
38  
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42 Article 17  
43 Implementation, monitoring and evaluation<sup>168</sup>

- 44  
45 1. At the meetings of the Conference of the Parties, the Parties shall report on the policies and  
46 measures (legal, institutional or otherwise) adopted to implement the present Agreement as

1 well as activities conducted with the public. The Conference of the Parties may adopt  
2 individual or collective recommendations to this effect.

- 3  
4 2. With a view to implementing the provisions of the present Agreement, those Parties that are least  
5 developed countries or Caribbean small island developing States shall be taken into account.  
6  
7 3. The secretariat may prepare periodic implementation guidelines and good practices for  
8 promoting the exchange of experiences in fulfilment of the provisions of the present Agreement.  
9  
10 4. A Facilitation and Follow-up Committee is hereby established as a subsidiary body of the  
11 Conference of the Parties, to promote application and support the Parties with  
12 implementation of the present Agreement based on capacity-building and cooperation.  
13

14 The Committee will be non-adversarial, non-judicial and of a consultative nature to review  
15 compliance of the provisions of the present Agreement and formulate recommendations, with  
16 special attention to the national capacities and circumstances of the Parties. The Committee  
17 will allow appropriate participation by the public and review communications from the  
18 Parties, other entities of the present Agreement and members of the public. It may also  
19 submit recommendations for the consideration of the Conference of the Parties.  
20

- 21 5. The Conference of the Parties shall establish a peer review mechanism to evaluate  
22 observance of the provisions of the present Agreement. The rules of operation shall ensure  
23 effective participation by the public and will be established by consensus by the Conference  
24 of the Parties no later than at its third meeting.  
25  
26 6. The Conference of the Parties shall evaluate the effectiveness of the present Agreement no  
27 later than six years after the date of its entry into effect, and periodically thereafter at  
28 intervals that it will determine.<sup>169</sup>  
29  
30

31 Article 18  
32 Settlement of disputes<sup>170</sup>  
33

- 34 1. If a dispute arises between two or more Parties with regard to the interpretation or  
35 implementation of the present Agreement, these Parties shall endeavour to resolve it through  
36 negotiation or any other means of dispute resolution they consider acceptable.  
37  
38 2. Upon signing, ratifying, accepting, approving or acceding to the present Agreement, or at any  
39 time thereafter, a Party may indicate in writing to the Depositary, with respect to any disputes  
40 not resolved in accordance with paragraph 1 of this article, that it agrees to regard as  
41 obligatory one or both of the following means of dispute settlement in its relations with any  
42 Party that agrees to the same obligation:  
43  
44 (a) presentation of the dispute to the International Court of Justice; and/or  
45

1 (b) arbitration in accordance with the procedures that the Conference of the Parties will  
2 establish, as feasible.

3  
4 3. If the parties to the dispute have accepted both means of dispute settlement mentioned in  
5 paragraph 2 of this article, the dispute may be submitted only to the International Court of  
6 Justice, unless the parties agree otherwise.  
7

8  
9 Article 19  
10 Amendments<sup>171</sup>

- 11  
12 1. Amendments to the present Agreement may be proposed by any Party.  
13  
14 2. Amendments to the present Agreement shall be adopted at a meeting of the Conference of  
15 the Parties. The text of any proposed amendment shall be communicated to the Parties by the  
16 secretariat at least six months before the meeting at which it is proposed for adoption. The  
17 secretariat shall also communicate the proposed amendment to the signatories to the present  
18 Agreement and, for information, to the Depositary.  
19  
20 3. The Parties shall make every effort to reach agreement on any proposed amendment to the  
21 present Agreement by consensus. If all efforts at consensus have been exhausted, and no  
22 agreement reached, the amendment shall as a last resort be adopted by a three-fourths  
23 majority vote of the Parties present and voting at the meeting.  
24  
25 4. An adopted amendment shall be communicated by the Depositary to all Parties for  
26 ratification, acceptance or approval.  
27  
28 5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in  
29 writing. An amendment adopted in accordance with paragraph 3 of this article shall enter into  
30 force for the Parties having consented to be bound by it on the ninetieth day after the date of  
31 deposit of instruments of ratification, acceptance or approval by at least three fourths of the  
32 number of Parties that were Parties at the time at which the amendment was adopted.  
33 Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after  
34 the date on which that Party deposits its instrument of ratification, acceptance or approval of  
35 the amendment.  
36  
37  
38  
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41

42 Article 20  
43 Signature, ratification, acceptance, approval and accession<sup>172</sup>  
44

- 1 1. The present Agreement may be signed by any of the countries of Latin America and the  
2 Caribbean included in annex 1 at (city, country) on (date), and thereafter at the United  
3 Nations headquarters in New York until (date).  
4  
5 2. The present Agreement will be subject to the ratification, acceptance or approval of the  
6 States that have signed it. The Agreement will be open to accession by any country in Latin  
7 America and the Caribbean included in annex 1 starting on the day following the deadline for  
8 signing the Agreement. Instruments of ratification, acceptance, approval or accession will be  
9 deposited with the Depositary.  
10  
11 3. The States are encouraged to transmit, at the time of their ratification, acceptance, or  
12 approval of the Agreement or accession to it, information to the secretariat on the measures  
13 they will take to comply with the provisions of the present Agreement.<sup>173</sup>  
14

15  
16 Article 21  
17 Entry into force<sup>174</sup>  
18

- 19 1. The present Agreement will enter into force on the ninetieth day after the date on which the  
20 fifth instrument of ratification, acceptance, approval or accession has been deposited.  
21  
22 2. With respect to each State that ratifies, accepts or approves the present Agreement or accedes to  
23 it after the fifth instrument of ratification, acceptance, approval or accession has been deposited,  
24 the present Agreement will enter into effect on the ninetieth day after the date on which the State  
25 has deposited its instrument of ratification, acceptance, approval or accession.  
26

27  
28 Article 22  
29 Reservations<sup>175</sup>  
30

31 No reservations may be made to the present Agreement.  
32

33  
34 Article 23  
35 Termination<sup>176</sup>  
36

- 37 1. At any time after a period of three years from the effective date of the present Agreement  
38 with respect to a Party, that Party may terminate the present Agreement by providing written  
39 notification to the Depositary.  
40  
41 2. The termination will take effect one year after the date of which the Depositary receives the  
42 corresponding notification, or thereafter, on the date indicated in the notification.  
43

44  
45 Article 24  
46 Depositary<sup>177</sup>

1  
2 The Secretary-General of the United Nations will be the Depositary for the present Agreement.

3  
4

5 Article 25  
6 Authentic texts

7  
8 The original of the present Agreement, whose texts (Spanish and English) are equally authentic,  
9 will be deposited with the Secretary-General of the United Nations.

10  
11 IN WITNESS WHEREOF, the undersigned, duly authorized, have signed the present  
12 Agreement.

13  
14 DONE at (city, country) on (date).

## ANNEX 1

- Antigua and Barbuda
- Argentina
- Bahamas (the)
- Barbados
- Belize
- Bolivia (Plurinational State of)
- Brazil
- Chile
- Colombia
- Costa Rica
- Cuba
- Dominica
- Dominican Republic (the)
- Ecuador
- El Salvador
- Grenada
- Guatemala
- Guyana
- Haiti
- Honduras
- Jamaica
- Mexico
- Nicaragua
- Panama
- Paraguay
- Peru
- Saint Kitts and Nevis
- Saint Vincent and the Grenadines
- Saint Lucia
- Suriname
- Trinidad and Tobago
- Uruguay
- Venezuela (Bolivarian Republic of)



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<sup>1</sup> Rio Declaration on Environment and Development (1992), Principle 10.

<sup>2</sup> Roadmap adopted at the first meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 6 and 7 November 2012 (LC/L.3565).

<sup>3</sup> Minamata Convention on Mercury (2013); International Treaty on Plant Genetic Resources for Food and Agriculture (2001); Stockholm Convention on Persistent Organic Pollutants (2001); Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998); United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (1994); Convention on Biological Diversity (1992); Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2010); Nagoya - Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2010); Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2000); United Nations Framework Convention on Climate Change (1992); Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997); Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989); Vienna Convention for the Protection of the Ozone Layer (1985); Montreal Protocol on Substances that Deplete the Ozone Layer to the Vienna Convention for the Protection of the Ozone Layer (1987); Convention on the Conservation of Migratory Species of Wild Animals (1979); Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973); and, Convention on Wetlands (Ramsar Convention) (1971), among others.

<sup>4</sup> Roadmap adopted at the first meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 6 and 7 November 2012 (LC/L.3565) and, “The Future We Want” (A/CONF.216/L.1).

<sup>5</sup> A/CONF.216.13.

<sup>6</sup> Declaration of Santiago adopted at the I CELAC Summit (2013); Santiago Declaration adopted at the I CELAC-EU Summit (2013); and Declaration of Belén adopted at the III CELAC Summit (2015).

<sup>7</sup> San José Content adopted at the fourth meeting of the focal points appointed by the governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); and input from the public of Mexico.

<sup>8</sup> Roadmap adopted at the first meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 6 and 7 November 2012 (LC/L.3565).

<sup>9</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); the Port of Spain Accord on the Management and Conservation of the Caribbean Environment issued by the First CARICOM Ministerial Conference on the Environment (1989); and input from Colombia.

<sup>10</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); and input from Mexico and the public of Mexico.

<sup>11</sup> Universal Declaration on Human Rights (1948), articles 8, 10, 18, 19, 20 and 21; International Covenant on Civil and Political Rights (1966), articles 9, 14, 15, 18, 19, 21, 22 and 25. Also contained, among others, in: Antigua and Barbuda: The Antigua and Barbuda Constitution Order (1981), articles 3, 5, 12 and 13; Argentina: *Constitución de la Nación Argentina* (1994), articles 14, 18, 37 and 43; Belize: Belize Constitution (1981), articles 3, 5, 6 and 11-13; Bolivia (Plur. State of): *Constitución Política del Estado* (2008), Third Chapter of Title I, First Chapter of Title IV and Chapter 1 of Title VII; Brazil: *Constituição da República Federativa do Brasil* (1988), article 5; Jamaica: Jamaica Constitution Order (1962), articles 13, 15 and 22-24; Saint Vincent and the Grenadines: Constitution of Saint Vincent and the Grenadines (1979), articles 1 and 8-11; Trinidad and Tobago: The Constitution of the Republic of Trinidad and Tobago (1976), articles 4 and 5; and input from the public of Brazil.

<sup>12</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780).

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<sup>13</sup> Roadmap adopted at the first meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 6 and 7 November 2012 (LC/L.3565).

<sup>14</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); St. George's Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), Principle 1; Resolution 69/183 of the General Assembly on human rights and extreme poverty (A/RES/69/183) proposed by Argentina, Barbados, Belize, Bolivia (Plur. State of), Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bol. Rep. of), among others.

<sup>15</sup> Roadmap adopted at the first meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 6 and 7 November 2012 (LC/L.3565).

<sup>16</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780).

<sup>17</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780).

<sup>18</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); "The Future We Want" (A/CONF.216/L.1), paragraphs 43, 45, 49 and 50; Port of Spain Consensus of the Caribbean Regional Economic Conference (1991), Section III; and, input from Mexico and the public of the Caribbean and Colombia.

<sup>19</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780).

<sup>20</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Bolivia (Plur. State of): *Constitución Política del Estado* (2008), article 1; Bolivia (Plur. State of): *Ley n° 341 de Participación y Control Social* (2013), article 4; Guatemala: *Acuerdo Gubernativo n° 791 Normativa sobre la Política Marco de Gestión Ambiental* (2003), article 2.7; and, Paraguay: *Ley n° 4.251 de Lenguas* (2010), article 2.

<sup>21</sup> Bolivia (Plur. State of): *Constitución Política del Estado* (2008), articles 4, 30, 98 and 100; input from the public of Chile; and, discussions at the "Current status of the international debate (2): environmental justice, equity and the environment" of the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970).

<sup>22</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); and input from Mexico.

<sup>23</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780).

<sup>24</sup> A/CONF.216.13; Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); and input from the public of Mexico.

<sup>25</sup> [A/CONF.216.13 and input from Mexico.](#)

<sup>26</sup> Panama: *Ley n° 41 General de Ambiente* (1998), article 2 (“Autoridad competente o sectorial. Institución pública que, por mandato legal, ejerce los poderes, la autoridad y las funciones especializadas, relacionados con aspectos parciales o componentes del medio ambiental o con el manejo sostenible de los recursos naturales.”). References to the concept in Bolivia (Plur. State of): *Ley n° 1333 del Medio Ambiente* (1992), articles 94 (citizen participation) and 100 (environmental oversight); Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 72 (public administrative audiences on environmental decisions); Ecuador: *Ley n° 37 de Gestión Ambiental* (1999), article 46 (administrative actions); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 162 (inspection and oversight); and, Peru: *Ley n° 28.611 General del Ambiente* (2005), articles 51 (citizen participation proceedings) and 130 (environmental oversight and sanctions).

<sup>27</sup> Model Inter-American Law on Access to Public Information, AG/RES. 2607 (XL-O/10) (2010), article 2. Argentina: *Decreto n° 1.172 sobre el acceso a la información pública* (2003), Annex VII, article 2 (“Las disposiciones del presente son aplicables asimismo a las organizaciones privadas a las que se hayan otorgado subsidios o aportes provenientes del sector público nacional, así como a las instituciones o fondos cuya administración, guarda o conservación esté a cargo del Estado Nacional a través de sus jurisdicciones o entidades y a las empresas privadas a quienes se les hayan otorgado mediante permiso, licencia, concesión o cualquier otra forma contractual, la prestación de un servicio público o la explotación de un bien del dominio público”); Argentina: *Ley n° 25.831 del Régimen de Libre Acceso a la Información Pública Ambiental* (2003), article 4; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 3; Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 1 (applies to the Executive, Legislative, Judicial powers, Comptrollers Office, Public Prosecutors’ Office and private entities that receive public funds); Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 5; Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), article 3; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), article 1 (includes legislative and judicial powers with regard to administrative functions); El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), articles 7 and 8 (bodies of the State); Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 6 (includes legislative and judicial powers); Honduras: *Decreto Legislativo n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 3.4 (legislative, executive and judicial powers); Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 3.XIV (all powers of the State); Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), article 1.8 (all); Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), article 2.1 (legislative, executive and judicial powers, armed forces, ombudsmen, universities, among others); and, Trinidad and Tobago: Act n° 26 Freedom of Information Act (1999), article 4 (includes Parliament and certain Courts).

<sup>28</sup> A/CONF.216.13 and input from Mexico.

<sup>29</sup> Peru: *Ley n° 28.611 General del Ambiente* (2005), article 10 (equity principle); Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox (A/HRC/28/61), Section III.I; and, “Sustainable Development 20 Years from the Earth Summit: developments, gaps and strategic guidelines for Latin America and the Caribbean”, United Nations, 2012 (LC/L.3346/Rev.1).

<sup>30</sup> Argentina: *Ley n° 25.831 del Régimen de Libre Acceso a la Información Pública Ambiental* (2003), article 2; and, Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 31 bis.

<sup>31</sup> Bolivia (Plur. State of): *Ley n° 341 de Participación y Control Social* (2013), article 5 (“Es un derecho, condición y fundamento de la democracia, que se ejerce de forma individual o colectiva, directamente o por medio de sus representantes; en la conformación de los Órganos del Estado, en el diseño, formulación y elaboración de políticas públicas, en la construcción colectiva de leyes, y con independencia en la toma de decisiones.”); Peru: *Decreto Supremo n° 008-2005-PCM que aprueba el Reglamento de la Ley marco del Sistema Nacional de Gestión Ambiental* (2005), articles 78 (“La participación ciudadana ambiental es el proceso mediante el cual los ciudadanos, en forma individual o colectiva, inciden en la toma de decisiones públicas en materia ambiental, así como en su ejecución y control.”) and 79 (“Los mecanismos de participación ciudadana son conjuntos de reglas y procedimientos que facilitan la incorporación de los ciudadanos en los procesos de toma de decisiones en materia ambiental, así como en la ejecución de las mismas, incluyendo el acceso a la información ambiental y a la justicia ambiental, de acuerdo a Ley.”); Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre*

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*Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 21 (“La participación ciudadana ambiental es el proceso mediante el cual los ciudadanos participan responsablemente, de buena fe y con transparencia y veracidad, en forma individual o colectiva, en la definición y aplicación de las políticas relativas al ambiente y sus componentes, que se adopten en cada uno de los niveles de gobierno, y en el proceso de toma de decisiones públicas sobre materias ambientales, así como en su ejecución y fiscalización. Las decisiones y acciones de la gestión ambiental buscan la concertación con la sociedad civil.”); and, “Planificación ciudadana para un cambio estructural: las estrategias de participación ciudadana en los procesos de planificación multiescalar”, ILPES, 2015 (“La participación ciudadana ha sido reconocida como un derecho fundamental que establece la legitimidad de ser parte de la toma de decisiones de los asuntos públicos, a través de formas institucionalizadas más allá de participar en los actos electorarios.”).

<sup>32</sup> Plan of Action to 2014 for the implementation of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and its roadmap adopted at the second meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on 16 and 17 April 2013 (LC/L.3677) and input from Mexico.

<sup>33</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970)

<sup>34</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780).

<sup>35</sup> Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 4 i).

<sup>36</sup> Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), articles 2 and 4; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), articles 1, 3 and 4; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 3; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), articles 3 and 4h); Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), articles 1.3 and 1.6; Honduras: *Decreto Legislativo n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), articles 2.3 and 2.5; Jamaica: *Access to Information Act n° 21* (2002), article 2; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 4; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 3.5; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), articles 1.12 and 1.13; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 11; and, Uruguay: *Decreto n° 232-010 que reglamenta la Ley n° 18.381* (2010), article 5.

