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A Climate Framework Law in Costa Rica:

Basic Structures and Examples

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TABLE OF CONTENTS

Introduction.....	3
Current status of the climate regulatory framework in Costa Rica.....	4
Latin America climate legislation.....	16
Conclusions	39
Elementos para incorporar en una norma costarricense	40
Bibliography.....	41

INTRODUCTION

Climate change is one of the most pressing challenges of our time, with profound and widespread effects across the planet. Latin American countries are particularly vulnerable to these shocks, given their rich natural heritage and dependence on climate-sensitive economic sectors such as agriculture, fisheries, and tourism. Given this reality, the adoption of solid and effective legislation on climate change becomes essential to address this problem from a human rights-approach and lay the foundations for a transition to a more sustainable future.

In this context, Costa Rica, recognized worldwide for its leadership in environmental issues, could consolidate its position as a regional reference in the fight against climate change. However, to achieve this, it is necessary to evaluate the existing legislation and public policy instruments in the country, to identify strengths, weaknesses, and areas for improvement.

This report aims to analyze in a comparative manner various climate legislation in Latin America, to develop a comprehensive proposal of the main

elements that a climate change law in Costa Rica should contain. To achieve this, it will be divided into two parts.

In the first part of the report, includes an exhaustive analysis of existing Costa Rican legislation, as well as the various public policy instruments related to climate change. In addition, a characterization of the current climate institutionality in Costa Rica is done to identify the entities in charge of decision-making, inter-institutional coordination and the strategies implemented to date.

In the second part of the report, we proceed to analyze the existing legislations in the countries of Latin America, covering a wide geographical spectrum. Attention is given paid to the following aspects: name of the law, objectives and goals established, institutional framework, policy instruments, financing, transparency, and public participation. Likewise, specific approaches in actions related to climate justice, gender, and the protection of frontline communities as well as other transversal axes to climate action will be identified.

At the end of this comparative analysis, it is expected to have a concrete proposal that includes the essential

elements that a climate change law in Costa Rica should contain. This proposal will be supported by the experience and lessons learned from Latin American countries that have already made progress in this area, as well as by the specific needs and realities of the Costa Rican context.

With this initiative, it is expected to contribute to the strengthening of legislation and public policies on climate change in Costa Rica, promoting a comprehensive and effective response to present and future challenges.



CURRENT STATUS OF THE CLIMATE REGULATORY FRAMEWORK IN COSTA RICA

In the first instance, it is important to note that Costa Rica does not have specific legislation on climate change, however, this has not prevented the issue from being addressed through other environmental regulations, executive decrees, and public policies of national scope. Next, we will make a summary of the normative and institutional framework that covers climate action in Costa Rica to date.

a) National legislation

At the level of environmental legislation, Costa Rica has a robust regulatory framework that protects environmental protection, especially in a precautionary manner. Somehow the application of this regulation, added to the legal protection of 25% of the territory under a special protection regime, has generated good environmental indicators historically.

Some of the main laws are:

- **Organic Law of the Environment:** The Organic Law of the Environment of Costa Rica, also known as Law No. 7554, establishes the legal framework for the protection, conservation and improvement of the environment in the country. This law seeks to ensure sustainable and equitable development, promoting citizen participation and comprehensive planning in environmental management. In addition, it establishes the principles and procedures for the evaluation and control of environmental impact, the conservation of biodiversity, the management of natural resources, and the prevention and control of environmental pollution.
- **Biodiversity Law:** Costa Rica's Biodiversity Law, also known as Law No. 7788, has as its main objective the conservation and sustainable use of biodiversity in the country. This law establishes the principles, rules and procedures for the protection of ecosystems, species and genes of biodiversity, as well as for the management and sustainable use of natural resources. In addition, it promotes scientific research, environmental education and citizen participation in the conservation of biodiversity. The law also establishes measures to prevent and control the introduction of invasive alien species and regulates access to genetic resources and the benefits derived from their utilization.
- **Water Law:** The Water Law of Costa Rica, also known as Law No. 276, is the legislation that regulates the management, use and conservation of water resources in the country. This law establishes the principles and standards for the planning, regulation and control of water, in order to guarantee its availability and quality for present and future generations. In addition, the law establishes the rights and obligations of water users, promotes the efficient and sustainable use of water resources, and establishes mechanisms for citizen participation in the management of water resources. The law also establishes measures for the protection of water bodies, the prevention of pollution and liability for damage caused to the aquatic environment.
- **Forestry Law:** Costa Rica's Forest Law, also known as Law No. 7575, has as its main objective the

conservation, management and sustainable use of the country's forest resources. This law establishes the principles and norms for the protection of forests, the restoration of degraded areas, the promotion of reforestation and the proper management of forest resources. The law also regulates land use, the authorization and control of forestry activities, the protection of forest ecosystems and the conservation of biodiversity. It also establishes measures for citizen participation, environmental education and research in the field of forestry. The law seeks to ensure the conservation of forests and their important role in mitigating climate change, providing ecosystem services and sustainable development of the country.

