



**UfU** Independent Institute  
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**LaRutadelClima**

# **CIVIC SPACE FOR PARTICIPATION IN CLIMATE POLICIES IN COSTA RICA**



# Imprint

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# 1 Summary

Costa Rica is internationally regarded as a pioneer in nature conservation. Its contribution to climate change is minimal, but the country is highly affected by its effects. Therefore, it is important that there is a climate policy that has a strong consideration of climate justice, so that actions directed towards climate protection and adaptation take into account the needs of disadvantaged groups. Civil Society Organisations (CSOs) play an important role in identifying and supporting the implementation of appropriate solutions.

This study analyses opportunities for the participation of Costa Rican CSOs in decision-making for climate policy formulation and implementation. Therefore, the prerequisites for civil society participation, and concrete processes of effective participation in national climate policy were examined. Based on a standardised evaluation scheme (Appendix), the civic space for participation in climate policies was assessed as shown in Figure 1.

Important policies and guidelines for climate change mitigation and adaptation have been established in Costa Rica. The country now faces the challenge of implementing them with great ambition. Conditions for civil society participation in the planning and implementation of these policies are mixed: there are currently no major violent conflicts in Costa Rica, while security for environmental activists can be classified as weak and civic space is classified as „narrowed“. Although the country has a medium ranking on the corruption index, CSOs point to a lack of transparency in the processes of national policy development and implementation. Environmental education is influenced by international organisations, and is centralised in technical and university education, while it is underrepresented at the local level, in rural areas and for the population outside the formal educational system.

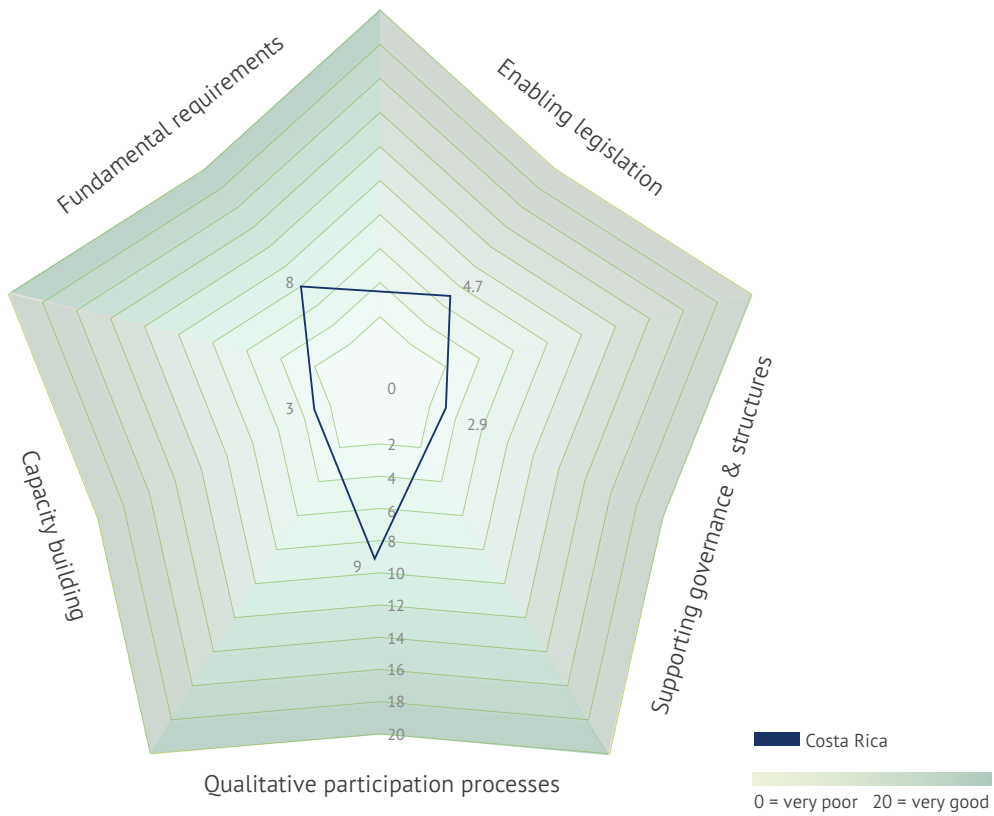
In some climate policy guidelines such as the National Climate Change Strategy and the Intended National Contributions (INDC), Costa Rica is committed to promoting the participation of civil society. To this end, the Citizen Consultative Council on Climate Change (5C) and the Scientific Council on Climate Change (4C) were created as committees for open dialogue. Citizen environmental participation is not clearly reflected in current legislation, nor is it specifically promoted in the framework of any international agreements to which Costa Rica would have committed (apart from the Paris Climate Agreement), since, although the Escazú Agreement was negotiated in the Costa Rican city of the same name, the country has signed it but has not ratified it to date.. However, citizen participation is partially taken into account in the processes of the National Environmental Technical Secretariat. In Costa Rica there are no specific provisions on public consultations in environmental matters, except in relation to indigenous peoples, hence the quality and success of processes outside the 5C vary considerably and are dependent on the persons responsible and the availability of human and financial resources within the institutions.

The results of this study underline the need to strengthen civil society participation in climate policy. The following measures are therefore proposed:

- \_ Establish clear and standardised procedures for public participation on climate issues through legislation.
- \_ Implement an independent evaluation of the work of the Citizens' Climate Change Advisory Council (5C).
- \_ Promote regular consultations and a coordinated decentralisation of participatory processes.
- \_ Strengthen the capacities of the staff of organisations working in communities that need to generate participatory processes.

Although other crises currently seem to overshadow the relevance of climate protection and civil society participation, it is more important than ever to create the basis for a just transition in Costa Rica and the world.