<sup>37</sup> St. George’s Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), Goal 2; Colombia: *Ley n° 850 por medio de la cual se reglamentan las veedurías ciudadanas* (2003), article 11; Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), article 2; Ecuador: *Ley Orgánica n° 13 de Participación Ciudadana* (2010), article 4; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 2h); Guatemala: *Acuerdo Gubernativo n° 791 Normativa sobre la Política Marco de Gestión Ambiental* (2003), articles 2.3 and 3.2.10; Haiti: *Décret portant sur la Gestion de l’Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 7; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 15.III; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 11; Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 5o); Trinidad and Tobago: *Environmental Management Act n° 3* (2000), preamble and article 16(2); Uruguay: *Ley n° 17.283 sobre la Protección del Medio Ambiente* (2000), article 6; Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), articles 4.1 and 17; and, input from Colombia and Mexico.

<sup>38</sup> Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 1.10.

<sup>39</sup> Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 4 and input from Colombia and the public of Mexico.

<sup>40</sup> Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 4; Bolivia (Plur. State of): *Constitución Política del Estado* (2008), article 255.II; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 4 h); Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 3; Ecuador: *Ley n° 37 de Gestión Ambiental* (1999), article 2; and, Ecuador: *Ley Orgánica n° 13 de Participación Ciudadana* (2010), article 4.

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<sup>41</sup> Antigua and Barbuda: Draft Environmental Protection and Management Act (2014), article 4; Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 4; Brazil: *Lei n° 6.938 que dispõe sobre a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências* (1981), articles 4.I and 4.II; Brazil: *Lei n° 12.305 que Institui a Política Nacional de Resíduos Sólidos* (2010), article 6; Chile: *Proyecto de Ley (Boletín 9.404-12) que crea el Servicio de Biodiversidad y Áreas Protegidas y el Sistema Nacional de Áreas Protegidas* (2014), article 2 e); Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 5.24; Colombia: *Ley n° 1.333 por la cual se establece el procedimiento sancionatorio ambiental y se dictan otras disposiciones* (2009), article 2; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 4c); Cuba: *Ley n° 81 del Medio Ambiente* (1997), article 4d); Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), articles 8 and 15.1; Dominican Republic: *Reglamento del Proceso de Evaluación Ambiental*, article 3; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 2e); Guatemala: *Decreto n° 68 Ley de Protección y Mejoramiento del Medio Ambiente* (1986), articles 1 and 12b); Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 1; Honduras: *Acuerdo n° 109 Reglamento de la Ley General del Ambiente* (1993), article 9; Honduras: *Acuerdo n° 189 Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), article 3; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), articles 1.VI, 3.XXVI and 15.VI; Nicaragua: *Ley n° 217 General del Medio Ambiente y de los Recursos Naturales* (1996), articles 3.1 and 4.3; Panama: *Constitución Política de la República de Panama* (1978), article 119; Panama: *Ley n° 41 General de Ambiente* (1998), article 4.5; Peru: *Ley n° 28.611 General del Ambiente* (2005), articles VI and 11b); Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 5m); Uruguay: *Ley n° 17.283 sobre la protección del medio ambiente* (2000), articles 1D and 6; Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), article 4.2; and, input from Mexico.

<sup>42</sup> United Nations Framework Convention on Climate Change (1992), article 3.3; Convention on Biological Diversity (1992), Preamble; Treaty of Chaguaramas establishing the Caribbean Community (1973), article 65.2(e); St. George's Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), Goal 1 and definitions; Rio Declaration on Environment and Development (1992), Principle 15; Antigua and Barbuda: Draft Environmental Protection and Management Act (2014), article 7.5 b); Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 4; Brazil: *Lei n° 9.605 que dispõe sobre as sanções penais e administrativas derivadas de condutas e atividades lesivas ao meio ambiente, e dá outras providências* (1998), article 54.3; Brazil: *Lei n° 12.305 que Institui a Política Nacional de Resíduos Sólidos* (2010), article 6; Chile: *Proyecto de Ley (Boletín 9.404-12) que crea el Servicio de Biodiversidad y Áreas Protegidas y el Sistema Nacional de Áreas Protegidas* (2014), article 2 d); Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 1.6; Costa Rica: *Ley n° 7.788 de Biodiversidad* (1998), article 11; Cuba: *Ley n° 81 del Medio Ambiente* (1997), article 4d); Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), article 8; Dominican Republic: *Reglamento del Proceso de Evaluación Ambiental*, article 3; Ecuador: *Ley n° 37 de Gestión Ambiental* (1999), article 19 and Glossary of Definitions; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 2e); Guatemala: *Acuerdo Gubernativo n° 791 Normativa sobre la Política Marco de Gestión Ambiental* (2003), article 2.8; Guyana: Environmental Protection Act n° 21 (1996), article 4(4)(b); Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 13; Honduras: *Acuerdo n° 189 Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), article 3; Mexico: *Ley de Bioseguridad de Organismos Genéticamente Modificados* (2005), articles 9.IV, 9.XV, 11.VII and 61.III; Mexico: *Ley General de Vida Silvestre* (2000), article 5.II; Paraguay: *Política Nacional Ambiental* (2014), 2.3 Principles; Nicaragua: *Ley n° 217 General del Medio Ambiente y de los Recursos Naturales* (1996), article 4.8; Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 5k); Peru: *Ley n° 28.611 General del Ambiente* (2005), article 7; Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 72(c); Trinidad and Tobago: National Environmental Policy (2006), 2.3 Basic Principles; Uruguay: *Ley n° 17.283 sobre la protección del medio ambiente* (2000), article 6; Uruguay: *Ley n° 18.610 sobre la Política Nacional de Aguas* (2009), article 7; and, Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), article 4.3.

<sup>43</sup> Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 4; Bolivia (Plur. State of): *Constitución Política del Estado* (2008), article 33; Brazil: *Constituição da República Federativa do Brasil* (1988), article 225; Dominican Republic: *Constitución de la República Dominicana* (2010), article 67; Guatemala: *Acuerdo Gubernativo n° 791 Normativa sobre la Política Marco de Gestión Ambiental* (2003), article 2.5; Guyana: Chapter 1:01 Constitution of

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the Co-operative Republic of Guyana (1980), article 36; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 15.V; Trinidad and Tobago: Environmental Management Act n° 3 (2000), preamble and article 4(d)(i); and, input from the public of the Caribbean and Colombia.

<sup>44</sup> Input from Colombia.

<sup>45</sup> A/CONF.216.13 (“Twenty years after the Earth Summit, we reiterate that, as recognized in Principle 10 of the Rio Declaration, environmental issues are best handled with the participation of all concerned citizens. To this end, each individual should have appropriate access to information, the opportunity to participate in decision-making processes and effective access to judicial and administrative proceedings.”) and Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 3.

<sup>46</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 1; and, St. George’s Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), preamble (b). References in the Constitutions of Argentina, Bolivia (Plur. State of), Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru and Venezuela (Bol. Rep. of), among others.

<sup>47</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 3; Antigua and Barbuda: Draft Environmental Protection and Management Act (2014), article 7.2 q); and, input from Mexico and the public of Mexico.

<sup>48</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Belize: Freedom of Information Act n° 9 (1994), article 12(4); Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 47 (“I. Todas las entidades públicas del Estado Plurinacional implementarán, según sus competencias y posibilidades presupuestarias, programas de difusión y capacitación sobre transparencia y acceso a la información, dirigidos tanto a los servidores públicos, como a las organizaciones de la sociedad civil, con el objeto de garantizar una mayor y mejor participación social en la gestión y actividades del Estado. II. Las universidades y demás instituciones del sistema educativo desarrollarán programas de actividades de conocimiento, difusión y promoción del derecho de acceso a la información. III. Los centros de educación del sistema nacional integrarán en su currícula los mecanismos de ejercicio de los derechos ciudadanos a la transparencia, información y comunicación.”); Bolivia (Plur. State of): *Ley n° 341 de Participación y Control Social* (2013), article 8.7; Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 7.I; Brazil: *Decreto n° 7.724 que regulamenta a Lei no 12.527* (2012), article 9 (Citizen Information Service); Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 7; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), article 7.I; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), articles 50c) and 68; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 20; Guyana: Access to Information Act n° 21 (2011), article 17; Honduras: *Reglamento de la Ley de Transparencia y Acceso a la Información Pública* (2006), article 37; Jamaica: Access to Information Act n° 21 (2002), article 7(3)(a); Jamaica: Access to Information Regulations (2003), article 9; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 9; Mexico: *Reglamento de la Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2003), article 9; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 11; Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), article 6; Saint Vincent and the Grenadines: Freedom of Information Act n° 23 (2003), articles 12 (“duty to assist”) and 22 (before refusing access on the grounds that it may interfere with the operations of the authority, the authority must take reasonable steps to assist the applicant to reformulate the application); Saint Lucia: Draft Freedom of Information Act (2009), articles 8 and 16(2); Trinidad and Tobago:

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Freedom of Information Act n° 26 (1999), article 41; and, Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 21 D).

<sup>49</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); Framework Agreement on Environment of MERCOSUR (2001), article 6l); the Port of Spain Accord on the Management and Conservation of the Caribbean Environment issued by the First CARICOM Ministerial Conference on the Environment (1989), Approaches to the Solution of the Problems a); St. George's Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), Goal 2 and Principle 7; Antigua and Barbuda: Draft Environmental Protection and Management Act (2014), articles 7.2 n) and 114; Argentina: *Ley n° 25.675 General del Ambiente* (2002), articles 14 and 15; Belize: Chapter 328 Environmental Protection Act (1992), article 4(k); Bolivia (Plur. State of): *Ley n° 1333 del Medio Ambiente* (1992), articles 81-84; Brazil: *Constituição da República Federativa do Brasil* (1988), article 225.1.VII; Brazil: *Ley n° 6.938 que dispõe sobre a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências* (1981), article 2.X; Brazil: *Ley n° 9.795 que dispõe sobre a educação ambiental, institui a Política Nacional de Educação Ambiental e dá outras providências* (1999); Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), articles 4 and 6; Colombia: *Ley n° 1.549 por medio de la cual se fortalece la institucionalización de la Política Nacional de Educación Ambiental* (2012); Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), articles 12-14; Cuba: *Ley n° 81 del Medio Ambiente* (1997), article 4h) and Chapter 7; Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), article 15.6 and Chapter VII; Ecuador: *Ley n° 37 de Gestión Ambiental* (1999), articles 30-32; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), articles 2m) and 41; Guatemala: *Decreto n° 38 Ley de Educación Ambiental* (2010); Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), Chapter VI; Honduras: *Decreto n° 104 Ley General del Ambiente* (1993), articles 9e), 84 and 85; Jamaica: Natural Resources Conservation Authority Act n° 9 (1991), article 4(1)(b); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), articles 15.XX and 158 and Section VIII; Nicaragua: *Ley n° 217 General del Medio Ambiente y de los Recursos Naturales* (1996), Section VI; Panama: *Ley n° 38 que establece la enseñanza obligatoria de la Educación Ambiental y la Gestión Integral de Riesgo de Desastres y dicta otra disposición* (2014); Panama: *Ley n° 41 General de Ambiente* (1998), Chapter VI; Paraguay: *Ley n° 1.561 que crea el Sistema Nacional del Ambiente, el Consejo Nacional del Ambiente y la Secretaría del Ambiente* (2000), article 12q); Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), Title VII; Peru: *Decreto Supremo n° 017-2012-ED que aprueba la Política Nacional de Educación Ambiental* (2012); Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 16(1)(e); Uruguay: *Ley n° 17.283 sobre la protección del medio ambiente* (2000), articles 7C) and 11; Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), article 4.6 and Title IV; and, input from the public of the Caribbean and Colombia.

<sup>50</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 3; Bolivia (Plur. State of): *Ley n° 341 de Participación y Control Social* (2013), article 13.II; Chile: *Ley n° 20.500 sobre Asociaciones y Participación Ciudadana en la Gestión Pública* (2011), article 2; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), articles 1.10, 5.28 and 106; Colombia: *Ley n° 472 Por la cual se desarrolla el artículo 88 de la Constitución Política de Colombia en relación con el ejercicio de las acciones populares y de grupo y se dictan otras disposiciones* (1998), article 81; Colombia: *Ley n° 850 por medio de la cual se reglamentan las veedurías ciudadanas* (2003); Dominican Republic: *Ley n° 122 de Regulación y Fomento de las Asociaciones sin fines de lucro* (2005); El Salvador: *Decreto n° 894 Ley de Asociaciones y Fundaciones sin ánimo de lucro* (1996); Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), articles 26 and 27; Mexico: *Ley Federal de Fomento a las Actividades Realizadas por Organizaciones de la Sociedad Civil* (2004); Nicaragua: *Ley n° 217 General del Medio Ambiente y de los Recursos Naturales* (1996), article 4.4; Paraguay: *Ley n° 1.561 que crea el Sistema Nacional del Ambiente, el Consejo Nacional del Ambiente y la Secretaría del Ambiente* (2000), article 12p); and, input from Mexico.

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<sup>51</sup> A/CONF.216.13; Roadmap adopted at the first meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 6 and 7 November 2012 (LC/L.3565); Plan of Action to 2014 for the implementation of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and its roadmap adopted at the second meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on 16 and 17 April 2013 (LC/L.3677); Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); San José Content adopted at the fourth meeting of the focal points appointed by the governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Santiago Decision adopted at the fourth meeting of the focal points appointed by the governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970).; and, Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2010), article 24.

<sup>52</sup> Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2010), article 11; United Nations Convention on the Law of the Non-navigational Uses of International Watercourses (1997), article 8; Marine Environment Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (1983); Framework Agreement on Environment of MERCOSUR (2001), article 5; Treaty of Chaguaramas establishing the Caribbean Community (1973), article 65; Port of Spain Consensus of the Caribbean Regional Economic Conference (1991), Section III; Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 4 (cooperation and solidarity principles); Bolivia (Plur. State of): *Reglamento de Prevención y Control Ambiental* (1992), articles 167 and 168: “*Article 167: Si un proyecto, obra o actividad se localiza en las zonas fronterizas del país y ocasione o pudiera ocasionar impactos o riesgo inminente sobre el ambiente de un Estado vecino, así como sobre recursos naturales compartidos con otros Estados, el Representante legal debe considerar esas circunstancias en el EEIA. Conforme a los principios del Derecho Internacional, cuando exista Convenio de Reciprocidad, el MDSMA, a través del Ministerio de Relaciones Exteriores y Culto, informará al o los Estados que puedan ser afectados por la implementación, operación o abandono de proyectos, obras o actividades, de los resultados de EEIA’s y AA’s que se efectúen con el fin de conocer los impactos potenciales y efectos actuales que los afecten o puedan afectar. Toda transmisión de información al respecto entre países vecinos o fronterizos, debe guardar la confidencialidad correspondiente. Article 168: En ausencia de tratados de cooperación sobre el control de la calidad ambiental en áreas fronterizas, deberá mantenerse el principio de la comunidad para el aprovechamiento de áreas forestales, áreas protegidas, áreas de desarrollo y otros.*”; Brazil: *Lei n° 9.605 que dispõe sobre as sanções penais e administrativas derivadas de condutas e atividades lesivas ao meio ambiente, e dá outras providências* (1998), articles 77 and 78 (“*Art. 77. Resguardados a soberania nacional, a ordem pública e os bons costumes, o Governo Brasileiro prestará, no que concerne ao meio ambiente, a necessária cooperação a outro país, sem qualquer ônus, quando solicitado para:*

*I - produção de prova;*

*II - exame de objetos e lugares;*

*III - informações sobre pessoas e coisas;*

*IV - presença temporária da pessoa presa, cujas declarações tenham relevância para a decisão de uma causa;*

*V - outras formas de assistência permitidas pela legislação em vigor ou pelos tratados de que o Brasil seja parte”;*

Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 5.22; Dominican Republic: *Constitución de la República Dominicana* (2010), article 67.5; Honduras: *Acuerdo n° 189 Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), Section Four (Transborder EIA in the SICA); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 15.XVIII; Peru: *Ley n° 28.611 General del Ambiente* (2005), articles 12 and 87; Uruguay: *Ley n° 17.283 sobre la protección del medio ambiente* (2000), articles 1F) and 6G); inputs from the public of Mexico and Chile; and, Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox (A/HRC/28/61), Section III.H.

<sup>53</sup> St. George’s Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), Principles 1 and 3; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), articles



15.IX, 15.X and 158.VI; Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 18(1)(c); Uruguay: *Ley n° 17.283 sobre la protección del medio ambiente* (2000), articles 6D) and 6E); and, input from Colombia.

<sup>54</sup> United Nations Convention to Combat Desertification in Countries experiencing Serious Drought and/or Desertification, Particularly in Africa (1994), article 8.

<sup>55</sup> Minamata Convention on Mercury (2013), preamble.

<sup>56</sup> Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 3.5; and, input from Mexico.

<sup>57</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 3; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 12.f (application of principles of Rio Declaration to environmental external action); Uruguay: *Decreto 25/2014 del Ministerio de Relaciones Exteriores que crea el Sistema de Diálogo y Consulta entre Cancillería y las Organizaciones Sociales* (2014); and, input from Mexico.

<sup>58</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 4i); Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 11g); Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 3; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 4; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 1.1; Honduras: *Decreto n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 5; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 50e); and, Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 3.

<sup>59</sup> “The Future We Want” (A/CONF.216/L.1), paragraph 43; “The Road To Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet”, Synthesis Report of the Secretary-General on the Post-2015 Agenda (2014); Ecuador: *Ley Orgánica n° 13 de Participación Ciudadana* (2010), article 4; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 4; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), articles 15.XIII and 15.XV; and input from Chile, Mexico and the public of the Caribbean and Colombia.