- **Wildlife Law:** Costa Rica's Wildlife Law, also known as Law No. 7317, has as its main objective the conservation and protection of the country's wildlife. This law establishes the principles and rules to regulate the capture, transport, trade and possession of wild species, as well as the protection of their habitats. The law prohibits the hunting and trapping of endangered species and

and establishes penalties for those who fail to comply with protection provisions. In addition, the law promotes scientific research, environmental education and citizen participation in wildlife conservation. It seeks to ensure the preservation of biodiversity and the balance of ecosystems, as well as to promote sustainable development and harmonious coexistence between human activities and wildlife.

- **Soil Use and Conservation Law:** Costa Rica's Land Conservation and Use Law, also known as Law No. 7779, has as its main objective to regulate the proper management of soils to guarantee their conservation and sustainable use. This law establishes the principles and norms for the planning, management and regulation of land use in the country, in order to prevent soil degradation, erosion and contamination. The law promotes soil conservation practices, such as reforestation, restoration of degraded areas, and implementation of sustainable agricultural techniques. It also provides for the creation of protected areas and land reserves, as well as the regulation of activities

such as urbanization, agriculture, forestry and mining. The objective is to ensure the responsible use of soils, the protection of natural resources and the promotion of sustainable development in the country.

Regarding the climate issue, most of the regulations are established through public policies and various instruments of national scope that have been developed over the years since the establishment of the goal of Carbon Neutrality proposed in the administration of President Oscar Arias Sánchez (2006-2010). We proceed to describe the most important instruments and their approach to climate action:

National Climate Change Strategy, 2010:

The National Climate Change Strategy developed in 2010 has as its main goal "maximize competitiveness and minimize the risk of the effects of climate change on different socioeconomic sectors." (Ministerio de Ambiente y Energía, 2009)

One of its main milestones is the creation of the National Directorate of Climate Change as the coordinating entry for inter-institutional actions and



under the leadership of the Ministry of Environment and Energy and with financing from the National Budget of the Republic.

It is divided into six axes of action: mitigation, adaptation, metrics, capacity development and technology transfer, public education and financing. For the main lines of action these were the main lines of action:

Mitigation

- Reduction of GHG emissions by source
- CO2 capture and storage
- National and international carbon markets.

Adaptation

- Water
- Energy
- Agricultural
- Fishing
- Bless you
- Infrastructure
- Biodiversity

Carbon Neutrality Country Program

The Carbon Neutrality Program was created in 2012. It is a voluntary mechanism aimed at organizations, product manufacturers, communities, educational centers and event organizers so that they can measure their carbon inventories, demonstrate emission reductions and achieve verifiable carbon neutrality. It consists of a five-step recognition system involving the implementing party,

the verification entity, the accreditation body and the Climate Change Directorate. For the year 2015 the National Directorate of Climate Change estimated that the equivalent of 875,711 tons of CO2 were reported by the organizations participating in the program, which implies an equivalent to 8% of the national emissions of that year in Costa Rica.

National Adaptation Policy 2018-2030

The National Adaptation Policy is established for the period 2018-2030. Its goals are to strengthen capacities and conditions of resilience, reduce vulnerability, as well as damages and losses and take advantage of opportunities. (Ministerio de Ambiente y Energía, 2018)

The axes of intervention that it develops are health, water resources, tourism, biodiversity, infrastructure and agricultural sector; and the guidelines it formulates are:

1. Knowledge, climate services and capacity building.
2. Planning for adaptation.
3. Ecosystem services for adaptation.
4. Adapted public services and resilient infrastructure.
5. Investment and financial security.
6. Resilient and eco-competitive production systems.

National Plan for Adaptation to Climate Change 2022-2026

This plan operationalizes the route to be followed to achieve the objectives outlined in the National Adaptation Policy and establishes measurement indicators and expected results.

In addition, it adds four transversal axes that must be present in the planning and execution of the actions:



Human Rights Approach



Gender equity approach



Approach of respect for the cultural particularities of indigenous peoples



Integrated ecosystem, community, and risk management adaptation approach

It also establishes a monitoring methodology that includes indicators, baseline, and responsible institution. (Ministerio de Ambiente y Energía, 2022)

National Decarbonization Plan 2018-2050

The National Decarbonization Plan establishes the public policy lines necessary to mitigate, reduce emissions and decarbonize the economy with a projected horizon to the year 2030. (Ministerio de Ambiente y Energía, 2018)

To do this, it is divided into axes according to four types of emission sources:

1. Energy
 - 1.1 Transporte público
 - 1.2 Private fleet
 - 1.3 Cargo fleet
 - 1.4 Electrical system
 - 1.5 Commercial and residential sector
2. Industrial processes
3. Waste
4. Agriculture, Forestry and other land uses

In addition, it formulates a proposal for reform in governance that includes transformations in the following areas: Reforma integral para la nueva institucionalidad

- Comprehensive reform for the new institutional framework
- Green tax reform

- Financing strategy and investment attraction
- Digitalization and Knowledge Economy Strategy
- "Just Transition" Labor Strategies
- Inclusion, human rights and gender equality
- Open Data and Metrics System
- Education and culture.

