

ANNEX A
Matrix for FONAFIFO's Payment for Environmental Services Program:
Policy, Law and Regulations Analysis alignment with UNDP SES Standards and Cancun Safeguards

Safeguard A	
Criteria A.1. Complement or be Consistent with the Objectives of National Forest Programmes	
Diagnostic Question: to what extent do Policies, Laws and Regulations (PLRs) require consistency with the objectives of national forest programmes?	
Indicator	Explanation (identify articles/provisions)
PLRs clearly define what the national forest programme(s) is/are and requires that steps are taken to ensure that any new policy/initiative is consistent with (or at least does not contradict) existing policies/programmes).	The Political Constitution of the Republic (November 7, 1949 and its reforms) is the superior norm from which the particular legal system is developed. Article 50 of the Constitution demonstrates the commitment to environmentally sustainable development, establishing: "The State shall ensure the greatest well-being of all the inhabitants of the country, organizing and stimulating the production and the most adequate distribution of wealth. Everyone has the right to a healthy and ecologically balanced environment. Therefore, it is entitled to denounce acts that infringe that right and to claim compensation for the damage caused. The State will guarantee, defend and preserve that right..." The Legal Framework provides clarity on the State's forestry objectives, as well as the objectives it seeks to achieve through the National Forest Development Plan 2011-2020. The national objectives of the State in forestry matters are foreseen in Forest Law No. 7575 "[...] ensure the conservation, protection and administration of natural forests and the production, exploitation, industrialization and promotion of forest resources of the country destined for that purpose, in accordance with the principle of adequate and sustainable use of renewable natural resources. In addition, it will ensure the generation of employment and the increase".¹

¹ LEY FORESTAL Art. 1

	In addition this law is complemented by several regulations including the Exekutive Decree N° 25721, the regulation of the Forestry Law and other Decrees and operation manuals that guarantee consistency and non-contradiction with existing regulations The Legal Framework provides clarity on the State's forestry objectives, as well as the objectives it seeks to achieve through the PNDF 2011-2020. For its part, the National Forest Development Plan 2011-2020, formalized by Decree No. 36945-MINAET, is the official planning instrument for the use, management and protection of the country's forest resources. To this end, the PNDF presents seven strategic axes in which the objectives that the Plan will point out are grouped. Specifically, to the coherence of forest policies, the PNDF 2011-2020, includes as a mission <i>"Ensure the implementation and consolidation of the country's forest policy, which contributes to sustainable development in its social, economic and environmental dimension".²</i> The Legal Framework requires the development of policies that ensure coherence and / or complementarity with the objectives of national forest programs Regarding the environment, the Organic Environmental Law demonstrates the aspiration for coherence by indicating that "The Government will set a harmonious and interrelated set of objectives, aimed at improving the environment and properly managing natural resources." However, it is not clear in determining which institution would be responsible for ensuring such coherence and complementarity. Regarding complementarity, the same Organic Environmental Law provides that in order to meet environmental objectives, decisions and actions aimed at compliance must be incorporated, which could be considered that these provisions will allow REDD + activities to be seen as actions that would complement National forest objectives. For the implementation of REDD+ specifically there is complementary regulation that has been enacted, to regulate the operation of the program for reducing emissions, in a complementary manner to the national objectives of the forestry programs.
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² Misión del PNDF pag 9

	The Organic Environmental Law empowers the National Environmental Council "Analyze, prepare and recommend general policies for the sustainable use of natural resources and the environment in general, as well as government actions related to those fields." Specific laws including the Biodiversity Law, the Law for Conserving Wildlife, and the Forestry Law establish the specific competencies for each sector in a coherent manner. The Planning Law establishes that it is the responsibility of the Ministry of National Planning and Policy (MPNP) to ensure that public investment programs, including those of decentralized institutions and other Public Law bodies, are compatible with the provisions and the order of priority established in the National Development Plan. Additionally, the National Action Program to Combat Land Degradation in Costa Rica, formalized by Executive Decree 35216-MINAET-MAG in 2009, indicates that both the National Technical Commission for Land Use, Management and Conservation (CADETI), as the operational and decentralized instances of the Ministry of Agriculture and Livestock, the Agricultural Sector and the Ministry of Environment, Energy and Telecommunications, should consider and abide by this Program (Article 2). With reference to the issue of greenhouse gas emissions due to loss of forest cover, the National Strategy for Comprehensive Fire Management 2012-2021 and its National Action Plan, formalized by Executive Decree No. 37480-MINAE, seeks to "Establish mechanisms that reinforce the financial sustainability of the actions of integral fire management, contributing this activity with the increase of strategic alliances that allow access to the required technical assistance, financial cooperation and other types of reinforcements from national and international organizations " (specific objective 8). For its part, the strategic line 4.7.3. it refers to fire management in state protected wild areas, indigenous territories, private wild areas, properties of non-governmental organizations and local governments (CONIFOR, 2014). Within the scope of REDD+ specifically, REDD+ activities are mentioned in the National Climate Change Strategy of 2007; MINAET Agreement No. 70-2011 of September 20, 2011 that recognizes the national standard INTE 12-01-06: 2011 and the management system to Demonstrate C-neutrality requirements; the MINAET Agreement 36-2012 of May 21, 2012 that formalizes the Carbon Country
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	Neutrality Program; and the Decree No. 37926-MINAE for regulation and operation of the domestic carbon market. The legal framework identifies how institutions will operationalize the objectives of national forest programs (i.e. processes / procedures) In forestry, specifically, the PNDF 2011-2020 has the section Implementation Strategies "in which it identifies those responsible for the coordination and implementation of the Plan among the main actors in the forestry sector, as well as the main allies, collaborators and other actors keys that should contribute to its successful implementation and indicates that each strategy will be incorporated into the operational plans of the institutions and organizations. In the case of FONAFIFO in the Institutional Operational Plan and in the case of SINAC in the Strategic Plan of the National System of Conservation Areas. It will be the Inter-Institutional Monitoring Commission of the PNDF as responsible for recommending, formulating, managing and monitoring the actions defined in the PNDF and its future plans. Another key element is Biodiversity Law No. 7788 of 1998, since it is the main normative element related to sustainable management and conservation of biodiversity in the country, which establishes two entities of particular importance for the country's environmental institutionality: a) the National Commission for the Management of Biodiversity (Article 14) and b) the National System of Conservation Areas (Article 22). Additionally, the Law establishes a series of criteria to apply it; These are (Article 11): a) the preventive one, which seeks to anticipate, prevent and attack any cause of the loss of biodiversity or its threats; b) the precautionary, which seeks not to delay the adoption of effective measures for the protection of biodiversity in the absence of scientific certainty; c) that of public environmental interest, which advocates for the sustainability of resources and integration of conservation and sustainable use of biodiversity to sectoral and intersectoral plans, programs, activities and strategies. In summary, the country will respect this safeguard by demonstrating that the Policies, Actions and Measures (PAMs) included in the Strategy Implementation Plan, correspond to or add resources and / or actions that allow progress in achieving the objectives of the National Development Plan, the National Forest Development Plan and the International Conventions mentioned in criterion A2.
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Safeguard A	
Criteria A.2. Complement or be Consistent with the Objectives of Relevant International Conventions and Agreements	
Diagnostic Question: to what extent do PLRs require consistency with objectives of relevant international conventions and agreements, and this is applicable to the forestry sector?	
Indicators	Explanation (identify articles/provisions)
Number of relevant of international agreements that the country is Party to* (including HR and environmental/biodiversity conventions)	The international legislation ratified by the country includes more than fifty international treaties and conventions regarding the environment, human rights, social matters and sustainable development, including global, continental (in the framework of the Inter-American System) and sub regional (in the framework of the System) of Central American Integration). The country has made commitments in diverse matters such as biological diversity, climate change, combating desertification, forests, natural and cultural heritage, chemical substances, protection of the ozone layer, etc. Likewise, an integral part of the national legal system are the normative instruments signed and ratified by the country in matters of human rights, both those that are part of the Inter-American Human Rights System and the global instruments, including the rights of workers and indigenous peoples. negotiated within the framework of the United Nations or the International Labor Organization. In accordance with the country's legal system, the second hierarchical level of the regulations in force corresponds to the International Treaties and Agreements, which may be global, regional - within the framework of the Inter-American System - or sub regional - in the context of the Central American Integration System -, in its most common forms. Among the international treaties are:

	• Convention for the Protection of Flora, Fauna and Natural Scenic Beauties of the Countries of America (1940) • American Declaration of the Rights and Duties of Man (1948) • International Covenant on Civil and Political Rights (1966) • International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) • United Nations International Convention on the Elimination of all Forms of Racial Discrimination. Ratified by Law No. 3844 in 1967. • American Convention on Human Rights ("Pact of San José de Costa Rica") (1969) • Convention on Wetlands of International Importance Especially as Waterfowl Habitat (1971) (Ramsar Convention) • Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973) • Convention on the Protection of the World Cultural and Natural Heritage. Ratified by Law No. 5980 in 1976. • Convention on the Conservation of Migratory Species of Wild Animals (1979) • Regional Treaty of the Inter-American Court of Human Rights, ratified in Costa Rica in 1979 • Convention on the Elimination of Discrimination Against Women Approved by Law Law No. 6968 in 1984. • Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador" (1988) • Convention 169 of the International Labor Organization (ILO) on Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169) (1989) • Convention on the Rights of the Child (1989) • Convention Relating to Wetlands of International Importance Especially as Waterfowl Habitat "Ramsar Convention". Ratified by Law No. 7224 of 1991. • Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries of the International Labor Organization (ILO). Ratified Law No. 7316 of 1992. • United Nations Framework Convention on Climate Change (UNFCCC) (1992) • Convention for the Conservation of Biodiversity and Protection of Priority Wild Areas in Central America (1992) • Regional Convention for the management and conservation of the natural forest ecosystems and the development of forest plantations. Ratified by Law N ° 7572, in October 1993.
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	• Regional Central American Agreement on Climate Change. Ratified by Law No. 7513 in 1993. • United Nations Framework Convention on Climate Change. Ratified by Law No. 7414 of 1994, including the Kyoto Protocol. Ratified by Law No. 8219 of 2002, and the Paris Agreement. • Convention on Biological Diversity. Ratified by Law No. 7416 of 1994. • Convention for the Conservation of Biodiversity and priority wilderness Areas in Central America. Ratified by Law No. 7433 in 1994. • General Agreement on Tariffs and Trade of the WTO (1994) • Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (“Convention of Belem do Para”) (1995) • Inter-American Convention against Corruption (1996) • United Nations Convention on the Law of the Uses of International Watercourses for Different Purposes of Navigation (1997) • Kyoto Protocol of the UNFCCC (1997) • UN Convention to combat desertification and drought. Ratified by Law No. 7699 of 1997. • Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999) • Protocol relating to the prevention, reduction and control of pollution from land sources and activities (1999) • Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2000) • International Treaty on Phylogenetic Resources for Food and Agriculture (2001) • Convention for the Safeguarding of the Intangible Cultural Heritage (2003) • Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) • United Nations Convention Against Corruption (2005) • International Tropical Timber Convention (2006) • United Nations Convention Against Corruption. Ratified by Law No. 8557 in 2006 • Approval of the Accession of Costa Rica to the Convention on Migratory Species of Wild Animals. Ratified by Law No. 8586 of 2007 • United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007) • Approval, adhesion of Costa Rica to the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention), approved by Law No. 8586 in 2007 • Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008)
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	• Nagoya Protocol on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits derived from its use to the Convention on Biological Diversity (2010)
How the national legal framework incorporates international law	The political constitution of Costa Rica gives international treaties and conventions duly approved authority superior to the laws. The hierarchy of legal systems in Costa Rica is provided for in the Political Constitution of the Republic “public treaties, international conventions, duly approved by the Legislative Assembly, will have from their promulgation or from the day they designate, authority superior to the laws ” This hierarchy of the legal system is ratified in the General Law of Public Administration No. 6227, which confirms the constitutional superiority, followed by international treaties, and subsequently national laws, decrees and regulations.³ The legal framework requires the coherence of the national legal framework with international law through constitutional jurisdiction and for the specific case of indigenous rights provides that the Interinstitutional Commission for Follow-up to the National Dialogue promotes the application, which would be understood as coherence, of International IP Law. According to the legal framework, it is up to the constitutional jurisdiction “to exercise control [...] of the conformity of the internal system with International or Community Law, through the action of unconstitutionality and other constitutionality issues [...]”.⁴ Regarding the rights of indigenous peoples, the legal framework empowers the Inter-Institutional Commission for Follow-up on the National Indigenous Dialogue to “Promote the application of ILO

³ Artículo 6 de la Ley General de la Administración Pública N°6227 “1. La jerarquía de las fuentes del ordenamiento jurídico administrativo se sujetará al siguiente orden: a) La Constitución Política; b) Los tratados internacionales y las normas de la Comunidad Centroamericana; c) Las leyes y los demás actos con valor de ley; d) Los decretos del Poder Ejecutivo que reglamentan las leyes, los de los otros Supremos Poderes en la materia de su competencia; e) Los demás reglamentos del Poder Ejecutivo, los estatutos y los reglamentos de los entes descentralizados; y f) Las demás normas subordinadas a los reglamentos, centrales y descentralizadas. 2. Los reglamentos autónomos del Poder Ejecutivo y los de los entes descentralizados están subordinados entre sí dentro de sus respectivos campos de vigencia. 3. En lo no dispuesto expresamente, los reglamentos estarán sujetos a las reglas y principios que regulan los actos administrativos.”