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

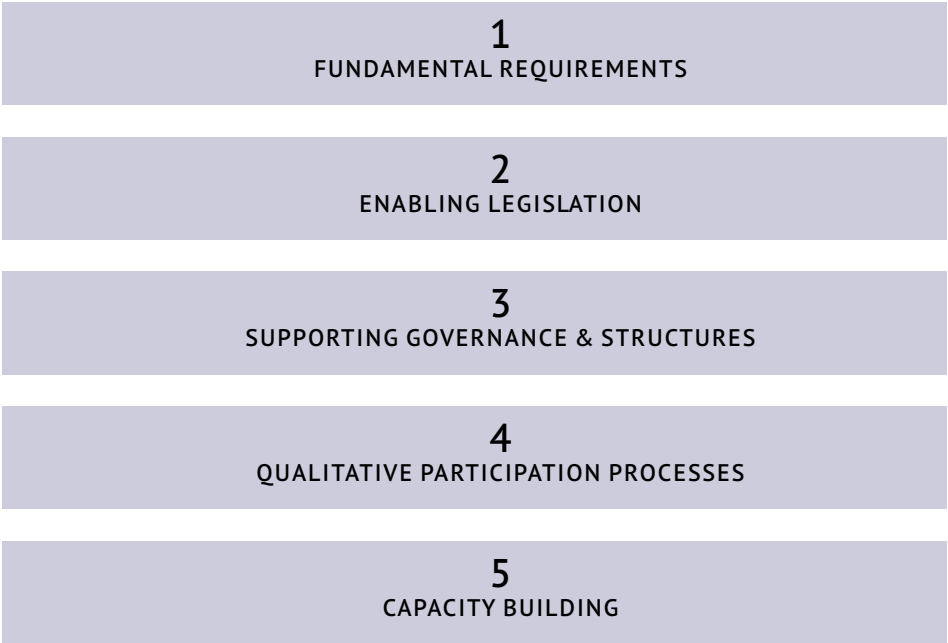


## 2 Introduction

Costa Rica is a party to the Paris Agreement, committing to take ambitious action to keep average global temperature rise below 2°C above pre-industrial levels. Furthermore, according to some of the country’s key climate policy documents, Costa Rica intends to promote civil society participation. This study now tries to draw a realistic picture of the actual situation of civil society participation within Costa Rican climate policies. For this purpose, the civic space for participation of Costa Rican 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 Costa Rica 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<sup>1</sup> was used. 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.

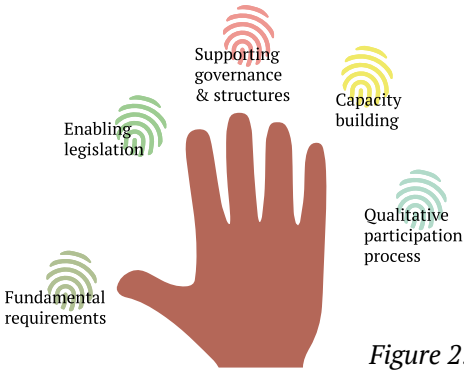
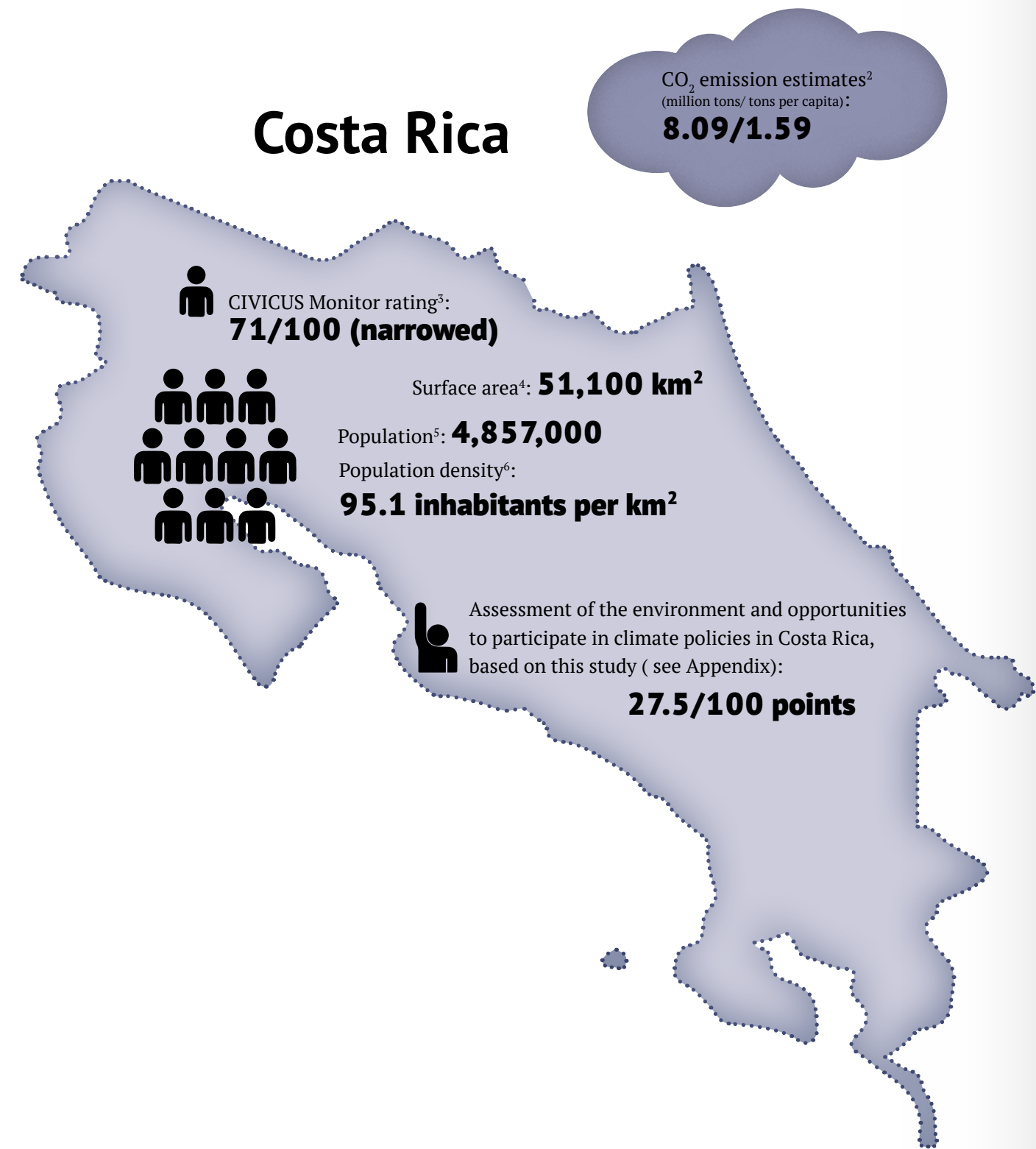


Figure 2: The Participation Handprint

<sup>1</sup> 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](http://www.ufu.de/en/civic-space-for-participation-in-climate-policies), accessed 13 March 2023.