The strategic actions are divided into three stages:

- 2018-2022: Foundations
- 2023-2030: Inflection
- 2031-2050: Mass deployment

Finally, 10 expected goals of the Plan are positioned:

- Development of a mobility system based on safe, efficient, and renewable public transport, and active mobility schemes.
- Transformation of the fleet of light vehicles to zero emissions, nourished by renewable energy, not of fossil origin.
- Promotion of freight transport that adopts zero emission or the lowest possible modes, technologies, and energy sources.

- Consolidation of the national electricity system with capacity, flexibility, intelligence, and resilience necessary to supply and manage renewable energy at a competitive cost.
- Development of buildings of various uses (commercial, residential, institutional) under high efficiency standards and low emission processes.
- Transformation of the industrial sector through processes and technologies that use energy from renewable sources or other efficient and sustainable low and zero emissions.
- Development of an integrated waste management system based on separation, reuse, revalorization, and final disposal of maximum efficiency and low greenhouse gas emissions.
- Promotion of highly efficient agri-food systems that generate low-carbon export and local consumption goods.
- Consolidation of an eco-competitive livestock model based on production efficiency and reduction of greenhouse gases.
- Consolidation of a model of management of rural, urban and coastal territories that facilitates the protection of biodiversity, the increase and maintenance of forest cover and ecosystem services based on nature-based solutions.

National Risk Management Policy 2016-2030

Welcomes the recommendations of the "Sendai Framework for Action for Disaster Risk Reduction 2015-2030" under the establishment of five main lines of action that incorporate the climate variable within its actions: (Comisión Nacional de Prevención de Riesgos y Atención de Emergencias, 2015)

- Generation of Resilience and Social Inclusion.
- Participation and Deconcentrating for Risk Management.
- Education, Knowledge Management, and Innovation.
- Sustainable Financial Investment, Infrastructure and Services.
- Planning, Mechanisms and Regulatory Instruments for Risk Reduction.

Nationally Determined Contribution (INDC) 2020

It sets two main goals:

- Absolute maximum net emissions in 2030 of 9.11 million tons of carbon dioxide equivalent (CO₂e) including all emissions and all sectors covered by the corresponding National Greenhouse Gas Emissions Inventory.
 - Strengthen the conditions of social, economic, and environmental resilience of the country to the effects of climate change, through the development of capacities and information for decision-making, the inclusion of adaptation criteria in financing and planning instruments, the adaptation of public services, productive systems and infrastructure and the implementation of nature-based solutions. (Ministerio de Ambiente y Energia, 2019)
- Strategy for low-carbon livestock, 2018.
 - National Climate Change Metrics System (SINAMECC)
 - National Greenhouse Gas Emissions Inventory
 - Annual air quality report.
 - Nationally Appropriate Mitigation Actions, NAMAS, in sectors such as coffee, livestock, cocoa.
 - National Program for Payment for Environmental Services.
 - Communication on Adaptation, 16 guidelines 2021-2030.

Other tools

In addition to the public policies described above, there are several tools and programs in place that also contribute to climate action. Some of the most relevant are:



b) Climate institutions

The state entity responsible for directing policies related to climate change is the National Directorate of Climate Change. It was created by Executive Decree, and not by any law, from Executive Decree No. 35669, Organic Regulation of the Ministry of Environment and Energy in 2009.

It is under the political direction of the person who holds the position of Minister of the Ministry of Environment. Its functions are: (Ministerio de Ambiente y Energía, 2009)