<sup>60</sup> Model Inter-American Law on Access to Public Information, AG/RES. 2607 (XL-O/10) (2010), article 7; Bolivia (Plur. State of): *Constitución Política del Estado* (2008), article 256; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 43.1 (“Las excepciones señaladas en el artículo 42, son las únicas que pueden alegar las autoridades o entidades señaladas en el artículo 3 de esta Ley, para restringir o negar el acceso a la información; no obstante, en caso de duda siempre deben interpretarse a favor del derecho de acceso a la información”); Dominican Republic: *Constitución de la Dominican Republic* (2010), article 74.4; Dominican Republic: *Decreto n° 130 Reglamento de la Ley General de Acceso a la Información Pública* (2005), article 5; Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), article 4d); El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 5; Guatemala: *Decreto n° 7 Ley Marco para Regular la Reducción de la Vulnerabilidad, la Adaptación Obligatoria ante los Efectos del Cambio Climático y la Mitigación de Gases de Efecto Invernadero* (2013), article 6 a) (*pro natura*); Guyana: *Access to Information Act n° 21* (2011), article 3(2); Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 6; and, Trinidad and Tobago: *Freedom of Information Act n° 26* (1999), article 3(2).

<sup>61</sup> Bolivia (Plur. State of): *Ley n° 341 de Participación y Control Social* (2013), article 34.II; Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5º, no inciso II do § 3º do art. 37 e no § 2º do art. 216 da Constituição Federal* (2011), article 3.III, Brazil: *Decreto n° 8.243 que Institui a Política Nacional de Participação Social - PNPS e o Sistema Nacional de Participação Social - SNPS, e dá outras providências* (2014), articles 4 VI and 18; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 3 g); Peru: *Decreto Supremo n° 008-2005-PCM que aprueba el Reglamento de la Ley marco del Sistema Nacional de Gestión Ambiental* (2005), article 8; and, input from the public of Chile.

<sup>62</sup> Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 16; Argentina: *Ley n° 25.831 Régimen de libre acceso a la información pública ambiental* (2003), article 3; Argentina: *Decreto 1172/2003 sobre el acceso a la*

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información pública (2003), Annex VII and article 5; Bolivia (Plur. State of): *Ley n° 28168 de Transparencia en la Gestión Pública del Poder Ejecutivo* (2005), articles 3 and 4; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), articles 2 b) and 4 c); Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5º, no inciso II do § 3º do art. 37 e no § 2º do art. 216 da Constituição Federal* (2011), article 5; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 31 bis; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), articles 5, 10, 11.a, 11.b and 11.c; Colombia: *Ley n° 1.712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), articles 2 and 3; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 6a); Cuba: *Ley n° 81 del Medio Ambiente* (1997), article 4e); Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), article 6; Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), articles 1 and 5; El Salvador: *Decreto n° 17 Reglamento General de la Ley del Medio Ambiente* (2000), article 53; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 4; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), articles 2, 4 and 9.8; Guyana: Access to Information Act n° 21 (2011), article 3(1)(a); Jamaica: Access to Information Act n° 21 (2002), articles 3, 7(3)(c) and 13; Mexico: *Constitución Política de los Estados Unidos Mexicanos* (1917), article 6; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), articles 1 and 2; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 2; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), article 1.11; Peru: *Ley n° 27.806 de Transparencia y Acceso a la Información Pública* (2002), articles 3 and 10; Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 5f); Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 5; Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), articles 2 and 4; Uruguay: *Ley n° 18.308 de Ordenamiento Territorial y Desarrollo Sostenible* (2008), articles 51) and 6d); and, input from Colombia and the public of Colombia, Panama and Peru.

<sup>63</sup> Model Inter-American Law on Access to Public Information, AG/RES. 2607 (XL-O/10) (2010), article 5; Argentina: *Ley n° 25.831 Régimen de libre acceso a la información pública ambiental* (2003), article 3; Belize: Freedom of Information Act n° 9 (1994), article 9; Bolivia (Plur. State of): *Constitución Política del Estado* (2008), article 242.4; Bolivia (Plur. State of): *Ley n° 28168 de Transparencia en la Gestión Pública del Poder Ejecutivo* (2005), articles 4 and 5; Bolivia (Plur. State of): *Ley n° 1333 del Medio Ambiente* (1992), article 93; Brazil: *Constituição da República Federativa do Brasil* (1988), articles 5.XXXIII and 37.3.II; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 31 bis; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), articles 10, 11.b and 24; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 74; Colombia: *Ley n° 850 por medio de la cual se reglamentan las veedurías ciudadanas* (2003), article 9; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 6a); Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), articles 1 and 2; Ecuador: *Constitución del Ecuador* (2008), article 18.2; El Salvador: *Decreto n° 534 Ley de Acceso a la Información* (2011), articles 2 and 9; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 1.1; Honduras: *Decreto Legislativo n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 4; Jamaica: Access to Information Act n° 21 (2002), articles 2 and 6; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), articles 1 and 4; Mexico: *Ley General de Cambio Climático* (2012), article 106; Panama: *Constitución Política de la República de Panama* (1978), article 43; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), articles 1.2 and 2; Peru: *Ley n° 28.611 General del Ambiente* (2005), articles 2 and 41; Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 30; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 4; Saint Lucia: Draft Freedom of Information Act (2009), article 12; Trinidad and Tobago: Freedom of Information Act n° 26 (1999), article 11(1); Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), articles 64 and 71; and input from Chile and the public of Colombia, Panama and Peru.

<sup>64</sup> Antigua and Barbuda: Freedom of Information Act n° 19 (2004), article 17(4); Argentina: *Ley n° 25.831 Régimen de libre acceso a la información pública ambiental* (2003), article 3; Argentina: *Decreto 1172/2003 sobre el acceso a la información pública* (2003), Annex VII and articles 6 and 11; Bolivia (Plur. State of): *Ley n° 28168 de*

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*Transparencia en la Gestión Pública del Poder Ejecutivo* (2005), article 11; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 25; Brazil: *Lei nº 10.650 que dispõe sobre o acesso público aos dados e informações existentes nos órgãos e entidades integrantes do Sisnama* (2003), article 2.1; Brazil: *Lei nº 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5º, no inciso II do § 3º do art. 37 e no § 2º do art. 216 da Constituição Federal* (2011), article 10.3; Colombia: *Ley nº 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 3; El Salvador: *Decreto nº 534 Ley de Acceso a la Información Pública* (2011), articles 2 and 9; Guatemala: *Decreto nº 57 Ley de Acceso a la Información Pública* (2008), articles 1.1 and 41; Honduras: *Decreto Legislativo nº 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 20; Jamaica: *Access to Information Act nº 21* (2002), article 6(3); Mexico: *Constitución Política de los Estados Unidos Mexicanos* (1917), article 6; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 40; Nicaragua: *Ley nº 621 de Acceso a la Información Pública* (2007), article 28; Panama: *Ley nº 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), article 2; Paraguay: *Ley nº 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), article 4; Peru: *Constitución Política del Perú* (1993), article 2.5; Peru: *Ley nº 27.806 de Transparencia y Acceso a la Información Pública* (2002), article 7; Peru: *Ley nº 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 30; Peru: *Decreto Supremo nº 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 4; Saint Vincent and the Grenadines: *Freedom of Information Act nº 23* (2003), article 10; Trinidad and Tobago: *Freedom of Information Act nº 26* (1999), article 21(4); and, Uruguay: *Ley nº 18.381 del Derecho de Acceso a la Información Pública* (2008), article 3.

<sup>65</sup> Saint Vincent and the Grenadines: *Freedom of Information Act nº 23* (2003), article 24 and Saint Lucia: *Draft Freedom of Information Act* (2009), article 13.

<sup>66</sup> Model Inter-American Law on Access to Public Information, AG/RES. 2607 (XL-O/10) (2010), article 49(3); Antigua and Barbuda: *Freedom of Information Act nº 19* (2004), article 19(1)(d); Belize: *Freedom of Information Act nº 9* (2000), article 21(1)(c); Dominican Republic: *Ley nº 200 General de Libre Acceso a la Información Pública* (2004), article 7.IV and Chapter IV; Guatemala: *Decreto nº 57 Ley de Acceso a la Información Pública* (2008), Title Four; Guyana: *Access to Information Act nº 21* (2011), articles 11(3)(b) and 26(2); Nicaragua: *Ley nº 621 de Acceso a la Información Pública* (2007), article 33; Saint Vincent and the Grenadines: *Freedom of Information Act nº 23* (2003), article 24; and, Trinidad and Tobago: *Freedom of Information Act nº 26* (1999), article 23(1)(d).

<sup>67</sup> Chile: *Ley nº 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), articles 5 and 11.d; Colombia: *Ley nº 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 1; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 6; and, Uruguay: *Decreto nº 232-010 que reglamenta la Ley nº 18.381* (2010), article 6.

<sup>68</sup> Antigua and Barbuda: *Draft Environmental Protection and Management Act* (2014), article 74 (National Environmental Information Management and Advisory System, Natural Resources Inventory, Environment Registry); Argentina: *Ley nº 25.675 General del Ambiente* (2002), article 17; Bolivia (Plur. State of): *Ley nº 1333 del Medio Ambiente* (1992), articles 15 and 16; Bolivia (Plur. State of): *Reglamento General de Gestión Ambiental* (1992), articles 27-34; Brazil: *Lei nº 6.938 que dispõe sobre a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências* (1981), article 9.VI; Chile: *Ley nº 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 31 ter; Colombia: *Decreto nº 1.600 por el cual se reglamenta parcialmente el Sistema Nacional Ambiental -SINA- en relación con los Sistemas Nacionales de Investigación Ambiental y de Información Ambiental* (1994); Colombia: *Decreto nº 2.811 del Código Nacional de Recursos Naturales Renovables y de Protección al Medio Ambiente* (1974), articles 20-24; Cuba: *Ley nº 81 del Medio Ambiente* (1997), Chapter 5; Dominican Republic: *Ley nº 64 General de Medio Ambiente y Recursos Naturales* (2000), article 18.17 and Chapter V; Guatemala: *Decreto nº 7 Ley Marco para Regular la Reducción de la Vulnerabilidad, la Adaptación Obligatoria ante los Efectos del Cambio Climático y la Mitigación de Gases de Efecto Invernadero* (2013), article 9 (National Information System on Climate Change); Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 68; Honduras: *Decreto nº 104 Ley General del Ambiente* (1993), article 11f; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), articles 5.XVII and 159 BIS; Mexico: *Ley General de Cambio Climático* (2012), Chapter VI (Information System on Climate Change); Nicaragua: *Ley nº 217 General del Medio Ambiente y de los Recursos Naturales* (1996), Section V; Panama: *Ley nº 41 General de Ambiente* (1998), article 45; Paraguay: *Ley nº 1.561 que crea el Sistema Nacional del Ambiente, el Consejo Nacional del Ambiente y la Secretaría del Ambiente* (2000), article 22; Peru: *Ley nº 28.611 General del Ambiente*

(2005), article 35; Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 6d) and Title VI; and, Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), articles 66 and 67.

<sup>69</sup> Input from Mexico.

<sup>70</sup> Peru: *Decreto n° 19 que aprueba el Reglamento de la Ley n° 27446, Ley del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), article 66.

<sup>71</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970).

<sup>72</sup> Antigua and Barbuda: *Freedom of Information Act n° 19* (2004), article 17(3) (provides for oral requests in cases of illiteracy or disability); Brazil: *Decreto n° 7.724 que regulamenta a Lei no 12.527* (2012), article 2; Chile: *Instrucción General n° 10 sobre el Procedimiento Administrativo de Acceso a la Información* (2011), articles 1.2 g) (“*Tratándose de personas que no sepan o no puedan escribir, en conformidad al principio de facilitación de la Ley de Transparencia, la persona que reciba la solicitud deberá rellenar el referido formulario de manera fidedigna, estampar fecha y hora de presentación, otorgar copia al peticionario e informarle de los plazos y etapas del procedimiento administrativo de acceso a la información. En virtud del principio de accesibilidad universal contemplado en la Ley n° 20.422, que establece normas sobre igualdad de oportunidades e inclusión social de personas con discapacidad, deberá disponerse de formularios que sean comprensibles y utilizables por las personas con discapacidad, en condiciones de seguridad y comodidad, y de la forma más autónoma y natural posible. Por ejemplo, para personas con discapacidad visual se dispondrá de formularios en formatos que permitan una lectura fácil.*”) and 10 (“*En virtud del principio de accesibilidad universal contemplado en la ley N° 20.422, se deberá facilitar el ejercicio del derecho de acceso a la información por parte de las personas con discapacidad, efectuando los ajustes necesarios para la presentación de solicitudes, tramitación del procedimiento y entrega de la información, en función de las carencias específicas de dichas personas, con la finalidad de fomentar el acceso y participación en igualdad de condiciones que el resto de los ciudadanos.*”); Guatemala: *Decreto n° 19 Ley de Idiomas Nacionales que oficializa el uso de Idiomas Indígenas en Guatemala* (2003), articles 14, 15 and 18; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 6 (“*En los casos en que el solicitante sea una persona con capacidades diferentes o tenga necesidades idiomáticas especiales que le impidan conocer y comprender el contenido de la información por entregarse, la entidad correspondiente será responsable de establecer los mecanismos conducentes a fin de que el derecho de acceso a la información sea satisfecho en estos casos*”); Saint Lucia: *Draft Freedom of Information Act* (2009), article 16(3); and, input from Chile and Mexico.

<sup>73</sup> Costa Rica: *Ley n° 9.097 que regula el Derecho de Petición* (2013), article 5; Guatemala: *Decreto n° 19 Ley de Idiomas Nacionales* (2003), articles 14-16; and, Paraguay: *Ley n° 4.251 de Lenguas* (2010), Chapters II and III. Forms in indigenous languages shall be provided and encouraged in different languages in Chile: *Instrucción General n° 10 sobre el Procedimiento Administrativo de Acceso a la Información* (2011), article 1.2 g) (“*Se considerará una buena práctica que el formulario se encuentre disponible en diversos idiomas. Esta recomendación se aplica especialmente respecto de aquellos servicios que dentro de su competencia se vinculen en forma habitual con personas que hablen idiomas distintos del castellano. Sin perjuicio de lo señalado en el párrafo anterior y por aplicación de lo dispuesto en el Convenio N° 169, de la Organización Internacional del Trabajo, sobre pueblos indígenas y tribales en países independientes, en las áreas de alta densidad indígena, los órganos públicos deberán contar con formularios en las lenguas indígenas a que se refiere la Ley n° 19.253, que establece normas sobre protección, fomento y desarrollo de los indígenas*”).

<sup>74</sup> Model Inter-American Law on Access to Public Information, AG/RES. 2607 (XL-O/10) (2010); Antigua and Barbuda: *Freedom of Information Act n° 19* (2004), article 19 (2)(b); Argentina: *Ley n° 25.831 del Régimen de Libre Acceso a la Información Pública Ambiental* (2003), article 7; Belize: *Freedom of Information Act n° 9* (1994), article 21(1); Brazil: *Lei n° 10.650 que dispõe sobre o acesso público aos dados e informações existentes nos órgãos e entidades integrantes do Sisnama* (2003), article 5; Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 11.III; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 16; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), articles 18 and 19; Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), Title III; Jamaica: *Access to Information Act n° 21* (2002), article 7(5); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 159 BIS 5; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 45; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 28; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), article 16; Paraguay: *Ley n°*

5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental (2014), article 19; Peru: *Ley n° 27.806 de Transparencia y Acceso a la Información Pública* (2002), article 13; Saint Lucia: Draft Freedom of Information Act (2009), article 18(1); Trinidad and Tobago: Environmental Management Act n° 3 (2000), preamble and article 17(4); Trinidad and Tobago: Freedom of Information Act n° 26 (1999), articles 21(6) and 23; and, input from the public of Colombia, Panama and Peru.

<sup>75</sup> Antigua and Barbuda: Freedom of Information Act n° 19 (2004), article 19.1(d) (the right of appeal to the Commissioner or to a judicial review available to the applicant); Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 11.4; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 45; Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), article 19; and, Saint Lucia: Draft Freedom of Information Act (2009), article 18(1).

<sup>76</sup> Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 4.3; Model Inter-American Law on Access to Public Information, AG/RES. 2607 (XL-O/10) (2010), article 40; Argentina: *Ley n° 25.831 sobre el Régimen de Libre Acceso a la Información Pública Ambiental* (2003), article 7; Belize: Freedom of Information Act n° 9 (1994), Section IV; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 42; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), articles 20-22; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), Title III; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), article 17; El Salvador: *Decreto n° 17 Reglamento General de la Ley del Medio Ambiente* (2000), article 52; Guyana: Access to Information Act n° 21 (2011), Part V; Honduras: *Decreto Legislativo n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), articles 16 and 17; Jamaica: Access to Information Act n° 21 (2002), Part III; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 159 BIS 4; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), Chapter III; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), Chapter IV; Peru: *Ley n° 27.806 de Transparencia y Acceso a la Información Pública* (2002), articles 15, 15A and 15B; Saint Lucia: Draft Freedom of Information Act (2009), Part 4; Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), articles 9 and 10; and, input from Chile and Colombia.

<sup>77</sup> Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 4; Belize: Freedom of Information Act n° 9 (1994), article 34; Bolivia (Plur. State of): *Ley n° 28168 de Transparencia en la Gestión Pública del Poder Ejecutivo* (2005), article 7; Bolivia (Plur. State of): *Reglamento General de Gestión Ambiental* (1992), article 26; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 4; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 1.5; Peru: *Ley n° 27.806 de Transparencia y Acceso a la Información Pública* (2002), article 15C; Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 8; and, input from Chile.

<sup>78</sup> Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 36; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 28; Jamaica: Access to Information Act n° 21 (2002), article 32(5); Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 3.7; and, Saint Lucia: Draft Freedom of Information Act (2009), article 43(3).

