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Conciliation: An Alternative to Resolve Conflicts over *Damage to the Environment*

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Abstract: This paper presents a general framework (what, how, where, why and what for) on conciliation, which is an alternative dispute resolution method, aiming to evince that it is an effective way, in addition to the judicial process, to resolve disputes about *damage to the environment* repair. As stated therein, this mean to conflict resolution makes most sense in terms of social harmony and environmental preservation.

Keywords: Conciliation, Environment, Conflict

1. Introduction

Conflicts are inherent to humankind in society, and some of such conflicts concern the environment, which have certainly become more acute.

The traditional legal way to end such disputes is by means of a trial. (See Table 1).

The question arises as to whether the sentence resolves the conflict or if, in multiple occasions there is a winner and a loser, or in the worst-case scenario, two or more losers, causing the parties to continue to have clashes of interests. In other words, the question is whether the process only puts an end to the conflict without truly solving it, or, at least, transforming it positively.

Before the inadequacy of the judicial sentence, there are many alternative dispute resolution methods, such as: negotiation, mediation, conciliation, and arbitration, among others.

The hypothesis of this research revolves around the fact that conciliation is an alternate effective mean to resolve environmental conflicts.

This paper takes part in a more profound and thorough study, therefore it is simply aiming to achieve the following: to reveal the general aspects of conciliation of environmental disputes.

This article proposes an answer to six questions about conciliation in order to show that it is an effective option to ensure the *damage to the environment* repair.

This research has a juridical approach and is primarily carried out through a synthesis or Cartesian methodology technique, resulting on the ideas being put in two sections: in the first one the questions about the concept, the voluntary, the stage, the place and the reasons among conciliation will be outlined (in other words what, how, when, where and why); and on the second section the purposes to employ conciliation will be studied (it means what for), a whole section is intended to this last topic since it is the one that shows the usefulness of the legal structure, matter of this study.

This paper is limited to domestic conflicts on environmental damage repair, [1], among private parties.

2. Main Body

2.1. General Framework

In this first section, the general framework of conciliation will be addressed through simple ideas, and which, paradoxically, though flexible and simple, may also be extremely useful for resolving highly complex conflicts, as in this case, environmental conflicts.

2.1.1. Concept

Conciliation is a proceeding in which the parties attempt to reach an agreement in order to resolve a conflict by means of a proceeding guided by one or more impartial third parties (conciliator or a Conciliatory Commission, when several),

who do not have any decision-making power over such conflict, but may submit recommendations to the parties in order for them to reach such agreement, and for such agreement to be considered existing, valid, effective and enforceable. [2]

Other alternative methods were mentioned in this paper's Introduction; therefore they will be briefly referred to in order to understand their main difference from conciliation.

Conciliation is dissimilar from negotiation since in the first one there is a third party at play, whereas on the second one there is not necessarily. (See Table 2).

While mediation and conciliation are auto-compositive methods of conflict resolution, they are also different from each other, [3] since in mediation the mediator is not entitled to submit recommendations, whereas in conciliation, the conciliator is able to submit recommendations to the parties, and is even appropriate to do so. (See Table 3).

Carnelutti claims that mediation seeks for just any given contractual solution, while conciliation seeks for a just solution. [4]

As stated above, the conciliator does not have the authority to resolve a conflict, but the parties should resolve it through an agreement; whereas in arbitration, the arbitrator puts an end to the conflict in an award, in other words, an unrelated third party decides. (See Table 4).

It follows that conciliation is an alternative method with own characteristics in which self-composition is a guiding principle. The environment is a highly sophisticated system in which not only the natural, but also the social element interrelate, therefore, the environment-related conflicts usually result critical; so it is best that an unrelated third party is able to issue proposals to the parties in order to resolve environmental conflicts, of course, this will implicitly require the unrelated third party to have an outstanding grasp of the matter.

2.1.2. Voluntary

How is conciliation carried out? Voluntarily.

González mentions that sometimes the plaintiffs are not willing to negotiate since they mistakenly believe that they are already winning, when in fact they are all losing. [5]

Accordingly, since consent is a distinctive feature of conciliation, dissemination to society in general and to the legal practitioners, on all the advantages of conciliation is an important issue, in order for them to favor this alternative method.

