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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
ENVIROMENTAL 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 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”,¹

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,² as well as the multilateral environmental agreements adopted to date,³

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,⁴

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

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

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

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

25 *Resolved* to make commitments to ensure the full exercise of the access rights as enshrined in
26 Principle 10 of the Rio Declaration, understanding these to be prerequisites for building a citizenry
27 that is committed to sustainable development in line with a rights-based approach,⁸
28

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

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

37 *Reaffirming* the obligations assumed by the Parties to respect, protect and fulfil the right
38 to freedom of thought, expression, assembly and association, and the right to information,
39 participation in public affairs and access to justice, among others, established in international
40 human rights law,¹¹
41

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

45 *Bearing in mind* that access to information is the cornerstone of all democratic
46 societies and that it is essential to take active measures to bring environmental information

1 into the public domain, doing everything possible to guarantee ready, rapid, effective and
2 practical access to that information,¹³
3

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

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

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

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

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

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

34 *Recognizing* the pluricultural diversity and pluriculturalism of the Latin America and the
35 Caribbean region,²⁰ and the different cosmovisions of its peoples as well as the holistic and
36 spiritual view of the environment,²¹
37

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

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

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.²⁴

12
13
14 Article 2
15 Definitions

16
17 For the purposes of the present Agreement:

18
19 “**Competent authority**” means any public body that, by legal mandate, exercises the powers,
20 authority and functions for the application of access rights.²⁵ In the right of access to information
21 provisions set out under article 6 the present Agreement, a competent authority shall mean any
22 public authority in any branch of the State (executive, legislative and judicial) and at any level of
23 the internal government structure (central or federal, regional, provincial or municipal); it also
24 applies to independent and autonomous bodies, organizations and entities owned or controlled by
25 the government, whether by virtue of powers granted by the Constitution or other laws, as well
26 as to private organizations that receive substantial public funds or benefits (directly or indirectly)
27 or that perform public functions and services, but only with respect to the public funds or
28 benefits received or to the public functions and services performed.²⁶

29
30 “**Access rights**” means the rights of access to information, participation and justice in
31 environmental matters, as enshrined in Principle 10 of the 1992 Rio Declaration.²⁷

32
33 “**Disadvantaged groups**” means those persons or groups of persons with a greater likelihood of
34 not knowing the risks related to the environment to which they are exposed, or of not fully
35 exercising their access rights, including, among others, women, indigenous peoples, Afro-
36 descendants, older persons, children, youth, persons with disabilities, in situations of
37 vulnerability due to discrimination, poverty, illiteracy, lack of fluency in the official language,
38 health or any other condition.²⁸

39
40 “**Environmental information**”²⁹ means, non-exhaustively, any information that is written,
41 visual, audio, electronic or recorded in any other form that is in the possession of the competent
42 authority, or should be, in fulfilment of its national obligations and international commitments
43 and that addresses the following matters:

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

27 “**Public participation**” means the process by which people, individually or collectively,
28 influence decisions on environmental matters through institutionalized ways of participation.³⁰
29

30 “**Public**” means any natural or legal person or community organization.³¹
31

32 “**Directly affected public**” means public affected or potentially affected by decisions with
33 environmental impacts.
34

35 “**Environmental decision-making**” means the design, implementation, compliance and
36 evaluation of laws, regulations, policies, plans, strategies, programmes, projects —whether
37 public or private— and rules liable to affect the environment or the use, exploitation or
38 conservation of natural resources, at all levels of the internal government structure (central or
39 federal, regional, provincial or municipal).³²
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Article 3
Principles³³

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

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

b. **Inclusion:** The Parties should make special efforts to involve all persons and groups and ensure equality of opportunities.³⁴

c. **Transparency and accountability:** The Parties should promote transparency and accountability to ensure that the interests and the objectives of the decisions with environmental impacts of the Parties are explicit and that all necessary information is reliable and provided in a timely manner.³⁵

d. **Proactivity, co-responsibility and mutual trust:** The Parties and the public should take initiatives consistent with their respective roles, exercised responsibly, to develop their full potential and enrich the decision-making process for sustainable development in an effective and timely manner based on clearly defined responsibilities, legal certainty, transparency and mutual trust.³⁶

e. **Collaboration:** The Parties should recognize that collaborative efforts between the various stakeholders and between countries at all levels are essential because they facilitate the achievement of common objectives, strengthen and improve the quality of dialogue, enable the exchange of experiences and knowledge and promote prevention and dispute settlement.³⁷

f. **Progressive realization and non-regression:** The Parties should advance progressively towards full implementation of Principle 10, building on the agreements already reached in the region and avoid taking any step backward, while recognizing the individual circumstances of each country with regard to access rights.³⁸

g. **Good faith and solidarity:** The Parties should cooperate in good faith and in the spirit of solidarity in the implementation of the present Agreement.³⁹

h. **Prevention:** The Parties should take the necessary measures to prevent environmental damage. The causes and sources of environmental problems will be addressed comprehensively and as a matter of priority.⁴⁰

i. **Precaution:** In order to protect the environment, the Parties should broadly apply the precautionary principle in accordance with their capacities. When there is danger of serious or irreversible damage, the lack of absolute scientific certainty shall not be invoked as a reason for postponing the adoption of cost-effective measures to prevent environmental degradation.⁴¹

j. **Intergenerational equity:** The Parties should take steps to ensure appropriate use and enjoyment of the environmental by present and future generations.⁴²

1
2 k. **Traceability:** The Parties should consider the possibility of identifying the origin and different
3 stages of a process related to access rights. They should also recognize that it is essential to guarantee
4 appropriate documentation of attributions, sources, responsible parties and custodians.⁴³
5
6

7 Article 4
8 Scope of application⁴⁴
9

10 Within the limits of the scope of application of the relevant provisions of the present Agreement,
11 all persons shall have the right to obtain access to information, to participate in decision-making
12 and to have access to justice in environmental matters.
13
14

