

CIVIC SPACE FOR PARTICIPATION IN CLIMATE POLICIES IN ARGENTINA



Imprint

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1 Summary

Through the ratification of both the Paris Agreement and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement), Argentina has committed to take ambitious action to keep average global temperature rise below 2°C above pre-industrial levels and to develop and maintain standards of civil society participation in environmental and climate affairs. Participation of civil society in the elaboration of climate policies is key to balance the demands of citizens and the environment with the priorities of the national government and economy, in order to comply with international climate commitments. In particular, civil society organizations (CSOs) play an important role here, as they give a voice to citizens who are unable to get involved themselves due to a wide variety of barriers, and simultaneously demand for ambitious nature, environment and climate protection measures. This study analyses the conditions and opportunities for Argentinean CSOs for participating in decision-making in the context of climate policy formulation and implementation.

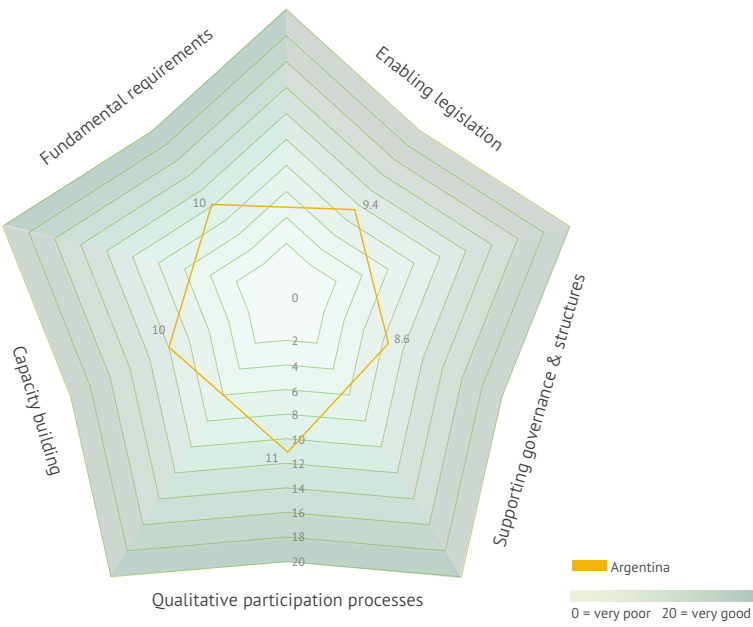
Argentina’s economy is currently highly dependent on agricultural exports, the hydrocarbon sector, and other extractive activities. Due to the economic crisis that the country is currently going through, the country’s vulnerability to impacts of climate change is increasing. At present, the conditions for CSO participation in climate policy in Argentina are ambivalent. Three laws are of importance for participation in environmental issues in Argentina: Law N° 25.675, General Environmental Law, which establishes public hearings in the Environmental Impact Assessment (EIA) process; Law N° 27.566 in the framework of the Escazú Agreement; and Law N° 27.520 on Minimum Budgets for Adaptation and Mitigation of Global Climate Change. Regarding environmental education, the enactment of Law No. 27.621 for the Implementation of Comprehensive Environmental Education and the National Strategy for Comprehensive Environmental Education (ENEAI) represent clear advances in the framework for its improvement.

Law N° 27.520 establishes a national climate governance scheme based on the institutionalisation of the National Climate Change Cabinet (GNCC) that is in charge of articulating intra- and intergovernmental climate public policies within a framework of consensus and inclusion. The law establishes the specific space of the Enlarged Roundtable for the Participation of Civil Society in the debate and involvement regarding the cross-cutting approach to climate change mitigation and adaptation issues in the design and implementation of policies. The Extended Roundtable is a broad, open and unrestricted instance for the dissemination of information and interaction between civil society and those responsible for the areas of government involved in the design of environmental policies. Another instance of participation, limited to the organised civil society, is the External Advisory Council (CAE) with a limited number of representatives. The CAE, made up of 20 representatives from different areas of civil society who meet on a regular basis with the aim of bringing proposals for the development and monitoring of the implementation of the National Plan for Adaptation and Mitigation of Climate Change (PNAyMCC).

During the research for the preparation of this study, CSO representatives involved in these instances of participation stated that some of the barriers that

decrease the success of the participatory process are: difficulties in accessing information, the lack of initiatives for greater diversity in participation to broaden the plurality of voices, and the non-binding nature of the instances. In this sense, some alternatives are proposed to broaden the opportunities for climate participation in Argentina:

- _ Ensure greater transparency in institutional spaces for citizen and CSO participation in climate policy-making.
- _ Achieve greater transversality through the active participation of ministries and governmental entities in participatory formats with CSOs.
- _ Ensure greater federalisation and the representation of the most vulnerable provinces, territories and communities.
- _ Strengthen and increase environmental and climate education and training.
- _ Reform public hearing schemes, promote the adoption of legally binding processes and expand resources for their implementation.



2 Introduction

Through the ratification of both the Paris Agreement and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), Argentina has committed to take ambitious action to keep average global temperature rise below 2°C above pre-industrial levels and to develop and maintain standards of civil society participation in environmental and climate affairs. This study now tries to draw a realistic picture of the actual situation of civil society participation within Argentinean climate policies. For this purpose, the civic space for participation of Argentinean civil society organisations (CSOs) working on climate issues was analysed and evaluated. Moreover, the social and political environment, legal prerequisites for environmental participation and activism, and framework conditions for climate-related participation were investigated. In doing so, the study looks at selected participatory practices e.g. within policy development processes related to planning and implementation of climate protection and climate change adaptation. The focus here is on participatory processes implemented by state bodies, agencies, or CSOs, in which civil society can participate. Building on this status quo analysis, barriers to meaningful, effective and long-term civil society participation in Argentina were identified and recommendations developed on how to overcome them.

3 Methodology

The analysis of the status quo of the situation of civil society participation in climate affairs and civic space was conducted based on the research team’s local knowledge, contacts and experiences in the country. It included literature review, analysis of relevant legislation and policy documents, as well as interviews with local experts and stakeholders. For the evaluation of the country’s civic space for participation, the concept of the ‘participation handprint’ and its associated standardised evaluation scheme was used¹. The evaluation scheme comprises **5 criteria with 25 indicators**.

The indicators have different scoring options and an associated scoring system, where some indicators are weighed higher than others. In total, a maximum score of 59 points can be achieved. By scaling each criterion to a maximum of 20, the criteria are balanced out evenly. To answer the questions of the evaluation scheme, information was collected through focus groups and interviews conducted between December 2022 and February 2023. The involved experts representing different CSOs were selected based on their experiences with participation processes in the country.

