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Relations with Communities Management System



Reference
Manual for the
Application of
Socio-
Environmental
Regulatory
Frameworks in
Latin America &
the Caribbean

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Reference Manual for the Application of Socio-Environmental Regulatory Frameworks in Latin America & the Caribbean

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1.0 INTRODUCTION

1.1 GENERAL CHARACTERISTICS

This Reference Manual on the Application of Socio-environmental Regulatory Frameworks is part of the Community Relations Management System of the Regional Association of Oil and Natural Gas Enterprises in Latin America and the Caribbean, ARPEL, within the scope of its project “Sustainable Development of Communities” and its commitment to social responsibility. This manual has the purposes of providing an easier knowledge and application of the relevant socio-environmental regulations for the relations of companies with communities in the countries of this Region.

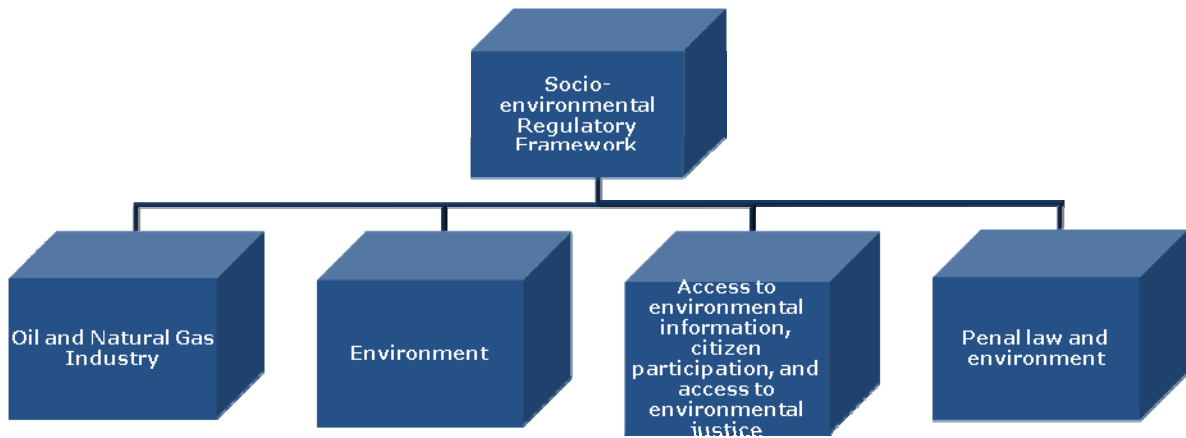
This manual has the following contents:

- 1) Identification of the basic aspects of the legal system in socio-environmental matters of each of the countries in the Region, the various legal entities forming the legal system, most characteristic elements thereof, and the most recurrent concepts used, in order to provide the manager of community relations with a comprehensive and practical vision of this ambit of management and its operation in practice;
- 2) Analysis of the obligations provided in the laws of countries in the Region upon the oil and natural gas companies in respect of timely and full consideration of the rights and interests of communities in their projects and industrial activities; and
- 3) Matters which are subject to laws setting forth the processes of the industry's relations with the communities, as illustrated in Figure 1, and the following detail:
 - a. Sector-specific laws for activities in the oil and natural gas industry, in relevant aspects of its relations with the communities.
 - b. Socio-environmental laws.
 - c. Laws on access to environmental information, citizen participation, and access to environmental justice.
 - d. International treaties, multi-lateral conventions, and other agreements on the environment and socio-cultural aspects of a regional and global nature.
 - e. Penal aspects of the environmental laws.

A fundamental aspect of the Region's regulatory frameworks refers to the plans for closure and abandonment of hydrocarbon exploration and production sites, as well as the facilities linked to midstream and downstream activities.

Given the high specificity of the contents of these matters, they will not be addressed in this Manual, but shall be borne in mind when planning the legal engineering of projects and activities that will be subjected to socio-environmental assessment.

FIGURE 1 - MATTERS OF LAW FORMING THE SOCIO-ENVIRONMENTAL REGULATORY FRAMEWORK



1.2 GENERAL RECOMMENDATIONS

This Manual is a reference guide for the application of Socio-environmental Regulatory Frameworks in management of community relations. It is advisable to keep an update of the contents of the annexes referring to the effectiveness of regulatory frameworks in countries of this region, with the assistance of the legal advisors in the oil and natural gas companies.

It is essential that the users of this Manual verify and supplement its contents with the legal advisors of the oil and gas companies associated to ARPEL, according to the needs and realities of each particular country, and mainly considering the following:

- a. That this Manual is an effort to provide easier understanding of the legal concepts to the managers of community relations, and in general, to users who have no juridical formation, intended for a practical application in management of community relations;
- b. That the contents of the socio-environmental regulatory frameworks of countries in this Region are subject to changes and ongoing updating processes by the governments, in response to the new social-political dynamics and circumstances;
- c. That this Manual does not seek to address, in a specific and comprehensive manner, the institutional framework and legality in effect in each of the countries in this Region, since the purpose of this Manual is to provide an illustrating orientation based on general guidelines.

1.3 OBJECTIVES

The Reference Manual on Socio-environmental Regulatory Frameworks in Latin America and the Caribbean has the purpose of:

1. Providing the managers of community relations of oil and natural gas companies operating in the Region, with a general knowledge on the following aspects of the regulatory framework:

- The institutional system in effect and legislation applicable to relations of the oil and natural gas industry with the environment and the communities;
 - The actual mechanisms provided in laws of the countries in this Region, defining the formalities, requirements and minimum contents that said companies are bound to comply with in environmental and community matters;
 - The contents of international agreements and treaties entered into by the countries in this Region on environmental protection matters, fundamental human rights, and citizen participation rights.
2. Serving as methodological guide for managers of community relations at oil and natural gas companies in this Region, for the proper application of the regulatory frameworks of each country.
 3. Implementing the principles in the Statement of Commitments by ARPEL, entered into in year 2005 by its members, by which the oil and natural gas companies agree to be proactive in the protection of the environment, health and safety of people, to comply with the laws of countries in which they operate, and to support the respect for fundamental human rights.

1.4 WHY IS IT NECESSARY TO KNOW THE SCOPE OF THE REGULATORY FRAMEWORK FOR MANAGEMENT OF COMMUNITY RELATIONS?

The projects and activities developed by the oil and gas industry generate socio-environmental impacts which appear both in the quality of life, health and public hygiene, customs and traditions, life systems, culture and heritage of communities, as well as in the environment and components thereof.

On this account, the generality of the regulatory frameworks of countries in this Region provide mechanisms to safeguard the rights of citizens with may eventually become affected by the activities and operations of companies, and equally set forth the ways to activate these rights or make them effective.

The convenience for companies associated to ARPEL to consider the socio-environmental content of the Regulatory Framework of each country for management of community relations is based on the following:

1. The growing need for social-political stability of operations to count with a technical-juridical certification in order to vouch for the status of full legal compliance ("Legal Floor") from each of the projects or activities of this industry, through regular and independent assessments of legal compliance (legal audits).

This essential juridical certainty is, furthermore, an essential element for decision making in matters of investment funding projects, which may be disseminated by the company to the communities and their stakeholders, as part of the responsible conduct of "good citizens".

2. The possibility of using the contents of mechanisms provided by the Environmental Impact Assessment Systems (EIAS) as an irreplaceable opportunity and most beneficial for projects or activities of this industry, in order to identify, contact, and involve the communities and stakeholders, using the processes and mechanisms of citizen participation as from the earliest

stages, which – if properly utilized – contribute to decrease the costs of insertion and permanence, and to minimize the possible judicialization.

3. The opportunity to identify the scopes of the socio-environmental impacts, specifically as regards the primary and secondary rules on environmental quality, emission standards, development of socio-environmental baseline studies, proposal of mitigation, repair, and setoff actions, protection and safeguarding of environmental and social values, and ensuring standards of compliance with technical parameters;
4. The need to have a resolution on environmental approval (“Environmental License or Title”) that is sufficient in law, in order to:
 - a. Grant legal and political security to investment;
 - b. Obtain juridical certainty by a government authorization as safeguard against any negative socio-environmental impacts that may occur;
 - c. Reduce the administrative discretionary effects to a minimum and prevent arbitrariness from officers.
 - d. Strengthen property rights.
5. The possibility of annulling or discouraging possibly biased and unilateral juridical-political interpretations of eventual environmental damages generated by the oil and natural gas projects and activities in the surroundings, and that may give rise to expropriation processes of industry operations. These eventual expropriation processes may be based, among others, on the existence of socio-environmental liabilities, and that in the future, from a nationalist perspective of environmental economy, may be posted as irrecoverable losses of natural capital. For further detail, please see the [Manual of Socio-environmental and Reputation Risks](#).
6. The convenience of including analyses of physical-chemical and social elements in the closure and abandonment plans of industrial facilities, that are in accordance with:
 - a. the technical socio-environmental criteria set forth in the regulatory frameworks of these processes;
 - b. the respective contents of the Studies and Resolutions of socio-environmental impact assessment;
 - c. the inter-sector agreements of mutual benefits and cooperation between companies and the community.
7. The juridical certainty in respect of the unrestricted compliance with the “Legal Floor” confers security to decision making in respect of additional and voluntary initiatives from the companies in matters of “Technical Maximum” and “Social Optimum”, minimizing the socio-environmental and reputation risks of these investments.
8. The status of full compliance with the “Legal Floor” creates the Basic conditions for the supplementary implementation of voluntary mechanisms which generate intangible value for the company, such as:
 - a. Implementation of certification of processes and results through regulations and standards such as ISO 140001, OHSAS 18001, GRI, LEED, etc.;

- b. Socio-environmental validation to apply for funding of industrial projects or operations from international banks under the scheme of *Project Financing* in the framework of the “Equator Principles”, and which have the purpose of supplementing the requirements of the socio-environmental frameworks in countries of this Region through additional commitments to the community and the environment;
- c. Adoption of global principles as guidelines for multinational companies in the OECD, the World Pact of United Nations; and
- d. Accreditation of compliance with requirements to access the global sustainability rankings, such as the stocks of exchange, i.e., Dow Jones Sustainability Index (DJSI), ISE of Bovespa, among others.

2.0 BASIC CHARACTERISTICS OF THE REGULATORY FRAMEWORK

2.1 REGULATIONS ON MANAGEMENT OF COMMUNITY RELATIONS

In general, the regulatory frameworks in Latin America and the Caribbean have great similitude as to the nature, formalities, and requirements in the provisions that apply to community relations.

1. The socio-environmental aspect is addressed in most of the countries mainly by means of two environmental management instruments which are interrelated, such

as:

- a. The Environmental Impact Assessment Systems, EIAS; and
 - b. Participation or intervention of the community in the procedures set out in the EIAS.
2. In parallel, there are sector-specific laws to regulate specific aspects of community relations, such as the indigenous legislation and legal acknowledgement of the rights of communities in general. Specifically, the relevant regulations on management of community relations are present in the fields of:
 - a. Citizen access to socio-environmental information;
 - b. Provisions relating to public safety, health and hygiene;
 - c. Information on the potential risks that may arise from the environmental impacts from projects or operations, and eventual damages that may be caused to the assets and heritage of the people and the community.
 3. In order to minimize the costs of the insertion and/or permanence process, it is key to define and circumscribe in advance the scopes of the socio-environmental concepts that usually cause the most discrepancies between the various "stakeholders" involved in the process of community relations, such as:
 - "environmental value of the territory",
 - tourism or landscape value",
 - "archaeological and anthropological value",
 - "encumbrance of customs and cultural values",
 - "significant effects on human health",
 - "re-location of human groups or communities",
 - "negative effects on the environment",
 - "rites, practices, and ancestral customs".

Given the insufficient definition of these concepts in the laws of the Region, it is essential to attain early clarification of and consensus on the meaning attributed by the impacted communities, before facing the processes of citizen participation intended for the phases of socio-environmental impact assessment.

2.2 SECURITY OF INVESTMENT AND JURIDICAL CERTAINTY

Government authorizations of socio-environmental impact assessments of projects or operations of the oil and natural gas industry in the Region constitute administrative resolutions which generally do not provide sufficient juridical certainty for the stable development in time of such projects or operations, or for political security required by any capital investment. (For further information, please

see the [Manual on Socio-environmental and Reputation Risks Management](#)).

In fact, the approbatory resolutions arising from the socio-environmental impact assessment processes that are issued from administrative jurisdictions in the various countries are limited to granting a precarious legal protection to projects or activities to be executed or modified.

In most cases, there are no proprietary or ownership rights that the owners of record may unrestrictedly use. Rather, the approving resolution solely constitutes a permit granted on a merely discretionary basis by the State, thus, may be unilaterally revoked, annulled, modified and forfeited at any time by the administrative authority which issued such resolution.

Without prejudice to any judicial actions and jurisdictional resources that the companies may file against the State and local governments for the modification, revoking, or cancellation of the socio-environmental authorizations, or for the unilateral closure of facilities or operations, the political importance of this legal precariousness is highly significant to the oil and natural gas industry, on account of the following considerations.

1. In the current juridical format of regulatory frameworks in this Region, the rights conferred to the owners of record by the approving resolution of environmental impact studies are rather of a lower rank, such as for example, the right to carry out their industrial activity.
2. In consequence, owners have very precarious legal protection, since the production and industrial facilities may be unilaterally closed by the authorities, which are furthermore entitled to modify, revoke, cancel or annul the socio-environmental authorization, transitorily or permanently, without stating the reasons. In such cases, companies may only react by asserting their rights, litigating against the Government, public services or Government Agencies that shall have acted arbitrarily.
3. Socio-environmental authorities of countries in this Region hold legal powers to close and suspend any facilities and activities of any industrial operation or plant at any time, with no other risk than that of losing in trial a specific legal interpretation and paying limited amounts of indemnities, that shall in no case be equivalent to the total losses of oil companies that may be forced to face situations such as this.
4. Even in the event of socio-environmental damages caused by projects or activities which are authorized to operate in the framework of the environmental impact assessment system, and provided the oil company has complied with the appropriate technical standards, such company is acting within the effective legality. In the event the company shall be subjected to legal actions by the community and any third parties for damages caused, the company is entitled to

legally act against the State. The above, given the condition of co-liability of the State in the development of the juridical-technical framework on the basis of which the development of that particular activity was authorized.

5. On the contrary, in the same damages scenario described above, the oil company would have no right to legally act against the State and Public Services thereof if the company has not obtained a socio-environmental resolution or authorization to act within the effective laws considered in the EIAS or has failed to fully comply with its technical requirements.
6. If the company is acknowledged as owner of the socio-environmental rights contained in the issued approving resolution, that is, that such resolution shall be part of its assets or property rights, such resolution could not be subject to modification, revoking, expiration or cancellation, without a prior jurisdictional action of dispossession (“due process”) or payment of indemnity based on the juridical cause of an eventual expropriation of the ownership right contained in the socio-environmental resolution.
7. Finally, the almost total absence of property rights in the environmental impact approving resolutions and existence of comprehensive governmental discretionary powers for granting socio-environmental permits for the operation of projects or activities opens up a space – among other effects – to estimate in economic terms the socio-environmental damages and liabilities caused by the companies, and to impute the rehabilitation, repair and restoration directly to the industrial operation.

