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No. 1

PROPOSAL FOR A BASIC LAW ON ENVIRONMENTAL PROTECTION AND THE PROMOTION OF SUSTAINABLE DEVELOPMENT

UNITED NATIONS ENVIRONMENT PROGRAMME
REGIONAL OFFICE FOR LATIN AMERICA AND THE CARIBBEAN

1993

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NOTE This document has been prepared on the basis of a proposal for a Basic Law on Environmental Protection and the Promotion of Sustainable Development, elaborated in collaboration with Mr. Ricardo Koolen, UNEP consultant.

The document contains the final version of the proposal, submitted for review to a Meeting of Legal Experts of the Member States of the Central American Commission on Environment and Development. It also contains the recommendations of that Meeting and of a subsequent Joint Meeting of the Central American Commission on Environment and Development and the Central American Interparliamentary Commission on Environment and Development, which examined the topic. Consequently the contents of this document do not necessarily reflect the opinion of the United Nations Environment Programme.

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PROPOSAL FOR A BASIC LAW ON ENVIRONMENTAL PROTECTION AND THE PROMOTION OF SUSTAINABLE DEVELOPMENT

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FOREWORD

Since 1985, the Regional Office for Latin America and the Caribbean of the United Nations Environment Programme has been in charge of implementing a project called the "Regional Programme on the Development of Environmental Legislation and Institutional Framework in Latin America and the Caribbean", which is included among the regional programmes that subsequent meetings of environment ministers have designated as being of priority.

Within the same framework, various lines of work have been established, such as the provision of technical assistance to the countries and other institutions of the area, the development of research activities in the field of environmental law and the creation and maintenance of an Information System on Environmental Law. Through this information system, all the national and international legislation in force in the region of Latin America and the Caribbean is being compiled, systematized and incorporated into a data bank and various publications are being issued, including a periodic newsletter that reports on pertinent legislative, jurisprudential and educational progress achieved.

The reader has before him the first publication of a new ***Document Series on Environmental Law***, which contains a model legislative proposal for a ***Basic Law on Environmental Protection and the Promotion of Sustainable Development for the Countries of Central America and Panama***, prepared by our Office at the request of the Central American Commission on Environment and Development and the Central American Inter-Parliamentary Commission on Environment and Development.

The basic document for this proposal was prepared by Ricardo Koolen, UNEP-ROLAC legal consultant, under the supervision of Raúl Brañes, Regional Adviser to UNEP-ROLAC. The document was submitted to a Meeting of Legal Experts of the Member States of the above-mentioned Commission. The observations and subsequent recommendations formulated at that meeting were examined by a Joint Meeting of the Central American Commission on Environment and Development and the Central American Inter-Parliamentary Commission on Environment and Development.(1)

This proposal for a *Basic Law on Environmental Protection and the Promotion of Sustainable Development for the Countries of Central America and Panama* is being published in response to the explicit request of the legal experts who participated in that meeting. It was

(1) The meetings were held in Mexico City from 25 to 27 January 1993.

considered pertinent to include the recommendations formulated during the Meeting of Legal Experts of the Member States of the Central American Commission on Environment and Development and during the Joint Meeting of the Central American Commission on Environment and Development and the Central American Inter-Parliamentary Commission on Environment and Development in this first issue of the Document Series on Environmental Law.

I wish to thank all the personnel at the Regional Office who collaborated in different activities to make this model legislation and its publication a success, particular thanks are in order Florencia Hastings and Mariana Cazorla. I hope that this effort will be useful to all the individuals and to institutions interested in information on and development of environmental law in our region.

Arsenio Rodríguez
Director

INTRODUCTION

At the meeting held in San José, Costa Rica, in December 1989, the Presidents of the Republics of Central America signed the Central American Agreement for Environmental Protection.

The objectives established in Article II, (f) of the agreement include "support measures to make national major policy lines and legislation compatible with sustainable development strategies in the region".

Although legislation is not the only tool needed to achieve the objectives of environmentally sustainable development, it is an instrument of utmost importance. If a regional framework is to be given to such development strategies to unite the efforts of all the Central American countries, standardization of policies and legislation are essential and unavoidable, except in reference to the unique features of each country. Mutual cooperation will certainly be required before the many profound changes can be effected in this region of countries which share so much.

In fact, one can visualize and hope for a future in which the peoples of the countries of the region are increasingly interrelated in both economic, as well as social and cultural matters, forming a firm, well-organized, united and reciprocally cooperative community.

From that standpoint, harmony between all legal systems, especially in reference to environmental standards, will not only favour integration, but will also equalize the conditions and demands of the various countries and thereby prevent adverse competitiveness in trade flows and investment systems. It will also facilitate addressing cross-border environmental problems, the joint management of shared ecosystems and economy in the use of economic and technological resources through joint undertakings to improve the exploitation of natural resources - especially those with potential not being tapped at the present time - the negotiating capacity of Central America with the rest of the world, the sense of belonging to the population of a regional community, environmental monitoring and, in general, the application of most national environmental policies for sustainable development.

In view of such advantages and benefits, the Central American Commission on Environment and Development (CCAD) (2) and the Central American Inter-Parliamentary

(2) Established by the above-mentioned Agreement.

Commission on Environmental and Development (CICAD) (3) requested the Regional Office for Latin America and the Caribbean of the United Nations Environment Programme (UNEP-ROLAC) to prepare a proposal for a "framework law" on environment and development in the form of a "model bill" that could be useful to the Governments in adapting, modernizing and harmonizing their respective laws, incorporating the results of the recent United Nations Conference on Environment and Development (Rio de Janeiro, 1992), the document "Central American Environment and Development Agenda", resolutions adopted at various Central American presidential summit meetings and numerous other documents prepared by the Governments and representative sectors of civil society.

The Programme for Environment and Health in the Central American Isthmus (MASICA) of the Pan American Health Organization/World Health Organization (PAHO/WHO) (4) demonstrated great interest in the bill.

In September 1992, the first UNEP-ROLAC activity in the field began with consultation with the members of CCAD and CICAD on a structural proposal concerning the subject area content of the model bill to be prepared. With the responses received, the final structure was approved and the first bill proposal was drafted in order to receive the broadest possible range of opinions and suggestions. The document was presented to a Meeting of Legal Experts of the Member States of the Central American Commission on Environment and Development, held on 25 and 26 January 1993. Finally, the proposal, with the observations and recommendations made at that meeting, was submitted to the Joint Meeting of the Central American Commission on Environment and Development and the Central American Inter-Parliamentary Commission on Environment and Development, held in Mexico City on 27 January 1993.

Some aspects considered important to the reading and consideration of the final text of the UNEP-ROLAC proposal are presented below. Numerous background data, especially those from countries of Central America, the rest of America and Europe, as well as other international treaties, agreements and documents were consulted in preparing the proposal. The background data most frequently consulted are included in the annex to this introduction.

This does not mean, however, that the proposal is simply the mechanical adoption of norms and concepts prepared by others to address environment and development problems that frequently differ from those of the countries of the region. On many occasions, environmental

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(3) Established by the Agreement between the Presidents of the Commissions on Environment and Natural Resources of the Legislative Branches of the Republics of Central America and Panama on 16 March 1991.

(4) The MASICA Programme and CCAD signed a broad cooperation agreement on 23 January 1991.

legislation has failed because it has not considered local ecological and cultural idiosyncrasies. Efforts have therefore been made to take these particulars fully into account.

Efforts have also been made to insert the proposal into the juridical tradition of the countries.

In both cases, however, it is hoped that the opinions on the proposal will be particularly useful and enriching when the final version is prepared.

In preparing this proposal, the point of departure that has created most concern involves the relatively pessimistic outlook concerning the success that environmental legislation has achieved to date, both in the countries of Central America and in the other countries of Latin America and the Caribbean.

The benefits of legislation are measured by their efficiency and their effectiveness. The former refers to the degree to which behaviour is regulated; in other words, the intrinsic capacity of the norms to achieve the objectives sought. The latter refers to the degree of social effectiveness actually achieved. In the specific case of environmental laws, the latter is particularly important, since it usually refers to changes in social behaviour which are deeply rooted and inconsistent with the concept of environmental protection and sustainable development.

In this regard, regulatory gaps, obsolete norms and lack of coordination resulting from an outdated sectoral approach rather than the modern holistic concept of the environment, are very common in our countries. Additionally, there is a low degree of effectiveness which is sometimes the result of technical-juridical norms, but is often the result of a lack of real political willingness to enforce norms, the absence or insufficiency of state implementation organizations, the barriers imposed by vested or opposing sectoral interests and deficient citizen participation and education, among the most outstanding reasons.

Sustainable development calls for a deep change in ethics and social organization in order to achieve a better model. In both cases, law must play an essential role; but what must be done in the political, economic, educational and cultural fields is of equal or greater scope. This proposal is intended to initiate the task of overcoming obstacles and to establish mechanisms to facilitate the work that must be undertaken.

If the proposed bill becomes national law in the region, it should not be expected to concentrate and provide all the environmental legislation required for sustainable development.

Quite to the contrary, it only seeks to establish the most general basic norms common to all environmental elements and resources, on the basis of which the country will have an environmental legal system provided by a basic law, as a fundamental pivot, and by other special environmental laws and norms which, if they already exist, may be amended or maintained and, if they do not exist, may be adopted.(5) Environmental norms of a higher rank in constitutions are also part of the system in countries where they exist, as well as norms of lower rank such as decrees, regulations, ordinances, and so forth. (6)

The project structure finally selected includes two parts called the general part and the special part, which are broken down into a total of ten titles subdivided into chapters, sections - when advisable - and 182 articles.

In the general part, Title I deals with national policy for sustainable development. Here the establishment and regulation of environmental requirements constitutes the central purpose of the law. In Title I, inspired particularly by the preparatory work and the final documents of the United Nations Conferences on the Human Environment (Stockholm, 1972) and on Environment and Development (Rio de Janeiro, 1992), as well as Our Own Agenda and the regional documents listed in the Annex, there is a list of guiding principles to which the economic and social development of a country should be subject to make them truly sustainable. These principles will constitute a legal imperative for all inhabitants and authorities, as well as valuable interpretive criteria for the judicial enforcement of legislation. Thus, the importance of including and designating these principles for law and order is paramount.

Title II regulates environmental management for sustainable development.

Here "environmental management" is understood to include the set of State activities aimed at environmental conservation, preservation, improvement, restoration and monitoring; direct intervention in the natural and man-made environment; (7) and control of individual

(5) In the text of the bill, "special environmental laws" should be understood as those laws that are intended to regulate resources, problems, situations or the application of specific environmental policies. "Special environmental norms" should be understood to mean norms which, taking into account the environmental content, are inserted into laws that principally regulate other matters.

(6) It should also not be forgotten that, outside the environmental legal system, there are "implicit or indirect environmental regulations", which are provided for in laws and even in constitutional norms of the most diverse nature with no explicit environmental content, but whose enforcement has an impact on the environment or on the relationship between society and environment (for example, economic, tax, credit, administrative, civil, commercial and other norms).

(7) In the text, "man-made" environment should be understood as all the environment that is constructed by man, such as cities, dams, bridges, roads and so forth, excluding from the concept the natural "human-induced" environment (for example, crops), since, in this case, greater importance is given to what nature supplies.

activities. In a broader sense, the use and exploitation of public or private environmental resources by individuals may also be considered environmental management.

Obviously, sustainable development policies are not limited to environmental management. They involve much broader State measures in the economic and social field. The role of environmental management is to provide these policies with a sustainable base of environmental resources and, in that regard, environmental management is an unavoidable and irreplaceable condition for making such development possible.

In environmental management for sustainable development a distinction should be made between institutional structure and the instruments placed at the disposal of that structure.

As regards the institutional structure, the bill proposes the creation of a national environmental management system whose highest authority is logically the president of the republic. Article 4 lists the institutional bodies that comprise the system. Some specific points should be made in connection with this structure.

In the State, environmental management has horizontal and vertical aspects. The horizontal aspects are expressed in the responsibility that falls on numerous sectors of public administration. In contrast to most State functions, environmental duties cannot be departmentalized, at least as a whole. They are expressed through decisions adopted in the sectors in charge of agriculture, forestry, protected natural areas, wildlife, fisheries, mining, energy, public works, education and culture, health and basic sanitation, labour hygiene, technological and scientific development, industry, transport, roads, tourism, land-use and human settlements management, foreign affairs and perhaps in other sectors that have been overlooked in this list. A large part of these decisions have a direct or indirect environmental impact.

Some functions can be departmentalized and the bill provides for an administrative unit formed by the Minister-President of the National Environmental Commission and the Executive Secretariat for the Environment. The proposed bill does not define the specific functions of this administrative unit, since it would seem advisable to leave these activities open to public administration procedures and specific characteristics in each country. But it should be noted that, in most cases, the administrative unit's primary function will include formulating environmental political and technical input whose assimilation and implementation will be the responsibility of other administrative sectors and territorial authorities, of providing technical assistance to other areas and to territorial authorities, of conducting overall spill-over activities that are not situated within any sector, and so forth.

Since the cross-sectoral nature of environmental management is recognized, it is proposed that a National Environmental Commission be established and, within it, Sectoral Technical Committees. The Commission shall serve as an institution for the joint formulation of national environmental policy, the coordination of its implementation and the harmonization of sectoral policies. At the same time, provisions are made for the establishment of Environmental Technical Units in all areas of government. These Units shall specialize in the relationships between the respective sector and environmental management, thereby strengthening institutions and enabling them to fulfill their sectoral responsibilities for such management in an efficient manner. If these units are manned by high-level specialists, the staff need not be large and could be formed by transferring professionals from the sector itself or from other sectors to minimize budget increases.

The vertical aspect of environmental management is expressed in the responsibilities that the national State shares with territorial authorities under it, down to the municipal level. The spheres of competence of these territorial authorities are many, particularly in the field of policy implementation, specifications and adaptation to regional and local realities. The success of environmental management depends to a large extent on these local authorities. Consequently, provisions are made for Territorial Environmental Technical Committees in the National Commission and the participation of such authorities in any deliberations concerning the adoption of decisions aimed at their jurisdictional spheres. It would also be advisable for the territorial authorities to organize themselves internally in a manner recognizing that the previously mentioned sectoral nature of environmental management also applies at this level.

The ultimate aim of the institutional initiatives proposed in the paragraphs above is to design and apply an environmental policy for sustainable development as a collective undertaking of the entire State organization, regardless of management level or specificity. Responsibilities will be greater in some cases than in others, but in practically no case can they be overlooked. Only in this manner will it be possible for sustainable development to cease being merely a theoretical goal shared by all society and governmental bodies and to gradually be achieved in actual practice through the important changes that must be made.

The failures previously mentioned in reference to the effective enforcement of environmental legislation have given rise to the proposal to complete the management system with the establishment of an Environmental Assistant Attorney General's Office and an Honorary Corps of Environmental Inspectors as a way to strengthen control mechanisms. Both initiatives draw from background in other countries and are even included in some legislative bills consulted in the countries of the region. The second initiative provides a means of gaining citizen participation, which is especially recommended by the most modern theories of environment and development management and has been an ongoing concern throughout the proposal.

The bill contained in this proposal is intended to be the foundation of the system and, as such, once it is approved, the law should immediately lead to the beginning of a stage of review and adaptation of diverse legal agencies, the preparation of their new agencies, the formulation and reformulation of policies, plans, programmes, projects, and so forth. These activities should be initiated on the basis of the basic mandates, principles and criteria which are specified for different matters throughout the text. If this stage is not carried out, most of the provisions in the law will remain nothing more than good intentions and lifeless words on paper. Nothing could be worse. Consequently, in each subject area, time periods are established for the authorities, (generally the National Environmental Commission) to adopt the decisions indicated, which, logically, will not prevent them from being put into operation progressively, as required by each area.

Chapter 2 of the Title being discussed deals with instruments for the environmental management of sustainable development.

