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CIVIC SPACE FOR PARTICIPATION IN CLIMATE POLICIES IN CHILE

Imprint

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Table of Contents

Imprint 2

1 Summary 4
2 Introduction 6
3 Methodology 7

4 Chile - Country Portrait 9
4.1 General Information 9
4.2 National climate policy 9

5 Climate-engaged civil society and its right to participate 11
5.1 Fundamental requirements 11
5.2 Legal framework for participation 12
5.3 Governance and structures 15
5.4 In practice: participation processes 16
5.5 Capacity building 17

6 Recommendations how to strengthen civil society's participation in climate policies and improve upcoming NDC revisions 19

7 Conclusion 21
Bibliography 22
Appendix 24

1 Summary

In the face of the accelerating climate crisis and the continuing social and environmental impacts based on fossil fuel extraction, organised civil society has an important role to play in persuading decision-makers to follow a path towards more ambitious climate mitigation and adaptation to climate change, taking into account social interests.

The same applies to Chile, a country with a multitude of climate policies whose implementation could contribute to achieve the 1.5°C target stipulated in its Nationally Determined Contribution (NDC). In the country, many citizens and civil society organisations (CSOs) have recently expressed their discontent with the country‘s political and economic system, but at the same time there are new mega-projects in mining, infrastructure and extractive industries ongoing.

This study analysed the environment and conditions for participation of Chilean CSOs in decision-making for climate policy formulation and implementation. Until now, civil society participation in environmental issues has mainly taken place through the Environmental Impact Assessment System (SEIA). The development of climate legislation, with the Climate Change Framework Law as a centrepiece, seems to be accompanied by an expansion of opportunities for participation in climate policy. Through the Division of Environmental Education and Citizen Participation and the Environmental Assessment Service, the Ministry of Environment and other state administration bodies are responsible for its implementation. In addition to the new regulations that promote the proactive pursuit of citizen participation in decision-making, another recent measure is the improvement of environmental and climate education through a „Climate Empowerment and Training Strategy“ planned and supervised by a permanent panel of experts. Despite these recent improvements of the conditions for environmental participation, experts have pointed out that the new standards are an improvement, but cannot ensure that participation in climate affairs meets international standards. Overall, the results of this study underline the need to further strengthen and intensify CSO participation in climate policy in Chile. The implementation of the following suggestions could contribute to further improving climate participation:

- Improve effectiveness, traceability and impact of participatory decision-making processes
- Guarentee more inclusion of different parts of civil society and from different regions in participatory processes
- Increase budgets for climate change mitigation and adaptation in general and for participatory processes in particular
- Extend deadlines for citizen participation in climate policy
- Extend the scope of participation in environmental impact assessments

The overarching analysis of the conditions for civil society participation in environmental and climate affairs in Chile, and thus the civic space for participation, assessed in this study, provides the following picture:

Figure 1: Assessment of the civic space for participation in climate policies in Chile (scaled to a maximum of 20 points per criterion)

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), Chile 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 Chilean climate policies. For this purpose, the civic space for participation of Chilean 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 mitigation 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 Chile 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, and 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 used[1]. The evaluation scheme comprises **5 criteria with 25 indicators**:

1
FUNDAMENTAL REQUIREMENTS

2
ENABLING LEGISLATION

3
SUPPORTING GOVERNANCE & STRUCTURES

4
QUALITATIVE PARTICIPATION PROCESSES

5
CAPACITY BUILDING

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 November 2022 and March 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. www.ufu.de accessed on 13 March 2023.

Chile

CO_2 emission estimates[2]
(million tons/ tons per capita):
85.70/4.61

CIVICUS Monitor rating[3]:
69/100 (narrowed)

Surface area[4]: **756,102 km²**

Population[5]: **18,132,000**

Population density[6]:
24.4 inhabitants per km²

Assessment of the environment and opportunities to participate in climate policies in Costa Rica, based on this study (see Appendix):
47.7/100 points

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 Chile - Country Portrait

4.1 General Information

Chile is located in the southwest of South America and stretches in a north-south direction for about 4200 kilometres along the Pacific coast in the west and the Andes in the east of the country. Thus, the country spans several climatic zones and a wide variety of ecological habitats. Its east-west extension, however, is less than 200 kilometres on average. Chile also includes Easter Island (Rapa Nui), Salas y Gómez Island, the Juan Fernández Islands, the Desventuradas Islands, the Ildefonso Islands, and the Diego Ramírez Islands. Chile is one of the most economically stable countries in South America, with a high-income economy and a comparatively high standard of living. The most densely populated area is the Metropolitan Region of Santiago, where about half of Chile's inhabitants live. To the north and especially to the south, agricultural and densely populated areas extend in the plain between the main ranges of the Andes. Towards the north and south, the population density decreases more and more. The Atacama Desert in the far north and the harsh, stormy areas in the south are very sparsely populated due to the unfavourable climatic conditions.

In the 2010s, Chile saw a series of protests and the emergence of new social movements on various issues, with education, the environment and pensions standing out. In 2019, the demands of citizens and representatives of CSOs culminated in joint protests by previously fragmented movements. Citizens and organisations from a wide range of social and environmental backgrounds joined forces to express their dissatisfaction with the country's political and economic system, with environmental concerns remaining high on the agenda[7]. This process led to the drafting of a proposal for a new political constitution, which for the first time in Chile's history was drafted by a democratically elected constitutional convention. However, the proposed constitution was overwhelmingly rejected at the ballot box in September 2022. Despite this, the chapter on nature and the environment included in the draft was positively received by the population and was cited least often as a reason for its rejection by those who rejected the draft[8].