2.3 LEGAL COMPLIANCE (“LEGAL FLOOR”)

For the purposes of the Community Relations Management System, compliance with the regulatory framework constitutes what is known as “legal floor”, which conditions and governs the acts that have juridical consequence derived from the participation and interaction of the industry with the community and competent authorities,

pursuant to the institutional framework in effect.

2.3.1 Definition of Legal Compliance (“Legal Floor”)

Legal compliance or legal floor means to abide by legal provisions and regulations in effect, in the ambit and content of the definitions below:

- a) **In broad terms**, the concept of “Legal Floor” refers to the set of legal and regulatory provisions containing minimum requirements of a technical and social nature (some are merely formal, such as a modification to the use of soil), issued by the competent authorities in each country of this Region, and by which certain conducts are required, permitted or prohibited.
- b) **In specific terms**, the “Legal Floor” may be defined as the condition of full and unrestricted compliance with the general regulatory frameworks and sector-specific regulations of each country, which shall be vouched for and credited through socio-environmental assessments of the companies’ activities and operations, and the results of which may be informed in the companies’ sustainability reports.

2.3.2 Characteristics of the “Legal Floor”

The general characteristics of the socio-environmental legal floor in this Region are the following:

a) The contents of regulatory frameworks, while inherent to and specific of each country, are attributable to regional outlines and standards.

The legal floor, as a basic requirement under the regulatory framework that the industry should comply with, depends on the contents of the laws in effect in each of the countries where oil companies` projects or operations are developed and implemented. However, there are certain environmental management instruments, such as the Environmental Impact Assessment System, the procedural mechanisms of intervention or participation of the communities, and certain legal definitions, such as the figure of Environmental Damage, which have become standardized and are applied practically to all the situations set forth in the socio-environmental laws in effect in Latin America and the Caribbean.

b) Regulatory frameworks set forth duties and authorities

Regulatory frameworks establish a correlation between duties and authorities, to the effect that they set duties upon one or more subjects, while granting authorities to other or others. In front of a bound person there will always be an authorized person, and that implies the possibility of one person demanding from the other compliance with the obligation contained in the law. Thus, it is very important for the industry, or in this case, each manager of community relations to know the “Legal Floor” on which his/her activity shall be based, since in this manner, possible conflicts of juridical order may be anticipated or prevented.

c) Regulatory frameworks include both technical and social issues

The “Legal Floor”, in addition to being determined by the laws in each country, may be extended and widened to technical and social aspects that were not part of their contents, but solely voluntary elements added or attached to the “Legal Floor” through negotiations held within the framework of the Environmental Impact Assessment System and/or formal agreements entered into by companies directly with the community, until conforming the “Technical Maximum” and the “Social Optimum”.

It should be borne in mind that the voluntary elements may come to be deemed legally obligatory in the event these elements are formalized through written agreements entered into between companies and communities, or by the configuration of certain situations which, due to their nature, may be considered as true contractual obligations for the company.

2.3.3 Compliance with the Legal Floor

Oil and Natural Gas Companies in Latin America and the Caribbean shall ensure full and unrestricted compliance with the general regulatory frameworks and sector-specific regulations in each country, within the scope of their commitment to Sustainable Development, as a prior and essential condition for an effective management of

community relations.

This fact may be certified and eventually credited by the companies themselves through internal and/or external assessments (“assessments”) of socio-environmental law compliance, subject to verification by

third parties at any time. The process for certification of legal compliance is of interest not only for the shareholders or owners of the oil and natural gas companies, but equally for all of the stakeholders in the industry.

The results of these evaluations, including non-compliance, penalties, and fines set by the authorities, may be regularly informed to the stakeholders, through indicators used worldwide for the development of sustainability reports, and particularly, as recommended by the Global Reporting Initiative in its guide GRI G3, 2006. The compliance status shall be informed in a document of public nature issued by the company, as a "Sustainability Report", including technical indicators of environmental and social performance, related directly to the parameters contained in the Legal Floor, as well as any available information on the mechanisms for inquiry and participation of stakeholders and commitments undertaken thereby.

In particular, it is highly advisable to inform the indicators set forth in Annex 1 "Indicators of Socio-environmental Laws Compliance". For further information on Communications and Reports on compliance performance, please see the [Manual of Communications and Reporting](#) of the Community Relations Management System of ARPEL.

3.0 HIERARQUICAL STRUCTURE AND CHARACTERISTICS OF THE JURIDICAL SYSTEMS IN THE REGION

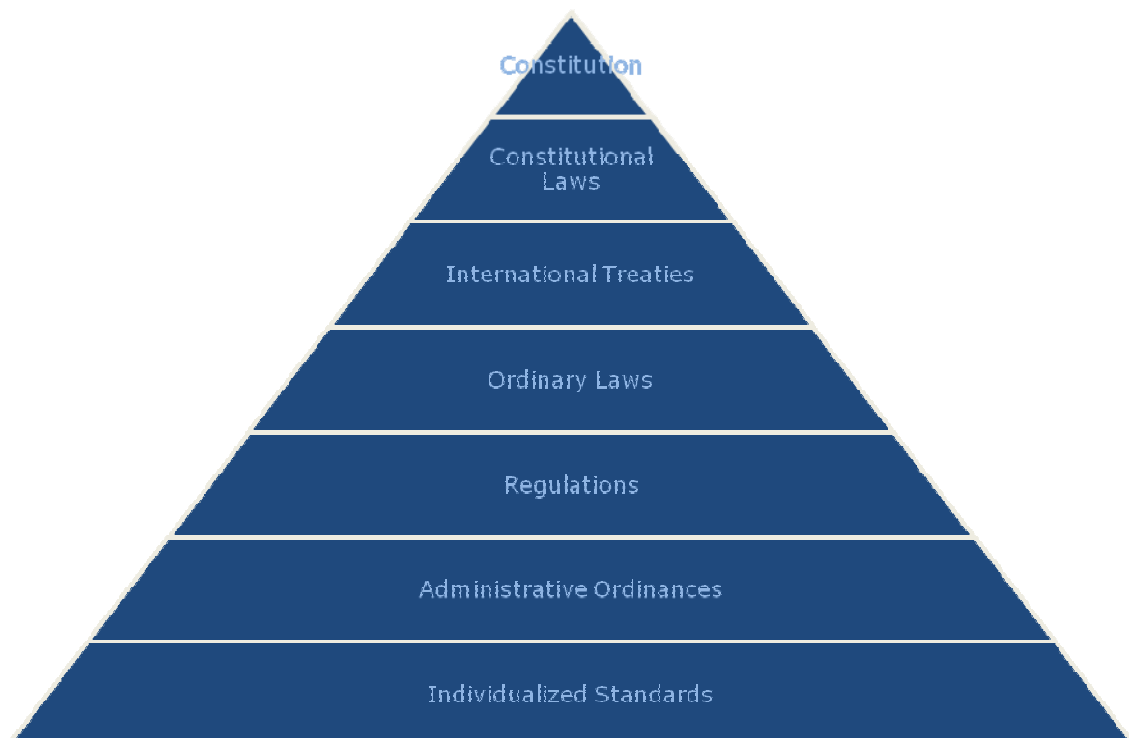
3.1 TYPES AND RANKS OF THE LEGAL BODIES

The juridical structures forming the basis for the constitutional state of countries in this Region are ranked in a manner such that they are not in conflict, but form an integrated whole. Thus, the various legal bodies are interrelated in keeping with a hierarchy, coordination, and dependency.

In countries in this Region, as in most modern juridical systems, a set of regulations acquires unity when the validity of all of them derives from a regulation of higher rank, on which they shall be supported. This higher rank regulation is called **Political Constitution of the Nation**.

Laws are divided into different types of legal bodies ranked in the following hierarchical order: Constitution, Constitutional Laws, International Treaties, Ordinary Laws, Regulations, Administrative Ordinances, and Individual Regulations.

FIGURE 2 – TYPE AND HIERARCHY OF LEGAL BODIES



In certain countries, the hierarchical order of the legal bodies may be different, and vary in respect of the model indicated above, specially as regards the juridical status of international treaties. Therefore, at the time of applying the legal framework of each country, it is necessary for the manager of community relations to know the following:

- a) The hierarchical order of the various legal regulations, and
- b) The meaning and characteristics of the various legal bodies forming the regulatory framework applicable to the industry in a specific country or locality.

For an adequate understanding of the juridical system prevailing in each country, particularly in respect of the legal bodies or laws included in the five subject matters mentioned in the Introduction of this Manual, the main characteristics thereof are described below.

3.2 CONSTITUTION

The Constitution is the basic and fundamental juridical instrument to represent the main principles, rights, and duties of people in the community, and thus, it is the first regulatory body where the socio-environmental contents applied to the oil and natural gas industry and matter of

this Manual should be sought.

The rights, such as the right to live, health, a sound environment, freedom of association, enterprise, property, etc., are considered human rights, and in general, are set forth and protected in the Constitutions of the countries in this Region, in the last few decades and in a relatively standard manner.

Most of Latin American countries have undergone a process of modernization of their public institutions, which reflects, among other things, in constitutional changes towards granting more protection to the human beings and the political and social circumstances surrounding them. In turn, the new constitutions set forth an important number of provisions referring to environmental protection and promotion of a model of sustainable development. This relatively recent phenomenon is known as the "greening" of Political Constitutions in the Region.

The inclusion of the right to sustainable development has gradually evolved, from a governmental conception or right-duty of the State to rationally and soundly use its natural capital, passing through the use of a diffuse and collective right by the community, towards a conception of individual right, where the economic growth, framed in a model of sustainable development must be combined with mechanisms of environmental protection, social equity, institutional transparency, and generational solidarity.

Another change which is evident is the fact that the environment has begun to be considered a human right, called "third generation right", and therefore, incorporated into the legal institutions of most of the countries in this Region; in some countries, in their Constitution, and in others, in environmental framework laws. Furthermore, this right has been acknowledged in various International Agreements, such as the Additional Protocol of San Salvador, 1988, the American Convention on Human Rights, and Agreement No.169 on Indigenous and Tribal People in Independent Countries, 1989, ratified in subsequent years by several countries of the Region.

The legal aspects to be sought in the Constitutions of countries of the Region to form the relevant legal constitutional frame for relations of companies with communities should include at least the following items:

- a. Sustainable growth
- b. Protection of natural resources
- c. The rights to life, health, and heritage
- d. Protection of the environment

FIGURE 3 - RIGHTS SET FORTH IN THE CONSTITUTION



3.3 ORDINARY OR SECTOR-SPECIFIC LAW

Ordinary laws are the general and abstract regulations arising from the Legislative Body of a Nation, upon compliance with the requirements set forth in the Constitution on the creation and sanction of said laws.

The laws conforming the regulatory framework applicable to community relations are the following:

- a. Laws relating to the environment;
- b. Specific laws regulating the oil and natural gas or hydrocarbon companies in their relations with communities;

- c. Laws on access to environmental information, citizen participation, and access to environmental justice;
- d. Environmental laws including penalties within the penal ambit.

3.3.1 Laws relating to the environment and social-cultural aspects

The environmental laws are the fundamental field containing most of the relevant regulatory aspects to be considered in relations of companies with communities. In Latin American and Caribbean countries, a legislative process has been developed in the last twenty-five years towards providing the countries with a truly environmental legislation. This process, still ongoing, has resulted in the enactment of “general” laws or equally referred to as

“framework” laws, which have influenced the development of the environmental legislation, through the creation of comprehensive regulations and numerous technical rules which jointly form the so-called “legal floor”.

In turn, the environmental legislation in countries of this Region has gradually and increasingly included more complex juridical figures. One reason for this higher complexity is the fact that currently, environmental management tends to be construed as an activity that includes all the components of the environment and not only human beings, that is, it takes the physical-chemical, biological, cultural, and social components into account.

The above translates into transformations in the regional administrative system which reflect in the creation of entities encompassing environmental management, and which, furthermore, have incorporated important de-centralization and social participation elements, such as the creation of environmental agencies or national commissions. The environment is currently a subject of the Nation.

Environmental laws have created a scenario of juridical relations between the Administration and the administered people which poses new challenges, such as the Environmental Impact Assessment System.

3.3.1.1 Environmental Impact Assessment System

The Environmental Impact Assessment System is an administrative procedure contained in an instrument of environmental management which has been implemented in the legislation of most countries in Latin America and the Caribbean. It has the purpose of setting out the effects of specific projects or activities on the environment, and sets forth the nature and magnitude of eventual undesired impacts. Thus, the competent authorities determine if the

Project or activity will be authorized or not, and under which terms it will be authorized, so as to ensure that any eventual negative effects identified through this instrument are mitigated or setoff.

This assessment system is developed in some countries by means of an Environmental Impact Study (EIS), more elaborate, or of an Environmental Impact Statement (EIS), less complex, depending on the characteristics, circumstances, and effects of the projected operation.

The EIS is the classic scenario where the oil industry and communities converge.

The characteristics of the Assessment System are described in more detail in Tool N° 1 “Mechanisms for Citizen Participation” in the Toolbox of this Manual.

3.3.2 Laws regulating Oil and Natural Gas Companies and their Relations with the Community

The regulatory framework includes specific laws of the legislation of each country in the Region, concerning community participation in projects relating to activities of prospecting, surveying, exploitation, storage, and distribution of hydrocarbons, which have special processes and requirements of interaction with the communities, given the complexity of the possible effects of such projects on the communities themselves.

3.3.3 Laws on Access to Environmental Information, Citizen Participation, and Access to Environmental Justice

The international trend is to provide, through the juridical way, mechanisms for people to ensure their right to know or become informed, to participate, and to have the possibility of obtaining judicial solutions to environmental conflicts. This right is acknowledged by international laws, mainly by Principle 10 in the Rio Declaration of the United Nations, and the Aarhus¹ Declaration, which points out the following:

“For citizens to enjoy the right to a healthy environment and comply with the duty to respect and protect such environment, they should have access to the relevant

environmental information, they should be legitimized to participate in the environmental decision-making process, and should have access to justice whenever such rights are denied thereto.”

These principles emphasize the importance for participation of civil society or the communities not to be occasional, but rather ongoing, aspect which should be considered by the community relations system of the oil and natural gas industry. Furthermore, these principles require that the community be fully and timely informed by the authorities and the industry.