<sup>79</sup> Stockholm Convention on Persistent Organic Pollutants (2001), article 9.5; Minamata Convention on Mercury (2013), article 17.5; Antigua and Barbuda: Freedom of Information Act n° 19 (2004), article 32.3 (“Subsections(1) and (2) do not apply insofar as the request relates to the results of any product or environmental testing, and the information concerned reveals a serious public safety or environmental risk.”); and, input from the public of Brazil.

<sup>80</sup> Antigua and Barbuda: Freedom of Information Act n° 19 (2004), article 25; Argentina: *Decreto 1172/2003 sobre el acceso a la información pública* (2003), Annex VII and article 17; Belize: *Freedom of Information Act n° 9* (1994), article 19(1); Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 7.2; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 11.e; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 21; Dominican Republic: *Decreto n° 130 Reglamento de la Ley General de Acceso a la Información Pública* (2005), article 28; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 22; Guyana: Access to Information Act n° 21 (2011), article 19(2); Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 43; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), article 14; Peru: *Ley n°*

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27.806 de *Transparencia y Acceso a la Información Pública* (2002), article 16; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 6; Saint Vincent and the Grenadines: *Freedom of Information Act n° 23* (2003), article 18; Saint Lucia: *Draft Freedom of Information Act* (2009), article 25; Trinidad and Tobago: *Freedom of Information Act n° 26* (1999), articles 8(3), 8(5) and 16(2); and, Uruguay: *Decreto n°232-010 que reglamenta la Ley n° 18.381* (2010), article 7.

<sup>81</sup> Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 23; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 22; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 17; and, Trinidad and Tobago: *Freedom of Information Act n° 26* (1999), article 8(4) (“A document from which exempt information has been excluded in accordance with subsection (3) shall indicate, to the extent practicable without exempt information being disclosed, the nature of the information excluded”).

<sup>82</sup> Antigua and Barbuda: *Draft Environmental Protection and Management Act* (2014), article 14.2 b) (“the Department determines that the public interest in disclosing the information clearly outweighs any prejudice to the person who has supplied the information to the Department, and the Department provides such person with a reasonable opportunity to contest such determination in a court of law prior to any public disclosure of the information.”); Chile: *Decisiones de Amparos Roles A35-09 and A115-09 del Consejo para la Transparencia* (2009); Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 3.7 c); and, input from Chile.

<sup>83</sup> Antigua and Barbuda: *Freedom of Information Act n° 19* (2004), articles 21 and 24; Belize: *Freedom of Information Act n° 9* (1994), article 17(2); Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 17 (“La información solicitada se entregará en la forma y por el medio que el requirente haya señalado, siempre que ello no importe un costo excesivo o un gasto no previsto en el presupuesto institucional, casos en que la entrega se hará en la forma y a través de los medios disponibles”); Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 45; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), article 11; Guyana: *Access to Information Act n° 21* (2011), article 20(3); Honduras: *Decreto Legislativo n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 15; Jamaica: *Access to Information Act n° 21* (2002), article 9; Mexico: *Reglamento de la Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2003), article 54; Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), article 16; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 9; Saint Vincent and the Grenadines: *Freedom of Information Act n° 23* (2003), article 20; Saint Lucia: *Draft Freedom of Information Act* (2009), article 20; Trinidad and Tobago: *Freedom of Information Act n° 26* (1999), article 18; and, input from the public of Colombia, Panama and Peru.

<sup>84</sup> Argentina: *Decreto 1172/2003 sobre el acceso a la información pública* (2003), article 12; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 4 d); Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 11 (immediate access to available information); Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 11.h; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 3; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 4; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 3.4; Jamaica: *Access to Information Act n° 21* (2002), article 7(4); Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 44; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 28; Peru: *Ley n° 27.806 de Transparencia y Acceso a la Información Pública* (2002), article 12; Saint Vincent and the Grenadines: *Freedom of Information Act n° 23* (2003), article 16; Saint Lucia: *Draft Freedom of Information Act* (2009), article 17(1); and, Trinidad and Tobago: *Freedom of Information Act n° 26* (1999), article 15.

<sup>85</sup> Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 4; Model Inter-American Law on Access to Public Information, AG/RES. 2607 (XL-O/10) (2010), article 34; Argentina: *Ley n° 25.831 del Régimen de Libre Acceso a la Información Pública Ambiental* (2003), article 9; Belize: *Freedom of Information Act n° 9* (1994), article 16 (two weeks); Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 11 (20 days); Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública*, articles 8 and 9; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 71; Jamaica: *Access to Information Act n° 21* (2002), article 7(4); Mexico: *Ley Federal de*

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*Transparencia y Acceso a la Información Gubernamental* (2002), article 44; Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), article 16; Trinidad and Tobago: Freedom of Information Act n° 26 (1999), article 15 (30 days); and, input from the public of Colombia, Panama and Peru.

<sup>86</sup> Antigua and Barbuda: Freedom of Information Act n° 19 (2004), article 18(3); Argentina: *Decreto 1172/2003 sobre el acceso a la información pública* (2003), article 12; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 31; Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 11.2; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 14; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), article 8; Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), article 9; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 71; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 43; Honduras: *Decreto n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 39; Jamaica: Access to Information Act n° 21 (2002), article 7(4); Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 44; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), article 7; Peru: *Ley n° 27.806 de Transparencia y Acceso a la Información Pública* (2002), article 11b); and, Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 15.

<sup>87</sup> Antigua and Barbuda: Freedom of Information Act n° 19 (2004), article 18(4); Argentina: *Decreto 1172/2003 sobre el acceso a la información pública* (2003), Annex VII and article 14; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 31; Guyana: Access to Information Act n° 21 (2011), article 18(3); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 159 BIS 5; Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), article 20; Peru: *Ley n° 27.806 de Transparencia y Acceso a la Información Pública* (2002), article 11d) and e); and, Saint Lucia: Draft Freedom of Information Act (2009), article 17(4). Positive silence is provided for in Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 35; and, Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 18.

<sup>88</sup> Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 14; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), articles 65 and 72; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 42; Guyana: Access to Information Act n° 21 (2011), article 18; Honduras: *Decreto Legislativo n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 21; Jamaica: Access to Information Act n° 21 (2002), articles 7(4) and 7(5); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 159 BIS 5; Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 18; and, input from Chile.

<sup>89</sup> Model Inter-American Law on Access to Public Information, AG/RES. 2607 (XL-O/10) (2010), article 25; Antigua and Barbuda: Freedom of Information Act n° 19 (2004), article 22; Belize: Freedom of Information Act n° 9 (1994), article 13(1); Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 11.1.III; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 13; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), article 7.II; Jamaica: Access to Information Act n° 21 (2002), article 8; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), article 7; Saint Vincent and the Grenadines: Freedom of Information Act n° 23 (2003), article 15; and, input from the public of Colombia, Panama and Peru.

<sup>90</sup> Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), article 20 and El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 73.

<sup>91</sup> Model Inter-American Law on Access to Public Information, AG/RES. 2607 (XL-O/10) (2010), article 27; Antigua and Barbuda: Freedom of Information Act n° 19 (2004), article 20; Argentina: *Ley n° 25.831 del Régimen de Libre Acceso a la Información Pública Ambiental* (2004), article 3 (“En ningún caso el monto que se establezca para solventar los gastos vinculados con los recursos utilizados para la entrega de la información solicitada podrá implicar menoscabo alguno al ejercicio del derecho conferido por esta ley”); Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 11.k; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), articles 4 g), 26 and 32; Brazil: *Lei n° 10.650 que dispõe sobre o acesso público aos dados e informações existentes nos órgãos e entidades integrantes do Sisnama* (2003), article 9; Brazil: *Lei n° 12.527 que*

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regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal (2011), article 12 (“Estará isento de ressarcir os custos previstos no caput todo aquele cuja situação econômica não lhe permita fazê-lo sem prejuízo do sustento próprio ou da família, declarada nos termos da Lei no 7.115, de 29 de agosto de 1983”); Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), articles 11.k and 18; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 3; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), article 14; Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), article 4; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), articles 4 and 61; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), articles 3.3 and 18; Guyana: *Access to Information Act n° 21* (2011), article 21; Honduras: *Decreto n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 15; Mexico: *Constitución Política de los Estados Unidos Mexicanos* (1917), article 6; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 27; Mexico: *Reglamento de la Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2003), Chapter IX; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 31; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), article 4; Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), article 4; Peru: *Ley n° 27.806 de Transparencia y Acceso a la Información Pública* (2002), article 17; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), articles 7f) and 8; Saint Lucia: *Draft Freedom of Information Act* (2009), article 19; Trinidad and Tobago: *Freedom of Information Act n° 26* (1999), article 17 (in addition, in case of late reply, access shall be free); Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 17; Uruguay: *Decreto n° 232-010 que reglamenta la Ley n° 18.381* (2010), article 12; and, input from Colombia and the public of Colombia, Panama and Peru.

<sup>92</sup> Peru: *Decreto Supremo n° 072-2003-PCM que establece el Reglamento de la Ley de Transparencia y Acceso a la Información Pública* (2002), article 12.

<sup>93</sup> Antigua and Barbuda: *Freedom of Information Act n° 19* (2004), Part V (Information Commissioner); Belize: *Freedom of Information Act n° 9* (1994), Part V (Ombudsman); Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 11.i and Title V (*Consejo para la Transparencia*); Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 23 (Public Prosecutor); Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), article 11 (*Defensoría del Pueblo*); El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 51 (*Instituto de Acceso a la Información Pública*); Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 46 (*Procurador de los Derechos Humanos*); Guyana: *Act n° 21 Access to Information Act* (2011), article 5(1) (Commissioner of Information); Honduras: *Decreto Legislativo n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), Chapter II (*Instituto de Acceso a la Información Pública*); Jamaica: *Act n° 21 Access to Information Act* (2002), article 32(1) and Second Schedule (Appeal Tribunal); Mexico: *Constitución Política de los Estados Unidos Mexicanos* (1917), article 6; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), Chapter II (*Instituto Federal de Acceso a la Información y Protección de Datos*); Panama: *Ley n° 33 que crea la Autoridad Nacional de Transparencia y Acceso a la Información* (2013) (*Autoridad Nacional de Transparencia y Acceso a la Información*); Saint Lucia: *Draft Freedom of Information Act* (2009), Part 5 (Information Commissioner); Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), Chapter 4 (*Unidad de Acceso a la Información Pública*); and input from Chile and the public of Brazil.

<sup>94</sup> St. George’s Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), Goals 1 and 2; Port of Spain Accord on the Management and Conservation of the Caribbean Environment issued by the First CARICOM Ministerial Conference on the Environment (1989), Approaches to the Solution of the Problems d); Antigua and Barbuda: *Draft Environmental Protection and Management Act* (2014), articles 7.2 v) and 111; Argentina: *Decreto 1172/2003 sobre el acceso a la información pública* (2003), Annex VII and article 10; Bahamas (the): Chapter 232 Environmental Health Services Act (1987), article 5(c); Bolivia (Plur. State of): *Ley n° 28168 de Transparencia en la Gestión Pública del Poder Ejecutivo* (2005), article 10; Brazil: *Lei n° 10.650 que dispõe sobre o acesso público aos dados e informações existentes nos órgãos e entidades integrantes do Sisnama* (2003), articles 2 and 4; Brazil: *Lei n° 6.938 que dispõe sobre a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências* (1981), article 4.V; Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do*



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art. 216 da Constituição Federal (2011), articles 6.I, 6.II and 8; Brazil: *Decreto n° 7.724 que regulamenta a Lei no 12.527* (2012), articles 2 and 7; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 4; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), Title III; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), articles 3, 7, 9 and 11; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), articles 3 and 5; Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), article 7; Ecuador: *Ley n° 37 de Gestión Ambiental* (1999), articles 4 and 9h; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), articles 6c) and 30; El Salvador: *Decreto n° 17 Reglamento General de la Ley del Medio Ambiente* (2000), article 11 and Chapter III; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), articles 10-17; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), articles 10-14; Guyana: Access to Information Act n° 21 (2011), articles 3(1)(b), 13 and Part III; Honduras: *Decreto n° 104 Ley General del Ambiente* (1993), article 103; Honduras: *Acuerdo n° 109 Reglamento de la Ley General del Ambiente* (1993), article 10; Honduras: *Decreto Legislativo n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 4 and Chapter III (National Information System); Jamaica: Natural Resources Conservation Authority Act n° 9 (1991), article 4(1)(g); Jamaica: Access to Information Act n° 21 (2002), article 4; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 159 BIS 3; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 7; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), Chapter IV; Panama: *Ley n° 41 General de Ambiente* (1998), Chapter V; Panama: *Ley n° 8 que crea el Ministerio de Ambiente, modifica disposiciones de la Autoridad de los Recursos Acuáticos de Panamá y dicta otras disposiciones* (2015), article 2.16; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), Chapter III; Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), articles 3, 8 and 10; Paraguay: *Política Nacional Ambiental* (2014), 2.5 Specific Objectives; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 42; Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 34; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 7; Saint Lucia: Draft Freedom of Information Act (2009), article 7; Trinidad and Tobago: Environmental Management Act n° 3 (2000), preamble and article 17(1); Trinidad and Tobago: Freedom of Information Act n° 26 (1999), articles 7-9; Uruguay: *Ley n° 17.283 sobre la protección del medio ambiente* (2000), article 6F); Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 5; and, Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), article 10.9.

<sup>95</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Belize: Freedom of Information Act n° 9 (1994), article 6(1); Bolivia (Plur. State of): *Reglamento General de Gestión Ambiental* (1992), article 21; Brazil: *Lei n° 6.938 que dispõe sobre a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências* (1981), article 9.XI; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), article 7; Colombia: *Decreto n° 2041 Por cual se reglamenta el Título VIII de la Ley 99 de 1993 sobre licencias* (2014), article 49; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), article 3; El Salvador: *Decreto n° 17 Reglamento General de la Ley del Medio Ambiente* (2000), articles 49 and 50; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 7; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 22; Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), articles 8-11; Peru: *Decreto Supremo n° 002 sobre el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2002), article 10; Uruguay: *Decreto n°232-010 que reglamenta la Ley n° 18.381* (2010), article 18; and, input from Chile and the public of Brazil, Colombia, Panama and Peru.

<sup>96</sup> Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 2; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 10 and Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 15.

<sup>97</sup> Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), articles 4 and 6; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 3; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), articles 4 and 10; and, Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 17(2).

<sup>98</sup> Brazil: *Lei nº 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5º, no inciso II do § 3º do art. 37 e no § 2º do art. 216 da Constituição Federal* (2011), article 8.3.III.

<sup>99</sup> Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 5; Framework Agreement on Environment of MERCOSUR (2001), article 6k); Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (Adopted by the Governing Council of the United Nations Environment Programme (UNEP) in decision SS.XI/5, part A of 26 February 2010), guideline 6; Antigua and Barbuda: Disaster Management Act nº 13 (2002), article 3; Bolivia (Plur. State of): *Reglamento General de Gestión Ambiental* (1992), article 21; Colombia: *Ley nº 1.523 por la que se establece el Sistema Nacional de Gestión del Riesgo de Desastres* (2012), article 3.15 and Chapter IV; Ecuador: *Ley nº 37 de Gestión Ambiental* (1999), article 29; Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 149; Panama: *Ley nº 41 General de Ambiente* (1998), article 53; Peru: *Decreto Supremo nº 002 Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2002), article 4; Saint Vincent and the Grenadines: National Emergency and Disaster Management Act (2006), article 17(2)(c); and, input from the public of Brazil and Chile.

<sup>100</sup> Brazil: *Lei nº 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5º, no inciso II do § 3º do art. 37 e no § 2º do art. 216 da Constituição Federal* (2011), article 8.3.VIII; Chile: *Ley nº 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 4; Colombia: *Ley nº 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), articles 7 and 8; Guatemala: *Decreto nº 19 Ley de Idiomas Nacionales* (2003), articles 14-16; Mexico: *Ley General de Derechos Lingüísticos de los Pueblos Indígenas* (2003), articles 7 and 9; Nicaragua: *Ley nº 621 de Acceso a la Información Pública* (2007), articles 3.3 and 25; Paraguay: *Ley nº 4.251 de Lenguas* (2010), Chapters II and III; and, input from the public of Brazil, Colombia, Panama and Peru.

<sup>101</sup> Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 5 (every three or four years); Antigua and Barbuda: Draft Environmental Protection and Management Act (2014), article 79 (every year); Argentina: *Ley nº 25.675 General del Ambiente* (2002), article 18 (every year); Bolivia (Plur. State of): *Reglamento General de Gestión Ambiental* (1992), article 35 (every 5 years); Brazil: *Lei nº 6.938 que dispõe sobre a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências* (1981), article 9.X (every year); Brazil: *Lei nº 10.650 que dispõe sobre o acesso público aos dados e informações existentes nos órgãos e entidades integrantes do Sisnama* (2003), article 8; Chile: *Ley nº 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 70 ñ) (4 years); Colombia: *Constitución Política de Colombia* (1991), article 268 (every year); Costa Rica: *Ley nº 7.554 Orgánica del Ambiente* (1995), article 78h); Dominican Republic: *Ley nº 64 General de Medio Ambiente y Recursos Naturales* (2000), article 52 (every 2 years); El Salvador: *Decreto nº 233 Ley del Medio Ambiente* (1998), article 31 (every 2 years); Guyana: Environmental Protection Act nº 21 (1996), article 4(3)(d); Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), articles 20c) and 71 (3 years); Honduras: *Decreto nº 104 Ley General del Ambiente* (1993), article 82; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 159 BIS 1; Nicaragua: *Decreto nº 9 de Reglamento de la Ley General del Medio Ambiente y los Recursos Naturales* (1996), article 32; Panama: *Ley nº 41 General de Ambiente* (1998), article 46; Panama: *Ley nº 8 que crea el Ministerio de Ambiente modifica disposiciones de la Autoridad de los Recursos Acuáticos de Panamá y dicta otras disposiciones* (2015), article 2.17; Paraguay: *Ley nº 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), article 10 j) (every year); Peru: *Ley nº 28.611 General del Ambiente* (2005), article 39; Peru: *Ley nº 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 6e); Trinidad and Tobago: Environmental Management Act nº 3 (2000), articles 14 (every year) and 18(2); and, Uruguay: *Ley nº 17.283 sobre la protección del medio ambiente* (2000), article 12 (every year).