15 Article 5
16 General obligations
17

- 18 1. In order to contribute to sustainable development, the Parties shall ensure the full enjoyment
19 of the right of all individuals to live in a healthy and sustainable environment that enables
20 them to guarantee their health and well-being and the effective enjoyment of their human
21 rights in harmony with nature.⁴⁵
22
- 23 2. Each Party shall adopt the legislative, regulatory or other measures necessary to guarantee
24 full implementation of the provisions of the present Agreement.⁴⁶
25
- 26 3. Each Party shall endeavour to ensure that its officials and authorities advise the public, especially
27 disadvantaged groups, and provide technical assistance so it can obtain access to information,
28 participate in decision-making and have access to justice in environmental matters.⁴⁷
29
- 30 4. Each Party shall promote environmental awareness and education in the public sector and
31 among the public, for the purpose of contributing to the effective application of rights of
32 access to information, participation and justice in environmental matters and providing
33 people with knowledge, capacity and understanding so they can participate in
34 environmental decision-making.⁴⁸
35
- 36 5. Each Party shall create an enabling environment and grant recognition, protection and
37 support to associations, organizations, groups and/or individuals that defend and/or protect
38 the environment and exercise the rights recognized in the present Agreement.⁴⁹
39
- 40 6. The Parties shall encourage the non-Party countries of Latin America and the Caribbean to
41 adhere to the present Agreement.⁵⁰
42
- 43 7. The Parties shall increase cooperation, including cross-border cooperation, in order to fully
44 implement rights of access to information, participation and justice, based on the principles
45 of sovereign equality, territorial integrity, solidarity, mutual benefit and good faith.⁵¹
46

- 1 8. The Parties shall collaborate within each State, at all levels and with all sectors of society, for
2 implementation of the provisions of the present Agreement.⁵² They shall also coordinate the
3 activities conducted in accordance with the present Agreement as well as with any other relevant
4 international agreements to which they may be party, in order to strengthen synergies between
5 the activities carried out under each agreement, while avoiding duplication of efforts.⁵³
6
- 7 9. None of the provisions of the present Agreement shall limit or repeal other rights or
8 standards set forth in any other existing international agreement.⁵⁴
9
- 10 10. The provisions of the present Agreement shall not prevent the Parties from ensuring broader
11 access to information, participation and justice in environmental matters than provided
12 herein, by means of existing or future national measures.⁵⁵
13
- 14 11. Each Party shall endeavour to ensure that the principles set out in the present Agreement are
15 applied in international decision-making on environmental matters, as well as in the
16 framework of international forums on the environment.⁵⁶
17
- 18 12. The Parties shall guarantee enjoyment of the rights recognized in the present Agreement
19 under equal conditions without distinctions, in accordance with the principle of non-
20 discrimination.⁵⁷ In fulfilling their obligations, the Parties shall give consideration to women,
21 minorities, indigenous peoples and Afro-descendants, children, youth and older persons.⁵⁸
22
- 23 13. In the implementation of the present Agreement, the Parties shall adopt the most favourable
24 interpretation in order to guarantee the fullest effectiveness of access rights and the
25 protection of the environment.⁵⁹
26
- 27 14. To guarantee access rights, the Parties shall encourage the use of, inter alia, new information and
28 communications technologies, electronic government, social networks and social and telematic media.⁶⁰
29
30

31 Article 6

32 Access to environmental information

33 *Accessibility of environmental information*

- 34 1. The Parties shall guarantee that all environmental information in possession of, under the
35 control of, or in the custody of competent authorities is public and presumed to be relevant,
36 regardless of format, medium, support, date of creation, origin, classification or processing,
37 except as established in the present Agreement.⁶¹
38
- 39 2. For effective exercise of the right of access to environmental information, the Parties shall
40 guarantee the following for any person requesting environmental information from
41 competent authorities:⁶²
42
43 (a) to freely request information without demonstrating or even mentioning a special interest
44 or explaining why the information is being requested;⁶³
45
46

1
2 (b) to be informed promptly whether the documents that contain the requested information or
3 from which such information can be derived are in the possession or not of the entity,
4 authority or organization receiving the request;⁶⁴ and

5
6 (c) to be informed of the right to appeal if information and requirements are not delivered.⁶⁵
7

8 The requests for environmental information should be understood in the broadest possible
9 terms, such that the response includes all other information that can be presumed to be part of
10 the request even if not expressly requested, such as background information, supplemental
11 annexes, clarifications or contextual statements that contribute to a full understanding of the
12 requested information.⁶⁶
13

14 3. Each Party shall create an environmental information system and keep it up to date, to
15 include, inter alia:⁶⁷
16

17 (a) the texts of international treaties and agreements, as well as laws, regulations and
18 administrative acts on or relating to the environment;
19

20 (b) reports on the state of the environment, referred to in article 7.5;
21

22 (c) the list of public authorities that have information with environmental content and that
23 should be publicly accessible;
24

25 (d) reports on environmental liabilities;
26

27 (e) information on the use, conservation and exploitation of natural resources;⁶⁸
28

29 (f) systematized and updated information on administrative environmental impact
30 assessment files;⁶⁹ and
31

32 (g) information on hazardous materials, substances and activities.⁷⁰
33

34 The Parties shall guarantee that environmental information systems are duly organized,
35 updated, accessible to all persons and available electronically.
36

37 The Conference of the Parties/secretariat may promote the creation and development of
38 standards in relation to environmental information systems. The Conference of the Parties/
39 secretariat may also suggest measures to facilitate the best use of resources.
40

41 4. The Parties shall endeavour to facilitate access to information for disadvantaged individuals
42 and/or groups, making alterations — as their specific challenges require— for the
43 presentation of requests, processing and delivery of information, for the purpose of
44 promoting access and participation under equal conditions.⁷¹ Each Party shall guarantee that
45 members of indigenous peoples have the right to receive assistance for preparing their
46 requests in the official language and to receive a prompt response⁷².

1
2 *Exceptions regime*
3

- 4 5. In the event that the requested information or part thereof is not delivered to the petitioner
5 because it falls under the exceptions regime, the competent authority shall duly justify its
6 refusal⁷³ and give the petitioner:
7
8 (a) a reasonable estimate of the volume of material that is considered confidential;
9
10 (b) a specific description of the provisions invoked to withhold it; and
11
12 (c) information on the petitioner's right to file an appeal and proceedings.⁷⁴
13
14 6. The only circumstances which can be invoked to refuse total or partial access to
15 environmental information are the following:⁷⁵
16
17 (a) when its disclosure, communication or knowledge would affect the rights of individuals,
18 especially as related to their safety, health or private life;
19
20 (b) when its disclosure, communication or knowledge would affect national security or
21 interests, particularly with respect to national defence, public order, public health or
22 international relations;
23
24 (c) when its disclosure, communication or knowledge would affect protection of the
25 environment; and
26
27 (d) when the requested information is classified as secret or confidential by laws in force and
28 their respective regulations.
29
30 7. The aforementioned reasons for refusal shall be legally established in advance, clearly
31 defined and regulated taking into account the public interest and thus interpreted
32 restrictively.⁷⁶ The burden of proof will lie with the competent authority.⁷⁷
33
34 8. For the purposes of the present Agreement, information on human and environmental health
35 and safety shall not be considered confidential.⁷⁸
36
37 9. Severability/partial disclosure: When not all information contained in a document is exempt from
38 disclosure under the exceptions set out in article 6.6, a public version may be created that redacts
39 only the indispensable part. The non-exempt information shall be provided to the petitioner and
40 made public.⁷⁹ To the extent practicable, the Parties shall ensure that the public knows the nature
41 of the information excluded, including through non-confidential indexes or summaries.⁸⁰
42
43 10. The Parties shall encourage the establishment of tests of public interest, instances for
44 mediation or other mechanisms in order to weigh the interest of withholding information
45 against the interest of disclosing it.⁸¹
46