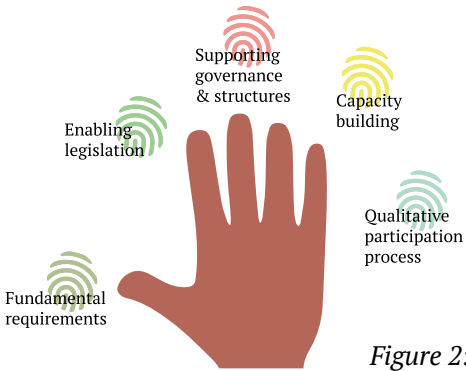
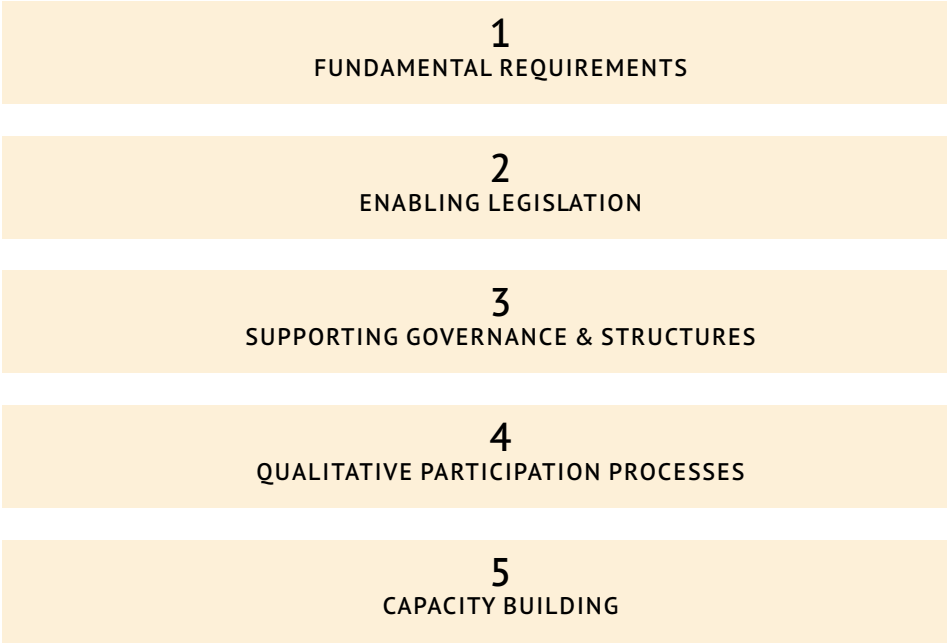
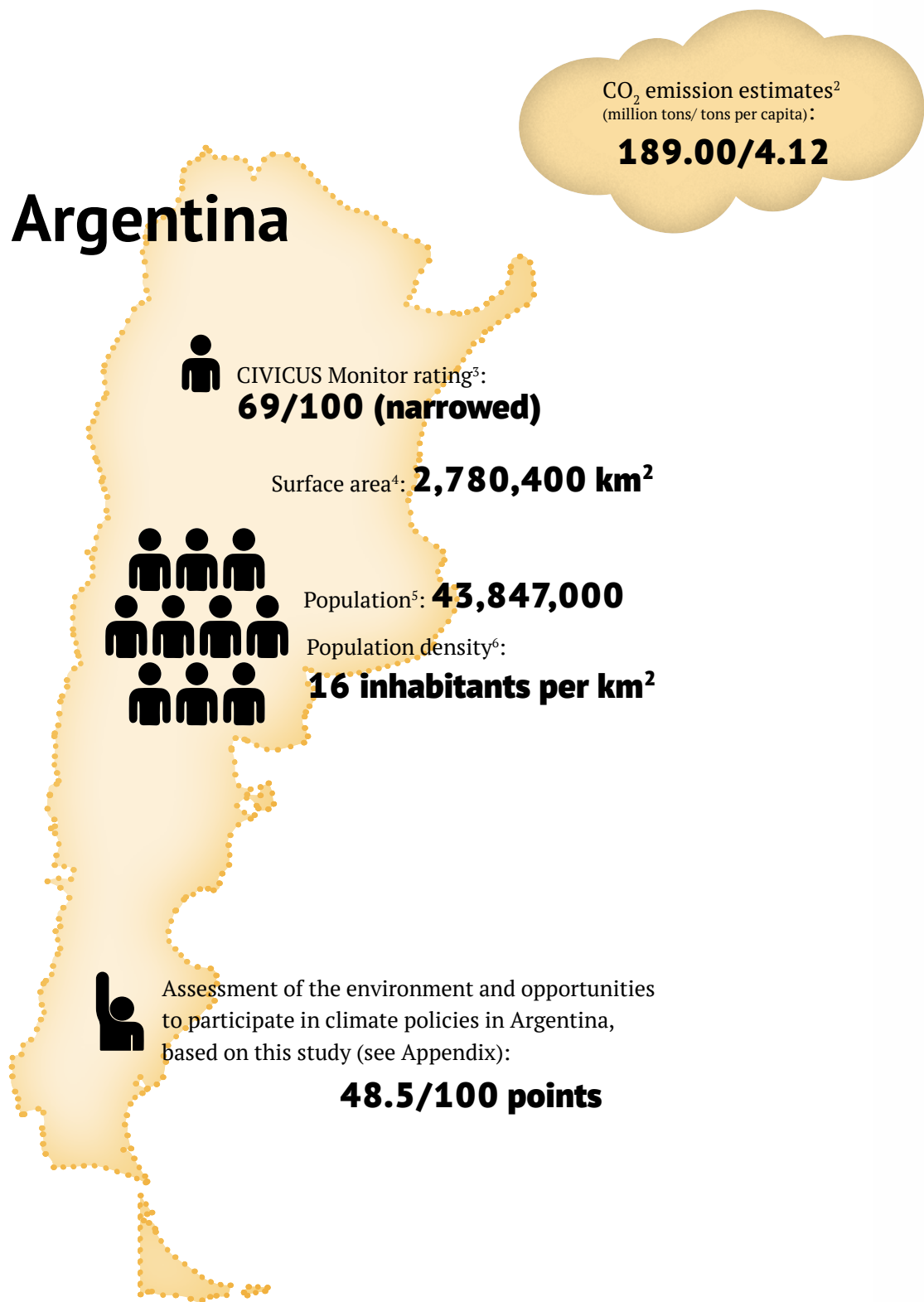


Figure 2: The Participation Handprint

¹ Donges, L.; Stolpe, F.; Sperfeld, F.; Kovac, S. (2020). Civic space for participation in climate policies in Colombia, Georgia and Ukraine. Independent Institute for Environmental Issues. ISBN 978-3-935563-42-0, www.ufu.de/en/civic-space-for-participation-in-climate-policies, accessed 13 March 2023.