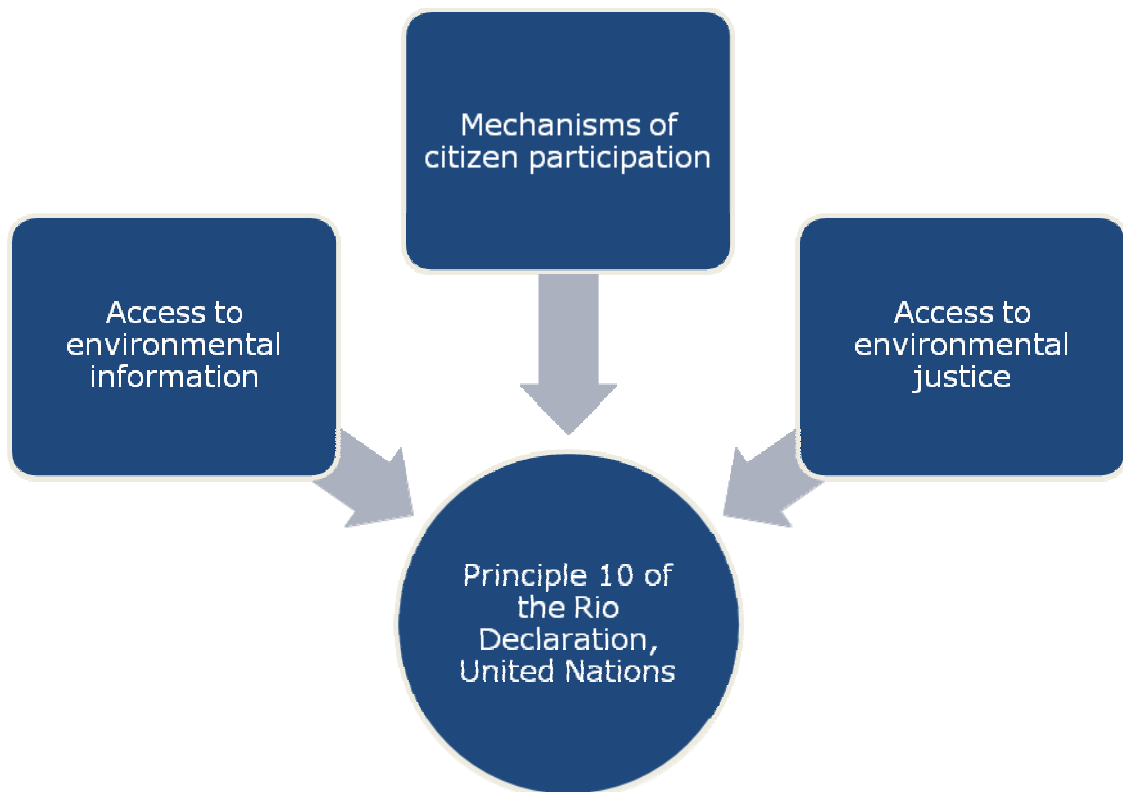
The nations of Latin America and the Caribbean have undertaken before the international community, the commitment to incorporate these rights, by signing the Rio Declarations, and subsequently, the Summit of Johannesburg, both of the United Nations. Some countries have acquired or deepened these commitments by entering into Free Trade or Environmental Treaties.

The appropriate principles may be acknowledged both at constitutional level and in the ordinary laws of each of the countries in the Region. In most cases, these concepts are set forth in the ordinary laws, on which account this Manual will be based on that model. There are three types of basic subjective rights which are relevant for community relations, as follows:

1. Access to environmental information
2. Mechanisms for citizen participation
3. Access to environmental justice

¹ European Convention on Access to Information, the Public’s Participation in Decision Making, and Access to Justice in Environmental Matters (Aarhus, June 25, 1998).

FIGURE 4 - SUBJECTIVE RIGHTS AND COMMUNITY RELATIONS



3.3.3.1 Access to Environmental information

Nations acquire a duty of transparency and commitment to become proactive in making environmental information available to the people, as well as to implement mechanisms that will guarantee the access to such information.

The concept of Environmental Information faces the difficulty of delimitation of its contents, since the concept of environment includes not only natural elements and their interaction, but human beings as well, and the repercussions on their health resulting from the status of the natural environment where they live in.

There is no precise definition of “environmental information”, but in general, it refers to information on the state of preservation of natural resources and their importance for biochemical balances and social-cultural aspects.

According to the United Nations *“The right to environmental information refers to the authorization for the Administration to inform or provide easy access to the information available thereto, whether written, audio-visual, or electronic, among others, and in relation to the environmental conditions, the activities or measures that may affect the environment or are required to protect it”.*

The right to access such information refers, on one hand, to issues of a general nature, or facts that have public relevance or interest, and to the obligations of the Government Administration to provide information to stakeholders on the administrative acts thereof and contents of certain documents. On the other hand, the fact that the obligation befalls on the Administration agencies, that is, entities such as State Departments, Province Governments, Governors’ Offices, among others, makes such entities

obliged to inform. And in some Nations, it may equally refer to the access to reports and background information on the private companies providing public utility services and public or semi-public companies.

It should be noted that there are certain exceptions to this principle, such as the issues of national security or issues that affect the intellectual property or financial interests of the companies. These latter are mainly present in the information processes of the projects subjected to the environmental assessment system.

We should then identify, as part of the regulatory framework, the laws in each country that relate to the access to public environmental information.

3.3.3.2 Mechanisms of citizen participation

Citizen participation mechanisms refer to public participation in environmental decisions. The participation processes require that, first, the principle of access to information be made effective.

Currently, citizen participation is an instrument of independent environmental management that connects to the Environmental Impact Assessment System. In most Latin American legislations, citizen participation is integrated as part of the structure of environmental management instruments, that is, of the tools used by the Law for environmental protection and minimization of the effects caused by human activities on the environment.

The purpose of this mechanism is for the people to prepare and effectively participate in projects throughout the entire decision-making process in environmental matters, whether in the creation of standards of environmental nature or, in the case of oil and gas industry projects, in the assessment of the environmental impact to be created.

The participation set forth in the framework of the Assessment System of environmental projects requires special attention, since this is the classic space for citizen participation.

In order to develop the new production projects of this industry, environmental authorities require that project managers submit a summary of activities to be developed, as well as any observations and comments made by the citizens in formal processes of public participation and consultation.

The Toolbox of this Manual includes Tool 2 “Environmental Impact Assessment System and Community Relations” which contains specific questions to guide the community relations manager in the application of the concept, purpose and requirements from the EIAS, and to facilitate its use as an instrument for environmental management.

3.3.4 Access to Environmental Justice

The access to justice is the system through which the people may enforce their rights and/or settle disputes, under the general sponsorship of the State.

The access to environmental justice refers to the rights of people to resort to administrative or judicial processes whenever they deem that their right to public environmental information and participation has been violated. In other words, it is the right to obtain a prompt and complete solution from competent administrative or judicial authorities to any juridical

conflicts of environmental nature. It assumes that all the people have equal opportunities to access justice and obtain fair results, individually or collectively, regardless of such results being in the form of a judicial sentence or a jurisdictional equivalent, such as a compromise or conciliation. The possibility of resorting to these proceedings to enforce their rights (to life, health, heritage or human environment) makes citizen legitimization effective.

3.4 PENAL CODE

The Penal Law is the branch of Public Law that defines the offences and sets penalties. In the juridical order of the countries in the Region, these offences are mostly in the Penal Code. This Code has become increasingly important, due to the gradual inclusion of new types of conducts that cause damages to the environment.

In some countries, this new classification of offences has been a consequence of the commitments taken on in International Treaties, which impose the obligation to establish penal regulations as regards the environment. For example, in certain cases, penal penalties are not only set in cases of non-compliance by persons due to fraud, but equally in the case of wrongful acts or omissions.

a) Fraud

In penal law, there is a distinction between fraud and wrongful acts or omissions. Any deed that destroys or alters the juridical order may have different effects and liabilities. Liabilities depend on the fraud or wrongful act or omission of the person causing them. Fraud is *“the conscious will to commit a wrongful act”*², or any artifice or deceit used by any person to defraud another person. It is a fraud to act with malicious intent, and therefore, any person acting fraudulently incurs in liability.

b) Wrongful acts or omissions

Wrongful acts or omissions, on the other hand, refer to any deeds performed without intent or the will to do so. *“These deeds may be caused by want of skill (imperitia), negligence, carelessness or lack of care as required by the nature of the liability”*³. Despite not having the intention or will to cause certain effects, the law assigns responsibility to any person performing acts that cause damages with at fault, but in this case, penalties or sanctions are lower.

3.5 INTERNATIONAL AGREEMENTS OR TREATIES

International treaties are agreements of governmental nature, entered into in writing between two or more Nations and International Agencies, by which obligations and rights are created, and the parties thereto agree to comply with, upon compliance with the requirements of each country for the approval, ratification, and inclusion thereof into their legal system.

International treaties may consider different spheres, but for the purposes of company relations with communities, the relevant treaties are those referring to the following matters.

a) Environmental treaties,

² Rafael de Pina, Rafael de Pina Vara, “Legal Dictionary”, Porrúa Publishers, Mexico (1985)

³ Josefina Chacón de Machado and Carmen María Gutiérrez de Colmenares, “Introduction to Law”, Guatemala, Ediciones Superiores (1985)

- b) Trade agreements (inasmuch as they involve liabilities in environmental matters),
- c) Agreements relating to hydrocarbons and other fossil fuels,
- d) Treaties protecting flora, fauna or biodiversity.

3.6 REGULATIONS ON BIODIVERSITY

Latin American and Caribbean countries represent the Region with highest diversity of species in the planet (PNUMA). Many activities in the oil and gas industry in this Region are developed in areas of high biodiversity, such as for example, the Amazon, directly connected to public policies and citizen actions in matters of preservation and

protection of this biodiversity.

Laws on biodiversity in this Region – basically consisting in the protection of flora and fauna, national parks, and the systems of protected areas – are quite different from one country to the other. However, there are common trends towards the international context resulting from the Stockholm Conference on Environment and Human Development (1972), and subsequently from the Rio Summit on Environment and Development (1992). Laws are equally enriched by many international treaties, such as the Convention for the Protection of Flora, Fauna, and Natural and Scenic Beauty in America, more known as the Washington Convention. .

In some of the countries in the Region, the laws on this subject derive from the Constitutions. In most of the countries, these laws are contained in the ordinary laws, more specifically, the so-called framework laws regulating the environment, and equally specific laws, such as for example, Laws on Biodiversity, Protected Areas, or Wildlife.

3.7 MUNICIPAL RULES AND ORDINANCES

The function of rules is to explain and facilitate the application of ordinary laws. They have a lower hierarchical position than ordinary laws, and cannot vary or contradict the spirit or grounds of ordinary laws that these rules are regulating. Rules are of general application.

Municipal ordinances are the set of rules and regulations passed by the appropriate authorities, to be applied in a specific township (Municipio), district or territory. If such territory is a Federal State (for example, Mexico), such ordinances are called state ordinances; if the territory is the province of a Nation under a centralist regime (for example, Argentina), ordinances are called provincial ordinances, and if the territory is a Colony, colonial ordinances.

Since the projects in this industry are frequently executed in communities which are located within jurisdictional boundaries of specific townships, it should be noted that there are special ordinances applicable to the appropriate Municipality or District, specifically applicable to citizen participation. These forms of citizen participation are generally of an indirect nature.

4.0 APPLICATION OF THE REGULATORY FRAMEWORK TO MANAGEMENT OF COMMUNITY RELATIONS

4.1 CITIZEN PARTICIPATION AS INSTRUMENT FOR ENVIRONMENTAL MANAGEMENT

Citizen groups which are considered a political expression of the civil society have obtained the juridical acknowledgement in a wide majority of environmental and social legislations in effect in Latin America, and recently, in Caribbean countries. This acknowledgement has materialized under the generic name of "community", entity which acts in public life of the countries, with the purpose of institutionally legitimizing citizen participation in the assessment of environmental impacts that projects or activities may cause on the environment and a specific

"community".

Most of the environmental legislations have included and formally acknowledged political expressions of the organized community, through the implementation of an Environmental Management Instrument denominated "Citizen Participation". This instrument, in addition to being directly associated to the technical-political dynamics taken into account in the analysis of socio-environmental impacts in the various Environmental Impact Assessment Systems, has stressed the juridical structures of civil law in the Region, by acknowledging the existence and legitimacy of a subjective public right destined to protect and safeguard the natural condition of the so-called "collective assets of common use", in addition to life, health and heritage of the people.

These community groups are present and act, in general, under the form of citizen organizations having the status of a juristic person, through entities such as residents' associations, environmental and ecological organizations, national sustainable development councils, non-government organizations, and other similar entities that possess the common characteristic of being formed by the citizens of each country, and having complied with a minimum juridical formality in the process of constitution thereof.

4.2 ACTIVE LEGITIMIZATION AS FUNDAMENTAL ELEMENT OF CITIZEN RIGHTS

First, there is a difference between the current use of the concept of audiences/groups of interest or "*stakeholders*" and the purely juridical definition of such term.

From a wider perspective of Entrepreneurial Social Responsibility, the concept of "*stakeholder*" may differ from the juridical application of said concept, and thus include by extension a colloquial use that is generally serves the purposes of corporate management in communication strategies and strategic planning, extending and including

in its conceptualization any person integrating the community and equally other role-players of a collective or diffuse nature who are part of the civil society, but not citizens.

In the commonly accepted terminology of ESR, stakeholders include all the individuals or groups that are affected one way or another or may influence the future development of a company or organization, including leaders of opinion who may acquire contingent political weight and even have the capacity, in certain scenarios, of creating situations of social and reputational risk for the company.

From a juridical perspective, the *stakeholders* are solely “*the persons who have an interest in or relation with a business or enterprise, without the need to be owners or holders thereof, and who hold or possess an interest share in a project or activity*”⁴.

In turn, the concept of *shareholders* or *stockholders* is defined as “*the persons to the name of which equity shares are registered in the registries of a corporation or the beneficiaries of shares issued or assigned to the bearer by the registry of shares in a corporation*”⁵.

For the purposes of application of the regulatory and citizen participation frameworks, “active legitimization” consists in the possibility, for the citizens having full juridical capacity, of acting administratively and/or judicially to request the protection of conditions, such as safekeeping the balance of an ecosystem or preservation of ancestral customs and ways of life of communities or human gatherings (in addition to their basic rights to defend life, health and their heritage). The above is no other than the legal power of complaint of the individuals pertaining to a community for non-compliance or late or delayed compliance with socio-environmental obligations.

4.2.1 Existence of a “current committed interest” of the community

The strict right, the “interest” of *stakeholders* to intervene in citizen consultation and participation processes and to jurisdictionally use individual or collective legal actions, may not be based merely on expectations or aspirations of obtaining immediate material benefits, taking advantage of the current investment projects of oil and natural gas companies in prospecting and production operations subject to environmental assessment.

From a legal perspective, the “interest” of *stakeholders* should be based on the substantive aspects and merits directed to the juridical defense of constitutionally and legally consecrated rights, such as the protection of life and health of the people, and the defense of public and private property, which includes the environment. Therefore, the existence of legitimate rights of the community should be ascertained and differentiated from the concerns of a philosophical, religious or intellectual nature pertaining to the sphere of the human soul and not the real world.