⁴ Ley de la jurisdicción constitucional Artículo 2

	Convention 169 as well as all those initiatives under the International Law of Indigenous Peoples and of the Creation of the Fund for the Development of Indigenous Peoples ”.⁵ The legal framework supporting Environmental treaties, agreements and international legislation in Costa Rica in solid. the country has diverse instruments to implement them through its legal framework, nonetheless, on the social side, there is a lack of regulation of a few laws that ratify such international agreements. One example is the UN Declaration on the rights of Indigenous Peoples, and the ILO agreement No. 169 on the rights of Indigenous and Tribal Peoples. There is a procedural gap in the country hence their implementation has not been institutionalized in the country with limitations on its full and effective implementation. In order to respond to such limitation, the Government of Costa Rica, though the Presidential Ministry signed an Executive directive N°40932-MP-MJP on “Construction of the consultation mechanism with Indigenous peoples” aiming to define a consultation mechanism for all decision that may affect indigenous Peoples right under the principle o Free, Prior and Informed Consent. It is expected that the latter will allow Costa Rica to meet the commitments under the ILO 169 agreement and UNDRIP. The General consultation mechanism is designed to facilitate specific planning for Indigenous peoples on forests matters, allowing the incorporation of all aspects related to the respect for their rights, considering the diverse aspects mentioned in National and international legislation. To prevent such risk, Costa Rica’s National REDD+ Strategy has incorporated in Policy N5, the promotion of “full, effective and harmonized participation and insertion of areas under special regimes for REDD+”.
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⁵ Decreto Ejecutivo 26174-MP-C de Abril 22 de 1997 Artículo 4 inciso c)

Safeguard B	
Criteria B.1. Transparency	
Sub-Criteria B.1.1. Right of Access to Information	
Diagnostic Question: To what extent do PLRs guarantee the right to access to information?	
Indicators	Explanation (identify articles/provisions)
PLRs recognise the right to access to information	Costa Rica recognizes the freedom to access information to all public information from Government entities In Costa Rica, access to information is recognized in the Political Constitution by guaranteeing “freedom of petition individually or collectively, before any public official or official entity, and the right to obtain prompt resolution”⁶ Likewise, the Constitution recognizes free access to administrative information to the administered⁷ and foreigners.⁸ Access to information is also regulated in several international covenants and treaties that have been ratified by Costa Rica and therefore have a higher rank than the laws.⁹ In addition, there are different laws related to the issue of the right to information, among which we can mention the Law of the National Archives System, the Law for the protection of citizens from excess of administrative requirements and procedures, in which it is emphasized that the Legal framework means managed by any natural or legal person who, in the exercise of his right to petition, information and / or right or access to administrative justice, addresses the Public Administration.¹⁰

⁶ Constitución Política Art. 27

⁷ Constitución Política Art. 30

⁸ Incluso la ley de Migración y extranjería (8487) Art. 27 a)

⁹ Some of these international agreements are the American Convention on Human Rights, the Pact of San José and the Rio Declaration on Environment and Development.

¹⁰ Ley de protección al ciudadano del exceso de requisitos y trámites administrativas 8220 Artículo 1°

	Other existing legal tools are the regional agreement on access to information, public participation and access to justice in environmental matters in Latin America and the Caribbean (Escazú Convention), and the 2015-2018 national planning exercise, according to Guideline No. 006 -MIDEPLAN of June 23, 2014. According to this, the PND includes within its pillars: Fight against corruption and strengthen a transparent and efficient State. An example of this is the presidential program "Open Government" that seeks to guarantee access to the information and transparency of all state institutions. Finally, there are innumerable votes of the Constitutional Jurisdiction Chamber that have applied and strengthened the right to information. In order to provide protection to this right, there are instances to denounce the non-acceptance of this right, such as the Ombudsman's Office and the Constitutional Jurisdiction Chamber. Although there is no exclusive law that regulates the issue of the right of access to public information in the country, it can be affirmed that this right has been developed from various special laws, according to the needs that have emerged.
PLRs provide a definition of 'information' (held by public authorities/accessible to the public)	The legal framework does not provide a definition of information. However, it provides a definition of 'public administrative files.' In that sense, the Law the National Archives System only protects and refers to documents with cultural scientific value, the remaining information managed by the public administration must be kept in the respective public administrative archives, management archives and central archives.¹¹
PLRs require the active distribution of information	Costa Rica's legal guarantees the active distribution of information, including environmental, and georeferenced information. In principle, the information is of public interest and will be accessible upon request of the administrator. It is important to clarify that there are provisions in several laws that refer to active access to information on some issues related to fiscal transparency and procedures before the public administration. The Law on the Protection of Citizens from Excess Requirements requires the publication in the Official Gazette, of information on procedures and requirements established by the public administration together

¹¹ **Ley del Sistema Nacional de Archivos** Artículo 39. Los archivos de gestión son los archivos de las divisiones, departamentos y secciones de los diferentes entes a que se refiere el artículo 2o. de la presente ley, encargados de reunir, conservar, clasificar, ordenar, describir, seleccionar, administrar y facilitar la documentación producida por su unidad, que forme una pre-archivalia y que deba mantenerse técnicamente organizada. Los archivos centrales son unidades que igualmente cumplirán las funciones antes descritas, en la archivalia que organicen, en la que centralizarán la documentación de todo el ente

	with the procedure to follow, the instructions, manuals, forms and other corresponding documents. This information must be accessible, be located in a visible place, a notice referring to said publication must be published in a national newspaper; as well as being disclosed electronically.¹² While the Comptroller General of the Republic www.cgr.go.cr has an open consultation system for the public to request information regarding fiscal transparency and accountability. The Open Government (GA) initiative (http://gobiernoabierto.go.cr/gobierno-abierto/), led by the Presidency of the republic, should be mentioned. This initiative has mechanisms and strategies that contribute to public governance. It is based on the pillars of transparency, citizen participation, accountability, collaboration and innovation, focuses and includes citizens in the decision-making process, as well as in the formulation and implementation of public policies, to strengthen democracy, the legitimacy of public action and collective welfare. Within this same framework and since 2012, Costa Rica is part of the Open Government Partnership (OGP) and as part of its commitment, has developed three biannual action plans (2013-2014, 2015-2017 y 2017-2019), composed of initiatives to transform the relationship between citizens and the Government. FONAFIFO has a specialized portal (https://www.fonafifo.go.cr/es/transparencia-institucional/) where information is presented on Services, Goods and Expenses, Human Resources, Hierarchs and Decisions, Purchases and Contracts, Budgets , Institutional Plans, Institutional Reports, Services and Procedures, Citizen Participation and Open Data. There are 2 national level databases with critical environmental information open to the public, the National System for Territorial Information SNIT¹³, y SINALEVI¹⁴, the Costa Rican Legal Information System that is part of the Legal Information Technology project of the Justice Administration Modernization Program, with normative and jurisprudential information in an integrated way. SINALEVI It contains the legislation enacted since 1821 (laws, executive decrees, international conventions, regulations and other norms of general application), Also, the jurisprudence of Courts, Appeals and Chamber.
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¹² Ley Protección al Ciudadano del Exceso de Requisitos Art. 1, 4 y ley 8990

¹³ National System for Territorial information SNIT: http://www.pgrweb.go.cr/scij/avanzada_pgr.aspx

¹⁴ SINALEVI: <http://www.pgrweb.go.cr/scij/>

	Another tool is the Institutional Transparency Network of the Ombudsman's Office (http://www.dhr.go.cr/red de transparencia/) which is a tool to facilitate the inhabitants' access to information related to the administration of public resources, through their publication on the Internet. The incorporation of the institutions in the Inter-institutional Transparency Network is done voluntarily.
PLRs guarantee passive access to information (access to information on request)	The Legal Framework guarantees free access to information from administrative departments as long as the information is considered of public interest. The Political Constitution guarantees free access to all citizens for information purposes on matters of public interest.¹⁵ Specifically, the Law of the National Archives System guarantees free access to all documents produced or guarded by the institutions referred to in article 2. of this law.¹⁶ Article 10 defines it as follows: "Free access to all documents produced or guarded by the institutions referred to in article 2 of this law is guaranteed. In the case of documents declared a State secret or restricted access, they will lose that condition after thirty years of having been produced, and may be provided for scientific and cultural investigations, duly proven, provided that other constitutional rights are not respected. In Costa Rica it is assumed that all information is public, with some exceptions, the above is regulated in the General Law of Public Administration¹⁷ this statement has been supported by repeated votes cast by the Constitutional Jurisdiction Chamber. We also find some other declarations of information of public interest in secondary laws such as the Law against Corruption and Illicit Enrichment in the Public Function that declares of public interest the information related to income, budgeting, custody, supervision, administration , investment and expenditure of public funds, as well as information [related] to facts and behaviors of public officials.¹⁸ In the same way, the Organic Environmental Law declares the information contained in the file of the environmental impact assessment of a public nature and will be available for consultation by any person

¹⁵ Constitución Art. 30

¹⁶ **Ley del Sistema Nacional de Archivos** Artículo 10

¹⁷ Ley General de la Administración Pública, art. 273.

¹⁸ Ley contra la Corrupción y el Enriquecimiento Ilícito en la Función Pública Nº 8422 Artículo 7º

	or organization. Unless interested parties request that information integrated into the study be kept in reserve, if it is published, it will affect industrial property rights ¹⁹
Safeguard B	
Criteria B.1. Transparency	
Sub-Criteria B.1.2. Institutions to Ensure Access and Distribution of Information	
Diagnostic Question: To what extent does the legal framework require public institutions to ensure the access and distribution of information?	
Indicators	Explanation (identify articles/provisions)
PLRs create dedicated institutions for distribution of information	The Legal Framework does not provide for institutions that expressly dedicate themselves to the distribution of information. However, it provides some powers to distribute information - within the area of competence. The General Directorate of the National Archives System and the Comptroller General of the Republic were the only institutions that provide powers to distribute requested information. But there is no institute or entity dedicated exclusively to these purposes. Legal Framework assigns responsibility and competence of public authorities for the distribution of information and access to information. In the matter of information contained in the National Archives System, the General Directorate is expected to be in charge of following up requests for information, within the area of its competence. For its part, the Office of the Comptroller General of the Republic will be in charge of “evacuating [...] the consultations directed by the parliamentary bodies [...], the taxpayers [and] the consultations directed by the private subjects not contemplated in subsection b), of article 4 ”.²⁰ Other institutions responsible for promoting transparency are the Center for Research and Training in Public Administration (CICAP) of the University of Costa Rica (UCR) and the Office of the Ombudsman, who

¹⁹ LOA ARTÍCULO 23.- Publicidad de la información.