2 [https://edgar.jrc.ec.europa.eu/report\\_2022](https://edgar.jrc.ec.europa.eu/report_2022), accessed 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=Costa%20Rica](https://data.un.org/CountryProfile.aspx/_Docs/CountryProfile.aspx?crName=Costa%20Rica) , accessed 13 June 2023

5 Ibid.

## 4 Costa Rica - Country portrait

### 4.1 General Information

Costa Rica is a tropical country in the south of Central America, rich in tropical rainforests and with a diverse biodiversity. It borders the Pacific Ocean to the east and the Caribbean Sea to the west. Costa Rica is considered a stable democracy by regional standards, and is considered relatively progressive politically and economically. Costa Rica has also long been considered a pioneer in Latin America in the area of environmental policy. For example, the city of Escazú is located in Costa Rica, where the regional agreement of the same name on access to information, public participation and judicial review in environmental matters in Latin America and the Caribbean was negotiated.

Climate priorities in the Central American region are increasingly reflected in Costa Rican presidential mandates, policies, strategies and projects, and involve increasing resources<sup>6</sup>. However, during 2022, both from the international community and domestically, setbacks in Costa Rica’s leadership on climate and environment policies were identified.<sup>7,8,9,10</sup> This is the main barrier for progress and public participation in environmental policies perceived by CSOs and the cause for recent conflicts.

Likewise, the ineffectiveness of the state in dealing with land conflicts in indigenous territories is persistent<sup>11</sup>. This is not an isolated phenomenon, but is related to the main reason for socio-environmental conflicts in the country between 1990 and 2020, which is destruction of ecosystems. In this context, the achievement of “the indigenous cultural system of conservation” that the country committed to strengthen in the last Nationally Determined Contribution (NDC) under the Paris Agreement<sup>12</sup> is at risk. The consequences of such conflicts include displacement of people, loss of local knowledge, know-how, practices and culture, and human rights violations. Economic effects include corruption, disruption of productive activities and loss of land<sup>13</sup>.

### 4.2 National climate policy

In 2010, the Ministry of Environment and Energy (MINA) initiated the country’s climate policy, through the Climate Change Directorate (DCC). The Interministerial Council on Climate Change was also created to define, discuss and follow up on policies. Furthermore, the National Environmental Planning System is responsible for aligning the issue with existing environmental structures<sup>14</sup>.

6 Ibid.

7 Programa Estado de la Nación. (2021). Sexto Estado de la Región 2021. Versión ampliada. San José: CONARE - PEN.

8 La Ruta del Clima: Costa Rica en Retroceso a la COP27. <https://larutadelclima.org/costa-rica-en-retroceso-a-la-cop27>, accessed 13 March 2023

9 Ojo al Clima: Adaptación permeará posición tica en COP27. <https://ojoalclima.com/adaptacion-permeara-posicion-tica-en-cop27>, accessed 13 May 2023

10 Interferencia: COP27: Costa Rica llega con agenda alejada de sus objetivos climáticos históricos. Interferencia, 7 November 2022. <https://radios.ucr.ac.cr/2022/11/interferencia/cop27-costa-rica>, accessed 13 June 2023

11 Semanario Universidad: Acuerdo de Escazú entra en vigor sin el país que le dio nombre. <https://semanariouniversidad.com/pais/acuerdo-de-escazu-entra-en-vigor-sin-el-pais-que-le-dio-nombre-2>, accessed 13 March 2023

12 Programa Estado de la Nación. (2021)

13 Valerio, V. (2020). Estrategias locales de lucha contra el cambio climático con enfoque participativo: Estudio de casos de la experiencia en Costa Rica, 2011-2018. PhD Thesis, Valencia: Universidad Politécnica de Valencia.

14 World Resources Institute: Climate Watch Costa Rica. [www.wri.org/data/climate-watch-nationally-determinedcontributions-ndc-data](https://www.wri.org/data/climate-watch-nationally-determinedcontributions-ndc-data), accessed 13 March 2023

The most relevant legal and institutional instrument for climate action is established through the Intended Nationally Determined Contribution (INDC), presented in 2015, followed by the Nationally Determined Contribution (NDC) of 2020, which is an update and improvement.

Although Costa Rica shares only 0.02% of global Greenhouse Gas (GHG) emissions,<sup>15</sup> the NDC sets more ambitious goals and talks about „just transition” and “social and climate justice”. Sectoral targets are defined in mobility, land use, energy, infrastructure, industry, trade and services, waste, agriculture, biodiversity and oceans, Climate Empowerment Actions (CEAs), transparency, finance and policy. It also includes communication on adaptation towards the end of the document. Adaptation continued to be operationalised in 2022 with the National Climate Change Adaptation Plan, the product of bilateral meetings with key stakeholders and an extended consultative process<sup>16</sup>.

The Climate Action Tracker (CAT) rates Costa Rica’s mitigation target as „Nearly sufficient” compared to national trajectories and assessed as „compatible with the Paris Agreement at 1.5°C”, however, emissions reductions through support from other governments on its own territory by 2030 require improvement to be sufficient. Furthermore, the CAT assesses Costa Rica’s policies and actions as „consistent with 1.5°C”, at least until the next progress update.<sup>17</sup>

15 Calfucoy, P.; Torres, M.; Fazekas, A.; Vogt-Schilb, A. (2022). Estrategias climáticas de largo plazo en América Latina: ¿qué podemos aprender desde la voz de los actores que han participado en su formulación? IDB-WP-1361. Working Document of the BID.