There must be will in order for the parties to submit themselves to conciliation, and also during the proceeding unfailingly, and when entering into the agreement resolving the conflict.

While some may argue that it should be legally binding for the parties to submit to conciliation at an early stage in a judicial process, this is incongruent since it is suffice for one of the parties to not have the will to reach an agreement. However, this does not mean that it is not relevant that the judge should not incentivize the establishment of pacts among the parties.

In other wording, the compliance with the conciliatory agreement shall not be left to the whim of the parties, since it should be enforceable; simply stated, such agreement shall have the same force as a judge's sentence, in such a way that it can be enforced, even with the use of public force.

Certainly, a conciliatory agreement can only be enforceable if it does not act in violation of the Law and if it complies with all the statutory established thereon.

Though it is maintained that the conciliatory agreement should be enforceable, this will depend on individual country legislation. In Colombia the record of conciliation shall be enforceable in accordance with article 66 of the Law 446 from 1998. [6]

However, it is expected that the parties observe the agreement arising from a conciliatory proceeding in a voluntary manner and that enforceability would not be necessary since it is not a matter of an imposed decision by an unrelated third party outside the conflict. This is consistent with the general principle *pacta sunt servanda*, which means that the parties should comply with the agreements.

In the United States, in the first ten years of experience using alternate means to resolve environmental conflicts, The Conservation Foundation published a report whose findings were the following:

(1) 78% of the documented cases in which the parties aimed to reach an agreement, actually reached such agreement.

(2) Among the agreements reached: 80% were fully implemented, 13% were partially implemented and only 7% were not implemented. [7]

It follows from the above that the environmental agreements have a high level of voluntary compliance.

So it stresses that conciliation is a legal structure characterized by consent.

2.1.3. Stage

The conciliatory agreement shall never be subsequent to the resolution, whether it is judicial or not. For example, if there is a judge's sentence, it is no longer the appropriate time to conduct a conciliatory proceeding, or if there is an arbitral award there will be no room for conciliation.

In Mexico, during the judicial process on environmental damage repair, called environmental liability judicial proceeding, the Federal Law on Environmental Liability allows the parties to resolve the conflict through an alternative method until just before the issuance of the definitive sentence. However, the most interesting thing about the aforesaid Mexican legislation is that article 47 expressly enables the parties to turn to conciliation. Consequently, there is no doubt that in Mexico, the conflicts that concern this paper may be resolved by means of a conciliatory proceeding. [8]

2.1.4. Place

Ideally, conciliation should be on-site.

Conciliation may be *ad hoc* or within an institutional framework. *Ad hoc* or independent conciliation is the one that is carried out without the intervention of a Centre that offers

the conciliatory services, and on the other hand, conciliation carried out with the involvement of such Centre, shall be done within an institutional framework.

It is proposed in this document that environment conciliation always gets conducted through a Conciliatory Centre, in other words, within an institutional framework; therefore there is an urgent need to have adequate Conciliatory Centers with affiliated environmental conciliators.

It is suggested that such Centre has a sustainable infrastructure in which there is at least one filing office, a reception area with waiting rooms, a conciliation hearing room in an enclosed area favorable to preserving confidentiality (since conciliation is, as a general rule, confidential), with a round table and enough identical chairs for every participant, a working area for the Centre's personnel, sanitary facilities. The Centre shall also have electricity, water and drainage connections, as well as the adequate furniture, equipment and material in order to provide the aforementioned services.

Cardoza advises that the chairs should be comfortable and all identical, and should be placed around a round table, that there should be few distracting factors and suggests the use of instrumental music set to a low volume in order to favor concentration, the space should be well illuminated and ventilated, there should also be a flip chart or board. [9]

Due to the flexibility of the conciliatory proceeding, it can adapt to new technologies, therefore it can also be conducted by means of virtual media; although it is not ideal, it is necessary to take into consideration that the *damage to the environment* is progressive in space, therefore the affected party may be located far away from the responsible party; in this sense, new technologies may help provide the conciliating parties with the interaction that would have otherwise not been possible.