²⁰ Ley de la Contraloría General de la República ARTICULO 29.- POTESTAD CONSULTIVA.

	have developed the Costa Rican Public Sector Transparency Index on websites , a scientific process based on international best practices to measure the state of affairs, at any given time, of the transparency offered by the websites of Costa Rican public institutions. See http://cicap.ucr.ac.cr/web/wp-content/uploads/2019/01/2018-Informe-ITSP.pdf. The Ombudsman's Office created the Inter-Institutional Transparency Network to facilitate the access to information related to the administration of public resources through its publication on the Internet. The Network was created by the Office of the Ombudsman in November 2004, to guarantee the constitutional right of access to information, in relation to the correct administration of public resources and to prevent acts of corruption through accountability and citizen oversight. By this means, the institutions make available state information of public interest such as: budgets, income, expenses, investments, payroll, tenders, contracts, purchases, suppliers, operational plans, work and audit reports, minutes, agreements, agreements, projects, etc. The fundamental principles that support the network are: justice, equity, legality, accountability, citizen participation and transparency. See http://www.dhr.go.cr/transparencia/index.html
PLRs create a central registry for gathering information related to forest management	The Legal Framework provides an information system for institutional document management, which is presumed to contain information related to forest management. Likewise, the law of the National Archives System is not clear if it has information related to environmental management. In general, it was identified that the National Archives System is composed of the public archives of Costa Rica, and the private and private ones that are integrated into it. Likewise, the Law of the National Archives System requires the institutions “to have a central archive and management files necessary for the proper conservation and organization of their documents [...]”²¹ The General Internal Control Law provides that “information systems must be available that allow the active administration to have an institutional document management.”²²

²¹ ley del Sistema Nacional de Archivos Artículo 1 y 41.

²² La Ley General de control Interno Artículo 16.—Sistemas de información

	The same Law defines the institutional document management as “the set of activities carried out in order to control, store and, subsequently, adequately recover the information produced or received in the organization, in the development of its activities, in order to prevent any deviation in the objectives set”.²³ On the other hand and according to the first report of the national safeguards system for the REDD + strategy (2019)... “the current Forestry Law establishes the National Forestry Office as a representative entity of the various interested sectors of the forestry sector (small and medium producers, industrialists, marketers, artisans) in forest policy planning processes; in the promotion of participation, training and dissemination of information among its representatives; promote investments and technological improvements; encourage the participation of small and medium producers, etc. For the purposes of safeguards, transparency refers to the existence of the National Forest Office and its participation in the planning and monitoring processes of forest policy. The process where the participation of the sectors is reflected through the National Forest Office (ONF) is the National Forest Development Plan, whose second version is currently in force (2011-2020). The ONF also receives public resources that are audited by the Office of the Comptroller General of the Republic and must submit annual reports on its use annually. In addition, other formally established participation structures and mechanisms may be considered, such as the Conservation Area Councils or the REDD + Committee. The State Forestry Administration (and individually SINAC and FONAFIFO) must also submit annual reports on compliance with its Institutional Operational Plans, as a part of their responsibilities within the Ministry of Planning’s National Information System”
PLRs provide clear procedures for request/access to information	The Legal Framework addresses the way in which authorities should disseminate information ONLY regarding administrative procedures or requirements. Regarding administrative procedures, the legal framework provides solid legal bases by stating that “Any procedure or requirement, regardless of its normative source, so that the administrator can be required must: a) Consist in a law, an executive decree or a regulation. b) Be published in the official newspaper La Gaceta together with the procedure to follow, the instructions, manuals, forms and other corresponding

²³ La Ley General de control Interno Artículo 16. —Sistemas de información

	documents and be located in a visible place within the institution. Likewise, a notice referring to said publication must be published in a national newspaper. Without prejudice to the foregoing, said procedures or requirements may be disclosed in electronic media ".²⁴ In addition, it requires the citizen information office of the institutions to explain to the user the requirements and the procedure for granting applications, permits, licenses or authorizations. In case of not having that office, the institution must designate a department or a person for this purpose. (Thus, amended by Article 1 of Law No. 8990 of September 27, 2011).²⁵ In accordance with the law of the Comptroller General of the Republic, consultations made by private subjects "must comply with the regulations that are established by regulation to provide the proper use of this power".²⁶
Safeguard B	
Criteria B.1. Transparency	
Sub-Criteria B.1.3. Accountability	
Diagnostic Question 1: To what extent do PLRs promote fiscal transparency in the forest sector?	
Indicators	Explanation (identify articles/provisions)
PLRs require that independently audited reports must be prepared showing clearly how public funds have been used by the forest agency	The Legal Framework creates institutions or agencies responsible for promoting transparency in activities carried out in the forestry sector. The Comptroller General of the Republic is created by virtue of the Political Constitution of Costa Rica, as an auxiliary institution of the Legislative Assembly in the Public Treasury. The Comptroller General of the Republic is a fundamental constitutional body of the State, auxiliary of the Legislative Assembly in the superior control of the Public Treasury and rector of the control system.²⁷

²⁴ Ley Protección al ciudadano del exceso de requisitos y trámites administrativos Artículo 4.- Publicidad de los trámites y sujeción a la ley 8220 y reforma 8990

²⁵ ²⁵ Ley Protección al ciudadano del exceso de requisitos y trámites administrativos Artículo 4.- Publicidad de los trámites y sujeción a la ley 8220 y reforma 8990

²⁶ ARTICULO 29.- POTESTAD CONSULTIVA. La Contraloría General de la República

²⁷ Ley de la Contraloría General de la República art. 2

	Other institutions responsible for promoting transparency are the Center for Research and Training in Public Administration (CICAP) of the University of Costa Rica (UCR) and the Office of the Ombudsman, who have developed the Costa Rican Public Sector Transparency Index on websites , a scientific process based on international best practices to measure the state of affairs, at any given time, of the transparency offered by the websites of Costa Rican public institutions. See http://cicap.ucr.ac.cr/web/wp-content/uploads/2019/01/2018-Informe-ITSP.pdf. In the case of the Ombudsman's Office, it has created the Inter-Institutional Transparency Network to facilitate the access to information related to the administration of public resources through its publication on the Internet. The Network was created by the Office of the Ombudsman in November 2004, to guarantee the constitutional right of access to information, in relation to the correct administration of public resources and to prevent acts of corruption through accountability and citizen oversight. By this means, the institutions make available state information of public interest such as: budgets, income, expenses, investments, payroll, tenders, contracts, purchases, suppliers, operational plans, work and audit reports, minutes, agreements, agreements, projects, etc. The fundamental principles that support the network are: justice, equity, legality, accountability, citizen participation and transparency. See http://www.dhr.go.cr/transparencia/index.html
Institutions responsible for implementing the relevant PLRs	
Diagnostic Question 2: To what extent do PLRs adequately address corruption in the forest sector?	
Indicators	Explanation (identify articles/provisions)
PLRs provide clear measures to address corruption in the forest sector	The Legal Framework contains provisions that aim to address corruption applicable to the forestry sector. The main legal instrument that addresses this indicator is the Law against Corruption and Illicit Enrichment in the Public Service whose purpose is to prevent, detect and punish corruption in the exercise of the public function. This law gives citizens the right to denounce any act of corruption, and that said complaint be protected and confidential.

	Likewise, one of the pillars of the National Development Plan is to “Fight against corruption and strengthen a transparent and efficient State.” ²⁸
PLRs foresee penalties against acts of corruption	The Legal Framework provides sanctions for those who commit acts of corruption The Criminal Code establishes that: “Crimes related to corruption are typified in the Law against Corruption and Illicit Enrichment in the Public Service; as well as administrative sanctions for those who commit acts of corruption are listed which will be imposed, depending on the severity.”²⁹”.
PLRs create independent agencies mandated to fight corruption and with faculties to investigate corruption allegations	The Legal Framework creates independent agencies mandated to fight corruption and with powers to investigate allegations of corruption In accordance with the Public Administration Law “[...] the Public Administration in a broad sense, will be subject to a procedure of evaluation of results and accountability, with the consequent personal responsibility for the officials in the fulfillment of their duties. The law will indicate the means for this control of results and accountability to operate as a system that covers all public institutions.”³⁰ The Office of the Comptroller General of the Republic will be responsible for determining the procedures for the attention, admissibility and processing of complaints submitted to it.³¹ The Office of the Comptroller General of the Republic through its website www.cgr.go.cr has a consultation system that is classified into three general categories, budget and administrative contracting. It has a system of electronic complaints in which citizens contribute to fighting corruption and improper management of public resources. Any complaint made by a citizen will be made in a manner that protects the confidentiality of the complainant.³²

²⁸ Para el ejercicio de planificación 2015-2018, según Directriz N°006-MIDEPLAN de 23 de junio de 2014

²⁹ Ley contra la Corrupción y el Enriquecimiento Ilícito en la Función Pública N° 8422 Artículo 39. — Sanciones administrativas. Art. 45-62 delitos

³⁰ Consotución Política Artículo 11 (Reformado por Ley No. 8003 de 8 de junio del 2000. LG # 126 de 30 de junio del 20

³¹ Ley contra la Corrupción y el Enriquecimiento Ilícito en la Función Pública N° 8422

Artículo 9º—Atención de las denuncias presentadas ante la Contraloría General de la República.

³² Ley General de control interno

Artículo 6º—Confidencialidad de los denunciantes y estudios que originan la apertura de procedimientos administrativos.

	The Ombudsman's Office is in charge of coordinating the inter-institutional transparency network (RIT), which is based on the mandate established in: a). the political constitution (Article 11) in which it is established that the public administration must be subject to the results evaluation and accountability procedures and b): Article 140, (subsection 8) of the same that contains the duty of surveillance on the proper functioning of public services, which is directly related to the work of the Ombudsman's Office of the Republic. The RIT facilitates access to information related to the administration of public resources, through its publication on the internet to strengthen mechanisms for reporting acts of corruption.
PLRs provides codes of conduct governing the engagement and behaviour of public servants	The Legal Framework provides codes of conduct that regulate the hiring and behavior of public officials According to articles 191 and 192 of the Political Constitution, public officials are mere depositories of the authority. They are obliged to fulfill the duties that the law imposes on them and faculties not granted in it cannot be granted. They must take an oath to observe and comply with this Constitution and the laws. The action to demand criminal responsibility for their acts is public³³. The Administrative Contracting Law 7494 regulates the hiring of public officials, and mainly determines the prohibition of public servants from contracting with the State, prohibition to receive salary compensation or other benefits that are not contemplated in the remuneration system itself. The General Law of Public Administration provides a clear definition of who will be considered a public official, his duties and rights; as well as in the Law against Corruption and Illicit Enrichment in the Public Service ³⁴.

³³ CPR Artículo 11.-

³⁴ **LEY GENERAL DE LA ADMINISTRACION PUBLICA Artículo 111.-** 1. Es servidor público la persona que presta servicios a la Administración o a nombre y por cuenta de ésta, como parte de su organización, en virtud de un acto válido y eficaz de investidura, con entera independencia del carácter imperativo, representativo, remunerado, permanente o público de la actividad respectiva. 2. A este efecto considéranse equivalentes los términos "funcionario público", "servidor público", "empleado público", "encargado de servicio público" y demás similares, y el régimen de sus relaciones será el mismo para todos, salvo que la naturaleza de la situación indique lo contrario.