2 https://edgar.jrc.ec.europa.eu/report_2022, accesses 13 June 2023

3 CIVICUS Monitor is a research tool built by civil society that aims to share data on the state of civil society freedoms (civic space) all over the world. It analyses to what extent states fulfill their duty to protect the freedom of association, the freedom of peaceful assembly and the freedom of expression. Each country is assigned a rating of the following categories: open, narrowed, obstructed, repressed or closed. For more information: <https://monitor.civicus.org>, accessed 13 June 2023.

4 https://data.un.org/CountryProfile.aspx/_Docs/CountryProfile.aspx?crName=Argentina accessed 07 June 2023

5 Ibid.

6 Ibid.

4 Country Portrait

4.1 General Information

Argentina is a representative and federal republic made up of twenty-three provinces and the Autonomous City of Buenos Aires (CABA). Argentina faces major challenges in the implementation of environmental legislation, which are aggravated in a context of climate change and economic crisis. With 36.5% of the population living below the poverty line⁷, the main socio-environmental conflicts seem to have a common cause: the economic model dependent on fossil fuels, extraction of mineral resources and agro-exports.

In this context, the expansion of the agricultural frontier and the promotion of practices that deepen the extractivist model call for active citizen involvement. Currently, the most relevant environmental discussion relevant in the context of civil society participation, is related to the development of a law for the protection of wetlands and for reducing the impacts of lithium mining on nature and communities. The discussion about this law, which has been demanded by representatives of civil society, has already dragged on for more than 10 years and its adoption has been prevented in particular by representatives of provincial governments, the extractive sector and the agricultural sector.

Another current discussion involving civil society is related to the need to develop a just transition. In order to comply with international commitments to reduce emissions, it will be necessary to restructure the extractive and manufacturing industry. This requires just transition processes to avoid negative impacts on workers and communities concerned. Currently, there are gaps between the commitments made and the development of policy frameworks that encourage a just transition to environmentally sustainable jobs.

4.2 National climate policy

In 1993, Argentina ratified the United Nations Framework Convention on Climate Change (UNFCCC) as a non-Annex I country through Law N° 24,295. It also ratified the Kyoto Protocol through Law N° 25,438 of June 2001 and the Paris Agreement through Law N° 27,270 of September 2016⁸.

Within the reporting documents to the UNFCCC, Argentina submitted three National Communications on Climate Change (1999, 2008 and 2015)⁹ and Biennial Update Reports (BURs) in 2015, 2017, 2019 and 2021. The fourth BUR contains updated information from the National Greenhouse Gas Inventory (INGEI) with information for 2018. In turn, in 2019 and on a voluntary basis, Argentina submitted the Forest Reference Emission Level (NREF), corresponding to the REDD+2 Technical Annex for the period 2017-2018¹⁰

In December 2019, Law No. 27,520 on Minimum Budgets for Adaptation and Mitigation of Global Climate Change and its regulatory decree No. 1030/2020 were passed, a specific regulatory framework at the national level that institutionalises Argentina's current climate governance system and designates the National Climate Change Cabinet (GNCC) as the main body for the coordination of climate change adaptation and mitigation

7 Instituto Nacional de Estadística y Censos de la República Argentina (2022). Incidencia de la pobreza y la indigencia en 31 aglomerados urbanos. Condiciones de vida, Vol. 6, n°12.

8 Ministerio de Ambiente y Desarrollo Sostenible. (2021). Cuarto Informe Bienal de Actualización de Argentina a la Convención Marco de las Naciones Unidas para el Cambio Climático (CMNUCC).

9 Ministerio de Ambiente y Desarrollo Sostenible (2022a). Plan Nacional de Adaptación y Mitigación al Cambio Climático. República Argentina.

10 Ibid.

policies. The Law stipulates the elaboration of the National Climate Change Adaptation and Mitigation Plan (PNAyMCC) and the corresponding Jurisdictional Response Plans for each province and the Autonomous City of Buenos Aires (CABA). The first version of the NAPCCM was published in 2022.

Argentina submitted its Nationally Determined Contribution (NDC) in 2015 and its Second NDC in 2020¹¹, which incorporates the Second Adaptation Communication. In 2021, Argentina updated the net emissions target to 2030, representing a reduction in emissions limitation of 27.7% compared to the first NDC submitted in 2015. In 2022, Argentina presented the first Long Term Low Emissions Resilient Development Strategy 2050 (ELP)¹², with a commitment to achieve greenhouse gas (GHG) emissions neutrality by 2050.

Despite some positive approaches in Argentina’s climate policy, Climate Action Tracker (CAT) rated Argentina’s climate commitments as very insufficient. Although the new emissions reduction target presents an increase in climate mitigation ambition, both the Second NDC and ELP targets were rated as insufficient compared to the national efforts needed to meet the emission targets, partly due to the lack of concrete actions in the short term to promote the „phasing out of fossil fuel exploration and extraction (...), eliminating fossil fuel subsidies and addressing the country’s focus on meat production and exports“¹³. Additionally, Argentina’s equitable contribution in global terms was also rated as very insufficient.



11 Ministerio de Ambiente y Desarrollo Sostenible (2020)
12 Ministerio de Ambiente y Desarrollo Sostenible (2022b). Estrategia de desarrollo resiliente con bajas emisiones a largo plazo a 2050. República Argentina.
13 Climate Action Tracker (CAT). Argentina. <https://climateactiontracker.org/countries/argentina/>, accessed 07 June 2023

5 Climate-engaged civil society and its right to participate

5.1 Fundamental requirements

Apart from the conflict over the Falkland Islands (Islas Malvinas), which has existed since 1833, Argentina does currently not suffer from any war or armed conflict within the country that would have a fundamental effect on the lives of its inhabitants and thus would affect the civic space for participation¹⁴.

The return to democracy at the end of 1983 marked a turning point in Argentina’s history and its political system, as well as the framework that led to the strengthening of environmental movements and environmental civil society. In Argentina, there is a long tradition of peaceful protests to demonstrate the citizen’s rejection of extractive or industrial projects without a social licence to operate. The CIVICUS Monitor describes civic space in Argentina as limited due to the facts that the rights to freedom of expression, peaceful assembly and association are guaranteed on the one hand, while violations of these rights can occur due to police harassment, occasional arrests, and excessive force that can include the use of tear gas and rubber bullets on people engaging in peaceful protest, on the other hand¹⁵. There are numerous cases throughout the country in which local communities were peacefully protesting against extractivist projects that impacted their land, whose rights were violated by such actions by the police and the authorities. In turn, „throughout 2022, Argentina continued to suffer the consequences of a severe economic crisis marked by rising inflation and the reduction of wages and purchasing power“¹⁶, which has promoted the advance and/or resurgence of extractivist projects that are threats to the social stability of entire communities.