Although environmental protection is considered important by many Chileans, and there are a variety of people and organisations engaged in this field, environmental participation encounters a number of obstacles, which are discussed in more detail throughout this study. These are particularly rooted in Chile's centralised administrative structure. The state traditionally gives little voice to local interests in developing policies with territorial impact or in assessing the development of investment projects.

4.2 National climate policy

In Chile, there is a wide variety of different regulations, plans, strategies, and programs that are relevant to national climate policy. The most relevant ones are

- the Long-term Climate Strategy;
- the National Climate Change Action Plan;

7 Aguilera, C; Espinoza,V. (2022). Chile despertó": los sentidos políticos en la Revuelta de Octubre. Polis Revista Latinoamericana, 21 (61), 10-31.
8 Pauta (2022). Son 78: las Iniciativas Populares de Norma que entran a la Convención Constitucional https://www.pauta.cl/politica/iniciativas-populares-de-norma-de-la-convencion-numero-final-como-funcionan , accessed 07 June 2023

- the National Climate Change Adaptation Plan;
- the Sectoral Adaptation Plans for Cities, Health Sector, Infrastructure Services, Fisheries and Aquaculture;
- the National Climate Change and Vegetation Resources Strategy;
- the Development and Technology Transfer Strategy for Climate Change;
- the Financial Strategy for Climate Change;
- the National Climate Change and Vegetation Resources Strategy;
- the National Climate Change Adaptation Plan; and
- the Climate Development and Empowerment Strategy.[9]

Despite this diversity of regulatory bases, the general implementation of climate policies in Chile is rather deficient, according to representatives of CSOs interviewed as part of this study. Reasons cited for this include a lack of skills and capacity among those responsible for implementation, a lack of political will, and economic interests that stand in the way of taking action on climate change. Nevertheless, according to Climate Action Tracker10 , Chile‘s climate plans and actions are rated as „nearly sufficient“ to contribute to the Paris Agreement’s 1.5°C target, given their ambition and higher relative compliance. Chile‘s emissions decreased by 4% in 2020 compared to 201811 and, if they continue on the same path, they indeed could become compatible with this target. With regard to climate adaptation, Climate Watch12 criticises the fact that although Chile‘s updated Nationally Determined Contribution (NDC) includes strong adaptation components, it does not identify adaptation priorities or funding needs to implement the objectives, and does not mention loss and damage mechanisms associated with climate change.

9 The recently enacted Framework Law on Climate Change provides for the creation of other plans and policies, such as: (i) Sectoral Climate Change Mitigation Plans (Ministries of Energy, Transport and Telecommunications, Mining, Health, Agriculture, Public Works and Housing and Urban Development; (ii) Sectoral Climate Change Adaptation Plans in areas other than those already mentioned, such as Water Resources, Mining, Energy, Coastal Zone, Transport, Tourism, (iv) Regional Climate Change Action Plans, (v) Strategic Plans for Water Resources in Basins and (vi) Communal Climate Change Action Plans.
10 Climate Action Tracker: Chile. https://climateactiontracker.org/countries/chile/ , accessed 9 March 2023
11 Ministry of the Environment of Chile (2022). 5th Biennial Update Report to the United Nations Framework Convention on Climate Change.
12 Climate Watch: Chile. https://www.climatewatchdata.org/countries/CHL?end_year=2019&start_year=1990#ndc-adaptation , accessed on 9 March 2023.

5 Climate-engaged civil society and its right to participate

5.1 Fundamental requirements

Chile is not involved in any armed conflicts with other countries that could endanger the country‘s overall stability and peace. However, the Heidelberg Institute for International Conflict Research (HIIK) conflict barometer cites in 2021, the conflict in the regions of La Araucanía and Bio-Bío, and occasional protests initiated by the mass mobilisations of 2019, as two sources of conflict in the country. Due to these conflicts, Chile is classified by the HIIK as a country in which violent crises exist[13].

In terms of investment projects, the degree of resources involved makes them always prone to corruption. According to the Corruption Perceptions Index, Chile ranks 27th out of 180 countries (where first place means least corruption[14]) Despite the fact that this indicates a relatively low perception of corruption, there are iconic cases in which corporate lobbying of politicians has ended up weighing more heavily in decision-making than the will of the citizenry, for example the cases of the Campiche thermoelectric plant[15], the Dominga mining and port project[16], or the Fisheries Law[17].

Regarding the protection of environmental defenders, there are no explicit regulations in Chile to protect those who actively campaign for environmental protection. Therefore, the endangerment of persons, associations, organisations or groups working for the protection of the environment is not officially recognised. This is worrying if one considers that most deaths of environmental defenders occur in Latin America and that Chile, although it does not have a large number of deaths in this context, is not exempt from this problem [18]. According to the survey carried out by Global Witness, in 2019, there were no deaths attributable to environmental defence in Chile, however, the same report for 2018 counts at least 2 deaths, reiterating the trend of the historical record[19] and an increasing trend of threats and harassment[20].

