II Inter-American Congress on the

Environmental Rule of Law

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*The jury consisted of a representative of UN Environment, a representative of the General Secretariat of the OAS, a representative of IUCN-World Commission on Environmental Law, and an independent expert.

Legal Frameworks for Water Resource Management

Author	*Country*	*Title*	*Abstract*
1.Julián Alvarez Restrepo	Colombia	Water Rights: Water Resource as a matter of reparation in the Americas	In the Americas, a legal development regarding the Human Right to Water from the General Comment Number 15 of the 2002 International Covenant on Economic, Social and Cultural Rights, adopting constitutional reforms and policies that prioritize this resource for human consumption and food security, as well as creating laws that promote physical and economic access, sustainability, quantity and quality, through public policies and programs of action that try to focus the most on vulnerable populations. This essay will recognize the advantages of applying a human rights approach to water in the Americas, its achievements and challenges within the sustainable development agenda. The paper has the following specific objectives: I). Conceptualize the notion of the Human Rights approach to Water in the Americas; II). Present water resources as a subject of rights (from both the biocentric and anthropocentric perspectives); and finally, to propose water resources as a subject of rights that must be repaired at the levels of rehabilitation, restoration and reconfiguration, and as an innovative element whose norms should guarantee human, economic, social and cultural rights; and collective and environmental. The following questions will be addressed: I). Are water resources prioritized for the realization of human rights, or considered as market goods? Are water resources the subject to rights? What legal consequences imply that water is subject to rights? And, what are the forms of repair (restoration, rehabilitation and reconfiguration) of water resources, and what should national and international laws address? Finally, how do these perspectives of reparation contribute to Water Management and Justice in the Americas?

2. Julio David Arnado Rivera	Peru	The criteria for vulnerability in the jurisprudence of the Inter-American Court: Is it an obstacle to achieve universal protection of the right to a healthy environment in the face of water pollution in urban areas?	The Inter-American Court of Human Rights, through its criteria of vulnerability, has protected the right to a healthy environment only in cases related to indigenous peoples. This protection has been materialized with the jurisprudential development of the right to a life to a life of dignity[1], whose content encompasses a broad catalog of economic, social and cultural rights, which the Inter-American Court does not have jurisdiction to declare a direct violation. Given that the Inter-American Court has confined itself to ruling on the content of the right to a healthy environment only in cases related to indigenous peoples, the Court has not developed jurisprudential standards capable of guiding the adoption of environmental policies applicable to situations in which indigenous populations are not involved, such as cases of pollution of water sources in urban environments. As a result, it is necessary and imperative that the Inter-American Court develops its own environmental standards that are not only applicable to populations that are in a situation of vulnerability, and universally guarantee the enjoyment and exercise the right to a healthy environment.
3. Patrick J. Lynch	Chile	Models for In-Stream Management of Freshwater Resources in Chile	Water conflicts in the Americas are increasingly prominent, due to changing weather patterns, climate change, and industrial growth. These conflicts threaten political stability and present challenges for legal and institutional frameworks seeking to ensure sustainable use of freshwater reserves. Many countries, including Chile, are struggling to adapt their regulatory schemes to recognize water as a scarce resource. Legislative debates in Chile- regarding minimum ecological flows, establishing a priority use for human consumption, and other beneficial restrictions on water extraction- are not likely to be resolved in the short-term. Given the lack of a legislative solution that is acceptable to all parties, there is a need to reframe the water debate. One possible solution is to look at international efforts to protect instream flows in their natural habitat by revising Chile's water code to permit private conservation as a use. Further amendments to the tax code would permit private philanthropy to boost investment, while offering a viable alternative for current water rights holders. This private conservation tool could be modeled off the Water Trusts model developed in the U.S. Pacific Northwest region, where nonprofit entities and government agencies have been effective in increasing instream flows while permitting multiple uses, including tourism and use for indigenous peoples. This Article will introduce the Water Trust model, its potential application to reduce water conflicts in Chile, and discuss the legislative reforms that would be needed to allow private investment in the model. We also look at how coalition building across sectors and at different governmental levels could boost the success of a Water Trust program to emphasize community involvement and ensure long-term protection of freshwater sources.
4. Denisse Charpentier	Chile	Citizen Participation as a	The Rural Potable Water Program (APR) was created in Chile in 1964 with the adoption of the Basic Plan for Rural Sanitation, based on the agreement called "Charter of Punta del Este", in 1961, signed by the

[1] Cfr. Corte IDH. Caso Comunidad Indígena Yakye Axa Vs. Paraguay. Fondo Reparaciones y Costas. Sentencia 17 de junio de 2005. Serie C No. 125, párr. 162 y 163.