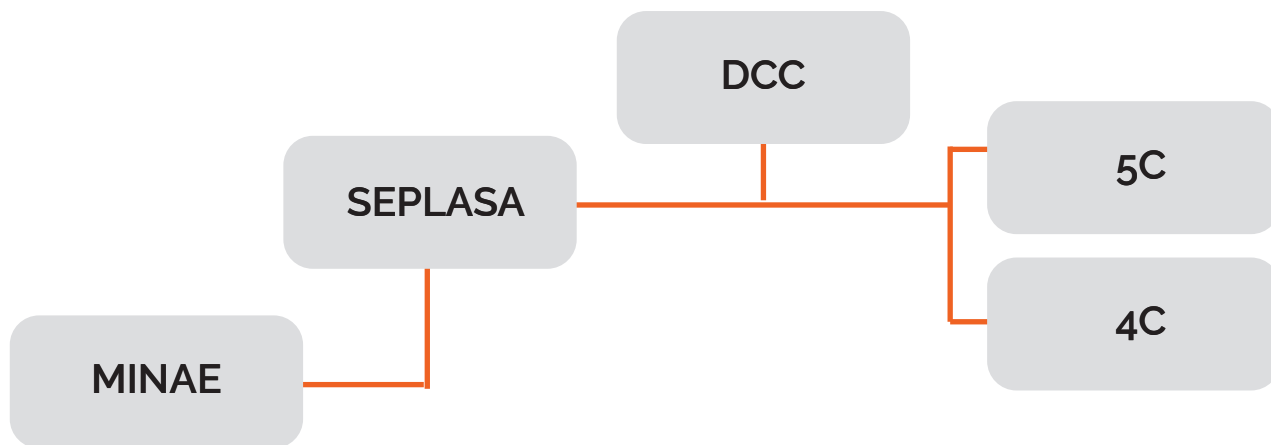
- Coordinate and manage public policy on climate change, promoting the integration of an intra-ministerial climate change agenda in its different dimensions.
- Support the Minister Rector and SEPLASA in the execution of the priority agenda at the national and international level on climate change.
- Exercise the focus of the Framework Convention on Climate Change in its different areas and support the governing body in the negotiation process under the Convention and its instruments.
- Serve as Technical Secretariat of the Domestic Carbon Market and its structures.
- Design and manage the Registry of Carbon Credits and / or Compensation Units that are generated or traded in the Costa Rican territory to avoid double accounting and establish links with the National System of Climate Change Metrics (SINAMECC).
- Coordinate and promote the implementation of the Country Carbon Neutrality Program with the various actors and sectors of national work and other programs that are generated to consolidate the implementation of climate action.
- Promote spaces for multisectoral participation that encourage the involvement of the private sector, public sector, academia and civil society in climate action.

Then, in 2012, the Interministerial Technical Committee on Climate Change was created by decree as a body to reinforce and advise the Directorate of Climate Change and in 2017 the Secretariat of Sectoral Planning of Environment, Energy, Seas

and Territorial Planning (SEPLASA) was established, which coordinates several issues at the sectoral level, including climate change.

At the level of public participation, two important entities are added through Executive Decree No. 40615, which are the Citizen Advisory Council on Climate Change (5C) and the Scientific Council on Climate Change (4C).

The first is made up of outstanding people in the scientific world and the second is made up of academics, researchers, and experts. Both are independent advisory bodies.



c) Historical mapping of bills presented on climate issues

Regarding legislative initiatives presented on climate change, there are only two legislative proposals that we proceed to summarize:

1. File 18860. Framework Law on Climate Change

Presented in 2013 by Deputy Alfonso Pérez Gómez of the National Liberation Party. Finally archived. It aimed to establish a legal and institutional framework for the development of public policies for mitigation and adaptation to climate change. To this end, it created two entities: the National Commission on Climate Change and the National Council on Climate Change.

National Commission on Climate Change

- Attached to the Ministry of Environment.
- With legal and instrumental personality to manage material, human, budgetary resources, sign and establish trusts.

- Composed of the Minister of Environment, the Minister of Planning, the Minister of Agriculture and Livestock, the Minister of Public Education, the Minister of Health, the Minister of Public Works and Transport, the President of the Costa Rican Institute of Aqueducts and Sewers, the Director of the National Meteorological Institute, the Director of the National Council of Rectors (Conare), the Director of the Urban Planning Directorate of INVU, the President of the National Union of Local Governments and a representation of indigenous peoples.
- Its proposed function was to operate as an inter-institutional body that would elaborate the National Climate Change Plan and monitor its execution. In addition, establish training programmes in public administration and teaching in the public education system.

National Climate Change Council

- It is created as a permanent advisory body to the National Commission on Climate Change.

- It is made up of various State agencies such as RECOPE and SENARA.

In addition to the proposed institutionality, the bill established tax incentives for the import of clean technology cars and the state obligation to contribute to the assets of the National Commission on Climate Change, fifteen percent (15%) of the annual surplus of the Budget of the Ministry of Environment and Energy.

Finally, it established mechanisms for controlling and monitoring climate goals such as the greenhouse gas inventory and annual emission reduction records; and required all government agencies to have sectoral adaptation and risk management plans.

2. File 20527. Law on the incorporation of the climate change variable as a mandatory transversal axis in public policies

Proposed in 2017 by Deputy Marcela Guerrero Campos of the Citizen Action Party. Finally archived. He proposed that all State bodies that issued environmental policies incorporate the climate change variable into them.

It also incorporated into the Organic Law of the Environment some essential elements that should include all climate mitigation and adaptation policies.

