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

Buenos Aires, 31 July-4 August 2017

**ARTICLE 8**  
**PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING\***

**Proposal of Argentina and Peru as coordinators  
of the Contact Group on article 8**

\* This document has not undergone formal editing.



## ARTICLE 8

### Public participation in environmental decision-making

1. The Parties shall ensure the public's right to participation and for that purpose shall commit to implement open and inclusive participation in mechanisms for environmental decision-making based on domestic and international normative frameworks. **[Agreed]**

2. The Parties shall **[facilitate/guarantee]** public participation in decision-making processes, revisions, re-examinations or updates with respect to projects and activities and other environmental permitting processes that have or may have a significant impact on the environment **[or public health]**.

3. The Parties shall **[facilitate/promote]** public participation in decision-making processes, revisions, re-examinations or updates with respect to other environmental matters of public interest and having a significant environmental impact, such as environmental land-use planning, policies, strategies, plans, programmes, rules and regulations, among others.

4. (ex 5) The Parties shall adopt measures to ensure that public participation begins at previous stages of the decision-making process, at which it can be given due consideration and thus contribute to such processes.

To that effect, the Parties shall facilitate all necessary information on the decision-making process to the public in a timely, clear and comprehensible manner.

5. (ex 6) The public participation procedure will provide for reasonable timeframes that allow sufficient time to inform the public and for its effective participation. **[Agreed]**

6. (ex 7) The public shall be informed, at least, of the following matters through appropriate means, such as electronic, oral and/or culturally adequate procedures, and in a timely and effective manner:

- (a) the type or nature of environmental decision-making at hand and, as appropriate, a non-technical summary thereof;
- (b) the competent authority responsible for making the decision and other authorities involved;
- (c) the procedure foreseen for public participation, including the date on which the procedure will begin and end, mechanisms for participation and, as applicable, the date and place of any public consultation or hearing;
- (d) the competent authorities involved to which additional information on the environmental decision-making at hand can be requested. Such information shall be disseminated in a timely, clear and comprehensible manner.

7. (ex 8) The right to public participation in environmental decision-making processes shall include the opportunity to present such observations as they consider relevant through adequate/appropriate means available according to the circumstances of the process. Before adopting the decision, the competent authority shall duly take into consideration the outcome of the participation process.

8. (ex 9) Each Party shall ensure that once a decision has been made, the public is informed in a timely manner of the grounds and reasons underlying the decision, including the consideration of the observations. The decision and its basis will be public and accessible. **[Agreed]**

9. (replaces numerals 7, 9 bis and 18 and includes items from 6): The dissemination of the decisions resulting from environmental impact assessments and other decision-making processes having public participation (such as those indicated in 8.2 and 8.3) shall be carried out through appropriate means such as electronic, oral and/or culturally appropriate procedures, in an effective and early manner.

The information disseminated shall include the foreseen procedure to allow the public to take the relevant administrative and legal actions.

10. The Parties shall establish adequate conditions so that public participation in environmental decision-making accommodates the social, economic, cultural, geographical and gender characteristics of the public.

[10 bis. When the directly affected public speaks primarily languages other than the official language, the competent authority shall guarantee the means are provided to facilitate their understanding and participation.]

11. (not yet discussed)

12. The Parties shall promote public participation in international forums and negotiations on environmental matters and/or with an environmental impact, in accordance with each forum's procedural rules on participation, as appropriate.

[\*New proposal: Furthermore, the participation of the public at the national level on matters of international environmental forums shall be promoted, as appropriate.]

13. The Parties shall encourage the establishment of spaces for consultation on environmental matters, or as the case may be, use existing appropriate spaces, in which representatives of various groups and sectors will participate. The Parties shall promote regard for local knowledge, dialogue and interaction of different views and knowledge, as appropriate.

14. The Parties shall make efforts to identify and support persons and groups in vulnerable situations in order to engage them in an active, timely and effective manner in the decision-making processes on environmental matters. For these purposes, appropriate media and formats will be considered, in order to eliminate barriers to participation.

15. In the implementation of the present Agreement, the Parties shall guarantee that their applicable national regulations and their respective international obligations in relation to the rights of indigenous peoples and local communities are observed.

16. The competent authority shall make efforts to identify the public directly affected by the projects or activities that have or may have a significant impact on the environment and shall promote specific actions to facilitate their participation.

17. With respect to environmental impact assessments or assessments of activities and projects that have or may have a significant impact on the environment, at least the following information will be public:

- (a) description of the area of influence and physical and technical characteristics of the proposed project or activity;
- (b) description of the environmental impacts of the project or activity;
- (c) description of the measures foreseen to manage those impacts;
- (d) a summary of (a), (b) and (c) of this paragraph in non-technical language, where applicable;
- (e) the public reports and opinions of the involved entities addressed to the competent authority related to the project or activity at hand;
- (f) a reasonable description of alternative available technologies, options and locations to execute the project or activity subject to assessment; and,
- (g) monitoring of the implementation and results of environmental impact assessment measures.

The aforementioned information shall be free insofar as possible, except for the reproduction costs (wait and compare with the agreed drafting of Art. 6).