16 Climate Action Tracker: Costa Rica. <https://climateactiontracker.org/countries/costa-rica>, accessed 13 March 2023

17 CIVICUS Monitor: Civic Space in Numbers. <https://monitor.civicus.org/quickfacts>, accessed 13 March 2023

## 5 Climate-engaged civil society and its right to participate

### 5.1 Fundamental requirements

The political commitment to involve civil society in environmental and climate-related decision-making processes in Costa Rica is controversial. Overall, the openness of Costa Rica’s civic space is rated as „narrowed”, a high rating compared to the Central American region where civic space remains obstructed, repressed or closed.<sup>18</sup>

According to the Heidelberg Institute for International Conflict Research, there are currently no ongoing conflicts that are affecting the overall stability and peace in the country, or the participation of civil society<sup>19</sup>. Similarly, according to Transparency International’s Corruption Perceptions Index, Costa Rica scored 54 out of 100 (where 100 is „very clean” and 0 is „very corrupt”) in 2022, the lowest score since 2014.<sup>20</sup>

Taking stock of these ratings, it may seem that conflict, corruption and lack of transparency in politics are not significantly undermining civil society participation. However, during the consultation for this research, CSO representatives argue that the country is entering a stage that raises concerns. In addition, some interviewees felt that, for the scale of the problem, the previous administration’s CDD (2018-2022) was not sufficient in terms of resources and scope. Likewise, under the current government (2022-2026) it has been further weakened, leading to uncertainty and perceptions that there is no desire to reach significant progress on climate policy. This also raises doubts about the future of Costa Rica’s international commitment in climate affairs<sup>21</sup>.

With regard to the level of protection enjoyed by environmental human rights defenders in the country, the level of security can be considered weak, considering that there is more than one documented murder, and that it is common for these murders to go unpunished<sup>22</sup>. Between 1975 and 2020, a total of thirteen environmental defenders were murdered in Costa Rica<sup>23</sup>.

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

19 Transparency International: 2022 Corruption Perceptions Index - Costa Rica. [www.transparency.org/en/cpi/2022/index/cr](http://www.transparency.org/en/cpi/2022/index/cr), accessed 13 March 2023

20 Focus group with experts, 14 December 2022

21 Leão, D.; Narsee, A.; Mbataru, S.; van Severen, I.; Benedict, J.; Belalba, M. (2021). Defenders of Our Planet: Resilience in the Face of Restrictions.

22 Álvarez, M.; Casa, A.; Pomareda, F. (2020). Una memoria que se transforma en lucha: 30 años de criminalización del movimiento ecologista en Costa Rica. San José: Federación Costarricense para la Conservación de la Naturaleza (FECON).

23 Villalobos, J. M. (2011). Marco jurídico del cambio climático en Costa Rica. Tesis de Grado para optar por el Título de Licenciado en Derecho, Universidad de Costa Rica.

## 5.2 Legal framework for participation

Detached from the constitutional principle (Art. 50) as the basis for guaranteeing a healthy and adequate environment, Costa Rica's environmental and climate legislation is scattered throughout the civil, penal, fiscal, labour and municipal codes. Relevant legislation is also contained in laws and regulations on wildlife conservation, water, biodiversity, forestry, national parks, and the Organic Law on the Environment<sup>24</sup>.

Although it is contemplated in the processes of the National Environmental Technical Secretariat and the Environmental Tribunal, citizen participation is not clearly set out in a law, nor are there regulations for public consultation processes, except for Indigenous Peoples. An attempt was made to position the „Law to Strengthen Citizen Participation Mechanisms in Environmental Matters“, but it was vetoed by the executive branch during the 2006-2010 administration<sup>25,26,27,28,29</sup>.

As a consequence, there is no obligation or guidance on how to implement participatory processes, there are no specific budgets to carry them out, and institutional officials are not necessarily trained to understand their importance or to follow up on them<sup>30</sup>. Contrary to the view of many governmental bodies that more participation would contribute to delaying or suspending of processes, the existence of clear guidelines would allow institutions to minimise the time lost in channelling conflicts, and to use human and economic resources more efficiently, as projects reach a successful conclusion with sustainable benefits over time<sup>31</sup>.

An international instrument that could function as a minimum roadmap to guarantee such participation is the „Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean“, known as the „Escazú Agreement“. The current president and his environment minister openly stated that they had no intention of promoting it,<sup>32</sup> even though Costa Rica was one of the driving forces behind it. The agreement entered into force in the region in April 2021, but the current Costa Rican Legislative Assembly has not ratified it, and filed file N° 21,245 on 1 February 2023.<sup>33</sup>

On the other hand, Costa Rica has participated in the Conferences of the Parties to the United Nations Framework Convention on Climate Change since the first one in 1994, and in 2009 a framework for action for the country was generated with the National Climate Change Strategy (ENCC). There, Costa Rica commits to encouraging public participation, although the mechanisms to guarantee this are not clearly defined<sup>34</sup>.

Following the UNFCCC commitments, the INDC describes the mitigation and adaptation components, and defines conditions for planning and implementation, such as the open data policy for citizens. It also establishes two deliberative councils for open

<sup>24</sup> Presidencia de la República de Costa Rica. (2017). Decreto N° 40616- MINAE. Diario Oficial La Gaceta.

<sup>25</sup> Valerio (2020)

<sup>26</sup> La Revista: Nicolás Boeglin: A cuatro años de la aprobación del Acuerdo de Escazú en Costa Rica – apuntes sobre algunas ausencias. [www.larevista.cr/nicolas-boeglin-a-cuatro-anos-de-la-aprobacion-del-acuerdo-de-escazu-en-costa-rica-apuntes-sobre-algunas-ausencias](http://www.larevista.cr/nicolas-boeglin-a-cuatro-anos-de-la-aprobacion-del-acuerdo-de-escazu-en-costa-rica-apuntes-sobre-algunas-ausencias), accessed 13 March 2023

<sup>27</sup> Semanario Universidad: Acuerdo de Escazú entra en vigor sin el país que le dio nombre. <https://semanariouniversidad.com/pais/acuerdo-de-escazu-entra-en-vigor-sin-el-pais-que-le-dio-nombre-2>, accessed 13 March 2023

<sup>28</sup> Mora, O. (2006). Participación ciudadana para el fortalecimiento democrático en lo ambiental: ¿entre la eficacia y el conflicto? Thesis for the Master's degree in Social Sciences with emphasis on Citizenship and Society, Costa Rica: Facultad Latinoamericana de Ciencias Sociales.