Both parties would have to agree on the proceeding being conducted with the help of new technologies and shall determine to what extent, e.g. they may only be used for notices or to carry out remote meetings.

Quiroga precisely expresses that one of the advantages of the alternate methods is their greater and better adaptability to the current circumstances, as it happens with the use of new technologies, since the web can be used in these alternate methods. [10]

In Bolivia, the Arbitration and Conciliation Law Number 1770 expressly allows virtual communication within the conciliatory proceeding, based on article 23. [11]

In conclusion, the conciliatory proceeding may be conducted on-site or virtually, although the first one is preferred.

2.1.5. Reasons

The alternative methods have been successfully used across the world.

In the Common Law traditions, the use of alternate means to resolve environmental conflicts is widely divulged and all seems to be on the rise; but such means have also been successful in other juridical traditions. [12] It can be illustrated with a case in Chile, in which the court decided on an environmental case by means of the conciliatory model. [13]

Of course, each proceeding and the agreements among the parties may be subject to criticism, but reaching an agreement among them, represents a considerable step forward in the resolution of conflicts.

2.2. Purposes

This second section gives a glimpse of some of the most significant advantages of the use of conciliation for the resolution of the conflicts in question.

2.2.1. Social Harmony

Generally speaking, the main usefulness of conciliation is to contribute to social harmony. The resolution of a conflict favors harmony in a society.

The Colombian Ministry of Justice and Home Office has held that, with conciliation it is viable to live at peace and to promptly put an end to the conflict leaving it behind. But on the other hand, if the State intervenes, disparities grow and the parties stubbornly persist in winning the trial, which makes peaceful coexistence impossible. [14]

If there is a mutual understanding among the parties, long-standing peaceful relations will be encouraged. Consider, for example, a factory and a neighboring community, if they face trial, there will hardly be any amiable dealing after it; but on the contrary, after a conciliatory proceeding they will be able to have a better relation.

Hernández, Aguilera, García and Espinosa justify that judicial sentences frequently polarize the parties even more. [15]

García states that, particularly for Mexico, the lack of credibility and the dissatisfaction on the part of the defendants causes the society to question the justice administration. [16]

On the other hand, the environmental conflicts are usually not entirely resolved, even with the agreements among the parties, disparities remain or new ones arise.

Even Galtung maintains that conflicts do not get solved, but transformed. [17]

Pérez affirms that alternative dispute resolution methods, particularly those peaceable and auto-compositive (as conciliation has been proven to be), encourage non-confrontational competence in society, which increases citizen participation, resulting in a great educational potential, which reaches to the construction of a culture of peace. [18]

Therefore, trustworthy alternative means are required for the society to resolve, or at least, to positively transform disputes.

Access to justice does not necessarily have to be via traditional means, but it can also be reached by other pathways, provided that, such do not, in any way, violate the Law.

Furthermore, Veytia states that nowadays the most prompt and expedite justice administration, is served due to alternative dispute resolution methods. [19]

Therefore, conciliation allows access to justice in a way that it encourages harmony in the society.

2.2.2. Solution by Those Who Know the Conflict Best

The parties in conflict, are the ones who usually grasp the conflict best, they are the protagonists. It could be argued that the parties have a better understanding of the conflict that the judge himself, since they are the ones "experiencing" it.

However, it has to be said that a person may be negatively affected, and ignore every detail of the issue, e.g. ignoring what kind of substance has polluted the water; a member of the affected community is able to observe that the water has a red color, but ignores what kind of residue is causing such occurrence. This can even happen to the one who caused the *damage to the environment* this is to say that, the one causing the damage, may not even realize the subtleties.

Even so, the parties are the ones that create and suffer the conflict, so they may be able to reach a resolution agreement with the help of an unrelated third party.

Kubasek and Silverman explain the process as follows: "Dispute resolution through our courts is an adversarial process, so disputes are managed by two conflicting parties, represented by lawyers, each of whom tries to bring out the strongest evidence and make the best argument for his or her side. A neutral third party, either a judge or jury, will decide who is the winner". [20]

As opposed to the process, conciliation is based on a win-win model and not on a win-lose model.