Regarding transparency and corruption, Transparency International’s Corruption Perceptions Index¹⁷ ranks Argentina 94th out of 180 countries, with a score of 38.¹⁸ According to Transparency International, about half of the population considers that corruption increased in the last 12 months as of 2019. Some 93% of the population consider corruption at the government level to be one of the main problems and almost 70% believe that the government is not doing enough to fight against corruption in the country¹⁹.

14 Heidelberg Institute for International Conflict Research (2020). Conflict Barometer 2021.
15 CIVICUS Monitor 2023. Argentina. <https://monitor.civicus.org/country/argentina>, accessed 07 June 2023
16 CIVICUS Monitor 2023
17 Transparency International (2023). Corruption Perceptions Index 2022.
18 On a scale of 0 to 100, where 0 means very corrupt and 100 means very clean.
19 Transparency International (2019). Global Corruption Barometer Latin America & The Caribbean 2019. Citizens’ views and experiences of corruption. www.transparency.org/en/gcb/latin-america/latin-america-and-the-caribbean-x-edition-2019, accessed 07 June 2023

5.2 Legal framework for participation

In Argentina, the National Constitution requires the publicity of government acts and guarantees the right and free access to public information. The reformed National Constitution of 1994 incorporates in its Art. 41 „the recognition of the right to a healthy environment and the notion of minimum requirements for environmental protection, which must be established by the Nation as minimum requirements throughout the territory that guarantees the exercise of this right“²⁰. At the same time, the provinces are recognised as having the competence to enact regulations that fulfill these minimum requirements. The constitutional reform also introduced „the constitutional categorisation of human rights treaties and the supra-legal pre-eminence of all treaties and concordats sanctioned by national law“²¹.

Within the spectrum of norms, in which citizen participation is an obligation expressly contemplated, are the General Environmental Law N° 25,675 of 2002, the Law on Free Access to Environmental Public Information N° 25,831 of 2003, Law N° 27,566 of 2020 approves the Escazú Agreement, and Law No. 27,520 of 2019 on Minimum Budgets for Adaptation and Mitigation of Global Climate Change regarding citizen participation in the development and articulation of climate change policies at the national level.

The General Environmental Law establishes that everyone has the right to express their opinion in administrative procedures related to environmental protection, obligatory consultation procedures or public hearings, and the participation scheme of the EIA and the environmental territorial planning. The mechanisms of popular consultation or public hearings were designed with the objective of integrating citizen knowledge into sustainable development decisions. In terms of citizen participation, it is important to highlight its obligatory cross-cutting nature within the EIA procedure²². Within this scheme, public hearings must be held as an instance of participation in the decision-making process, in which the responsible authority provides the public with an institutional space for anyone who may be affected or have a particular or general interest to express their opinion. Any person who invokes a simple, diffuse or collective right or interest related to the subject matter of the public hearing may participate in the public hearing. Article 20 of the aforementioned Law establishes that the authorities must institutionalise consultation procedures or public hearings as mandatory instances for the approval of those activities that may generate significant negative effects on the environment (environmental licensing), and also clarifies that although the opinion or objection of the participants is not binding for the convening authorities, they must justify their decision on why they don't follow the objections from public hearings or consultations and publish this justification.

In this sense, the Regulatory Decree on Access to Public Information N° 1172/2003 makes it clear that the opinions and proposals expressed by the participants in the public hearing are not binding.²³ The non-binding nature of these processes is one of the aspects most questioned by the CSOs that participated in these instances. The non-binding popular consultation is „a kind of official survey to gather the opinion of the citizens. Although this opinion lacks legal relevance, it is the basis for the political legitimacy of

20 Di Paola, M.E. (2014). La labor del Congreso y la sociedad civil desde la vuelta de la democracia en Argentina. Informe Ambiental Anual 2014, Fundación Ambiente y Recursos Naturales, pp. 299-314.

21 Ibid.

22 The Environmental Impact Assessment (EIA) is the mandatory procedure to identify, predict, evaluate and mitigate the potential impacts that a project, work or activity may cause to the environment in the short, medium and long term; it is an instrument that is applied prior to making a decision on the implementation of a project. Art. 21 of the Law establishes that citizen participation must be ensured mainly in environmental impact assessment procedures and in plans and programmes for the environmental management of the territory, particularly in the planning and evaluation stages.

23 The same condition is subsequently established in the Law.

the governmental act that eventually adopts it by means of a law or decree, depending on whether it is the Congress or the Executive Branch“²⁴.

With regard to international treaties, the Escazú Agreement is an important instrument that supports civil society participation in the discussion of environmental and climate issues and incorporates tools that strengthen the right to public participation in environmental decision-making processes. Its associated law aims to incorporate inclusive concepts at the regional level and in turn „establishes that the best way to deal with environmental issues is with the participation of all“²⁵.

The involvement of organised civil society regarding offshore hydrocarbon exploration on the Argentinean Atlantic coast during 2022 represents an example of the functioning of the system, its scope and limitations. In this case, the court upheld an injunction filed by civil society and ordered the suspension of offshore oil exploitation on the Atlantic coast until a final ruling will be issued. The judicial resolution issued in this regard referred to the „defective compliance with the standards on information and participation that arise from current legislation and the Escazú Agreement (Law No. 27,566) for not having complied with the standard of maximum publicity that obliges them to make available to the public and disseminate environmental information relevant to their functions in a systematic, proactive, timely, regular, accessible and understandable manner“²⁶. It also recognises that the EIA was flawed due to insufficient projection of the cumulative environmental impacts of exploration in the Argentine Sea. Although public hearings were held, regardless of their outcome and their non-binding nature, they represent a required step in the environmental impact study that is considered to have been fulfilled since they were held prior to the approval of the study.

24 Badeni, G. (2016). Tratado de Derecho Constitucional. T. 1, La Ley. Argentina.

25 Derecho al día. (29 October 2020). Acuerdo de Escazú. Una mirada desde la sociedad civil: futuro de las regulaciones de bosques y humedales. Año XIX, Edición 347. www.derecho.uba.ar/derechoaldia/notas/acuerdo-de-escazu-una-mirada-desde-la-sociedad-civil-futuro-de-las-regulaciones-de-bosques-y-humedales/+8162, accessed 07 June 2023

26 Trigilia, G. (2022). La Justicia Federal suspendió el proyecto de explotación off shore en Mar del Plata. Palabras del derecho. <https://palabrasdelderecho.com.ar/articulo/3408/La-Justicia-Federal-suspendio-el-proyecto-de-explotacion-off-shore-en-Mar-del-Plata>, accessed 07 June 2023



5.3 Governance and structures

Law No. 27,520 recognises the need to strengthen citizen participation by considering three cross-cutting aspects for the construction and effective implementation of national climate policy: mitigation and adaptation tools, governance and financing. With regard to climate governance, the law creates the National Climate Change Cabinet (GNCC), whose function is to articulate between the different areas of government, the implementation of the National Climate Change Adaptation and Mitigation Plan (PNayMCC) and all public policies related to the law.