13 Heidelberg Institute for International Conflict Research (2020). Conflict Barometer 2021
14 Transparency International: Corruption Perceptions Index. https://www.transparency.org/en/cpi/2021/index/chl , accessed 9 March 2023.
15 CIPER: The joint efforts of the Chilean and US governments to save AES Gener‘s thermoelectric plant. https://www.ciperchile.cl/2011/03/01/las-gestiones-conjuntas-de-los-gobiernos-de-chile-y-ee-uu-para-salvar-a-termoelectrica-de-aes-gener/ , accessed 9 March 2023
16 El Mostrador: Piñera at the BBC: the controversial Dominga mining project that involves the Chilean President in the investigation into tax havens and hidden wealth. https://www.elmostrador.cl/dia/2021/10/04/pinera-en-la-bbc-el-polemico-proyecto-minero-dominga-que-involucra-al-presidente-de-chile-en-la-investigacion-sobre-paraisos-fiscales-y-riquezas-ocultas/ , accessed 9 March 2023
17 CIPER (2020). Ley de Pesca, captura del Estado y el testimonio de Longueira en el caso CORPESCA. https://www.ciperchile.cl/2020/09/30/leyes-de-pesca-captura-del-estado-y-el-testimonio-de-longueira-en-el-caso-corpesca/ , accessed on 9 March 2023.
18 ONG FIMA. (2020). Análisis del Cumplimiento de Estándares del Acuerdo de Escazú en Chile, p.7
19 El Mostrador: Deaths, unexplained suicides and threats: the dangers facing environmental activists in Chile. https://www.elmostrador.cl/noticias/pais/2019/02/06/muertes-suicidios-no-esclarecidos-y-amenazas-los-peligros-que-enfrentan-los-activistas-medioambientales-en-chile/ , accessed 9 March 2023
20 Interference: Escazú: These are the Chilean environmentalists threatened and killed in strange circumstances. https://interferencia.cl/articulos/escazu-estos-son-los-ambientalistas-chilenos-amenazados-y-muertos-en-extranas , accessed 9 March 2023

5.2 Legal framework for participation

Starting in 2019, processes of change and the drafting of a new constitution were initiated in Chile. In this process, a total of 2,496 initiatives were submitted by means of so-called popular initiatives, a mechanism of direct democracy through which citizens could draft their own proposals for constitutional articles, with the environment and economy being the second most popular commission [21]. This demonstrates the high level of public interest in participating. Given that in 2022, the first proposal for a new Constitution did not find a majority at the ballot box, the constituent process is currently (2023) entering a third stage. With regard to the third stage of the constituent process (2023), although it contemplates instances of citizen participation, the drafting times imposed seem to be limited in order to generate substantive participation. [22,23]

The previous and still valid Chilean Constitution does not expressly regulate citizen participation in environmental and climate affairs. Although Article 1, Paragraph 4, of the Constitution establishes the „right of people to participate with equal opportunities in national life“, and in Article 19, No. 14 the „right to present petitions to the authorities“, in fact, the configuration of citizen participation is particularly depoliticised, generating a „significant setback in the recognition of the right to participation“[24].

Regarding public participation in general, the legal norm that establishes the criteria for participation is Law No. 20,500 on Associations and Citizen Participation in Public Administration. While this law establishes the forms of organisations, their objectives and the means of participation in political life, it does not provide any substantive guarantees for citizen participation in specific decision-making processes[25].

In terms of specific environmental laws that regulate participation issues, Law No. 19,300 of the General Principles on Environmental Issues in Chile is of great importance. It forms the basis for regulating participation in environmental and climate matters. However, Law No. 19,300 only prescribes mandatory participation procedures in cases where a project requires an Environmental Impact Assessment (EIA), while for projects that only require an Environmental Impact Statement (EIS), a citizen participation procedure only needs to be carried out if 10 natural persons or 2 legal entities request it and the EIA Authority deems it appropriate based on the requirements set out in Article 3026.27. Article 29 of Law 19,300 states that the EIA Authority „shall consider and address the objections in the assessment process by providing a reasoned statement on each objection in its final decision“. However, according to the experts consulted in this study, in practice this does not mean that these statements have any real influence on any changes to the conditions for the project approval.

21 Pauta (2022)
22 La Tercera: Acuerdo por Chile: Revisa el pacto firmado por los partidos para el proceso constitucional 2.0. https://www.latercera.com/politica/noticia/acuerdo-por-chile-revisa-el-pacto-firmado-por-los-partidos-para-el-proceso-constitucional-20/AAHODAEGSBGEXLALI4BABTHDT4/ , accessed 9 March 2023
23 For example, in the case of the popular initiative of norm, regulated in Article 100 of the Proposed Regulations for the Functioning of the Bodies of the Constitutional Process, it is stated that there will be a period of 30 days for the presentation of popular initiatives and the collection of signatures, which must reach at least ten thousand signatures, but in addition, these must come from at least four different regions. It should be noted that the popular initiative will correspond to an instance of amendment to the articles included in the preliminary draft prepared by the Expert Commission, so that a prior review of the draft is required to prepare it. In this sense, 30 days to carry out all the necessary steps seems to be an insufficient period of time.
24 Soto, F. (2013). El desafío de la participación. Referendo e iniciativa legislativa popular en América Latina y Europa. Editorial LOM, Santiago. p. 201.
25 Hernández Bonivento, J. (2018). "La forma y la esencia: efectos de las leyes de transparencia, acceso a la información y participación ciudadana en la gobernanza democrática local en Chile". Revista de gestión pública, 7(2), 143-169.
26 Data managed by the Environmental Assessment Service (2022) reveal that only 8% of projects are assessed by Environmental Impact Assessments (EIA).
27 ONG FIMA. (2020)

The Framework Law on Climate Change (Law 21,455), which came into force in June 2022, also includes in its Article 34 the „right to informed participation in the development, review and updating of climate change management tools“. This law sets out specific criteria for when citizen participation is required in environmental or climate matters. According to this, citizen participation processes are mandatory for certain climate management instruments, such as the long-term national strategy, the NDC, mitigation and adaptation plans and regional climate change plans. In all cases, a period of 60 or 30 days is provided for objections. However, Community Action Plans do not provide for such mandatory participation. Other legal acts that prescribe forms of participation include sectoral laws such as Law No. 20,249 on the Marine Coastal Area (Art. 8), Law No. 18,892 on Fisheries and Aquaculture (Art. 9 BIS), DFL 4 General Law on Electrical Services (Art. 84 et seq.), Law 19,175 Constitutional Organic Law on Government and Administration of the State (Art. 17(a)) and DFL 458 General Law on Urbanism and Construction (Art. 43).