The non-existence of this legitimate “interest” in the members of a community constitutes, from a juridical standpoint, the absence of the fundamental element which legally entitles such members to participate in citizen consultation and participation processes in the framework of socio-environmental impact assessments.

⁴ Black’s Law Dictionary, West Publishing Co., page 1412, Saint Paul, Minnesota, Seventh Edition (1999).

⁵ Black’s Law Dictionary, West Publishing Co., page 1419, Saint Paul, Minnesota, Sixth Edition (1990).

4.2.2 Juridical relevance of community participation

All of the legislations in Latin America and the Caribbean have included an instrument of environmental management denominated Community Participation in Environmental Impact Assessment Systems, which enables the various organized community groups to channel their position through the constitutional state in relation to the socio-environmental impacts resulting from industrial and

production operations.

The advantage of this mechanism is that it enriches the decision-making process so as to anticipate possible political and socio-environmental risks associated to the potential impacts of these projects, reinforcing the investment's security and juridical certainty.

According to Serrano (1992) *"in the case of socio-environmental problems, the appearance of this third actor (the community), together with public administration and the entrepreneur, is... a requirement of stability on the political system. Citizen participation will certainly broaden the horizons of information for the various environmental stakeholders being addressed. At the same time, it will contribute to a healthy building up of political awareness and the necessary social consensus on the environmental protection measures"*⁶.

The term community is used in socio-environmental laws both to designate the group of persons and citizens who hold the right to participate in the socio-environmental impact assessment procedures, and the politically organized entity that may intervene in the processes of prospecting, construction, installation, and start-up of projects or operations, if the impacts and effects thereof do not adjust to the regulatory framework in effect.

For such purposes, the members of the community should act represented by one or more formal or informal groups of people, for the defense and protection of environmental values and interests that are threatened or affected by the insertion or permanence of a project or operation in a specific area of influence.

The concept of community should not be mistaken for citizenship, since this latter, in a strict juridical sense, confers rights, which may be jurisdictionally enforced, both in an administrative seat (before public or sector-specific agencies) and in a judicial seat (courts of justice), collectively or individually.

It is in this context of legitimacy of community rights, or rather, of citizens, that the oil and natural gas companies should be able at all times to evidence and certify legal compliance with the general and sector-specific contents of regulatory frameworks ("legal floor) in effect in each country. The application of the principle of "progressiveness" may only be validly invoked in respect of new regulations, when companies are capable of demonstrating full compliance with the applicable legal framework up to that moment.

⁶ José Luis Serrano Moreno, in "Ecology and Law: Principles of Environmental Rights and Juridical Ecology, Comares Publishers, Granada 1992.

4.3 RELEVANCE OF VOLUNTARY MECHANISMS FOR SOCIO-ENVIRONMENTAL CERTIFICATION AND EQUATOR PRINCIPLES

In the context of this Manual, it is essential to clarify the role of voluntary mechanisms of socio-environmental certification in relation to compliance with the legal provisions contained in the effective regulatory frameworks in the Region, and application of the principle of progressiveness.

The voluntary mechanisms of socio-environmental certification, such as the ISO 14.000 series or OHSAS 18001, among other similar regulations, cause no effect of replacing or substituting the socio-environmental requirements and demands of the regulatory framework in

the various countries, but solely of authenticating the management processes and compliance levels with the quality standards of industrial and production processes of goods and services, without guaranteeing the results or final impacts thereof on the environment.

4.4 PRACTICAL GUIDE FOR APPLICATION OF THE SOCIO-ENVIRONMENTAL REGULATORY FRAMEWORK

STAGE 1: Knowledge of the Local Regulatory Framework

1. Get information on the regulatory framework applicable to oil and gas operations in your country. Include information on the specific effective regulations in the locality where the Project or operation is or will be developed (*highly relevant in Federal States or in relation to municipal or district ordinances*).
2. Request assistance from the legal counsel in your company or business unit in the process of gathering and systematizing information to complete the Matrix of the Regulatory Framework in your country, according to the format of Tool N° 1 "Matrix of Applicable Regulatory Framework", attached to the Toolbox in this Manual.
 - Adapt the matrix to the reality in each specific country, and eventually in the State or Region, Province, Town or District, according to the political administrative structure of each country.
3. Keep updated information on the Regulatory Framework applicable to your country.
 - Define a scheduled calendar for updating.
 - Ask the legal counsel to inform you of any modification to the laws or enactment of new laws or specific rules that are applicable and important to consider for management of community relations.

How to Adapt the Matrix of the Regulatory Framework?

Una herramienta útil es seguir el esquema propuesto en la “Matriz Analizada por País”, que se encuentra en el Anexo del presente manual. Las matrices entregan solamente el título de los tratados internacionales, o título de las leyes, reglamentos u ordenanzas que rigen en cada uno de los países de la Región, excepto en el caso de las constituciones, en las cuales se incorpora un análisis más detallado, por artículos, en relación a los temas materia de este manual. Estas matrices orientan la sobre la información que debe completarse e incorporarse, orientando al gestor de las relaciones con la comunidad respecto de los temas y los títulos de la legislación básica requeridas para su gestión.

The identification of regulatory aspects that are relevant for relations of the oil and natural gas industry of Latin America and the Caribbean with the community, present in the laws of each country in this Region, should consider the aspects described in Chapter 3 in this Manual, specially environmental laws, laws on hydrocarbons as related to the community, laws on access to environmental information, citizen participation, and access to environmental justice, and environmental penal laws.

A useful tool is to follow the scheme proposed in the “Matrix, Analyzed per Country”, found in Annex hereof. Matrixes only set forth the title of the international treaties, or laws, regulations or ordinances governing each of the countries in the Region, except for the case of Constitutions, which include a more detailed analysis, per article, in relation to the subject matters herein. These matrixes provide guidelines on the information to be filled-in and included, directed to the manager of community relations in respect of the subjects and titles of the basic laws required for such management.

This analysis should be regularly updated, and include the changes and innovations of the applicable regulatory framework, with the assistance of legal counsels of the oil and natural gas industries of each country in the Region.

STAGE 2: Analysis of the regulatory framework and relations of companies with the community

1. Assess the implications of the regulatory framework in your company's performance in community relations.
2. Learn about the principles and international treaties linked to the socio-environmental management which your company has entered into or voluntarily adhered to. Assess how they have been implemented and what procedures you may follow for application thereof.
3. Examine and survey (register) the environmental and social obligations entered into by the company through the processes of Environmental Impact Assessment. Follow up the manner in which these commitments have been complied with.
4. In relation to the obligatory mechanisms of information and citizen participation, assess how to create opportunities for ongoing interaction and dialogue. In new projects, consider such mechanisms as the starting point for designing your community relationship plan.
5. Analyze how the obligatory procedures of information and citizen participation can be an opportunity for a more ongoing involvement with the community and for the extension of instances and spaces of social dialogue.

STAGE 3: Evaluation of Legal Compliance

1. Learn about the results of the company's regular evaluation of its socio-environmental legal compliance:
 1. Effectiveness of licenses and environmental permits;
 2. Compliance with technical standards: emissions, liquid and solid residues, sound emission regulations versus legally permitted limits;
 3. Compliance with procedures of
 - citizen participation
 - access to information
 4. Registry of Incidents notified to the authorities;
 5. Penalties and fines for non-compliance.
2. Request external evaluation and verification of compliance.

STAGE 4: Registry System

1. Keep record of the historical performance of your company in compliance matters, covering the items addressed above.
2. Set a mechanism to register the processes of citizen participation in general, and hold discussions with stakeholders, placing on record who participates and the representation thereof, their statements, observations, comments, and questions, as well as the company's statements and proposals, the response to inquiries and commitments taken on thereby.

STAGE 5: Communication on Socio-environmental Legal Compliance

1. Keep communities informed on the applicable socio-environmental regulatory framework and the conditions for compliance.
2. Inform on compliance with aspects in regulations and/or laws in effect in the country..... included in the socio-environmental legal floor, including compliance with socio-environmental parameters committed through the EIAS, in your company's sustainability report.
3. Set mechanisms for regular communication to communities on the performance indicators of compliance with environmental standards (quality and emission standards).

5.0 TOOLBOX

INDEX

TOOL 1	Matrix of the Applicable Socio-environmental Regulatory Framework
TOOL 2	Environmental Impact Assessment System and Community Relations
TOOL 3	Diagram of community participation in the Environmental Impact Assessment System
TOOL 4	File to procure community participation in the EIAS
TOOL 5	Process of dialogue with stakeholders in respect of the Resolution of Environmental Qualification (RCA)

TOOL 1

MATRIX OF APPLICABLE REGULATORY FRAMEWORK

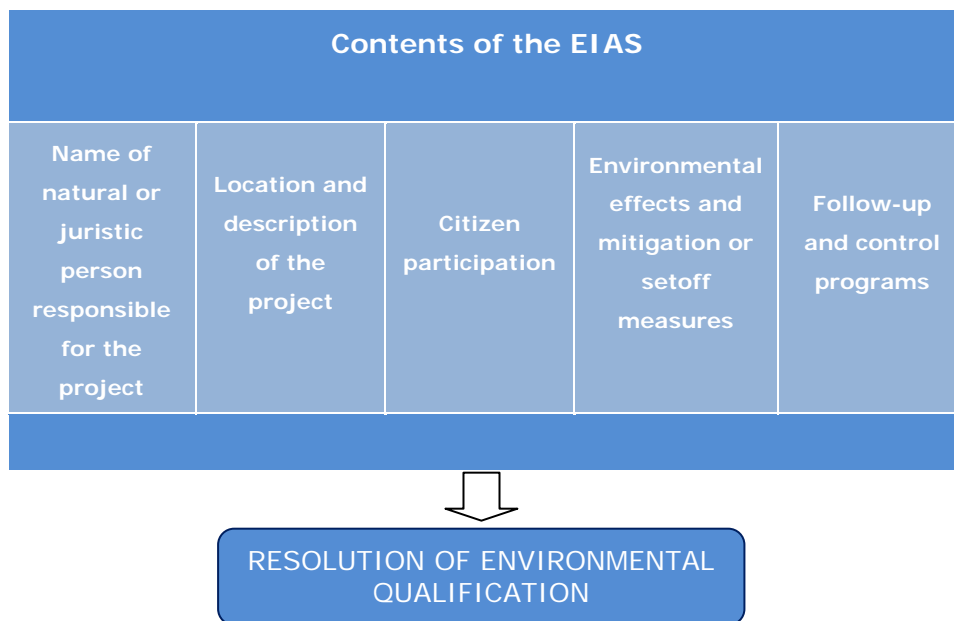
BACKGROUND INFORMATION	
COUNTRY	
STATE/REGION/PROVINCE	
TOWNSHIP/LOCALITY/ DISTRICT	
DATE	
INFORMATION PROVIDED BY <i>(Name and position)</i>	
APPLICABLE REGULATORY FRAMEWORK	
CONSTITUTION	<ul style="list-style-type: none"> a) Environment, sustainable development, and natural resources b) Remedies of protection of the environment c) The human right to the environment, life, health and property d) Indigenous people and access to justice
SECTOR-SPECIFIC LAWS	<ul style="list-style-type: none"> a) Laws on Environment and Citizen Participation and Regulations thereof b) Laws on the Environmental Impact Assessment System and Citizen Participation and Regulations (in certain countries, the EIAS is contained in a different legal body than the General Environmental Law) c) Hydrocarbon laws in their relation to communities d) Laws on access to environmental information, citizen participation and access to environmental justice e) Articles in the Penal Code relating to the environment f) Laws on indigenous and native people
INTERNATIONAL AGREEMENTS	Agreements and treaties entered into and ratified by the country and representing obligations in the ambit of human rights, socio-environmental, hydrocarbons or biodiversity rights.
BIODIVERSITY	Laws on Biodiversity, Protection to Flora and Fauna, National Parks, and Systems or Protected Areas of the State and Private.

TOOL 2

SYSTEM OF ENVIRONMENTAL IMPACT ASSESSMENT AND COMMUNITY RELATIONS

WHAT IS THE ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM, EIAS?

- The EIAS is the most used preventive system of environmental and social protection in all the legislations throughout Latin America.
- The EIAS has been included as a management instrument in important international treaties.
- The EIAS consists in an administrative management procedure carried out by an authority having environmental competence, designated by the Government.
- The EIAS is to assess and determine the following:
 - a) The impact or disturbance that a specific activity or project may cause in the environment;
 - b) If said impact adjusts to the effective regulations of each country;
 - c) The mitigation, setoff, or repair actions that the holder of the project or activity shall comply with for the performance and execution thereof.
- The EIAS concludes with an administrative act generally referred to as "Resolution of Environmental Qualification".



CHARACTERISTICS

- **Assessment of Impacts:** The possible impacts or disturbances of the environment from a Project are established through a Study or Statement of Environmental Impact. In comparative environmental jurisprudence there is no difference, in general, between a Study or Statement of Environmental Impact, but there are certain countries, such as Chile, where there is a difference, in this case, the main difference lies in that the Study demands a wider scope in the prediction, identification, and interpretation of the environmental impact, given the possible effects on the population's health, on biodiversity and/or on environmental values, including social and cultural values.
- **Binding obligation upon projects of the oil industry.** In each country there are certain operations or projects that are not required to be subjected to the EIAS. However, it is advisable for projects of oil and gas companies to be always subject to the EIAS due to the impact of their operations and projects.
- **Principle of cooperation:** One of the most modern international principles inspiring the task of the State Administration is the idea of cooperation between the public sector and society. The administrative procedure by which the EIAS is carried out considers the participation and joint task of the holder of record of the Project, authorities or agencies having environmental competence, and the organized community, as well as all natural persons who are directly affected by the project.
- **Community participation:** This instrument provides an instance where communities may become informed on the EIA, enforce their rights, and make all the observations deemed relevant before the project is executed. It is the classic procedural stage where the interests of the holder of record of the project - in this case, the oil and gas companies - , the communities, and the state administration agencies converge in order to legally and socially legitimize the industrial initiatives generating environmental impacts.

IMPORTANCE OF COMMUNITY PARTICIPATION

- Community participation allows people to become informed and give their responsible opinion on the projects that have been planned.
- Community participation contributes to a better assessment and higher level of information, and thus ensures a higher social validation of the Project and coordination between the holder of the Project and the oil and gas companies.
- It helps to prevent possible future conflicts and drives the project nearer to the desired project and environmental sustainability.
- Causes the effect of legitimizing the socio-environmental contents of the RCA, and thus, the impacts of the project or operations.

RESOLUTION OF ENVIRONMENTAL QUALIFICATION

- The resolution of environmental qualification (RCA), by which the environmental assessment procedure concludes, is an administrative resolution to certify that the Project complies with all the

applicable environmental requirements, including eventual environmental mitigation and restoration plans, in addition to setoff measures, as appropriate. If the EIA fails to comply with the requirements of the country, it may be rejected. In certain cases, this Resolution will remain conditional, and additional environmental requirements will be set, to be complied with in order to execute the project.