1 *Conditions applicable to the delivery of environmental information*

- 2
- 3 11. The Parties shall guarantee that requested information is provided in the format specified by the
- 4 petitioner at any time in the event that it is available, whether by physical or electronic means.⁸²
- 5
- 6 12. All competent authorities shall respond to requests for environmental information as quickly as
- 7 possible and avoid any type of delaying formalities.⁸³ The maximum period for responding to an
- 8 information request shall be thirty business days from the date of receipt of the request.⁸⁴
- 9
- 10 13. Inasmuch as a request requires a search or review of a large number of documents, a search
- 11 in offices that are physically separate from the office receiving the request or consultations
- 12 with other obligated entities prior to taking a decision on disclosure, the competent authority
- 13 handling the request may extend the deadline for responding to the request by up to twenty
- 14 additional business days.⁸⁵
- 15
- 16 14. In the event that the competent authority cannot complete the response process in thirty
- 17 business days, or within fifty business days if under the conditions set out in paragraph 13 of
- 18 this article, the lack of response from the competent authority shall be understood as a refusal
- 19 of the request.⁸⁶
- 20
- 21 15. The competent authority to which the request is made shall respond by either granting access
- 22 to the information or issuing a reasoned refusal.⁸⁷
- 23
- 24 16. In the event that the entity to which the request for information is made is not competent to
- 25 handle the request or does not possess the requested documents, it shall immediately forward
- 26 the request to the competent authority or the authority that possesses the documents, to the
- 27 extent that the latter can be identified, and so notify the petitioner. If the competent authority
- 28 cannot be identified or if the requested information is in the possession of multiple entities,
- 29 the entity to which the request is made shall notify said circumstances to the petitioner.⁸⁸
- 30
- 31 17. When the information does not exist, the petitioner shall be so notified.⁸⁹
- 32
- 33 18. The Parties shall guarantee that access to environmental information is free and that no fees
- 34 are charged other than the cost of reproducing the information and, as applicable, the cost of
- 35 delivery, if required.⁹⁰ No fee may be charged for information delivered electronically.⁹¹
- 36

37 *Independent review mechanisms*

- 38
- 39 19. The Parties shall have an autonomous, independent and impartial entity or institution to
- 40 promote transparency in access to environmental information, oversee compliance with rules
- 41 and guarantee the right of access to information. This entity may have sanctioning powers.⁹²
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1 Article 7

2 Generation and dissemination of environmental information

- 3
- 4 1. The Parties shall endeavour to generate, collect, systematize, make publicly available and
- 5 disseminate environmental information in a proactive and timely, regular, accessible and
- 6 comprehensible manner.⁹³ The Parties shall periodically update this information⁹⁴ and
- 7 encourage the disaggregation and decentralization of environmental information at the
- 8 subnational and local levels.⁹⁵
- 9
- 10 2. All environmental information in the public interest that is produced, handled and
- 11 disseminated shall be timely, objective, reliable, complete, up-to-date, reusable, processable
- 12 and available in formats that are accessible to petitioners and interested parties, with no
- 13 restrictions on its reproduction or use, in accordance with legal provisions and exceptions.⁹⁶
- 14 Open-data formats shall be encouraged.⁹⁷
- 15
- 16 3. Emergencies and disasters: Each Party shall ensure that in the case of an imminent threat to the
- 17 health or environment, whether attributable to human activities or due to natural causes, all
- 18 information that might help the public take measures to prevent or limit potential damage that is
- 19 in the possession of an obligated entity is disseminated immediately and without delay.⁹⁸
- 20
- 21 4. In order to facilitate access by disadvantaged groups to information that particularly affects
- 22 them, the Parties shall ensure that obligated entities disclose environmental information in
- 23 various languages and prepare alternative formats that are comprehensible for said groups.
- 24 The Parties shall guarantee access to that information for the various ethnic and cultural
- 25 groups in the country and in particular shall ensure that suitable channels of communication
- 26 are arranged to provide access to disadvantaged individuals or groups.⁹⁹
- 27
- 28 5. Each Party shall use its best endeavours to publish and disseminate at regular intervals not to
- 29 exceed five years a national report on the state of the environment, which will contain at least:¹⁰⁰
- 30
- 31 (a) information on the quality of the environment;
- 32
- 33 (b) pressures on the environment;
- 34
- 35 (c) environmental legislation;
- 36
- 37 (d) national actions to fulfil international commitments;
- 38
- 39 (e) number and type of participation mechanisms that were implemented during the period
- 40 covered by the report and evaluation; and
- 41
- 42 (f) specific description of advances in the implementation of access rights.
- 43

44 The reports should be drafted in an easily comprehensible manner and should be accessible

45 to interested parties in different formats on various means. They should also be disseminated

1 through culturally adequate means, including community radios and neighbourhood or
2 community meetings.

3
4 The Parties may invite the collaboration of the public in the preparation of these reports and
5 may also request the support of the secretariat, along with other international organizations,
6 for the systematization, publication and dissemination of these reports at the regional level.
7