<sup>102</sup> Recommendation of the OECD Council on Improving the Environmental Performance of Government of 20 February 1996-C(96)39/FINAL; Communiqué of the Environment Committee Meeting at the Ministerial Level, SG/PRESS(91)9 of 31 January 1991; and, Communiqué of the OECD Council, SG/PRESS(91)31 of 5 June 1991.

<sup>103</sup> Chile: *Ley nº 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 70 p); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1998), article 109 BIS; Mexico: *Reglamento de la Ley General del Equilibrio Ecológico y la Protección al Ambiente en materia de Registro de Emisiones y Transferencia de Contaminantes* (2004); and references in Belize: Chapter 328 Environmental Protection Act (1992), article 4(i); Trinidad and Tobago: Environmental Management Act nº 3 (2000), article 26; and, input from the public of Brazil, Colombia, Panama and Peru.

<sup>104</sup> Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 10; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 10; Honduras: *Decreto Legislativo n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 4; and, input from the public of Colombia, Panama and Peru.

<sup>105</sup> Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 7; Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 8.3.VII; Brazil: *Decreto n° 7.724 que regulamenta a Lei no 12.527* (2012), articles 7 and 8; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), article 5; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), article 18; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), article 39; Honduras: *Decreto Legislativo n° 170 Ley de Transparencia y Acceso a la Información Pública* (2006), article 5; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), article 9; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 23; Paraguay: *Ley n° 5.189 que establece la obligatoriedad de la provisión de informaciones en el uso de los recursos públicos sobre remuneraciones y otras retribuciones asignadas al servidor público de la República del Paraguay* (2014); Peru: *Ley n° 27.806 de Transparencia y Acceso a la Información Pública* (2002), article 5; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 10; Uruguay: *Decreto n°232-010 que reglamenta la Ley n° 18.381* (2010), Title V; and, input from Chile and the public of Colombia, Panama and Peru.

<sup>106</sup> Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 74; Colombia: *Resolución n° 1555 que reglamenta el uso del Sello Ambiental Colombiano* (2005), article 2; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 38; El Salvador: *Decreto n° 17 Reglamento General de la Ley del Medio Ambiente* (2000), articles 57-59; Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 80; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 38.III; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 80; Peru: *Ley n° 29.571 Código de Protección y Defensa del Consumidor* (2010), article 6.9; Peru: *Decreto Supremo n° 012-2009-MINAM que aprueba la Política Nacional del Ambiente* (2009), *Eje de Política 4 (Compromisos y Oportunidades Ambientales Internacionales)*, page 41; Trinidad and Tobago: *Environmental Management Act n° 3* (2000), article 34; and, input from Mexico and the public of Brazil.

<sup>107</sup> Antigua and Barbuda: *Freedom of Information Act n° 19* (2004), article 12; Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 9; Brazil: *Constituição da República Federativa do Brasil* (1988), article 216.2; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), articles 4, 13 and 16; Colombia: *Ley n° 594 General de Archivos* (2000); Costa Rica: *Ley n° 7.202 del Sistema Nacional de Archivos* (1990); Dominican Republic: *Decreto n° 130 Reglamento de la Ley General de Acceso a la Información Pública* (2005), article 11g; Ecuador: *Ley n° 24 Orgánica de Transparencia y Acceso a La Información* (2004), article 10; Ecuador: *Ley n° 92 del Sistema Nacional de Archivos* (2009); El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), Title IV; Guatemala: *Decreto n° 57 Ley de Acceso a la Información Pública* (2008), articles 36 and 37; Guyana: *Access to Information Act n° 21* (2011), article 14; Guyana: *Environmental Protection Act n° 21* (1996), article 36; Jamaica: *Natural Resources Conservation (Permits and Licences) Regulations* (1996), article 21; Mexico: *Constitución Política de los Estados Unidos Mexicanos* (1917), article 6; Mexico: *Reglamento de la Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2003), Chapter VII; Mexico: *Ley Federal de Archivos* (2012); Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), article 12; Peru: *Ley n° 27806 Ley de Transparencia y Acceso a la Información Pública* (2012), article 18; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), *Disposición Complementaria Final Primera*; Saint Vincent and the Grenadines: *Freedom of Information Act n° 23* (2003), article 42; Saint Lucia: *Draft Freedom of Information Act* (2009), article 9; Trinidad and Tobago: *Freedom of Information Act n° 26* (1999), article 42; Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 6; Uruguay: *Decreto n°232-010 que reglamenta la Ley n° 18.381* (2010), articles 16 and 17; and, input from Chile and the public of Chile, Colombia, Panama and Peru.

<sup>108</sup> Report of the Regional Workshop on the implementation of Principle 10 and the Bali Guidelines held in Lima on 28 and 29 October 2013 (UNEP/LAC-IGWG.XIX/Ref.4).

<sup>109</sup> “The Future We Want” (A/CONF.216/L.1), paragraph 47; Peru: *Decreto Supremo n° 040 Reglamento de Protección y Gestión Ambiental para las Actividades de Explotación Beneficio Labor General Transporte y Almacenamiento Minero* (2014), article 148; and, input from Mexico.

<sup>110</sup> Antigua and Barbuda: Draft Environmental Protection and Management Act (2014), articles 40 and 41 (environmental management plan and code of environmental practices); Brazil: *Lei n° 10.650 que dispõe sobre o acesso público aos dados e informações existentes nos órgãos e entidades integrantes do Sisnama* (2003), article 3; and, input from the public of Brazil.

<sup>111</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), articles 6.3, 6.4, 6.7 and 6.8; Framework Agreement on Environment of MERCOSUR (2001), articles 3e) and 6; Port of Spain Consensus of the Caribbean Regional Economic Conference (1991), Section II.b; Revised Treaty of Basseterre establishing the Organisation of Eastern Caribbean States Economic Union (2010), article 5.5; St. George’s Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), Principles 1 and 4; Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (Adopted by the Governing Council of the United Nations Environment Programme (UNEP) in decision SS.XI/5, part A of 26 February 2010), guidelines 10 and 11; Inter American Strategy for the Promotion of Public Participation in Sustainable Development Decision-Making (2000); Antigua and Barbuda: Draft Environmental Protection and Management Act (2014), articles 5 f), 7.2 r) and 7.2 s); Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 19; Argentina: *Decreto n° 1.172 que aprueba los Reglamentos Generales de Audiencias Públicas para el Poder Ejecutivo Nacional, para la Publicidad de la Gestión de Intereses en el ámbito del Poder Ejecutivo Nacional, para la Elaboración Participativa de Normas, del Acceso a la Información Pública para el Poder Ejecutivo Nacional y de Reuniones Abiertas de los Entes Reguladores de los Servicios Públicos, Formularios de inscripciones, registro y presentación de opiniones y propuestas* (2003); Belize: Chapter 328 Environmental Protection Act (1992), article 20(5); Bolivia (Plur. State of): *Constitución Política del Estado* (2008), articles 241, 242, 343 and 345 (art. 343: “La población tiene derecho a la participación en la gestión ambiental, a ser consultado e informado previamente sobre decisiones que pudieran afectar a la calidad del medio ambiente”); Bolivia (Plur. State of): *Ley n° 1551 de Participación Popular* (1994), article 7.e; Chile: *Ley n° 18.575 Orgánica Constitucional de Bases Generales de la Administración del Estado* (2001), Title IV; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), articles 4, 7 bis, 65, 70 m) and 70 y); Chile: *Decreto n° 40 que aprueba el Reglamento del Sistema de Evaluación de Impacto Ambiental* (2012), article 83; Colombia: *Constitución Política de Colombia* (1991), article 79; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 2; Colombia: *Ley n° 134 de Participación Ciudadana* (1994), article 97; Colombia: *Ley n° 850 por medio de la cual se reglamentan las veedurías ciudadanas* (2003), article 6; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 6; Cuba: *Ley n° 81 del Medio Ambiente* (1997), articles 4k), 4m) and 9c); Dominica: Physical Development Act n° 5 (2002), article 10; Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), article 6; Ecuador: *Constitución del Ecuador* (2008), articles 88 and 395.3; Ecuador: *Ley n° 37 de Gestión Ambiental* (1999), articles 5, 9m, 28, 29 and 39; Ecuador: *Ley Orgánica n° 13 de Participación Ciudadana* (2010), article 4; El Salvador: *Decreto n° 233 Ley de Medio Ambiente* (1998), Chapter II; El Salvador: *Decreto n° 579 Ley de Áreas Naturales Protegidas* (2005), article 8; El Salvador: *Decreto n° 17 Reglamento General de la Ley del Medio Ambiente* (2000), article 10; Guatemala: *Acuerdo Gubernativo n° 791 Normativa sobre la Política Marco de Gestión Ambiental* (2003), articles 2.3 and 3.2.9; Guatemala: *Decreto n° 7 Ley Marco para Regular la Reducción de la Vulnerabilidad, la Adaptación Obligatoria ante los Efectos del Cambio Climático y la Mitigación de Gases de Efecto Invernadero* (2013), articles 6 g) and 23; Guyana: Chapter 1:01 Constitution of the Co-operative Republic of Guyana (1980), article 25; Guyana: Environmental Protection Act n° 21 (1996), article 4(1)(b); Haiti: *Décret portant sur la Gestion de l’Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 12; Honduras: *Decreto n° 104 Ley General del Ambiente* (1993), articles 9d) and 102; Honduras: *Acuerdo n° 109 Reglamento de la Ley General del Ambiente* (1993), articles 10, 88 and 89; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1998), articles 1.VII, 5.XVI, 20 BIS, 47 and Title Five; Mexico: *Ley de Planeación* (1983), articles 1.IV, 2.II and Chapter III; Mexico: *Ley General de Cambio Climático* (2012), article 7.XII and Title Eight; Nicaragua: *Ley n° 217 General del Medio Ambiente y de los Recursos Naturales* (1996), article 12; Panama: *Ley n° 41 General de*

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*Ambiente* (1998), articles 32 and 34; Panama: *Ley n° 8 que crea el Ministerio de Ambiente, modifica disposiciones de la Autoridad de los Recursos Acuáticos de Panamá y dicta otras disposiciones* (2015), articles 2.12 and 5; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), Chapter VII; Paraguay: *Ley n° 1.561 que crea el Sistema Nacional del Ambiente, el Consejo Nacional del Ambiente y la Secretaría del Ambiente* (2000), article 12a); Paraguay: *Política Nacional Ambiental* (2014), 2.5 Specific Objectives; Peru: *Ley n° 28.611 General del Ambiente* (2005), articles 14, 46, 51 and 130.3; Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), articles 5g), 6f) and 6k); Peru: *Decreto Supremo n° 008-2005-PCM que aprueba el Reglamento de la Ley marco del Sistema Nacional de Gestión Ambiental* (2005), Chapter IX; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), articles 21-23 and 28; Trinidad and Tobago: *Environmental Management Act n° 3* (2000), preamble and article 16(2); Uruguay: *Ley n° 18.308 de Ordenamiento Territorial y Desarrollo Sostenible* (2008), articles 5d), 6b) and 72; Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), articles 4.4, 10.5, 23.4 and 30.7 and Title IV; and, input from the public of Brazil and Chile.

<sup>112</sup> Bolivia (Plur. State of): *Ley n° 1551 de Participación Popular* (1994), article 7.b; Bolivia (Plur. State of): *Ley n° 1333 del Medio Ambiente* (1992), article 92; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 2a); Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), article 36; Honduras: *Decreto n° 104 Ley General del Ambiente* (1993), article 102; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), articles 1.VII and 18; Panama: *Ley n° 41 General de Ambiente* (1998), article 63; Trinidad and Tobago: *Environmental Management Act n° 3* (2000), article 4(c); and, input from Mexico.

<sup>113</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Ecuador: *Decreto Ejecutivo n° 1040 que establece el Reglamento de Aplicación de los Mecanismos de Participación Social establecidos en la Ley de Gestión Ambiental* (2008), article 10; Guatemala: *Acuerdo Gubernativo n° 431 Reglamento de Evaluación, Control y Seguimiento Ambiental* (2007), article 72; Honduras: *Acuerdo n° 189 Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), article 88; Panama: *Decreto Ejecutivo n° 123 que reglamenta el Capítulo II, del Título IV, de la Ley General de Ambiente* (2009), article 28; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 27b); and, input from the public of Brazil and Chile.

<sup>114</sup> St. George's Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), Goal 2; Antigua and Barbuda: *Draft Environmental Protection and Management Act* (2014), article 108; Bolivia (Plur. State of): *Constitución Política del Estado* (2008), article 343; Bolivia (Plur. State of): *Ley n° 341 de Participación y Control Social* (2013), article 8; Brazil: *Decreto n° 8.243 que Institui a Política Nacional de Participação Social - PNPS e o Sistema Nacional de Participação Social - SNPS, e dá outras providências* (2014), articles 3.IV, 16 and 17; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), articles 7 ter and 26; Chile: *Decreto n° 40 que aprueba el Reglamento del Sistema de Evaluación de Impacto Ambiental* (2012), articles 83 and 84; Colombia: *Decreto n° 330 por el cual se reglamentan las audiencias públicas ambientales* (2007), articles 1 and 7; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), articles 6a), 6 bis and 6 ter; Ecuador: *Decreto Ejecutivo n° 1040 que establece el Reglamento de Aplicación de los Mecanismos de Participación Social establecidos en la Ley de Gestión Ambiental* (2008), articles 4d) and 9; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), articles 9 and 25; Guatemala: *Acuerdo Gubernativo n° 431 Reglamento de Evaluación, Control y Seguimiento Ambiental* (2007), article 75; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 58; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública, establece la acción de Hábeas Data y dicta otras disposiciones* (2002), article 25; Paraguay: *Reglamento General para Audiencias Públicas de la Ley n° 294 de Evaluación de Impacto Ambiental* (2005), article 2.4; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 50; Peru: *Decreto Supremo n° 008-2005-PCM que aprueba el Reglamento de la Ley marco del Sistema Nacional de Gestión Ambiental* (2005), article 82; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 27a); Saint Vincent and the Grenadines: *Town and Country Planning Act n° 45* (1992), article 13; Trinidad and Tobago: *Environmental Management Act n° 3* (2000), articles 27(1)(c) and 28; Trinidad and Tobago: *Certificate of Environmental Clearance Rules* (2001), article 9; Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 5G); and, input from Mexico.

<sup>115</sup> Paraguay: *Reglamento General para Audiencias Públicas de la Ley n° 294 de Evaluación de Impacto Ambiental* (2005), article 2.3 and Peru: *Decreto Supremo n° 008-2005-PCM que aprueba el Reglamento de la Ley marco del Sistema Nacional de Gestión Ambiental* (2005), article 82.

<sup>116</sup> Argentina: *Decreto 1172/2003 sobre el acceso a la información pública* (2003), Annex I, article; Brazil: *Resolução CONAMA n° 9* (1987), article 1; Bolivia (Plur. State of): *Reglamento de Prevención y Control Ambiental* (1992), article 164; Chile: *Ley n° 18.575 Orgánica Constitucional de Bases Generales de la Administración del Estado* (2001), article 73; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), articles 14 bis, 18 quáter c), 28, 29 and 30 bis; Chile: *Decreto n° 40 que aprueba el Reglamento del Sistema de Evaluación de Impacto Ambiental* (2012), articles 20 and 90; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), Title X; Colombia: *Decreto n° 330 por el cual se reglamentan las audiencias públicas ambientales* (2007), articles 1 and 2; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), articles 6 bis and 6 ter; Dominica: *Physical Development Act n° 5* (2002), article 11(3); Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), article 7.IV; Dominican Republic: *Decreto n° 130 Reglamento de la Ley General de Acceso a la Información Pública* (2005), article 46; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 25; Guatemala: *Acuerdo Gubernativo n° 431 Reglamento de Evaluación, Control y Seguimiento Ambiental* (2007), article 75; Mexico: *Reglamento de la Ley General del Equilibrio Ecológico y la Protección al Ambiente en materia de Evaluación del Impacto Ambiental* (2000), article 41.III; Panama: *Decreto Ejecutivo n° 123 que reglamenta el Capítulo II, del Título IV, de la Ley General de Ambiente* (2009), Capítulo III; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 46 (“*Toda persona, natural o jurídica, en forma individual o colectiva, puede presentar opiniones, posiciones, puntos de vista, observaciones u aportes, en los procesos de toma de decisiones de la gestión ambiental y en las políticas y acciones que indican sobre ella, así como en su posterior ejecución, seguimiento y control. El derecho a la participación se ejerce en forma responsable*”); Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 22; Trinidad and Tobago: *Environmental Management Act n° 3* (2000), article 28; Uruguay: *Ley n° 16.466 de medio ambiente* (1994), articles 13 and 14; Uruguay: *Ley n° 18.308 de Ordenamiento Territorial y Desarrollo Sostenible* (2008), article 72; and, input from the public of Brazil and Chile.

<sup>117</sup> Bolivia (Plur. State of): *Ley n° 341 de Participación y Control Social* (2013), article 4.II.4; Brazil: *Decreto n° 8.243 que Institui a Política Nacional de Participação Social - PNPS e o Sistema Nacional de Participação Social - SNPS, e dá outras providências* (2014), articles 3 and 4.III; Chile: *Ley n° 20.500 sobre Asociaciones y Participación Ciudadana en la Gestión Pública* (2011), articles 2 and 6 bis; Colombia: *Ley n° 850 por medio de la cual se reglamentan las veedurías ciudadanas* (2003), article 8; and, Ecuador: *Ley Orgánica n° 13 de Participación Ciudadana* (2010), article 4.