2.2.3. No Need to Prove

In a judicial process the parties must prove the facts, or rather must, prove the damage and the cause-effect link, with exception of those countries in which the legislation provides the reversal of the burden of the proof or a presumption of predetermined liability.

The evidence in an environmental trial can be highly complicated and expensive.

In a judicial process it will be difficult to prove each and every element subject to the *damage to the environment*, means the environmental impact (cause) and the adverse change in the elements of the environment or their interrelation (effect). (See Figure 1).

Some claim that the greatest obstacle in this matter is the assessment of the causal link between the harmful event (cause) and the damage itself (effect).

The link may be so indirect, that it is impossible to clearly establish it, which is and impediment to achieve the claimed remediation, resulting in a denial of justice. [21]

In view of these difficulties, the Law provides several responses; some of which are revealed shortly:

In Chile, in accordance with article 52 of Law 19.300 on Environmental General Basis, the environmental tortfeasor is legally considered liable if there has been an infringement to the respective regulations, but there will only be an indemnity if the cause-effect link between said infringement and the damage is proven. [22]

The presumption of causation is provided by the German Law *Unwelthg*, which, in some cases, lays down generally the presumption of liability in favor of the aggrieved party. [23]

Atilio maintains that the reversal of the burden of the proof is common in Argentinian Law. [24] In other words, the plaintiff or complainant would normally be the ones compelled to prove the process, but by reversing such burden of the proof, the defendant will be the one compelled to prove that he did not cause the damage.

In other wording, the subjective elements of the *damage to the environment* (subjects) are, the one causing the damage and the one affected, but being able to determine them is no easy task.

Castañón expresses that, for such reason, there are systems that have a mechanism to channel the liability to a person that has already been determined as liable for the damage. Examples include:

(1) The conventions on nuclear power from Paris on July 29, 1960 and from Vienna on May 21, 1963, in which the liability lies with the operator.

(2) The Brussels convention on hydrocarbons from November 29, 1969, in which the liability lies with owner of the boat.

(3) The Geneva convention on carriage of dangerous goods by road from October 10, 1989 in which the liability lies with carrier (during loading and unloading) and, with the merchandiser and with the goods recipient. [25]

Well, in the conciliatory proceeding the parties are not bound to prove the aforementioned in order to achieve the conflict resolution. Generally, the party causing the *damage to the environment* is aware of how the damage is being done and the affected knows how the effects of the damage feel.

The consequence will be that, among other motives, in the absence of the requirement to evidence, conciliation will be mostly more economical and expeditious than a judicial process.

2.2.4. Creative Solution

Solving conflicts demands creativity, particularly, if the parties with conflicting interests are required to be able to enter into an agreement based on a win-win model.

In conciliation, the solution to the dispute must deviate from the traditional monetary compensation, e.g.: the parties may agree that the party causing the *damage to the environment* shall carry out an environmentally useful activity, or carry out an analogous remediation, or conduct an awareness campaign with their managers and staff.

The U.S. Environmental Protection Agency has been using the alternative methods, often leading to supplemental environmental projects, which consists on a project where the defendant and the government convene, [26] and in which the defendant agrees to carry out a project, though the law does not require this defendant to do so, such as preserving wetlands, launching additional cleaning equipment, conducting community outreach activities; all these in exchange for a reduction of the financial sanction. [27]

Even the legal framework can incentivize the creativity to solve a conciliatory proceeding, as provided in section VI of article 14 of the Rules of Procedure for the Alternative Means of Conflict Resolution and Validation of the State of Jalisco in Mexico, which mandates that the conciliators must stimulate the creativity of the participants, in order for them propose

solutions to the conflict. [28]

The proposal therein is for the conciliatory agreement to prohibit the monetary compensation in order to avoid the misuse of this method in order to satisfy particular interests. This will constrain to create groundbreaking solutions.

Hamacher states that the alternative methods offer the possibility to craft "tailor-made" agreements compatible with the common interests of the parties, this is, flexible practical solutions, accepted by everyone. [29]

2.2.5. Relieving Judicial Congestion

The juridification of the conflicts obstructs the administration of justice if the system becomes congested.