<sup>29</sup> Personal interview, 1 February 2023

<sup>30</sup> Barra de Prensa - Delfino: Asamblea Legislativa: Votación expediente 21.245. <https://delfino.cr/asamblea/votacion/proyecto/202302011>, accessed 13 March 2023.

<sup>31</sup> MINAET (2009). Estrategia Nacional de Cambio Climático. San José.

<sup>32</sup> Government of Costa Rica (2015). Intended Nationally Determined Contribution. San José.

<sup>33</sup> Government of Costa Rica (2020). Nationally Determined Contribution. San José

<sup>34</sup> UNFCCC (2022). Long-term strategies portal. <https://unfccc.int/process/the-paris-agreement/long-term-strategies>, accessed 13 March 2023

participation, one of a technical-scientific nature and the other a multi-sectoral citizen council to accompany the government's climate planning and management process<sup>35</sup>. These are the Scientific Council on Climate Change (4C - currently inactive) and the Citizen Consultative Council on Climate Change (5C), respectively. The following section will elaborate on their functioning.

The INDC also recognises that the participation of communities must be based on their priorities, needs and capacities. This gives even more weight to joint work „between the different levels of government and society“<sup>36</sup>.

Similarly, the 2020 NDCs establishes „Action for Climate Empowerment“ (ACE) as area 10, to promote empowerment from civil society, the public sector, the private sector and academia in this area. However, it has not been operationalised in such a way that there are guidelines to put it into practice beyond the 5Cs.

In mitigation, the pillar is the National Decarbonisation Plan 2018-2050, submitted in 2019 to the UNFCCC as the country's Long Term Strategy (ELP)<sup>37</sup>. The main challenge facing the continuity of the National Decarbonisation Plan is the fact that it is driven by the Presidency, from where a centre of government is designated that convenes ministries such as planning (MIDEPLAN), finance and environment (MINAE)<sup>38</sup>, so its implementation is exposed to the vagaries of politics.

In terms of adaptation, Costa Rica's National Policy on Adaptation to Climate Change was presented in 2018.<sup>39</sup> However, since 2010 Costa Rica had positioned itself at the international level with a strong advocacy around „Nationally Appropriate Mitigation Actions“ (NAMAs) for the agricultural sector. It was the first country to launch the NAMA for the agricultural sector in coffee and the second country to launch the NAMA for livestock<sup>40</sup>.

With regard to ACE, it is established that a national strategy will be in operation in the first two years of the implementation period<sup>41</sup>. However, until 2022, the National Action Strategy for Climate Empowerment (ENACE) began to be drafted, but is not yet being implemented.

So far, citizen participation in the creation of this public policy body has not been structured or permanent. It is mainly consultative in nature, and while there has been a presence of some relevant sectors and stakeholders, there is no guarantee that it effectively addresses the needs of different groups, nor that it transcends to higher levels of participation where there is access to information in a timely manner, constant dialogue and accountability<sup>42</sup>.

<sup>35</sup> Calfucoy et al. (2022)

<sup>36</sup> Government of Costa Rica (2020)

<sup>37</sup> UNFCCC (2022)

<sup>38</sup> Valerio (2020)

<sup>39</sup> Government of Costa Rica (2020)

<sup>40</sup> Valerio (2020)

<sup>41</sup> Presidencia de la República de Costa Rica (2017). Decreto N° 40616- MINAE. Diario Oficial La Gaceta.

<sup>42</sup> Valerio (2020)



### 5.3 Governance and structures

As mentioned above, as a result of Costa Rica's commitments to the Paris Agreement, the Citizen Consultative Council on Climate Change (5C) was established by decree 40616 of 2017 to build a permanent space for citizen dialogue, with the participation of the private sector and organised civil society, mainly through consultation<sup>43,44</sup>.

The council is composed of three representatives from each of the following seven sectors: Community (ASADAS and Development Associations), Biodiversity-Ecosystems, Agriculture-Forestry-Fisheries, Industrial-Commercial, Infrastructure-Transport, Indigenous-Women-Labour Organisations, and Urban Mobility and Sustainability. Every two years, a sectoral assembly is organised to elect these representatives, from which a three-person board of directors is elected<sup>45</sup>.

The decree states that they should independently deliberate on the design, implementation and evaluation of climate change policies, respond to consultations, increase the level of information and awareness of citizens in relation to climate change, and improve coordination and communication between public administration and citizens. In addition, they should serve as a space for citizen audit for the NDCs and the United Nations Sustainable Development Goals (SDGs)<sup>46</sup>. However, as the position is voluntary, the group does not have a budget to carry out these tasks, nor is there a periodic evaluation mechanism.

There have been two tenures to date, and the current tenure includes representatives from around 30 organisations. They consider that grassroots funding is necessary to be able to reach the territories and local governments, otherwise they can only act as a consultative space in response to government requests to participate in specific events or review a document, as was the case with the ENACE, for example. For the moment, they do not have a repository of information, a website or updated means of communication with citizens<sup>47</sup>.

In late 2022 and early 2023, they met once a week for the construction of a strategic plan, after remaining in uncertainty for several months due to the change of government. This change has called into question the existence of the body and the guarantees of its sustainability regardless of changes in government or the lines set by MINAE<sup>48</sup>. It has currently been responsible for participation in climate policy planning, but not for participatory monitoring of its implementation.