The NGCC has a technical administrative administration chaired by the highest authority responsible for climate change or its designate. The law also establishes that the GNCC must convene an External Advisory Council (CAE) of the NAPCCM, of a consultative and permanent nature, made up of civil society, academics, research centres, among others.

The governance scheme proposed by the NGCC is articulated in four working instances: Meeting of Ministers, Focal Points Roundtable, Provincial Articulation Roundtables and the Extended Roundtable. The highest authorities of the different areas of government (Meeting of Ministers) have the objective of defining the strategic guidelines for climate change. Then, the provincial articulation instances (Provincial Articulation Tables) are carried out with the participation of federal organisms such as the Federal Environmental Council (COFEMA). The General Environmental Law institutionalises the Federal Environmental System, which is implemented through COFEMA, with the aim of developing the coordination of environmental policy, aimed at achieving sustainable development, between the national government, the provincial governments and the government of the Autonomous City of Buenos Aires²⁷. The Focal Points Roundtable is made up of technical representatives from the Ministries with the aim of collaborating in the elaboration, implementation and analysis of climate policies.

The Enlarged Roundtables and the CAE are the spaces in which civil society actors can participate, either openly to the general public or through the designation of representatives, as in the case of the CAE. Both spaces seek to promote debate with all interested actors (academia, workers, civil society, representatives of political parties, municipalities, indigenous communities, the private sector, among others) in the design and implementation of the NAP-CCMC.

With the exception of Law 27,520, explicit mention of the concept of climate change in the context of environmental participation is difficult to find, and a broad interpretation is necessary to link its tools to the strengthening of national climate policy. Following this broader interpretation, measures to improve participatory structures in the context of the national implementation of the Escazu Agreement, existing public consultations in the field of EIA, as well as some other structures, can also be included in the category of participation in climate policy in Argentina.

With a view to the possible establishment of new structures for climate participation in the course of the implementation of the Escazú Agreement at the national level, a public consultation process was carried out during the last months of 2022 regarding the six axes of the Agreement: governance, capacity building and strengthening, the right to access public environmental information, public participation in decision-

²⁷ Cundari, A.; Diedrich, M.; Villares, M. (2021). Cambio Climático en las leyes de presupuestos mínimos ambientales herramientas de mitigación y adaptación, gobernanza y financiamiento. Informe de Política N° 3.

making processes, access to justice in environmental matters, and human rights defenders in environmental matters. Based on this consultation, a diagnosis on the state of national compliance with the provisions of the Escazú Agreement was prepared, highlighting the main gaps, obstacles and challenges for its implementation. In this sense, the report highlights that „in general, there are no regulations on access to environmental information“²⁸. On the other hand, it recognises that „it has not been possible to identify so far the implementation of tools for the consolidation of information, such as environmental information systems or registers of polluting activities or emissions“²⁹. In this sense, it concludes that „although there is broad recognition of the right of access to public information, the great challenge is to strengthen institutional capacities in terms of trained human resources, the existence of adequate measurement instruments and information compilation technologies“³⁰.

With regard to public participation in environmental decision-making processes, the great challenge lies in achieving the definition of spaces for participation by public bodies (legislative or administrative) that, within the framework of the Escazú Agreement, should be defined as broad frameworks, appropriate to local realities and dynamic participation in environmental decision-making processes with clear rules for the actors involved. Another aspect highlighted in the report is the need for resources, especially in terms of responsible persons to be trained to implement these participatory instances who require dialogue and negotiation skills. Therefore, training and awareness-raising measures are indispensable. At the same time, the report points out the absence of spaces for the resolution of administrative controversies in provincial spheres to deal with environmental issues, and special regulations that contemplate means to facilitate access to justice in environmental matters or to support citizens in situations of vulnerability.

At present, although participatory mechanisms are used within the EIA procedure, their non-binding nature prevents this procedure from constituting a communication channel that would enable effective inclusion of the voice of the citizenry in the public evaluation of projects. In this sense, the lack of incorporation of local knowledge is often aggravated by the absence of public debates at the local or provincial level and the lack of access to information, including e.g. Environmental Impact Reports (EIRs). In this context, a discourse persists on the part of the state or at the business level that vindicates the importance and necessity of citizen participation, but „the opinions expressed by different social and environmental organisations are disqualified, and the demand for more and better information on the processes underway is not heeded“³¹.

²⁸ Ministerio de Ambiente y Desarrollo Sostenible (2022c). Resumen Diagnóstico sobre el estado de cumplimiento nacional de las disposiciones del Acuerdo de Escazú.

²⁹ Ibid.

³⁰ Ibid.

³¹ Henríquez, M. G.; Nozica, G. (2010). Participación ciudadana y actividad minera. La experiencia en la provincia de San Juan, Argentina. *RevIISE - Revista De Ciencias Sociales Y Humanas*, 1(1), pp.115-122.

5.4 In practice: participatory processes

At the national level, two institutional mechanisms of public convening can be highlighted in the context of national policies related to climate change: the Extended Round Tables and the External Advisory Council (CAE). Initially, citizen participation in the Expanded Round Tables is part of the governance process to ensure the involvement of civil society in the drafting of the country's NDCs with the aim of meeting internationally committed emission reduction targets. Thus, the ministries that make up the NGCC are joined, in its expanded version, by non-governmental organisations, national and provincial universities, trade unions, state bodies and representatives of political parties and the private sector. This space was institutionalised with the passing of Law 27,520, in order to promote spaces for articulation between the public sector and civil society actors at the national and provincial level, thus recognising the importance of planning effective citizen participation in order to advance national climate goals. At present, the usual functioning of the Enlarged Round Tables is characterised by a first instance of an expository nature where the main contents adopted in the elaboration of the NDC are made known. In a second instance, the technical team of the NGCC, in charge of the Technical Administrative Coordination, divides the participants into thematic tables (generally by sector) where the participants have the opportunity to comment on the contents presented. As mentioned before, the results or conclusions that emerge from these processes are not binding. According to CSOs that participated in these meetings, the contributions and suggestions that are shared in this framework are reduced to exchanges of a „testimonial“ nature, which is limited to the formal fulfilment of an instance institutionalised by law, but which does not fulfil the objective of promoting citizen participation and the willingness to respect its outputs.