Castro & Pablo Aranda Valenzuela		central element in the Institutionality of Sanitary Services in Chile.	Ministers of Health Of Latin America, which established as a goal the supply of drinking water to 50% of the rural population, during the decade 1960-1970. There are currently 1,772 rural drinking water systems, with a population of more than 1,700,000 inhabitants. The State has developed an infrastructure in Rural Potable Water services for over fifty years, investing nearly US $ 1.5 billion. This infrastructure is managed by the rural communities themselves, who are organized in Committees and / or Cooperatives. Law 20,998, which regulates Rural Health Services (SSR) published on January 14, 2017, which will come into force once its Regulations have been published, is continuing this task, establishing an institutional framework for the rural health sector. It should be noted that this legislative initiative has citizens as a key aspect, both in its origin and during its process through Congress as well as in its next implementation through collective non-profit organizations.[2] The purpose of the paper is to describe the main aspects of the SSR law that regulate the operation of rural sanitary services and the community organizations responsible for them, together with the coordination and implementation of programs aimed at providing basic sanitary infrastructure for the rural population, which still finds itself marginalized from these benefits. Citizen participation is clearly key as it promotes a new "culture of water", one in which integrates the economic, social and environmental dimensions of this important resource and promotes a change in management from a bureaucratic to more participatory, transparent and open.
5. Alberto Quintavalla & Raimy Reyes	USA	The evolution of the right to water as a 'unitary concept' in the Inter-American Human Rights System.	Water is a complex resource, encompassing not only physical peculiarities – such as mobility and variability – but also multifaceted conceptualizations in science and society. Technological advancements as well as ethical and societal discourses render water a complex matter that escapes easy definitions. For instance, from a societal perspective, individuals may perceive water as an economic resource or a public good, whereby the perceived category may trace back to historical antecedents strongly bound to a specific region. Although the international community has struggled to reconcile these conflicting normative views of water, law usually refers to water as a unitary concept. Nonetheless, a careful analysis of the development of the international human right to water showcases that the right to water as an independent and unitary concept is a rather recent development. Before treating the human right to water as an independent and unitary right, its conception was fragmented. The human right to water was conceived as a derivative right that should be inferred from several primary rights. In more detail, the unitary view of the human right to water was spelled out only in 2002 through the

[2] During 2006 and 2007 the initiative was drawn up with the active participation of the leaders of organizations providing potable water services in rural areas (Cooperatives and Rural Potable Water Committees), and were relevant actors during the process in the various committees of the Chamber of Deputies and in the Senate.

			ECOSOC's General Comment 15. The underlying rationale of this approach was to unify all the derivative rights to water into a unitary and single human right. Having regard to such international framework, this paper aims at investigating whether this development of the human right to water (from a non-unitary to a unitary concept) at the 'UN level' has also been reflected at a 'regional level'. In particular, we focus on the jurisprudence of the Inter-American Human Rights System (IAHRS) which still seems tied to a non-unitary concept of the right to water. Recently, the IAHRS has been progressively tackling a series of problems that hamper or prevent access to water. It has therefore developed standards on how access to water is necessary to enforce basic rights such as the right to live and personal integrity.