- The favorable or approved RCA is obligatory or binding upon the Public Administration and agencies thereof, as well as obviously upon the holder of the project and the community.
- **Voluntary environmental commitments** or commitments not required under the laws, **included by oil and gas companies in the RCA, become binding**, or in other words, such commitments shall be complied with by such companies

WHO IS ENTITLED TO PARTICIPATE?

- The legislations in the Region entitle different types of persons to participate in this process, specially the citizen organizations, that is, *“any organization which is a juristic person and has the purpose of representing and/or promoting the interests of citizens”*. For example, residents’ associations, sports clubs, cultural groups, environmental groups, indigenous communities, parents’ association, unions, federations, professional associations, corporations, etc..
- It is necessary to become informed in each country if the organization needs to be a juristic person, because in order to act within the EIAS, it would be necessary to do so through the representatives thereof.
- Citizen organizations depend on the type of population they are inserted in. For example, organizations may be urban or rural, may vary in the roots thereof (indigenous, African-American, mixed descent), education or community traditions. Therefore, it is very important to consolidate participation spaces, for communities to become informed and understand their situation, become concerned about the problems that collectively affect them, propose alternatives and consistent and feasible solutions.

WHEN AND HOW DOES THE COMMUNITY PARTICIPATE?

Upon submission by the oil and gas companies of the Environmental Impact Study to the relevant authorities.

- The company proceeds to communicate and inform the EIS to the communities living in the area of influence of the project. The manner shall depend on each specific legislation, but it is generally done by posting an ad in the local newspaper or other nationwide circulation means or by direct notification to the community.
- After becoming informed of the contents of the EIS, the persons or citizen organizations are entitled to present their observations.
- Each legislation grants a specific period of time for this process. It is important to know the extension of such period in advance, since citizen participation requires the role-players to have multiple interests in and knowledge of technical, legal, economic, social and environmental issues.
- Submission of observations entitles the communities to have their concerns and interests weighed when learning of the Resolution of Environmental Qualification. In some countries, there are

remedies of administrative claims when observations shall not be taken into account by the RCA.

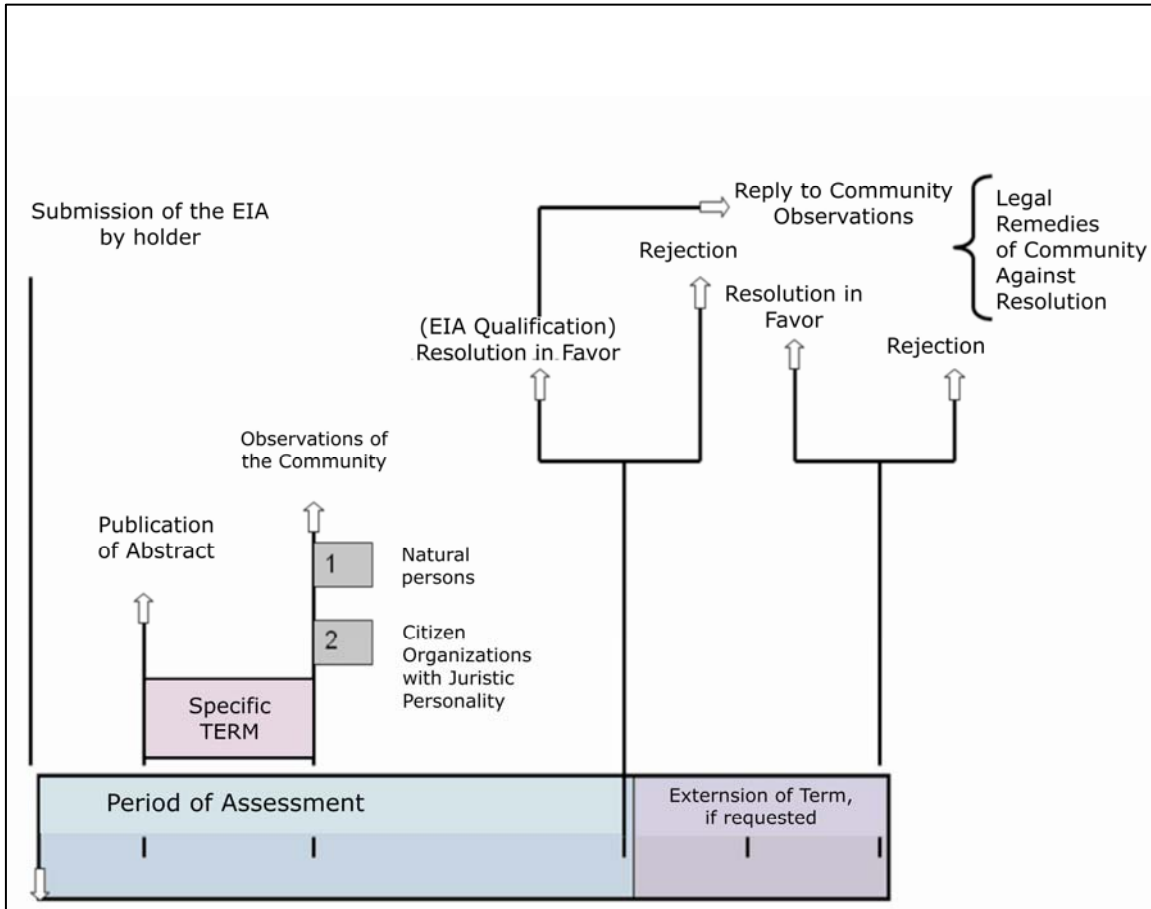
- Despite having been approved by the Administration, the RCA's are susceptible to judicial remedies before the courts of justice, which constitutes a factor of high juridical uncertainty.

REQUIREMENTS ON COMMUNITIES FOR SUBMITTING OBSERVATIONS TO THE EIA

1. Observations should be submitted **within the term period** set forth in the legislation of each country, and such term is generally counted as from the date of publication of the RCA in the broadcasting means, or as from the date of direct notification to the community.
2. The organization representing the community shall evidence its legal status and representation.
3. Observations shall be submitted in writing and to the competent administrative authority.
4. The name of the Project or operation, any observations and grounds therefore shall be set forth.
5. The current and compromised interest being invoked shall be set forth.

TOOL 3

CHART OF COMMUNITY PARTICIPATION IN THE ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM



TOOL 4

FILE FOR MANAGEMENT OF COMMUNITY PARTICIPATION IN THE EI

GENERAL INFORMATION	
1.	Name of company
2.	Business unit
3.	Name of project or operation
4.	Brief description of project or operation
5.	Geographical location
6.	Person responsible for project or operation (<i>name and position</i>)
7.	Person responsible for submitting and processing the EIS (<i>name and position</i>)
TECHNICAL INFORMATION	
8.	Submission of an EIS by the industry is: 8.1 binding 8.2 voluntary
9.	Technical and legal grounds for subjecting the project or operation to a socio-environmental assessment (<i>summarized explanation</i>)
10.	Should the EIS be submitted before the execution or modification of the project? 10.1 YES 10.2 NO
11.	If the EIS is not submitted before the execution or modification of the Project, is there any penalty upon the industry? 11.1 YES/ which? 11.2 NO
12.	Do you carry out discussion meetings, town meetings, assemblies or other type of meetings with the community prior to the submission of the EIS? 12.1 YES 12.2 NO

13. Entity to which the Environmental Impact Study or EIS is submitted.
14. Does the company inform communities its submission of the EIS? 14.1 Yes, directly 14.2 Indirectly, through press publications 14.3 No
15. Does the company use other broadcasting means? 15.1 YES/which? 15.2 NO
16. Minimum detailed contents of the EIS or terms of reference agreed upon with the authority and the community (socio-environmental technical parameters):
17. Does the processing of the EIS include regular and participative meetings with the communities? 17.1 YES/which? 17.2 NO
18. Legal term for communities to submit observations to and comments on the contents of the EIS:

TOOL 5

DIALOGUE PROCESS WITH STAKEHOLDERS IN RESPECT OF THE ENVIRONMENTAL QUALIFICATION RESOLUTION (RCA)

Items to be assessed		YES	NO
1.	Does the company inform communities on the contents of the RCA?		
2.	Does the company inform communities on the changes contained and scopes of the impacts from the project taken into account during the processing of the EIS?		
3.	Does the company inform the results of the RCA to its shareholders?		
4.	Does the company analyze the contents of the RCA with the Board of Directors and the Managers Committee?		
5.	Is there any remedy in law to contest the RCA? If yes: 5.1 Which? 5.2 Term for filing such remedy 5.3 Legal instance		
6.	Are there any supplementary agreements included in the RCA? 6.1 Required agreements 6.2 Additional agreements		
7.	How are supplementary agreements to the RCA disseminated to stakeholders?		
8.	Are there any repair, mitigation, and setoff measures agreed upon in the EIS and RCA? Which? 8.1 Monitoring and follow-up 8.2 Environmental and social commitments		
9.	Are there any external evaluations of compliance with the contents and commitments of the EIS and RCA? 9.1 On a regular basis 9.2 Occasionally 9.3 No		
10.	Does the company take into account the results from external evaluations of legal compliance in the risk analyses and decision-making processes of the company?		

<p>11</p>	<p>If yes, state in what way and on which instance.</p> <p>11.1 As indicator of sustainability in instruments of internal management</p> <p>11.2 As classified information to shareholders in the company.</p>		
<p>12</p>	<p>Does the company communicate the status of legal compliance to the stakeholders of the company?</p> <p>12.1 To the authorities in charge of auditing and monitoring the RCA</p> <p>12.2 In the sustainability reports, as transparency tool</p>		

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7.0 ANNEXS

ANNEX 1

INDICATORS OF SOCIO-ENVIRONMENTAL LEGAL COMPLIANCE

GLOBAL REPORTING INITIATIVE G 3

Ambit of compliance	Indicator	Code GRI G3
Compliance with Regulatory Framework	✓ Compliance with national laws	GRI G3 1.2
	✓ Nature, scope, and practice for assessment and management of impacts from operations on communities, including startup, operation, and exit of the company	GRI G3 SO1
	✓ Changes in the localization of operations: startup, closure, and enlargement of facilities	GRI G3 2.9
	✓ Significant fines and cost thereof, and number of non-monetary penalties for non-compliance with environmental regulations	GRI G3 EN28
	✓ Significant fines and cost thereof, and non-monetary penalties for non-compliance with laws and regulations as regards performance of the company	GRI G3 SO8
Compliance with International Principles and commitments to external initiatives voluntarily adopted, and Internal Codes of Conduct of the company	✓ Compliance with international standards to which the company has committed (ISO, OHSAS)	GRI G3 1.1
	✓ Social and environmental principles externally prepared, that the company has entered into and application thereof (Equator Principles, World Pact)	GRI G3 4.12
	✓ Description of how the company has adopted the precautionary principle in risk management issues, in operational planning	GRI G3 4.11
	✓ Codes of conduct of the company and relevant principles on environmental and social performance and status of implementation, application thereof by the various units, and if they refer to standards agreed upon internationally	GRI G3 4.8
	✓ Significant investment agreements which include	GRI G3 HR1

	human rights clauses or have been subject to analysis in matters of human rights	
Participation of Stakeholder groups	✓ Basis for identification and selection of stakeholder groups to which the company is committed	GRI G3 4.15
	✓ Inclusion of stakeholders in the company, through communication and commitment processes	GRI G3 4.14
	✓ Approaches adopted in order to involve stakeholders, including frequency of their participation, per types and categories	GRI G3 4.16
	✓ Main concerns and interesting issues that have arisen through the participation of stakeholder groups and the manner in which the company has responded thereto.	GRI G3 4.17

ANNEX II

REGULATORY FRAMEWORK OF COUNTRIES IN THE REGION

LIST OF COUNTRIES

The countries in this Region which have been considered in the analysis of the regulatory framework applicable to community relations of oil and natural gas companies in Latin America and the Caribbean are, in alphabetical order, the following:

1. Antigua and Barbuda
2. Argentina
3. Bahamas
4. Barbados
5. Belize
6. Bolivia
7. Brazil
8. Chile
9. Colombia
10. Costa Rica
11. Cuba
12. Ecuador
13. El Salvador
14. Grenada
15. Guatemala
16. Guyana
17. Haiti
18. Honduras
19. Jamaica
20. Mexico
21. Nicaragua
22. Panama
23. Paraguay
24. Peru
25. Dominican Republic
26. Suriname
27. Trinidad y Tobago
28. Uruguay
29. Venezuela

ARGENTINA

(Federal Laws)

1. CONSTITUTION (last modification, 1994)

- Articles 41(environment, human right to the environment and environmental information)
- 43 (remedy of appeal for legal protection)
- Article 14 (petition right)
- Article 75, No. 17 (indigenous people)

2. HYDROCARBONS (Federal level)

- Hydrocarbons Law 17.319
- Decree 27 (2003)
- Constitutional Act of the Federal Council for the Environment (1990)
- Resolution SE 105/92, Standards and procedures governing environmental protection during oil survey and exploitation
- Resolution SE 252/93 and Guide and recommendations for execution of environmental studies
- 241/93 Schedule and regulations for reconditioning of pools and reclamation of lands
- Law 20652 /74, Sets forth the regime for exploitation and marketing of coal by Yacimientos Carboníferos Fiscales (YCF)
- Law 13660 /49, Provides regulations governing fuel manufacturing, transformation and storage
- Resolution SEN 105/92 on Environmental Protection during Hydrocarbon Exploration and Exploitation Operations (1992).
- Resolution 5/95: Regulations and procedures for surrendering hydrocarbon wells (1995)
- Decree-regulation 1886/83, Regulation on prevention and monitoring of pollution of water and other environmental elements by contaminant agents from ships and naval artifacts.
- Law 22190/80, Prevention and monitoring of pollution of waters and other environmental elements by contaminant agents from ships and naval artifacts (1980)

3. INTERNATIONAL AGREEMENTS

- Law 21353 (1976), Approves International Agreement on prevention of pollution of sea waters by hydrocarbons
- Law 23456 (1987), Approves International Agreement on Intervention in high seas in the event of catastrophes by hydrocarbon pollution, and Annex, executed in Brussels, on 11-29-69.
- Law 24089 (1992,) approves International Agreement to prevent Pollution by Ships (MARPOL 1973 - Marine Pollution) and Protocol of 1978
- See table of International Agreements

4. ENVIRONMENT

- General Environmental Law, Law 25.675 (2002) and modifications thereto, Decree 2413
- Law on Environmental Information No. 303 (1999)
- Incorporation Act of Federal Council on the Environment (1990) (text included as Annex I in General Environmental Law)
- Federal Environmental Pact (1993) (text included as Annex II in the General Environmental Law)
- Integral Law on Industrial Residues and Public Utility Operations, Law 25.612

- National Decree 265/96 (1996): Protection of the Ozone Layer
- National Decree 418/94 (1994): Program for Environmental Institutional Development

5. PENAL CODE

- Articles 187 and 200, Penal Code, Law 11.179 ,Title VII, Chapter IV

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Regime of Free Access to Public and Environmental Information (2004), Law 25.831
- General Environmental Law, Law 25.675 (2002)
- Popular Participation Law (1994)

7. BIODIVERSITY

- Minimum Budgets for Environmental Protection of Native Forests (2007)
- Law 22.351 on Legal Regime for National Parks, Natural Monuments, and National Reserves (1934), and Decree Regulation 83/83 thereof
- Law on Protection of Forest Diversity, Law 13.273 (1948), and law modifying it, Laws 19.995, 20.531
- Decree 522/97: Endangered Species of Wild Fauna and Flora (1997)
- Decree 666/97: Regulatory Decree on Wildlife Preservation (1997)
- Wildlife Preservation Law N. 22.421 (1981).
- Law N.272, Creating the Provincial System of Protected Natural Areas (1995).
- Law No. 24.040 on Control of Manufacturing and Marketing of Substances that Deplete the Ozone Layer (1996)

BELIZE

1. CONSTITUTION (1981)

- Introduction, paragraph e): environment

2. HYDROCARBONS

3. INTERNATIONAL AGREEMENTS

- Regional Agreement for Management and Preservation of Natural Forest Ecosystems and Development of Forest Plantations (Central American Forest Agreement), 1992
- Central American Alliance for Sustainable Development (ALIDES), 1994
- Central American Constitutional Agreement for Environmental Protection, 1989 and Protocol thereof
- See table of International Agreements

4. ENVIRONMENT

- Environmental Protection Act, Chapter 328 (2000)
- Environmental Impact Assessment Regulations

5. PENAL CODE

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

7. BIODIVERSITY

- The Wildlife Protection Act 1981 (No. 4)
- National Parks Systems Act 1981 (No. 5)

- Law on Maritime Areas N.1 de 1992 (1992)
- The Coastal Zone Management Act N.8 (1998).