3. No se consideran servidores públicos los empleados de empresas o servicios económicos del Estado encargados de gestiones sometidas al derecho común. Artículo 11 de la Constitución política, los funcionarios públicos son simples depositarios de la autoridad. Esta obligados a cumplir los deberes que la ley les impone y no pueden arrogarse facultades no concedidas en ellas. Artículo 113.-1. El servidor público deberá desempeñar sus funciones de modo que satisfagan primordialmente el interés público, el cual será considerado como la expresión de los intereses individuales coincidentes de los administrados. 2. El interés público prevalecerá sobre el interés de la Administración Pública cuando pueda estar en conflicto. 3. En la apreciación del interés público se tendrá en cuenta, en primer lugar, los valores de seguridad jurídica y justicia para la comunidad y el individuo, a los que no puede en ningún caso anteponerse la mera conveniencia. Artículo 114.-1. El servidor público será un servidor de los

	Article 2.- of the Organic Law of the College of Agricultural Engineers establishes that the CIA has among its aims to ensure that the profession is not exercised illegally.
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Safeguard B	
Criteria B.2. Effective National Forest Governance	
Sub-Criteria B.2.1: Clear Land Tenure Rights	
Diagnostic Question: To what extent do PLRs recognise and protect different types of forests tenure (ownership and access)?	
Indicators	Explanation (identify articles/provisions)
PLRs recognise different types of rights over forest land and forest resources (Statutory and customary ownership, use rights)	The Legal Framework recognizes different types of rights over forests land and forest resources In relation to land tenure, it can be affirmed that in Costa Rica we find the following tenure regimes: a) private rights over land, referring to the right of ownership or possession and other derived rights of use, such as usufruct, the lease, the partnership. b) State land rights, which are assigned to public sector institutions and c) Collective land rights, which are those existing in indigenous territories. The property right is enshrined at the constitutional level in article 45. In the Civil Code, the property law is widely developed, articles 264, it is stated that the domain or property includes the rights of possession, usufruct, transformation and alienation, defense and exclusion and restitution and compensation.

administrados, en general, y en particular de cada individuo o administrado que con él se relacione en virtud de la función que desempeña; cada administrado deberá ser considerado en el caso individual como representante de la colectividad de que el funcionario depende y por cuyos intereses debe velar.2. Sin perjuicio de lo que otras leyes establezcan para el servidor, considérase, en especial, irregular desempeño de su función todo acto, hecho u omisión que por su culpa o negligencia ocasione trabas u obstáculos injustificados o arbitrarios a los administrados. **Ley contra la Corrupción y el Enriquecimiento Ilícito en la Función Pública** Nº 8422 Artículo 3º—Deber de probidad. El funcionario público estará obligado a orientar su gestión a la satisfacción del interés público. Este deber se manifestará, fundamentalmente, al identificar y atender las necesidades colectivas prioritarias, de manera planificada, regular, eficiente, continua y en condiciones de igualdad para los habitantes de la República; asimismo, al demostrar rectitud y buena fe en el ejercicio de las potestades que le confiere la ley; asegurarse de que las decisiones que adopte en cumplimiento de sus atribuciones se ajustan a la imparcialidad y a los objetivos propios de la institución en la que se desempeña y, finalmente, al administrar los recursos públicos con apego a los principios de legalidad, eficacia, economía y eficiencia, rindiendo cuentas satisfactoriamente

	The property must be registered in the Property Registry to have all its effects (article 267) and can only be limited through a law (article 266) or expropriated in the event that the limitations are of such magnitude that the rights to it be repelled. It is necessary to make reference within the property right to the right of possession, which has been recognized in the Costa Rican legal system through different laws in force, some already repealed and around which situations related to the legitimization of said right have been presented in the case of obtaining benefits derived from forest conservation.
PLRs provide clear legal procedures for the recognition of land (and forest land) tenure rights	The Legal Framework provides for legal procedures for the recognition of land, but the processes to consolidate recognition of land rights could be lengthy and cumbersome. In the case of unregistered land, the issue of possession is regulated in the Civil Code and also in the Possession Information Law, No. 139 of 14/7/1941; It corresponds to clarify that in the case of indigenous peoples, the ownership of the land is collective, that is, it is registered in the National Registry in the name of the Associations of Integral Indigenous Development, which are the entities that legally represent each of the territories, which means that these associations would have the legal capacity to sign contracts for the sale of emission reductions in the name of the indigenous population. The State, autonomous institutions and Municipalities, have rights of different nature on land. Within these we find the public domain lands and those that are privately owned by said institutions. According to what is established in article 261 of the Civil Code, public domain assets are those that by law are permanently assigned to any service of general utility and from which everyone can take advantage of being delivered to public use. There are also properties owned by State institutions and Municipalities, which are privately owned, State institutions and Municipalities, are not differentiated from other people, this type of property is regulated by civil law rules. As part of these farms, we fear the State's Natural Heritage, consisting of National Reserves, Forest Reserves, National Parks, State Forest Nurseries, Protective Areas and Biological Reserves • The Natural Heritage of the State constitutes a restrictive regime in terms of land uses, only the carrying out of research, training and ecotourism activities is accepted, prior to granting the

	corresponding use permit, the above is regulated in the Forestry Law, articles 1 and 3 subsection a) and 18, as well as in the Regulations to the aforementioned law, Executive Decree No. 25721 and its reforms.
PLRs establish fair procedures to govern the expropriation of forest land by the state. No forced evictions, allowing evictions only in exceptional circumstances meeting lawful criteria	The Legal Framework establishes fair procedures that regulate the <u>expropriation</u> of forest lands. Political Constitution of Costa Rica: Article 45.- The property is inviolable; No one can deprive himself or herself if it is not in the public interest legally proven, subject to compensation under the law. Expropriation Law: - Chapter I: Article 1 “This Law regulates forced expropriation due to legally proven public interest. The expropriation is agreed in the exercise of the power of rule of the Public Administration and includes any form of deprivation of private property or of legitimate property rights or interests, whatever their holders, through the prior payment of compensation representing the fair price of the expropriated; Article 2.- Acquisition of goods or rights When, in order to fulfill its purposes, the Public Administration needs to acquire goods or rights, it must be subject to the regulations in force regarding administrative contracting, unless, due to the nature of the work, the technical studies determine the assets or rights to acquire; In this case, the procedures established in this Law must be followed. - Chapters II (Administrative procedure Pre-expropriation requirements, Determination of the fair price) and III (Expropriation UNIQUE SECTION Special expropriation process, Compensation modalities) Indigenous Law No. 6172 and related decrees establish that lands located within indigenous reserves and belonging to non-indigenous persons must be recovered (indemnifying their owners) and handed over to indigenous communities: - Article 5.- In the case of non-indigenous persons who own or possess good faith within the indigenous reserves, INDER (FORMER ITCO) must relocate them to other similar lands, if they so desire; If it is not possible to relocate them or they do not accept the relocation, they must expropriate and indemnify them according to the procedures established in the Expropriation Law. (Thus, amended by article 65, subsection d) of Law No. 7495 of May 3, 1995). Expropriation and compensation studies and procedures will be carried out by INDER (FORMER ITCO) in coordination with CONAI. If there is subsequently an invasion of non-indigenous persons to the

	reserves, the competent authorities must immediately proceed to their eviction, without paying any compensation. Expropriations and compensation will be financed with the contribution of one hundred million <i>colones</i> in cash, which will be recorded by four annual installments of twenty-five million <i>colones</i> each, beginning the first in the year of 1979; These fees will be included in the general budgets of the Republic in 1979, 1980, 1981 and 1982. The fund will be administered by CONAI, under the supervision of the Comptroller General of the Republic. Regulation of land recovery program in indigenous reserves: • Article 1 — The Indigenous Law provides for the potential recovery of real estate in the hands of non-indigenous people, in all existing indigenous reserves
PLRs provide clear land titling and registration procedures. These are accessible (not cost prohibitive)	The legal framework establishes procedures that provide clear land titling and registration procedures. In Costa Rica, the right to property is enshrined at the constitutional level in article 45, which establishes that the property is inviolable, this right is of utmost importance within society, as it allows legal certainty regarding the ownership of the assets. On the part of the people who live within the territory, this right is widely developed in the Civil Code. There are property rights of state institutions and municipalities, which are private domain, these are not different from other people; unlike public domain goods permanently assigned to any general utility service. These assets are regulated by the rules of civil law. The property right can be registered in the National Registry or it can be unregistered, in which case it is known as possession. Indigenous property with a different nature from the one mentioned above, which was regulated for the first time in the Barreled Land Law No. 13 of January 10, 1939, and whose purpose was to ensure the enjoyment of said land exclusively by indigenous people. Other norms were issued that culminated in the issuance of Indigenous Law No. 6 172 of November 29, 1977, which stated that Indigenous Reserves are owned by indigenous communities, since they are inalienable and imprescriptible and must be registered in the National Registry in his name, not being able to diminish his place but it is by Law of the Republic. These changes are reinforced by the country's accession to International Convention No. 1 076 of the International Labor Organization, Law No. 2 330 of April 9, 1959 and Convention 169 on Indigenous and

	Tribal Peoples in Independent Countries, Law No. 7 316 of November 4, 1992, which includes a series of principles that protect the rights of indigenous peoples. In Costa Rica also, there are possession rights that are unregistered rights, regulated in the Civil Code and also in the Possession Information Law, No. 139 of July 14, 1941; These laws establish the possibility that a person fulfilling the aforementioned requirements can formalize his right of possession and register it in the Real Estate Registry. Specifically, the titling of lands with forest and real estate within the protected wild areas, over which there are rights of possession, has been regulated in the Possession Information Law, which undergoes changes in the first integral modification to the Forest Law No. 4,465 of November 25, 1969. In the first case the situation is clear, the Possession Information Law in its article 7 establishes that if the land referred to in the process is comprised within an ASP, it must be demonstrated the ten-year possession, exercised at least ten years before the effective date of the law, or decree that created the ASP. He also points out that if the lands are outside these areas and have forests, they must prove possession of at least ten years and that they have protected the natural resource there. Notwithstanding the foregoing, the definition of the State's Natural Heritage, and the interpretation that the Attorney General's Office has made on the subject, has influenced the application of said regulations, since it has been interpreted that the existence of said heritage is dates back a long time, considering its origin in article 18 of Forest Law No. 4 465, in which the State Forest Heritage is created. This interpretation linked to the existence of regulations in Forest Law No. 7575 of February 13, 1996, which establishes that the forests and forest lands of the national reserves are unattachable and inalienable, has made it difficult to register the possession rights, due to that these interpretations are binding. The Law of Creation of the National Registry No. 5696 (1975) creates the "National Registry, under the Ministry of the Interior, in order to integrate under the same agency the dependencies that will be indicated, in order to standardize registration criteria, coordinate their functions, facilitate procedures for users, expedite their work and improve registration techniques by modernizing their systems "(article 1).
PLRs ensure that any displacement activities carried out in fully participatory manner.	Costa Rica' PLR guarantees a fully participatory process in case indigenous populations are involved and guarantees the access to justice to all parties in case of displacement.