Trade, Investment and Environment

Author	*Country*	*Title*	*Abstract*
1.Monica Navas	Ecuador	The relationship between Environmental Law and Bio-economics	Environmental Law has provided normative elements to enable the implementation of the principles of International Conventions within national policies, from a vision of conservation per se, aligned with the Rio Principles, promoting the Declaration of Protected Areas as an urgent measure to protect the flora and fauna of certain territories without looking at the impacts on the rights to property of human groups in all areas; further limiting environmental impact for the design and construction of infrastructure projects, such as hydroelectric dams, roads, oil refineries, and mining; all of this within a primary extractive development model. However, in the last decade, climate change has prioritized national policies to promote adaptation and mitigation actions, encouraging the creation of norms for territorial and productive planning at the local level within participatory and intercultural environments. Within this context, bio-economy emerges as recognition to the inherent value of biodiversity as a key element within these processes, and sustainable production as a methodology to settle conservation with income creation for local populations. The traditional concept of Environmental Law as "the one in charge of establishing all laws and regulations whose final goal is environmental conservation and preservation as the only space in which human beings can carry out its existence" is facing challenges regarding with new State production models. Environmental Law now has a new vision that includes with social and environmental safeguards and incentives to promote a new Latin American bio-development model; taking into consideration bio-finance and the regulation of the intellectual property of products and services that originate from the natural cultural heritage of indigenous peoples, etc.
2.Matheus Bassani & Ricardo Serrano	Brazil	Socio-Environmental Protection in Latin American Countries in The Hypothesis of Reverse Logistics of the Technological Waste: the Impact of Free Trade Agreements	The purpose of this paper is to analyze the social and environmental impacts of the massive accumulation of obsolete technological equipment acquired by the main Latin American countries that subscribed to several Free Trade Agreements (FTAs) with countries considered as technological powers, such as between Peru, Chile, Colombia and Mexico, on the one hand, and China and the USA on the other. Through deductive method, the research problem is based on the extent to which FTA safeguards the integrity and effectiveness of environmental protection through the dynamism of massive consumer relations and the final destination of technological products. Such problematization is forged by the effects of trade relations and development considering socio-environmental impacts and pressures, whereby the collision of rights between technological and sustainable developments. In an attempt to establish legal frameworks to improve environmental protection in Latin American countries, the main hypothesis is the need to promote the construction of responsible and efficient institutions, which is necessary to encourage, guarantee and protect it. The harmonization of international trade and the formation of peaceful and inclusive "green" societies in the era of technological modernity is the achievement of Objective 16 of the United Nations Agenda 2030 by

			the Latin American countries. Therefore, according to the eWaste document in Latin America 2016 on statistical analysis and public policy recommendations, the result of this research seeks to highlight the need for a discussion, debate and decision-making in the main Latin American environmental forums for the improvement of legal frameworks of electronic waste as a consequence of the socio-environmental impacts of electronic equipment by FTAs. Another hypothesis emerges from the identification and possibility of forecasting reverse logistics policies in the bilateral treaties themselves. From a State policy view, the greatest interest is to guarantee the sustainability and integrity of the socio-environmental rights of the present and future generations in a socio-environmental State of Law.
3. Gabriela Eslava	Colombia	Trade, Investment and Environment	In the Americas, one of the main challenges for the conservation and sustainable development of biodiversity is the creation and implementation of economic and legal instruments for the protection of strategic ecosystems that provide essential environmental services. The lack of planning in the use of land in accordance to the environmental services they provide has generated problems of overexploitation or underutilization. This in turn, has led to the emergence of socio-environmental conflicts between communities, companies, local authorities and the State. The understanding of nature and biodiversity as a limit for development in several countries of the Americas, instead of a comparative advantage vis-à-vis the rest of the world has led to gaps in the tools that allow conservation and sustainable development. Amidst this background, payments for environmental services are presented as an alternative to encourage the formulation of conservation projects and sustainable uses by communities and local authorities with a view to creating and strengthening local markets. In the long term, the development of local markets will allow them to live on their territory and reduce causes for environmental conflicts. The implementation of payment schemes for environmental services is a solution to the worrying effects that climate change has caused to the most vulnerable countries of the Americas. This essay aims to present the payment for environmental services as a mechanism to create and develop local markets based on the conservation of nature and sustainable development, while contributing to adaptation and mitigation to climate change. The paper will thus analyze the regulations regarding economic instruments for conservation in the countries mentioned; will identify legal gaps; successful cases and the challenges for the implementation of effective schemes.
4. Pablo Lorenzetti	Argentina	Consumption and Environment: Microsystemic Dialogues	This paper studies a series of links and relationships between the consumer protection microsystems and the environmental guardianship microsystems. The following paper proposes to understand the notion of "sustainable consumption" as an agglutinating concept of both disciplines; while also analyzing some specific references that confirm the need to deepen the "microsystemic dialogue" in order to confront and solve the complex problems that derive from the theoretical framework addressed.