43 Presidencia de la República de Costa Rica (2017)

44 Ibid.

45 Personal interview, 26 January 2023

46 Ibid.

47 See for example the form in which the 2020 NDC was put out for public consultation: <https://cambioclimatico.go.cr/consulta-publica-de-la-ndc-2020-archivo>, accessed 15 December 2022

48 Valerio (2020)

### 5.4 In practice: participatory processes

Participatory processes outside the 5C, such as open consultations, online participation formats<sup>49</sup> and workshops, highlight the ambiguous way in which state institutions conceive the concept of „civil society“. Climate policy documents do not explain in detail what is meant by participation, how many people, organisations or sectors can be assured of some degree of representativeness, nor do they account for the diversity of interests contained therein. This is a perception that may lead to frustration and apathy on the part of CSOs participating in existing formal consultation spaces. If this continues, there is a greater likelihood that some sectors will be invisible or underrepresented in the processes of initiative, consultation, implementation or evaluation.

As mentioned, except in the case of Indigenous Peoples, Costa Rica does not have regulations for carrying out environmental participation or consultation processes applicable to all public policy instances<sup>50</sup>. It follows that, in practice, the processes contemplate the participation of civil society depending on the official who leads them and the articulation of stakeholders that is achieved at any given time, with a methodology that is always subject to the availability of scarce resources and the approach defined by the people in charge, which can change at any time without accountability.

The consequences of this omission are important if we take into account that some vulnerable parts of the society such as women, minors and communities living in extreme poverty are particularly affected by the impacts of climate change, and therefore their incorporation into decision-making processes should be a priority.

A specific case is the creation of the ENACE, under the responsibility of the DDC, with the support of the Spanish Cooperation, the International and Ibero-American Foundation for Public Administration and Policies (FIAPP), the EUROCLIMA programme, and the NGO La Ruta del Clima. A diagnostic process began in 2021. In June 2022, an open call to the population was initiated, seeking to facilitate the inclusion of young people. The process resulted in 8 face-to-face workshops and the participation of almost 300 people in the Greater Metropolitan Area, Puntarenas, Liberia, Pérez Zeledón, Limón and San Carlos. These workshops took only place once, that means that also the participants in each one only met each other once<sup>51,52</sup>.

One of the facilitators that was interviewed within the framework of this study stated that she felt that there was a genuine interest in the team to build participatory and inclusive processes and to sustain a diverse team. The exchange process was described as „very valuable“ because it added political commitment to the strategy that was being built. It was identified that, going forward, it is necessary to allocate specific and sufficient resources for the communication of any similar process, ensuring a large and diverse participation in the calls for proposals<sup>53</sup>.

However, following the change of administration in 2022, the CDD was left without the capacity to follow up in a timely manner and the whole process of building the NACE lost priority. Nevertheless, the results were available online for validation by the general public,<sup>54</sup> but the sustainability of the implementation path is currently uncertain<sup>55</sup>.

49 Virtual interview, 29 November 2022

50 Dirección de Cambio Climático: Costa Rica inicia construcción de Estrategia de Empoderamiento Climático. <https://cambioclimatico.go.cr/costa-rica-estrategia-nacional-empoderamiento-climatico-ace>, accessed 13 March 2023

51 Virtual interview, 29 November 2022

52 See the ENACE validation space on the website: <https://cambioclimatico.go.cr/validacion-enace>, accessed 13 June 2023

53 Virtual interview, 29 November 2022

54 Calfucoy et al. 2022

55 Focus group with experts, 14 December 2022



There is no uniform opinion from CSOs about their experience in practice in these participatory processes. In a recent study, people who participated in the elaboration of the Decarbonisation Plan expressed satisfaction with the quality of the co-development process, and appreciated that it was „a high-level political signal to a tacit political and social agreement on a carbon-neutral development model“<sup>56</sup>. However, the majority of CSO members interviewed for this research state that they participated in processes that had very short interaction periods. They perceive that „eye level is not reached“, that „dialogue is limited“, and that the processes „do not reach the ordinary people on the local level“<sup>57</sup>.

Similarly, there have been other processes where, months or years after consultations or launches, follow-up information is not available to the public. For example, the status of the Gender and Climate Change Action Plan foreseen for 2022 is unknown<sup>58</sup>, while some efforts were made in sectors such as coffee production<sup>59</sup>. It is also unclear how people can consult the implementation status of NDCs, NAMAs, the Decarbonisation Plan or any of the other strategies relevant to the country's climate action.

The people consulted had participated in facilitated spaces within the construction or socialisation of processes such as the National Policy on Adaptation to Climate Change 2018-2030; National Decarbonisation Plan 2018-2050; the Plan regarding Resilient Territories in the face of Climate Change; Pilot Project Country Programme Cantonal Carbon Neutral, Pilot Project Country Programme Climate Adaptation Community; various youth forums and conferences, among others. One of the conclusions is that there is a lack of horizontal coordination: both inter-institutional and between communities, which is expressed in the lack of articulation. For example, in 2020 one of the CSO representatives consulted commented that they were simultaneously participating in three participation and capacity building processes, which were not coordinated with each other<sup>60</sup>.

56 Miranda, F.; Castañeda, I.; Román, P.; Velázquez, M. (2022). Acción climática con igualdad de género: hacia una recuperación transformadora para la sostenibilidad y la igualdad de género en América Latina y el Caribe. Santiago.

57 López, M.; Aramburo, D.; Chacón, G. (2017). Equidad de género e inclusión sostenible de jóvenes en la cadena productiva del café de Costa Rica. San José. [www.namacafe.org](http://www.namacafe.org).

58 Web consultation, 2022; Focus group with experts, 14 December 2022

59 Programa Estado de la Nación (2021)

60 Steinberg, P. F. (2001). Environmental Leadership in Developing Countries: Transnational Relations and Biodiversity Policy in Costa Rica and Bolivia. American and Comparative Environmental Policy, Massachusetts Institute of Technology.

## 5.5 Capacity building

A large part of state institutions in the Central American region continue to depend on international cooperation. As a result, projects do not necessarily respond to local needs, rather the agendas of donors are prioritised. However, the political knowledge, skills and contacts necessary to consolidate processes require the long-term presence of local actors<sup>61,62</sup>. Capacity building, the very tradition of national environmental movements and Costa Rica's conservation policy are no exception: they have been heavily influenced by foreigners.