According to the Ministry of Environment and Sustainable Development, CAE is a working space of a consultative and permanent nature, whose purpose is to assist and advise the NGCC in the elaboration of public policies related to compliance with the national laws, in particular those referring to the NAP-CCMC. The CAE is made up of representatives of academia, trade unions, communities and indigenous peoples, social and environmental organisations, business entities, and representatives of political parties with parliamentary representation. The CAE is made up of a maximum of twenty members, who are compiled according to principles of transparency, gender balance, multidisciplinary, regional representation and expertise in the field³². Although the intention of the regulation is to make room for the greatest number of civil society representatives with the guarantee of plurality and diversity through the designation of a limited number of participants, many representatives of local organisations or active minorities involved in environmental issues have expressed their difficulty in gaining access to to be represented in this process. Many persons involved stated that their observations and opinions can be reflected in the contents of the documents being elaborated, however, some shortcomings were recognised in the process related to the confidential nature of the information shared, delays in responding to the opinions expressed, and the absence of representatives from the most committed ministries. Regarding public access to follow-up information on the process, according to Article 20 of the CAE's Internal Regulations, the Technical Administrative Coordination is responsible for preparing an annual report for public access, detailing the

³² Chapter III of the Internal Regulations of the CAE details the number of members per sector and determines that the Ministry of Environment and Sustainable Development is responsible for the selection process, which may coordinate with national governmental bodies or entities representing the sectors: 4 representatives of the scientific community and/or research centres; 4 representatives of environmental organisations; 3 representatives of universities and academic entities; 3 representatives of business entities; 2 representatives of political parties; 2 representatives of trade unions; 2 representatives of indigenous communities.

reasons why the recommendations were accepted or rejected. This report must include the dissenting opinions and the positions of the representatives from each meeting. Finally, the Technical Administrative Coordination published a Citizen Participation Mechanism of the NGCC that consists of a web form in which comments and suggestions from the general public are collected and then forwarded to the different NGCC bodies and working groups.

In practice, although progress has been made in terms of institutionalising participatory spaces, procedures and formulating rules for citizen participation in climate issues in Argentina, there are still major challenges to be faced in terms of incorporating the inputs and expertise of communities and CSOs in final decision-making. In this regard, Argentinean citizen participation has mainly a territorial character and the formation of groups that are organised at the local level to express their concerns regarding response to projects or initiatives with a high environmental impact is common. In this sense, the participation of local representatives in public hearings makes claims visible regarding the compliance with this administrative instance, but there are obstacles for this local knowledge to influence or modify projects or prevent their approval. In these cases, the use of legal tools (filing injunctions or precautionary measures) are effective for delaying or temporarily suspending projects that are potentially negative for the environment and the communities involved. In turn, the dissemination, awareness-raising and mobilisation campaigns promoted by the organisations have, in many cases, managed to influence decision-making by local or provincial authorities and to promote the discussion and subsequent approval of environmental protection regulations. On the other hand, there is also evidence of more structural problems linked to the lack of funding to specifically carry out instances of participation that seek to be more inclusive and at the same time more numerous, both in terms of the number of participants and the amount of the meetings. Generally, in the field of environmental and climate participation, there are the authorities face difficulties in obtaining their own funds to meet the various objectives set out in the regulations³³.

³³ Cundari, A. et al. (2021)



5.5 Capacity building

In June 2021, Law No. 27,621 for the Implementation of Comprehensive Environmental Education was passed in Argentina, which establishes the right to comprehensive environmental education as a national public policy. The Law was designed by the Ministry of Environment and Sustainable Development (MAyDS) and the Ministry of Education (ME) with the support of the provinces through COFEMA and the Federal Council of Education (CFE). It addresses the areas of informal, formal and non-formal environmental education³⁴.

The National Strategy for Integral Environmental Education (ENEAI) is the main policy instrument and ensures the creation and implementation of the jurisdictional strategies for integral environmental education, corresponding to the different jurisdictions. The MAyDS and COFEMA are in charge of implementing the Law in the field of non-formal education and information and communication technologies (ICT) and the media. At the same time, the Law prescribes the professionalisation, training and improvement of human resources involved in all jurisdictions, both at undergraduate and postgraduate levels. Law N° 27,592 or Yolanda Law, passed in November 2020, aims to „guarantee comprehensive training in the environment, with a sustainable development perspective and with special emphasis on climate change, for people working in the public sector“³⁵. A highlight of the post-pandemic reality for Argentina is related to the incorporation of the hybrid event format, which allows many of the trainings that took place throughout 2022 to be broadcasted through the MAyDS YouTube channel, allowing greater reach and free access. In this framework, dissemination materials and educational resources are also available online. With regard to the Yolanda Law, the MAyDS provides a registration form so that members of a CSO can carry out environmental training within the framework of the Law. One of the main challenges regarding the actions derived from both laws is the urgency and speed that these processes require in the context of the current crisis. Although for some CSOs, these laws constitute a pending debt for citizens, there are other organisations that mention that they are arriving too late and with the aim of distracting citizens and not focusing energies on what is really important: the change in the country's economic priorities³⁶.

³⁴ Ministerio de Ambiente y Desarrollo Sostenible. (n.d.a). Ley de Educación Ambiental Integral.

³⁵ Ministerio de Ambiente y Desarrollo Sostenible. (n.d.b). Ley Yolanda.

³⁶ Visión Sustentable, 2021

6 Recommendation how to strengthen civil society's participation in climate policies and improve upcoming NDC revisions

The following opportunities for improving civil society climate engagement in Argentina have been identified:

Ensure greater transparency in the institutional spaces for citizen and CSO participation on climate policies of the National Climate Change Cabinet.

With regard to the CAE, the need to systematise and organise the information for the purpose of disseminating and publishing the process to the general public with the aim of ensuring greater transparency at all levels has been pointed out. In relation to the operational aspects, there is a need to eliminate the confidentiality clause from the drafts and documents that are worked on within the framework of the CAE. Organisations participate as representatives of broader sectors and groups, so the possibility of circulating this information not only guarantees a greater plurality of voices, but also enables information gathering, cross-sectoral validation, and the consideration of diverse interests. At the same time, the minimum deadlines for convening meetings and reviewing documents should be standardised. The fact that they are usually pronounced on short notice, hinders the possibility of ensuring broader participation and a detailed analysis of proposals and measures. Another fundamental aspect linked to accountability is that the competent authority should prepare a clear statement on comments by CSOs that were considered or rejected in the final decision and publish this information on official publicly accessible websites.