At the level of regulations[28], there are a number of examples where participatory processes have been established for the enactment of instruments, but which do not respond to a specific mandate of the law in this regard. These include the Regulations on Environmental Quality and Emission Standards[29] , on Prevention and Decontamination Plans[30] , on Strategic Environmental Assessment[31] and on the Environmental Assessment Service[32]. There are clear gaps in all these regulations in terms of access to participation as well as its adequate consideration[33], which means that they do not comply with international best practices for participation[34].

In this sense, only the Framework Law on Climate Change, the General Law on Urban Planning and Construction, and the Regulation on Environmental Impact Assessment (art. 82 et seq.) provide norms that seek proactive citizen participation in decision-making that goes beyond simple notification, even if this proactivity is relatively weak. For example, the Framework Law on Climate Change states that „Title IV agencies, within the scope of their responsibilities and authority, shall always facilitate citizen participation. This shall be done in an open and inclusive manner, with particular attention to vulnerable parts of society and communities, using a multicultural and gender approach“ (Article 34, paragraphs 3 and 4). This gives rise to two observations: On the one hand, from a formal perspective, it can be said that the Framework Law on Climate Change represents progress in terms of the state‘s procedural obligations to promote participation, as it takes an active role in facilitating these opportunities for participation. On the other hand, while it establishes a mandate that could be interpreted as proactively seeking participation, it does not establish specific mechanisms for doing so.

Specific references to the obligation of state administrative bodies to provide all information relevant to participation can only be found in the Framework Law on Climate Change, the General Law on Urban Planning and Construction, the Regulations of the Environmental Impact Assessment Service, and the General Law on Electrical Services. While all of these laws meet the criterion of providing sufficient and timely information, none of them ensure that the information is provided in a clear and understandable form to the majority of the population; and because the issues are highly technical, simply providing information is not sufficient for effective access to information.

28 A regulation issued by the relevant Ministry and intended to implement a specific law.
29 Standards that regulate the maximum level of pollutant at a site or emitted by an industry.
30 Standards that determine measures to reduce the presence of pollutants in case quality or emission standards are exceeded or at risk of being exceeded.
31 Environmental assessment procedure for any public policy that may have an impact on the environment.
32 Service that manages the Environmental Impact Assessment System, through which investment projects obtain the corresponding environmental permits to operate.
33 Costa Cordella, E. (2020). Participación ciudadana. Conceptos generales, deliberación y medio ambiente. Der Ediciones
34 E.g. the standards set out in the Aarhus Convention or the Escazu Agreement.

Similarly, when assessing whether the regulations ensure timely and proactive citizen participation. This is the case with some of the environmental management tools provided for in General Environmental Basics Act 19,300, Native Coastal Marine Area Creation Act 20.249, Fisheries and Aquaculture Act 21,410, General Electrical Services Act (DFL 4/20.018), General Urban Design and Construction Act (DFL 458), and Regional Government and Administration Act (DFL 1-19175). A closer look reveals that none of these standards fully meets the criteria of easy access to information and adequate consideration of objections.

None of the ordinances studied, with the exception of the environmental impact assessment public participation process, provide guidelines for considering citizen comments and observations[35]. Finally, the only way to enforce compliance with the revised regulations is through administrative or judicial appeals, depending on the case and the regulation. In practice, so far, only in environmental impact assessments and in the form of constitutional lawsuits to protect constitutional rights, measures have been used to demand compliance with citizen participation.[36,37,38,39,40]

Currently, however, two smaller but quite important bills are being debated in the Chilean Congress to amend the environmental impact assessment system. These are intended to extend the deadlines for requesting citizen participation in projects that require an Environmental Impact Statement.[41]

Last but not least, the Escazú Agreement has complemented the standards of the citizen participation system on climate and environmental issues. However, it is foreseeable that its implementation will require a number of important legislative changes to bring Chilean law into line with the agreement‘s standards[42]

35 Costa Cordella. (2020)
36 Alhambra Carvajal, C. (2022). La participación ciudadana ambiental: fundamentos e importancia para la legitimación de decisiones. Revista de Justicia Ambiental 14, p. 51-100.
37 Labbé Cespedes, N.; Toro Salamanca, M.; Urzúa Guerrero, I. (2020). La pesada carga para la participación ciudadana en las declaraciones de impacto ambiental. Revista de Justicia Ambiental 12, pp. 147-172.
38 Donoso Cáceres, A. (2018). Justicia Ambiental y participación ciudadana en el Sistema de Evaluación de Impactos Ambientales: revisión de casos por Declaración de Impacto Ambiental. Revista De Derecho Ambiental, (10), pp. 48 – 68.
39 Aranda Ortega, J. (2018). Breve reflexión sobre cuatro conceptos jurídicos de participación ciudadana a propósito del Derecho Ambiental chileno. Revista De Derecho Ambiental, (09), pp. 31–52.
40 Pinilla Rodríguez, F. (2014). El deber de sometimiento al procedimiento especial como limitación al recurso de protección ambiental (Corte Suprema). Revista de derecho (Valdivia), 27(2), p.291-294.
41 Amends Law No. 19.300 on citizen participation in environmental impact statements.
42 ONG FIMA. (2020)

5.3 Governance and structures

The main competent authority for civil society participation in environmental and climate change matters is the Ministry of Environment. It is responsible for initiating the various citizen consultation processes related to the enactment, review, and amendment of various environmental and climate management instruments regulated by the General Environmental Basics Law and the Framework Law on Climate Change. These environmental instruments include prevention and decontamination plans, quality standards, emission standards, classification of wild species according to their conservation status, and species recovery, conservation, and management plans.