Such a chapter is of utmost importance to any basic or framework law on the environment. The failure of many laws has resulted from not having granted authorities the tools needed for enforcement. Their inclusion allows for unification of the menu of options available to the different authorities in charge of the environmental management of diverse sectors, as indicated in the special part of the future law.

The instruments that are included and will require legislation are:

a) The development of legislation;

b) Economic and social development programmes, plans and projects;

c) Environmental management that incorporates land-use management as a component.

d) Human settlements planning (although it should be clarified that, owing to its specificity, it is legislated in a special part of the pertinent title);

e) An environmental licensing system and, within it, environmental impact assessment;

f) A national environmental information and monitoring system;

g) Environmental education, training and public information;

h) A science and technology system;

i) A system of economic incentives and benefits;

j) Public investment in environmental protection and improvement;

k) A national fund for environment and sustainable development;

l) Administrative sanctions;

m) A civil liability system, including basic norms and lawsuit procedures;

n) Penal sanctions;

o) Popular action;

p) Publicity on decisions related to environment and sustainable development; and

q) Inhabitant's participation in decision-making.

Some comments concerning these management tools are made in the following paragraphs.

A basic tool is incorporation of the environmental dimension in economic and social development plans, programmes and projects. Such planning tends to prevent the mistakes that have been committed in the past, generally caused by oversight or a lack of knowledge. Practically every case demonstrates that it is much more expensive to repair environmental degradation - if it is possible - than to prevent the deterioration. Today "good planning" implies conserving and improving the environment and the state of natural resources for the future, so as to build up the environmental assets of the country rather than impoverish them. This not only meets the objectives of both plans and projects, but also improves and enriches them. It has consequently become commonplace for international credit agencies to demand incorporation of the environmental dimension strongly recommended by the United Nations agencies, by environment and development specialists and by diverse sectors of society interested in the topic.

The environmental information system, environmental management, human settlements management and the environmental licensing system are closely linked and complementary sustainable development management tools.

Environmental information involves the most precise and updated continuous knowledge possible on the endowment of a country's resources, both from a quantitative and qualitative standpoint, as well as data related to the human environment, with economic and social factors and the activities that concern them.

This information will allow the national environment and its regions to be managed and will permit control criteria and norms to be established, so that human settlements and diverse activities respect the fragile aspects and limitations of the environment. The information will further tap its potential to attain development levels and evolve styles in harmony with the environment.

The basic expressions of such environmental management will include the establishment of a system of prior authorization or licensing for all human activities linked to the environment and natural resources. In certain cases, the magnitude of foreseeable effects shall require that this authorization be preceded by approval of a study in which direct and indirect environmental impact is assessed.

Achieving sustainable development implies changes in many of the cultural patterns that now influence society's relationship to the environment. This change cannot be expected to take place merely through a coercive system of legal sanctions, regardless of how meticulous and extensive it may be. It is impossible for a policeman to follow every citizen. The lack of environmental awareness is sometimes linked to antisocial individual economic benefits in the short term, but it is often the result of not being aware of the consequences of certain types of relationships with the environment. Thus, education and public information, especially through mass media, are basic tools for achieving a change in people's habits and behaviour. Sustainable development implies "human development" and an expression of this is the degree of education. When the behaviour of most people is conscientious and responsible in relation to the environment, the enforcement of legal sanctions will only be pertinent for small groups.

In countries such as those of Central America, where biological diversity is so extensive, there are still resources about which little or nothing is known concerning their potential for the development and improvement of human life. Many of the technologies applied to primary and secondary production originated and were developed without taking into account environmental limits; now, it is not only advisable but imperative that they be examined and, when necessary, replaced by more environmentally sound technologies. This underscores the importance of basic

and applied research, not only to develop domestic options, but also to decide on whether or not to accept technologies from abroad. This is true particularly in the case of the advanced nations, which have shown a certain tendency to export environmentally obsolete technologies that are no longer accepted in their countries of origin. Thus, strengthening of the scientific and technological system at the country and regional level in Central America as a whole is another major tool for managing sustainable development.

Such management also requires providing the States with the means and necessary resources to provide incentives for the producers of goods and services and to make public investment in environmental protection and improvement, especially in fields of low economic returns, but high social benefit (sanitation, drinking water, irrigation, dams, and so forth). In this regard, the initiative provides for economic instruments such as a system of incentives and benefits, a national fund for the environment and sustainable development and public investment to protect and improve the environment.

A unified system of administrative, civil and penal liabilities for violating environmental laws is also established.

Note should be made of the manner in which civil liability for environmental losses and damages is dealt with and the means of enforcing it. All pertinent norms are based on the recognition that common law provisions concerning these matters are insufficient to safeguard the broad citizen interests involved in environmental protection.

A fundamental principle included is that the perpetrators of environmental loss or damages are civilly liable for such losses or damage, regardless of whether there was deceit or negligence in committing the violation, in accordance with the theory known as "created risk".

It is also stipulated that the perpetrators shall respond *in solidum* to the obligation to repair the losses caused and shall, first of all, restore the conditions that existed prior to the event - in accordance with the higher collective interest of maintaining the environment in good condition. Only when such restoration is not possible, shall the obligation be replaced by the payment of damages.

The following provisions modify some principles generally established in the codes of civil procedure, whose enforcement in environmental lawsuits has proved to be a true obstacle to the effectiveness of substantive norms. The first provision changes civil lawsuits that arise from environmental offenses in "collective actions" by bringing them into line with the procedures found in the most advanced environmental legislation. The model legislation proposes standing not only by the individuals who have suffered loss to their assets, but also by the Assistant

Attorney General for the Environment and by all individuals or corporations that the judge of the lawsuit considers suitably representative of the general welfare in environmental protection, assuming, without the need for an explicit mandate, the representation of all those affected who have not testified in the lawsuit. This change will combat partial or *de minimus* recoveries for that commission of environmental offenses, since the perpetrators are seldom obliged to respond *in totum* for the losses caused.

The public policy nature of the interests discussed in these cases makes it advisable to grant the judge extraordinary powers to protect such interests effectively. Such powers would include assuming the initiative in conducting the lawsuit and empowering the judge to issue protective measures at any point during the lawsuit, weighing evidence in accordance with the rules of healthy criticism, accepting public agency reports as verification of damages caused, handing down decisions on points that the parties have not explicitly submitted for judgement and sentencing those responsible for total reparation of the damages caused. If all the affected parties cannot be identified, the judge shall order their portion of the indemnification to be deposited in the National Fund for Environment and Sustainable Development to be used for purposes linked to the parties protected in the lawsuit.

In synthesis, it is a proposal to significantly change the concept of civil procedure as a method exclusively aimed at settling conflicts of interest between individuals to make it also responsive to conflicts of collective interests, which are so common in modern society, and to provide rules that are essential to their proper protection.

The introduction of norms to ensure the broadest public information and citizen participation in environmental decision-making and controls is intended to make use of these extremely valuable tools to improve environmental management for sustainable development.

Finally, in the special part, provisions are made to issue specific laws on renewable natural resources (protection and development of biological diversity, waters and aquatic ecosystems and land and land ecosystems), nonrenewable resources, protected natural areas, environmental emergencies and disasters, conservation of scenic resources, preservation of the cultural heritage, human settlements management and the protection of health from adverse environmental factors (air, water and land pollution, as well as pollution from hazardous substances and residues and pollution of the workplace).

Each chapter includes time periods for the executing authorities to issue or propose complementary, specific, regulatory and other norms and to adopt the programmes, plans and measures required to enforce them, so that the law will not become a mere declaration of good intentions.

The text of the proposal was examined at the two meetings referred to in paragraph 5 and, in general terms, it was considered to be a useful tool for environmental protection and the promotion of sustainable development in the region. Obviously this proposal should operate without prejudice to the adaptation that should be made in each country on the basis of the unique features of the respective legal and institutional systems within a framework of citizen consultations and participation. Participation of the citizenry should, of course, be as broad as possible.

ANNEX

BACKGROUND DATA

1. Recommendation on the Protection of the Beauty and Character of Sites and Scenic Landscapes (UNESCO Conference, Paris, 1962).

2. Recommendation on the Conservation of Cultural Assets (UNESCO Conference, Paris, 1964).

3. National Environmental Policy Act (U.S.A., 1969)

4. Recommendation on Protection in the National Sphere of the Cultural and Natural Heritage (UNESCO Conference, Paris, 1971).

5. UNESCO Conference on the Protection of the World Cultural and Natural Heritage (Conference, 1972).

6. National Code for Renewable Natural Resources and Environmental Protection (Colombia, 1974).

7. Organic Law on the Environment (Venezuela, 1976).

8. Law for the Prevention and Control of Environmental Pollution (Ecuador, 1976).

9. Law for the Protection of Nature (France, 1976).

10. Bill for a Basic Law on Environmental Management in the Republic of Honduras (UNEP/ROLAC, 1979).

11. Law on Labour Hygiene and Safety (Argentina, 1979).

12. Law on National Environmental Policy (Brazil, 1981).

13. Decree to establish the National System for Environmental Protection and Improvement (Costa Rica, 1981).

14. Organic Law for Land-Use Management (Venezuela, 1983)

15. Environmental Management Law of the Province of Cordoba (Argentina, 1984).

16. Policy 85/337 of the European Economic Community on Assessment of the Impact of Certain Public and Private Projects on the Environment (1985).

17. Law on Environmental Impact Assessment (Spain, 1986).

18. Resolution of the National Environmental Commission (CONAMA) on Environmental Impact Assessment (Brazil, 1986).

19. General Law on Environmental Protection and Improvement (Guatemala, 1986).

20. General Law on Ecological Balance and Environmental Protection (Mexico, 1988).

21. Regulations for Hazardous Wastes (Mexico, 1988).

22. Central American Agreement on Environmental Protection (1989).

23. Bill for an Environmental Organic Law/Code of Costa Rica (Special Standing Committee for Drafting, National Assembly, 1989).

24. Law on Environmental Impact Assessment (Province of Rio Negro, Argentina, 1989).

25. Regulations for Environmental Impact Assessment (Spain, 1989).

26. Regulations for Environmental Impact Assessment (Province of Cordoba, Argentina, 1990).

27. Environment and Natural Resources Code (Peru, 1990).

28. Regulations on Environmental Impact Assessment (Mexico, 1990).

29. Law on the Environmental Impact Assessment of Hydroelectric Works (Argentina, 1991).

30. Bill for a Law on Environmental Impact Assessment (Deputy Elías, Argentina, 1991).

31. Preliminary Bill for a General Law on the Environment in Honduras (National Environmental Commission, CONAMA, second draft, 1992).

32. Bill for a General Environmental Law in Costa Rica (Interinstitutional Commission, 1992).

33. General Environmental Law (Bolivia, 1992).

34. Penal Environmental Law (Venezuela, 1992).

35. Bill for an Environmental Code in the Argentine Republic (Deputy Blanco, 1992).

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39. Reports of the Governments of the Central American Republics and Panama to the United Nations Conference on Environment and Development (1992).

40. The Rio Declaration (United Nations Conference on Environment and Development, 1992).

41. Convention on Biological Diversity (Rio de Janeiro, 1992).

42. Central American Environment and Development Agenda (1992).

43. Guidelines for a Preliminary Bill on Environmental Impact Assessment in the Republic of Chile (UNEP/ROLAC).

44. Our Common Future, World Commission on Environment and Development.

45. Our Own Agenda (UNDP/IDB).

I. GENERAL PART

TITLE I

NATIONAL SUSTAINABLE DEVELOPMENT POLICY

Sole Chapter

Article 1. **Purpose of the law.** The purpose of this law is to establish criteria and basic norms to regulate State environmental management and the activities of inhabitants, so as to achieve the sustainable development objectives of the country.

Article 2. **Governing principles.** The economic and social development of the country shall be subject to the following governing principles:

1) National priority objectives are to secure:

a) Economic development;

b) Just and equitable distribution of the benefits derived therefrom among the inhabitants;

c) Conservation, preservation, restoration and improvement of the availability and quality of the environmental resources, both natural and cultural (8), that sustain development; and

d) A healthy and decent quality of life for present and future generations.

2) The environment is our common heritage. When managing and dealing with environmental resources, it should always be borne in mind that they form part of the nation's heritage and that they constitute an irreplaceable base for the development of the country and humanity.

3) It is the duty of the State and of all inhabitants to protect natural resources from deterioration and extinction, to improve them and, if they are deteriorated, to restore them or to

(8) Environmental resources are those elements that exist in the natural or man-made (produced by man) environment, which the human being uses to meet his physical and spiritual needs.

demand that they be restored whenever possible. It is also their duty to reduce and eliminate environmentally unsustainable production and consumption patterns.

4) The criterion of prevention has priority over any other in public and private environmental management and, when there is danger of serious and irreversible damage, lack of absolute scientific certainty shall never be accepted as grounds for not adopting preventive measures.

5) A healthy environment and decent quality of life are fundamental human rights of all inhabitants and the State should establish, exercise and facilitate all means and guarantees necessary to protect this right in a suitable and timely manner.

6) The State should recognize and provide assistance to indigenous and local communities in the development of their identity, culture, interests, knowledge and traditional and appropriate practices related to the environment and should ensure that they play an effective role in achieving sustainable development.

7) State obligations in attaining the objectives of sustainable development are a responsibility and duty of all national public administration entities and territorial authorities (9) within their spheres of competence.

8) The right to property has a social-environmental role that limits and conditions its absolute, abusive and arbitrary exercise, in accordance with the provisions of this law and of special environmental laws now in force or approved in the future.

9) In the sphere of economic and social activities, the freedom of inhabitants is limited and conditioned by the social interest that this freedom not be exercised to the detriment of the heritage of environmental resources of the country and of the right of present and future generations to enjoy a healthy environment and decent quality of life; all in accordance with the provisions of this law and of special environmental laws now in force or issued in the future.

10) Let it hereby be stated that the attainment of a new international economic order lies in the nation's interest, as do cooperation and joint efforts with the other countries of Latin America and the Caribbean and, particularly, with those of Central America, so as to benefit and achieve sustainable development of the region and of all humanity.

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(9) In this bill, "territorial authorities" refers to those who govern in the different decentralized territories situated under the national government (provinces, regions, departments and municipalities).

Article 3. **Public nature.** The preceding governing principles are of a public nature and, consequently, no one may set forth higher private interests as grounds for attacking their legal status or discrediting them.

TITLE II

ENVIRONMENTAL MANAGEMENT FOR SUSTAINABLE DEVELOPMENT

Chapter I

The National Environmental Management System

Article 4. **Establishment and formation of the National Environmental Management System.** The National Environmental Management System is hereby established and shall be formed by:

a) The National Environmental Commission and its Executive Secretariat established in this law;

b) All the centralized and decentralized entities of national public administration; (10)

c) All the territorial authorities of the country; (11)

d) All existing national entities and those established in order to enforce this law, such as: authorities for watershed management, land conservation districts, aquaculture districts, natural areas that are protected or subject to special regulations for ecological reasons, metropolitan areas, border areas, indigenous

(10) Environmental management for sustainable development has holistic and cross-sectoral characteristics that preclude thinking the policy could be conceived of and implemented in only one single area of public administration, as can be done with other State functions. Some areas may be more pertinent than others, but it is difficult to imagine an area that has no responsibility concerning environmental management.

(11) Territorial authorities are basic entities of environmental management for sustainable development. On the one hand, in the territories under their jurisdiction, they are the most suitable entities for applying the national policies issued and adapting them to local realities, if necessary, as well as for ensuring their effectiveness by exercising the full powers of government vested in them by the Constitution. On the other hand, in most cases, they are designated to play an irreplaceable role in environmental control and monitoring, owing to their more direct knowledge and proximity to the activities to be controlled. Finally, the greater the degree of decentralization allowed in fulfilling national policy and legislation objectives, the more democratic and participatory such management will be.

areas and, in general, all entities whose policies, plans, programmes, projects and activities would have an impact on the availability and quality of the nation's environmental resources;

e) The National Attorney General's Office, through the Assistant Attorney General's Office for the Environment;

f) The Honorary Corps of Environmental Inspectors;

g) All citizen participation entities created by the present law or established in environmental laws and regulations or in norms of other types of laws and regulations.