LATIN AMERICAN CLIMATE LEGISLATION

To conduct a comparative study of climate change legislation in the Latin American region and analyze its main components, we will consider the following categories of analysis:

1. Name of the law
2. Objectives and targets
3. Institutional framework:
Institutional structure and entities responsible for the implementation and supervision of climate legislation.
4. Policy instruments:
Policy instruments used in each legislation.
5. Funding and support:
Provisions related to funding mechanisms and funds dedicated to

implementation of the law.

6. Transparency, monitoring and accountability:

Actions related to transparency, reporting and accountability, as well as evaluation of implementation.

7. Public participation:

Mechanisms in place to ensure public participation in decision-making and implementation of legislation.

8. Regulation on just transition, energy transition and climate justice

9. Regulation on climate migration

10. Regulation on gender perspective, vulnerable sectors and indigenous peoples

As sources of information, we consider two fundamental elements:



The legislations of each country.



The country profiles prepared by the Regional Portal for Technology Transfer and Action against Climate Change in Latin America and the Caribbean (REGATTA).



ARGENTINA

Name of the Law

Law No. 27,520 on Minimum Budgets for Adaptation and Mitigation to Global Climate Change

Institutional framework

- National Cabinet of Climate Change chaired by the Chief of the Cabinet of Ministers, and whose function will be to articulate between the different areas of government of the National Public Administration, the implementation of the National Plan for Adaptation and Mitigation to Climate Change, and all those public policies related to the application of the provisions established in this law and its complementary regulations.
- External Advisory Council of the National Plan for Adaptation and Mitigation to Climate Change, of a consultative and permanent nature, whose function is to assist and advise in the elaboration of public policies related to this law. Formed by civil society, scientific sector, and various political parties with parliamentary representation.

Objectives and targets

Establishes minimum environmental protection budgets to guarantee adequate actions, instruments and strategies for Adaptation and Mitigation to Climate Change

Policy instruments

- National Plan for Adaptation and Mitigation to Climate Change updated every 5 years. The law establishes the minimum contents.
- Minimum Adaptation Measures and Actions.
- Minimum Mitigation Measures and Actions.

Financing

Annual state budget

Transparency, monitoring, and accountability

- All information must be public.
- An Annual Report is issued.

Public participation

It contains guidelines to ensure public information and participation.

Regulation on climate migration

They do not contain any content.

Regulation on gender perspective, vulnerable sectors, and indigenous peoples

They do not contain any content.

Regulation on just transition, energy transition and climate justice

They do not contain any content.



BOLIVIA

Name of the Law

There is no specific law on climate. However, some have regulations established in Law N. 300. Framework Law of Mother Earth and Integral Development for Living Well of 2012.

Institutional framework

- Plurinational Authority of Mother Earth, strategic and autarkic entity of public law with autonomy of administrative, technical, and economic management, under the tutelage of the Ministry of Environment and Water,
- Vice-Ministry of Environment and Climate Change.

Policy instruments

- Plurinational Climate Change Plan for Living Well.
- Mitigation Mechanism for Living Well.
- Adaptation Mechanism for Living Well.
- Joint Mitigation and Adaptation Mechanism for the Integrated and Sustainable Management of Forests and Mother Earth.

Regulation on climate migration

Not mentioned.

Objectives and targets

Prevent and reduce the conditions of risk and vulnerability of Mother Earth and the Bolivian people to natural disasters and impacts of climate change.

Financing

Plurinational Climate Justice Fund, administered by the Plurinational Authority of Mother Earth.

Transparency, monitoring and accountability

It is not mentioned.

Public participation

It is not mentioned.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

Transversal throughout the law.

Regulation on just transition, energy transition and climate justice It incorporates climate justice in its principles, understanding that "The Plurinational State of Bolivia, within the framework of equity and the common but differentiated responsibilities of countries in the face of climate change,

recognizes the right of the Bolivian people and especially the people most affected by it to achieve Living Well through their integral development within the framework of respect for the regeneration capacities of the Mother Earth".



BRAZIL



Name of the law

Federal Law No. 12.187/2009. Establishes the National Climate Change Policy - PNMC and dictates other provisions.

Institutional framework

- Interministerial Commission on Climate Change.
- Interministerial Commission on Global Climate Change.
- Brazilian Forum on Climate Change: multisectoral forum chaired by the President of the Republic, which includes 12 ministers, state agencies, representatives of civil society, associations and companies.
- Brazilian Research Network on Global Climate Change - Rede Clima.

Objectives and targets

It establishes the National Climate Change Policy and sets out its principles, objectives, guidelines, and instruments.

Policy instruments

- National Climate Change Policy.
- Brazilian emission reduction market.

Financing

- National Climate Change Fund.
- Special credit lines of domestic financial institutions.

Transparency, monitoring and accountability

Not mentioned.

Public participation

Not mentioned.

Regulation on just transition, energy transition and climate justice

Not mentioned.

Regulation on climate migration

Not mentioned.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

Not mentioned.





CHILE

Name of the law

Law 21455. Framework Law on Climate Change, 2022.