Durand states that in light of the system's congestion, the need to resolve conflict by means of other mechanisms arises. [30]

Calvillo indicated that the procedural means in Mexico are overfilled, and the same applies to the Environmental Administrative Procurators' Offices. [31]

In Colombia the Ministry of Justice and Law conducted a survey with the judges, and found the following:

(1) 100% of the judges acknowledge the existence of judicial congestion.

(2) Judicial congestion is attributed to the lack of technical resources 36%, lack of courts 35% and the lack of more effective procedures 32%. [32]

If some of the conflicts are resolved through an alternative method, the workload congestion in the courts will be relieved. Decreasing the number of cases to be heard by a judge, must translate into the judicial disputes being resolved with greater attention, and therefore, in a more efficient and effective manner.

Then again, only those cases that, due to the nature of the conflict or to the rivalry of the parties, cannot be resolved by means of a peaceful manner through an agreement, should seek the decision of an unrelated third party.

In other words, unless the parties are not able to convene, the conflict must be taken to the Judicial Branch. The judges exclusively handle the disputes that the parties themselves are not able to solve.

2.2.6. Social Participation

There is a tendency nowadays to assume that the State should not monopolize environmental matters, it is currently stated that the members of the society should get involved.

The main objective of social participation is for the citizens take part in decision-making process, which implies the establishment of discussion forums in which the social actors are listened to, in order to achieve a sustainable development. [33]

Citizen participation has a mayor influence on the environmental impact prevention, on the selection of alternatives and on the decision-making process. [34]

A number of international statements provided for citizen participation in the environmental sector, such is the case of the Principle 10 of the Rio Declaration on Environment and Development, which issues the following: "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level". [35]

It is therefore obvious that conflict resolution by the parties themselves indicates a social participation in the environmental sector, therefore, conciliation contributes to incentivize such participation.

2.2.7. Damage to the Environment Repair

Reflecting about why is conciliation useful implies not to lose sight that the conciliatory agreement must be implemented precisely with a view to achieving the environmental damage repair.

In Chile, in accordance with article 44 of Law 20.600, which creates the Environmental Courts, provides that the action of remediation of environmental damage may not be subject of any agreement attempting to relieve the tortfeasor from implementing the corresponding remedial measures. [36]

It is proposed that, in addition to requiring the parties' consent, conciliatory agreements must have approval from the conciliator and the Conciliatory Centre; but also, if the agreement were not compensational or remedial, the Environmental Ministry or Secretariat would have to approve of it. If the parties do not consent, the agreement should be regarded as legally non-existent and if the other participants do not approve, such agreement shall be ineffective.

A door is being left open in such proposal where a non-remedial agreement may be effective if the Environmental Ministry or Secretariat approves of it, since it is aware that there may be a conflict in which there is certainly no damage in legal terms, for example, if the defendant charged with causing such damage acts within the permissible legal boundaries, has the necessary legal permits, etc.

According to a survey conducted in Mexico, the respondents consider it possible to achieve *damage to the environment* repair through conciliation if the corresponding guidelines are implemented. (See Figure 2). [37]

Despite the hitches that may arise, it is undeniable that by means of conciliation the *damage to the environment* repair is achievable.