- 8 6. The Parties shall encourage independent environmental performance review on the basis of
9 common criteria and indicators on environmental, economic and social matters, with a view
10 to evaluating the efficacy, effectiveness and progress of their national environmental policies
11 in fulfilment of their national and international commitments and generating relevant
12 conclusions and recommendations for said policies. The reviews should include participation
13 by the various stakeholders in society.¹⁰¹
14
- 15 7. Each Party shall create, administer and periodically update a pollutant release and transfer
16 register for the air, water, soil and subsoil, materials and waste in its jurisdiction, among
17 others. The registered information will be public and electronically accessible and will
18 contain disaggregated and standardized data.¹⁰²
19
- 20 8. Each Party shall establish dissemination mechanisms in accordance with its national laws
21 for the purpose of guaranteeing public access to contracts, authorizations or permits signed
22 by public authorities that involve the execution of investment projects subject to
23 environmental assessment.¹⁰³
24
- 25 9. The Parties shall encourage the implementation of open-data policies at the various levels of
26 government to help improve information systems, enhance transparency, generate
27 inter-operability of data and promote innovation. The Parties shall also encourage the use of
28 new information and communication technologies, including social networks and media, to
29 disseminate environmental information. In the event of limitations, consideration should
30 likewise be given to alternative dissemination and access mechanisms.¹⁰⁴
31
- 32 10. The Parties shall ensure that consumers and users have information that is verifiable,
33 relevant, precise, non-deceptive and science-based on the environmental qualities and
34 corresponding health effects of goods and services, in order to promote sustainable
35 production and consumption patterns.¹⁰⁵
36
- 37 11. The Parties shall develop regulations that promote adequate management and archiving of
38 environmental information and corresponding requests, to help make it available to the
39 public, redistribute and reuse it, except as established in article 6.6 of the present Agreement.
40 In no case may a competent authority destroy information in its possession.¹⁰⁶
41
- 42 12. The Parties shall promote, through legal and/or institutional frameworks, the access to
43 environmental information generated by private entities.¹⁰⁷ The Parties shall also encourage
44 the preparation of sustainability reports on State-owned and private enterprises that contain
45 information on the social and environmental performance of their activities.¹⁰⁸
46

1 13. The Parties shall encourage access to adequate and specific information on the effects of
2 companies' activities on the environment, health and safety, in particular information on
3 dangerous substances or activities.¹⁰⁹
4

5
6 Article 8

7 Public participation in environmental decision-making
8

- 9 1. The Parties commit to implement open and inclusive participation mechanisms for
10 environmental decision-making.¹¹⁰ These mechanisms shall also apply to processes
11 associated with conservation, use, exploitation and management of natural resources.¹¹¹
12
- 13 2. Each Party shall adopt measures to ensure public participation when all options and solutions
14 are still possible and when the public is able to exercise real influence.¹¹²
15
- 16 3. The public shall have access to relevant information for active and effective participation in a
17 timely, comprehensible and objective manner and in a simple and clear format, through
18 suitable means. The information will contain at least the following:¹¹³
19
- 20 (a) the type or nature of the decision, including a non-technical summary thereof;
 - 21 (b) the competent authority for making the decision and other authorities involved; and
 - 22 (c) the procedure specified for participation, including the date on which the procedure will
23 begin, the possibilities offered to the public to participate and the date and place of any
24 public consultation or hearing as applicable.
- 25
- 26 4. For the different phases of the public participation procedure, reasonable periods will be
27 provided that allow sufficient time to inform the public and enable it to prepare and
28 participate effectively throughout the entire environmental decision-making process.¹¹⁴
29
- 30 5. Any person may present observations, information, analysis or opinions that he or she
31 considers relevant in writing or through electronic means, at a public hearing or consultation
32 or other established mechanisms.¹¹⁵
33
- 34 6. The Parties shall ensure that the public is able to participate with full autonomy¹¹⁶ and that
35 accommodations are made for the social, economic, cultural, geographical and gender
36 characteristics of communities, by implementing differentiated participation processes
37 intended to overcome any barrier.¹¹⁷ In particular, when groups reside in the involved areas
38 that speak primarily languages other than the official language, the competent authority shall
39 guarantee that the means are provided to facilitate their understanding and participation.¹¹⁸
40
- 41 7. Each Party shall duly take into consideration the outcome of the participation process when
42 making decisions.¹¹⁹ When the observations or recommendations of the public are not taken into
43 account, the reason should be reported and substantiated in writing to those who made them.¹²⁰
44
45
46

- 1 8. Each Party shall ensure that when a public authority re-examines or updates projects,
2 activities, policies, plans, rules, regulations, programmes or strategies liable to generate
3 environmental impacts, the provisions contained in this article are observed.¹²¹
4
- 5 9. Each Party shall ensure that once a decision has been made, the public is informed promptly,
6 following the appropriate procedure. Each Party shall communicate to the public the text of the
7 decision, accompanied by the interests and reasons on which the decision is based, including
8 consideration of the observations of the public. The decision and its basis will be public.¹²²
9
- 10 10. The Conference of the Parties may develop manuals and propose guidelines for the
11 implementation of public participation in environmental decision-making.¹²³
12
- 13 11. Each Party shall strive to promote effective public participation in international forums and
14 negotiations on environmental matters and/or with an environmental impact.¹²⁴
15
- 16 12. The Parties shall encourage the establishment of permanent formal spaces for consultation on
17 environmental matters in which representatives of various groups and sectors will
18 participate.¹²⁵ The Parties shall promote regard for local knowledge, dialogue and interaction
19 of different views and knowledge.¹²⁶
20
- 21 13. The Parties shall make additional efforts to identify disadvantaged individuals and groups in
22 order to engage them in an active, timely and effective manner. For these purposes, the best
23 media and formats will be considered, to support their participation and ensure respect for
24 their cultural characteristics.¹²⁷
25
- 26 14. When individuals or groups belonging to an indigenous people are affected, the Parties shall
27 ensure that the applicable national and international standards on this matter are observed.¹²⁸
28

29 *Additional measures for activities and projects*
30

- 31 15. The Parties shall guarantee mandatory public participation procedures for all projects and
32 activities subject to environmental assessment in accordance with national law.¹²⁹ In all
33 cases, public participation shall be guaranteed in projects and activities related to mining,
34 electricity generation, production activities and certain uses of hazardous substances and
35 treatment and disposal of waste.¹³⁰ In addition, public participation shall be ensured in
36 projects and activities relating to coastal development.
37
- 38 16. Each Party shall require the competent authorities to make efforts to identify the public directly
39 affected by the project or activity and promote specific actions to facilitate their informed
40 participation in decision-making, including, inter alia, technical and financial assistance.¹³¹
41
- 42 17. The public directly affected will have access, from the point in time at which it is available,
43 to all information of interest for the environmental assessment of projects and activities,
44 which will encompass at least the following.¹³²
45

- 1 (a) description of the site and physical and technical characteristics of the proposed project
2 or activity;
3
4 (b) description of the major effects of the project or activity on the environment;
5
6 (c) description of the measures established to prevent or reduce those effects;
7
8 (d) a non-technical summary of (a), (b) and (c) of this paragraph; and
9
10 (e) the reports and opinions addressed to the public authority.
11