In this context, the Ministry of Environment‘s responsibilities also include the overall management of the processes: the formal opening, the setting of deadlines, and the publication of a substantiated statement on each submitted objection. Also under the Ministry of Environment is the Department of Environmental Education and Citizen Participation, whose responsibilities include promoting citizen participation in the preparation and modification of decontamination plans and in the enactment of environmental regulations, as well as promoting citizen participation in local environmental management to ensure co-responsibility in decisions that affect the quality of life of the population.

Also under the Ministry of Environment is the recently established Office for a Just Socio-Ecological Transition, which is responsible, among other things, for coordinating the management of the Environmental and Social Remediation Committees (CRAS). This is a multi-stakeholder body responsible for developing and promoting compliance with environmental and social remediation programs (PRAS). This responsibility stems from Article 70(i) of Law 19,300[43], which regulates the restoration and conservation of affected environmental components in areas particularly affected by pollution[44].

In addition, the Environmental Impact Assessment Service Center also has legal obligations related to citizen participation, especially in the context of environmental impact assessment of projects. In this capacity, the Service Center offers various open trainings throughout the year to help citizens learn how to participate in project approvals. It publishes a list of projects with ongoing citizen participation processes, projects that may request to open such a process, and projects with an ongoing indigenous consultation process.

At the regional level, participation procedures are only carried out by local environmental authorities when they deal with instruments at the regional level. These are not directed by the national competent authorities. This means that local participation processes are not monitored by bodies that control compliance with national standards, so it is entirely at the discretion of each local government how participation is specifically carried out.

The Regional Climate Change Committees (CORECC), created by the Framework Law on Climate Change, are responsible for coordinating the development of regional and municipal tools to address climate change, and are intended to facilitate collaboration and provide guidance for the integration of climate change mitigation measures into regional strategies and plans. Although CORECC‘s institutional design aims to promote collaboration among different levels of government to implement climate change

43 It proposes policies and formulates plans, programmes and actions that establish the basic criteria and preventive measures to favour the recovery and conservation of water and genetic resources, flora, fauna, habitats, landscapes, ecosystems and natural spaces, especially fragile and degraded ones, contributing to compliance with international biodiversity conservation conventions.
44 The Ministry of Environment has set up 3 Committees for Huasco, Quintero-Puchuncaví and Coronel.

mitigation and adaptation strategies, it has not been given the capacity or authority to link regional or local citizen participation outcomes to national climate policy. It remains to be seen how these bodies will be able to implement the tools, as the citizen participation process for the regulation establishing procedures related to climate change mitigation tools closed in early March 2023[45].

5.4 In practice: participation processes

Recently, the Framework Law on Climate Change initiated four processes of citizen participation related to national climate change strategies and implementation plans that fall under the responsibility of the Ministry of Environment: the long-term climate strategy, the update of the nationally determined contribution, the sectoral climate change mitigation plans, and the sectoral climate change adaptation plans. At the regional level, citizen participation processes are relevant in the context of the regional climate change action plans, and at the local level in the context of the strategic plans for water resources in basins.

Due to its specificity, the participation process related to the adoption of the Framework Law on Climate Change (Law 21,455) should be highlighted. Although there was no legal obligation to initiate this participation process, there was sufficient political will to carry it out. The Ministry of Environment was responsible for organising the process of drafting the law and managed various channels for citizen participation, which are described below in chronological order:

1. **Workshops with the Regional Climate Change Committees and the Regional Advisory Councils**[46] These workshops took place in 15 regions of the country and served to stimulate dialogue on the challenges associated with climate change at the regional and local level, asking the questions: Where are we? Where do we want to go? and How do we get there? For this purpose, they identified topics to be discussed in the citizens‘ dialogues for the elaboration of the Framework Law on Climate Change.[47]
2. **Citizen Dialogues for the elaboration of the preliminary draft of the Framework Law on Climate Change.** These face-to-face dialogues took place in cooperation with the regional governments of the 16 regions, at least once per region, before the official draft law was available. This can be seen as early citizen participation. The minutes of the results available on the website[48] do not indicate how the information about the workshops was disseminated, although the average number of participants is recorded as 53. In total, the opinions of more than 850 participants were collected on regional climate change impacts, regional governance and national and regional climate change instruments[49]. The citizens‘ dialogues consisted of a presentation phase and a subsequent participation phase, which took place at dialogue tables with moderators who recorded and logged the discussion. The Climate Change Law Observatory in Chile, led by the Climate and Resilience Centre and the Environmental Law Centre, both at the University of Chile, monitored the development of these dialogues[50]. While the minutes of each meeting are available on the Ministry‘s website[51], there is no record of how

45 Ministério del Medio Ambiente de Chile: Ficha consulta. https://consultasciudadanas.mma.gob.cl/portal/consulta/137 , accessed 9 March 2023.
46 Made up of 2 representatives from the scientific community, 2 from non-profit organisations that aim to protect the environment, 2 from business, 2 from workers, and 2 from the Ministry of the Environment.
47 Chilean Ministry of Environment: Regional Climate Change Committees. https://cambioclimatico.mma.gob.cl/comites-regionales-de-cambio-climatico/ , accessed on 9 March 2023.
48 Ibid.
49 Chilean Ministry of the Environment: Citizens‘ Dialogues for the drafting of the draft Framework Law on Climate Change have been completed. https://mma.gob.cl/finalizaron-los-dialogos-ciudadanos/ , accessed on 9 March 2023
50 Observatorio Ley Climático para Chile: Ley de Cambio Climático para Chile. https://leycambioclimatico.cl/leyccchile/#1547080668216-205210a6-94ae , accessed 9 March 2023
51 Chilean Ministry of the Environment: Citizens‘ Dialogues for the drafting of the draft Framework Law on Climate Change have been completed. https://mma.gob.cl/finalizaron-los-dialogos-ciudadanos/ , accessed on 9 March 2023

the systematised information from these dialogues was incorporated into the proper consideration of the amendments to the draft Framework Law on Climate Change.