In contrast, the purpose of the Extended Roundtables is to promote debate with all interested actors in a broad and open forum, so there is no barrier to participation. However, they are limited to being only informative spaces for measures already adopted. So they are a participatory instance without any remarkable impact on the shaping of the final decisions on public climate policy.

Achieve greater mainstreaming through the active participation of ministries and governmental entities.

The example of the CAE showed that the absence of representatives from relevant ministries such as the Ministries of Energy and Agriculture, Livestock and Fisheries and the Ministry of Economy within the participatory process was very counterproductive in terms of achieving effective participation, especially considering the fact that they represent the two sectors with the largest share of greenhouse gas emissions in the country. Without the active participation of decision-makers in these formats, the concerns or suggestions made by civil society organisations did not receive specific feedback on the adoption or rejection of their contributions in the final documents. In order to ensure that the contributions, visions and knowledge of the general public have a greater influence on the strategic guidelines of climate policies, it is essential to have greater and more active collaboration with and between representatives of all national ministries.

Ensure greater federalisation, representation of the most vulnerable provinces, territories and populations.

Taking into account the diverse characteristics of the Argentinean territory and its type of organisation, there is a need to federalise the participatory exchanges in order to increase the representation of the provinces in the discussions on national climate policies. Civil society participation spaces are perceived by organisations as an opportunity to share their experiences and make their needs visible. However, organisations from the main urban centres, especially from the capital Buenos Aires and its surrounding province are much more represented than those of other regions. Accordingly, one of the biggest criticisms of Argentinean participatory processes is that smaller grassroots organizations from other provinces have little access and hearing. It is therefore recommended that the national state should be more proactive in convening and actively seeking the participation of CSOs that represent the interests of remote regions and especially in involving representatives of the most vulnerable communities.

Strengthen and increase training and educational opportunities.

In an environment with limited opportunities for citizen participation, the increase of capacities and knowledge for civil society becomes fundamental in order to enable precise interventions that have the greatest possible influence. These should be in line with the most up-to-date climate science. Therefore, it is important to strengthen training and education initiatives for civil society promoted by the Ministry of Environment and Sustainable Development and to generate specific content for communities and people who are most affected by the impacts of climate change. One possible way to generate and expand opportunities is through the implementation of the Environmental Education Law, both in formal and non-formal settings, and with greater involvement of the Ministry of Education as the main political actor.

Reform public hearing schemes, promote that their results are adopted as binding and expand resources for their implementation.

A feature common to the main socio-environmental conflicts in Argentina is the need for citizens and CSOs to assert their claims and opposition in court. One of the main causes of this is the fact that the inclusion of results of public consultations is not binding. A recent example has shown that despite large public participation, where more than 90% of participating citizens were opposing the continuation of a mining project, the national government decided to proceed with the project in the same way. Therefore, in order to provide civil society with tools to bring about change, it is essential to review and change the way participatory spaces operate within the framework of current legislation. If this problem is not addressed, public hearings will lose their legitimacy.

Another criticism in this regard is the lack of financial resources for civil society participation under Law 27,520. Since the state budget does not include a budget for citizen and CSO participation, CSOs and citizens must spend their own time and resources to comply with a right that the state must guarantee.

7 Conclusion

The conditions for public participation in environmental and climate policy in Argentina are very inconsistent. The following laws are relevant in this framework: Law No. 25,675, General Environmental Law, Law No. 27,566 under the Escazú Agreement, and Law No. 27,520 on Minimum Budgets for Global Climate Change Adaptation and Mitigation. In the area of environmental education, the approval of Law 27,621 on the Implementation of Comprehensive Environmental Education and the National Strategy for Comprehensive Environmental Education (ENEAI) represent significant advances. The already difficult conditions for civil society participation in climate policy development in Argentina are often complicated by problems with institutional corruption and by a structural economic crisis.

The General Environmental Law establishes that everyone has the right to express their opinion in administrative procedures related to environmental protection, the institutionalisation of mandatory public consultation or hearing procedures, and the participation scheme of the EIA and environmental land-use planning. The Escazú Agreement is an important supra-legal instrument that supports the participation of civil society in the discussion of environmental and climate issues and incorporates tools that strengthen the right to public participation in environmental decision-making processes. Law No. 27,520 recognises the need to strengthen citizen participation and, based on the establishment of the national climate governance scheme, it institutionalises the Expanded Roundtables and creates the External Advisory Council. Both are spaces in which civil society actors can participate, either openly to the general public or through the designation of representatives, as it is the case of the CAE.

Although progress has been made in institutionalizing spaces, procedures, and rules for citizen participation in climate issues, there are still major challenges in incorporating the knowledge and expertise of communities and CSOs in decision-making. Some of the obstacles that hinder the participatory process are: Difficulties in accessing information, the lack of initiatives for greater diversity of stakeholders to broaden the plurality of voices, and the non-binding nature of public consultations. Additionally, there is evidence of more structural problems related to the lack of funding for the targeted implementation of participatory processes. In this regard, some alternatives are proposed to broaden the opportunities for citizen participation in terms of climate change in Argentina:

- _ Ensure greater transparency in institutional spaces for citizen and CSO participation in climate policy making.
- _ Achieve better exchange between participating stakeholders and decision-makers through the active participation of ministries and government agencies in participatory formats with CSOs.
- _ Ensure greater federalization and representation of the most vulnerable provinces, territories, and municipalities.
- _ Strengthen and expand environmental and climate education and training.
- _ Reform public hearings, promote the binding nature of their results, and increase funding for their implementation.

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Appendix

Assessment of the environment and opportunities to participate

Criterion 1 Fundamental requirements

Indicators	Scores	Score
a. Stability and peace (What is the intensity of ongoing conflicts?) ³⁷	0 = high intensity of conflict (limited war or war going on) 1 = medium (violent crisis going on) 2 = low intensity of conflict (non-violent crisis or dispute going on) 3 = very low intensity of conflict (no dispute, crisis or war going on)	2
b. Anti-corruption and transparency (What is the perceived level of corruption?) ³⁸	0 = highly corrupted, CPI of 0 1 = corrupt, CPI equal to or under 50 2 = clean, CPI higher than 50 3 = very clean, CPI of 100	1
c. Security of environmental defenders (Are environmental defenders secure from threats?) ³⁹	0 = alarmingly weak security for environmental defenders (more than one murder documented) 1 = weak security for env. defenders (one murder documented) 2 = Environmental defenders are somewhat secure (no murders documented)	1
d. Political commitment (Is political participation of civil society related to the environment and climate backed by high-level political bodies and decision makers?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
	Max. score: 10	5

³⁷ This indicator and related scoring is based on the Conflict Barometer 2022 by HIIK (<https://hiik.de/conflict-barometer/current-version/?lang=en>, accessed 24 May 2023). The Conflict Barometer uses a five-level model, defining disputes and non-violent crises as non-violent conflicts with a low conflict intensity, violent crises as violent conflicts with medium conflict intensity and limited wars and wars as violent conflicts with high conflict intensity.