Institutional framework

- Ministry of Environment
- Council of Ministers for Sustainability and Climate Change
- Scientific Advisory Committee on Climate Change.
- Climate Change Division
- National Council for Sustainability and Climate Change, multisectoral consultative body.

Policy instruments

- Long-term climate strategy
- Sectoral Mitigation Plans
- Sectoral Plans for Adaptation to Climate Change
- Nationally determined contribution
- Regional Climate Change Action Plans.
- Community Action Plans for Climate Change
- Maximum emission standards ☒
Certificates of reduction or absorption of greenhouse gas emissions
- National Greenhouse Gas Inventory System
- National System of Prospective Greenhouse Gases

Objectives and targets

It aims to address the challenges of climate change, move towards low greenhouse gas emissions and other climate forcing, to achieve and maintain greenhouse gas emissions neutrality by 2050, adapt to climate change, reduce vulnerability and increase resilience to the adverse effects of climate change, and to comply with the international commitments assumed by the State of Chile in this area.

Financing

- Climate Change Financial Strategy
- Environmental Protection Fund

Transparency, monitoring and accountability

- Scientific Repository of Climate Change

- National Climate Change Action Report prepared every two years.
- Climate Adaptation Platform
- The sessions of the Council of Ministers for Sustainability and Climate Change, the Regional Committees for Climate Change and the Scientific Advisory Committee, must be transmitted live by the most appropriate means and, in addition, recorded and published in full within a maximum period of twenty-four hours on the platform available for this purpose on the official website of the Ministry of the Environment, under the mechanisms of active transparency provided by law. Additionally, the minutes of the session must be published on the same platform within ten working days from the holding of the respective session.

Public participation

- Mandatory in the elaboration of the Climate Strategy
- National System of Access to Information and Citizen Participation on Climate Change
- International cooperation

Regulation on just transition, energy transition and climate justice

The national norm establishes that one of the guiding principles of public policies on climate change should be equity and climate justice.

Regulation on climate migration

Not mentioned.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

Special attention is given to the gender approach, focusing on sectors, territories, communities and ecosystems vulnerable to climate change. The Ministry of Women and Gender Equity, as well as the Ministry of Social Development and Family, are encouraged to participate in the preparation of sectoral plans for mitigation and adaptation to climate change, with a view to incorporating a gender approach and serving vulnerable groups. In addition, gender is considered as a relevant criterion in the formation of the Scientific Advisory Committee for Climate Change, along with equity and territorial representation. In this way, it seeks to ensure the diversity of knowledge and geographical representativeness in decisions related to climate change.

COLOMBIA

Name of the Law

Law 2169. Through which the low-carbon development of the country is promoted through the establishment of goals and minimum measures in terms of carbon neutrality and climate resilience and other provisions are dictated, 2021.

Institutional framework

Not set

Policy instruments

- National mitigation targets by sector.
- Internal carbon market.

Financing

It does not contain guidelines for funding.

Transparency, monitoring and accountability

- National Greenhouse Gas Emission Reduction and Removal Registry.
- Implementation and Monitoring Plan.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

It is not mentioned.

Objectives and targets

Establish goals and minimum measures to achieve carbon neutrality, climate resilience and low-carbon development in the country in the short, medium and long term, within the framework of the international commitments assumed by the Republic of Colombia on the matter.

Public participation

It is not mentioned.

Regulation on climate migration

It is not mentioned.

Regulación sobre transición justa, transición energética y justicia climática

Se menciona como principio orientador “la transición justa de la fuerza laboral para contribuir con la transformación de la economía hacia

mecanismos de producción sostenibles, y que apunte a la reconversión de empleos verdes que otorguen calidad de vida e inclusión social.”

CUBA

Name of the law

There is no specific law but some regulations are established in Law N. 81 on the Environment.

Institutional framework

There is a National Climate Change Group but it is not regulated by law.

Policy instruments

There is a National Program to Confront Climate Change but it is not regulated by law.

Financing

- National Environment Fund. It does not exclusively address climate issues.

Transparency, monitoring and accountability

It is not mentioned.

Objectives and targets

It provides that the agencies of the Central State Administration must prepare, participate in and execute plans for the prevention and confrontation of natural disasters or other types of catastrophes that damage the environment, proposing the corresponding regulations.

Public participation

It is not mentioned.

Regulation on just transition, energy transition and climate justice
It is not mentioned.

Regulation on climate migration
It is not mentioned.

Regulation on gender perspective, vulnerable sectors and indigenous peoples
It is not mentioned.

ECUADOR

Name of the law

There is no specific law but some regulations are found in the Organic Code of the Environment.

Institutional framework

The National Environmental Authority executes climate actions.

Policy instruments

- National Climate Change Strategy.
- Mandatory territorial and sectoral planning criteria for climate change
- National map of vulnerabilities to climate change.