3. **Public consultation process of the preliminary draft of the Framework Law on Climate Change, which ha**d both a digital and a face-to-face phase by region:
   - Reception of observations on the preliminary draft through the Citizen Consultation web portal.[52] Although the procedure was open to the public, no major effort was made to publicise the opening of the procedure or to invite citizens to participate. In a period of one and a half months, 1,718 comments were submitted by citizens and the results of the procedure are available on the website. There you can also find the individual objections and the respective responses of the Ministry of the Environment, which were taken into account in the preparation of the final draft according to their relevance. The public can view these results but cannot formally comment, nor are there any statistics on how many comments were eventually incorporated into the final draft. The format for submitting objections involved the written submission of comments, observations or suggestions, taking into account the text of the draft law itself. The format for submitting objections, while flexible, requires a thorough understanding of the legal structure.
   - Regional Workshops. The dialogues aimed to inform about the scope of the draft law, to explain the text of the law in more detail and facilitate its understanding, and to create space for analysis and discussion of the main contents, thus encouraging the elaboration of objections to it[53]. However, there are no specific records of which stakeholders were invited, but at least the minutes of each meeting, available on the website, indicate the number of stakeholders invited by mail: On average, 400 people were invited per region, with an average of 50 people attending. In terms of frequency, there was only one meeting per region.[54]

5.5 Capacity building

Due to the complexity of the issue, effective participation of civil society in climate and environmental matters requires capacity building of both CSOs and the authorities implementing the participation processes. In this context, the Chilean Framework Law on Climate Change is relevant, which states that the long-term climate strategy must be implemented based on a number of approaches; and one of them is the „creation and strengthening of capacities“ (Art. 6) of individuals, organisations and institutions, both public and private. For this reason, a „Strategy for Capacity Development and Empowerment in the Context of Climate Change“ is currently being developed with „Guidelines for the Design and Implementation of Climate Empowerment Actions“[55], which is also part of the Chilean NDC Commitments 2020[56]. The strategy provides five lines of action:

52 Ministry of Environment of Chile: Citizen Consultations. Preguntas Frecuentes. https://consultasciudadanas.mma.gob.cl/portal/consulta/50 , accessed on 9 March 2023.
53 Ministério del Medio Ambiente de Chile. (2019). Consulta Ciudadana Anteprojecto de Ley Marco de Cambio Climático.
54 Ministry of Environment of Chile: Proceso de Consulta Pùblica del anteproyecto de Consulta Pública de Ley Marco de Cambio Climático. https://cambioclimatico.mma.gob.cl/proceso-de-consulta-publica-del-anteproyecto-de-ley-marco-de-cambio-climatico/ , accessed on 3 January 2023.
55 Ministério del Medio Ambiente de Chile. (2020b). Proceso de elaboración: Estrategia de desarrollo de capacidades y empoderamiento climático.
56 Ministério del Medio Ambiente de Chile. (2020a). Contribución Determinada a nivel Nacional (NDC) de Chile. Actualización 2020

- research and science on climate change;
- creating and strengthening national, regional and local capacities for climate change management;
- educating citizens on how to deal with climate change;
- promoting inter-institutional and cross-sectoral exchange of experiences at national, regional and local levels on climate change mitigation and adaptation measures; and
- access to information and citizen participation to strengthen climate action.

In addition, the strategy envisages the creation of an overarching action table for empowerment on climate issues, which in turn includes the presence of organisations „implementing actions through their various instruments and competences, guided by the components, guidelines and lines of action [...] to develop and strengthen technical capacities and citizen empowerment that will enable them to confront climate change and contribute to achieving carbon neutrality and climate resilience by 2050 at the latest“[57]

Furthermore, the Ministry of Environment administers the National System of Environmental Certification of Educational Institutions, which has been in effect since 2000. This is a programme that addresses the problem of inadequate environmental education programmes in the country‘s educational institutions at different levels from kindergarten to secondary school. The aim is to provide training and accreditation at three levels based on an educational model with a territorial environmental approach based on three quality indicators:

- the pedagogical area (curriculum and educational methodology),
- the management area (infrastructure) and
- the area of relations with the environment (openness to the community)[58]

In terms of public funds for capacity building, it was noted during the focus group discussion conducted as part of this study that the available funds, e.g. environmental protection funds, tend to be directed towards concrete environmental policies, such as promoting recycling or biodiversity conservation. However, there is no public funding for capacity building in the areas of community empowerment, political advocacy and participation.

57 Ministério del Medio Ambiente de Chile. (n.d.). Propuesta de Estrategia de Desarrollo de Capacidades y Empoderamiento Climático de Chile: Lineamientos para el diseño e implementación de acciones para el empoderamiento climático
58 Dirección de Presupuestos. (2023). Programa Nuevo 2023: Sistema Nacional de Certificación Ambiental de Escuelas SNCAE

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

This chapter presents recommendations derived from the analysed status quo of conditions for civil society participation in climate affairs in Chile. This includes a brief presentation of the identified barriers and challenges to effective participation. The following recommendations are country-specific and are intended to guide national policy makers, other relevant actors for climate-related policy formulation and participation, such as international institutions and donors, as well as civil society itself.