12 18. Any public directly affected by a decision in the environmental assessment of projects and
13 activities shall be promptly and specifically informed, and the decision shall be accompanied
14 by the reasons and considerations supporting it. The decisions adopted and the grounds on
15 which they are made will be public.¹³³
16
17

18 Article 9
19 Access to justice
20

- 21 1. Each Party shall guarantee the right to access justice in environmental matters within a
22 reasonable period of time through administrative and/or judicial means, in the framework of
23 a process that grants guarantees of due process based on the principles of legality,
24 effectiveness, publicity and transparency, through clear, fair, appropriate and independent
25 procedures.¹³⁴ The Parties shall ensure the right of appeal to a superior administrative and/or
26 judicial body.¹³⁵
27
28 2. Each Party shall ensure, in the framework of its national laws, that any person is entitled to
29 have access to a judicial body or other autonomous, independent and impartial body or
30 administrative procedures to challenge the legality of:
31
32 (a) any decision, action or omission related to the access to environmental information;¹³⁶
33
34 (b) any decision, action or omission, with respect to substance or procedure, related to
35 participation by the public in environmental decision-making;¹³⁷ and
36
37 (c) any decision, action or omission by an individual, public authority or private entity that
38 could affect the environment or violate, with respect to substance or procedure, the
39 environmental laws and regulations of the State related to the environment.¹³⁸
40
41 3. To guarantee this right, the Parties shall establish:
42
43 (a) jurisdictional or non-jurisdictional entities specialized in environmental matters;¹³⁹
44
45 (b) effective, reasonable, fair, open, rapid, transparent, equitable and timely procedures;¹⁴⁰
46

1 (c) broad active legal standing in defense of the environment, which may include
2 collective actions;¹⁴¹

3
4 (d) timely and effective execution mechanisms for decisions;¹⁴²

5
6 (e) timely, adequate and effective mechanisms for redress, including restitution,
7 compensation and other suitable measures, and attention to victims as applicable,¹⁴³ and
8 the establishment of funds;¹⁴⁴

9
10 (f) the possibility of ordering precautionary, interim and oversight measures to safeguard the
11 environment and public health;¹⁴⁵ and

12
13 (g) measures to facilitate the determination of environmental damage, including objective
14 responsibility¹⁴⁶ and reversal of the onus of proof.¹⁴⁷

15
16 The Parties shall encourage, insofar as possible, the establishment of judicial and/or
17 administrative standards of review in cases pertaining to environmental damage, such as the
18 *in dubio pro natura* principle.¹⁴⁸

19
20 4. The Parties shall take adequate measures to prevent any attack, threat, coercion or
21 intimidation that any person or group may suffer while exercising the rights guaranteed by
22 the present Agreement and ensure that these acts, should they occur, are investigated,
23 prosecuted and punished in an independent, rapid and effective manner. Victims will be
24 entitled to protection and damages.¹⁴⁹

25
26 5. To facilitate access to justice in environmental matters,¹⁵⁰ the Parties shall establish:

27
28 (a) mechanisms to eliminate and reduce any obstacle that prevents or hinders access to
29 justice and the duration of the processes. The procedures will have no costs and no
30 restrictions of any kind will be allowed;¹⁵¹

31
32 (b) mechanisms to publicize the right of access to justice and procedures to ensure its
33 effectiveness;¹⁵² and

34
35 (c) new mechanisms, including virtual, electronic and telephone mechanisms.

36
37 6. In order to exercise the right of access to justice, the Parties shall give consideration to
38 disadvantaged groups by establishing, inter alia:¹⁵³

39
40 (a) support mechanisms, including free technical and legal assistance;¹⁵⁴

41
42 (b) channels that are linguistically, culturally, economically, spatially and temporally
43 appropriate;¹⁵⁵ and

44
45 (c) assistance in case of difficulties with reading and writing.
46

- 1 7. The Parties shall ensure that the decisions adopted are set out in writing and duly justified,
2 notified in a timely manner and made available to the public.¹⁵⁶ The Parties shall encourage
3 the generation of public registers of judicial and/or administrative decisions on
4 environmental matters.¹⁵⁷
5
6 8. The Parties shall develop environmental law awareness and capacity-building programmes
7 for the public, judicial and administrative officials, national human rights institutions, law
8 enforcement officers and other jurists, inter alia.¹⁵⁸
9
10 9. The Parties shall promote Latin American and Caribbean regional cooperation for the
11 investigation, prosecution and punishment of environmental crimes.¹⁵⁹
12
13 10. The Parties should encourage the development and use of alternative dispute resolution
14 mechanisms, as applicable and provided that no relinquishment of the right to access to
15 justice is involved.¹⁶⁰
16
17

18 Article 10
19 Capacity-building and cooperation¹⁶¹
20

- 21 1. To guarantee implementation of the provisions of the present Agreement, the Parties shall
22 promote capacity-building and cooperation based on national demands and needs, specific
23 regional considerations, flexibility, efficiency and effectiveness, results-based management
24 and consideration of the target audiences. The purpose of capacity-building and cooperation
25 will be to establish a framework for peers to share experiences and carry out activities of
26 common interest.
27
28 2. The Parties shall cooperate to build capacity and strengthen human and institutional
29 resources to implement the present Agreement in an effective manner, particularly in those
30 Parties that are least developed countries or Caribbean small island developing States.¹⁶²
31
32 3. For the purposes of implementation of the previous paragraph, and within the framework
33 of the commitments established in the present Agreement, cooperation modalities may
34 include, inter alia:
35
36 (a) discussions, workshops, exchanges of experts, technical assistance, education and
37 awareness-raising and observatories;
38
39 (b) development, exchange and implementation of educational, training and awareness-
40 raising materials and programmes at the national and international level;
41
42 (c) voluntary codes of conduct, guidelines, good practices and/or standards;
43
44 (d) sharing of experiences at all levels; and
45

1 (e) use of committees, councils and public-private platforms to address cooperation priorities
2 and activities.

- 3
4 4. A clearinghouse on access rights, to be managed by the secretariat, is hereby established for
5 the purpose of promoting synergies and coordination in capacity-building.¹⁶³
6

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

10
11 (a) legislative, administrative and policy measures on access rights;

12
13 (b) information on the national focal point and the competent authority or authorities; and

14
15 (c) codes of conduct and good practices.

16 The Conference of the Parties, at its third meeting at the latest, shall examine operational
17 modalities for the clearinghouse on access rights, including reports on its activities and take
18 decisions with respect to those modalities.
19

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

22
23 (a) capacity-building and guidance for the competent authorities and entities to help them
24 perform their duties under the present Agreement. These measures may include, inter alia:

- 25
26 i. training for officials and authorities to assist and guide the public in access to
27 information, participation and justice in environmental matters;
28 ii. provisioning of government offices with human and technological resources,
29 including information and communications technologies, to deliver assistance to
30 the public; and
31 iii. ongoing evaluation and improvements consistent with the collection of qualitative
32 and quantitative information on the environment.