3. Details

3.1. Figures

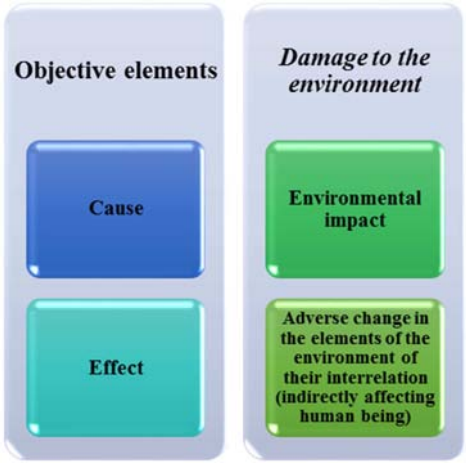

Figure 1. *Objective elements of damage to the environment.*

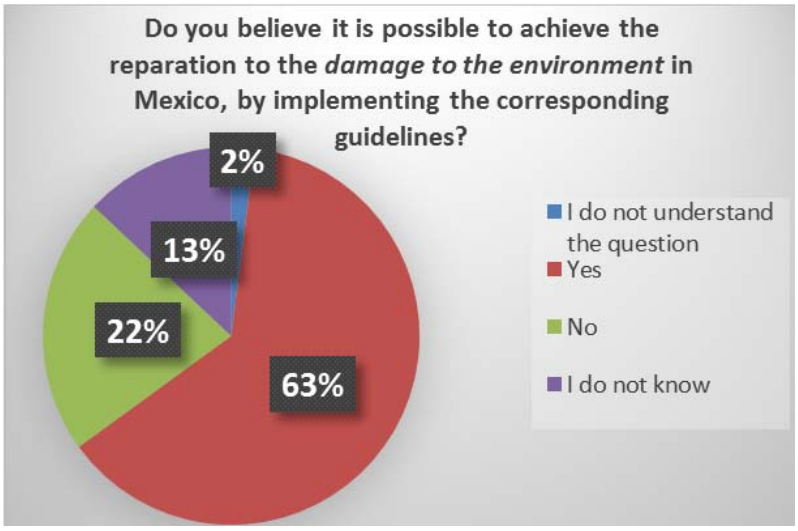

Figure 2. *Damage to the environment repair by means of conciliation.*

3.2. Tables

Table 1. *Process and conciliation.*

	Process	**Conciliation**
Solution	Sentence	Agreement
Third party's role	Furnish and decide on how to resolve	Furnish and suggest
Third party's jurisdiction	Yes	No
Third party's implementation	Yes	No

Table 2. *Negotiation and conciliation.*

	Negotiation	**Conciliation**
Solution	Agreement	Agreement
Third party	Not necessarily	Yes

Table 3. *Mediation and conciliation.*

	Mediation	**Conciliation**
Solution	Agreement	Agreement
Third party's role	Furnish	Furnish and suggest
Third party's jurisdiction	No	No
Third party's implementation	No	No

Table 4. *Arbitration and conciliation.*

	Arbitration	**Conciliation**
Solution	Award	Agreement
Third party's role	Furnish and decide on how to resolve	Furnish and suggest
Third party's jurisdiction	No	No
Third party's implementation	No	No

4. Conclusion

Conciliation is an effective alternative method used to resolve environmental conflicts; it, therefore, depicts an alternative path to access justice. Willfulness of the parties prevails in conciliation, which has a built-in flexibility and, though it is not a panacea, it does have a great utility. It is worth highlighting the contribution of conciliation to social harmony and to environmental preservation. The conciliatory agreements shall involve creative solutions for the *damage to the environment* repair that shift away from a mere monetary compensation, which requires us to create innovative legal solution schemes.

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[1] The environmental damage is divided into *damage to the environment* and damage to humankind derived from damage done to the environment. The first one is, for example, polluted rivers, and the second one, e.g. the damage to human health for drinking the water from said rivers.

[2] A. Valenzuela, "Ventajas y Desventajas de la Conciliación en la Resolución de Conflictos Sobre Reparación del Daño al Medio Ambiente", in Revista Internacional Consinter de Direito, year II, vol. III, Juruá Ed., Brazil: CONSINTER, 2016, http://editorialjurua.com/revistaconsinter/es/revistas/ano-ii-volume-iii/parte-1-direito-e-sustentabilidade/ventajas-y-desventajas-de-la-conciliacion-en-la-resolucion-de-conflictos-sobre-reparacion-del-dano-al-medio-ambiente/ (visit: 05/04/17).

[3] Auto-composition consists on the parties being able to resolve the dispute on their own, by means of an agreement, either with or without the guidance from an unrelated third party.