Article 5. **Highest Authority of the System.** The President of the Republic shall be the highest authority of the National Environmental Management System.

Article 6. **Establishment of the National Environmental Commission.** The National Environmental Commission is hereby established to assist the President of the Republic in formulating and implementing the country's Environmental Policy for Sustainable Development.

Article 7. **Composition of the National Environmental Commission.** The National Environmental Commission shall be formed by:

a) A President whose rank shall be at the ministerial level. The President, assisted by the Executive Secretariat for the Environment established by this law, shall be the authority for applying all the environmental policies approved by the President of the Republic, all the decisions taken by the National Environmental Commission and all the environmental laws or other norms approved, as long as no other special authority has been designated to do so.

b) The Ministers of [included here will be all the authorities of the various areas of national public administration that each country deems pertinent to efficient environmental management for sustainable development; the authors of this bill believe that the following areas must not be left out: government, development planning, economics, agriculture, livestock raising, forests, wildlife, protected natural areas, fisheries, mining, energy, public works, transport, roads, industry, tourism, education, culture, science and technology, health and environmental sanitation, labour hygiene and safety, and foreign affairs].

Article 8. **Meetings of the Commission.** The participation of the President in the sessions of the National Environmental Commission may not be delegated to another party as long as he is present at his activity headquarters; if he is absent, he shall be represented by the Executive Secretary for the Environment. The other member ministers may only delegate their representation to the officials immediately below them.

Article 9. **Participation in the meetings of the Commission.** The President of the National Environmental Commission may invite any public official, as well as any non-governmental organizations and individuals he considers advisable to illustrate the topics that should be dealt with by the Commission, and to participate, without the right to vote, in the session and work of the Commission itself and its Technical Committees. Attendance at such meetings shall be compulsory for territorial authorities when the decisions to be adopted specifically and particularly affect the populations or territories under their jurisdiction.

Article 10. **Functions of the Commission.** The National Environmental Commission shall have the following functions:

a) Recommend to the President of the Republic objectives, goals and criteria of environmental policy for sustainable development.

b) Establish guidelines and propose norms for implementing the Environmental Policy for Sustainable Development entrusted to the national public administration entities and territorial authorities within the sphere of their respective jurisdictions and powers.

c) Coordinate the efforts of the authorities referred to in the previous item to implement the National Environmental Policy for Sustainable Development.

d) Assess and supervise implementation of the National Environmental Policy for Sustainable Development and the responsibilities and powers which, in this law and in any other special environmental laws and norms, are entrusted to the national and territorial authorities.

e) Hand down decisions on the granting of environmental licenses, on environmental impact assessment studies and on the feasibility of the respective projects, when there is controversy between competing public administration entities. This measure shall be taken as a last resort before submitting such cases to the President of the Republic for consideration.

f) Prepare an annual report on the national state of the environment to be presented to the Legislative Branch by the President of the Republic, and previously submit this report, for consideration and observations, to diverse non-governmental organizations representative of the production, worker, cultural and environmentalist sectors, and to any other sectors considered appropriate and advisable.(12)

g) Perform, in general, any functions specifically entrusted to the Commission in this law and in any special laws issued in the future.

Article 11. **Rules of Procedure of the Commission.** The National Environmental Commission shall issue its own rules of procedure, which shall provide for the establishment of Sectoral and Territorial Technical Environmental Committees to operate on a continuous basis.

Article 12. **Sectoral Technical Environmental Committees.** The Sectoral Technical Environmental Committees shall assist and advise the National Environmental Commission on the preparation and implementation of environmental programmes and on all matters related to incorporating the environmental dimension into global and sectoral development policies, programmes, plans and projects. They shall be formed by those responsible for the Sectoral Technical Environmental Units provided for in article 18 of this law.

Article 13. **Territorial Technical Environmental Committees.** The Territorial Technical Environmental Committees shall assist and advise the National Environmental Commission on preparing and implementing environmental programmes and in all matters relating to the incorporation of the environmental dimension into development policies, programmes, plans and projects for the territorial sphere of the country assigned to each Committee. They shall be formed by those responsible for the Territorial Technical Environmental Units provided for in article 18 of this law.

Article 14. **Establishment of the Executive Secretariat for the Environment.** The Executive Secretariat for the Environment is hereby established and shall report to the President of the National Environmental Commission.

Article 15. **Rank of the Secretary.** The Executive Secretary shall rank immediately below that of minister.

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(12) All Governments made great efforts to draft and submit a national report to the United Nations Conference on Environment and Development (Rio 92). It would be advisable to keep these reports up to date and revise them annually to incorporate any changes that may have occurred.

Article 16. **Mission of the Secretariat.** The mission of the Executive Secretariat for the Environment shall be to assist the President of the National Environmental Commission in all matters related to fulfilling the Commission's missions and functions.

Article 17. **Structure and functions of the Secretariat.** Within 180 days following the enactment of this law and at the request of the President of the National Environmental Commission, the Executive Branch shall proceed to approve the organizational and operational structure of the Executive Secretariat for the Environment, to request that the related budget be allocated by the Legislative Branch and to designate personnel. In designating functions, particular consideration shall be given to the need for the Executive Secretariat to be a technical institutional tool for implementing and supervising the decisions of the National Environmental Commission, when such duties are not entrusted to another special authority, and environmental aspects of the National Sustainable Development Policy. In designating professional personnel to the Executive Secretariat, special consideration shall be given to the multidisciplinary nature of the functions to be performed. First of all, internal competition for the posts shall be held among professionals currently working in public administration at any level in order to provide the opportunity for transfer to any professionals who are interested in environment and development matters and to avoid increases in public spending. Only when suitable personnel cannot be selected through this procedure shall professionals who are not currently employed in part of public administration be designated to the posts.

Article 18. **Establishment of Technical Environmental Units.** Within 180 days following the enactment of this law, all the areas of national public administration and the territorial authorities shall organize from among their staff Technical Environmental Units whose function shall be to assist the authority to which they belong in performing the following functions:

a) Incorporating environmental criteria into the policies, plans, programmes, projects and activities of the respective government sector or territorial jurisdiction;

b) Preparing, implementing and evaluating specific policies, plans, programmes, projects and activities of the respective sector or government jurisdiction;

c) Establishing links with the National Environmental Commission and its Executive Secretariat;

d) Serving as a representative on the Technical Environmental Committees provided for in article 11;

e) All other activities involved in the preparation, implementation, coordination and harmonization of plans, programmes, projects and activities aimed at ensuring the effectiveness of the National Environmental Management System created by this law.

Article 19. **Establishment of the Assistant Attorney General's Office for the Environment.** The Assistant Attorney General's Office for the Environment shall hereby be established as an agency of the Attorney General's Office of the Republic, and its mission shall be to collaborate with the Judicial Branch in ensuring the fulfillment of obligations, as well as safeguarding the rights of all inhabitants established by this law and by other environmental laws and regulations.

Article 20. **Powers of the Assistant Attorney General's Office.** The Assistant Attorney General's Office shall have the following powers:

a) To represent the public welfare as a party to a lawsuit in all lawsuits concerning the violation of environmental laws;

b) To serve in the capacity provided for in article 69 of this law;

c) To ensure full compliance with the administrative procedures and obligations imposed on the public administration organs and officials by this law and by any other special environmental laws and regulations.

Article 21. **Requirements for the Post of Assistant Attorney General.** The Assistant Attorney General for the Environment shall hold a degree as a lawyer and shall have practiced the profession for at least five years.

Article 22. **The Honorary Corps of Environmental Inspectors.** Within one year following the enactment of this law, the National Environmental Commission shall establish and issue regulations for an Honorary Corps of Environmental Inspectors consisting of citizens and non-governmental environmentalist organizations whose mission shall be to collaborate with the authorities in monitoring compliance with this law and other environmental laws and regulations in an "ad honorem" capacity. The respective regulations shall establish what percentages of income collected from fines shall be applied to covering the expenses incurred by the inspectors and to the institutional development of the non-governmental organizations that participate.

Chapter II

Instruments for the Environmental Management of Sustainable Development

Article 23. **Instruments for the Environmental Management of Sustainable Development.** These instruments are:

a) This law and all judicial or technical laws, decrees, ordinances, orders, regulations and norms aimed at protecting the environment and favouring the sustainable development of the country;

b) Economic and social development programmes, plans and projects;

c) Environmental management that subsumes territorial management;

d) The management of human settlements;

f) Environmental licenses, prohibitions, concessions and permits related to environmental resources;

g) Environmental impact assessment studies;

h) Information, surveillance, evaluation and monitoring of the state of the environment;

i) Environmental education, training and public information;

j) Scientific and technological research and development;

k) Economic, financial and fiscal incentive and benefit systems;

l) Public investment in environmental protection and improvements;

m) The National Fund for Environment and Sustainable Development;

m) Administrative sanctions;

n) Environmental precautionary measures;

o) The system of civil liability for environmental losses and damages;

p) Penal sanctions;

q) Publicity on decisions related to the environment and sustainable development;

r) Popular action and all forms of participation of the inhabitants in decision-making related to environment and sustainable development.

Section I

Planning and Legislation

Article 24. **Economic and social development plans, programmes and projects.** All economic and social development plans, programmes and projects, whether national, regional, departmental or municipal, global or sectoral, that are prepared, approved or implemented by any public administration area or authority shall conform to the government principles established in article 2, to the objectives and guidelines of the National Environmental Policy for Sustainable Development and to the provisions that are issued by the environmental authorities established in this law.

Article 25. **Obligations of all public administration areas.** All national public administration areas, considering the provisions of the present law, under the guidelines and the time periods to be established by the National Environmental Commission, shall proceed to:

a) Review and adapt their policies, plans, programmes and projects in progress way and submit a substantiated report to the Commission when an administrative body deems that such review and adaptation is impossible, untimely or unadvisable.

b) Review all norms, laws, decrees, agreements, regulations, ordinances, orders and general resolutions for which they are the enforcement authority; propose or take action to ensure that they are reformulated, replaced or added to, as required, reporting to the Commission on the results.

c) Establish systems for the environmental licenses and environmental impact assessment studies provided for in this law.

Article 26. **Supplemental enforcement of legislation.** All environmental laws and norms currently in force shall be enforced in a manner supplementary to this law in all matters that have not been modified by it.

Section II

Environmental Management

Article 27. **Environmental management.** The principal objective of environmental management shall be to maximize the harmonious interrelationship between society and its environment, taking into account:

a) The nature and characteristics of the different environmental regions of the country;

b) The potential of each region, based on its natural resources, population distribution and cultural patterns and the prevailing activities;

c) Existing ecological imbalances caused by the activities conducted, and the characteristics of the human settlements and natural phenomena; and

d) The environmental impact of new human settlements, infrastructure works and activities.

Article 28. **National Programme for the Development of Environmental Management.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and implement a National Programme for the Development of Environmental Management of the country, establishing successive stages and goals and culminating with the approval of a national plan in the field.

Article 29. **The scope of environmental management.** The following items shall be contingent upon the norms, guidelines and criteria for environmental management in the country as a whole and in its regions:

a) Environmental licenses, permits and concessions related to land use for agricultural and forestry activities;

b) Environmental licenses, permits and concessions related to the use of water and the exploitation of wildlife and aquatic species;

c) Environmental licenses for industrial and service activities;

d) Granting of loans and incentives for any of the activities mentioned in the items above;

e) Approval and implementation of public works projects;

f) The National Plan for Land-Use Management, and establishment of new human settlements and urban development planning;

g) Establishment and formulation of the National System of Protected Natural areas;

Article 30. **The National Plan for Land-Use Management.** Within the time periods establish by the Programme provided for in article 28, and within the framework of the Programme, the National Environmental Commission shall prepare and implement the National Plan for Land-Use Management to establish guidelines for:

a) The priority uses to which areas of the national territory will be dedicated, in accordance with their economic potential, specific conditions and ecological capacity;

b) The siting of major industrial, agricultural, forestry, mining and service activities;

c) General guidelines for urban development and the system of cities;

d) The siting of protected natural areas and other spaces subject to special regulations for environmental conservation and improvement;

e) The siting of major infrastructure works related to energy, communications, transport, use of water resources, sanitation of extensive areas and other similar fields;

f) General guidelines for road and transport corridors;

g) The preparation of Regional Plans for Land-Use Management.

Section III

Environmental Licenses and Environmental Impact Assessment Studies

Article 31. **Environmental licenses.** All projects for public or private works that may have an effect on the environment shall be subject to authorization from the authorities that comprise the National Environmental Management System, and that authorization shall be granted in the form of a license.

Article 32. **Types of environmental licenses.** The licenses shall be of two types: one referring to the siting of the project or activity in the ecosystem in question, and the other, referring to the characteristics of the project or activity, such as the processing technology, raw materials and inputs used, waste treatment and disposal and all characteristics established in the regulations and procedures for granting the license.

Article 33. **Duration of the licenses.** The licenses shall be provisional for a period of three years, during which time they shall be reexamined annually and new conditions may be demanded if those in force are not satisfactory. Following this period, a final license shall be issued. It may be revoked at any time if the conditions established are not fulfilled, if changes in legislation occur, owing to scientific and technical progress or advances in the technology available, or the license holder does not comply within the period of time established in the pertinent regulations.

Article 34. **Application of an environmental impact assessment study.** Prior to granting an environmental license, the respective National Environmental Management System authority of due competence and jurisdiction may demand that an environmental impact assessment study be conducted, owing to the significant magnitude of effects that a project or activity may have on the environment and on the population's health and quality of life.

Article 35. **Compulsory environmental impact assessment studies.** An environmental impact assessment study shall be compulsory prior to undertaking the following types of projects or activities:

a) Hydraulic works, communication and transport routes, oil ducts, gas ducts and similar projects;

b) Chemical, petrochemical, oil refinery, iron and steel, metallurgy, paper and cellulose, sugar, beverage, cement, tanning, automotive, and power generation and transmission industries;

c) Urban development and construction of industrial parks, even when they are located outside urban areas;

d) Mining, fisheries and the management or exploitation of natural forests;

e) Biotechnological activities;

f) Agricultural, forestry and aquaculture activities that involve the introduction of new exotic species, the use of species difficult to regenerate or the extinction of species;

g) Activities that generate or involve the transport, treatment and disposal of toxic or hazardous wastes;

h) Commercial airports, maritime and river ports that provide access for vessels with cargo deadweight greater than 1,200 tons and watersport marinas;

i) All other types of activities or works included in the regulations.

Article 36. **Payment of expenses.** The cost of conducting environmental impact assessment studies and of their monitoring shall be borne by the persons who hold rights to or ownership of the activity or work in question.

Article 37. **Extent of liability.** Approval of the environmental impact assessment study and the granting of environmental licenses by the competent authority do not exempt the license holder from administrative, civil and criminal liability.

Article 38. **Minimum requirements for the environmental impact assessment studies.** Without prejudice to any requirements established in the regulations, in accordance with the type of work, installation or activity, the environmental impact assessment studies and the reports required to obtain any type of environmental license shall contain, as a minimum:

a) A description of the work, installation or activity;

b) Characteristics and duration of all the estimated direct and indirect, positive and negative, effects on the environment and on the human health and quality of life;

c) Requirements foreseen to ensure the lasting use of the natural resources directly or indirectly involved and interrelated, and conservation of the environment, in accordance with the objectives, principles and provisions of this law;

d) Description and estimated amount of liquid, gaseous and solid emissions that will be released into the environment during construction and operation;

e) Energy consumption foreseen during the operation and source of energy to be used;

f) Description and assessment of alternative projects that have been considered and their effects on the environment, human health and the quality of life, including an analysis of the relationship between economic and social costs of each alternative and their effects;

g) Programming of environmental surveillance or monitoring of the variables to be controlled during its operation;

h) Information and evaluation of the possibility of significantly affecting the environment of another country or any zone outside the nation's jurisdiction;

i) Compliance with any other requirement that has been deemed pertinent to establish in the regulations.