Improving the effectiveness and impact of participatory decision making processes

Citizen participation should be organised in a way that enables effective participation. Currently, the biggest gap in achieving this is that citizens do not participate in the participation processes because they are not aware of the procedures and do not have the necessary means to take advantage of the participation opportunities offered. Moreover, those who do participate in the processes lack confidence in the institutional framework and their real ability to influence the participatory processes, which is particularly true in the case of environmentally relevant projects. In general, there is an impression that the interests of the project promoters have an excessive influence on institutional decision-making. This is mainly due to Chile‘s centralised structure, whereby decisions are predominantly made at the national level. Therefore, decision-making competence and participation would need to be decentralised by giving local governments more power in projects and plans that affect their region, so that they can organise regional participation processes themselves and have a greater influence on decision-making and consideration of participation outcomes.

Improving the visibility of the inclusion of participation in decision making

Another barrier to effective participation in Chile is the lack of clarity about how citizen participation affects final decisions and outcomes, whether in policies, plans, strategies or environmental management tools. While there is the standard of due consideration, which is to justify why an objection has or has not been taken into account, there is no effective and specific method to determine in what way this justification has affected the final outcome. It is therefore recommended that, at the legal or regulatory level, the process and standards for incorporating objections into public participation should be standardised to make the degree of their impact and the reasons transparent. It is therefore important to clearly show how participation has been incorporated into the final decisions.

Increase the budget for climate change mitigation and adaptation in general and for participatory processes in particular.

Another important aspect is funding for the implementation of measures to address the challenges posed by the climate and environmental crisis. Currently, the state budget for the Ministry of Environment is only slightly more than 0.1% of public expenditure[59]. This manifests itself, for example, in a lack of funding for the implementation of adaptation goals. There are also insufficient capacity building programmes for environmental participation, low efforts in community environmental education and no funding to

59Servicio de Evaluación Ambiental. (2022).Cuenta Pública 2021 , p.6

support communities to engage in citizen participation processes. This creates an economic imbalance between project promoters and the public. Budgets for environmental issues in general and for participation in the context of environmental and climate policy in particular should be increased.

Extending deadlines for citizen participation in climate policy

A more specific recommendation to strengthen civil society participation in climate policy in Chile is that the deadlines for citizen participation in climate change instruments set out in the Framework Law on Climate Change should be extended so that there is always at least 60 days to implement mandatory citizen participation in municipal climate action plans. Furthermore, the standards for public participation procedures should be improved. This includes not only publication in the Official Gazette and virtual media, but also the establishment of concrete mechanisms for the state to proactively reach out to civil society and ensure that a diversity of actors is invited and especially vulnerable groups.

Extending the scope of citizen participation in environmental impact assessments

Finally, it is important to expand the possibilities for citizen participation in the assessment of environmental impacts. Thus, a mandatory participation procedure should be carried out for any project assessed under the environmental impact assessment system, regardless of whether it is submitted through an EIA or an EIS, without requiring a positive opinion from the Environmental Impact Assessment Service. This, together with the strengthening of other procedural and substantive elements of access to participation under this administrative instrument, is essential for strengthening environmental and climate participation.

7 Conclusion

Chile's climate policy includes a variety of well-linked measures covering all relevant sectors. If fully implemented, Chile could fulfil its contribution to the 1.5°C target. However, according to Chilean civil society organisations active in climate issues, the implementation of the policies developed has been poor so far.

The 1980 Constitution does not regulate participation in environmental and climate issues, but Chile is currently in a stage of transition in which a new constitution for the country is to be developed. The process of developing the new constitution contains some participatory elements and holds out hope for a more participatory legal system in the near future. Improvements in the context of civil society participation can also be expected in the future through Chile's signing and ratification of the Escazú Agreement. However, it will be some time before these changes take effect, and currently civil society participation in climate matters is almost exclusively regulated by Law No. 19.300 on the Fundamentals of the Environment, which regulates citizen participation in the context of environmental impact assessments for specific projects and the Framework Law on Climate Change that prescribes participation processes in climate policy formulation and implementation to some extent. However, the quality of the standards for participation processes is not yet sufficient to meet the international commitments Chile has made by signing and ratifying the Escazú Agreement.

Regarding the quality of participatory processes carried out in Chile, some shortcomings and obstacles to effective civil society participation can be identified. Although there are isolated early participatory processes in relation to some policies, in projects participation tends to be late and with short deadlines, so that the real possibilities for civil society to exert influence are low. Furthermore, citizens and representatives of CSOs or communities are not proactively invited to participation processes, nor are they supported in exercising their participation rights. As a result, not all parts of civil society can participate adequately. This is especially true for vulnerable groups.

Another deficit is the lack of transparency with regard to the traceability of decision-making and the extent to which the results of participatory processes were taken into account in the final decisions. This causes a low level of trust in participatory processes among many representatives of civil society in Chile. In order to strengthen trust in participatory processes, it is crucial, according to the experts consulted in this study, that the authorities make it easier for the public to understand how participatory results are incorporated into climate policy decisions. The extension of legally binding deadlines for comments and objections, as well as the expansion of opportunities for participation in the context of environmental impact assessments, are further measures that would be necessary to strengthen civil society participation in Chile. Finally, full implementation of the intended policies and strategies is only possible with an increased budget for climate protection and adaptation as well as for the accompanying participatory processes. These measures will enable the strengthening of Chilean civil society and form the basis for a just and ecological transition in Chile that is truly focused on the well-being of the people and the achievement of ambitious environmental and climate protection goals.

Bibliography

A

Aguilera, C; Espinoza,V. (2022). Chile despertó": los sentidos políticos en la Revuelta de Octubre. Polis Revista Latinoamericana, 21 (61), 10-31.

Alhambra Carvajal, C. (2022). La participación ciudadana ambiental: fundamentos e importancia para la legitimación de decisiones. Revista de Justicia Ambiental 14, p. 51-100.