Conflict Prevention and Management in Natural Resources

Author	*Country*	*Title*	*Abstract*
1.Antonella Furlato & Juan Carlos Sanchez	Ecuador & Costa Rica	Climate justice and legislation: the Mesoamerican experience	The projected impacts of climate change in Latin America suggest an intensification of conflicts over natural resources. In these circumstances, the populations that are vulnerable and dependent on the services provided by ecosystems will be mostly affected. Climate justice and the law are tools that strengthen the ability of States to deal with climate variability. Innovation of climate legislation in Latin America and the Caribbean serves as a framework to reassure a responsible and adequate management of natural resources, an appropriate response from State entities to meet the new challenges and climate impacts, enable the necessary incentives to transition towards carbon-neutral societies, and in a general sense, achieve the Development Goals established in Agenda 2030. Mesoamerica is part of this normative trend, and the countries have created climate policies and climate legislation inspired mainly by the vulnerability that impacts the isthmus. The region is affected by extreme climatic events, linked to changes in precipitation, which impact the quantity and quality of available water, and also harm the diverse ecosystems. The consequences of floods and droughts, in socio-economic terms, are extremely high. Currently, new legal efforts that deal with the management of conflicts and natural resources through climate legislation provide for justice and environmental responsibility per the adaptive capacity of each country. Climate legislation that cover actions in areas, such as energy, transport, industry, forestry, and food security. This article proposes the concept of Mesoamerican climate justice inspired by the climate laws throughout the region. Further, the article will explore the ways in which this normative serves as a legal framework towards conflict prevention and management in natural resources. Through the analysis of how these themes of adaptation, mitigation and damage, and losses has been addressed from a Mesoamerican perspective. The objective is to contribute to the dialogue on normative reforms in Latin America through a critical analysis of Mesoamerican laws that seek to improve the capacities of the countries when facing the new challenges posed by climate change.
2. Ricardo Serrano Osorio	Brazil	Socio-environmental conflicts from Mining in the	This article aims to analyze the main socio-environmental conflicts arising from mining activities in the countries of the Pacific Alliance; analyzing in depth the current policies of implementation and application of the Objective 16 of the United Nations 2030 Agenda for Sustainable Development, together with contextualizing the need for the creation of a Socio-Environmental Rule of Law.

& Guillermo Ocuña		countries of the Pacific Alliance: regarding the implementation of Objective 16 of the United Nations 2030 Agenda	In this regard, the investigation problem results from the harsh relationship between the State, market and society against current policies and economic development incentives and socio-environmental conflicts from the mining mega-projects in the region. The breaking point of this relationship stems from the prioritization of the creation of economic-financial incentives and the flexibility of environmental legislation for the viability of investments that lead to the emergence of negative externalities by inefficient exploration of natural resources. The main hypothesis results from the need to promote judicial-economic means to create environmental – fiscal incentives for the preservation and protection of an ecologically-balanced environment, with the purpose of having efficient environmental institutions as a fundamental base for training, promotion, and strengthening of peaceful and inclusive societies for sustainable development, as indicated by objective 16 of the UN 2030 Agenda. Therefore, concerning the countries that comprise the Pacific Alliance as states with mining functions, the result of this study seeks to discuss in a responsible manner, position, and institutionally guide the way that mechanisms of prevention, management, and peaceful resolution of socio-environmental conflicts, as well as access to environmental justice, contribute to the structure of an awaited Socio-Environmental Rule of law, enabled by the efficient maximization of common welfare of the rights of the present and future generations in our region.
3.Sibel Villalobos	Chile	Environmental Courts in Chile: Disciplinary integration or Transdisciplinary ?	From the year 2000, the number of specialized environmental courts has grown steadily; there are currently more than 1,200 specialized courts in 44 countries around the world. One of the main differences between these specialized organs and traditional courts is that the decision-making process includes specialists in law and environmental science. Chile is one of the 44 countries that possesses environmental courts. The Chilean environmental courts were created by Law 20.600 in 2010, to resolve legal disputes in environmental matters. Its main features include a mixed composition (two lawyers and a Bachelor in Sciences) and specialization (by only solving environmental issues). Its jurisdictional area includes control and review of administrative acts of the environmental authority and demands for repair of environmental damage. According to the history of Law 20.600, the mixed composition would be the best route towards a true integration of different disciplines that converge in the analysis of environmental issues, however, after almost four years of operation, one has to wonder if the single multi-disciplinarity is sufficient to achieve what the law intended: "a reasonable and complete decision of environmental affairs." From an analytical perspective, and considering that the term trans-disciplinarity can be defined as a reflexive methodology and integration for the solution of complex problems, it is clear that the work of resolving disputes of socio-environmental nature contains key elements of transdisciplinary research: the promotion of reciprocal learning and the creation of new knowledge (or new criteria) that can be applied