Article 39. **Regulations for environmental licenses and environmental impact assessment studies.** Within 180 days following the enactment of this law, the National Environmental Commission shall proceed to submit to the Executive Branch a bill on Regulations for Granting Environmental Licenses and Conducting and Approving Environmental Impact Assessment Studies, which shall be uniform for the entire country and must be applied by all authorities. The competent authorities to intervene and grant the license or study approval shall also be established.

Article 40. **Procedural requirements.** The Regulation procedures referred to in the previous article shall, among other matters, provide for:

a) Disclosure of information to the public at large, and particularly to the population most directly involved, regarding any public or private initiative for which an environmental impact assessment study must be conducted;

b) The public nature of all procedures for granting environmental licenses and approving environmental impact assessment studies, without prejudice to keeping information confidential when so requested by the interested parties and approved by the competent authority because disclosure might affect intellectual or industrial property rights;

c) Means of citizen participation in granting environmental licenses and in approving environmental impact assessment studies;

d) The terms and conditions to which the respective rulings shall be subject as regards:

i) granting authorization to carry out an initiative in the terms requested;

ii) substantiating denial of authorization; and

iii) granting of authorization contingent upon the prevention or attenuation of adverse environmental effects, both in cases of normal operations and of accidents, and upon fulfillment of the requirements established for the implementation and operation of the project.

Article 41. **Precautionary measure.** When projects, installations or activities requiring an environmental license or an environmental impact assessment study are initiated without their having been obtained or when they fail to fulfill any established requirements, follow-up and controls such projects, installations or activities shall be suspended immediately by the competent administrative authority, without prejudice to action for related liability.

Article 42. **Instructions and guidelines for environmental impact assessment studies.** One of the priorities of the National Environmental Commission shall be to issue general and special instructions and guidelines for preparing environmental impact assessment studies for each branch of activity or types of works and installations, with advisory assistance from the diverse entities that comprise the National Environmental Management System. These instructions and guidelines shall be aimed at providing instruction and facilitating the task, and their failure to be issued shall not constitute exemption from the obligations specified in this law and in its regulations.

Section IV

National Environmental Information and Monitoring System

Article 43. **National Environmental Information and Monitoring System.** Within one year following the enactment of this law, the National Environmental Commission shall organize a National Environmental Information and Monitoring System that will be coordinated by the Executive Secretariat for the Environment. All public entities that have pertinent information shall be obligated to collaborate in organizing and maintaining the System.

Article 44. **Characteristics of the System.** The National Environmental Information and Monitoring System shall compile all the physical, biological, economic, social and legal data concerning environmental resources. It will adopt a decentralized form of organization and all the entities that survey and process pertinent information shall maintain their current spheres of competence, but shall adopt methodologies that will allow data to be compared in accordance with the instructions drawn up by the coordinating body.

Article 45. **Obligations to the System.** All owners, users, concession holders, leasees and permit holders of environmental resources shall be obliged to compile and supply the information required to the National Environmental Information and Monitoring System free of charge.

Article 46. **Publicity about the System.** The data of the National Environmental Information and Monitoring System shall be fully available for consultation, and efforts shall be made to distribute such information periodically.

Section V

Environmental Education, Training and Public Information

Article 47. **Formulation of recommendations and guidelines.** Within one year following the enactment of this law, the National Environmental Commission shall establish a set of recommendations and guidelines to introduce methodologies and content into formal and non-formal education, public administration and business training systems and the mass media to develop behaviour patterns and skills in the population to encourage the changes needed to achieve sustainable development. These methodologies shall be introduced by public and private cultural and educational authorities and agents.

Article 48. **Educational curricula.** Within two years following the enactment of this law, the educational authorities, in collaboration with the Executive Secretariat for the Environment and in consultation with the diverse sectors of the community, shall proceed to review the curricula at preschool, primary and secondary levels to incorporate the objectives provided for in the previous article as widely as possible.

Section VI

Scientific and Technological Development

Article 49. **National Environmental Science and Technology Programme for Sustainable Development.** Within one year following the enactment of this law, the authorities in charge of promoting scientific and technological development in the country, in collaboration with the Executive Secretariat for the Environment and in consultation with sectors of the community, shall proceed to prepare and put into practice a National Environmental Science and Technology Programme for Sustainable Development.

Article 50. **Cooperation in the development of environmental science and technology.** In developing the above-mentioned Programme, special priority shall be assigned to establishing cooperation mechanisms with the productive sectors that use technology and with other countries of Latin America and the Caribbean, particularly with those of Central America.

Section VII

System of Economic Incentives and Benefits

Article 51. **System of Economic Incentives and Benefits.** Within one year following the enactment of this law, the National Environmental Commission shall submit to the Executive Branch a proposal for a System of Incentives and Benefits aimed at the enterprises that contribute towards sustainable development, that favour improving the population's quality of life or that maintain a healthy environment and ecological balance.

Article 52. **Regulations.** Regulations of the system for granting the incentives and benefits provided for in the previous article shall establish both benefits and obligations and guarantees that the applicant must comply with in each specific case.

Article 53. **Components of the System of Incentives and Benefits.** The System of Incentives and Benefits shall include:

a) Reduction in or exemption from tariffs on imported equipment to control and treat polluting effluents;

b) Reduction in or exemption from tariffs on raw materials or parts needed for domestic manufacture of equipment or instruments to prevent, reduce or control environmental pollution and degradation;

c) Authorization of accelerated depreciation of investments made to develop or purchase and instal equipment to reduce energy consumption or to adopt non-conventional energy use;

d) Authorization of accelerated depreciation of investments made to develop or purchase and introduce less environmentally deteriorating technologies;

e) Granting of loans to preferably small or medium-sized companies for investments to improve their relationship with the environment;

f) Tax reduction or exemption for companies that are located or relocated in environmentally appropriate sites.

Article 54. **Publicity on incentives and benefits.** The regulations shall provide for a suitable publicity system to keep the population informed on the recipients and scope of incentives and benefits granted.

Section VIII

Public Investments

Article 55. **Public investment in environmental protection and improvement.** In public work plans, all authorities in the country shall include among their priorities works that are aimed at environmental protection and improvement, such as basic sanitation, drinking water supply, electric power and other essential services, drainage, irrigation, natural disaster preparedness and other works, in accordance with the list and priorities that they establish.

Section IX

National Fund for Environment and Sustainable Development

Article 56. **National Fund for Environment and Sustainable Development.** Within one year following the enactment of this law, the National Environmental Commission shall propose to the Executive Branch the establishment, financing and operating system of a National Fund for Environment and Sustainable Development to facilitate attaining the objectives of sustainable development. All amounts collected from administrative and penal fines imposed on violators of this law and other special environmental laws shall, without exception, form part of the resources of the Fund, except for the percentages stipulated in Article 21.

Section X

Administrative Sanctions

Article 57. **Administrative sanctions.** The administrative sanctions that may be applied by any of the competent authorities for violating this law and any other special environmental norms shall consist of: retention, confiscation, destruction or denaturation, closure, cancellation, suspension and fines, as well as dismissal, suspension and official warning or admonition in public employment.

Article 58. **Retention.** Retention shall consist of ordering and maintaining prohibition, under security or under the seal of the competent authority, of the transfer, use and consumption of goods of a questionable nature or in dubious condition, when there are facts indicating that their use or consumption may be harmful or hazardous to any element of the environment, to the balance of ecosystems or to the population's health and quality of life, until tests are conducted which resolve the situation.

Article 59. **Seizure.** Seizure shall consist of the forfeiture or loss of property by the owner to the State of material goods or articles that have been the cause or have been instrumental in causing a violation of environmental laws and regulations.

Article 60. **Destruction and denaturation.** Seizure may be followed by the destruction or denaturation of goods, depending on the nature or gravity of the violation or the hazard that such goods pose for the environment, the balance of ecosystems and the population's health and quality of life.

Article 61. **Disposal of seized goods.** The regulations shall provide for the disposal of seized goods that are not destroyed or denatured.

Article 62. **Closure.** Closure shall consist of closing or restricting the operation of an establishment, building or facility, with the official placing of security seals and the use of surveillance staff, if considered necessary. The closing may be total or partial, temporary or permanent, in accordance with the provisions established in the special laws and regulations.

Article 63. **Cancellation or suspension.** Cancellation or suspension shall, as required, consist of permanently or temporarily revoking licenses, concessions, permits and any authorization for installations or operations when it is proved that the conditions stipulated in granting them have not been fulfilled or the legal provisions and regulations for environmental protection have been violated.

Article 64. **Fines.** The monetary fines shall range from a minimum of ___ to a maximum of ____.

Article 65. **Dismissal, suspension and official warning or admonition in public employment.** The dismissal, temporary suspension and official admonition, depending on the seriousness of the case, shall be applied to public officials and employees who do not fulfil their obligations in enforcing and controlling compliance with environmental laws, without prejudice to the provisions in article 84.

Section XI

Civil Liability System

Article 66. **Civil liability.** All persons who through actions or omissions deteriorate the environment, although their actions, activities or installations have been authorized, shall be obliged to repair the damages and harm they have caused to environmental resources, to the balance of ecosystems and to the human health and quality of life. Exemption from liability shall only be granted when it is verified that, in spite of having adopted all measures to prevent the losses and without concurring fault on the part of the defendant, the damages and losses were caused exclusively by the victim or by a third party for whom the defendant is not liable.

Article 67. **Joint liability.** If two or more persons participate in the violation, they shall be liable for complete reparation, without prejudice to the right to repeat the charges against each of the remaining liable parties, in accordance with the degree of their participation. In the case of corporations, regardless of their legal status, the liability provided for in this article shall apply to its directors and partners, in accordance with the extent of their participation.

Article 68. **Content of the obligation to repair damages.** The reparation of damages shall consist of restoring the conditions that existed prior to the incident, whenever possible, or of economic compensation for the damages and, in both cases, suitable indemnification for losses.

Article 69. **Competency to file a lawsuit.** Civil action for the reparation of damages may be taken by:

a) The party whose personal assets have been affected;

b) The Assistant Attorney General for the Environment, or the officials to whom he has delegated this power, to defend the pubic welfare through environmental protection;

c) The natural or legal persons the judge of the lawsuit considers able to suitably represent the public welfare through environmental protection.

The persons referred to in items b) and c) of this article may also file civil lawsuits to defend the interests of all the people whose individual assets have been affected, including compensation for damages, without a power of attorney from them, unless such persons appear at the legal proceedings to file such claims or explicitly renounce their right to such legal action.

Article 70. **Precautionary measures.** Well-founded precautionary measures may be requested at any stage during the lawsuit to ensure conditions that will allow lawsuit rulings to be carried out, or to prevent continuation of the damage being caused. These measures may in some cases be requested prior to the trial and, in urgent cases, may be granted without a hearing for the opposing party.

Article 71. **Powers of the judge.** The judge, on his own initiative or by request, may order all the measures he deems necessary to conduct the trial in a manner that will effectively protect the general welfare through environmental protection.

Article 72. **System for dealing with evidence.** The judge shall conscientiously assess the evidence. The reports that are issued by the State entities on the damage produced and are incorporated into the lawsuit shall be considered expert opinions, without prejudice to the right of the parties to dispute them.

Article 73. **Ruling.** In the sentence, the judge shall order the responsible parties to restore the situation to its condition prior to the violation; if that is impossible, he shall order the parties to pay for the losses caused, in addition to indemnification for related damages. Restoring the prior condition shall be carried out by those responsible unless the affected party prefers to do it himself or requests that it be done by a third party of his choosing and, in both cases, at the expense of the responsible party. In the ruling, the judge shall indicate the measures required to ensure that the ruling is carried out effectively.

Article 74. **Sentence for overall damage caused.** If this action is accepted, the judge shall sentence those responsible to repair the total damage caused, and he may extend his ruling to points not explicitly submitted to him by the parties for consideration.

Article 75. **Use of the indemnification for damages and losses.** If it is difficult or impossible to identify any of the affected parties, the judge shall instruct the defendant (s) to deposit their portion of the indemnification in the National Fund for Environment and Sustainable Development to be used for purposes related to the interests protected by the sentence.

Article 76. **Civil liability insurance for environmental damages.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and propose to the Executive Branch a system of civil liability insurance for environmental damages, which should meet the following minimum requirements:

a) As a compulsory requirement, it shall, in a general and standard manner, include all activities, establishments and facilities in which the materials used, the dimension, the means of operation, the type of waste produced or any other characteristic constitute well-founded grounds for predicting the possibility of damage caused to the environment, to the balance of ecosystems or to the human health and the quality of life in the form and magnitude of a catastrophe or disaster.

b) It shall cover the risk to persons and goods;

c) Within the limits of the insurance contract coverage, it shall allow the injured parties to directly file their claims against the insurance company.

d) It shall set criteria to establish minimum amounts to be covered by insurance.

Section XII

Penal Sanctions

Article 77. **Penal sanctions.** Any party who, without the authorization required, or in violation of the terms under which it was granted, or having disobeyed explicit orders of suspension or correction of his activities, or having submitted false information to authorities on environmental aspects of his activities or facilities, or having hindered the monitoring of competent authorities, causes environmental deterioration that results in, or could result in, serious injury to the human health and the quality of life, to the maintenance of balanced ecosystems and to the quantitative and qualitative availability of environmental resources for the sustainable development of the country, shall be sentenced to a fine of _____ and prison from 6 months to 6 years if the environmental damages are irreversible and to a fine of _____ and prison from 3 months to 3 years if they are reversible. Damage shall be considered irreversible when, with the technology and knowledge available, it is impossible to restore the environment to the state that existed prior to the violation.

Article 78. **Aggravating circumstances.** If death or serious injury or disease of a person results from the aforementioned violations, the prison sentence shall be from ____ to ____ years. Sanctions shall be increased by one third if the damage occurred as a consequence of any type of operations involving hazardous wastes, when such operations violate specific laws and regulations.

Article 79. **Crimes resulting from negligent or imprudent conduct.** If the crimes provided for in the preceding articles are committed through carelessness, negligence or inexperience, the sentence for imprisonment shall be reduced by one third of the minimum and one half of the maximum, and the fines shall be reduced by one third in both cases.

Article 80. **Additional sanction of disqualification.** In all cases resulting in imprisonment, there shall be an additional sanction disqualifying the guilty party from exercising the activity that has caused the damage for a period of time twice as long as the sentence.

Article 81. **Liability of legal persons.** Legal (fictional) persons shall be jointly liable for payment of the fines for any of their partners, directors or subordinates for the commission of crimes and unintentional torts provided for in the preceding articles.

Article 82. **Attenuating circumstances.** When punishable crimes provided for in the preceding articles are committed to meet basic personal or family livelihood needs, such motives shall be considered attenuating circumstances for purposes of criminal liability.

Article 83. Aggravating circumstances. When punishable acts have affected environmental resources located in protected natural areas or other areas subject to special systems or assets included within the cultural heritage of the nation, such effects shall be considered aggravating circumstances for criminal liability,

Article 84. **Criminal liability of public officials and employees.** When the crime could not have been committed without public administration officials or employees failing to fulfil their duties, they shall be considered accomplices or accessories after the fact to the crime, depending on the case, whenever they cannot be considered participants.

Article 85. **Ranking for reparation of damages and losses.** The obligation to repair damages and losses ordered in the sentence handed down for a criminal offense shall take precedence over any other obligations that the liable party may have assumed after committing the offense, except for labor obligations.