33
34 (b) promotion of environmental education and public awareness concerning environmental
35 matters, so the public will know how to proceed to gain access to information, participate
36 in decision-making and take recourse to justice. These measures may include, inter alia:

- 37
38 i. organization of awareness campaigns targeting the general public;
39 ii. promotion, on an ongoing basis, of public access to relevant information, as well
40 as broad public participation, in education and awareness activities;
41 iii. promotion of the establishment of associations, organizations or groups that help
42 raise awareness among the public;
43 iv. development and implementation of training and awareness programmes for the
44 public, especially disadvantaged groups on access rights;

- 1 v. preparation and dissemination of basic educational modules on access rights for
2 students in primary and secondary school; and
3 vi. training for workers, scientists, educators and technical and management
4 personnel.
5
6 6. The Parties shall cooperate, as applicable, with existing global, regional, subregional and national
7 institutions and organizations. In this context, the Parties may partner with, inter alia, non-
8 governmental, academic and private organizations and other relevant stakeholders.¹⁶⁴
9

10
11 Article 11
12 Resources¹⁶⁵
13

- 14 1. Each Party, to the extent of its ability, subject to budgetary availability and in accordance with its
15 national policies, priorities, plans and programmes, commits to provide the resources for national
16 activities that are needed to fulfil the obligations assumed under the present Agreement.
17
18 2. A fund, to be managed by the secretariat, is hereby established to finance implementation of the
19 present Agreement to be defined at the Conference of the Parties in accordance with article 12.
20
21 3. The Conference of the Parties shall examine the possibility of establishing other financial
22 provisions by consensus and technical assistance mechanisms to facilitate implementation of
23 the present Agreement. It shall also explore additional means of financing for
24 implementation of the present Agreement.
25

26
27 Article 12
28 Conference of the Parties¹⁶⁶
29

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

1 (b) discuss and approve by consensus the Fund and other financial provisions for the
2 functioning of the bodies of the present Agreement; and,
3

4 (c) discuss and approve the rules of procedure and membership of the body created
5 under article 17.4.
6

7 5. The Conference of the Parties shall keep implementation and effectiveness of the present
8 Agreement under permanent review and evaluation. To that effect, it shall:
9

10 (a) establish such subsidiary bodies as it deems necessary for implementation of the
11 present Agreement;
12

13 (b) cooperate, as applicable, with the competent international organizations and bodies and
14 intergovernmental and non-governmental entities;
15

16 (c) receive communications from the Parties on the lessons learned from the conclusion and
17 implementation of bilateral and multilateral agreements or other agreements related to the
18 objective of the present Agreement to which one or several of them are party, and share
19 these with all the Parties;
20

21 (d) consider all recommendations made to it pursuant to article 17.4;
22

23 (e) prepare and adopt, as applicable, protocols to the present Agreement;
24

25 (f) examine and adopt proposals to amend the present Agreement in accordance with the
26 provisions of article 19; and
27

28 (g) examine and adopt any additional measures needed to achieve the objective of the
29 present Agreement.
30

31
32 Article 13
33 Right to vote
34

35 Each Party to the present Agreement shall have one vote.
36
37

38 Article 14
39 Presiding Officers
40

41 1. At the Conference of the Parties, the Parties shall elect Presiding Officers consisting of at
42 least one chair and two vice chairs, one of whom will act as rapporteur.
43

44 2. The Presiding Officers shall exercise their functions until the next meeting of the Conference
45 of the Parties.
46

- 1 3. The functions of the Presiding Officers will be:
2
3 (a) to support implementation of the present Agreement, with the support of the secretariat;
4
5 (b) to convene, along with the secretariat, the meeting of the Conference of the Parties;
6
7 (c) to chair the meetings of the Conference of the Parties and ensure compliance with the
8 rules of procedure; and
9
10 (d) to perform other functions derived from agreements reached at the meetings of the
11 Conference of the Parties.
12

13
14 Article 15
15 Secretariat
16

17 A secretariat is hereby established to exercise the following functions:
18

- 19 (a) convene and prepare the meetings of the Conference of the Parties and its subsidiary
20 bodies and provide the necessary services;
21
22 (b) implement the rules of procedure for participation by the public in meetings of the
23 Conference of the Parties and its subsidiary bodies;
24
25 (c) provide assistance to the Parties for capacity-building, including the sharing of
26 experiences and exchange of information and the organization of activities in accordance
27 with article 10; and
28
29 (d) perform any other secretariat functions specified in the present Agreement and any other
30 functions as determined by the Parties.
31

32
33 Article 16
34 Consultative groups or subsidiary bodies
35

- 36 1. The Conference of the Parties may create specialized technical panels or groups to advise the
37 Parties on specific issues relevant to implementation of the present Agreement or other issues
38 related to implementation of access rights.
39
40 2. The technical panels or groups may be composed of representatives from all the Parties.
41 Meetings of the technical panels or groups will be open.
42
43
44
45
46

Article 17
Implementation, monitoring and evaluation¹⁶⁷

1. At the meetings of the Conference of the Parties, the Parties shall report on the policies and measures (legal, institutional or otherwise) adopted to implement the present Agreement as well as activities conducted with the public. The Conference of the Parties may adopt individual or collective recommendations to this effect.
2. With a view to implementing the provisions of the present Agreement, those Parties that are least developed countries or Caribbean small island developing States shall be taken into account.
3. The secretariat may prepare periodic implementation guidelines and good practices for promoting the exchange of experiences in fulfilment of the provisions of the present Agreement.
4. A Facilitation and Follow-up Committee is hereby established as a subsidiary body of the Conference of the Parties, to promote application and support the Parties with implementation of the present Agreement based on capacity-building and cooperation.