			subsequently in an improved environmental management. From a philosophical approach, and following the First Act of Trans-disciplinarity of Max-Neef, environmental court decisions should be developed within a methodological framework that precludes any conflict to be resolved within a single level of reality.
4. Angelina Valenzuela	México	Reconciliation of Environmental Conflicts in the Americas	Environmental disputes have increased and worsened, which has required additional innovative resolution forms from the judicial process. An alternative is the conciliation procedure, which promotes social peace, public participation, access to justice; in other words, it contributes to the fulfilment of Objective 16 of the 2030 Agenda. In conciliation, the conciliators try to reach an agreement to resolve a dispute through a procedure guided by one or more conciliators (third impartial), who, without being entitled to decide how to resolve, can provide recommendations to the parties to achieve such an agreement, which can be effective and enforceable.[3] The originality of our idea seeks to address an alternative form to the judicial process to resolve environmental disputes. It is intended to illustrate the hemispheric trend on the subject, showing how domestic laws allow the resolution of environmental conflicts through alternate means, consensual in various Member States of the Organization of American States, such as: Argentina, Brazil, Canada, Colombia, Chile, United States, Mexico and Peru. Finally, further to the comparative analysis, conclusions and recommendations will be showcased.

[3] VALENZUELA, A., "Ventajas y desventajas de la conciliación en la resolución de conflictos sobre reparación del daño al medio ambiente", *Revista Internacional Consinter de Direito*, año II, v. III, Juruá Ed., Brasil: CONSINTER, 2016. http://editorialjurua.com/revistaconsinter/es/revistas/ano-ii-volume-iii/parte-1-direito-e-sustentabilidade/ventajas-y-desventajas-de-la-conciliacion-en-la-resolucion-de-conflictos-sobre-reparacion-del-dano-al-medio-ambiente/ (consulta: 05 abril 2017).

Environmental Enforcement

Author	*Country*	*Title*	*Abstract*
1.Maria Amparo Albán	Ecuador	The adaptation of the classic civil system to the development and implementation of the rights of nature	The proposal aims to address the difficulties and challenges facing the implementation of the rights of nature, as a disruptive force in the classical civil system, which by virtue of new state protections has enshrined the birth and development of a new discipline. This new environmental right, with its own self-identity, has been fundamentally characterized as invasive and disruptive. Firstly, invasive to the extent that its implementation involves strengthening the administrative discipline that grows under the protection of the efforts of the state's re-institutionalization. Second, disruptive in the way that involves a collision with the classic civil system, in key matters like responsibility, the proof and relationships between stakeholders. The enactment of the rights of nature in Ecuador in 2008 represents the birth of a non-traditional legal system, which enables a new perspective to legal innovations under the social and environmental sciences. Together with a strong influence of a re-characterized legal sociology, this new discipline aims to enable and recognize the most conservative society. Hence, the need to affirm that the promulgation of the rights of nature meant a change of system rather than a simple constitutional reform. However, this alteration to the system requires a set of reforms that make its validity viable for the effective implementation of the rights. Legal and institutional reforms, and the consolidation of a vision that we are entering an era of changes, in which the changing relationship between man and nature is altering our traditional social, legal and economic structures. This article will address this pathway, and the one that is still to be covered.
2.Patricia Farnese	Canada	The Challenge of Discretion in Environmental Regulation	The challenge presented by the global decline in wetlands underscores the stark reality that even where there is political will to meaningfully address environmental degradation through enforcement and prosecution activities, the failure to consider the impact of discretion in the design of domestic regulatory regimes can render the most aggressive environmental regulations ineffective. Before the issue of enforcement is ever raised, discretionary decisions are made regarding whether the regulation applies. In the wetland context, the exercise of this discretion involves deciding what a 'wetland' is and how 'wetlands' should be identified on the landscape. Standards of review that require judges to assess the reasonableness of these discretionary decisions, the unwillingness of the judiciary to interfere with discretionary decisions based on the scientific judgments of public officials, and ambiguity contained within the language of the regulatory regimes themselves continue to undermine domestic wetland protections. Therefore, this article asserts that unlike other areas of law, any consideration of the reasonableness of the exercise of discretion in an environmental law context must reflect non-human outcomes beyond traditional measures of whether the law operates as a sufficient deterrent, improves public welfare, and is efficient. Without a specific understanding of the impact of all discretionary decisions on the targeted species or ecosystem, an analysis of the appropriate scope of discretion in an environmental context and therefore, the effectiveness of the regime, are incomplete. In short, it is illogical to judge a regulatory regime with the