<sup>118</sup> Framework Agreement on Environment of MERCOSUR (2001), article 6m); Bolivia (Plur. State of): *Ley n° 1333 del Medio Ambiente* (1992), article 78.1; Brazil: *Resolução CONAMA n° 9* (1987), article 2; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 4; Chile: *Decreto n° 40 que aprueba el Reglamento del Sistema de Evaluación de Impacto Ambiental* (2012), article 27; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 30a); Nicaragua: *Decreto n° 76 sobre el Sistema de Evaluación Ambiental* (2006), article 33.1; Peru: *Decreto Supremo n° 008-2005-PCM que aprueba el Reglamento de la Ley marco del Sistema Nacional de Gestión Ambiental* (2005), article 81; and, General Assembly Resolution 69/183 on human rights and extreme poverty (A/RES/69/183) proposed by Argentina, Barbados, Belize, Bolivia (Plur. State of), Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bol. Rep. of), among others.

<sup>119</sup> Chile: *Decreto n° 66 que regula el procedimiento de consulta indígena en virtud del artículo 6 N° 1 letra a) y N° 2 del Convenio N° 169 de la Organización Internacional del Trabajo sobre Pueblos Indígenas y Tribales en Países Independientes* (2014), articles 15 and 16; Colombia: *Decreto n° 1320 por el cual se reglamenta la consulta previa con las comunidades indígenas y negras para la explotación de los recursos naturales dentro de su territorio* (1998), article 12, paragraph 20; Ecuador: *Decreto Ejecutivo n° 1040 que establece el Reglamento de Aplicación de los Mecanismos de Participación Social establecidos en la Ley de Gestión Ambiental* (2008), article 9; Paraguay: *Ley n° 4.251 de Lenguas* (2010); Peru: *Ley n° 28.611 General del Ambiente* (2005), article 51.e; Peru: *Decreto Supremo n° 008-2005-PCM que aprueba el Reglamento de la Ley marco del Sistema Nacional de Gestión Ambiental* (2005), article 82.5; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre*

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Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales (2009), article 34.5; and, input from the public of Brazil.

<sup>120</sup> Bahamas (the): Conservation and Protection of the Physical Landscape of the Bahamas Act Chapter 260 (1997), article 8(3); Bolivia (Plur. State of): *Reglamento de Prevención y Control Ambiental* (1992), article 164; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), articles 7 quáter and 29; Chile: *Decreto n° 40 que aprueba el Reglamento del Sistema de Evaluación de Impacto Ambiental* (2012), articles 83 and 91; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 72; Colombia: *Decreto n° 2.041 por el cual se reglamenta el Título VIII de la Ley 99 de 1993 sobre licencias ambientales* (2014), article 15; Colombia: *Decreto n° 330 por el cual se reglamentan las audiencias públicas ambientales* (2007), article 2; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), articles 6 ter c) and 22; Costa Rica: *Decreto n° 31.849 Reglamento General sobre los Procedimientos de Evaluación de Impacto Ambiental* (2004), articles 42 and 55; Dominica: Physical Development Act n° 5 (2002), articles 10 and 11; Dominican Republic: *Decreto n° 130 Reglamento de la Ley General de Acceso a la Información Pública* (2005), article 55; Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), article 117.I; Dominican Republic: *Reglamento del Proceso de Evaluación Ambiental*, article 40; Ecuador: *Decreto Ejecutivo n° 1040 que establece el Reglamento de Aplicación de los Mecanismos de Participación Social establecidos en la Ley de Gestión Ambiental* (2008), article 19; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 25c); Guatemala: *Acuerdo Gubernativo n° 431 Reglamento de Evaluación, Control y Seguimiento Ambiental* (2007), articles 77 and 78; Guyana: Environmental Protection Act n° 21 (1996), article 12(1)(b); Honduras: *Acuerdo n° 189 Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), article 89; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 159; Paraguay: *Reglamento General para Audiencias Públicas de la Ley n° 294 de Evaluación de Impacto Ambiental* (2005), articles 2.1 and 2.2; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 34.8; Saint Vincent and the Grenadines: Town and Country Planning Act n° 45 (1992), article 13(5); Trinidad and Tobago: Environmental Management Act n° 3 (2000), articles 27(1)(b) and 36(1); and, Uruguay: *Ley n° 18.308 de Ordenamiento Territorial y Desarrollo Sostenible* (2008), article 72.

<sup>121</sup> Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 20; Argentina: *Decreto 1172/2003 sobre el acceso a la información pública* (2003), Annex I, article 38; and, Peru: *Ley n° 28.611 General del Ambiente* (2005), article 51 h).

<sup>122</sup> Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), articles 28-30 bis; Chile: *Decreto n° 40 que aprueba el Reglamento del Sistema de Evaluación de Impacto Ambiental* (2012), articles 92 and 96; and, Saint Vincent and the Grenadines: Town and Country Planning Act n° 45 (1992), article 13(6).

<sup>123</sup> Brazil: *Decreto n° 8.243 que Institui a Política Nacional de Participação Social - PNPS e o Sistema Nacional de Participação Social - SNPS, e dá outras providências* (2014), articles 16 and 17; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 6 ter; Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 29; and, input from Chile.

<sup>124</sup> Guides foreseen at the national level in Belize: Chapter 328 Environmental Protection Act (1992), article 21; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 9; and, Peru: *Decreto Supremo n° 008-2005-PCM que aprueba el Reglamento de la Ley marco del Sistema Nacional de Gestión Ambiental* (2005), article 81.

<sup>125</sup> Uruguay: *Decreto 25/2014 del Ministerio de Relaciones Exteriores que crea el Sistema de Diálogo y Consulta entre Cancillería y las Organizaciones Sociales* (2014).

<sup>126</sup> Brazil: *Decreto n° 99.274 que Regulamenta a Lei n° 6.902, de 27 de abril de 1981, e a Lei n° 6.938, de 31 de agosto de 1981, que dispõem, respectivamente sobre a criação de Estações Ecológicas e Áreas de Proteção Ambiental e sobre a Política Nacional do Meio Ambiente, e dá outras providências* (1990), article 5.VIII (Conselho Nacional do Meio Ambiente); Costa Rica: *Ley Orgánica n° 7554 del Ambiente* (1995), articles 7 and 8; Guatemala: *Decreto n° 7 Ley Marco para Regular la Reducción de la Vulnerabilidad, la Adaptación Obligatoria ante los Efectos del Cambio Climático y la Mitigación de Gases de Efecto Invernadero* (2013), article 8 (Consejo Nacional de Cambio Climático); Jamaica: Forest Act (1996), Section 12 (Local forest management committees); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1998), articles 159; Mexico: *Ley General de Cambio Climático* (2012), Chapter III (Consejo de Cambio Climático); Peru: *Ley n° 28.611 General del Ambiente* (2005), article 48; and, Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), articles 40.

<sup>127</sup> St. George's Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), Goal 2; Bolivia (Plur. State of): *Constitución Política del Estado* (2008), articles 30.II; Bolivia (Plur. State of): *Ley n° 341 de Participación y Control Social* (2013), article 4; Chile: *Ley n° 19.300 sobre Bases Generales*

del Medio Ambiente (1994), articles 4 and 76; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 22; and, Panama: *Ley n° 41 General de Ambiente* (1998), article 97.

<sup>128</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Argentina: *Ley n° 23.302 de Ley 23.302 sobre Política Indígena y Apoyo a las Comunidades Aborígenes* (1985), article 1; Brazil: *Decreto n° 8.243 que Institui a Política Nacional de Participação Social - PNPS e o Sistema Nacional de Participação Social - SNPS, e dá outras providências* (2014), article 4.VII; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 4; Ecuador: *Constitución del Ecuador* (2008), article 48.1 (participation of persons with disabilities); Guyana: *Environmental Protection Act n° 21* (1996), article 68 (z); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1998), articles 157 and 158; Mexico: *Ley de Planeación* (1983), article 20; Peru: *Decreto Supremo n° 012-2009-MINAM que aprueba la Política Nacional del Ambiente* (2009), *Eje de Política 3 (Gobernanza Ambiental-Inclusión Social en la Política Ambiental)*, page 37 (“a) Fomentar la participación activa y pluricultural de la población en la gestión ambiental, y en particular, la intervención directa de grupos minoritarios o vulnerables, sin discriminación alguna; b) Promover la adopción de mecanismos para evaluar y valorar el enfoque de género e intercultural, y los intereses de los grupos minoritarios o vulnerables en los procesos de gestión ambiental. c) Fomentar la generación de espacios y el uso de herramientas y otros medios, que faciliten efectivamente la participación de la población con capacidades especiales o diferentes en la gestión ambiental. d) Incentivar la participación de las mujeres y los jóvenes en los diversos procesos para que ejerzan una efectiva ciudadanía ambiental.”); Peru: *Decreto Supremo n° 008-2005-PCM que aprueba el Reglamento de la Ley marco del Sistema Nacional de Gestión Ambiental* (2005), article 81 (“... el diseño de estos mecanismos [de participación ciudadana ambiental] debe promover un enfoque transectorial, incorporar el principio del desarrollo sostenible, vincularse con la gestión del territorio, ser flexible a las diferencias socioculturales del país, y priorizar la participación local...”); Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), article 41; Venezuela: *Ley Orgánica de Pueblos y Comunidades Indígenas* (2005), article 6; and, input from the public of Argentina and Mexico.

<sup>129</sup> C169 Indigenous and Tribal Peoples Convention of the International Labour Organisation (1989); United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295) (2007); Argentina: *Ley n° 24.071 ratificatoria del Convenio n° 169 de la Organización Internacional del Trabajo sobre pueblos indígenas y tribales* (1992); Bolivia (Plur. State of): *Constitución Política del Estado* (2008), articles 30.II and 30.III; Brazil: *Constituição da República Federativa do Brasil* (1988), article 231; Brazil: *Lei n° 6.001 que dispõe sobre o Estatuto do Índio* (1973); Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 4; Chile: *Decreto n° 40 que aprueba el Reglamento del Sistema de Evaluación de Impacto Ambiental* (2012), articles 7, 8, 10, 27, 85 and 86; Chile: *Decreto n° 66 que regula el procedimiento de consulta indígena en virtud del artículo 6 N° 1 letra a) y N° 2 del Convenio N° 169 de la Organización Internacional del Trabajo sobre Pueblos Indígenas y Tribales en Países Independientes* (2014); Colombia: *Ley n° 21 por medio de la cual se aprueba el Convenio número 169 sobre pueblos indígenas y tribales en países independientes* (1991); Colombia: *Decreto n° 2.613 que adopta el Protocolo de Coordinación Interinstitucional para la consulta previa* (2013); Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 76; Colombia: *Decreto n° 1320 por el cual se reglamenta la consulta previa con las comunidades indígenas y negras para la explotación de los recursos naturales dentro de su territorio* (1998); Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 6 bis 3.4; Ecuador: *Constitución del Ecuador* (2008), articles 84 and 85; Ecuador: *Decreto Ejecutivo n° 1040 que establece el Reglamento de Aplicación de los Mecanismos de Participación Social establecidos en la Ley de Gestión Ambiental* (2008), article 26; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 15.XIII; Mexico: *Ley de Planeación* (1983), articles 20 and 20 bis; Mexico: *Ley de la Comisión Nacional para el Desarrollo de los Pueblos Indígenas* (2003), article 3.VI; Panama: *Ley n° 41 General de Ambiente* (1998), Title VII; Paraguay: *Ley n° 904 Estatuto de las Comunidades Indígenas* (1981); Peru: *Ley n° 28.611 General del Ambiente* (2005), articles 70-72; Peru: *Ley n° 29785 del derecho a la consulta previa a los pueblos indígenas u originarios, reconocido en el convenio 169 de la Organización Internacional del Trabajo (OIT) y su reglamento DS 1-2012-MC* (2012); Peru: *Decreto Supremo n° 019-2009-MINAM que aprueba el Reglamento de Ley del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), article 71; Venezuela (Bol. Rep. of): *Ley Orgánica de Pueblos y Comunidades Indígenas* (2005), article 7 and Chapter II; , input from the public of Brazil and Chile; and, “Guaranteeing indigenous people’s rights in Latin America: Progress in the past decade and remaining challenges”, ECLAC (LC/L.3893) (2014).



<sup>130</sup> Argentina: *Ley n° 25.675 General del Ambiente* (2002), articles 11-13 and 20-21; Belize: Chapter 328 Environmental Protection Act (1992), articles 4(m) and 20; Belize: Environmental Impact Assessment Regulations (1995), articles 18 and 20.5; Bolivia (Plur. State of): *Reglamento General de Gestión Ambiental* (1992), article 160; Brazil: *Resolução CONAMA n° 9* (1987), article 2.2; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 30 bis; Chile: *Decreto n° 40 que aprueba el Reglamento del Sistema de Evaluación de Impacto Ambiental* (2012), article 44n) and Title V; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), articles 69 and 72; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 22; Costa Rica: *Decreto n° 31.849 Reglamento General sobre los Procedimientos de Evaluación de Impacto Ambiental* (2004), articles 33 and 41 and Chapter VI; Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), article 43; Dominican Republic: *Reglamento del Proceso de Evaluación Ambiental*, article 35; Ecuador: *Decreto Ejecutivo n° 1040 que establece el Reglamento de Aplicación de los Mecanismos de Participación Social establecidos en la Ley de Gestión Ambiental* (2008), Title III; Ecuador: *Ley Orgánica n° 13 de Participación Ciudadana del Ecuador* (2010), article 82; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 25; Guatemala: *Acuerdo Gubernativo n° 431 Reglamento de Evaluación, Control y Seguimiento Ambiental* (2007), article 72; Guyana: Environmental Protection Act n° 21 (1996), articles 11(7) and 11(9)(a); Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 58; Honduras: *Acuerdo n° 189 Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), articles 2d) and 87; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 34; Mexico: *Reglamento de la Ley General del Equilibrio Ecológico y la Protección al Ambiente en materia de Evaluación del Impacto Ambiental* (2000), article 40; Nicaragua: *Decreto n° 76 sobre el Sistema de Evaluación Ambiental* (2006), article 3.3 and Chapter VIII; Panama: *Ley n° 41 General de Ambiente* (1998), articles 23-A and 24 (according to wording established in *Ley n° 8 que crea el Ministerio de Ambiente, modifica disposiciones de la Autoridad de los Recursos Acuáticos de Panamá y dicta otras disposiciones* (2015)); Panama: *Decreto Ejecutivo n° 123 que reglamenta el Capítulo II, del Título IV, de la Ley General de Ambiente* (2009), article 12; Paraguay: *Reglamento General para Audiencias Públicas de la Ley n° 294 de Evaluación de Impacto Ambiental* (2005), article 2.1; Peru: *Ley n° 27.446 del Sistema Nacional de Evaluación de Impacto Ambiental* (2001), articles 1c), 13 and 14; Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 28 and Chapter II; Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 35(5); and, Uruguay: *Ley n° 16.466 de Medio Ambiente* (1994), articles 13 and 14.

<sup>131</sup> Input from Colombia.

<sup>132</sup> Colombia: *Decreto n° 1320 por el cual se reglamenta la consulta previa con las comunidades indígenas y negras para la explotación de los recursos naturales dentro de su territorio* (1998), Chapter II; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 6 bis; Ecuador: *Decreto Ejecutivo n° 1040 que establece el Reglamento de Aplicación de los Mecanismos de Participación Social establecidos en la Ley de Gestión Ambiental* (2008), article 15 (“Sujetos de la participación social: Sin perjuicio del derecho colectivo que garantiza a todo habitante la intervención en cualquier procedimiento de participación social, esta se dirigirá prioritariamente a la comunidad dentro del área de influencia directa donde se llevará a cabo la actividad o proyecto que cause impacto ambiental, la misma que será delimitada previamente por la autoridad competente.”); Guyana: Environmental Protection Act n° 21 (1996), article 68 (z); Peru: *Decreto Supremo n° 002-2009-MINAM que aprueba el Reglamento sobre Transparencia, Acceso a la Información Pública Ambiental y Participación y Consulta Ciudadana en Asuntos Ambientales* (2009), article 30; Peru: *Decreto Supremo n° 019-2009-MINAM que aprueba el Reglamento de Ley del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), article 71; and, input from the public of Brazil and Chile.

<sup>133</sup> Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 13; Brazil: *Resolução CONAMA n° 1* (1986), article 11; Bolivia (Plur. State of): *Reglamento de Prevención y Control Ambiental* (1992), articles 35 and Title VII; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), articles 28, 30, 30 bis and 30 ter; Chile: *Decreto n° 40 que aprueba el Reglamento del Sistema de Evaluación de Impacto Ambiental* (2012), articles 87, 88, 89, 93 and 94; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), articles 22 and 23; Costa Rica: *Decreto n° 31.849 Reglamento General sobre los Procedimientos de Evaluación de Impacto Ambiental* (2004), article 33; Ecuador: *Decreto Ejecutivo n° 1040 que establece el Reglamento de Aplicación de los Mecanismos de Participación Social establecidos en la Ley de Gestión Ambiental* (2008), articles 17 and 18; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 25; Guyana: Environmental Protection Act n° 21 (1996), articles 11(6) and 11(9)(b); Honduras: *Acuerdo n° 189 Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), articles

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20 and 90; Mexico: *Reglamento de la Ley General del Equilibrio Ecológico y la Protección al Ambiente en materia de Evaluación del Impacto Ambiental* (2000), articles 37-39 and 41; Panama: *Decreto Ejecutivo n° 123 que reglamenta el Capítulo II, del Título IV, de la Ley General de Ambiente* (2009), articles 12, 35 and 36; Paraguay: *Ley n° 294 de Evaluación de Impacto Ambiental* (1993), article 8; Peru: *Decreto Supremo n° 019-2009-MINAM que aprueba el Reglamento de Ley del Sistema Nacional de Evaluación de Impacto Ambiental* (2009), articles 66 and 67; and, Uruguay: *Ley n° 16.466 de medio ambiente* (1994), article 13.