	The Law No. 9286 on Expropriations of February 4, 2015 establishes the procedure for expropriations and displacement in cases is required and guarantees access to justice for all parties. There is a new mechanism for consultation with indigenous peoples (“Mecanismo general de Consulta a Pueblos Indígenas”) approved through Executive Decree N040932-MP-MJP in 2018, developed in full consultation with indigenous peoples, by which the FPIC principles are reaffirmed and mandatory for all projects by State and private development, including procedures to treat displacement in a fully participatory manner.
PLRs seek to avoid, and where avoidance is not possible, minimize and mitigate physical or economic displacement from land or resource acquisition or restrictions on land or resource use	The Legal Framework sets provisions to avoid, minimize and mitigate economic displacement resulting from the implementation of PLRs. Costa Rica has the Environmental Organic law (Ley Orgánica del Ambiente) N° 7554 From November 13, 1995 considered to be the superior environmental mandate in the country. This law creates the competency and procedures to ensure compliance of such social and environmental policies and standards through the National Technical Environmental Secretariat (SETENA). The purpose of this secretariat is to analyze environmental impact of human activities that may impact the environment and point to the mechanisms to minimize them, as well as the guarantee for their compliance (Art. 17, 84 & 85). The executive decree N°31849 establishes a general regulation on procedures for the Environmental Impact Assessment (EIA), by means of which requirements and general procedures to determine if activities, infrastructure development or new projects are environmentally viable, where either by law or regulations determine that may alter or destroy elements of the environment or generate waste; as well as to determine the corresponding prevention, mitigation and compensation measures that must be implemented (depending not their impact) by the project developer (art 1). Costa Rica has a robust legal framework on environmental and social issues that enables social and environmental impact mitigation of the National REDD+ Strategy. In the cases where legal gaps were identified, the application of different instruments recommended by the World Bank’s Operational

	policies and UNDP SES have been identified. The Executive Decree N° 31849 approved 24/05/2004 by SETENA, mentioned above, was applied during the categorization of risks and impacts and the identification of procedures for their mitigation. In addition, under the framework of its National REDD+ Strategy, Costa Rica has demonstrated its commitment to evaluate and assess and address potential impacts and risks that could result from its implementation. As a result, the country has developed its SESA and corresponding ESMF that identify from different aspects potential impacts of implementing each one of the PAMs included in the Strategy. Moreover, the identified key management measures and the relevant PLRS that are in place to avoid, mitigate, reduce and compensate where such impacts may occur. It is important to note that both the SESA and ESMF were prepared by Costa Rica and included inputs from multiple stakeholders from different sectors and geographical areas within the country. Given that the Program on Payment for Environmental Services (PES) implemented by FONAFIFO, is already in place, all participatory processes included stakeholders that have experience and knowledge in the matter, providing relevant and applicable inputs for discussion. The latter, enabled the integration of the results from the SESA process into the definition of policies and actions for the National REDD+ Strategy, including social and environmental risk management considerations in a crosscutting manner for its implementation.
PLRs ensure that livelihoods of any displaced persons enhanced or at least restored through compensation at full replacement costs and other assistance.	The Legal framework includes provisions for fare compensation of displaced persons, however there are no specific provisions for livelihoods to be enhanced.

	Law No. 9286 on Expropriations of February 4, 2015: This Law regulates forced expropriation due to legally proven public interest. The expropriation is agreed in the exercise of the power of rule of the Public Administration and includes any form of deprivation of private property or of legitimate property rights or interests, whatever their holders, through the prior payment of compensation representing the fair price of the expropriated (Art. 1). In the subject of expropriations, this Law establishes, among others, the general provisions (Chapter I), administrative procedures (Chapter II), the special process of expropriation (Chapter III); the modalities of compensation (Chapter IV). On the other hand, in the case of involuntary resettlement it is necessary to differentiate resettlement within indigenous territories, as well as those outside indigenous territories, but within protected wild areas, as there are some differences in the regulations to be applied.
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Safeguard B	
Criteria B.2. Effective National Forest Governance Sub-Criteria B.2.2: Equitable Distribution of Benefits	
Diagnostic question 1: to what extent do PLRs recognise and protect the fair distribution of benefits?	
Indicators	Explanation (identify articles/provisions)
PLRs guarantee the right to fair distribution of benefits arising from the use of forest resources (including environmental services)	The Legal Framework guarantees the fair and equitable distribution of benefits related to the use of forest resources (includes environmental services) The Biodiversity Law: Article 1. "The purpose of this law is to conserve biodiversity and the sustainable use of resources, as well as to fairly distribute the benefits and costs derived."

	- Article 3. This law shall apply to the elements of biodiversity that are under the sovereignty of the State, as well as to the processes and activities carried out under its jurisdiction or control, regardless of those whose effects are manifested within or outside of the areas subject to national jurisdiction. This law will specifically regulate the use, management, associated knowledge and fair distribution of the benefits and costs derived from the use of the elements of biodiversity. Forestry Law 7575: - Creates the National Fund for Forest Financing, as the public entity that implements the environmental services payment program. Creates a board of directors with participation of forest and industrial timber producers. Define the environmental services and the ecosystems that generate them. It establishes in its regulation the origin of the resources. Internally, the operation manuals of the environmental services program are developed that open the possibility of participation from small producers to indigenous peoples. It is important to emphasize that over the years; schemes have been opened that have allowed the participation of more actors in society such as landowners.
PLRs regulate benefit sharing arrangements (contracts, covenants, agreements)	Costa Rica has PLRs that regulate benefit sharing arrangements via contracts, in operation for more than 20 years. FONAFIFO's PES program (PSA in Spanish), one of the main policies and measures of the National REDD+ Strategy, will be used as the main benefit sharing arrangement for distributing results-based payments with relevant stakeholders, including indigenous peoples. The PSA is by definition a benefit sharing arrangement that is already regulated via contractual agreements between landholders and FONAFIFO. The special PES for indigenous peoples includes specific benefit sharing arrangements has been designed in full consultation with indigenous peoples. In addition, under the Biodiversity Law, there are specific references to regulate fair benefit sharing arrangements resulting from biodiversity and genetic resources.

Safeguard B	
Criteria B.2. Effective National Forest Governance	
Sub-Criteria B.2.3: Gender equity	
Diagnostic Question: To what extent do PLRs promote and protect gender equity?	
Indicators	Explanation (identify articles/provisions)
PLRs promote and enhance gender equity and women's empowerment, especially with regards to benefit sharing, participation, and land tenure	The Legal Framework promotes, guarantees and fosters gender equality and the empowerment of women, especially as regards the distribution of benefits, participation and land tenure. Political Constitution of Costa Rica: Article 71.- The laws will give special protection to women and minors in their work. Decree 29084-MINAE Creates the National Agroforestry Commission (CAFN), Article 2 - includes in the objectives of this Commission: "e) Promote fair compensation and participation with gender equity of goods and services subtracted by Agroforestry Systems". There is a National Policy for Effective Equality between Women and Men from 2007 to 2017, which has been the path of the Costa Rican State towards equality between women and men. In 2018 the new policy is being updated; it has a validity 2018 to 2030.
PLRs address gender discrimination	The Legal Framework addresses gender-based discrimination Law for the Promotion of Women's Social Equality No. 7142 - Article 1 - It is the obligation of the State to promote and guarantee equal rights between men and women in the political, economic, social and cultural fields. - Article 2.- The powers and institutions of the State are obliged to ensure that women do not suffer any discrimination because of their gender and enjoy equal rights as men, whatever their marital status, in any political, economic sphere, social and cultural, in accordance with the "Convention on the Elimination of All Forms of Discrimination against Women", of the United Nations, ratified by Costa Rica in Law No. 6968 of October 2, 1984.

	Article 3.- The State shall promote the creation and development of programs and services aimed at facilitating the full participation of women, under equal conditions, in the fields indicated in article 1 of this law.
PLRs require public institutions to raise awareness on gender equity (through programmes for gender sensitisation, focal points, etc.)	The Legal Framework includes public institutions that carry out public awareness on gender equality The National Women's Institute has developed through its Legal Status and Protection of Women's Rights component they have designed and used specific material and training for the training of women rights promoters with indigenous women. http://unpan1.un.org/intradoc/groups/public/documents/icap/unpan050492.pdf www.inamu.go.cr

Safeguard B

Criteria B.2. Effective National Forest Governance Sub-Criteria B.2.4: Adequate Access to Justice		
Diagnostic Question: To what extent do the PLRs guarantee adequate access to justice in the context of forest management?		
Indicators	Explanation (identify articles/provisions)	
PLRs recognise the right to access to justice	The Legal Framework recognizes the right of access to justice Political Constitution of Costa Rica: Article 48.-" Everyone has the right to appeal for habeas corpus to guarantee his personal freedom and integrity, and to appeal for protection to maintain the enjoyment of the other rights enshrined in this Constitution, as well as those of a fundamental nature established in the international instruments on human rights, applicable to the Republic. Both resources will fall within the jurisdiction of the Chamber indicated in Article 10. (Reformed by Law No. 7128 of August 18, 1989).	

	• Article 49.- Establish the contentious - administrative jurisdiction as an attribution of the Judiciary, in order to guarantee the legality of the administrative function of the State, its institutions and any other public law entity. The deviation of power will be grounds for challenge to administrative acts. The law will protect, at least, the subjective rights and legitimate interests of those administered. (Reformed by Law No. 3124 of June 25, 1963). • Article 50.- The State shall ensure the greatest well-being of all the inhabitants of the country, organizing and stimulating the production and the most adequate distribution of wealth. Everyone has the right to a healthy and ecologically balanced environment. Therefore, it is entitled to denounce acts that infringe that right and to claim compensation for the damage caused. The State will guarantee, defend and preserve that right. The law determines the responsibilities and penalties. (Article amended by Law No. 7412 of May 24, 1994, published in La Gaceta No. 111 of June 10, 1994.) Constitutional Jurisdiction Law: • Article 15.- Habeas corpus proceeds to guarantee personal freedom and integrity, against acts or omissions that come from an authority of any order, including judicial, against threats to that freedom and the disturbances or restrictions established therein unduly the authorities, as well as against the illegitimate restrictions of the right to move from one place to another in the Republic, and of free permanence, exit and entry into their territory. Organic Law of the Environment: • Article 110.- Speed of the procedure. Ex officio, the Administrative Environmental Court shall promote the procedure and the processing of matters within its competence, as quickly as required by the situation affected. The ruling must be issued within a term not exceeding thirty days; In special cases, the period may be extended for up to thirty more days. The obligation of the administration to give a prompt and fulfilled response is established. General Law of Public Administration: • Article 275.-Anyone who has a legitimate interest or subjective right that may be affected, injured or totally or partially satisfied by the final act may be a party to the administrative procedure, in addition to the Administration. The interest of the party must be legitimate and may be moral, scientific, religious, economic or of any other nature. Article 284.-The procedure
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	may be initiated ex officio or at the request of a party, or only at the request of a party when expressly or unequivocally provided by law. Migration and Foreigners Law: • Art. 27 recognizes the right of every foreign person to justice The Legal Framework provides access to legal and other services, in support of the poor Circular 10-09 Practical Rules to facilitate access to justice for Indigenous Population • Within each budget of the different programs, an item will be contemplated to provide financial assistance to the indigenous users who require it, to cover some expenses arising from their transfer to the judicial offices, and another one of per diem for the officials. that participate in the proceedings in situ. The judges, as well as any judicial authority will establish as a practice the attention of the indigenous users.
PLRs provide dispute resolution mechanisms to address disputes at all levels (describe these)	The Legal Framework provides conflict resolution mechanisms at all levels General Law of Public Administration • Article 214.- 1. The administrative procedure will serve to ensure the best possible fulfillment of the Administration's purposes; with respect for the subjective rights and legitimate interests of the administrator, in accordance with the legal system. 2. Its most important object is the verification of the real truth of the facts that serve as a reason for the final act. Organic Law of the Environment: • Article 103.- Creation of the Administrative Environmental Court: An Environmental Administrative Court is created, based in San José and competent throughout the national territory. It will be a decentralized body of the Ministry of Environment and Energy, with exclusive competence and functional independence in the performance of its powers. Its decisions exhaust the administrative route and its resolutions will be of strict and obligatory compliance. Additionally, the Environmental Administrative Court is responsible for knowing and resolving complaints against individuals and institutions, public or private, that violate or

	threaten to violate the norms of the environmental and natural resources protection legislation.
PLRs provide special consideration for vulnerable groups in guaranteeing their right to access to justice	The Legal Framework provides special attention to vulnerable groups to guarantee the right of access to justice Circular 10-09 Practical Rules to facilitate access to justice for Indigenous Populations: • 1. The Judicial Authorities shall promote the conduct of “on-site” diligence, in those places where indigenous territories exist. • 2. Within each budget of the different programs, an item will be contemplated to provide financial assistance to the indigenous users who require it, to cover some expenses arising from their transfer to the judicial offices, and another one of per diem for the officials. that participate in the proceedings “in situ the judges, as well as any judicial authority will establish as a practice the attention of the indigenous users.” • 3. The judges, as well as the judicial officials, shall give priority to the treatment of the indigenous persons who attend the judicial offices. • 10. Right to the interpreter or translator • 11. Respect for cultural diversity: obligation of anthropological / cultural expertise
Safeguard B	
Criteria B.2. Effective National Forest Governance Sub-Criteria B.2.5: Integration of Social, Economic and Environmental Considerations into policy-making	
Diagnostic Question: To what extent do PLRs require/promote the integration of social, economic and environmental considerations in forest management?	
Indicators	Explanation (identify articles/provisions)
PLRs require that policy-making takes into consideration their potential environmental impacts (including environmental impact assessments prior to their implementation)	The legal framework requires environmental impact assessments for human activities that may have impact on the environment and minimize those impacts, as well as provisions to ensure compliance.