			express purpose of conserving wetlands as effective if rates of wetland loss are accelerating. Thus, Multilateral Environmental Agreements (MEAs) should do more than support the promulgation and enforcement of regulatory wetland protections. MEAs must shift focus to how these regulations actually work in practice and develop standards by which the reasonableness of the exercise of discretion by their Parties can be evaluated.
3. Cristián Delpiano Lira & Belén Olmos	Chile	Progressive incorporation of human rights in the environmental obligations of the state. An analysis from the international jurisprudence perspective	The proposal aims to analyze the existing relationship between the State's environmental obligations and those part of international human rights law ("IHRL"), and the impact on enforcement and application of internal and international environmental standards; an issue that has not been addressed fully at the academic level. Thus, it will analyze: 1) Inter-American jurisprudence regarding the link between IHRL and international environmental law ("IEA"); 2) the State's environmental obligations in the light of the IEA. 1) The Inter-American Court of Human Rights (hereinafter "the Inter-American Court of Human Rights") has recognized environmental rights in an express and direct manner; progressively taking over the protection of the right to a healthy environment. This evolution has been possible through a systematic, material and evolutionary interpretation of the norms of the Inter-American System for the Protection of Human Rights, considering both individual rights and collective rights, particularly of indigenous communities and peoples. In rulings such as *Kawas Fernández v. Honduras (2009*), the Court has indicated that the protection of the environment is located in the area of human rights defense, setting criteria for effective judicial protection of third generation human rights, especially the protection of the human right to sustainable development, through the evolutionary interpretation of the provisions of the American Convention on Human Rights. 2) The second part will analyze the environmental obligations of due diligence, principle of prevention and a possible obligation derived from the application of the precautionary principle; in the light of the Court's interpretations, and its implication in determining the legal framework and institutional framework to guarantee environmental rule of law. Thus, the proposal will identify and project the trends in determining the level of compliance of internal and international environmental standards by the States of the hemisphere.

Access Rights: Information, Justice and Process

Author	*Country*	*Title*	*Abstract*
1.Maria del Luján Flores	Uruguay	Access Rights: Information, Justice and Process	Environmental Rule of Law is based on the fulfillment of human rights obligations related to the environment. These obligations are procedural and substantive. Among the first obligations, the environmental impact assessment on human rights, the publication of information related to the environment, the facilitation of participation in environmental decision-making protecting the rights of expression and association, as well as access to resources that allow the reparation for caused damages. Among the latter are the obligations that establish the necessary legal frameworks against the injury of environmental damage rights -including groups of vulnerable, which will be the subject of study. This paper will analyze the specific rights that are affected by pollution. Additionally, it will analyze the main international instruments linked to Principle 10 of the Rio Declaration on Environment and Development, and the right of access is guaranteed, and thereby ensures democracy, trade and inclusion. The paper will address the universal and regional mechanisms of implementation and compliance mechanisms, and to what extent they are effective. Finally, the paper will cover the recent jurisprudence in relation to access to information and access to justice, means to establish the trends and challenges that these rights will face in the near future, and their possible future.
2. Miguel Angel Garcia Sanchez	México	The right of access to information as means for environmental democracy	Environmental problems around the world that have been a product of pollution can be considered as one of the most difficult challenges facing the 21st century. While States have chosen to enshrine the protection of the environment in numerous international instruments, including the Rio Declaration on Environment and Development, the Aarhus Convention and the Bali Guidelines, and have achieved universal recognition of the need to act against this integral problem; such efforts would appear fruitless without the active and coordinated participation of society. Per this context, OAS States have agreed to interfere and educate their citizens in relation to the current environmental problems through the distribution of information on environmental matters in a sensitive and effective way. Through the sharing of information, one can begin to "link" society with the problem and with the possible solutions on the environment. The article aims to: a) distinguish the concept of “environmental information,” sources and development in the international legal framework; (b) illustrate the role of society informed in the defense of the environment and the right to participation in environmental affairs; (c) present various strategies to stimulate the will of participation.