<sup>134</sup> Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 6.9; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 25 quáter; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 71; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 23; Guyana: Environmental Protection Act n° 21 (1996), articles 4(3)(e), 11(11) and 12(2); Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 70; and, Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 34.

<sup>135</sup> Argentina: *Ley n° 27.063 Código Procesal Penal* (2014), articles 2 and 8; Argentina: *Ley n° 19.549 del procedimiento administrativo* (1972), article 1 f); Brazil: *Lei n° 9.784 que regula o processo administrativo no âmbito da Administração Pública Federal* (1999), article 2; Bolivia (Plur. State of): *Constitución Política del Estado* (2008), articles 115, 117, 119, 120 and 178; Colombia: *Constitución Política de Colombia* (1991), articles 29, 209, 228 and 230; Dominican Republic: *Constitución de la República Dominicana* (2010), article 69; Ecuador: *Constitución del Ecuador* (2008), articles 75, 76 and 169; Jamaica: Jamaica Constitution Order (1962), article 16; Mexico: *Constitución Política de los Estados Unidos Mexicanos* (1917), article 17; Paraguay: *Constitución de la República de Paraguay* (1992), article 38; and, Peru: *Ley n° 28.611 General del Ambiente* (2005), article IV.

<sup>136</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Colombia: *Constitución Política de Colombia* (1991), article 31; Peru: *Ley n° 29.325 del Sistema Nacional de Evaluación y Fiscalización Ambiental* (2009), article 24; Trinidad and Tobago: Judicial Review Act n° 60 (2000), article 5; Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), article 29; and, input from the public of Argentina, Chile and Honduras.

<sup>137</sup> Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 9.1; Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (Adopted by the Governing Council of the United Nations Environment Programme (UNEP) in decision SS.XI/5, part A of 26 February 2010), guideline 15; Model Inter-American Law on Access to Public Information, AG/RES. 2607 (XL-O/10) (2010), Section V; Antigua and Barbuda: Freedom of Information Act n° 19 (2004), article 41; Argentina: *Ley n° 25.831 del Régimen de Libre Acceso a la Información Pública Ambiental* (2003), article 9 (“En dichos supuestos quedará habilitada una vía judicial directa, de carácter sumarísima ante los tribunales competentes”); Belize: Freedom of Information Act n° 9 (1994), Part V (Ombudsman); Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), articles 34 and 35; Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 15; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), articles 8, 24 and 28; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 31 quáter; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), article 27; Dominican Republic: *Ley n° 200 General de Libre Acceso a la Información Pública* (2004), Chapter IV; Ecuador: *Constitución del Ecuador* (2008), article 91; Ecuador: *Ley Orgánica n° 24 de Transparencia y Acceso a la Información Pública* (2004), article 21 and Title V; Ecuador: *Ley n° 37 de Gestión Ambiental* (1999), articles 29; El Salvador: *Decreto n° 534 Ley de Acceso a la Información Pública* (2011), Title IX; Guyana: Access to Information Act n° 21 (2011), article 43; Honduras: Acuerdo n° 109 Reglamento de la Ley General del Ambiente (1993), article 90; Jamaica: Access to Information Act n° 21 (2002), articles 31 and 32; Mexico: *Ley Federal de Transparencia y Acceso a la Información Pública Gubernamental* (2002), articles 37 and Chapter IV of Title II; Mexico: *Ley General de Cambio Climático* (2012), article 26.X; Nicaragua: *Ley n° 621 de Acceso a la Información Pública* (2007), articles 13, 37 and 38; Panama: *Ley n° 33 que crea la Autoridad Nacional de Transparencia y Acceso a la Información* (2013), Chapter X; Panama: *Ley n° 6 que dicta normas para la transparencia en la gestión pública establece la acción de habeas data y dicta otras*

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disposiciones (2002), article 17; Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), Title VI; Peru: *Ley n° 27.806 de Transparencia y Acceso a la Información Pública* (2002), article 11g); Saint Vincent and the Grenadines: Freedom of Information Act n° 23 (2003), article 39; Saint Lucia: Draft Freedom of Information Act (2009), articles 42 and 46; Trinidad and Tobago: Freedom of Information Act n° 26 (1999), articles 38A and 39; Uruguay: *Ley n° 18.381 del Derecho de Acceso a la Información Pública* (2008), articles 22-25; and, input from Chile, Mexico and the public of Colombia, Panama and Peru.

<sup>138</sup> Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (Adopted by the Governing Council of the United Nations Environment Programme (UNEP) in decision SS.XI/5, part A of 26 February 2010), guideline 16; Bolivia (Plur. State of): *Ley n° 1551 de Participación Popular* (1994), article 8.e; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), articles 20, 29 and 30; Chile: *Decreto n° 40 que aprueba el Reglamento del Sistema de Evaluación de Impacto Ambiental* (2012), article 78; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), articles 6 and 6 bis; Costa Rica: *Decreto n° 31.849 Reglamento General sobre los Procedimientos de Evaluación de Impacto Ambiental* (2004), article 51; Ecuador: *Ley n° 37 de Gestión Ambiental* (1999), article 28; Honduras: Acuerdo n° 109 Reglamento de la Ley General del Ambiente (1993), article 90; Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 30; and, input from Chile.

<sup>139</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970), Annex 4; Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 9; St. George's Declaration of Principles for Environmental Sustainability of the Organisation of Eastern Caribbean States (2001), Goal 3; Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (Adopted by the Governing Council of the United Nations Environment Programme (UNEP) in decision SS.XI/5, part A of 26 February 2010), guidelines 19-22; Argentina: *Constitución de la Nación Argentina* (1994), article 43; Bahamas (the): Conservation and Protection of the Physical Landscape of the Bahamas Act Chapter 260 (1997), article 11; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 50 and Title III; Chile: *Ley n° 20.600 que crea los Tribunales Ambientales* (2012), article 17; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 73; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 6c); El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 26; Guyana: Environmental Protection Act n° 21 (1996), articles 28 and 29; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), articles 176 and 189; Mexico: *Reglamento de la Ley General del Equilibrio Ecológico y la Protección al Ambiente en materia de Evaluación del Impacto Ambiental* (2000), article 65; Paraguay: *Constitución de la República de Paraguay* (1992), article 38; Peru: *Ley n° 28.611 General del Ambiente* (2005), article IV; Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 81; Uruguay: *Ley n° 18.308 de Ordenamiento Territorial y Desarrollo Sostenible* (2008), article 6c); Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), articles 4.5 y 90; and, input from the public of Argentina, Brazil, Chile and Honduras.

<sup>140</sup> Argentina: *Resolución n° 123/06 de la Procuración General de la Nación* (2006) (*Unidad Fiscal para la Investigación de Delitos contra el Medio Ambiente*); Brazil: *Constituição da República Federativa do Brasil* (1988), article 129.III (*Ministério Público*); Bolivia (Plur. State of): *Constitución Política del Estado* (2008), articles 186-189 (agro-environmental jurisdiction); Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 60; Chile: *Ley n° 20.600 que crea los Tribunales Ambientales* (2012); Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), Chapter XXI; El Salvador: *Decreto n° 684 que crea la Jurisdicción Ambiental* (2014); Guyana: Environmental Protection Act n° 21 (1996), Part VIII (Environmental Appeals Tribunal); Honduras: *Decreto n° 104 Ley General del Ambiente* (1993), articles 16-26 (*Procuraduría del Ambiente*); Mexico: *Ley Federal de Responsabilidad Ambiental* (2013), article 30 (*Juzgados de distrito con jurisdicción especial en materia ambiental*); Mexico: Ley General del Equilibrio Ecológico y la Protección al Ambiente (1988), article 189; Paraguay: *Ley n° 4.012 que crea el Departamento de Bosques y Asuntos Ambientales dependiente de la Dirección Técnica de la Policía Nacional y especifica las funciones de la Policía Nacional en materia ambiental* (2010) (*Departamento de Bosques y Asuntos Ambientales*); Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 13d) (Court of the Settlement of Environmental Disputes); Peru: *Ley n° 29.325 del Sistema Nacional de Evaluación y Fiscalización Ambiental* (2009), article 10 (Environmental Oversight Court); Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 81 (Environmental Commission); Venezuela (Bol. Rep. of): *Ley*

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*Orgánica del Ambiente* (2006), Title X (*Jurisdicción Especial Penal Ambiental*); Venezuela (Bol. Rep. of): *Ley Penal del Ambiente* (2012), article 23; and, input from Mexico.

<sup>141</sup> Bolivia (Plur. State of): *Constitución Política del Estado* (2008), articles 178, 180 and 186 and Dominican Republic: *Constitución de la República Dominicana* (2010), article 72.

<sup>142</sup> Antigua and Barbuda: Draft Environmental Protection and Management Act (2014), article 97; Argentina: *Constitución de la Nación Argentina* (1994), article 43; Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 30; Bolivia (Plur. State of): *Constitución Política del Estado* (2008), articles 34 (“*Cualquier persona a título individual o en representación de una colectividad, está facultada para ejercitar las acciones legales en defensa del derecho al medio ambiente, sin perjuicio de la obligación de las instituciones públicas de actuar de oficio frente a los atentados contra el medio ambiente.*”) and 135; Bolivia (Plur. State of): *Ley n° 1333 del Medio Ambiente* (1992), articles 102; Brazil: *Lei n° 7.347 que disciplina a ação civil pública de responsabilidade por danos causados ao meio-ambiente* (1985), article 5 Brazil: *Lei n° 4.717 que regula a ação popular* (1965), article 1; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), articles 54; Chile: *Ley n° 20.600 que crea los Tribunales Ambientales* (2012), article 18; Colombia: *Constitución Política de Colombia* (1991), article 88; Colombia: *Ley n° 472 Por la cual se desarrolla el artículo 88 de la Constitución Política de Colombia en relación con el ejercicio de las acciones populares y de grupo y se dictan otras disposiciones* (1998); Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 69; Costa Rica: *Constitución Política de Costa Rica* (1949), article 50; Costa Rica: *Ley n° 7.788 de Biodiversidad* (1998), article 105; Dominican Republic: *Constitución de la República Dominicana* (2010), article 72; Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), articles 178-180; Ecuador: *Ley n° 37 de Gestión Ambiental* (1999), articles 41 and 43; Ecuador: *Ley n° 20 de Prevención y Control de la Contaminación Ambiental* (2004), article 16; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), articles 101 and 106; Guatemala: *Constitución Política de la República de Guatemala* (1993), articles 29 and 265; Guatemala: *Decreto n° 68 Ley de Protección y Mejoramiento del Medio Ambiente* (1986), article 30; Honduras: *Constitución de la República de Honduras* (1987), article 183; Honduras: *Decreto n° 104 Ley General del Ambiente* (1993), articles 80 and 90; Honduras: *Acuerdo n° 109 Reglamento de la Ley General del Ambiente* (1993), article 10; Jamaica: Jamaica Constitution Order (1962), article 19 (application for redress); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 182 and Chapter VII (“denuncia popular”); Mexico: *Ley Federal de Responsabilidad Ambiental* (2013), articles 28 and 54; Nicaragua: *Ley n° 217 General del Medio Ambiente y de los Recursos Naturales* (1996), articles 2 and 137; Panama: *Ley n° 41 General de Ambiente* (1998), article 111; Paraguay: *Constitución de la República de Paraguay* (1992), articles 38 and 134; Peru: *Ley n° 28.611 General del Ambiente* (2005), articles IV and 143; Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 69; Trinidad and Tobago: Judicial Review Act n° 60 (2000), articles 7(1) (leave of court in public interest) and 14; Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), articles 4.5 and 43; Venezuela (Bol. Rep. of): *Ley Penal del Ambiente* (2012), article 21; and, input from the public of Mexico.

<sup>143</sup> Chile: *Ley n° 20.600 que crea los Tribunales Ambientales* (2012), article 45; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 103-A; Trinidad and Tobago: Judicial Review Act n° 60 (2000), article 22 (execution on behalf of a third person); Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), article 133; and, Venezuela (Bol. Rep. of): *Ley Penal del Ambiente* (2012), article 26.

<sup>144</sup> Bolivia (Plur. State of): *Constitución Política del Estado* (2008), articles 113 and 347.II; Colombia: *Ley n° 1.333 por la cual se establece el procedimiento sancionatorio ambiental y se dictan otras disposiciones* (2009), article 31; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 111; Ecuador: *Constitución del Ecuador* (2008), article 72; Ecuador: *Ley n° 37 de Gestión Ambiental* (1999), article 43; Mexico: *Ley General de Víctimas* (2013), articles 2 and 7 and Chapter II; Nicaragua: *Ley n° 217 General del Medio Ambiente y de los Recursos Naturales* (1996), article 145; Panama: *Ley n° 41 General de Ambiente* (1998), article 118; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 147; Peru: *Ley n° 29.325 del Sistema Nacional de Evaluación y Fiscalización Ambiental* (2009), articles 22 and 23; Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), article 133; Venezuela (Bol. Rep. of): *Ley Penal del Ambiente* (2012), article 9; and, input from Mexico.

<sup>145</sup> Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 34; Brazil: *Lei n° 7.347 que disciplina a ação civil pública de responsabilidade por danos causados ao meio-ambiente* (1985), article 13 (“*Havendo condenação em dinheiro, a indenização pelo dano causado reverterá a um fundo gerido por um Conselho Federal ou por Conselhos Estaduais de que participarão necessariamente o Ministério Público e representantes da comunidade, sendo seus recursos destinados à reconstrução dos bens lesados.*”); Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), Title V; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el*

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*Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 5.37 and Title XIII; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 93; Cuba: *Ley n° 81 del Medio Ambiente* (1997), articles 65 and 66; Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), articles 71-75 (article 73: “Los recursos provenientes del pago de multas serán utilizados, prioritariamente, para el financiamiento de proyectos de educación, recuperación y mejoramiento de la calidad ambiental.”); Guyana: Environmental Protection Act n° 21 (1996), Part IX; Mexico: *Ley Federal de Responsabilidad Ambiental* (2013), Section 5; Nicaragua: *Ley n° 217 General del Medio Ambiente y de los Recursos Naturales* (1996), Section IX; Paraguay: *Ley n° 1.561 que crea el Sistema Nacional del Ambiente, el Consejo Nacional del Ambiente y la Secretaría del Ambiente* (2000), article 36; Trinidad and Tobago: Environmental Management Act n° 3 (2000), article 72; Uruguay: *Ley n° 16.170 sobre presupuesto nacional de sueldos, gastos e inversiones* (1990), article 454; and, input from Mexico.

<sup>146</sup> Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 32; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), Title IV; Chile: *Ley n° 20.600 que crea los Tribunales Ambientales* (2012), articles 17 and 24; Chile: *Ley n° 20.417 que crea el Ministerio de Medio, el Servicio de Evaluación Ambiental y la Superintendencia del Medio Ambiente* (2010), Title II; Colombia: *Ley n° 1.333 por la cual se establece el procedimiento sancionatorio ambiental y se dictan otras disposiciones* (2009), Titles III and V; Costa Rica: *Ley n° 7.554 Orgánica del Ambiente* (1995), article 99; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), articles 83, 84 y 102-C; Mexico: *Ley Federal de Responsabilidad Ambiental* (2013), Section 2; Nicaragua: *Ley n° 217 General del Medio Ambiente y de los Recursos Naturales* (1996), article 147; Paraguay: *Ley n° 1.561 que crea el Sistema Nacional del Ambiente, el Consejo Nacional del Ambiente y la Secretaría del Ambiente* (2000), article 31; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 137; Peru: *Ley n° 29.325 del Sistema Nacional de Evaluación y Fiscalización Ambiental* (2009), article 21; Uruguay: *Ley n° 17.283 sobre la protección del medio ambiente* (2000), article 14; Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), article 111; and, Venezuela (Bol. Rep. of): *Ley Penal del Ambiente* (2012), article 8.

<sup>147</sup> Argentina: *Ley n° 25.675 General del Ambiente* (2002), articles 28 and 29 (article 28: “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.” Article 29: “La exención de responsabilidad sólo se producirá acreditando que, a pesar de haberse adoptado todas las medidas destinadas a evitarlo y sin mediar culpa concurrente del responsable, los daños se produjeron por culpa exclusiva de la víctima o de un tercero por quien no debe responder. La responsabilidad civil o penal, por daño ambiental, es independiente de la administrativa. Se presume iuris tantum la responsabilidad del autor del daño ambiental, si existen infracciones a las normas ambientales administrativas.”; Brazil: *Lei n° 6.938 que dispõe sobre a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências* (1981), article 14 1° (“1° Sem obstar a aplicação das penalidades previstas neste artigo, é o poluidor obrigado, independentemente da existência de culpa, a indenizar ou reparar os danos causados ao meio ambiente e a terceiros, afetados por sua atividade. O Ministério Público da União e dos Estados terá legitimidade para propor ação de responsabilidade civil e criminal, por danos causados ao meio ambiente.”); Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), articles 3, 51 and 52; Colombia: *Ley n° 1.333 por la cual se establece el procedimiento sancionatorio ambiental y se dictan otras disposiciones* (2009), article 1; Dominican Republic: *Constitución de la República Dominicana* (2010), article 67.5; Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), articles 169 and 174; Ecuador: *Constitución del Ecuador* (2008), article 396; El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 85; Guyana: Environmental Protection Act n° 21 (1996), article 4(4) (“strict liability”); Haiti: *Décret portant sur la Gestion de l’Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 11; Mexico: *Ley Federal de Responsabilidad Ambiental* (2013), article 12 (Article 12: “Será objetiva la responsabilidad ambiental, cuando los daños ocasionados al ambiente devengan directa o indirectamente de: I. Cualquier acción u omisión relacionada con materiales o residuos peligrosos; II. El uso u operación de embarcaciones en arrecifes de coral; III. La realización de las actividades consideradas como Altamente Riesgosas, y IV. Aquellos supuestos y conductas previstos por el artículo 1913 del Código Civil Federal.”); Panama: *Ley n° 41 General de Ambiente* (1998), article 109; Peru: *Ley n° 28.611 General del Ambiente* (2005), article 144; Peru: *Ley n° 29.325 del Sistema Nacional de Evaluación y Fiscalización Ambiental* (2009), article 18 (“Los administrados son responsables objetivamente por el incumplimiento de obligaciones derivadas de los instrumentos de gestión ambiental, así como de las normas ambientales y de los mandatos o disposiciones emitidas por el OEFA.”);

Venezuela (Bol. Rep. of): *Ley Orgánica del Ambiente* (2006), articles 4.8, 116 and 131; and, Venezuela (Bol. Rep. of): *Ley Penal del Ambiente* (2012), article 3.