Article 86. **Duty of the Public Prosecutor.** The attorneys in the Public Prosecutor's Office shall be obliged to file a civil lawsuit based on the crimes provided for in this law.

Article 87. **Precautionary measures.** During any stage of the criminal lawsuit, the judge, on his own initiative or by request, may order any of the precautionary measures provided for in this law.

Section XIII

Publicity and Citizen Participation

Article 88. **The right to take judicial action.** Any person, without the need to demonstrate that his individual interests have been affected, may file a lawsuit before the competent authorities to demand, through administrative or judicial means, compliance with the obligations established in this law and in all other environmental laws and their regulations, in addition to the imposition of administrative sanctions or penalties, for lack of compliance. The prosecution of lawsuits shall be governed by the respective procedural laws and the plaintiffs shall be considered legitimate parties with full procedural rights and guarantees.

Article 89. **Principles of publicity and consultation.** In enforcing this law and all environmental laws and regulations, efforts shall be made to ensure maximum and, in all cases, mandatory application of the principles of publicizing environmental decisions and holding public consultations to enable the inhabitants to voice their opinion.

II. SPECIAL PART

TITLE I

RENEWABLE NATURAL RESOURCES

Chapter I

Common Norms

Article 90. **Basic mandates, principles and criteria.** The use and management of renewable natural resources shall be carried out in accordance with the following basic mandates, principles and criteria:

a) The sustainability of renewable natural resources shall be ensured, which will require safeguarding their quantitative and qualitative durability and the ecosystems to which they belong;

b) The existing interdependence between natural resources and other environmental elements and between ecosystems shall be taken into account and, whenever possible, unnecessary or harmful reciprocal interference shall be prevented;

c) All injury to the general welfare and to the rights of third parties shall be prevented;

d) When a resource is suitable for diverse uses, such uses shall be subject to the priorities and forms of coordination and harmonization determined by the respective authorities;

e) When determining priorities for the use of diverse categories of natural resources, consideration shall be given to the advantages they offer in terms of environmental conservation, the need to ensure sustainability, and economic and social costs and benefits;

f) When planning the management of renewable natural resources and other environmental elements, national and territorial authorities shall seek to make such planning integrated and balanced.

Article 91. **Resource reserves.** Without prejudice to the rights acquired, renewable natural resources or all resources in a region or zone may be declared a reserve in order to conduct restoration, improvement or conservation programmes or when necessary to organize or facilitate the provision of a public service.

As long as the reserve is maintained in force, the assets affected shall be ineligible for concessions or any other authorization for private use.

Article 92. **Forms of acquiring rights of use.** The right to use renewable natural resources in the public domain may be acquired through the operation of law, permits and concessions.

Article 93. **Use through operation of law.** All inhabitants of the country, without the need for permission, have the right, free of charge and without exclusion, to use natural resources in the public domain to meet their basic needs, those of their families and those of their domestic animals, in accordance with the special laws that regulate this right, without prejudice to the rights of third parties.

Article 94. **Use permits.** Permits may be granted for the temporary use of duly delimited renewable natural resources in the public domain.

Article 95. **Duration of permits.** The duration of each permit shall be set in accordance with the nature of the resource, its availability, restrictions or limits needed to conserve it and the amount and type of investment, but shall not exceed a maximum of ten years. Permits issued for a shorter period of time may be renewed, but shall not exceed the aforementioned maximum limit.

Article 96. **Permit holders.** Permits shall be granted to those who offer and ensure the best conditions to benefit the sustainable development of the country or a region.

Article 97. **Improvements made by the permit holder.** When a permit expires, its holder shall not be entitled to any lien rights for improvements he may have made.

Article 98. **Study and research permits.** Natural resources study and research permits may be issued to design projects and plans for future exploitation. These permits may even refer to assets for which use permits have already been issued, as long as the use is different and the studies will not adversely affect use of the permit already issued.

Article 99. **Use concessions.** Concessions shall be granted in cases explicitly provided for in the law and shall be governed by the regulations of the present law and any special laws enacted for each resource.

Article 100. **Duration of concessions.** The duration of concessions shall be set taking into account the nature of the activity for which the concession is granted and its profitability to the individual and society, especially from the standpoint of sustainable development objectives and needs.

Article 101. **Concession document requirements.** The administrative decision or, when pertinent, the concession contract shall include, at least, the following regulations:

a) A detailed description of the asset or resource for which the concession is being granted;

b) The monetary fees to be paid by the concession holder and the ways in which they may be modified periodically;

c) The obligations of the concession holder;

d) Judicial or administrative orders in case of failure to comply;

e) Duration of the concession;

f) Restitution of assets when the concession expires and means of carrying restitution out;

g) Grounds for expiration or suspension of the concession;

h) Security to guarantee compliance with the obligations of the concession holder.

Article 102. **Cancellation of concessions.** Without prejudice to grounds included in special laws, general grounds for cancelling a concession, following a hearing with the concession holder, shall be:

a) Ceding resource use to third parties;

b) Using the resource for a purpose other than that for which the concession was granted;

c) Failure to fulfil the conditions established in the concession document;

d) Serious failure to comply with the present law or with other environmental regulations;

e) Failure to use the concession during two years;

f) Depletion of the resource;

g) Other grounds established in the concession document.

Chapter II

Protection and Development of Biological Diversity

Article 103. **Mandates, principles and basic criteria.** Management aimed at conserving biological diversity and using its components in a sustainable manner shall be carried out in accordance with the mandates, principles and basic criteria established in the following articles.

Article 104. **General protection actions and measures.** It is the obligation of all authorities of the country to adopt all actions and measures necessary to ensure conservation of the nation's biological diversity, sustainable use of its components and fair and equitable participation in the benefits derived from the use of genetic resources, both through specific plans and programmes, and through pertinent precautions in all types of policies, programmes, plans and projects.

Article 105. **Special protection actions and measures.** It is the obligation of all authorities of the country to grant special protection to unique species and representative specimens of the different types of ecosystems, as well as to the germ plasm of native domestic species. Strict control and protection mechanisms shall be applied to threatened and endangered species to ensure their conservation.

Article 106. **General restrictions on the introduction of species.** Plant and animal species shall only be introduced into the country following prior authorization of the President of the National Environmental Commission. The following criteria, among others, shall be taken into account in granting such authorization:

a) Possible reactions of the new species to the environment in which they are going to be introduced;

b) Possible reactions of the recipient environment and of native species to the species to be introduced;

c) The risk posed by potentially hazardous breeds or life-forms.

d) Authorization shall not be granted to introduce any species whose harmful effect is sufficiently demonstrated.

Article 107. **Restrictions on introducing exotic species.** The introduction of exotic species that could alter the diversity of species in an ecosystem should be previously authorized by the President of the National Environmental Commission. Even when such authorization is granted, the party that introduced the species shall be liable for any damage that may result from the introduction.

Article 108. **Establishment and management of animal breeding facilities.** The establishment and management of animal breeding facilities for species that are threatened or endangered shall be subject to the regulations to be established by the President of the National Environmental Commission, which shall include compulsory minimum technical, scientific and biological conditions. When managed by private parties, such animal breeding facilities shall be subject to the supervision of the State, through an authority provided for in the regulations.

Article 109. **National Programme for the Protection and Development of Biological Diversity.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and put into operation a national programme to:

a) Identify the components of national biological diversity whose conservation and sustainable use are important;

b) Proceed, through sampling and other techniques, to carry out follow-up on the biological diversity component identified and give special attention to those that require the adoption of urgent conservation measures and those that offer the greatest potential for sustainable use;

c) Identify the processes and types of activities that have or probably have a significant harmful effect on the conservation and sustainable use of biological diversity and, through sampling and other techniques, follow up on these effects;

d) Organize data stemming from the activities provided for in items a), b) and c) and keep this information current.

e) Prepare a National Biological Diversity Protection and Development Plan which:

1. Establishes guidelines for the selection, establishment and management of protected areas and other areas where special measures must be taken to conserve biological diversity;

2. Administers directly or establishes regulations for the administration of biological resources important to the conservation of biological diversity, either within or outside protected natural areas, to ensure their conservation and sustainable use;

3. Promotes the special protection of ecosystems and natural habitats of great genetic diversity that will allow the viable maintenance of species in natural surroundings and the evolution processes of species and their genetic resources;

4. Promotes, especially, environmentally sound development in areas adjacent to protected natural areas, with a view to increasing the role of these areas in protecting biological diversity;

5. Promotes the recovery of threatened species;

6. Regulates and controls the risks stemming from the use and release of living organisms modified by biotechnology when it is probable that they might affect the conservation and sustainable use of biological diversity or produce risks to human, animal or plant health;

7. Prevents the introduction and controls or eradicates exotic species that threaten ecosystems, habitats or species;

8. Establishes and regulates the conditions required to harmonize current uses with the conservation of biological diversity and the sustainable use of its components;

f) Promote and adopt suitable measures to gain respect for and conserve knowledge, innovations and practices that form part of traditional life styles of indigenous and local communities and that are pertinent to the conservation and sustainable use of biological diversity and its widest application, with the

approval and participation of those who possess such knowledge, innovation and practices, and fair distribution of the benefits derived therefrom;

g) Regulate the protection of threatened species and populations and the activities that threaten them or that may affect biological diversity;

h) Promote measures for the *ex situ* conservation of components of biological diversity and for the establishment and operation of facilities for that purpose;

i) Promote measures to reintroduce threatened species into their natural habitats;

j) Adopt suitable economic and social measures that will act as incentives for the conservation and sustainable use of the components of biological diversity;

k) Adopt plans for education, training and scientific and technical research in the field;

l) Adopt specific requisites that must be met in order for environmental licenses to be granted and environmental impact assessment studies to be conducted;

m) Formulate specific plans to address emergency situations related to human activities or natural incidents that involve serious and imminent danger to biological diversity, species or populations and their habitats;

n) Regulate the access of citizens, companies and persons of third States to the genetic resources of the country under terms of reciprocity, and establish conditions for environmentally sound uses within the framework of international legislation in force;

o) Promote measures for exchange and cooperation in the field with other countries of Latin America and the Caribbean and particularly with those of Central America.

Chapter III

Waters and Aquatic Ecosystems

Section I

Common Norms

Article 110. **Mandates, principles and basic criteria.** The use and management of water and aquatic ecosystems shall conform to the following mandates, principles and basic criteria:

a) It is the obligation of all authorities and all the inhabitants of the country to protect and conserve waters and aquatic ecosystems under conditions that will allow for optimization in managing the diverse uses required to meet human needs and maintain a balanced relationship with other natural resources;

b) All natural resources contained in the aquatic ecosystems shall be used and managed with respect for the balance of the ecosystem and of other ecosystems with which it is linked;

c) To ensure proper operation of water cycles and of elements involved in their operation, special protection shall be given to land, wooded areas, geological formations and the load capacity of aquifers, so as to maintain the base flow of water currents and preserve their quality and current and potential uses;

d) The competent authorities shall manage waters on the basis of the watersheds to which they belong through integrated and ecosystemic management, in accordance with the norms contained in this law and in other special laws and regulations;

e) In the management of watersheds shared with third States, efforts shall be made to seek coordination agreements that will favour their protection and the equitable use of their benefits by all States involved, in accordance with the criteria in this law and in international legislation.

Article 111. **Establishment of Watershed Committees.** Watershed Committees shall be established to advise the competent national authority on matters concerning water resources and to collaborate in watershed management of ecosystemic scope.

Article 112. **Regulations of the Watershed Committees.** Within 180 days following the enactment of this law, the competent national authority on water resources shall proceed to delimit the watershed basins of the country and issue the regulations for the establishment and operation of the Watershed Committees. These regulations shall provide for the composition and representation of the Committees of all national and territorial public administration areas with powers related to the management of waters and other natural resources and human settlements located within the respective land ecosystems, as well as water users.

Section II

Continental Waters

Article 113. **The management of continental waters.** The authorities in charge of the management of continental waters shall apply the mandates, principles and basic criteria established in the previous section in:

a) The preparation and implementation, by the competent authority in the field, of a National Water Resources Plan, which, as a minimum, shall contain a classification of water uses, in accordance with the quality and availability of such resources and shall give priority to human consumption and public service uses. The Plan shall be submitted for approval to the National Environmental Commission, which shall proceed to entrust responsibilities to different national and territorial authorities to ensure success in the implementation of the Plan and to evaluate its results annually;

b) The granting of concessions and permits for the use of natural resources or activities that affect or may affect water cycles;

c) The granting of authorization for the diversion, course modification or interbasin transfer of waters;

d) The establishment of closed seasons in protected natural areas and other protected and reserve zones;

e) The provision of legal grounds for suspending or modifying the rulings of competent authorities in:

i) all uses, works and activities that damage or adversely alter the quantity and quality of water resources or other elements of the ecosystems or that cause ecological imbalance;

ii) all uses, works and activities that damage or that adversely alter or may adversely alter civil works built to provide public services;

f) The operation and management of systems for drinking water, catchment, drainage and final disposal of wastewater;

g) The preparation of urban and other development plans;

h) The formulation of policies and programmes to protect species of the aquatic-land ecosystem, especially endemic species that are threatened or endangered;

i) The establishment of aquaculture districts and the creation and management of reserves and other protected zones, especially those established for fisheries activities;

j) The establishment of sanitary landfills and any other sites used for treatment and dumping of any nature, as well as facilities, constructions or activities in areas that could affect supply sources, purification plants or any other elements of the water system when they damage or could damage operation or distribution activities or the physical, chemical and bacteriological conditions of the water.

Article 114. **Regulations on technical norms.** Within one year following approval of the National Water Plan, the Sectoral and Territorial Technical Committees of the National Environmental Commission shall, in a joint proposal, submit to the Commission for approval the regulations that contain:

a) Ecological technical norms to establish and manage water protection and reserve zones and, particularly, water supply sources to serve towns, industries and agricultural areas;

b) Technical norms for all wastewater treatment to ensure the conditions established in this law, especially in reference to preventing, controlling and correcting pollution, eutrophication, salinization and any other deterioration of surface and ground water and interrelated natural elements.

c) Technical norms for the exploration, exploitation and management of biotic and abiotic. resources; human settlements; industrial, agricultural, forestry, mining, petroleum, navigation, port, water use, sports and recreation activities; and any other activities for which regulation is necessary to ensure compliance with this law;

d) Technical norms for any type of activities or civil works that are established on, or involve the use or any type of alteration of, the banks, flows, beds and courses of surface and ground water.

Article 115. **Special technical norms.** The technical norms provided for in the previous article shall be of a general nature and, without prejudice to them, the enforcement authority, with the advisory services of the respective Watershed Committee, shall proceed to establish specific norms to regulate authorization and operation of activities in specific cases.

Section III

Maritime and Coastal Waters

Article 116. **Obligation of authorities and definition of the marine environment.** It is the obligation of all competent authorities of the country to protect the marine environment formed by the waters of the territorial sea and of the adjacent economic zone, the sea-bed, marine subsoil, beaches, natural resources in the environment and its air space.

Article 117. **Regulations.** Within the period provided for in article 114, the Technical Committees of the National Environmental Commission shall, in a joint proposal, submit for approval by the Commission the regulations to govern the matters included in that article, when relevant, taking into account the specific condition of the marine environment. These regulations shall establish, among other matters, a monitoring and control system, especially in reference to dumping from human settlements located in coastal zones and the use of waters for navigation purposes.