There are a multitude of foreign persons involved in the development of public policy on climate and environmental issues, in capacity building for formal institutions and organisations, and in project implementation. They include international development workers, international foundations, banks, multilateral agencies, UN agencies, and other international initiatives.

Formal environmental education is initially addressed by the Ministry of Public Education at both primary and secondary level through education for sustainable development programmes. However, it is recognised that it is mostly addressed by higher education, particularly public education. Within state universities, there are degree programmes with curricula that address environmental and climate issues with critical approaches. There are postgraduate programmes and/or with a graduate profile specialising in environmental matters, and occasionally specialisations and free courses open to the public are offered.

However, some of the interviewed CSO representatives states that there are currently very few or no national environmental and climate training spaces, and this may be due to the fact that this offer excludes people who are not part of formal education, as well as the presence of geographical, age, ethnic, economic and gender barriers. Some CSOs express a lack of awareness-raising processes and have the perception that the general public does not understand the effects of climate change. Although they experience its impacts, they do not relate them to this phenomenon. Furthermore, some interviewees highlighted that information on rights and possibilities for public participation is not made available to citizens<sup>63</sup>.

It is obvious that the information made available plays an important role in the quality of the participation process. On the one hand, it is appreciated by representatives of CSOs that official documents that are online have a relatively accessible language, on the other hand, the institutions in charge of the consultations should put a lot more effort in distributing this information to the people in an appropriate way using target group-specific formats, for example, face-to-face dialogues in rural communities, material for social media, radio and television, educational centres and others. Otherwise, people are not updated and do not have the confidence to make valuable contributions when their informed participation is required<sup>64</sup>.

Another aspect that needs to be improved is the leadership and budget execution of initiatives. It has been determined that, although community associations are allies and beneficiaries of capacity building projects, they are not leading the public debate<sup>65</sup>. Instead, climate action implemented by or with the involvement of CSOs is mainly happening at the community level, where many creative formats are implemented and

61 Web consultation, 2022; Focus group with experts, 14 December 2022

62 Focus group with experts, 14 December 2022

63 Marín-Cabrera, M. (2022). Características y enfoques de los proyectos sobre cambio climático en Costa Rica de 2011 a 2022. Revista Tecnología en Marcha 35 (3).

64 Focus group with experts, 14 December 2022

65 Marín-Cabrera (2022)

where experimentation and innovation in the context of climate action and participation is progressing, while international funds are mostly going to central governments<sup>66</sup>.

According to a study on climate change, in environmental and climate related projects in Costa Rica that were implemented between 2011 and 2022, priority is given to adaptation, water resource management, climate risk management and monitoring, while „soft skills“ such as climate governance, participation or exchange of experiences are less addressed. This demonstrates that the focus is on technical problem solving instead of social aspects<sup>67</sup>.

In conclusion, Costa Rica still faces enormous challenges regarding public participation in decision-making and capacity building. In particular, participatory processes need to be strengthened at the local level, in rural territories, for the population outside the formal education systems, and for members of small organisations. This would lead to possibilities for citizens to influence their direct surroundings and environments, would improve their abilities and strengthen their right to informed participation in political decision-making.

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

While the importance of the participation of diverse societal actors is constantly mentioned, meaningful CSO involvement seems still to depend highly on the individual commitments of changing government's and their climate policies. It is therefore necessary to consolidate and institutionalize the framework for civil society participation in climate policies in Costa Rica. Therefore, standardised, timely, sustainable and inclusive participatory mechanisms should be implemented. Possible measures to reach this are detailed below:

### **Establish clear and standardised procedures for public participation on climate issues through legislation.**

The adoption of legislation that provides internal coherence to the existing legal framework on environmental and climate issues, and expands participation and capacity building mechanisms, would be necessary. Accordingly, the ratification and implementation of the Escazú Agreement in Costa Rica should be pushed forward and specific legislation on climate change and citizen participation with long term allocation of resources should be developed.

### **Implement an independent evaluation of the work of the Citizens' Climate Change Advisory Council (5C).**

As the Citizens' Climate Change Advisory Council (5C) approaches the five-year anniversary of its establishment, it is time to review its scope and assess the extent to which it has fulfilled its initial mission in light of the country's new commitments. This should include an assessment of the conditions that this body requires to be able to function and be binding. Otherwise, its ability to reflect the views and needs of the different parts of the society, territories and sectors is very limited. The actions of this Council should be focused on monitoring Costa Rica's UNFCCC commitments; it should not replace the need for other mechanisms of public participation on environmental and climate issues at the local and national level.

### **Promote regular consultations and a coordinated decentralisation of participatory processes.**

Although it is usual in institutional contexts, it is not sufficient to hold one-off consultation events. They limit the exchange between the people who participate and their opportunities to exert influence. In these spaces, isolated from the realities of the communities, there is a tendency to reproduce vertical logics. Instead, several smaller and participation processes on the local level should be organised that should be better promoted amongst stakeholders, and which involve direct contact with the problems, proposals and projects of the CSOs' own spheres of action. This enables them to bring in their knowledge and to be more visible within the participatory process. Likewise, it is necessary to allocate appropriate state budgets to these participatory processes, both at the local and the national level.

<sup>66</sup> Focus group, 14 December 2022

<sup>67</sup> Marín-Cabrera 2022

**Strengthen the capacities of the staff of institutions and organisations working  
in communities that need to generate participatory processes.**

Due to the fact that there are currently no guidelines for state institutions how to proactively promote participation processes in environmental and climate matters by using appropriate methods and due to the widespread perception within public administration that environmental and climate protection counteracts economic development and poverty reduction, it is necessary to train officials in this regard.

Institutions need trained personnel to design participatory processes, understand their importance, implement them and consolidate their results.

## 7 Conclusion

Costa Rica is considered a pioneer in nature protection. The country has aligned itself with the Paris Climate Agreement from the beginning, has submitted and updated its own NDCs, and has built important cornerstones of national climate policy with the 2019 National Decarbonisation Plan 2018-2050 and the Costa Rica National Climate Change Adaptation Policy. However, successful implementation of these policies requires a broader framework and more resources than have been made available in recent years.