<sup>148</sup> Brazil: *Recurso Especial n° 1.237.893 - SP (2011/0026590-4) do Tribunal Superior de Justiça* and *AgRg no Agravo em Recurso Especial n° 206.748 - SP (2012/0150767-5)* (application of *Lei n° 8.078 que dispõe sobre a proteção do consumidor e dá outras providências* (1990) to environmental matters; Colombia: *Ley n° 1.333 por la cual se establece el procedimiento sancionatorio ambiental y se dictan otras disposiciones* (2009), article 1; Costa Rica: *Ley n° 7.788 de Biodiversidad* (1998), article 109; Ecuador: *Constitución del Ecuador* (2008), article 397.1; and, El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 102-B.

<sup>149</sup> Brazil: *Recurso Especial n° 1.367.923 - RJ (2011/0086453-6) do Superior Tribunal de Justiça*; Brazil: *Recurso Especial n° 1.198.727 - MG (2010/0111349-9) do Superior Tribunal de Justiça*; and, Guatemala: *Decreto n° 7 Ley Marco para Regular la Reducción de la Vulnerabilidad, la Adaptación Obligatoria ante los Efectos del Cambio Climático y la Mitigación de Gases de Efecto Invernadero* (2013), article 6 a).

<sup>150</sup> General Assembly Resolution A/RES/53/144 adopting the Declaration on human rights defenders (1999); Bolivia (Plur. State of): *Constitución Política del Estado* (2008), article 125 (“acción de libertad”); Brazil: *Decreto n° 6.044 que aprova a Política Nacional de Proteção aos Defensores dos Direitos Humanos - PNPDDH, define prazo para a elaboração do Plano Nacional de Proteção aos Defensores dos Direitos Humanos e dá outras providências* (2007); Colombia: *Decreto n° 4.912 por el cual se organiza el Programa Prevención y Protección de los derechos a la vida, la libertad, la integridad y la seguridad de personas, grupos y comunidades del Ministerio del Interior y de la Unidad Nacional de Protección* (2011); Ecuador: *Constitución del Ecuador* (2008), article 198 (Victim and witness protection system); Honduras: *Proyecto de Ley de Protección a Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia* (2014); Mexico: *Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas* (2012), articles 44 and 66; Mexico: *Ley General de Víctimas* (2013), articles 1, 2 and 7 and Chapter IV; Mexico: *Reglamento de la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas* (2012), article 73; input from Mexico and the public of Brazil; and, Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox (A/HRC/28/61), Section III.D.

<sup>151</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 9; and, input from Chile, Mexico and the public of Brazil and Chile.

<sup>152</sup> Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (Adopted by the Governing Council of the United Nations Environment Programme (UNEP) in decision SS.XI/5, part A of 26 February 2010), guideline 20; Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 32 (“el acceso a la jurisdicción por cuestiones ambientales no admitirá restricciones de ningún tipo o especie”); Bolivia (Plur. State of): *Constitución Política del Estado* (2008), articles 178 and 180; Brazil: *Lei n° 7.347 que disciplina a ação civil pública de responsabilidade por danos causados ao meio-ambiente* (1985), article 18 (without cost except in bad faith); Chile: *Ley n° 20.600 que crea los Tribunales Ambientales* (2012), article 42.3 (exempt from payment of expert’s fees if person has insufficient means to bear them); Ecuador: *Constitución del Ecuador* (2008), article 75; El Salvador: *Constitución de la República* (1983), article 181; Honduras: *Constitución Política de la República de Honduras* (1987), article 83; Honduras: *Acuerdo n° 109 Reglamento de la Ley General del Ambiente* (1993), article 130 (“Iniciado un procedimiento, éste no sufrirá retraso alguno, salvo caso de fuerza mayor o caso fortuito. La autoridad competente será responsable por los retrasos injustificados.”); Mexico: *Constitución Política de los Estados Unidos Mexicanos* (1917), article 17; Panama: *Ley n° 41 General de Ambiente* (1998), article 117 (“Las acciones judiciales propuestas por el Estado, los municipios, las organizaciones no gubernamentales y los particulares que tengan por objeto la defensa del derecho a un ambiente sano, se tramitarán conforme al procedimiento sumario y no ocasionarán costas judiciales, salvo en casos de demandas temerarias.”); Paraguay: *Constitución de la República de Paraguay* (1992), article 134; and, Uruguay: *Ley n° 16.893 Código del Proceso Penal* (1997), article 13.

<sup>153</sup> Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (Adopted by the Governing Council of the United Nations Environment Programme (UNEP) in decision SS.XI/5, part A of 26 February 2010), guideline 23.

<sup>154</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Chile: *Ley n° 19.253 que establece normas de*

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protección, fomento y desarrollo de los indígenas y crea la Corporación Nacional de Desarrollo Indígena (1993), Title VII; Guyana: Judicial Review Act n° 23 (2010), article 4(2); Mexico: *Constitución Política de los Estados Unidos Mexicanos* (1917), article 2.A.VIII; Mexico: *Ley General de Derechos Lingüísticos de los Pueblos Indígenas* (2003), article 10; Trinidad and Tobago: Judicial Review Act n° 60 (2000), article 5(6) (“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”); and, input from the public of Argentina, Chile and Honduras.

<sup>155</sup> Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 41 (“Las entidades privadas u organizaciones sociales sin fines de lucro, cualquiera sea su naturaleza jurídica y las entidades públicas en el marco de sus competencias, podrán de forma gratuita promover o patrocinar a solicitud de cualquier persona natural o jurídica o por iniciativa propia, acciones judiciales de acceso a la información pública, cuando ésta ha sido denegada.”); Bolivia: *Ley n° 464 del Servicio Plurinacional de Asistencia a la Víctima* (2013), articles 3 (“El Servicio Plurinacional de Asistencia a la Víctima tiene por finalidad garantizar el acceso a la justicia a la persona de escasos recursos económicos que sea víctima de un delito, brindándole el patrocinio legal, asistencia social y psicológica durante los actos iniciales y el proceso penal hasta la ejecución de la sentencia, promoviendo la reparación del daño y evitando fundamentalmente la revictimización.”) and 14; Brazil: *Constituição da República Federativa do Brasil* (1988), article 5.LXXIV; Brazil: *Lei n° 6.001 que dispõe sobre o Estatuto do Índio* (1973), article 35; Chile: *Ley n° 19.253 que establece normas de protección, fomento y desarrollo de los indígenas y crea la Corporación Nacional de Desarrollo Indígena* (1993), article 57; Colombia: *Ley n° 941 por la cual se organiza el Sistema Nacional de Defensoría Pública* (2005), articles 2 and 11; Colombia: *Ley n° 472 por la cual se desarrolla el artículo 88 de la Constitución Política de Colombia en relación con el ejercicio de las acciones populares y de grupo y se dictan otras disposiciones* (1998), article 19 (“amparo de pobreza”) and Title IV (fund for the defense of collective rights); Cuba: *Ley n° 81 del Medio Ambiente* (1997), article 41; Dominican Republic: *Constitución de la República Dominicana* (2010), article 69, 149, 176 and 177; Ecuador: *Constitución del Ecuador* (2008), articles 75 and 76; El Salvador: *Constitución de la República de El Salvador* (1983), article 181; Guatemala: *Decreto n° 129 Ley del Servicio Público de Defensa Penal* (1997), articles 5 and 6; Jamaica: *Legal Aid Act* (1997); Mexico: *Constitución Política de los Estados Unidos Mexicanos* (1917), article 2.VIII (“Los indígenas tienen en todo tiempo el derecho a ser asistidos por intérpretes y defensores que tengan conocimiento de su lengua y cultura.”); Mexico: *Ley General de Derechos Lingüísticos de los Pueblos Indígenas* (2003), article 10; Mexico: *Ley Federal de Defensoría Pública* (1998), article 15; Nicaragua: *Constitución Política de la República de Nicaragua* (2007), article 165; Nicaragua: *Ley n° 260 Orgánica del Poder Judicial* (1998), articles 17 and 21; Panama: *Constitución Política de la República de Panama* (1978), article 201; Paraguay: *Constitución de la República de Paraguay* (1992), article 17.6; Peru: *Constitución Política del Peru* (1993), article 139.16; Suriname: *Grondwet van Suriname* (1987), article 12 (everyone can have legal assistance before the courts; the law regulates the rendering of legal aid to those who are financially weaker); Trinidad and Tobago: *Legal Aid & Advice Act n° 25* (1976); and, Venezuela (Bol. Rep. of): *Ley Orgánica de Pueblos y Comunidades Indígenas* (2005), articles 131 y 132 (*Área de Defensa Pública Indígena*).

<sup>156</sup> Chile: *Ley n° 19.253 que establece normas de protección, fomento y desarrollo de los indígenas y crea la Corporación Nacional de Desarrollo Indígena* (1993), article 54; Mexico: *Ley General de Derechos Lingüísticos de los Pueblos Indígenas* (2003), articles 5 and 10; Paraguay: *Ley n° 4.251 de Lenguas* (2010), article 15; and, Venezuela (Bol. Rep. of): *Ley Orgánica de Pueblos y Comunidades Indígenas* (2005), articles 131 (“Los indígenas que participen en procedimientos ordinarios tendrán el derecho de conocer el contenido y efecto de tales procedimientos. Igualmente, tendrán derecho a contar con defensa profesional idónea, el uso de su propio idioma y el respeto de su cultura. El Estado establecerá los mecanismos que permitan superar las dificultades inherentes a las diferencias culturales y lingüísticas para facilitar a los indígenas la plena comprensión de estos procedimientos...”), 133 (“Los indígenas tienen el derecho de utilizar sus idiomas propios ante todo procedimiento legal, administrativo o judicial.”), and 134 (right to their own culture).

<sup>157</sup> Brazil: *Lei n° 12.527 que regula o acesso a informações previsto no inciso XXXIII do art. 5o, no inciso II do § 3o do art. 37 e no § 2o do art. 216 da Constituição Federal* (2011), article 7.VII b); Brazil: *Decreto n° 6.514 que dispõe sobre as infrações e sanções administrativas ao meio ambiente, estabelece o processo administrativo federal para apuração destas infrações, e dá outras providências* (2008), article 149; Chile: *Ley n° 20.600 que crea los Tribunales Ambientales* (2012), article 31; Chile: *Ley n° 20.285 de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado* (2008), articles 35 and 48; Colombia: *Ley n° 99 por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y*

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*conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA y se dictan otras disposiciones* (1993), article 71; Colombia: *Ley n° 1.333 por la cual se establece el procedimiento sancionatorio ambiental y se dictan otras disposiciones* (2009), article 29; Ecuador: *Ley n° 24 Ley Orgánica de Transparencia y Acceso a La Información* (2004), article 7 f); Haiti: *Décret portant sur la Gestion de l'Environnement et de Regulation de la Conduite des Citoyens et Citoyennes pour un Développement Durable* (2006), article 61; Mexico: *Ley Federal de Responsabilidad Ambiental* (2013), article 44; Mexico: *Ley Federal de Transparencia y Acceso a la Información Gubernamental* (2002), articles 8 and 55; Uruguay: *Ley n° 17.283 sobre la protección del medio ambiente* (2000), article 15B); and, Uruguay: *Decreto n°232-010 que reglamenta la Ley n° 18.381* (2010), article 51.

<sup>158</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 9; Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (Adopted by the Governing Council of the United Nations Environment Programme (UNEP) in decision SS.XI/5, part A of 26 February 2010), guideline 24; Chile: *Ley n° 20.417 que crea el Ministerio de Medio, el Servicio de Evaluación Ambiental y la Superintendencia del Medio Ambiente* (2010), articles 31 (National Information System on Environmental Oversight) and 58; Chile: *Decreto n° 31 que aprueba el Reglamento del Sistema Nacional de Información de Fiscalización Ambiental y de los Registros Públicos de Resoluciones de Calificación Ambiental y de Sanciones* (2012); Colombia: *Ley n° 1.333 por la cual se establece el procedimiento sancionatorio ambiental y se dictan otras disposiciones* (2009), Title VIII; Costa Rica: *Ley n° 6.723 del Registro y Archivos Judiciales* (1982); and, input from the public of Argentina, Chile and Honduras.

<sup>159</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (Adopted by the Governing Council of the United Nations Environment Programme (UNEP) in decision SS.XI/5, part A of 26 February 2010), guideline 25; Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), third transitional article; and, input from Mexico and the public of Argentina, Chile and Honduras.

<sup>160</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Marine Environment Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (1983), article 14; Inter-American Convention on Mutual Assistance in Criminal Matters (1992); Brazil: *Lei n° 9.605 que dispõe sobre as sanções penais e administrativas derivadas de condutas e atividades lesivas ao meio ambiente, e dá outras providências* (1998), articles 77 and 78; Suriname: *Natuurbeschermingswet n° 26* (1954), article 9 (extradition in environmental matters); and, Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox (A/HRC/28/61), Section III.H.

<sup>161</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (Adopted by the Governing Council of the United Nations Environment Programme (UNEP) in decision SS.XI/5, part A of 26 February 2010), guideline 26; Antigua and Barbuda: Draft Environmental Protection and Management Act (2014), article 11.1; Argentina: *Ley n° 26.589 de Mediación y Conciliación Obligatoria* (2010); Brazil: *Lei n° 7.347 que disciplina a ação civil pública de responsabilidade por danos causados ao meio-ambiente* (1985), article 5 § 6° (“compromisso de ajustamento”); Colombia: *Decreto n° 1818 por medio del cual se expide el Estatuto de los mecanismos alternativos de solución de conflictos* (1998); Ecuador: *Constitución del Ecuador* (2008), article 190; Guyana: Alternative Resolution Dispute Act n° 24 (2010); Mexico: *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (1988), article 196 (conciliation); Mexico: *Ley Federal de Responsabilidad Ambiental* (2013), articles 47-51; Panama: *Ley n° 41 General de Ambiente* (1998), article 4.8; Paraguay: *Ley n° 1.879 de Arbitraje y Mediación* (2002); Peru: *Ley n° 28.611 General del Ambiente* (2005), articles 151-154; Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 5i); Trinidad and Tobago: Environmental Management Act n° 3 (2000), articles 16(2) and 84(3); and, input from Mexico.



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<sup>162</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970).

<sup>163</sup> Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2010), article 22.1.

<sup>164</sup> Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2010), article 14; Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2000), article 20.4; and, input from Mexico.

<sup>165</sup> Minamata Convention on Mercury (2013), article 10.4 and Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2010), article 22.1.

<sup>166</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970), Annex 5; Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 10; Minamata Convention on Mercury (2013), article 13; and, input from the public of Chile.

<sup>167</sup> San José Content adopted at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); Plan of Action to 2014 for the implementation of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and its roadmap adopted at the second meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on 16 and 17 April 2013 (LC/L.3677); Minamata Convention on Mercury (2013), article 23; and, input from Chile.

<sup>168</sup> Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 15 and input from Mexico and the public of Brazil, Chile and Uruguay.

<sup>169</sup> Minamata Convention on Mercury (2013), article 22 and input from Mexico.

<sup>170</sup> Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), article 16 and United Nations Framework Convention on Climate Change (1992), article 14. Also included literally in most Multilateral Environmental Agreements.

<sup>171</sup> Minamata Convention on Mercury (2013), article 26.

<sup>172</sup> A/CONF.216.13; Roadmap adopted at the first meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 6 and 7 November 2012 (LC/L.3565); Plan of Action to 2014 for the implementation of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and its roadmap adopted at the second meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on 16 and 17 April 2013 (LC/L.3677); Lima Vision adopted at the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 30 and 31 October 2013 (LC/L.3780); San José Content adopted at the fourth meeting of the focal points appointed by the governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970); and, Santiago Decision adopted at the fourth meeting of the focal points appointed by the governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean on 4 to 6 November 2014 (LC/L.3970).

<sup>173</sup> Minamata Convention on Mercury (2013), article 30.4.

<sup>174</sup> Multilateral Environmental Agreements generally enter into force 90 days after the date of deposit of the minimum required instrument of ratification, acceptance, approval or accession (e.g. Minamata Convention on Mercury (2013), article 31 and Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2010), article 33).

<sup>175</sup> In general terms, no reservations may be made to Multilateral Environmental Agreements. See for example Minamata Convention on Mercury (2013), article 32; Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2010), article 34; United Nations Framework Convention on Climate Change (1992), article 24; United Nations Convention

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to Combat Desertification in Countries experiencing Serious Drought and/or Desertification, Particularly in Africa (1994), article 37; and, Convention on Biological Diversity (1992), article 37.

<sup>176</sup> Minamata Convention on Mercury (2013), article 33.

<sup>177</sup> Minamata Convention on Mercury (2013), article 34.