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

Santiago, 27 November-1 December 2017

ARTICLE 5
GENERAL OBLIGATIONS (REV 1)*

Proposal of Argentina, Chile and Costa Rica

* This document has not undergone formal editing.

ARTICLE 5

General provisions

1. In order to contribute to sustainable development, each Party shall recognize the right of every person to live in a healthy environment that contributes to the effective enjoyment of human rights.
2. Each Party shall adopt the necessary legislative, regulatory or other measures, among others, in the framework of its domestic provisions, to guarantee the full implementation of the provisions of the present Agreement.¹
3. With the aim of contributing to the effective application of access rights in environmental matters, each Party shall promote environmental awareness and education both in the public sector and among the public at large to provide people with knowledge and information on access rights in environmental matters.
4. Each Party shall endeavour to ensure that public bodies guide and assist the public —particularly those groups and persons in vulnerable situations— in order to facilitate their access to information, participation in decision-making and justice in environmental matters.
5. Nothing provided for in the present Agreement shall limit or repeal other more favourable rights or provisions set forth in the national legislation of a State Party or in any other international agreement of which a State is Party.
6. Each Party may provide a broader access to information, participation and justice in environmental matters than provided in the present Agreement.
7. Each Party shall guarantee the implementation of the present Agreement in accordance with the principles recognized herein.
8. In the implementation of the present Agreement, each Party shall adopt the most favourable interpretation aimed at achieving the fullest effectiveness of access rights and the protection of the environment.
9. For the implementation of the rights of access, the use of new information and communications technologies, such as, inter alia, open data, in the different languages used in the country shall be encouraged as appropriate. In no circumstances shall the use of electronic media constrain or result in discrimination against the public.
10. The Parties shall coordinate the activities conducted in accordance with the present Agreement with other existing and relevant international agreements to which they may be Party, as applicable, in order to strengthen synergies and avoid duplication of efforts in fulfilling the objective of the present Agreement.
11. The Parties shall encourage the application of the present Agreement in other international forums when environmental matters are involved, in accordance with the rules provided for in each forum.

¹ Colombia expresses reservation on this paragraph if included.

Suggestion to move to final provisions

The Parties shall disseminate the existence of the present Agreement, inviting other countries of Latin America and the Caribbean to adhere to it.

Suggestion to move to article 9 bis

Each Party shall take measures to recognize, protect and provide institutional support to those groups or individuals that protect the environment in the public interest with the aim of preventing their harassment, persecution, intimidation or subjection to coercive measures in the exercise of the rights recognized in the present Agreement.