Chapter IV

Land and Land Ecosystems

Section I

Common Norms

Article 118. **Mandates, principles and basic criteria.** The use and management of land and land ecosystems should conform to the following mandates, principles and basic criteria:

a) Be compatible with their natural potential and the need to maintain their physical integrity and productive capacity and not alter the balance of the ecosystems;

b) Prevent and correct, in productive use, practices that encourage erosion, degradation or modification of topographical and geomorphological characteristics with adverse ecological effects;

c) It is the duty of all land users to collaborate with the authorities in the conservation and sound management of the land as one of the irreplaceable bases for the sustainable development of the country. Persons who carry out agricultural, livestock, fisheries, forestry, mining, infrastructure and other activities that affect or could affect land conditions are particularly required to use conservation and recovery practices determined in accordance with the region's characteristics;

d) Construction of any type of civil works that may directly or indirectly cause significant land deterioration shall include equivalent restoration activities;

e) Authorization for changes in land use shall be subject to prior environmental impact assessment studies and their approval, and the prevention of serious deterioration of the land affected, of other environmental resources and of ecological balance, in accordance with the norms that regulate the granting of environmental licenses.

Article 119. **Land management.** The mandates, principles and criteria established in the previous article shall, without prejudice to other matters, be enforced particularly and without exception in the following cases:

a) All types of environmental impact assessment;

b) When adopting direct or indirect production incentive measures;

c) In planning and undertaking major public or private enterprises;

d) In siting and designing residential, industrial, tourist and any other type of human settlements;

e) In deciding on the uses of protected natural areas;

f) In territorial management;

g) In watershed management;

h) In the extraction of subsoil materials; the exploration, exploitation and smelting of minerals; excavations and all types of activities that alter the cover of the land surface;

i) In any other activity established by the enforcement authority.

Article 120. **National Programme for Land Conservation and Reclamation.** Within one year following the enactment of this law, the National Environmental Commission shall proceed to prepare and implement a National Programme for Land Conservation and Reclamation which takes into account the potential land uses, in accordance with physical, ecological and socio-economic factors of the regions and classifies and regulates uses in accordance with relevant technical norms and the provisions established in this law.

Article 121. Land conservation districts. The National Programme referred to in the previous article shall provide for the establishment of Land Conservation Districts and forms and incentives for their management, including a system for the participation of all of the public and private sectors involved. Land Conservation Districts shall be understood as all areas delimited for special management aimed at the reclamation of altered or degraded land or the prevention of phenomena that may cause alteration or degradation, owing to the special vulnerability caused by physical or climatic features, its use or other reasons.

Article 122. **Obligations of landowners and landholders.** Owners, holders and users of land located in Land Conservation Districts, regardless of their title, are obliged to apply measures and to implement and maintain the works provided for in the plans issued for the district.

Section II

Special Norms for Protecting Land Used for Agricultural Activities

Article 123. **Mandates for the competent authorities.** The competent authorities shall adopt all measures required to:

a) Ensure land conservation in order to control, among other phenomena, erosion, degradation, desertification, salinization and overly compacted soils.

b) Promote the adoption of preventive measures on land use in connection with soil conservation, groundwater and humidity and the regulation of farming methods and plant and animal management;

c) Organize special land conservation and reclamation districts with provisions for the participation of all the authorities and users involved, and issue plans that include suitable economic, financial and fiscal incentives;

d) Coordinate soil studies, research and analyses to obtain ecologically sound land management;

e) Intervene by issuing specific technical norms and exercising due control over the use and management of privately held empty lots or idle land when phenomena such as those provided for in item a) arise to necessitate corrective, reclamation or conservation measures;

f) Control the use of all types of substances that may cause land contamination.

Article 124. **Land adaptation and reclamation.** Land in any of the following circumstances shall be subject to adaptation and reclamation, in accordance with the special plans and regulations adopted:

a) Lack of exploitation if, with special management conditions, the land can be economically used to further purposes social interests;

b) Unsuitable use that adversely interferes with other environmental resources or ecological balance.

Article 125. Lands on a slope. Lands on slopes greater than those specified, in accordance with the characteristics of the region or the specific features of the landholding, shall, through special regulations, be obliged to maintain vegetation or to introduce suitable crops and technology to prevent or correct soil erosion or degradation.

Section III

Special Norms for Protecting Forest Land, Natural Forests and Wild Flora

Article 126. **Forest areas.** For the purposes of this Section, "forest areas" shall be understood to mean land with natural forestry potential or with forests.

Article 127. **Classification of forest areas.** Forest areas shall be classified as producers, protectors and protector-producers, in accordance with the following definitions:

a) A producer forest area is an area that should be permanently conserved with natural or artificial forests to obtain forestry products to be marketed or consumed. The area shall be considered one of direct production when obtaining products involves the temporar total or partial disappearance of the forest and its subsequent recovery; it shall be considered an area of indirect protection when the product or secondary products are obtained without causing the disappearance of the forest.

b) A protective forest is one that should be permanently conserved with a natural or artificial forest cover to protect these or other renewable natural resources; the protective use shall be given priority and only the exploitation of secondary forestry products shall be permitted;

c) A protective-producer forest area is one that should be permanently conserved with natural or artificial forests to protect renewable natural resources but that, without damaging it, may be exploited as along as its protective capacity is maintained.

Article 128. **Mandates, principles and basic criteria.** The use and management of forest areas shall be subject to the following mandates, principles and basic criteria:

a) The competent authorities shall establish forest reserve areas, which are understood to be public or private reserves to be dedicated exclusively to the establishment or maintenance and ecologically sound and sustainable use of productive, protective or productive-protective forest areas.

b) Forestry reserve areas shall only be used for ecologically sound and permanent or sustainable exploitation of forests that exist or are cultivated in such areas, ensuring in every case the recovery and survival of such forests.

c) The construction of infrastructure and economic activities within the forest reserve area shall require an environmental license from the competent authority prior to commencing such activities. The license shall only be granted when it is verified that such works and activities will not negatively impact on the objectives of the area.

d) The importation of seeds and plant material of forestry species shall be subject to prior authorization.

Article 129. **National Forestry Conservation and Recuperation Programme.** Within one year following the enactment of this law, the National Environmental Policy Commission shall prepare and implement a National Programme for Forestry Conservation and Recuperation, in accordance with the norms of this law, including, among other matters, an examination of the forestry legislation in force, forms of institutional management, means of citizen participation and suitable promotion and incentive measures.

Article 130. **Powers of the authorities.** In order to protect wild plants, the competent authorities shall have the following powers:

a) To issue regulations on the management, use, transport, marketing and introduction or transplanting, from abroad, of wild plant species and specimens and their primary products owned privately or publicly;

b) To promote the conservation and restoration of wild flora by establishing promotion and incentive systems in the field;

c) To exercise control to ensure that wild flora species and specimens are subject to ecologically sound management practices;

d) To directly exploit the resources when justified by ecological, economic or social reasons;

e) To establish and manage zones to promote the development of species;

f) To protect species or specimens that are in danger of extinction. Such species shall be declared a protected species prior to any intervention in their management;

g) To specify ports, airports and border crossings where specimens and primary plant products may be imported and exported.

Article 131. **Import certificate.** Importing any plant or plant product shall require a certificate in which it is officially stated that the norms of the country of origin to protect threatened or endangered species have been fulfilled.

Section IV

Special Norms for Protecting Wild Fauna

Article 132. **Obligations.** It is the obligation of all inhabitants and the State to safeguard the conservation of wild fauna species to ensure that the principles and requirements of sustainable development are respected in their use.

Article 133. **Mandates, principles and basic criteria.** Whenever compatible, all the mandates, principles and basic criteria provided for in the previous section on wild flora are applicable to the management of wild fauna as well.

Article 134. **National Programme for the Conservation, Recuperation and Sustainable Use of Wild Fauna.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and implement a National Programme for the Conservation, Recovery and Sustainable Use of Wild Fauna which, among other matters, shall proceed to:

a) Establish and provide for the form of management of zones for the protection, study and propagation of wild animals, without prejudice to appropriated rights;

b) Classify wild animals located within national boundaries, determine which of them may be hunted and the species that require special types of management, and issue relevant plans and regulations;

c) Propose that studies and research be promoted and conducted on the sound management of such resources, taking into account their interrelationships with other natural resources;

d) Establish prohibitions or restrictions on the introduction, transfer and propagation of species harmful to conservation and the development of any of the natural resources;

e) Propose practices for the sustainable management of wild fauna and promote their use, encouraging particularly the social and economic development of indigenous and local communities, for which measures shall also be adopted to ensure profitable marketing for producers;

f) Impose periodic or temporary closed seasons or a permanent prohibition on hunting, establish hunting areas and the number, size and other characteristics of wild animals to be hunted;

g) Propose regulations for hunting, for breeding in captivity, for marketing and, in general, for all activities related to wild fauna.

TITLE II

NONRENEWABLE NATURAL RESOURCES

Sole Chapter

Article 135. **Mandates, principles and basic criteria.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and implement legal and technical norms of an Environmental Protection System for the Exploration and Use of Nonrenewable Natural Resources, in accordance with the following mandates, principles and basic criteria:

a) The exploration and exploitation of nonrenewable natural resources shall be subject to environmental licenses granted by the National Environmental Commission. In accordance with the regulations to be established, the granting of such licenses shall take into account particularly and without prejudice to other requirements, the comprehensive use of raw materials, the treatment and safe disposal of waste matter, the efficient use of energy and sound exploitation of fields and deposits from the standpoint of the strategic interests of sustainable development of the country;

b) The water used or resulting from such activities shall be treated so that it may be used for other purposes;

c) Such activities shall cause the minimum possible direct or indirect alteration of land, flora, wild fauna, scenic beauty and, in general, all elements of ecosystems, especially with regard to clearing deposits, tailings and slag from mining and mineral processing facilities, including suitable restoration measures.

TITLE III

PROTECTED NATURAL AREAS

Sole Chapter

Article 136. **National System of Protected Natural Areas.** Within one year following the enactment of this law, the National Environmental Commission shall draft legal and technical norms needed to establish, within the framework of this law, a National System of Protected Natural Areas that will include all existing public and private areas of that nature and all those established in the future.

Article 137. **Objectives of the protected natural areas.** The purpose of establishing protected natural areas is:

a) To preserve natural ecosystems representative of the diverse biogeographical and ecological regions of the country and to ensure their balance and the continuation of evolution and ecological processes;

b) To protect watersheds, water cycles, aquifer zones, samples of biotic communities, specific genetic resources and genetic diversity of wild species of flora and fauna, particularly those that are endemic, threatened or endangered;

c) To encourage the development of ecological techniques and improve the sound and sustainable use of natural ecosystems and their elements;

d) To protect natural scenic and landscape sites of unique beauty;

e) To promote a harmonious relationship between recreational and tourist activities and nature;

f) To encourage environmental education for sustainable development, scientific research and the study of ecosystems, their balance and the interrelationships of their elements, so as to promote the environmental knowledge and awareness of the community and the development of technologies that will allow better sustainable use of the country's natural resources;

g) To protect the natural surroundings of historic monuments and the archaeological, anthropological and artistic remains of importance to culture and national identity;

h) To contribute to the socio-economic development of the country, and particularly to agricultural and forestry activities and the use of wild flora and fauna by linking the management of protected natural areas to programmes for the use of resources located in the rest of the national territory and integrating the conservation of nature into the objectives of sustainable development.

Article 138. **Characteristics of the System.** The legal and technical norms provided for in the previous article should contain a definition of the different categories that will comprise the National System of Protected Natural Areas; specifications of the category for each area existing at the present time; institutional forms of managing the System; the type of human activities allowed, prohibited or limited, in accordance with the different categories; a special system for the granting, suspension and expiration of concessions, permits and licenses to explore and use resources in each of the categories; the establishment of a natural registry of protected natural areas; and any other provision deemed pertinent to the efficient establishment and operation of the areas and the System.

Article 139. **Plans for the management and integration of indigenous and local communities.** It shall be compulsory for the management of all protected natural areas to be subject to the provisions of management plans and to seek to integrate, in so far as possible, the indigenous and local communities into the management and monitoring of the areas and into the achievement of the goals for which they were established.

Article 140. **Public land.** Public land existing in the protected natural areas forms part of the public domain.

Article 141. **Private land.** All privately owned land located in protected natural areas shall enjoy a special ecological status and shall be subject to the restrictions, easements and management conditions established in this law and in the legal and technical norms issued pursuant to it. The ownership rights of owners that do not accept the new conditions established shall be subject to expropriation for the public purposes that establishment and operation of protected natural areas further.

Article 142. **Protected natural areas in aquatic environments.** All norms established in the foregoing articles shall be applicable, when compatible, to protected natural areas located in aquatic environments.

TITLE IV

ENVIRONMENTAL EMERGENCIES AND DISASTERS

Sole Chapter

Article 143. **The concept of environmental disaster.** Environmental disaster shall be understood to mean all natural, human-induced or man-made alterations in the environment which, owing to their gravity and magnitude, endanger human life or activities or generate significant damage to natural resources, thereby causing severe losses to the country or a region.

Article 144. **Environmental emergency.** In case of an imminent or actual environmental disaster, the Executive Branch shall declare an "environmental emergency" during the time which the situation and its consequences last, covering the entire environment affected.

Article 145. **National Prevention and Emergency Programme.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and implement a National Prevention and Emergency Programme in the field of Environmental Disasters. The Programme shall include, among other matters, a proposal for norms that include special benefits

or exemptions to assist in overcoming emergency situations, assistance to the population affected and the recovery of natural and cultural resources and of the human activities adversely affected.

Article 146. **Public responsibility.** All public and private individuals and corporations are required to participate in preventing and solving problems caused by environmental disasters.

TITLE V

CONSERVATION OF RESOURCES OF SCENIC BEAUTY

Sole Chapter

Article 147. **The concept of resources of scenic beauty.** Resources of scenic beauty shall be considered all natural or man-made sites that are of aesthetic interest or constitute characteristic environments.

Article 148. **Rights and duties of inhabitants.** All inhabitants have the right to enjoy natural and urban scenic beauty that contributes to their well-being and quality of life, as well as the duty to conserve them and collaborate in their preservation.

Article 149. **Obligations of the authorities.** If the existing laws and regulations prove to be insufficient, the competent national and territorial authorities shall propose any special laws or regulations required to adopt preventive and corrective measures to conserve sites of scenic beauty in general and specific sites in particular.

Article 150. **Preventive measures.** Preventive measures to protect sites of scenic beauty shall work towards preventing the dangers that threaten them. To that end, the following activities shall be especially regulated and controlled:

a) The construction of all types of buildings. Projects shall harmonize with the overall site to be protected;

b) The design and construction of highways and railways;

c) Electric power lines, fuel production and transport facilities, airports and maritime and river ports;

d) The display of advertisements;

e) The felling of trees;

f) Air, water and land pollution;

g) Mining and quarry exploitation and related waste disposal;

h) Irrigation works, dams, canals, aqueducts and river training;

i) The siting and construction of urban developments and recreational, sports and tourist centres;

j) The deposit of material and used material, as well as rubble and all types of wastes.

Article 151. **Corrective measures.** Corrective measures shall be aimed at repairing damage caused to sites and landscape and, in so far as possible, at their complete restoration.

Article 152. **Special norms.** Within one year following the enactment of this law, the National Environmental Commission shall proceed to issue or propose, as required, special norms to enable national and territorial authorities to:

a) Adopt all the preventive and corrective measures required;

b) Exercise control over activities that deteriorate sites of scenic beauty;

c) Serve easements in urbanization plans and in territorial management;

d) Expropriate sites of special scenic interest;

e) Identify scenic sites that warrant special protection and establish regulations concerning them;

f) Identify zones or places in which the construction of civil works, advertisements and similar alterations are to be especially prohibited, restricted or regulated;

g) Prohibit clearing, planting or alteration of the general landscape or make it compulsory to rebuild scenic sites that warrant protection;

h) Establish limits on height and determine styles to preserve aesthetic, historic or cultural values;

i) In general, adopt any type of measures aimed at fulfilling the objectives of this law.