³⁸ This indicator and related scoring is based on the Corruption Perception Index 2022 by Transparency International (<https://www.transparency.org/en/cpi/2022>, accessed 24 May 2022). According to Transparency International a scoring of zero means “highly corrupt” and 100 is “very clean”. The scoring “1=corrupt” and 2=clean” was set by UfU. Transparency International defines corruption as the “abuse of entrusted power for private gain”, whereas “transparency is about shedding light on rules, plans, processes and actions. (...) “It is the surest way of guarding against corruption, and helps increase trust in the people and institutions on which our futures depend.” (www.transparency.org/what-is-corruption, accessed 24 May 2023).

³⁹ If possible, this indicator and related scoring is based on the Global Witness Report “Decade of defiance” which documents the murder of land and environmental activists in 2021 (<https://www.globalwitness.org/en/campaigns/environmental-activists/decade-defiance>, accessed 24 May 2023). It is important to note that the absence of murder does not mean that there are no other threats, attacks or harassments of environmental defenders and activists.

Criterion 2 Enabling legislation

Indicators	Scores	Score
a. Commitment to international conventions and agreements (Did the country sign and ratify (accept, approve, accede to) the Aarhus Convention or the Ezcazú Agreement, requiring civil society participation related to the environment and climate?)	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)	2
b. National laws requiring the proactive participation of civil society (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) obligate the state or state agencies at national level to proactively seek the participation of civil society in decision-making related to the environment and climate, going beyond the official notification of participatory events?)	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)	2
c. National laws requiring timely participation (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require timely participation (before a decision is made and so that there is enough time for a public authority to consider the public comments) of civil society in decision-making related to the environment and climate?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	1

<p>d. National laws requiring information regarding the participation process (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require all information relevant to decision-making processes relating to the environment and climate to be made available to civil society, without civil society having to make an official information request?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>	<p>1</p>
<p>e. National laws requiring the consideration of civil society's comments (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require the state or state agencies at the national level to take due account of civil society's comments in decision-making relating to the environment and climate?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>	<p>1</p>
<p>f. National laws requiring notification of civil society on the decision made along with the reasons and considerations on which the decision is based (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require the state or state agencies at the national level to promptly inform civil society about the decision and provide a written response explaining which comments were taken into account as well as giving reasons for dismissing others?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>	<p>1</p>
	<p>Max. score: 17</p>	<p>8</p>

Criterion 3 Supporting governance & structures

Indicators	Scores	Score
<p>a. Governance structure (Is there an institutional body or mechanism, such as a committee, division or centre, supporting and coordinating participation processes relating to the environment and climate?)</p>	<p>0 = no 2 = yes</p>	<p>2</p>
<p>b. Institutional coordination & cooperation (Are national participation processes relating to the environment and climate coordinated across different vertical and horizontal political levels?)</p>	<p>0 = no 1 = there is weak coordination and cooperation 2 = there is good coordination and cooperation 3 = there is very good coordination and cooperation</p>	<p>1</p>
<p>c. Financial resources (Are civil society actors financially supported to participate in environmental/climate policy, e.g. through an allowance, reimbursement of travel costs or funding of staff members?)</p>	<p>0 = no 1 = yes, to some extent 2 = yes, fully</p>	<p>0</p>
	<p>Max. score: 7</p>	<p>3</p>

Criterion 4 Qualitative participation processes

Indicators	Scores	Score
<p>a. Early participation (At what stage was civil society involved in the process?)</p>	<p>0 = only after most of the decisions have been made 1 = after the first draft of the document/plan/strategy 2 = directly from the beginning</p>	<p>1</p>
<p>b. Broad, inclusive invitation (Was a wide variety of representatives of civil society (CSOs and wider public) invited to participate, including for instance those representing youth, gender, indigenous groups, and minority ethnic groups?)</p>	<p>0 = no civil society representatives invited 1 = not a wide variety invited, just a few selected CSOs 2 = either just CSOs or just the wider public invited 3 = yes, a wide variety invited</p>	<p>2</p>
<p>c. Timely invitation (Was civil society invited early enough to participate?)</p>	<p>0 = some days in advance 1 = less than one month in advance 2 = more than one month in advance</p>	<p>0</p>

d. Adequate participation formats (How was civil society involved in the process?)	0 = through information 1 = through consultation 2 = through several interactive formats, fostering dialogue and collaboration	2
e. Transparency and information (Was information about the technical background and the participation process available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, a lot of information	1
f. Available documentation (Was documentation about the discussions and results available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
g. Transparent review of recommendations (Were recommendations and views from civil society reviewed in a transparent manner?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
h. Evaluation and feedback process (Was there an evaluation and feedback process regarding the participation procedure?)	0 = no 1 = yes	1
	Max. score: 16	9

Criterion 5 Capacity building

Indicators	Scores	Score
a. Environmental education (Is national formal and non-formal environmental and climate education offered to the public?)	0 = no 1 = yes, some education on offer 2 = yes, a lot of education on offer	1
b. Public awareness raising on participation rights and opportunities (Is information about public participation rights and opportunities available to the public?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
c. CSO capacity building on climate change, climate policy, policy dialogue, organisational development, cooperation and networking (Is there capacity building on topics such as climate change, climate policy, policy dialogue, organisational development, cooperation or networking for CSOs?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available	1

d. Capacity building on participation and stakeholder engagement for governments (Is there capacity building on participation and stakeholder engagement for national governments and state officials?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available	1
	Max. score: 8	4
Max. total score	59	29

In 2015 Argentina and many other countries around the world adopted the Paris Agreement to limit global warming and its impacts. However, current national commitments (Intended Nationally Determined Contributions (INDCs)) are inadequate to keep this century's global temperature rise below 1.5°C above pre-industrial levels. Time is running out and rapid and far-reaching changes are required in all sectors.

Civil society actors play a crucial role in climate policy development and implementation because they act as advocates and spokespersons for nature, driven by the desire to protect the environment and maintain healthy living conditions for human beings.

The publications “**Civic space for participation in climate policy**” aim to analyse the status and conditions of climate-related participation and specific examples of participatory policy-making in different countries. The analyses examine how national civil society participates in national policy processes related to the Paris Agreement. The studies also identify country-specific barriers to meaningful, effective and long-term participation, and offer recommendations for overcoming these barriers. This report presents the results of the Argentina analysis.

Further country analyses available for

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