BOLIVIA

1. CONSTITUTION (2002)

- Article 7: sustainable development
- Article 19: general remedy of appeal for legal protection
- Articles 136, 139, 170: national assets and sustainable development
- Article 171: indigenous people and natural resources

2. HYDROCARBONS

- Hydrocarbon Law, Law 1689, 1996
- Regulation of the Hydrocarbon Law, Executive Decree 24176
- Regulation on Construction and Operation of Oil Refineries, Petrochemical Plants and Processing Units, Executive Decree 25,502

3. INTERNATIONAL MULTILATERAL AGREEMENTS

- Agreement on International Trade of Endangered Species, Law 1255 (1974)
- Convention for Protection of World Cultural and Natural Heritage (approved 1972)
- Protocol of Montreal on Substances that Deplete the Ozone Layer, Law 1933 (1998)
- Vienna Convention for Protection of the Ozone Layer (approved)
- United Nations Framework Convention on Climate Change, Law 1576 (1994)
- Kyoto Protocol, Law 1988
- Agreement on Biological Diversity, Law 1580 (1994)
- Agreement on Internationally Significant Wetlands, specially as habitat of waterfowl
- Convention on Preservation of Migratory Species
- See table of International Agreements

4. ENVIRONMENT

- Environmental Law, Law 1333 (1992)
- Regulations of Law 1333, "Environmental Regulations for Hydrocarbon Sector " RASH Executive Decree N° 24335, July 19, 1996.
- Regulation on consultation and participation of hydrocarbon operations. Executive Decree N° 29033, February 16, 2007.
- The other environmental regulations included in the same Regulations of Law 1333 on the Environment are: Regulation for Environmental Prevention and Control, Regulation on Water Pollution Matters, Regulations on Operations with Hazardous Substances, Regulation on Management of Solid Residues

5. PENAL CODE

- Title XI, Environmental Law, Law 1333
- Articles 206, 216, sub-clauses 2 and 7, and 223, Penal Code
- Article 106, General Regulation on Environmental Management
- Administrative Infringements with penalties set forth in the Environmental Law 1333, provided they do not constitute crimes

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Law on Popular Participation (1994)
- Environmental Law, Law 1333 (Of Citizen Participation, Title X) and Regulations thereof
- Bill on Transparency and Access to Public Information

7. BIODIVERSITY

- Law on Wildlife, National Parks, Hunting and Fishing (1975)
- Forest Law, Law 1700 (1996)
- Law on Preservation of Biodiversity
- General Regulation of Protected Areas, Executive Decree 25158

BRAZIL

(Federal Laws)

1. CONSTITUTION (1988)

- Articles 5, 18, 23, 24, 170, and 225: environment, sustainable development
- Article 129: resources
- Articles 58, 204: citizen participation
- Article 231: indigenous people

2. HYDROCARBONS

- Article 177 in the Constitution
- Oil-Law, 9478 (1997)

3. INTERNATIONAL AGREEMENTS

- See table of International Agreements

4. ENVIRONMENT

- Law on Environmental National Policy 6.938, 1981
- Law 7347 controlling public actions of civil liability for damages caused to the environment, consumers, artistic, aesthetical, historical, tourism, and landscape heritage and rights (1985)
- Law N.9509, setting forth the Environmental Policy of the State of Sao Paulo (1997)
- Law N.9.346, providing penalties upon persons Polluting the Environment (1994)
- Decree N. 2972 on environmental risks: urban environmental policy, environmental pollution and degradation, toxic waste, impacts and management of Environmental quality (1999)
- Decree-Law N.1.413, providing controls on Industrial Pollution (1975)
- Decree N.3.179, defines Penalties for Conducts and Activities that are Hazardous to the Environment (1999)

5. PENAL CODE

- Law No 9.605 on Environmental Crimes (1998).

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Law 7347 controlling the public actions of civil liability for damages caused to the environment, consumers, valuable artistic, aesthetic, historical, tourism, and landscape property or heritage (1985)

7. BIODIVERSITY

- Law instructing the creation of the National System of Nature Preservation Units (2000)
- Decree N.1752, regulating Law No. 8.974 on Biodiversity (1995)
- Law No. 1.356, setting forth the National Plan for Management of the Coastal Zone 81988.
- Law No.7.803, amending the Forest Code (1989)
- Law No.10.01,9 setting forth the Management Coasts Plan of the State (1998)
- Law No. 9985, providing the National System of Nature Preservation for consolidation of the natural protected areas (2000)
- Law No. 9433, national policy of water resources and creating the National System of Resources Management (1997)
- Decree N. 2979, on programs and standards, definition of strategies and projects relating to joint management of the sustainable use of natural resources and preservation of biodiversity (1999)

CHILE

1. CONSTITUTION (1980)

- Article 19 N° 8: environment
- Article 20: remedy for environmental protection
- Article 107: citizen participation

2. HYDROCARBONS

- Organic Law of Empresa Nacional del Petróleo, Law.618 (1991)
- Gas Services Law and Modifications thereto (1931)

3. INTERNATIONAL AGREEMENTS

- See table of International Agreements
- Free Trade Agreement with the United States
- Free Trade Agreement with Canada
- Free Trade Agreement with Mexico

4. ENVIRONMENT

- Law on General Basis of the Environment, No. 19.300 (1994)
- D.S N.95 (2001), Regulation of the Environmental Impact Assessment System
- D.S N. 166 (1999), Regulation of the Advisory Council of the National Commission and the Regional Commissions for the Environment
- Ozone Law, No. 20.096

5. PENAL CODE

- There is no typifying of offences against the environment in the Penal Code, specifically, but there are some penal regulations distributed and disseminated in different Codes that may somehow protect the environment.

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Law 20.285, Transparency and Access to Information (2008)
- Law 19.300, General Basis of the Environment and Regulation thereof
- Law 18.575, General Basis of State Administration
- Law 19.880, Administrative Procedures (2003)

- Executive Decree No. 26 (2001), Regulation on Secrecy or Confidentiality of State Administration Acts and Documents (2001)

7. BIODIVERSITY

- Law N.18362, creating a National System of State Protection to Wilderness (1984).
- Law on Forests, Decree 4.363

COLOMBIA

1. CONSTITUTION, and amendments thereto

- Articles 2, 79, 95, 152: citizen participation
- Articles 20, 23, 79, 88, 116: access to justice, environment
- Article 80: natural resources, sustainable development
- Articles 81, 82: environment
- Articles 86, 88: resources (protection action)
- Article 330: indigenous people
- Article 339: sustainable development
- Article 340: citizen participation

2. HYDROCARBONS

- Hydrocarbon Law No.1689 (1996) and regulations thereof
- Environmental Regulation for Hydrocarbon Sector, DS 24335

3. INTERNATIONAL AGREEMENTS

- See Table of International Agreements

4. ENVIRONMENT

- National Code of Renewable Natural Resources, Protection of the Environment, Law Decree 2811
- Environmental National System Law, Law 99, 1993
- Regulation of Law 99, 1993, on Environmental Licenses (2003)
- Decree No. 1753
- Law 23 (1973)
- Decree 1728, on Environmental Licenses (1994)
- Decree 171578, on Landscape Protection
- Decree 186594, Autonomous Regional Corporation of Sustainable Development and Adjustment to Territorial Environmental Management
- Decree 197489, Integral Management of Natural Resources
- Decree 088397, Control and Prevention of Environmental Degradation Factors

5. PENAL CODE

- Title VII, Bis, on Offences against Natural Resources and the Environment, in Law 491 which amends the Penal Code

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Law 99, 1993
- Law 154 (2008) on Access to Public Information and Citizen Participation

7. BIODIVERSITY

- Law 165 on Biodiversity, 1999

- Law 299 on Flora Protection
- Law 611, 2000, under which regulations are issued for sustainable management of Land and Sea Wildlife species, National Code of Renewable Natural Resources and Environmental Protection
- Decree 062270, National Parks System
- Decree 160878, Wildlife
- Decree 187579, on Prevention of Sea Pollution
- Biodiversity Law (1999)

COSTA RICA

1. POLITICAL CONSTITUTION OF THE REPUBLIC OF COSTA RICA (1947) and amendments thereto

- Article 50: environment, human right to the environment

2. HYDROCARBONS

- Hydrocarbon Law, No. 7399 (1994) and amendments thereto

3. INTERNATIONAL AGREEMENTS

- Regional Agreement for Management and Preservation of Natural Forest Ecosystems and Development of Forest Plantations (Central American Forest Agreement), 1992
- Central American Alliance for Sustainable Development (ALIDES), 1994
- Central American Constitutional Agreement for Environmental Protection, 1989 and Protocol thereof
- Agreement for Preservation of Biodiversity and Protection of Prioritized Wilderness in Central America, Law 7433 (1994)
- See table of International Agreements
- Free Trade Agreement with the United States, Central America, and the Dominican Republic (CAFTA)

4. ENVIRONMENT

- Organic Environmental Law No. 7554 (1995)
- General Regulation on Environmental Impact Assessment Procedures (EIA)

5. PENAL CODE

- In Costa Rica, the subject of criminal acts or penal types in environmental and environmental protection matters is provided in various regulatory bodies: the Law on Preservation of Wildlife (16 offences), Forest Law (12 offences), Forest Law (12 offences), Maritime Terrestrial Zone Law (2 offences), Phyto-sanitary Protection Law (7 offences), Archaeological Heritage Law (10 offences), Architectonic Historical Heritage (1 offence), Waters Law (2 offences) among the most directly related to this industry.
- The Organic Environmental Law provides administrative penalties.

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Article 50 in the Constitution
- Regulation on Procedures of the National Technical Environmental Secretariat, Decree 25705
- Organic Law on the Environment and Regulation thereof.

7. BIODIVERSITY

- Law creating the National Parks Service, No. 6048 (1977), and amendments thereto
- Law of Preservation and Wildlife, No. 7317 (1992), and amendments thereto
- Forest Law, No.7575 (1996), and amendments thereto
- Regulation on the Forest Law, No.25721 (1997)
- Biodiversity Law, No. 7788 (1998)
- Wildlife Preservation Law (1994)

CUBA

1. CONSTITUTION (1976) and amendments thereto

- Article 11: sovereignty of the State over the environment
- Article 27: environment and sustainable development
- Article 39: environment

2. HYDROCARBONS

- Regulation 77/99

3. INTERNATIONAL AGREEMENTS

- See Table of International Agreements

4. ENVIRONMENT

- Environmental Law No. 88 (1997)
- Ministry of Sciences, Technology and Environment, Resolution No. 168/95
- Regulation on the Environmental Impact Assessment Process (1999)
- Resolution 16/99
- Resolution 15/99
- Ministry of Sciences, Technology and Environment, Resolution No. 77/99
- Law N.1, Cultural Heritage Protection Law (1977)
- Decree-law N. 200, On contraventions in environmental matters (1999).

5. PENAL CODE

- Environmental Law 88-97 sets forth that environmental sanctions or omissions shall be penalized by the Penal Code 62/87. However, the Penal Code does not set forth the environmental offences.

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Environmental Law No. 88 (1997)

7. BIODIVERSITY

- Forest laws: Law N. 85 on forest heritage and wildlife (1998)
- Decree-Law N.136, Law on Forest Heritage and Wildlife (1993)
- Law No. 153, Regulations on Plant Protection (1994)
- Decree-Law N° 20, National System of Protected Areas (1999)
- Decree-Law No. 212, on Management of Coastal Zone (2000)

ECUADOR

1. POLITICAL CONSTITUTION OF THE REPUBLIC OF ECUADOR (1998)

- Article 3, Sub-clause 3: environment
- Articles 23, 28, 32: environment, sustainable development
- Articles 86 through 91: environment, sustainable development, citizen participation, actions
- Article 95: remedy or action of appeal for legal protection
- Article 97: sustainable development
- Article 247 y 248: natural resources

2. HYDROCARBONS

- Hydrocarbon Law (1978)
- Environmental Regulation on Hydrocarbon Operations, RO 265 (2001)

3. INTERNATIONAL AGREEMENTS

- See table of International Agreements

4. ENVIRONMENT

- Environmental Management Law No. 37/1999, RO 245 (1999)
- Environmental Management Law (2004)
- Law on Prevention and Control of Environmental Pollution, Codification 2004-020
- Unified Text of Secondary Legislation, Environment, Book I (2003)
- Regulation on Application of the Social Participation Mechanisms set forth in the Environmental Management Law (2008)
- Law on Prevention and Control of Environmental Pollution (1976)
- Decree 1802 (1994): sets forth the basic environmental policies
- Presidential Decree No. 3516, containing the Unified Text of the Secondary Legislation of the Ministry of the Environment, set forth in nine Books: I. Of Environmental Authority; II Of Environmental Management; III. Of the Forest Regime; IV. Of Biodiversity; V. Of Coastal Resources; VI. Of Environmental Quality; VII. Of the Special Regime: Galapagos; VIII. Of the Institute for Regional Amazon Eco-development, ECORAE; IX. Of the System of Duties or Fees for Services provided by the Ministry of the Environment and for the use and utilization of National assets under its charge.