			Promoting a dialogue between civil society and Governments would enable the creation of more efficient public policies, which would depend entirely on a well-informed society that chose to participate in a committed and enthusiastic manner in the public decisions of society.
3. Ricardo Pereira	Brazil	Public Participation and the Environmental Rule of Law in Brazil – Towards Effective Protection of Indigenous Peoples' Land and Environmental Rights?	The recognition of the title to land and demarcation of the ancestral lands of indigenous peoples represents an important challenge in Brazil. Brazil ratified the 1989 ILO Convention no. 169 concerning Indigenous and Tribal Peoples on 22 July 2002; and has signed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted by the UN General Assembly on 13 September 2007. Both instruments recognize the duty of governments to ensure consultations and public participation in the context of projects that may impact indigenous peoples, and in more limited circumstances, offer procedures for indigenous peoples to express their free, prior and informed consent (FPIC) before project plans can start. Decree n.º 5.051/2004[4] implements the obligation of consultation enshrined in the ILO Convention No. 169 in Brazilian legislation. In 2007, the Congress of Brazil passed another legislation recognizing the principle of participation of indigenous peoples. But it was not until June 2012 that a particularly significant development to enhance indigenous peoples' participation happened with the adoption of the 'National Policy on Territorial and Environmental Governance/Management in Indigenous Lands' ('PNGATI'). PNGATI aims to improve the environmental governance and management of indigenous lands. In practice, Brazil is failing to comply with the requirements for indigenous peoples' participation and consultation under the ILO Convention no. 169 and UNDRIP. This can be seen in the construction of the Belo Monte dam, which has lacked effective participation of the indigenous and local communities impacted by the project. In fact, it has been noted that approval was granted three years before the publication of the environmental impact assessment, and no consultations with indigenous peoples were ever carried out by the Brazilian Congress. This paper aims to assess whether the deficiencies of the current legal framework for indigenous peoples' participation in the context of economic activities is undermining the protection of indigenous peoples' land and environmental rights in Brazil. The essay will use specific case studies - such as the controversial construction of the Belo Monte dam – in order to illustrate the current conditions of the application of rules on public participation and indigenous peoples' right to FPIC in the context of Brazilian environmental law.
4.Jorge Iván Hurtado Mora	Colombia	Access Rights: Information, Justice and Process	Constitutional structures built in the so-called Social State of Law have identified the need to provide citizens with mechanisms and tools that involves them with administrative managements that may affect their interests in a collective manner. In most of the States whose growth and welfare standards are yet to be achieved, among environmental stakeholders, there is still no uniform position where governance should be more effective against the

[4] Decree n.º 5.051, 19 April 2004.

			sustainable use of resources and the prevention of pollution. When converging the management of various interests protected by the constitutional order, the safeguard to enjoy a healthy environment could not be omitted; it is a higher and collective right against other expectations. The aforementioned approach leads to determine the imperative to transcend the mere recognition of a right to material efficiency of such recognition, which is necessary to establish the importance of access rights, without more limits as imposed constitutionally, and general interests. In the scenario of community participation, full access to public information is an indispensable and obligatory element that allows society an apprehension and a de-monopolization of the scientific in order to recreate an intervention in a much more rational and less passionate intervention. On the other hand, the information to participate in the collective organization, defense and construction of a sustainable and inclusive model of management should be the relevant and substantial: without quality information, there is no effective participation. This article will focus on determining how administrative procedures permeated by participatory processes, with full access to information, can translate into public decision-making that is more democratic and sustainable.