	For the specific case of the Environmental Impact Assessment (EIA), this law creates the institutional framework and procedures to ensure compliance with its provisions, which is executed through the National Environmental Technical Secretariat (SETENA), an entity attached to the Ministry of Environment and Energy (MINAE) and whose fundamental purpose is to analyze the environmental impacts of human activities that may have an impact on the environment, and to indicate the mechanisms to minimize them, as well as the guarantees of compliance (Art. 17, 84 and 85). Executive Decree N ° 31849 establishes the General Regulation on Environmental Impact Assessment Procedures (EIA), which defines the general requirements and procedures by means of which the environmental viability of the activities, works or new projects, which by law or regulation, have determined that they can alter or destroy elements of the environment or generate waste; as well as prevention, mitigation and compensation measures, which, depending on their impact on the environment, must be implemented by the developer (Art. 1).
PLRs require EIAs of investment projects (forestry sector, infrastructure)	For the specific case of the Environmental Impact Assessment (EIA), this law creates the institutional framework and procedures to ensure compliance with its provisions, which is executed through the National Environmental Technical Secretariat (SETENA), an entity attached to the Ministry of Environment and Energy (MINAE) and whose fundamental purpose is to analyze the environmental impacts of human activities that may have an impact on the environment, and point out the mechanisms to minimize them, as well as the guarantees of compliance (Art. 17, 84 and 85).
PLRs require regular monitoring of social economic and environmental impacts of policy implementation	Executive Decree N ° 31849 establishes the General Regulation on Environmental Impact Assessment Procedures (EIA), which defines the general requirements and procedures by means of which the environmental viability of the activities, works or new projects, which by law or regulation, have determined that they can alter or destroy elements of the environment or generate waste; as well as prevention, mitigation and compensation measures, which, depending on their impact on the environment, must be implemented by the developer (Art. 1). Extensive social and environmental assessments were carried out under the ECOMERCADOS 1 and 2 projects funded by the World Bank and GEF in Costa between 2000-2005 and 2008-2013. https://projects.worldbank.org/en/projects-operations/document-detail/P052009

PLRs promote non-discrimination, equal opportunity and fair treatment of workers, and prohibit the use of forced labour or child labour, consistent with relevant ILO conventions.	The Code for Work, approved under Law No2 (27 August of 1943, still in place), explicitly refers to fair treatment of workers, strict prohibition of Child labour, recognition to right of unionizing, right to strike, and constitution of <i>Asociaciones Solidaristas</i>, workers organizations that include managers, in charge of improving economic and organizational conditions for all workers in State and private companies. There are offices for labour inspection (subscribed to the Ministry of Labour or Work, <i>Ministerio de Trabajo</i> in Spanish, with some limitations to implement their functions fully, but nevertheless are in charge of verifying that the provisions of the Code of Work are applied thorough the country.
Safeguard B	
Criteria B.2. Effective National Forest Governance	
Sub-Criteria B.2.6: Cross-Sectoral Coordination	
Diagnostic Question: to what extent do PLRs require/promote effective coordination between various agencies that play a role in forest management?	
Indicators	Explanation (identify articles/provisions)
PLRs define concrete mechanisms to support and encourage coordination (inter-ministerial committees, working groups, cross cutting teams, etc.)	The Legal Framework defines specific mechanisms to support and encourage intersectoral coordination Decree No. 21635 Creates Advisory Committee on Indigenous Affairs: - Article 4 - The Commission that is created will coordinate with the State Powers, decentralized institutions, municipalities and the National Commission for Indigenous Affairs, the support they may have to provide in terms of financial and personnel resources, as well as other facilities that the current legislation allows them to grant, in favor of the work that corresponds to this Commission, must keep, in this regard, constantly informed to the Social Council of the Governing Council, for the optimal use and proper administration of that aid. Decree No. 29084 Creates the National Agroforestry Commission (CAFN). - Article 4 "-The Commission shall have the following functions: - o Advise the Ministry of Environment and Energy and other public and private entities in the

	formulation of policies and review of legislation on agroforestry. - o Promote the incorporation of Agroforestry into the policies, strategies and operational plans of the different State institutions and other entities. - o Facilitate inter-disciplinary and inter-institutional coordination and collaboration for formulation, execution and monitoring of agroforestry research, extension and development projects, of a participatory nature and with gender equity. The Legal Framework defines clear and non-contradictory roles and responsibilities in different sectors and levels of government for forest management. Decree No. 38536-MP-PLAN. Which establishes the organic regulation of the Executive Power, in its article 5: • the President of the Republic delegates to the Minister of MINAE, for which he is responsible for establishing and promoting inter-institutional and sectoral coordination at the regional level and ensuring the promotion and articulation of citizen participation in the various actions that the sectors develop in these territorial levels; The Legal Framework defines clear lines of communication between different sectors and levels of government for forest management Law Use Management and conservation of soils: • Article 7.- The Ministry of Agriculture and Livestock shall coordinate the actions of soil management and conservation, with the Ministry of Environment and Energy and the other competent institutions in matters of administration and conservation of environmental resources, as well as with the public institutions in general.
PLRs define effective mechanisms for information sharing across different sectors and levels of government for forest management	The Legal Framework defines effective mechanisms for information sharing across government intuitions, however as institutions are large and well established in Costa Rica, there are difficulties to comply with these provisions. The Law Organic of the Environment establishes the obligation of inter-sectoral coordination, including information sharing across different offices of the government.

	The new system in place SNIT, guarantees information sharing of all georeferenced territorial information including forest management.
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Safeguard C	
Criteria C.1. Defining Indigenous Peoples and Members of Local Communities	
Diagnostic Question 1: Do PLRs define who are indigenous peoples and local communities?	
Indicators	Explanation (identify articles/provisions)
PLRs clearly define or provide clear criteria for defining who are indigenous people and this definition/these criteria is/are consistent with international law	The Legal Framework clearly defines who the indigenous peoples are in accordance with international law ○ Ley Indígena Article 1-. In Costa Rica they are considered indigenous “people who constitute ethnic groups directly descendants of pre-Columbian civilizations and who retain their own identity”
PLRs clearly define who are local communities	The Legal Framework does not clearly define who the local communities are However, the term local communities is used in the Biodiversity Law when referring to a vulnerable group other than indigenous peoples.³⁵ The Legal Framework recognizes other relevant categories of vulnerable stakeholders. However, it does not define them.

³⁵ Ley biodiversidad 4.

	The legal framework provides different meanings to indigenous peoples as "Indians", "Aboriginal" ³⁶ and "indigenous communities". The Biodiversity law speaks of rural communities, without defining them. ³⁷
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Safeguard C	
Criteria C.2.: Definition of traditional knowledge of indigenous peoples and local communities	
Diagnostic Question: To what extent do PLRs define what constitutes traditional knowledge of indigenous peoples and local communities?	
Indicators	Explanation (identify articles/provisions)
PLRs define traditional knowledge of indigenous peoples	The Legal Framework defines what knowledge is and clarifies that the concept includes traditional knowledge as scientific. The Biodiversity Law defines knowledge as the "Dynamic product generated by society over time and by different mechanisms, includes what is produced in a traditional way, as generated by scientific practice."³⁸
PLRs define traditional knowledge of local communities	N/A, the concept of local communities beyond indigenous peoples is not used and non-applicable in Costa Rica.
PLRs protect/regulate traditional knowledge of local communities and indigenous peoples	The Legal Framework respects, regulates and protects the traditional knowledge of local communities and indigenous peoples in accordance with international legal norms Both respect is foreseen in the Biodiversity Law, when it is specified as a general principle for the application of the Law, that "the diversity of cultural practices and knowledge associated with the elements of biodiversity must be respected and encouraged, in accordance with the national legal framework and international, particularly in the case of rural communities, indigenous peoples and other cultural groups."³⁹

³⁶ Ley CONAI: Art. 4 : Son objetivos fundamentales de la Comisión Nacional de Asuntos Indígenas: a)

³⁷ Ley de Biodiversidad 9.

³⁸ Ley de Biodiversidad art. 7. 6. Conocimiento:

³⁹ Ley de Biodiversidad 9.

	The protection of knowledge is also provided for in the Biodiversity Law and the wildlife conservation law. Both laws make it clear that the protection of knowledge granted by both regulatory bodies will include knowledge resulting from practices, uses and customs, for profit, between indigenous peoples and local communities.⁴⁰ The first, the Biodiversity Law, specifies that for the purposes of delimiting the scope of protection of the law, intangible elements will be understood as included in the term biodiversity, such as: knowledge, innovation and traditional, individual or collective practice , with real or potential value associated with biochemical and genetic resources, protected or not by intellectual property systems or sui generis registration systems ". This law also regulates the procedure to establish the rights of indigenous peoples and local communities on the use of biodiversity and biochemical resources of biodiversity.⁴¹ Finally, there are regulations in charge of regulating and protecting the use of such knowledge.⁴²
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⁴⁰ **Ley biodiversidad 4.** La Ley de Conservación de la Vida Silvestre (n7317) Art. 1 (...) únicamente se refiere expresamente a la "la conservación, el manejo sostenible, la protección y la adecuada administración de la vida silvestre, que resulten de prácticas, usos y costumbres tradicionales sin fines de lucro de los pueblos indígenas dentro de sus territorios".

⁴¹ artículos 66, y del 82 al 85 de la Ley de Biodiversidad

⁴² Normas Generales para el Acceso a los Elementos y Recursos Genéticos y Bioquímicos de la Biodiversidad DE 31514: Artículo 1°—Objetivos. Artículo 5° La CONAGEBIO es la autoridad nacional competente para proponer las políticas sobre el acceso a los elementos y recursos genéticos y bioquímicos de la biodiversidad y al conocimiento tradicional asociado, que aseguren la adecuada transferencia científico-técnica y la distribución justa y equitativa de los beneficios derivados del acceso, por medio de las presentes normas. Transitorio 2°—Conocimientos, innovaciones y prácticas de las comunidades locales y los pueblos indígenas. No se otorgarán permisos de acceso de investigación básica, de bioprospección o de aprovechamiento económico, cuando involucren conocimientos, innovaciones y prácticas de las comunidades locales y los pueblos indígenas sobre el uso el uso de los recursos genéticos y bioquímicos de la biodiversidad, hasta tanto no se cumpla con el procedimiento para establecer sus derechos, según los artículos 66, y del 82 al 85 de la Ley de Biodiversidad.