5. PENAL CODE

- Article 87, Constitution
- Chapter X-A: Of Crimes against the Environment, Articles 437- A through K; Modification to Law 49, 2000

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Regulation on Application of Social Participation Mechanisms set forth in the Environmental Management Law (2008)
- Law of Access to Information , 2004

7. BIODIVERSITY

- Forest and Preservation of Natural Areas and Wildlife Law No. 74. RO/ 64 (1981): definition of National forest heritage.

- Special Law for the Province of Galapagos No. 67. RO/ 278 (1998): sets forth conditions for Preservation and Sustainable Development of the Galapagos Province and the area constituting the Maritime Reserve of the Galapagos.
- Forest and Preservation of Natural Areas and Wildlife Law, RO Supplement 418 (2004)
- Law on Protection of Biodiversity in Ecuador

EL SALVADOR

1. POLITICAL CONSTITUTION OF THE REPUBLIC OF EL SALVADOR (1983) and amendments thereto

- Article 69 and 117: Natural resources, sustainable development
- Article 18, Political Constitution: right of petition

2. HYDROCARBONS

- General Hydrocarbons Law, 1995, and regulation thereof

3. INTERNATIONAL AGREEMENTS

- International Agreement on cooperation, preparation and management of hydrocarbon pollution, Decree Law No. 916, 1996
- Convention for the protection of flora, fauna, and natural beauties in countries of America, Decree Law N° 110, 1940
- Regional Agreement for Management and Preservation of Forest Natural Ecosystems and Development of Forest Plantations (Central American Agreement on Forests), 1992
- Central American Alliance for Sustainable Development (ALIDES), 1994
- Central American Constitutional Agreement for the Protection of the Environment, Decree-Law 444, 1990, and Protocol thereof
- Regional Agreement for management and preservation of natural, and forest ecosystems and development of forest plantations, Decree-Law No. 67, 1994
- See Table of International Agreements
- Free Trade Agreement with the United States, Central America, and the Dominican Republic (CAFTA)

4. ENVIRONMENT

- Environmental Law, Decree 233 (1998)
- Regulation of the Environmental Law, Decree 17

5. PENAL CODE

- Article 255 through 270, Penal Code, Decree 1030
- The Environmental Law sets forth the violations, penalties, fines, and procedures to enforce civil and administrative liabilities, without prejudice to any subsequent penal actions.

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Environmental Law and Regulation thereof
- The "Bill to reinforce the mechanisms of citizen participation in environmental matters" is in legislative processing, pending approval

7. BIODIVERSITY

- Law on Natural Protected Areas, Decree 579 (2005)

- Law on Preservation of Wildlife, Decree 844 (1994), amended by Decree 441 (2001)
- Forest Law, Decree 268
- General Regulation of Forest Law, 2004
- Special Regulation on the Control of Substances that Deplete the Ozone Layer, Decree 38

GUATEMALA

1. CONSTITUTION (1985)

- Article 30: Access to information, justice or petition
- Article 64: Natural heritage
- Article 96 and 97: Environment and ecological balance
- Article 119 and 126: Natural resources
- Article 265: Remedy of protection

2. HYDROCARBONS

- Hydrocarbon Law, Decree 109-83 (1983)

3. INTERNATIONAL AGREEMENTS

- Regional Agreement for Management and Preservation of Natural Forest Ecosystems and Development of Forest Plantations (Central American Forest Agreement), 1992
- Central American Alliance for Sustainable Development (ALIDES), 1994
- Constitutional Central American Agreement for Environmental Protection, 1989, and Protocol thereof
- International Agreement on Civil Liability for Damages caused by Water Pollution from Hydrocarbons, 1983
- See Table of International Agreements
- Free Trade Agreement with the United States, Central America, and the Dominican Republic (CAFTA)

4. ENVIRONMENT

- Law for Environmental Protection and Improvement, Decree-Law 68-86 (1986)
- Decree 1-93 and Decree-Law 90-2000, modifying the Law for Environmental Protection and Improvement (2000)
- Regulation for Environmental Assessment, Control, and Follow-up on the EIA, Government Agreement 431-2007
- Regulation for Environmental Assessment, Control, and Follow-up, Government Agreement 23-2003 (2003)
- Regulations on the Framework Policy of Environmental Management, Government Agreement 791-2003
- Organic Internal Regulation of the Ministry of Environment and Natural Resources, Government Agreement 186-2001 (2001)

5. PENAL CODE

- Articles 346 and 347 (sub-clauses A, B, C, D, and E), Penal Code (1973)
- There are fines, violations, and administrative penalties provided in the Law for Environmental Protection and Improvement

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Municipal Code, Decree 12-2002 (2002)

- Law on Urban and Rural Development Councils, Government Agreement 461-2002
- Law on Access to Public Information, Decree 58-2000 (sanctioned on September 23, 2008 by Congress, and came into effect 180 days after publication thereof)

7. BIODIVERSITY

- Protected Areas Law, Decree 4-89 (1989)
- Regulations of Protected Areas Law, Government Agreement 759-90 (1990)
- Forest Law, Decree 101-96 (1996)
- Regulation of the Forest Law (1997)
- Example: Decree 5-90 of Protected Area of the Maya Reserve in the Petén Department and other Decrees on various protected areas that depend on the district of the project

GUYANA

1. CONSTITUTION (1980)

- Articles 25 and 36: sustainable development and citizen participation

2. INTERNATIONAL AGREEMENTS

- See Table of International Agreements

3. ENVIRONMENT

- The Environment Protection (EP) Act: Establishes the Environmental Protection Agency (EPA) (1996).

4. BIODIVERSITY

- Wild Bird Protection Act (1973).
- Wildlife Regulations (1987).
- Maritime Boundaries (Turtle Excluder Device) Order N.23 (1994).

HAITI

1. CONSTITUTION (1987)

- Article 36-4, 52-1, 254, 255: environment, sustainable development, natural resources
- Articles 254 through 257: functions of the State linked to natural areas

2. HYDROCARBONS

3. INTERNATIONAL AGREEMENTS

- See Table of International Agreements

4. ENVIRONMENT

5. PENAL CODE

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

7. BIODIVERSITY

- Reserved National Forests Act (1926)
- Law on regulations of Cultivars: felling, transportation, marketing of timber (1955)

- Law on Protection of Soils against Erosion, setting forth the extension of the Zones and Regulating Forestry exploitation in Haiti (1958)
- Rural Code Law (1962).

HONDURAS

1. CONSTITUTION (1982)

- Article 80: access to information, justice
- Article 145: environment
- Article 183: remedy of appeal for legal protection

2. HYDROCARBONS

- Hydrocarbon Law, Decree-Law 194-84 (1984) and Regulation thereof

3. INTERNATIONAL AGREEMENTS

- Regional Agreement for Management and Preservation of Natural Forest Ecosystems and Development of Forest Plantations (Central American Forest Agreement), 1992
- Central American Alliance for Sustainable Development (ALIDES), 1994
- Central American Constitutional Agreement for Environmental Protection, 1989 and Protocol thereof
- See Table of International Agreements
- Free Trade Agreement with The United States, Central America, and the Dominican Republic (CAFTA)

4. ENVIRONMENT

- General Environmental Law, 104-93 (1993)
- General Regulation of the Environmental Law, Agreement 109-93 (1993)
- Environmental Health Regulation, Agreement 00094
- Regulation of Attorney General's Office of the Environmental and Natural Resources Law, Agreement 089-00 (2000)
- Regulation of the National Environmental Impact Assessment System (1994)

5. PENAL CODE, criminal offences or penalties

- Articles 92 through 98 in the General Environmental Law standardize the Environmental Crime and set freedom privative penalties and fines. The Penal Code does not contain crimes that are specifically environmental, but rather certain violations in Articles 406 through 408 that may be added to violations in the General Environmental Law.
- Articles 86 through 91 in the General Environmental Law refer to administrative infringements.

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Article 80, Political Constitution
- Law on Citizen Participation, Decree 3-2006
- Law on Transparency and Access to Public Information, 170-2006

7. BIODIVERSITY

- Forest Law, Protected Areas and Wildlife, 2007
- Regulation of National System of Protected Areas in Honduras

JAMAICA

1. **CONSTITUTION** (1962) and amendments thereto
 - Article 18: health and biodiversity
2. **HYDROCARBONS**
 - The Petroleum Act
 - Petroleum Refining Industry Encouragement Act
 - Petroleum and Oil Fuel Act
3. **INTERNATIONAL AGREEMENTS**
4. **ENVIRONMENT**
 - The Natural Resources Conservation Authority, (1991)
5. **PENAL CODE**
6. **ACCESS TO INFORMATION OR ACCESS TO JUSTICE**
 - Access to Information Act (2002)
7. **BIODIVERSITY**
 - Wildlife Protection Act (1991)
 - Plants (Quarantine) Act N.25 (1993)
 - Beach Control Act (1991)
 - The Natural Resources Conservation Authority Act N.9 (1991)
 - Forest Act N.17 (1996)
 - Endangered Species (Protection, Conservation and Regulation of Trade) Act N.6 (2000)
 - Beach Control (License Fees) Validation Act N.5 (2000)
 - Endangered Species Act (2000)
 - Endangered Species (Protection, Conservation and Regulation of Trade) Orders N.32 (2000)
 - Endangered Species (Protection, Conservation and Regulation of Trade) Regulations N.36 (2000) and N.51 (2000).

MEXICO

1. **CONSTITUTION** (1917 and amendments thereto)
 - Article 4: environment
 - Articles 25, 27, 73: sustainable development
2. **HYDROCARBONS**
 - Oil Sector Regulatory Law, Article 27 of the Constitution, (1988) and amendments thereto
 - Organic Law of Mexican Oils and Subsidiary Agencies, 1992 and amendments thereto
3. **INTERNATIONAL AGREEMENTS**
 - See Table of International Agreements
 - Free Trade Agreement with the United States and Canada
4. **ENVIRONMENT**

- General Ecological Balance and Environmental Protection Act (1988) and amendments thereto
- Law published in the Official Gazette of the Federation on January 28, 1988
- Federal Plant Varieties Law (1996)
- Federal District Environmental Law (1996)
- Regulation of General Law on Ecological Balance and Environmental Protection in Environmental Audit matters (2000)
- Federal Law to prevent and control environmental pollution (1971)

5. PENAL CODE

- Federal Penal Code of Mexico, Title Twenty-fifth: Crimes against the Environment and Environmental Management, Articles 414 through 423
- Each Mexican State has its own Penal Code as well

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- General Ecological Balance and Environmental Protection Law (1988) and amendments thereto
- Regulation of the General Ecological Balance and Environmental Protection Law on issues of Emissions and Transference of Pollutants Recording (2004)
- Federal Law on Transparency and Access to Public Government Information, 2003

7. BIODIVERSITY

- Forest Law (1992)
- Revision of Sixth Forest Law (1997)
- General Law on Wildlife (2000)
- General Sustainable Forest Development Law (2003)
- Regulation on Endangered, Rare and Specially Protected Terrestrial and Waterfowl and Wildlife Species and Subspecies, setting forth Specifications for Protection thereof (1994)
- Regulation on the Specifications to mitigate the Negative Effects Caused on Flora and Fauna by Forestry Development (1994).

NICARAGUA

1. POLITICAL CONSTITUTION OF THE REPUBLIC OF NICARAGUA (1985) and amendments thereto

- Articles 60 and 102: sustainable development, human right to the environment, and natural resources

2. HYDROCARBONS

- Special Law on Hydrocarbon Exploration and Exploitation, No. 109/1998
- Special Law on Hydrocarbon Exploration and Exploitation, No. 286
- Regulation of Hydrocarbon Supply Law, Decrees 38-98

3. INTERNATIONAL AGREEMENTS

- Regional Agreement for Management and Preservation of Natural Forest Ecosystems and Development of Forest Plantations (Central American Forestry Agreement), 1992
- Central American Alliance for Sustainable Development (ALIDES), 1994
- Central American Constitutional Agreement for Environmental Protection, 1989 and Protocol thereof

- Free Trade Agreement with The United States, Central America, and the Dominican Republic (CAFTA)
- See Table of International Agreements

4. ENVIRONMENT

- General Environment and Natural Resources Act, Law No. 217 (1996)
- Regulation on Permits and Environmental Impact Assessment, Decree 45-94
- Environmental Assessment System, Decree 76-2006
- Law on Communal Property of Indigenous People and Ethnic Communities of the Autonomous Regions in the Atlantic Coast of Nicaragua and Rivers Bocay, Coco, Indio, and Mais (2202).

5. PENAL CODE

- Title XV "Prohibited Constructions and Crimes against Nature and the Environment", Articles 363 through 391, Law 641 On Penal Guarantees and Application of the Penal Law

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- General Environment and Natural Resources Law
- Citizen Participation Law, No. 475
- Basic Law for Regulation and Control of Pesticides, Toxic, Hazardous, and other similar Substances, Law No. 274
- Municipalities Act, No. 40
- Decree 76-2006

7. BIODIVERSITY

- Forest Law 2000
- Forest Law No. 462
- Forest Preservation, Promotion and Sustainable Development Act
- Law creating the symbol marking of the Environment and Natural Resources (2007)

PANAMA

1. CONSTITUTION (1972) and amendments thereto

- Article 110: environment
- Articles 118, 119, 120, 121: environment, sustainable development

2. HYDROCARBONS

- Law No. 8 on Hydrocarbons (1987)

3. INTERNATIONAL AGREEMENTS

- Regional Agreement on Management and Preservation of Natural Forest Ecosystems and Development of Forest Plantations (Central American Forest Agreement), 1992
- Central American Alliance for Sustainable Development (ALIDES), 1994
- Central American Constitutional Agreement on Environmental Protection, 1989 and Protocol thereof
- See table of International Agreements

4. ENVIRONMENT

- Law No. 41, General Environmental Law of the Republic of Panama (1998)

- Law No. 41, July 1st, 1998
- Regulation on Creation and Operation of Environmental Consultancy Commissions (2000)

5. PENAL CODE

- Title XIII: Crimes against the Environment, Articles 394 through 413, new Penal Code, adopted under Law No. 14, 1997

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Currently, there is a proposed Bill of Citizen Participation
- Law No. 41
- Regulation on Creation and Operation of Environmental Consultancy Commissions

7. BIODIVERSITY

- Law on Forestry legislation of the Republic of Panama N.1 (1994)
- Resolution on Regulation of the Forest Law N.5 (1998)
- Law on legislation of Wildlife N.24 (1995) and modifications thereto
- Resolution creating the National System of Protected Wild Areas N.9/JD (1994).

PARAGUAY

1. CONSTITUCIÓN DE LA REPÚBLICA DE PARAGUAY (1992)

- Articles 6, 7, 8: environment, sustainable development
- Articles 38, 134: resources, legitimization, and defense of the right to the environment
- Article 112: natural resources

2. HYDROCARBONS

- Hydrocarbons Law 675/60
- Law 779/95, modifying the Hydrocarbon Law 675/60
- Law including actions of defense of Natural Resources N.816/96 (1996), extended by Law N.1095/97 (1997).