Financing

National Fund for Environmental Management, does not exclusively address climate issues. Financed from state budget.

Objectives and targets

That the State adopt adequate and transversal measures for the mitigation of climate change, by limiting greenhouse gas emissions, deforestation and air pollution; take measures for the conservation of forests and vegetation, and that the population at risk is protected.

Transparency, monitoring and accountability

National Climate Change Registry.

Public participation

It is not mentioned.

Regulation on just transition, energy transition and climate justice

It is not mentioned.

Regulation on climate migration

It is not mentioned.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

It is not mentioned.

EL SALVADOR

It does not have a specific law. There are only a few loose mentions of the climate issue in the Environmental Law. It is mentioned as a principle that adaptation to climate change should be planned under the principles of common but differentiated responsibilities and rational use with intergenerational responsibility.

GUATEMALA

Name of the Law

Decree 7-2013 Framework law to regulate the reduction of vulnerability, mandatory adaptation to the effects of climate change and mitigation of greenhouse gases

Institutional framework

- Ministry of Environment and Natural Resources.
- National Council on Climate Change, chaired by the Presidency of the Republic and public and private participation.

Instrumentos de política

- National Action Plan for Adaptation and Mitigation to Climate Change
- Vulnerability Reduction Guidelines
- Appropriate Productive Practices for Adaptation to Climate Change.
- Carbon Markets.
- Emission Offset Plans.

Financing

- National Climate Change Fund

Transparency, monitoring and accountability

National Climate Change Information System

Objectives and targets

Establish the necessary regulations to prevent, plan and respond in an urgent, adequate, coordinated and sustained manner to the impacts of climate change in the country.

Public participation

Integrated into the institutionality created.

Regulation on just transition, energy transition and climate justice

It is not mentioned.

Regulation on climate migration

It is not mentioned.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

It is not mentioned

HONDURAS

Name of the Law

Decree 297-2013. Climate Change Law

Marco institucional

- Secretary of State in the Offices of Natural Resources and Environment (SERNA).
- Inter-institutional Committee on Climate Change (CICC), permanent, consultative, deliberative and advisory body to formulate policies, monitoring and social control to the management of reduction and prevention.

Policy instruments

- Climate Change Adaptation Plan and National Climate Change Strategy.
- National mitigation measures (NAMAS).
- Climate variable in the National Public Investment System.
- Sectoral strategic plans.

Financing

Economic and Financial Management Unit for Climate Change.

Objectives and targets

That the State adopt practices aimed at reducing vulnerabilities and improving adaptive capacity.

Transparency, monitoring and accountability

It is not mentioned.

Public participation

It is integrated into the institutionality.

Regulation on just transition, energy transition and climate justice

It is not mentioned.

Regulation on climate migration

It is not mentioned.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

It is not mentioned.

MEXICO

Name of the Law

General Law on Climate Change, 2012

Institutional framework

- National Institute of Ecology and Climate Change, a decentralized public body with legal personality, its own assets and management autonomy.
- Evaluation Coordination, composed of civil society and scientific community.
- National Climate Change System.
- Interministerial Commission on Climate Change.
- Climate Change Council.

Policy instruments

- National Climate Change Policy.
- National Adaptation Policy.

Financing

- Assumed from the National Budget of the Republic.
- National Climate Change Fund.

Transparency, monitoring and accountability

Climate Change Information System

Objectives and targets

Regulate emissions, develop mitigation and adaptation actions, reduce vulnerability and comply with international commitments.

Public participation

It is not mentioned.

Regulation on just transition, energy transition and climate justice

It is not mentioned.

Regulation on climate migration

It is not mentioned.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

It is not mentioned.



NICARAGUA

It does not have relevant legislation on climate matters. There is an Executive Decree No. 07-2019, approved on February 1, 2019 in which the National Policy for Mitigation and Adaptation to Climate Change and the National Climate Change Response System is created.

PANAMA

Name of the Law

It does not have a specific law but through Executive Decree N. 100-2020 creates the National Program "Reduce your Footprint" with a series of climate action components.

Institutional framework

- National Directorate of Climate Change.
- National Platform for Climate Transparency.
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Policy instruments

- Sustainable System of National Greenhouse Gas Inventories.
- Emissions Registry National Strategy for Low Carbon Economic and Social Development
- Sectoral Emission Inventories
- INDC (established by law)

Financing

There is no mention of financing measures.

Transparency, monitoring and accountability

They are not mentioned.

Objectives and targets

Compliance with commitments of the Paris Agreement and reduction of emissions.

Public participation

It is given in the National Platform for Climate Change.

Regulation on just transition, energy transition and climate justice

It is not mentioned.

Regulation on climate migration

It is not mentioned.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

It is not mentioned.

PARAGUAY

Name of the Law

National Law on Climate Change (Law No. 5875) of 2017.