Safeguard C	
Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law	
Sub-criteria C.3.1.: Non-Discrimination	
Diagnostic Question: to what extent do PLRs recognise and protect the right to non-discrimination of indigenous peoples and local communities in accordance with international law?	
Indicators	Explanation (identify articles/provisions)/Gaps identified
PLRs recognise and protect the right of indigenous peoples and local communities to non-discrimination in accordance with ILO 169 and UNDRIP (if applicable)	The Legal Framework protects and guarantees the right of indigenous peoples and the rights of local communities to non-discrimination, in accordance with ILO Convention 169 and UNDRIP The Political Constitution provides the basis for guaranteeing non-discrimination in Costa Rica, recognizing in its article 33 that “Every person is equal before the law and no discrimination against human dignity can be practiced”.⁴³ Specifically, for indigenous peoples, the Law on the approval of Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries recognizes that “The provisions of article 10 of the Convention shall apply in accordance with the provisions of article 33 of the Political Constitution and Costa Rican criminal legislation”.⁴⁴ The Legal Framework addresses discrimination against indigenous peoples and local communities in some cases.

⁴³ CPRC Artículo 33.- (Reformado por Ley No. 4123 de 31 de mayo de 1968 y por Ley No. 7880 de 27 de mayo de 1999. LG# 118 de 18 de junio de 1999).

⁴⁴ Ley 7316 de 1992 Artículo 2 “Lo dispuesto en el artículo 10 del Convenio, se aplicará en concordancia con lo que estatuye el artículo 33 de la Constitución Política y la legislación penal costarricense”

	On health, ⁴⁵ social welfare ⁴⁶ and access to justice, ⁴⁷ the State provides for support for indigenous peoples.
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Safeguard C	
Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law	
Sub-criteria C.3.2.: Self-Determination	
Diagnostic Question: To what extent do the PLRs recognise and protect the right to self-determination of indigenous peoples and local communities in accordance with international law?	
Indicators	Explanation (identify articles/provisions)
PLRs recognise and protect indigenous peoples and local communities' right to self-determination in accordance with ILO 169 and UNDRIP (if applicable)	The Legal Framework recognizes and protects the right of indigenous peoples to self-determination. The legal framework recognizes the right of indigenous peoples to self-determination through the following figures: indigenous reserves, traditional community structures and the figure of "development associations" that, prior registration, will act as the local government of the reserve.

⁴⁵ Decreto que Crea Consejo Nacional de Salud de los Pueblos Indígenas DE 33121, 19/04/2006 Política institucional para la atención de las personas indígenas en condiciones de pobreza y reforma Reglamento Prestación de Servicios y Otorgamiento de Beneficios: 1º-Disponer la siguiente política institucional para la atención de las personas indígenas en condiciones de pobreza: 1.1) Las personas indígenas en condiciones de pobreza podrán ser seleccionadas y calificadas como beneficiarios del Instituto Mixto de Ayuda Social de conformidad con el criterio técnico de los profesionales ejecutores de las Gerencias Regionales correspondientes, con base en la información que se pueda recabar en la comunidad o con otras Instituciones de Derecho Público, sin necesidad de aplicar la Ficha de Información Social en sus domicilios.

⁴⁶ Decreto Ejecutivo 33318 de Agosto 16 de 2006-Faculta al Instituto Mixto de Ayuda Social para que Incorpore Oficiosamente en el SIPO a Familias de Adolescentes pertenecientes a Poblaciones Indígenas que deseen Participar como Beneficiarios del Programa de Transferencia Monetaria Condicionada 2. Que la población objetivo del programa son adolescentes de ambos sexos en condición de pobreza que necesiten apoyo económico para mantenerse en el sistema educativo y/o formativo.

⁴⁷ Esta circular sirve para demostrar el interés de apoyar a pueblos indígenas y evitar la discriminación en el acceso a la justicia Cultural 44-09 San José, 20 de abril de 2009 Asunto. Intervención de interprete de lenguas indígenas en los procesos judiciales. Asunto. Intervención de intérpretes de lenguas indígenas en los procesos judiciales.

	The legal framework provides for indigenous reserves, such as indigenous territories, which⁴⁸ they will be governed by the natives in their traditional community structures (or the laws of the Republic that govern them, under the coordination and advice of CONAI).⁴⁹ For this purpose, it defines traditional community structures as “aboriginal coexistence and cohesion under the influence of the cacicazgo and / or any other type of hierarchy of indigenous groups”.⁵⁰ Finally, it recognizes that while traditional structures will operate within indigenous communities, it will be the Integral Development Associations that act as their local government.⁵¹ There is a new mechanism for consultation with indigenous peoples (“Mecanismo general de Consulta a Pueblos Indígenas”) approved through Executive Decree N040932-MP-MJP in 2018, developed in full consultation with indigenous peoples, by which the FPIC principles are reaffirmed and mandatory for all projects by State and private development, including procedures to treat displacement in a fully participatory manner.
PLRs recognise traditional decision-making structures (including dispute resolution mechanisms, if applicable)	The Legal Framework recognizes traditional structures within communities including traditional decision-making structures (in the new Mechanism for Consultation) In accordance with Indigenous Law No. 6172, the role of traditional structures within communities that recognize the hierarchies of indigenous groups is recognized. However, there is no specific provision regarding traditional decision making. (Indigenous Law N° 6172 November 29/1977.) This law establishes that Association on Indigenous Integrated development have the legal representation of Indigenous communities and act as their local government. Defines as indigenous, people that constitute ethnic groups, direct descendants from pre-Columbian

⁴⁸ La población de cada una de las reservas constituye una sola comunidad, administrada por un Consejo directivo representante de toda la población; del consejo principal dependerán comités auxiliares si la extensión geográfica lo amerita. Artículo 4 Ley Indígena

⁴⁹ Ley Indígena. Artículo 4º.-

⁵⁰ Reglamento Ley Indígena: Art 2: Estructura comunitaria tradicional

⁵¹ Representación Legal Comunidades Indígenas por Asociaciones Desarrollo Art. 5 de la Ley de Indígenas una vez inscritas legalmente, las asociaciones de desarrollo integral representarán judicial y extra judicialmente a dichas Comunidades; y funcionarán como gobierno local. (DE No. 13568-C-G1982)

	civilizations and that conserve their own identity; additionally, establishes the limits of “Indigenous Reserves” or Indigenous territories (art. 1). Establishes that Indigenous communities have full legal capacity to acquire rights and obligations of any kind. They are not state entities; moreover, declares ownership of indigenous peoples over the mentioned reserves in article 1 of this law (art 2). Indigenous reserves are inalienable, imprescriptible, non-transferrable and exclusive for Indigenous communities that inhabit them. The reserves will be governed by Indigenous under their own traditional community structures or by the laws of the republic that rule under the coordination and advice of CONAI (Art 4). This law was regulated by executive Decrees No. 8487 April 26/ 1978 and No. 13568, from April 30 / 1982, by means of which Article 3 states that to exercise rights and comply with the duties stated in article 2, “... Indigenous communities will adopt the organization as stated in law N°3859 of the National Development Associations Administration of the community and its mandate; Allowing traditional community structures (referred into in article 4) to operate inside of such communities and; Development Associations once officially registered, represent such communities at the legal, judicial and extrajudicial levels” ⁵². This law does not regulate aspects such as Free Prior and Informed Consent; or the right for free determination and to possess, control and manage their lands an traditional territories, water and other resources; recognizes own or customary tribunals on indigenous peoples law, as procedural forms for conflict resolution; amongst others.
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⁵² Rodríguez, 2014.

Safeguard C	
Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law	
Sub-criteria C.3.3.: Rights Associated with Culture	
Diagnostic Question: To what extent do PLRs recognise and protect rights associated with culture of indigenous peoples and local communities in accordance with international law?	
Indicators	Explanation (identify articles/provisions)
PLRs protect indigenous peoples and local communities' rights associated with culture, including respect for customs and traditions	The Legal Framework protects the rights of indigenous peoples and local communities related to culture, including respect for identity, customs, traditions and institutions • Political Constitution of Costa Rica ○ Article 76-. The State will ensure the maintenance and cultivation of national indigenous languages.⁵³ In agricultural material, respect for the different customs within the indigenous population is recognized.⁵⁴ • Law creating the National Council of Indigenous Affairs CONAI ○ Article 4: CONAI is in charge of promoting “scientific research on the way of life of indigenous groups, with the purpose of achieving the most thorough knowledge of them, and thus supporting the orientation of the programs aimed at their well-being, in order to objectively value our indigenous cultural traditions.”⁵⁵ ○ Decree 22072 creates an indigenous education subsystem, which will be responsible for promoting the full enjoyment of the social, economic and cultural rights of the members of the Indigenous Reserves, respecting their socio-cultural identity, their environment, their

⁵³ Cpcr Artículo 76.- (Reformado por Ley No. 5667 de 17 de marzo de 1975 y por Ley No. 7878 de 27 de mayo de 1999. LG# 118 de 18 de junio de 1999.

⁵⁴ Ley de Tierras y Colonización (ITCO INDER) Artículo 80.-El Instituto considerará la solución del problema indígena de gran importancia y urgencia. De ser necesario, por el exceso de población o por las diferentes costumbres, podrá formar varios centros agrarios, pero tratando de que estén cerca unos de otros.

⁵⁵ Ley CONAI: Art. 4

	customs, traditions and institutions. ; preserve the indigenous languages used in the Indigenous Reserves and promote their development and practice.⁵⁶ • Decreto 21475 –G 1992 Establece los “Consejos Étnicos Indígenas” ○ ARTÍCULO 1. Establézcanse los “Consejos Étnicos Indígenas”, como organismos socioculturales consultativos y de coordinación entre las diferentes Reservas Indígenas pertenecientes a un mismo grupo étnico indígena. ○ ARTÍCULO 4. Para los efectos del artículo 3o. del Decreto Núm. 13,573-G-C del 30 de abril de 1982, los Consejos Étnicos serán los que elaborarán el documento que expresa las características, costumbres y reglas de su etnia. Las costumbres heredadas de los tiempos pre-colombianos, tales como el respeto de los clanes en las etnias Bribri y Cabécar tendrán valor y fuerza de ley. The Legal Framework promotes the conservation of cultural heritage The legal framework requires CONAI to "ensure compliance with any current or future legal provision for the protection of indigenous cultural heritage, collaborating with the institutions responsible for these aspects."⁵⁷ With specific relation to the archaeological heritage linked to the indigenous cultural heritage, the Indigenous Law prohibits the search and extraction of huacas in the indigenous cemeteries, with the exception of scientific explorations authorized by official institutions, provided that the indigenous community and the CONAI grant authorization for them.⁵⁸ The Indigenous Education subsystem will be responsible for promoting strategies for the rescue of indigenous languages in those Indigenous Reserves in which they are in danger of extinction.⁵⁹
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⁵⁶ El Decreto 22072 -MEP 1993 Art. 1 Créase el Subsistema de Educación Indígena el que tiene como objetivo general desarrollar progresivamente la educación bilingüe y bicultural en las Reservas Indígenas oficialmente reconocidas.