3. INTERNATIONAL AGREEMENTS

- See Table of International Agreements

4. ENVIRONMENT

- Environmental Impact Assessment Law No 294/93 (1993, modified in 1994)
- Decree N.14281/96 (1996), regulating the Environmental Impact Assessment Law
- Law No. 3.001-06, Appraisal and Retribution to Environmental Services
- Law 1561 creating the National Environmental System, the National Environmental Council, and Environmental Secretariat
- Law 816, adopting measures of defense of natural resources, and modification thereto

5. PENAL CODE

- Law penalizing crimes against the Environment N.716/95 (1995).

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- In discussion: Bill on Access to Information and Citizen Participation

7. BIODIVERSITY

- Law on Wildlife N.96/92 (1992)

- Law on Protected Wildlife Areas N.352/94 (1994)
- Forest Law N.422/73 (1973).

PERU

1. CONSTITUTION (1993)

- Articles 66, 67, 68, 69: environment and natural resources
- Article 2, sub-clauses 19, 80, 88, 149, and 191: indigenous people and access to justice
- Article 2: human right to the environment

2. HYDROCARBONS

- Organic Law regulating the Hydrocarbon operations in the National territory, law 26221
- Law 26505 on utilization of lands for Mining or Hydrocarbon operations
- Law of Hydrocarbons Updating, Law 27377
- Law 29134, on Environmental Liabilities of the Hydrocarbons sub-sector.

3. INTERNATIONAL AGREEMENTS

- National Registry in Annex 1 (MARPOL)
- International Agreement on Civil Liability arising from Damages from Hydrocarbon Pollution
- International Agreement on Cooperation, Preparation, and Strive against Hydrocarbon Pollution
- Free Trade Agreement with the United States

4. ENVIRONMENT

- General Environmental Law, Law 28611 (2005)
- Law of the National Environmental Impact Assessment System, Law 27446 (Regulation thereof in draft)
- Regulation on Organization & Functions of National Environmental Council
- Law of the National Environmental Council, Law 26410
- Framework Law of the National System of Environmental Management, Law 28245
- Regulation of Law No. 28245 (Framework Law of the National Environmental Management System)
- Organic Law on Sustainable Exploitation of Natural Resources, Law 26821 (1997)
- Environmental Impact Assessment Law for Works and Operations, Law 26786 (1997)
- Regulation of the National Management System, 008-2005-PCM
- Regulation on Citizen Participation for performing Energetic Operations within the Procedures of Environmental Assessment Studies 30/12/04

5. PENAL CODE

- Title XIII "Environmental Crimes, Chapters I, II, III, and IV, Penal Code and amendments thereto (in effect as from January 1st, 2009)

6. BIODIVERSITY

- Law on Preservation and Sustainable Exploitation of Biological Diversity, Law 26839 (1997)
- Regulation of Law on Preservation and Sustainable Exploitation of Biological Diversity, Law 26839 (DS No. 0682001PCM)
- Law on Natural Protected Areas (1997)

- Forest and Wildlife Law, Law 27308

7. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Single Text of Administrative Procedures of the National Environmental Council DS 130-2002-PCM
- Law on Transparency and Access to Public Information, Law 27806
- Law of Executive Power, DL 560
- Law of General Administrative Procedure, Law 27444

DOMINICAN REPUBLIC

1. CONSTITUTION (2002)

- Does not include regulatory framework on environment and sustainable development

2. HYDROCARBONS

3. INTERNATIONAL AGREEMENTS

- See Table of International Agreements
- Free Trade Agreement with The United States, Central America, and the Dominican Republic (CAFTA)

4. ENVIRONMENT

- Environmental Protection Law (2004)
- General Law No. 64-00 on the Environment and natural resources (2000)
- Decree N.531/90 (1990), prohibiting Felling, Mutilation and Destruction by any Methods of Coastal and Estuary Mangrove Swamps of the Republic
- Decree N.303/87 (1987), stating High Interest in Protection and Reclamation of Existing Mangroves in the Coast and Islands Adjacent to the Territory of the Dominican Republic

5. PENAL CODE

- Penal Code of the Dominican Republic

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

7. BIODIVERSITY

- Law N.118 (1999), Forest Code

TRINIDAD AND TOBAGO

1. CONSTITUTION

- Does not include regulatory framework on environment or sustainable development

2. HYDROCARBONS

- The Petroleum Act, 2000

3. INTERNATIONAL AGREEMENTS

- See Table of International Agreements

4. ENVIRONMENT

- Environmental Management Act (1995, revised in 2000).

5. PENAL CODE

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

7. BIODIVERSITY

- The Marine Areas (Preservation and Enhancement) Act (1970)
- The Conservation of Wildlife Act
- The Marine Areas (Preservation and Enhancement) Act (1970)
- The Forest Act, 1999
- Environmentally Sensitive Species Rules
- Environmentally Sensitive Areas Rules

URUGUAY

1. CONSTITUTION (1966) and amendments thereto

- Article 47: environment

2. HYDROCARBONS

- Law 14.181, Exploration and Exploitation of Hydrocarbons
- Law 17.448, De-monopolization, of Crude Oil Imports, Exports, and Refinery

3. INTERNATIONAL AGREEMENTS

- See Table of International Agreements

4. ENVIRONMENT

- Law 16.466 on Environment and regulatory decrees thereof
- General Environmental Law No. 17.283 (2000)
- Regulations on Environmental Impact Assessment and Environmental Authorizations (2005)
- Decree 349/95, Regulation on Environmental Impact Assessment and Environmental Authorizations
- Decree 435/94, Regulation on Environmental Impact Assessment

5. PENAL CODE

- There is no typifying of environmental crimes within the Penal Code

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Law 16.466 on the Environment

7. BIODIVERSITY

- Law 17.234 creating the System of Protected Natural Areas (2000)
- Forest Law No. 15.939 (1987), and Law N.15.695 (1984)
- Regulations of Law No. 17.234, creating the National System of Protected Areas

VENEZUELA

1. CONSTITUTION OF THE BOLIVARIAN REPUBLIC OF VENEZUELA (1999)

- Article 15, 107: environment
- Article 127, 128, 129 : sustainable development
- Article 184

- Article 299, 326: environment, sustainable development
- Article 327: indigenous people

2. HYDROCARBONS

- Organic Law on Hydrocarbons, 2001
- Organic Law on Gaseous Hydrocarbons
- Law on Monitoring to Prevent Oil Pollution of Waters

3. INTERNATIONAL AGREEMENTS

- See Table of International Agreements

4. ENVIRONMENT

- Organic Environmental Law (1976)
- Organic Law of Central Administration (1976): creating the Ministry of the Environment and defining its competences
- Executive Decree N.3220, on regulations to progressively eliminate consumption of substances that deplete the ozone layer, and to regulate imports, exports, and use of such substances (2003)
- Decree 1.257, Regulations on Environmental Assessment of Activities Prone to Degrade the Environment

5. PENAL CODE

- Penal Environmental Law, 1992

6. ACCESS TO INFORMATION OR ACCESS TO JUSTICE

- Organic Law on Municipal Regime
- Partial Regulation No. 1, Organic Law on Municipal Regime for Community Participation
- Decree 1.257

7. BIODIVERSITY

- Law on Biological Diversity Management (2008)
- Forest Law on Soils and Waters (1965) and Regulation thereof
- Wildlife Protection Law (1970)
- Decree N.276 (1989), setting forth the administration and management of national parks and prohibiting certain activities, such as mining, in national parks and natural monuments
- Decree N.2214 (1992), sets forth requirements to regulate activities in Forest Reserves, Wood Lots and other protected Forested Areas.

ANNEX 3: TABLE OF INTERNATIONAL AGREEMENTS⁷

International Treaty or Agreement	Antigua & Barbuda	Argentina	Bahamas	Barbados	Belize	Bolivia	Brazil	Chile	Colombia	Costa Rica	Cuba	Ecuador	Salvador	Granada	Guatemala	Guyana	Haiti	Honduras	Jamaica	México	Nicaragua	Panama	Paraguay	Peru	Dominican Republic	Suriname	Trinidad & Tobago	Uruguay	Venezuela
Year of inclusion in United Nations	1981	1945	1973	1966	1981	1945	1945	1945	1945	1945	1945	1945	1945	1974	1945	1966	1945	1945	1962	1945	1945	1945	1945	1945	1975	1962	1945	1945	
Agreement Relating to Wetlands of International Significance specially Water Birds' Habitat (RAMSAR)	2005	1992	1997	2006	1998	1990	1993	1981	1998	1992	2001	1991	1999	NO	1990	NO	NO	1993	1998	1986	1997	1990	1995	1992	2002	1985	1993	1984	1988
Biological Diversity Agreement	1993	1994	1993	1993	1993	1994	1994	1994	1995	1994	1994	1993	1994	1994	1995	1994	1996	1995	1995	1993	1995	1995	1995	1993	1996	1996	1996	1993	1994
Agreement on International trade of Endangered Wildlife Species (CITES)	1997	1981	1997	1993	1981	1979	1975	1975	1981	1975	1990	1975	1987	1999	1980	1977	NO	1985	1997	1991	1977	1978	1977	1975	1987	1981	1984	1984	1988
United Nations Conference for the Environment and Development (Rio Declaration) ¹		1992		1992		1992		1992	1992	1992	1992				1992	1992	1992	1992	1992	1992	1992		1992	1992	1992	1992		1992	
Framework Agreement of the United Nations for Climate Change	1994	1994	1994	1994	1995	1995	1994	1995	1995	2005	1994	1994	1996	1994	1996	1994	1996	1996	1995	1994	1996	1995	1994	1994	1999	1998	1994	1994	1995
Kyoto Protocol of Framework Agreement of United Nations for Climate Change	2005	2005	2005	2005	2005	2005	2005	2005	2005	2005	2005	2005	2005	NO	2005	2005	2005	2005	2005	2005	2005	2005	2005	2005	2005	2006	2005	2005	2005

⁷ The years set forth in this table are the years of **effectiveness** of each undersigning country. The sources thereof proceed from Secretariats or agencies in charge of administrating these Agreements or Treaties : www.cites.org, www.un.org, www.cbd.int, www.ramsar.org, www.ozone.unep.org

International Treaty or Agreement	Antigua & Barbuda	Argentina	Bahamas	Barbados	Belize	Bolivia	Brazil	Chile	Colombia	Costa Rica	Cuba	Ecuador	Salvador	Granada	Guatemala	Guyana	Haiti	Honduras	Jamaica	México	Nicaragua	Panama	Paraguay	Peru	Dominican Republic	Suriname	Trinidad & Tobago	Uruguay	Venezuela	
Vienna Agreement for the Protection of the Ozone Layer	1993	1990	1993	1993	1997	1995	1990	1990	1990	1991	1992	1990	1993	1993	1987	1993	2000	1994	1993	1987	1993	1989	1993	1993	1993	1998	1989	1989	1988	
Montreal Protocol relating to Substances that Deplete the Ozone Layer	1993	1990	1993	1993	1998	1995	1990	1990	1994	1991	1992	1990	1993	1993	1990	1993	2000	1994	1993	1988	1993	1989	1993	1989	1993	1998	1989	1991	1989	
United Nations Convention on Strive against Desertification and Draught	1997	1997	2001	1997	1998	1996	1997	1998	1999	1998	1997	1996	1997	1997	1998	1997	1996	1997	1998	1996	1998	1996	1997	1996	1997	2000	2000	1999	1998	
Cartagena Convention on Protection and Development of Marine Environment in the Caribbean Region	Member	X	Member	Member	Member	X	X	X	Member	Member	Member	X	Member	Member	Member	Member	Member	Member	Member	Member	Member	Member	X	X	Member	Member	Member	Member	X	Member
Protocol on Cooperation in the strive against Hydrocarbon Spillages²	Member	X	Member	Member	Member	X	X	X	Member	Member	Member	X	Member	Member	Member	Member	Member	Member	Member	Member	Member	Member	X	X	Member	Member	Member	Member	X	Member
Agreement 169 on Indigenous and Tribal Peoples in Independent Countries³	NO	2000	NO	NO	NO	1991	2002	NO	1991	1993	NO	1998	NO	NO	1996	NO	NO	1995	NO	1990	NO	NO	1993	1994	NO	NO	NO	NO	NO	2002

¹ It is important to point out in this case that, unlike all the rest, the Rio Declaration is not a treaty but a declaration, and thus its name: "Rio Declaration". The countries indicated by year 1992 were countries which signed and participated in this Declaration, which was made on June 1992.

² This Protocol is part of the Cartagena Convention on Marine Environment Protection and Development in the Caribbean Region, and both were jointly signed in 1983. The Cartagena Convention equally includes two other Protocols: Protocol on the Specially Protected Areas and Fauna in the Grand Caribbean Region, and Protocol relating to Pollution from Terrestrial Sources and Operations of the Agreement for Protection and Development of the Marine Environment in the Grand Caribbean Region. In this case, the Convention and Protocol thereof listed the countries which are members and part of the Convention, since all member countries signed when the Convention was held. It should be noted furthermore, that this Convention and Protocols thereof are Regional, solely for nations forming part of the Grand Caribbean Region and therefore, the other countries have been marked with an X, since they are not part of this Region.

³ The list in this Agreement is in effect as of 11/15/2007. Source: www.oit.org

ARPEL Regional Association of Oil and Natural Gas Companies in Latin America and the Caribbean

Established in 1965, ARPEL is an association of 26 oil and natural gas state owned and private companies and institutions with operations in Latin America and the Caribbean, which represent more than 90 percent of the Region's upstream and downstream operations. Since 1976, ARPEL holds formal UN-ECOSOC special consultative status. On 2006, ARPEL expressed its endorsement to the principles of the UN Global Compact.

ARPEL works on three main areas defined in its Strategic Plan:

- *Economic area:* relationship with key stakeholders, industry growth and energy integration.
- *Socio-environmental area:* Environment, Health and Safety Management System to prevent, eliminate and manage the operational risks, encouraging the reduction of incidents with high impact on facilities and individuals, and the relationship with communities where industry operates.
- *Eco-efficiency area:* the priority is focused on emissions reduction and the effective use of non-renewable resources.

To accomplish its objectives, ARPEL works together with its Members on issues of common interest to the industry through its 9 Committees. Four Corporate Committees: Environment, Health and Safety; Social Responsibility; Climate Change and Energy Efficiency and Energy Integration. Three Operational Committees: Refining, Pipelines and Terminals and Exploration and Production. Two Integrating Committees: Communications and the Integration Team, integrated by the Chairpersons of all Committees.

ARPEL organizes regional workshops, seminars and symposia to share information and best practices and develops technical documentation to build management capacity on issues of interest to its members. ARPEL has an interactive Portal for its Members in which all documents developed by ARPEL Technical Committees are available. The Portal facilitates the virtual interaction of the ARPEL community and with its stakeholders.

On 2005, on the occasion of the 40th Association anniversary, its members signed a binding Statement of Commitments in the areas of social responsibility, environment, health and safety, energy integration and communications to support sustainable development in the Region.



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