Institutional framework

- National Directorate of Climate Change.
- National Commission on Climate Change, an inter-institutional collegiate body with the participation of civil society.

Policy instruments

- National Climate Change Policy.
- National Climate Change Plan.

Financing

- Climate Change Fund.

Transparency, monitoring and accountability

It is not set.

Public participation

Established in the institutional part.

Regulation on just transition, energy transition and climate justice

It is not set.

Objectives and targets

Reduce vulnerability, improve adaptive capacities and reduce emissions.

Regulation on climate migration

It is not set.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

It is not set.

PERU

Name of the Law

Framework Law on Climate Change, Law No. 30754.

Institutional framework

- National Commission on Climate Change, composed of the public sector and civil society. High-Level Commission on Climate Change.

Policy instruments

- National and Regional Climate Change Strategies.
- Nationally determined contributions.

Financing

It is not mentioned.

Transparency, monitoring and accountability

It establishes the obligation to have open and public data.

Public participation

It is established in the institutional spaces created.

Regulation on just transition, energy transition and climate justice

It is not contemplated.

Objectives and targets

Comprehensive, participatory and transparent management of adaptation and mitigation measures to climate change, in order to reduce the country's vulnerability to climate change, take advantage of the opportunities of low-carbon growth and comply with the international commitments assumed by the State before the United Nations Framework Convention on Climate Change, with an intergenerational approach.

Regulation on climate migration

It establishes that the Executive Branch will issue an action plan to prevent and address forced migration caused by the effects of climate change.

Regulation on gender perspective, vulnerable sectors and indigenous peoples

It establishes the need to apply mechanisms for prior consultation with indigenous peoples. The gender issue is integrated as a cross-cutting principle.



URUGUAY

It does not have any legislation associated with the climate issue. It has the National Climate Change Policy (without legal status) and coordination mechanisms such as the National Climate Change Response System, created in 2009, which establishes coordination between the public sector and civil society.

VENEZUELA

It does not have any regulations that regulate any climate issue.

In summary, we have the following panorama at the regional level:



	Argentina	Spain	Brazil	Chile	Colombia	Cuba	Ecuador	El Salvador	Guatemala	Honduras	Mexico	Nicaragua	Panama	Paraguay	Peru	Uruguay	Venezuela
Specific legislation	●		●	●	●				●	●	●				●	●	
Institutional framework	●	●	●	●					●	●	●		●	●	●	●	
Policy instruments	●	●	●	●	●		●		●	●	●		●	●	●		
Financing	●	●	●	●		●	●		●	●	●				●		
Transparency, monitoring and accountability	●			●	●		●		●		●					●	
Public participation	●			●					●				●	●	●		
Just transition and climate justice		●		●	●												
Regulation on climate migration															●		
Gender and indigenous peoples		●		●											●		

SOME CONCLUSIONS ARE:

- There is a high percentage of countries in the Latin American region that already have specific legislation on climate change.
 - Most countries that do not yet have specific legislation have elements of climate action incorporated into other general standards, so the climate components still have legal status.
 - The main elements that are regulated with legal status have to do with institutional design and public policy instruments.
 - In general, there are significant funding gaps. Even most countries that have incorporated the issue legally create the mechanism but do not have clear about the origins of the funds that will finance it.
 - There is a good percentage of countries that have built-in public participation mechanisms. Also, with elements of transparency, monitoring and accountability.
- The biggest gap is in the regulation of central issues such as climate justice, climate migration, etc.
 - Similarly, the gender and intersectoral approach is lax in most of the legislations studied.
 - There is a need to further develop legal frameworks to address loss and damage.



ELEMENTS TO INCORPORATE INTO A COSTA RICAN STANDARD

Based on the data collected above, the following structure for a national climate change standard is proposed.

1. Object

The object should stipulate the main national targets and commitments made at the international level in terms of mitigation, adaptation, and loss and damage.

2. Scope

3. Principles and approaches

Include within the principles and approaches elements such as climate justice, just transition, common but differentiated responsibilities, climate reparations, community-based adaptation, intergenerational balance and gender equality.

4. Definitions

5. Instrumentos de Gestión

Include at least the existing instruments without legal status such as National Decarbonization Plan, National Adaptation Plan, INDC, carbon

market, Carbon Neutrality Plan, etc. Establish its periodicity and elaboration mechanism.

6. Institutional framework

Include at least the existing institutions without legal status: Rectory in the MINAE, the Directorate of Climate Change, inter-institutional coordination, and participatory bodies such as 5C and 4C.

7. Financing

Establish a fixed source of financing and its respective management model.

8. Acceso a información y participación ciudadana

Establish mechanisms for access to information and participation in the various phases.

9. Monitoring and evaluation

Design with legal status participatory mechanisms for monitoring the instruments and periodic evaluation.

10. Human Mobility

Legal structures that guarantee a rights-based approach to human mobility in the context of climate change.

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