The Committee will be non-adversarial, non-judicial and of a consultative nature to review compliance of the provisions of the present Agreement and formulate recommendations, with special attention to the national capacities and circumstances of the Parties. The Committee will allow appropriate participation by the public and review communications from the Parties, other entities of the present Agreement and members of the public. It may also submit recommendations for the consideration of the Conference of the Parties.
5. The Conference of the Parties shall establish a peer review mechanism to evaluate observance of the provisions of the present Agreement. The rules of operation shall ensure effective participation by the public and will be established by consensus by the Conference of the Parties no later than at its third meeting.
6. The Conference of the Parties shall evaluate the effectiveness of the present Agreement no later than six years after the date of its entry into effect, and periodically thereafter at intervals that it will determine.¹⁶⁸

Article 18
Settlement of disputes¹⁶⁹

1. If a dispute arises between two or more Parties with regard to the interpretation or implementation of the present Agreement, these Parties shall endeavour to resolve it through negotiation or any other means of dispute resolution they consider acceptable.
2. Upon signing, ratifying, accepting, approving or acceding to the present Agreement, or at any time thereafter, a Party may indicate in writing to the Depositary, with respect to any disputes not resolved in accordance with paragraph 1 of this article, that it agrees to regard as

1 obligatory one or both of the following means of dispute settlement in its relations with any
2 Party that agrees to the same obligation:

3
4 (a) presentation of the dispute to the International Court of Justice; and/or

5
6 (b) arbitration in accordance with the procedures that the Conference of the Parties will
7 establish, as feasible.

- 8
9 3. If the parties to the dispute have accepted both means of dispute settlement mentioned in
10 paragraph 2 of this article, the dispute may be submitted only to the International Court of
11 Justice, unless the parties agree otherwise.
12

13
14 Article 19
15 Amendments¹⁷⁰
16

- 17 1. Amendments to the present Agreement may be proposed by any Party.
18
- 19 2. Amendments to the present Agreement shall be adopted at a meeting of the Conference of
20 the Parties. The text of any proposed amendment shall be communicated to the Parties by the
21 secretariat at least six months before the meeting at which it is proposed for adoption. The
22 secretariat shall also communicate the proposed amendment to the signatories to the present
23 Agreement and, for information, to the Depositary.
24
- 25 3. The Parties shall make every effort to reach agreement on any proposed amendment to the
26 present Agreement by consensus. If all efforts at consensus have been exhausted, and no
27 agreement reached, the amendment shall as a last resort be adopted by a three-fourths
28 majority vote of the Parties present and voting at the meeting.
29
- 30 4. An adopted amendment shall be communicated by the Depositary to all Parties for
31 ratification, acceptance or approval.
32
- 33 5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in
34 writing. An amendment adopted in accordance with paragraph 3 of this article shall enter into
35 force for the Parties having consented to be bound by it on the ninetieth day after the date of
36 deposit of instruments of ratification, acceptance or approval by at least three fourths of the
37 number of Parties that were Parties at the time at which the amendment was adopted.
38 Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after
39 the date on which that Party deposits its instrument of ratification, acceptance or approval of
40 the amendment.
41
42
43
44
45
46

1 Article 20

2 Signature, ratification, acceptance, approval and accession¹⁷¹

- 3
- 4 1. The present Agreement may be signed by any of the countries of Latin America and the
5 Caribbean included in annex 1 at (city, country) on (date), and thereafter at the United
6 Nations headquarters in New York until (date).
7
- 8 2. The present Agreement will be subject to the ratification, acceptance or approval of the
9 States that have signed it. The Agreement will be open to accession by any country in Latin
10 America and the Caribbean included in annex 1 starting on the day following the deadline for
11 signing the Agreement. Instruments of ratification, acceptance, approval or accession will be
12 deposited with the Depositary.
13
- 14 3. The States are encouraged to transmit, at the time of their ratification, acceptance, or
15 approval of the Agreement or accession to it, information to the secretariat on the measures
16 they will take to comply with the provisions of the present Agreement.¹⁷²
17
18

19 Article 21

20 Entry into force¹⁷³

- 21
- 22 1. The present Agreement will enter into force on the ninetieth day after the date on which the
23 fifth instrument of ratification, acceptance, approval or accession has been deposited.
24
- 25 2. With respect to each State that ratifies, accepts or approves the present Agreement or accedes to
26 it after the fifth instrument of ratification, acceptance, approval or accession has been deposited,
27 the present Agreement will enter into effect on the ninetieth day after the date on which the State
28 has deposited its instrument of ratification, acceptance, approval or accession.
29
30

31 Article 22

32 Reservations¹⁷⁴

33

34 No reservations may be made to the present Agreement.
35
36

37 Article 23

38 Termination¹⁷⁵

- 39
- 40 1. At any time after a period of three years from the effective date of the present Agreement
41 with respect to a Party, that Party may terminate the present Agreement by providing written
42 notification to the Depositary.
43
- 44 2. The termination will take effect one year after the date of which the Depositary receives the
45 corresponding notification, or thereafter, on the date indicated in the notification.
46

1
2 Article 24
3 Depositary¹⁷⁶
4

5 The Secretary-General of the United Nations will be the Depositary for the present Agreement.
6
7

8 Article 25
9 Authentic texts
10

11 The original of the present Agreement, whose texts (Spanish and English) are equally authentic,
12 will be deposited with the Secretary-General of the United Nations.
13

14 IN WITNESS WHEREOF, the undersigned, duly authorized, have signed the present
15 Agreement.
16

17 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)

¹ Rio Declaration on Environment and Development (1992), Principle 10.

² 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).

³ 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.

⁴ 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).

⁵ A/CONF.216.13.

⁶ 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).

⁷ 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.

⁸ 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).

⁹ 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.

¹⁰ 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.

¹¹ 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 I 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.

¹² 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).

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).

¹⁴ 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.

¹⁵ 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).

¹⁶ 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).

¹⁷ 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).

¹⁸ 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.

¹⁹ 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).

²⁰ 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.

²¹ 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).

²² 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.

²³ 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).

²⁴ 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.

²⁵ 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).

²⁶ 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).

²⁷ A/CONF.216.13 and input from Mexico.

²⁸ 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).

²⁹ 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.

³⁰ 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*

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.”).

³¹ 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.

³² 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)

³³ 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).

³⁴ Bolivia (Plur. State of): *Proyecto de Ley de Transparencia y Acceso a la Información Pública* (2010), article 4 i).

³⁵ 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.

³⁶ 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.

³⁷ 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.

³⁸ Argentina: *Ley n° 25.675 General del Ambiente* (2002), article 4 and input from Colombia and the public of Mexico.

³⁹ 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.

⁴⁰ 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.

⁴¹ 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.

⁴² 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

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.

⁴³ Input from Colombia.

⁴⁴ 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.

⁴⁵ 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.

⁴⁶ 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.

⁴⁷ 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:

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).

⁴⁸ 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.

⁴⁹ 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.

⁵⁰ 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.

⁵¹ 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.

⁵² 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.