Aranda Ortega, J. (2018). Breve reflexión sobre cuatro conceptos jurídicos de participación ciudadana a propósito del Derecho Ambiental chileno. Revista De Derecho Ambiental, (09), pp. 31–52.

C

Costa Cordella, E. (2020). Participación ciudadana. Conceptos generales, deliberación y medio ambiente. Santiago de Chile: Der Ediciones.

Costa Cordella, E,; Belemmi, V. (2017). ¿ Susurros al viento?: Desempeño de la participación ciudadana en el SEIA. Revista de Derecho Ambiental, (8), 7-29.

D

Dirección de Presupuestos. (2022). Proyecto de Ley de Presupuestos para el Sector Público 2023.

Dirección de Presupuestos. (2023). Programa Nuevo 2023: Sistema Nacional de Certificación Ambiental de Escuelas SNCAE

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. www.ufu.de.

Donoso Cáceres, A. (2018). Justicia Ambiental y participación ciudadana en el Sistema de Evaluación de Impactos Ambientales: revisión de casos por Declaración de Impacto Ambiental. Revista De Derecho Ambiental, (10), pp. 48 – 68.

H

Hernández Bonivento, J. (2018). La forma y la esencia: efectos de las leyes de transparencia, acceso a la información y participación ciudadana en la gobernanza democrática local en Chile. Revista de gestión pública, *7* (2), 143-169.

Hervé Espejo, D. (2015). Justicia ambiental y recursos naturales. Ediciones Universitarias de Valparaíso.

Heidelberg Institute for International Conflict Research. (2020). Conflict Barometer 2021.

Labbé Cespedes, N.; Toro Salamanca, M.; Urzúa Guerrero, I. (2020). La pesada carga para la participación ciudadana en las declaraciones de impacto ambiental. Revista de Justicia Ambiental 12, pp. 147-172.

M

Ministério del Medio Ambiente de Chile. (2022). 5to Informe Bienal de Actualización ante la Convención Marco de las Naciones Unidas sobre Cambio Climático.

Ministério del Medio Ambiente de Chile. (2020a). Contribución Determinada a nivel Nacional (NDC) de Chile. Actualización 2020

Ministério del Medio Ambiente de Chile. (2020b). Proceso de elaboración: Estrategia de desarrollo de capacidades y empoderamiento climático.

Ministério del Medio Ambiente de Chile. (2019). Consulta Ciudadana Anteproyecto de Ley Marco de Cambio Climático.

Ministério del Medio Ambiente de Chile. (n.d.). Propuesta de Estrategia de Desarrollo de Capacidades y Empoderamiento Climático de Chile: Lineamientos para el diseño e implementación de acciones para el empoderamiento climático

Moraga Sariego, P. (2017). La definición de nuevos estándares en materia de participación ciudadana en el sistema de evaluación de impacto ambiental chileno. Revista Derecho del Estado, (38), p.177-198.

O

ONG FIMA. (2020). Análisis del Cumplimiento de Estándares del Acuerdo de Escazú en Chile, p.7

P

Pinilla Rodríguez, F. (2014). El deber de sometimiento al procedimiento especial como limitación al recurso de protección ambiental (Corte Suprema). Revista de derecho (Valdivia), 27(2), p.291-294.

S

Servicio de Evaluación Ambiental. (2022). Cuenta Pública 2021, p.6

Soto, F. (2013). El desafío de la participación. Referendo e iniciativa legislativa popular en América Latina y Europa. Editorial LOM, Santiago, p. 201.

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?) [60]	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)	1
b. Anti-corruption and transparency (What is the perceived level of corruption?) [61]	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	2
c. Security of environmental defenders (Are environmental defenders secure from threats?) [62]	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**

60 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.
61 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).
62 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 • 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)	1
c. National laws requiring timely participation (To what extent does/do • 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

d. National laws requiring information regarding the participation process (To what extent does/do • 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 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?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	1
e. National laws requiring the consideration of civil society's comments (To what extent does/do • 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 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?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	1
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 • 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 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?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	1
	Max. score: 17	**7**

Criterion 3 Supporting governance & structures

Indicators	Scores	Score
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?)	0 = no 2 = yes	0
b. Institutional coordination & cooperation (Are national participation processes relating to the environment and climate coordinated across different vertical and horizontal political levels?)	0 = no 1 = there is weak coordination and cooperation 2 = there is good coordination and cooperation 3 = there is very good coordination and cooperation	1
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?)	0 = no 1 = yes, to some extent 2 = yes, fully	0
	Max. score: 7	**1**

Criterion 4 Qualitative participation processes

Indicators	Scores	Score
a. Early participation (At what stage was civil society involved in the process?)	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	2
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?	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	2
c. Timely invitation (Was civil society invited early enough to participate?)	0 = some days in advance 1 = less than one month in advance 2= more than one month in advance	1

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	2
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	2
h. Evaluation and feedback process (Was there an evaluation and feedback process regarding the participation procedure?)	0 = no 1 = yes	0
	Max. score: 16	**12**

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	2
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	2

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	0
	Max. score: 8	**5**
Max. total score	**59**	**30**

In 2015, Chile and many other countries around the world adopted the Paris Agreement to limit global warming and its impacts. However, current national commitments (Nationally Determined Contributions – NDCs) are insufficent to keep the global average temperature rise this century below 1.5°C above pre-industrial levels. Time is running out and rapid and far-reaching changes are needed across all sectors.

Civil society actors play a crucial role in developing and implementing climate policies, as they act as nature's advocate and voice, driven by the desire to protect the environment and preserve 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 concrete 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 provide recommendations for overcoming these barriers. This report presents the results of the Costa Rica analysis.

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