The development of opportunities for civil society participation in climate policy planning and implementation has been less structured and not yet sustained. Although the country does not suffer from a nationwide violent conflict (with the exception of a localised violent crises) and it occupies a medium position in the corruption index, Costa Rica also has a lack of transparency in politics, a weak level of security for environmental defenders and a narrowed civic space, resulting in ambivalent conditions for civil society participation. This ambivalence is also present in environmental education, which is heavily influenced by international organisations and faces the challenge of reaching rural areas, the local level and people outside the formal education systems.

Citizen participation is considered in certain processes of the National Environmental Technical Secretariat, but it is not clearly regulated and standardised in a law. With the exception of the Indigenous Consultation, there are no specific national regulations regarding public participation on environmental matters. With the stop of the ratification process of the Escazú Agreement in 2023, the possibility of introducing binding norms with the support of specific international agreements has been temporarily lost.

In climate policy guidelines such as the National Climate Change Strategy (ENCC) and the INDC it is stated that Costa Rica is willing to stimulate and establish public participation through the Scientific Council on Climate Change (4C - currently inactive) and the Citizen's Advisory Council on Climate Change (5C) as two deliberative councils for open participation. The 5C is composed of elected representatives from various groups and sectors. According to its mandate it meets regularly to advise on climate policy measures and support communication on climate change between the administration and civil society.

With these exceptions, it is not clearly defined how participatory processes on climate issues can be ensured and implemented. Hence, the quality of these processes currently depend highly on the availability of human and financial resources. Recommendations for the improvement of civil society participation in Costa Rica are: clear and standardised regulations and procedures for public participation, an independent evaluation of the work of the 5C, the promotion of regular consultations or long-term participatory processes, a coordinated decentralisation of participatory processes, and capacity building for government officials and organisations who are in charge of organising participatory processes.

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Appendix

Assessment of the environment and opportunities to participate

Criterion 1 Fundamental requirements

Indicators	Scores	Score
<b>a. Stability and peace</b> (What is the intensity of ongoing conflicts?) <sup>68</sup>	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>b. Anti-corruption and transparency</b> (What is the perceived level of corruption?) <sup>69</sup>	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
<b>c. Security of environmental defenders</b> (Are environmental defenders secure from threats?) <sup>70</sup>	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)	0
<b>d. Political commitment</b> (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	4

<sup>68</sup>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.

<sup>69</sup>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](https://www.transparency.org/what-is-corruption), accessed 24 May 2023).

<sup>70</sup>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
<b>a. Commitment to international conventions and agreements</b> (Did the country sign and ratify (accept, approve, accede to) the Aarhus Convention or the Escazú 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)	1
<b>b. National laws requiring the proactive participation of civil society</b> (To what extent does/do <ul style="list-style-type: none"><li>the constitution,</li><li>national framework laws regarding environment and climate,</li><li>strategic environmental assessment laws,</li><li>or climate-related sectoral laws (regarding energy, industry, transport, forest or land use)</li></ul> 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)	0
<b>c. National laws requiring timely participation</b> (To what extent does/do <ul style="list-style-type: none"><li>the constitution,</li><li>national framework laws regarding environment and climate,</li><li>strategic environmental assessment laws,</li><li>or climate-related sectoral laws (regarding energy, industry, transport, forest or land use)</li></ul> 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><b>d. National laws requiring information regarding the participation process</b> (To what extent does/do</p> <ul style="list-style-type: none"><li>the constitution,</li><li>national framework laws regarding environment and climate,</li><li>strategic environmental assessment laws,</li><li>or climate-related sectoral laws (regarding energy, industry, transport, forest or land use)</li></ul> <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><b>e. National laws requiring the consideration of civil society's comments</b> (To what extent does/do</p> <ul style="list-style-type: none"><li>the constitution,</li><li>national framework laws regarding environment and climate,</li><li>strategic environmental assessment laws,</li><li>or climate-related sectoral laws (regarding energy, industry, transport, forest or land use)</li></ul> <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><b>f. National laws requiring notification of civil society on the decision made along with the reasons and considerations on which the decision is based</b> (To what extent does/do</p> <ul style="list-style-type: none"><li>the constitution,</li><li>national framework laws regarding environment and climate,</li><li>strategic environmental assessment laws,</li><li>or climate-related sectoral laws (regarding energy, industry, transport, forest or land use)</li></ul> <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>0</p>
	<p>Max. score: 17</p>	<p>4</p>

Criterion 3 Supporting governance & structures

Indicators	Scores	Score
<p><b>a. Governance structure</b> (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>0</p>
<p><b>b. Institutional coordination &amp; cooperation</b> (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><b>c. Financial resources</b> (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>1</p>

Criterion 4 Qualitative participation processes

Indicators	Scores	Score
<p><b>a. Early participation</b> (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>b. Broad, inclusive invitation</b> (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><b>c. Timely invitation</b> (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>1</p>

<b>d. Adequate participation formats</b> (How was civil society involved in the process?)	0 = through information 1 = through consultation 2 = through several interactive formats, fostering dialogue and collaboration	1
<b>e. Transparency and information</b> (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
<b>f. Available documentation</b> (Was documentation about the discussions and results available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
<b>g. Transparent review of recommendations</b> (Were recommendations and views from civil society reviewed in a transparent manner?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
<b>h. Evaluation and feedback process</b> (Was there an evaluation and feedback process regarding the participation procedure?)	0 = no 1 = yes	0
	Max. score: 16	8

Criterion 5 Capacity building

Indicators	Scores	Score
<b>a. Environmental education</b> (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>b. Public awareness raising on participation rights and opportunities</b> (Is information about public participation rights and opportunities available to the public?)	0 = no 1 = yes, to some extent 2 = yes, fully	0
<b>c. CSO capacity building on climate change, climate policy, policy dialogue, organisational development, cooperation and networking</b> (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	0

<b>d. Capacity building on participation and stakeholder engagement for governments</b> (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	1
Max. total score	59	18

In 2015, Costa Rica 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 insufficient 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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