⁵³ United Nations Convention to Combat Desertification in Countries experiencing Serious Drought and/or Desertification, Particularly in Africa (1994), article 8.

⁵⁴ Minamata Convention on Mercury (2013), preamble.

⁵⁵ 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.

⁵⁶ 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.

⁵⁷ 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.

⁵⁸ “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.

⁵⁹ 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).

⁶⁰ 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.

⁶¹ 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*

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 5l) and 6d); and, input from Colombia and the public of Colombia, Panama and Peru.

⁶² 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.

⁶³ 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*

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.

⁶⁴ 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.

⁶⁵ 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).

⁶⁶ 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.

⁶⁷ 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.

⁶⁸ Input from Mexico.

⁶⁹ 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.

⁷⁰ 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).

⁷¹ 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.

⁷² 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*”).

⁷³ 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.

⁷⁴ 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).

⁷⁵ 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.

⁷⁶ 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.

⁷⁷ 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).

⁷⁸ 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.

⁷⁹ 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°*

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 Tabago: 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.

⁸⁰ 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”).

⁸¹ 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.

⁸² 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.

⁸³ 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.

⁸⁴ 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*

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.

⁸⁵ 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.

⁸⁶ 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.

⁸⁷ 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.

⁸⁸ 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.

⁸⁹ 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.

⁹⁰ 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*

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.

⁹¹ 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.

⁹² 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.

⁹³ 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*

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.

⁹⁴ 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.

⁹⁵ 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.

⁹⁶ 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).

⁹⁷ 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.III.

⁹⁸ 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 n° 13 (2002), article 3; Bolivia (Plur. State of): *Reglamento General de Gestión Ambiental* (1992), article 21; Colombia: *Ley n° 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 n° 37 de Gestión Ambiental* (1999), article 29; Haiti: *Decret 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 n° 41 General de Ambiente* (1998), article 53; Peru: *Decreto Supremo n° 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.

⁹⁹ 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.VIII; Chile: *Ley n° 19.300 sobre Bases Generales del Medio Ambiente* (1994), article 4; Colombia: *Ley n° 1712 de Transparencia y del Derecho de Acceso a la Información Pública Nacional* (2014), articles 7 and 8; Guatemala: *Decreto n° 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 n° 621 de Acceso a la Información Pública* (2007), articles 3.3 and 25; Paraguay: *Ley n° 4.251 de Lenguas* (2010), Chapters II and III; and, input from the public of Brazil, Colombia, Panama and Peru.

¹⁰⁰ 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 n° 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 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.X (every year); 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 8; Chile: *Ley n° 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 n° 7.554 Orgánica del Ambiente* (1995), article 78h); Dominican Republic: *Ley n° 64 General de Medio Ambiente y Recursos Naturales* (2000), article 52 (every 2 years); El Salvador: *Decreto n° 233 Ley del Medio Ambiente* (1998), article 31 (every 2 years); Guyana: Environmental Protection Act n° 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 n° 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 n° 9 de Reglamento de la Ley General del Medio Ambiente y los Recursos Naturales* (1996), article 32; Panama: *Ley n° 41 General de Ambiente* (1998), article 46; 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 2.17; Paraguay: *Ley n° 5.282 de libre acceso ciudadano a la información pública y transparencia gubernamental* (2014), article 10 j) (every year); Peru: *Ley n° 28.611 General del Ambiente* (2005), article 39; Peru: *Ley n° 28.245 Marco del Sistema Nacional de Gestión Ambiental* (2004), article 6e); Trinidad and Tobago: Environmental Management Act n° 3 (2000), articles 14 (every year) and 18(2); and, Uruguay: *Ley n° 17.283 sobre la protección del medio ambiente* (2000), article 12 (every year).

¹⁰¹ 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.

¹⁰² Chile: *Ley n° 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 n° 3 (2000), article 26; and, input from the public of Brazil, Colombia, Panama and Peru.

¹⁰³ 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.

¹⁰⁴ 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.

¹⁰⁵ 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.

¹⁰⁶ 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.

¹⁰⁷ 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).

¹⁰⁸ “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.

¹⁰⁹ 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.

¹¹⁰ 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*

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.

¹¹¹ 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.

¹¹² 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.

¹¹³ 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.

¹¹⁴ 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.

¹¹⁵ 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.

¹¹⁶ 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.

¹¹⁷ 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.

¹¹⁸ 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*

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.

¹¹⁹ 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.

¹²⁰ 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).

¹²¹ 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).

¹²² 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.

¹²³ 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.

¹²⁴ Uruguay: *Decreto 25/2014 del Ministerio de Relaciones Exteriores que crea el Sistema de Diálogo y Consulta entre Cancillería y las Organizaciones Sociales* (2014).

¹²⁵ Brazil: *Decreto n° 99.274 que Regula 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* (1988), 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.

¹²⁶ 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.

¹²⁷ 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.

¹²⁸ 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).

¹²⁹ 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.

¹³⁰ Input from Colombia.

¹³¹ 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.

¹³² 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

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.

¹³³ 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.

¹³⁴ 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.

¹³⁵ 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.

¹³⁶ 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*

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.

¹³⁷ 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.

¹³⁸ 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.

¹³⁹ 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*

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.

¹⁴⁰ 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.

¹⁴¹ 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.

¹⁴² 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.

¹⁴³ 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.

¹⁴⁴ 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 reconstituição 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*

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.

¹⁴⁵ 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.

¹⁴⁶ 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.

¹⁴⁷ 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.

¹⁴⁸ 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).

¹⁴⁹ 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.

¹⁵⁰ 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.

¹⁵¹ 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.

¹⁵² 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.

¹⁵³ 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*

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.

¹⁵⁴ 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*).

¹⁵⁵ 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).

¹⁵⁶ 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*

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.

¹⁵⁷ 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.

¹⁵⁸ 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.

¹⁵⁹ 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.

¹⁶⁰ 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.

¹⁶¹ 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).

¹⁶² 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.

¹⁶³ 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.

¹⁶⁴ 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.

¹⁶⁵ 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.

¹⁶⁶ 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.

¹⁶⁷ 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.

¹⁶⁸ Minamata Convention on Mercury (2013), article 22 and input from Mexico.

¹⁶⁹ 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.

¹⁷⁰ Minamata Convention on Mercury (2013), article 26.

¹⁷¹ 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).

¹⁷² Minamata Convention on Mercury (2013), article 30.4.

¹⁷³ 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).

¹⁷⁴ 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

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.

¹⁷⁵ Minamata Convention on Mercury (2013), article 33.

¹⁷⁶ Minamata Convention on Mercury (2013), article 34.