TITLE VI

PRESERVATION OF THE CULTURAL HERITAGE

Sole Chapter

Article 153. **Components of the cultural heritage.** The cultural heritage of a country shall be understood to mean:

a) Real property such as archaeological, historic and scientific sites; buildings or other constructions of historic, scientific, artistic or architectural value; complexes of traditional buildings; historic neighbourhoods in urban areas and remains of past cultures of ethnological value, whether they are on the surface or underground, as well as the area surrounding them;

b) Movable property of cultural importance, including objects found within real property or recovered from it, objects that are buried, which may be discovered in places of archaeological or historic interest, and objects in other sites.

Article 154. **Rights and duties of inhabitants.** All inhabitants have the right to enjoy the cultural heritage of the country and shall preserve it and collaborate in its conservation.

Article 155. **Obligations of the authorities.** If the present laws are insufficient, competent national and territorial authorities shall propose the special laws and regulations necessary to adopt preventive and corrective measures to preserve the cultural heritage.

Article 156. **Preventive and corrective measures.** The purpose of preventive and corrective measures shall be to protect or safeguard cultural assets that are endangered by works or activities that could deteriorate or destroy them, particularly:

a) Urban expansion or renewal works in which both registered monuments and their historic surroundings shall be respected;

b) Remodelling or repair of buildings;

c) Highway construction or repair;

d) Dam construction and installation of electric power lines;

e) All types of ducts;

f) Siting and construction of urban developments and recreational, sports and tourist centres;

g) Advertising.

Article 157. **Priority of *in situ* conservation.** Priority shall be given to *in situ* conservation of cultural assets that are endangered, so as to preserve the historic links of such assets with their surroundings.

Article 158. **Resiting of cultural monuments.** Buildings and other important cultural monuments that must be moved to prevent their destruction or deterioration shall be moved to sites or complexes which, in so far as possible, most closely resemble their original location and their natural, historic and artistic links.

Article 159. **National Programme for Conservation of the Cultural Heritage.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and implement a National Programme for Conservation of the Cultural Heritage of the Nation, establishing the responsibilities of the various authorities, financing mechanisms, norms that should be issued, the educational programmes required and, in general, all measures needed to achieve the objectives established under this title.

Article 160. **Prohibitions and restrictions.** Prohibitions, restriction and limits on export, private ownership and the use of goods that comprise the cultural heritage shall be established through special norms.

TITLE VII

MANAGEMENT OF HUMAN SETTLEMENTS

Sole Chapter

Article 161. **The concept of human settlements.** Human settlements shall be understood as the use of land and natural elements that are interrelated as a foundation for population sites with a certain degree of concentration, infrastructure and inhabitants.

Article 162. **Mandates, principles and criteria.** To promote and preserve the environmental quality of human settlements, the competent authorities shall base their actions on the following mandates, principles and criteria:

a) All human settlements shall be suitably planned to ensure a balanced relationship with the natural elements that support and surround them, with special provisions for population growth trends, physical expansion of settlements, limits on the use of the environment as a supplier of resources or recipient of wastes and the correction of all environmental factors that may cause deterioration or impede improvement in the inhabitants quality of life.

b) Urban development programmes and regulations shall place particular emphasis on the zoning of human settlements, especially with regard to the delimitation of industrial, service, residential and urban-rural transition areas, as well as green areas and places in contact with nature, and on providing the infrastructure needed to ensure a decent quality of life for the population;

c) The building code, regardless of the area where it is applied, shall give priority to providing for and adopting criteria for good environmental quality over mere economic profitability in requirements for minimum space, ventilation, natural light, harmony with the surroundings, energy savings, endowment of green areas, provision of services and other pertinent matters.

d) In planning human settlements, special measures shall be taken for indigenous communities and the people with fewest resources to safeguard their own lifestyles and cultural patterns, on the one hand, and to upgrade living conditions and the satisfaction of their basic needs, on the other.

e) A special system, whose norms shall be proposed by the National Environmental Commission within one year following the enactment of this law, shall be applied to the metropolitan areas formed by a city itself and surrounding municipalities that comprise a continuous urban settlement.

TITLE VIII

PROTECTION OF HEALTH AND THE QUALITY OF LIFE FROM ADVERSE ENVIRONMENTAL FACTORS

Article 163. **Duties of all inhabitants.** All inhabitants shall be obliged to prevent environmentally deteriorating activities that may be harmful to the health and quality of life of the population, especially those that cause air, water and land pollution.

Chapter I

Air Pollution

Article 164. To protect the air, the competent authorities shall base their actions on the following principles and basic criteria:

a) It is the duty of all inhabitants to ensure that air quality does not surpass the allowable levels of foreign substances specified in the respective norms;

b) Pollutant emissions into the air produced by the operation of stationary or mobile, man-made or natural sources, should be reduced and controlled, to ensure air quality in compliance with the norms that regulate it to safeguard human and environmental health.

Article 165. **National Regulations to Prevent and Control Atmospheric Pollution.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and implement National Regulations to Prevent and Control Atmospheric Pollution, which shall, as a minimum, provide for:

a) Suitable air quality, as an element essential to human, animal and plant health and also for the protection of other objects;

b) The allowable degree of concentration of substances, either isolated or in combination, particles, noise, vibrations, light alterations and odours that may be a nuisance or cause damage and deterioration to objects and to human, animal and plant health;

c) Prohibitions, restrictions and technological requirements for the production, import, assembly and circulation of motor vehicles with regard to the emission of gases, noise and other polluting factors, as well as a periodic control system for such vehicles;

d) Technical norms for the establishment and operation of systems to monitor air quality and pollution sources;

e) Updated inventory and registry of fixed pollution sources;

f) Preventive and corrective measures needed for cases of environmental emergencies caused by atmospheric pollution;

g) Promotion and incentive systems for all activities that use technologies and fuels that significantly reduce or eliminate pollutant emissions into the air;

h) Technical provisions that call for urban development plans to take into account topographical, geomorphological, climatological and meteorological conditions in order to optimize the scattering of any pollutants that may be produced;

i) Specific aspects relevant to the enforcement of the system of sanctions provided for in the law;

j) Enforcement authorities and a system for coordination among them;

k) All other norms deemed advisable to achieve the objectives of this law.

Article 166. **Special norms.** The regulations provided for in the previous article shall include the pertinent norms related to the prevention and control of pollution from radiation, noise, gases particles, vibrations, thermal and light energy, smoke, vapours and odours, without prejudice to any special provisions established for residues considered hazardous.

Chapter II

Water Pollution

Article 167. **Mandates, principles and basic criteria.** To protect water from pollution, the competent authorities shall base their actions on the following mandates, principles and criteria:

a) In the classification of water uses, priority shall always be given to ensuring conditions of quantity and quality required for human consumption;

b) In water courses, coastal waters, dams, lakes, groundwater and waters of any other type, any dumping of substances that might cause pollution, affect other foreseen or foreseeable uses or alter the balance of ecosystems shall require previous treatment and an environmental license issued by the competent authority.

c) Any reuse of wastewater shall require an environmental license issued by the competent authority.

Article 168. **National Regulations to Prevent and Control Water Pollution.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and put implement National Regulations to Prevent and Control Water Pollution, which shall provide for, at least:

a) Technical quality and quantity standards for treatment and dumping of polluting substances in the waters mentioned in item b) of the previous article, with specifications for different types of activities when deemed advisable;

b) Technical standards for storing, treating, dumping and reusing wastewater;

c) The promotion of the reuse of wastewater in farming and industrial activities, whenever possible, without altering elements in the ecosystems or endangering human and animal health, and the establishment of technical standards that such use must meet;

d) A system for classifying recipient bodies of water and their respective quality standards, in accordance with their actual and potential use;

e) A system of fees which, without affecting monetary fines and other pertinent sanctions, shall be paid by those who dump polluting substances into waters as long as they continue to do so. The fees shall be equivalent to the cost of restoring the recipient body of water and shall be used for that purpose;

f) An updated inventory and registry system for pollution sources;

g) A water quality and pollution source monitoring system;

h) Promotion and incentive systems for all activities that incorporate suitable technology to significantly reduce or eliminate the production of pollutants;

i) A special system to prevent and control pollution caused by navigation in waters;

j) Specific aspects that are relevant to enforcing the system of sanctions provided for in this law;

k) Enforcement authorities and a system for coordination among them;

l) All other norms considered advisable to achieve the objectives of this law.

Chapter III

Land Pollution

Article 169. **Mandates, principles and basic criteria.** In preventing, regulating and controlling land pollution, the competent authorities shall base their actions on the following mandates, principles and criteria:

a) It is the duty of all inhabitants to use suitable practices in producing, managing and treating household, industrial and agricultural wastes and in the agricultural use of any type of chemical or hormonal substance that may pollute soils.

b) All reuse and recycling of solid wastes shall require an environmental license issued by the competent authority;

c) Special care shall be taken in the final disposal of municipal wastes of household, industrial and hospital origin to prevent and control land pollution;

d) The use of vacant urban and rural lands and areas adjacent to land communication routes for the disposal of solid wastes without authorization from the competent authorities is prohibited;

e) The importation of any type of solid waste for final disposal or only for deposit, storage or confinement in the national territory is prohibited.

Article 170. **National Regulations to Prevent and Control Land Pollution.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and implement Regulations to Prevent and Control Land Pollution which shall provide for, at least:

a) Technical standards for the storage, treatment, disposal, reuse and recycling of land polluting substances;

b) A system of fees which, without prejudice to monetary fines and other relevant sanctions, shall be paid by those dumping polluting substances on the land. These fees shall be equivalent to the cost of restoring the land affected and shall be used for that purpose;

c) A system for the inventory, registry and monitoring of land quality and pollution sources;

d) Promotion and incentive systems for all activities that incorporate appropriate technology to significantly reduce or eliminate the generation of land pollutants;

e) Specific aspects relevant to enforcement of the system of sanctions provided for in this law;

f) Enforcement authorities and a system for coordination among them;

g) All other norms deemed advisable to achieve the objectives of this law.

Chapter IV

Hazardous Substances and Wastes

Article 171. **The concept of hazardous substances and wastes.** For purposes of this law, all substances and wastes from any activity and in any physical state which, owing to the magnitude or the nature of their corrosivity, toxicity, poisonousness, reactivity, explosivity, inflammablity, biologicality harmfulness, infectiousness or any other characteristics, pose a threat to human health, environmental resources and ecological balance shall be considered hazardous.

Article 172. **Prohibitions on hazardous wastes from third countries.** The introduction, transport, release, storage or any other handling of hazardous wastes from third countries is prohibited in national territory and its maritime and air space.

Article 173. **Special norms for the management of hazardous substances and wastes.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and submit to the Executive Branch a bill for the Management of Hazardous Substances and Wastes, which shall provide for, at least:

a) Technical norms applicable to the generation, transport, treatment and final disposal of hazardous wastes and the obligations of waste generators and managers;

b) The establishment of a National Registry of Hazardous Waste Generators and Managers;

c) A special environmental certificate and manifest required for the hazardous waste management stages mentioned above;

d) A special development and financing system for the treatment, transport and final disposal of hazardous wastes, without doing violence to the principle that costs should ultimately be borne by those who generate and manage wastes;

e) A complete list of the hazardous substances known, of activities that could generate them and activities in which it is assumed they are used, as well as means of updating the list;

f) Technical norms applicable to hazardous substance use and any type of operation involving hazardous substances;

g) Enforcement authorities and a system for coordination among them;

h) Any other norms deemed advisable to achieve the objectives of this law.

Chapter V

Hazardous Activities

Article 174. **Regulations on Hazardous Activities.** Within one year following the enactment of this law, the National Environmental Commission shall prepare Regulations on Hazardous Activities, which shall include:

a) A list of activities that shall be considered hazardous for the purposes of this law;

b) Zoning criteria for issuing land-use permits to establish industries, businesses and services considered hazardous because of the serious effects they could have on the environment or on health, taking into account:

i) Topographical, meteorological and climatological conditions of the zones;

ii) The proximity to population centres, foreseeing expansion trends of the site and the establishment of new sites.

iii) The possible impact that extraordinary incidents in the establishment would have on the population and the environment;

iv) The compatibility with other neighbouring activities or those existing in the zone of influence; and

v) The existing infrastructure for providing basic services and for dealing with environmental emergencies.

c) Technical norms for safety, equipment and operations;

d) Enforcement authorities and a system for coordination among them;

e) Any other norms deemed advisable to achieve the objectives of this law.

Chapter VI

Health Protection in the Work Environment

Article 175. **Sphere of enforcement.** The provisions of this law and of any special laws and regulations issued shall apply to all profit and nonprofit establishments, regardless of the nature of their activities, the place in which they are carried out, the nature of the work centres and stations, the type of machinery, elements, devices and procedures used or adopted and the procedures for hiring personnel who work in the establishment.

Article 176. **The concepts of establishment and employer.** For purposes of this law, an establishment shall be understood as any place intended or used for the performance of tasks of any type or nature with the continuous, circumstantial, temporary or part-time presence of natural persons and any type of annexed storehouses and branches in which such persons are present or to which they go because of or during their work with the explicit or tacit approval of the manager. The term employer refers to the private or public, natural or legal, person who makes use of the activity of one or more persons through a work contract or relationship.

Article 177. **General obligations of employers.** All employers are obliged to ensure that the environmental conditions in the establishment do not affect or endanger the health and life of the workers and to redress damages and losses caused by the absence or insufficiency of such conditions.

Article 178. **Concurrent lawsuits.** All workers or their beneficiaries, if the worker has died, shall have the right to file a lawsuit for the damages and losses referred to in the previous article when they are not completely covered by enforcement of the labour laws that regulate compensation for occupational accidents, on-the-job illness and occupational illness.

Article 179. **Specific employer responsibilities.** All employers must adopt and put into practice environmental preventive and control measures in the establishment to safeguard workers' health and life, particularly in relation to:

a) Constructing, adapting, installing and equipping work places and buildings;

b) Installing and maintaining air purifiers; devices to eliminate or reduce noise, odours, light effects, radiation and vibration; and norms and preventive measures regarding exposure to and handling of hazardous substances.

c) Providing and maintaining individual and group equipment for the protection required;

d) Work operations and procedures;

e) Conducting health examinations prior to employment and periodic examinations of staff, and recording the results;

f) Maintaining all the establishment's facilities in good condition for use and operation, so as to prevent and correct work place environment hazards;

g) Preventing the accumulation of wastes or residues that are hazardous to health by periodically cleaning and disinfecting, as required;

h) Installing and maintaining the equipment needed to cope with fires or any other emergency;

i) Taking the necessary precautions in storing hazardous substances;

j) Providing the necessary means to render first aid immediately;

k) Instructing workers and, in highly visible places, posting copies of the prevention measures that should be taken in relation to environmental hazards in the establishment.

Article 181. **Worker obligations.** The workers are obliged to:

a) Observe general and company regulations concerning preventive and corrective norms for environmental hazards in the establishment;

b) Have preventive and periodical medical examinations and to follow the medical advice given to them.

Article 182. **National Regulations to Prevent and Control the Harmful Effects of the Work Environment.** Within one year following the enactment of this law, the National Environmental Commission shall prepare and implement National Regulations to Prevent and Control Harmful Effects in the Work Environment, specifying branches of activity, worker specialties and the dimensions of establishments.

ADDENDUM

I. RECOMMENDATIONS OF THE MEETING OF LEGAL EXPERTS OF THE MEMBER STATES OF THE CENTRAL AMERICAN COMMISSION ON ENVIRONMENT AND DEVELOPMENT TO THE PROPOSED BASIC LAW ON ENVIRONMENTAL PROTECTION AND THE PROMOTION OF SUSTAINABLE DEVELOPMENT FOR THE COUNTRIES OF CENTRAL AMERICA AND PANAMA (Mexico City, 25 and 26 January 1993).

A. RECOMMENDATIONS CONCERNING THE GENERAL PART.

Title I. National Sustainable Development Policy

Sole Chapter

Two delegations recommended that:

1. In the countries in which the Constitutions contain norms concerning environmental protection, the law should regulate them.