[4] Quoted according to R. Mondéjar, Mediación ambiental. Recursos y experiencias, Spain: Dykinson, 2014, pp. 28, https://books.google.com.mx/books?id=XBDdBAAAQBAJ&pg=PA28&lpg=PA28&dq=conciliacion+ambiental&source=bl&ots=g3LZPG9hGZ&sig=z5JP8WGN1EkqYTmb0aZQHfOnzrs&hl=es&sa=X&ved=0ahUKEwjpqpKfssvTAhXKLSYKHQsbCgM4FBDoAQg-MAk#v=onepage&q=conciliacion%20ambiental&f=false (visit: 29/04/17).

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[11] Arbitration and Conciliation Law Number 1770 in Bolivia.

[12] A. Valenzuela, "Experiencias de éxito en la resolución de conflictos medioambientales a través de los medios alternos de solución de conflictos", in Memorias 14º Encuentro Internacional de Derecho Ambiental, Ch. XXIII, Argentina: LIMAA, 2016, http://www.ijeditores.com.ar/pop.php?option=articulo&Hash=9cc8204f146635dc2367147dd3f3e6b2 (visit: 07/02/17).

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[21] Ghersi (director), Derecho y reparación de daños, vol. 3, Buenos Aires: Universidad, 1998, pp. 56-57.

[22] Law 19.300 on Environmental General Basis in Chile.

[23] See J. Mosset, Daño ambiental, vol. I, Rubinzal-Culzoni Editores: Argentina, 1999, pp. 111.

[24] J. Atilio, "Retos y perspectivas para generar mayor efectividad en el Derecho y la gestión ambiental en los países de Iberoamérica", in Primer Congreso Iberoamericano Derecho y Gestión Ambiental, Perú: ATINA-Universidad Científica del Sur, 2013.

[25] M. Castañón, Valoración del daño ambiental, Mexico: PNUMA, 2006, pp. 39.

[26] It is quoted as an example of the case from the U.S. Environmental Protection Agency, since this paper's line of research is conflicts between private parties and not between governors and governed.

[27] S. Biro, "Métodos alternativos de solución de controversias", in Legislación ambiental en América del Norte, México: UNAM, 2008, pp. 697-698. https://archivos.juridicas.unam.mx/www/bjv/libros/6/2954/93.pdf (visit 08/11/11).

[28] Rules of Procedure for the Alternative Means of Conflict Resolution and Validation of the State of Jalisco.

[29] W. Hamacher, trad. M. Heppe-Bustos, Alemania: Deutsche Gesellschaft für, 1996, pp. 8, http://www.bivica.org/upload/conflictos-medio-ambiente.pdf (visit: 30/04/17).

[30] E. Durand, "El acceso a los métodos alternos de solución de conflictos como garantía de seguridad jurídica", in Justicia en el marco de los derechos humanos, la equidad y la justicia alternativa "Perspectiva panameña y mexicana", Mexico: UANL, 2014, pp. 351.

[31] G. Calvillo, "El nuevo criterio de caducidad en materia ambiental y la urgencia de implementar mecanismos de descongestión para la Procuraduría Federal de Protección al Ambiente", in Derecho Ambiental y Ecología, Mexico: CEJA, p. 32, http://ceja.org.mx/IMG/Ariculos_40_El_nuevo_criterio.pdf (visit 01/05/17).

[32] H. Herrera, "Estado de los métodos alternativos de solución de conflictos en Colombia", OEA, http://www.oas.org/juridico/spanish/adjusti6.htm (visit 01/05/17).

[33] G. Arminda, "Participación social y medio ambiente" in Derecho Ambiental y Ecología, núm. 69, año 12, Mexico: CEJA, pp. 27-28.

[34] M. Manosalva, Tesis La participación ciudadana en la gestión alternativa de los conflictos ambientales locales, Colombia: Universidad Nacional de Colombia, 2004, pp. 168. http://es.calameo.com/read/001593275a2119ddcc715 (visit: 27/04/17).

[35] The Rio Declaration on Environment and Development.

[36] Law 20.600 which creates the Environmental Courts in Chile.

[37] It was an anonymous instrument applied to 100 persons, who were 17 years old or older men and women, consisting mostly in closed-ended questions. Such surveys were conducted from June 10, 2014 to August 16, 2014.