2. In the countries in which the Constitutions do not contain general norms on environmental protection, amendments should be made to provide constitutional bases for such protection.

One delegation recommended that:

3. In article 2, item 2), the term "common heritage of the Nation" should be used.

One delegation recommended that:

4. In article 2, item 10), the phrase "based on the foregoing principles" should be inserted following "...new international economic order", so that the item would read:

"10) It is hereby declared that it lies in the nation's interest to achieve a new international economic order, based on the foregoing principles, and cooperation and joint efforts with the other countries of Latin America and the Caribbean and, in particular, with those of Central America, to favour and attain sustainable development for the region and for all humanity."

5. Reference to the development of international instruments should be added in a new item 11) or included in item 10).

One delegation recommended that:

6. In order to clarify the confusion that arose concerning the concept of "private interest", it should be replaced by "individual interest".

Title II. Environmental Management for Sustainable Development

Chapter I. The National Environmental Management System

All the delegations recommended that:

7. Chapter I should be approved and that each country should adapt it to its own administrative.

Chapter II. Instruments for the Environmental Management of Sustainable Development

Section II. Environmental Management

All the delegations recommended that:

8. The concepts of environmental management and territorial management should be defined.

9. A list of environmental legal terms should be prepared as part of the proposal.

One delegation recommended that:

10. Article 29, item a) should be modified to read: "a) Environmental licenses, permits and concessions for the use of natural resources;"

Section III. Environmental Licenses and Environmental Impact Assessment Studies

All the delegations recommended that:

11. Article 31 of the proposal should be clarified by placing the word "harmful" before "environmental effects".

Two delegations recommended that:

12. A system should be established to register private consultants who are trained, certified and audited by the ministry of the environment to conduct environmental impact assessment studies.

13. Environmental auditing and corrective measures for activities already established should be included as instruments that exist in addition to environmental impact assessment studies.

Section IV. National Environmental Information and Monitoring System

One delegation recommended that:

14. A green seal programme should be established to supplement the administrative and penal sanctions. The mechanism would be based on a voluntary auditing programme through which the company demonstrates that its production processes and final products are environmentally clean. The green seal would enable the consumer to select merchandise from companies that use clean technology and, at the same time, to punish companies that do not.

One delegation recommended that:

15. A provision dealing with "a copy of research" similar to that in article 9 of the Costa Rican bill should be included. Without affecting intellectual property rights, researchers are obliged to deliver a copy of their environmental studies to the National Council on Research in Science and Technology when their work has been financed or jointly financed by the State or it has been conducted on State land or facilities.

One delegation recommended that:

16. An International Environmental Information and Monitoring Centre should be established to serve the countries of the region.

17. Article 45 should include provisions to allow access to certain information on natural resources to be denied in specific special cases.

Two delegations recommended that:

18. The State should carry out continuous environmental monitoring and that the monitoring costs should be borne by industry.

Section V. Environmental Education, Training and Public Information

One delegation recommended that:

19. The establishment of an environmental training system for public administration officials should be promoted.

20. The university level should be included in article 48.

Section VI. Scientific and Technological Development.

One delegation recommended that:

21. Article 50 should be amended to include "Regional Research Centres" after "technology users".

Section VII. Economic Incentives and Benefits

All the delegations recommended that:

22. The word "company" should be replaced with the word "persons" in article 51.

Section IX. The National Fund for Environment and Sustainable Development

One delegation recommended that:

23. The National Fund for Environment and Sustainable Development should include service rates to be collected by the State, in addition to administrative sanctions.

Section X. Administrative Sanctions

When the rules on administrative sanctions were examined, several delegations suggested that:

24. A system of exonerating, extenuating and aggravating circumstances for administrative liability, similar to that in criminal law, should be included in the proposal.

Section XII. Penal Sanctions

25. In the field of criminal sanctions, it was recommended that the different legal offenses contained in article 77 should each be dealt with in a separate article, rather than all together. It was also recommended that a new criminal offense for fraudulently presenting false information when applying for an environmental license should be included.

26. It was recommended that environmental criminal offenses by members of indigenous communities should fall under extenuating or even exonerating circumstances when the punishable acts are committed in the place where they have traditionally dwelled and are the result of age-old cultural habits. It was also recommended that special laws be enacted concerning the criminal liability of legal fictions and others in legal systems whose penal codes do not include them.

27. One delegation suggested that the additional punishment of disqualification established in article 80 of the proposal should not be twice the length of the sentence, but rather up to 20 years.

B. RECOMMENDATIONS CONCERNING THE SPECIAL PART

Title I. Renewable Natural Resources

Chapter I. Common Norms

One delegation recommended that:

28. A workshop should be held on the compatibility of property rights and the right to a healthy environment.

Two delegations recommended that:

29. Public domain assets should be clarified in the second paragraph of article 91.

30. The conflict that may arise between articles 91, 93 and 96 and the constitutional provisions of some countries should be clarified and examined in detail.

One delegation recommended that:

31. A general principle to promote communal participation in the sound use of natural resources, in accordance with cultural practices, should be established in article 90.

One delegation recommended that:

32. Provisions concerning cross-border pollution should be included, particularly in reference to watershed protection.

Two delegations recommended that:

33. For purposes of article 110, item a), the real value of water and other resources, such as fuel, should be taken into account.

One delegation recommended that:

34. The existence of Interinstitutional Water Resource Commissions should be mentioned in article 113.

Title IV. Environmental Emergencies and Disasters

Sole Chapter

One delegation recommended that:

35. The concept of environmental disaster should be defined.

36. Matters concerning environmental disasters should be regulated through special laws, taking care not to enter into conflict with constitutional provisions.

37. With regard to articles 150, 152 and 156, one delegation recommended that the listing should be illustrative and not specific.

Title VIII. Protection of Health and Quality of Life from Adverse Environmental Factors

Sole Chapter

One delegation recommended that:

38. The phrase "whenever possible" should be added after "controlled" in article 164, item b).

39. A provision aimed at gaining greater participation of the countries of Central America in international agreements on atmospheric protection should be included.

II. RECOMMENDATIONS OF THE MEETING OF LEGAL EXPERTS OF THE MEMBER STATES OF THE CENTRAL AMERICA COMMISSION ON ENVIRONMENT AND DEVELOPMENT FOR CONTINUATION OF THE PROCESS TO IMPROVE ENVIRONMENTAL LEGISLATION AND ITS ENFORCEMENT IN THE COUNTRIES OF CENTRAL AMERICA AND PANAMA.

1. That the Central American Commission on Environment and Development and the Central American Inter-Parliamentary Commission on Environment and Development should adopt an environmental legislation programme for the countries of the region aimed at conducting the following activities, among others:

A. Activities linked to identifying and evaluating the environmental legislation in force in Central America and Panama.

   a) Establish and maintain in operation an Information System on Environmental Law in each of the countries of the region, on line with the UNEP-ROLAC Information System on Environmental Law.

   b) Support evaluation studies on the efficiency and effectiveness of environmental legislation in force in the same countries, and formulate a legislative policy for improving environmental legislation and its enforcement in those countries.

B. Activities linked to the development of environmental legislation and its enforcement in Central America and Panama.

a) Contribute to the formulation of a programme of activities to improve environmental legislation and its enforcement in the countries of the region, based on the diagnostic studies conducted.

b) Provide technical assistance in formulating and approving basic laws on environment and sustainable development, as well as in preparing and/or signing and/or ratifying global, regional, subregional and bilateral international instruments considered essential.

c) Provide technical assistance in adapting and harmonizing the national legal system to these new laws and to international law through the legislative bills required.1

d) Provide technical assistance, at the request of the countries, to prepare and issue the principal regulations of the new environmental laws.2

e) Promote, on a continuous basis, dialogue and cooperation among the Governments of the countries that comprise the region on planning and conducting such activities, so that these advances are made on a joint basis.

C. Activities linked to teaching, researching and disseminating environmental law applicable to the countries of Central America and Panama, as well as to the training of their legal operators.

a) Prepare and promote the publication of regional environmental law texts and materials that take into account the needs of the countries of the region in the field of teaching, research and dissemination of environmental legislation, as well as its development.

b) Prepare programmes for the dissemination of environmental legislation in the region.

c) Conduct consultations and sign agreements with appropriate institutions to give post-graduate courses in environmental law of the region.

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(1) This will involve a review of laws on natural resources, human settlements, environmental sanitation, and so forth, and of other provisions that have an effect on environmental management.

(2) In principle, all regulations on water, land and air pollution and on noise, waste and agrochemical products.

d) Promote the training of lawmakers and environmental legal operators (administrators, judges and lawyers) in the field of environmental law.

The results expected are:

i) An Information System on Environmental Law will be established in each of the countries of the region.

ii) The environmental legislation in force in the region will be improved through the approval of basic laws on environment and sustainable development in each of the countries of the region

iii) Global, regional, subregional and bilateral international agreements considered essential will be prepared and/or signed and/or ratified.

iv) The legislative bills required to adapt the national legal system and bring it into line with the new laws and international environmental law will be prepared and approved.

v) The principal regulations of the new environmental laws will be prepared and issued.

vi) Environmental law texts and materials that take into account the needs of the countries that comprise the region in the field of education, research and dissemination of environmental law and its development will be prepared and published.

vii) A Programme for the dissemination of environmental legislation of the region will be prepared.

viii) Agreements with appropriate institutions to give post-graduate courses in environmental law of the region will be entered into.

ix) Lawmakers and environmental legal operators (administrators, judges and lawyers) will be trained in the field of environmental law.

2. That, within the framework of this programme, special activities should be designed to carry out follow-up in each country on the discussion and approval of the bill for a Basic

Law on Environmental Protection and the Promotion of Sustainable Development and its regulations.

3. That encouragement should be given to seeking forms of financing for the activities described in the previous paragraphs.

4. That both Commissions should promote the establishment of a Central American Environmental Legislation Committee to oversee the implementation of these activities.

III. RECOMMENDATIONS OF THE JOINT MEETING OF THE CENTRAL AMERICAN COMMISSION ON ENVIRONMENT AND DEVELOPMENT AND THE CENTRAL AMERICAN INTER-PARLIAMENTARY COMMISSION ON ENVIRONMENT AND DEVELOPMENT CONCERNING THE PROPOSAL FOR A BASIC LAW ON ENVIRONMENTAL PROTECTION AND THE PROMOTION OF SUSTAINABLE DEVELOPMENT FOR THE COUNTRIES OF CENTRAL AMERICA AND PANAMA (Mexico City, 27 January 1993).

The Meeting endorsed the Final Report of the Legal Experts, with the following additional recommendations:

1. The delegation of El Salvador reiterated the suggestions that appear below and are not sufficiently reflected in the Final Report:

A) That a workshop should be held on basic institutional aspects of an environmental management system;

B) That a workshop should be held on how to make comprehensive use of United Nations conferences and meetings;

C) That the Central American Commission on Environment and Development (CCAD) should support exchanges between the National Environmental Commissions (CONAMA) on a more regular basis;

D) That a regional agreement should be signed to adopt the basic principles that will cover the lack of explicit mention of environmental protection and the promotion of sustainable development in the constitutions;

E) That steps should be taken with UNEP and UNDP to hold a Regional Seminar in el Salvador concerning follow-up on the Rio agreements, in which:

a) The agreements and declarations adopted in Rio would be disseminated;

b) Information on institutional agencies within the United Nations would be provided for conducting follow-up on the Rio agreements, in addition to information on opportunities for technical and financial support.

c) A Central American Action Plan for follow-up on Agenda 21 would be presented.

F) That a Central American Committee on Environmental Legislation should be urgently established within the Central American Commission on Environment and Development (CCAD), with immediate responsibilities such as:

a) Formulation of a proposal for workshops or seminars to prepare model forestry laws and model laws on property and environmental rights, transboundary movements of toxic wastes, waters, biodiversity, climate change, dumping control, solid wastes, control of trade in endangered species, environmental impact assessment, environmental education and the establishment of a national green seal programme;

b) Preparation of project profiles for these activities, including the budget required to carry them out;

c) Steps to obtain financial resources with the support of the Central American Commission on Environment and Development (CCAD);

d) Preparation of a Regional Programme that would include the costs required to approve and enforce a basic environmental law, indicating the contributions of the Central American Governments and the contributions to be requested through international cooperation.

2. The delegation of Costa Rica recommended that the law proposal be approved in general terms so that each country could accept it and adapt it to its unique features, in accordance with its legal and institutional structure and its social, economic and cultural conditions, through negotiation and consultation with all the sectors of society.

3. The delegation of Honduras suggested that environmental ministries should be established instead of National Environmental Commissions.

4. The delegation of Guatemala considered it advisable, in article 56 referring to the National Fund on Environment, to include the rates that the National Environmental Commissions should charge for their services in examining environmental impact assessment studies.

5. Several delegations recommended that the time periods for implementing the law should be expanded, since the periods proposed seemed to be excessively short.

6. The delegation of El Salvador referred to the advisability of holding a day-long seminar to provide the Presidents of Central America with information within the framework of one of the presidential summits to be held. It was also suggested that an Central American Business Council for Sustainable Development should be established and that its representatives should be invited to participate as observers at the meetings of the Central American Commission on Environment and Development (CCAD) and the Central American Inter-parliamentary Commission on Environment and Development (CICAD).

IV. RECOMMENDATIONS OF THE JOINT MEETING OF THE CENTRAL AMERICAN COMMISSION ON ENVIRONMENT AND DEVELOPMENT AND THE CENTRAL AMERICAN INTER-PARLIAMENTARY COMMISSION ON ENVIRONMENT AND DEVELOPMENT FOR CONTINUATION OF THE PROCESS TO IMPROVE ENVIRONMENTAL LEGISLATION AND ITS ENFORCEMENT IN THE COUNTRIES OF CENTRAL AMERICA AND PANAMA.

The Meeting also endorsed the recommendations of the Meeting of Legal Experts, with the following comments and suggestions:

I. The representative of Nordic Cooperation requested that, in reference to the processing of financial support for development of the programme on the part of his agency, the request should be broken down and submitted as national projects. He underscored the advisability of selecting a consultant to standardize the diverse projects.

II. The delegate of El Salvador indicated that the National Environmental Commissions, in the countries where they exist, should be the national counterparts of the donor agencies.

III. The delegations decided that the legal experts of the different Governments who participated in the Meeting held on 25 and 26 January 1993 should form an *ad hoc* working group to collaborate with the Executive Secretariats of CCAD and CICAD in follow-up on the programme to improve legislation and its enforcement.

IV. The delegations agreed to ask UNEP-ROLAC to publish and distribute the Proposal for a Basic Law on Environmental Protection and the Promotion of Sustainable Development for the Countries of Central America and Panama, in addition to a synthesis of the main recommendations of the Meeting of Legal Experts and of the Joint Meeting itself.

PUBLICATIONS OF THE INFORMATION SYSTEM ON ENVIRONMENTAL LAW OF THE UNEP OFFICE FOR LATIN AMERICA AND THE CARIBBEAN

ENVIRONMENTAL LEGISLATION SERIES, Nº 1

Legislación Ambiental General en América Latina y el Caribe.
UNEP, Mexico, 1992, 467 pages.

ENVIRONMENTAL LEGISLATION SERIES, Nº 2

Derecho International Regional.
UNEP, Mexico, 1993, 629 pages.

DOCUMENT SERIES ON ENVIRONMENTAL LAW, Nº 1

Proposal for a Basic Law on Environmental Protection and the Promotion of Sustainable Development. UNEP, Mexico, 1993, 93 pages.

DOCUMENT SERIES ON ENVIRONMENTAL LAW, Nº 2

Current State of International Environmental Law in Latin America and the Caribbean. UNEP, Mexico, 1993, 102 pages.

Journal of Environmental Policy and Law in Latin America and the Caribbean. Volume 1, No. 1, January-April 1994, Buenos Aires (joint publication of the United Nations Environment Programme and the Environment and Natural Resources Foundation).