⁵⁷ Ley CONAI: Art 4

⁵⁸ Ley Indígena Artículo 6 La violación a las disposiciones del presente inciso, serán sancionadas con las penas indicadas en los artículos 206 y 207 del Código Penal; y Reglamento Ley Indígena: Artículo 14. Las sanciones sobre violaciones al Patrimonio Arqueológico a que se refiere el artículo 6° de la Ley Indígena, están también comprendidas en las respectivas disposiciones previstas en la Ley No 7 del 28 de septiembre de 1938 y en los artículos 228 y 229 del Código Penal así como en las demás que les fueren aplicables

⁵⁹ Artículo 2 El Decreto 22072 -MEP 1993

	For additional information, see responses to the preceding two sections (above), which cover the responsibilities/actions of PNGATI and the indigenous consultation protocols coordinated by INCRA. Law No. 5251 Creates the National Commission Indigenous People's Affairs (CONAI), July 11/ 1973. This law creates the CONAI, with several objectives. This institution promotes social, economic and cultural improvement of Indigenous populations; serves as the coordination instrument amongst different public institutions that must execute construction works and the provision of services in benefit of Indigenous communities; Ensure and promote the respect of rights of IPS minorities, stimulating the State's action to guarantee individual and collective property rights; ensure compliance of any current or future legal dispositions to protect Indigenous cultural Heritage, collaborating with institutions with a mandate on these matters; create local administration councils; and serve as the official designated entity to represent and connect with the Interamerican Indigenous Institute and other international agencies on the matter (article 4).
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Safeguard C	
Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law	
Sub-criteria C.3.4.: Collective Land Tenure	
Diagnostic Question: To what extent do PLRs recognise and protect rights associated with land tenure of indigenous peoples and local communities in accordance with international law?	
Indicators	Explanation (identify articles/provisions)
PLRs recognise collective forest ownership/use/management rights of indigenous peoples and/or local communities	There is recognition of collective forest ownership (in a general or explicit manner by indigenous peoples and local communities) The Indigenous Law recognizes the full legal capacity of indigenous communities to acquire rights and contract obligations. In addition, it declares ownership of the indigenous communities and exclusive for them the established reserves - territory with defined limits - by executive decrees.⁶⁰ CONAI will be responsible for ensuring respect for the rights of indigenous minorities, stimulating State action in order to guarantee the Indian individual and collective ownership of the land.⁶¹ While the legal framework recognizes the figure of indigenous reserves and their collective ownership in favor of the indigenous community, in the agrarian sphere it expressly states that “It will not be declared that the large areas where communities are living in isolation belong exclusively to them. , but it will try to gather all these communities, forming a single agricultural

⁶⁰ Ley indígena Artículo 2° y Artículo 1° Se declaran reservas indígenas las s números 5904-G del 10 de abril de 1976, 6036-G del 12 de junio de 1976, 6037-G del 15 de junio de 1976, 7267-G y 7268- G del 20 de agosto de 1977, así como la Reserva Indígena Guaymí de Burica (Guaymí). Los límites fijados a las reservas, en los citados decretos, no podrán ser variados disminuyendo la cabida de aquéllas, sino mediante ley expresa y

⁶¹ Ley 5251 1973 Creación de Comisión Nacional de Asuntos Indígenas (CONAI) Artículo 4.

	center, in the area that the Institute considers appropriate and for which use will be made of the area of land that is necessary ”⁶² There is recognition of the rights of indigenous peoples and local communities over land and / or resource forests, territorially limited to indigenous reserves. Therefore, there is no recognition of forests and resources those that have traditionally managed. In principle, the recognition of the rights of indigenous peoples over traditionally managed forests and resources is not provided in the legal framework. Since the mechanism for the treatment of indigenous responds to the delimitation of land and relocation of indigenous peoples. For example, indigenous reserves registered in the name of the Land and Colonization Institute (INDER (FORMER ITCO)), will be used exclusively for the settlement of indigenous communities, indispensable public services, and for the use, habitation and usufruct of aboriginal people who lack land they own. , registered or not registered outside these reservations.⁶³ In line with this provision, the same law requires INDER (FORMER ITCO) to compensate indigenous families who are transferred to other areas for damages that may be caused to them.⁶⁴ Legal Framework recognizes a broad spectrum of rights associated with the tenure of forest dependent communities and indigenous peoples (for example, owned, owned, used, managed, accessed). The legal framework is very clear regarding the legal nature of indigenous reserves, and declares them inalienable and imprescriptible, non-transferable and exclusive to the indigenous communities that inhabit them. So that it makes clear the rules between the reservations that the Indians can only negotiate their lands with other indigenous people and any transfer or negotiation of lands or improvements of these in the indigenous reserves, between indigenous and non-
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⁶² Ley de tierras y colonización: OJO Art 75: El Instituto, de acuerdo con los organismos pertinentes, velará pro el acondicionamiento de las comunidades o familias indígenas, de conformidad con el espíritu de esta ley.

⁶³ Reforma ley CONAI (N.5651) : Art. 1:

⁶⁴ Artículo 78.- Reforma ley CONAI (N.5651) :

	indigenous, is absolutely null, with legal consequences of the case.⁶⁵ So there is no freedom on the part of the community to sell or allow commercial access to those who are indigenous to us. In addition to collective ownership, the legal framework guarantees the private ownership of the members of the indigenous groups. The Land and Colonization Law provides for the delivery of parcels to indigenous families on a free and proprietary basis, in order to meet their needs.⁶⁶ Likewise, indigenous families may subsequently request from the Institute the acquisition, by purchase, of additional land extensions, provided that they do not exceed the legal limit.⁶⁷ Due to the fact that the mineral resources that are in the subsoil of the indigenous reserves are patrimony of the State and of the indigenous communities, in case of requiring the exploration or mining exploitation, authorization must be requested for this purpose before the CONAI.⁶⁸ There is recognition of the right of access to forest resources of indigenous peoples and local communities Indigenous law recognizes the ownership of mineral resources found in the subsoil of the indigenous reserves of both the State and indigenous communities (indigenous peoples and State's patrimony).⁶⁹ In accordance with the Indigenous Law, only indigenous people will be able to build houses, cut down trees, exploit timber resources or plant crops for their benefit within the limits of the reserves.⁷⁰
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⁶⁵ Ley Indígena Artículo 3º

⁶⁶ La Ley de Tierras y Colonización (ITCO INDER) Artículo 76.-A título gratuito y en propiedad, se entregarán a las familias indígenas parcelas que el Instituto señale como mínimo indispensable para satisfacer las necesidades de las mismas, y explotables por ese grupo, sin necesidad de trabajadores asalariados.

⁶⁷ La Ley de Tierras y Colonización (ITCO INDER) Artículo 77.-los beneficiarios de las parcelas a que se refiere el artículo trasanterior, podrán solicitar posteriormente del Instituto, la adquisición, por compra, de extensiones adicionales de tierra, siempre que con ellas no se exceda el límite legal, que se demuestre que es insuficiente la parcela original para dar los rendimientos económicos requeridos para el mantenimiento de la familia, y que tiene explotada racionalmente la parcela poseída.

⁶⁸ Artículo 6, Ley Indígena

⁶⁹ Artículo 6, Ley Indígena

⁷⁰ Artículo 6. Ley Indígena

	Likewise, indigenous groups inside the indigenous reserves They have jurisdiction over the control of the use of the forest resource, channeling the processing of permits for the removal and / or use of trees, on land without forest cover, for domestic purposes for the benefit of its inhabitants; work that will be in charge of Indigenous Development Associations, as a measure to safeguard some of its most entrenched principles and customs.⁷¹ The Legal Framework recognizes and protects land rights • Indigenous law provides that the administration and use of natural resources within the Indigenous Reserves must be carried out by indigenous communities⁷² • Indigenous communities, within the reserves, will have full legal capacity to acquire rights and contract obligations of all kinds (art.2 indigenous law) • But any transaction made with a non-indigenous is NULL • But there is an exception to this rule and it is in the area of mining exploration or exploitation, that there if transaction is allowed, only if authorized by CONAI (does not ask for consent from the communities)⁷³ • There only collective rights under the indigenous reserves demarcated by the State. Law No. 5651 of the year 1974, reformed the law of creation of the National Commission of Indigenous Affairs and declared inalienable the indigenous reserves registered in the name of INDER (FORMER ITCO). On the other hand, INDER (FORMER ITCO) is authorized to lease land to indigenous people who do not own it and the banks of the national banking system are ordered to open credit lines in favor of the indigenous people.
PLRs establish transparent and fair procedures to address circumstances where rights need to be extinguished or diminished	The new Mechanism for Consultation, was developed in order to ensure fair and transparent procedures are in place in cases when rights need to be extinguished or diminished.

⁷¹ Nº 27800-MINAE Reglamento para el Aprovechamiento del Recurso Forestal en las Reservas Indígenas Art 1

⁷² Ley Indígena 2, 6 y 7

⁷³ Artículo 6, Ley Indígena Los recursos minerales que se encuentren en el subsuelo de estas reservas son patrimonio del Estado y de las comunidades indígenas. Los permisos otorgados para la exploración o explotación minera caducarán al término fijado originalmente en la concesión, y sólo podrán ser renovados o prorrogados mediante autorización dada por la CONAI. Se necesitará lo mismo para los nuevos permisos.

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Safeguard C	
Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law	
Sub-criteria C.3.5: Benefit-Sharing	
Diagnostic Question: To what extent do PLRs recognise and protect benefit-sharing arrangements specific to indigenous peoples and local communities in accordance with international law?	
Indicators	Explanation (identify articles/provisions)
PLRs define mechanisms for equitable sharing of the benefits (specific to indigenous peoples/local communities) arising out of the utilisation of forest resources and the utilisation of traditional forest-related knowledge	The Legal Framework does not expressly require that there be a fair and equitable distribution of the benefits derived from the use of forest, and traditional knowledge related to forests with the exception of genetic resources. In accordance with the Indigenous law, commercial establishments may only be managed by indigenous people and mentions that businesses that are established within indigenous reserves should preferably be managed by Cooperatives or other organized groups of the community, but do not require it, simply suggests.⁷⁴ The Biodiversity Law requires fair and equitable distribution of benefits derived from genetic resources. The benefit sharing mechanism will be regulated and will be the responsibility of the Indigenous Development Associations, as a measure to safeguard some of its most entrenched principles and customs.⁷⁵

⁷⁴ Art 6 Ley Indígena

⁷⁵ N° 27800-MINAE Reglamento para el Aprovechamiento del Recurso Forestal en las Reservas Indígenas Art 1

Safeguard D	
Criteria D.1.: Definition and Regulation Meaningful Full and Effective Participation	
Diagnostic Question: To what extent do PLRs guarantee effective public participation in forest related policymaking?	
Indicators	Explanation (identify articles/provisions)
PLRs recognise the right to public participation in decision-making (policy process and/or development projects)	The Legal Framework does not define or foresee the criteria to guarantee full and effective participation in accordance with the requirements established by international law. The term used by Costa Rica is Active and effective or active and organized participation. The Legal Framework partially guarantees the right to participate in decision-making processes at all stages and is applicable to the forestry sector Even when the Organic Environmental Law requires the State and municipalities to encourage the inhabitants of the Republic to actively and organized participation in the decision-making and actions aimed at protecting and improving the environment.⁷⁶ The Organic Environmental Law does not fully guarantee the right to participate, it only guarantees the right of individuals, physical or legal, public or private to be heard by the National Environmental Technical Secretariat, at any stage of the evaluation process and in the operational phase of the work or project to decision making and actions aimed at protecting and improving the environment.⁷⁷ The Legal Framework does not require the publication of how public opinion is reflected in the final decision The comments of the interested parties that are received by the National Environmental Technical Secretariat, regarding the evaluation process and the operation of a work or project must be included in the file and assessed for the final report.⁷⁸

⁷⁶ LOA CAPÍTULO II PARTICIPACIÓN CIUDADANA ARTÍCULO 6.- Participación de los habitantes. El Estado y las municipalidades, fomentarán la participación activa y organizada de los habitantes de la República, en la toma de decisiones y acciones tendientes a proteger y mejorar el ambiente.

⁷⁷ LOA Artículo 22

⁷⁸ LOA ARTÍCULO 22.- Expediente de la evaluación.

	The Legal Framework does not require the participation of women in decision-making processes related to forests
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Safeguard D	
Criteria D.2.: Creating an Enabling Environment for an Effective Participation	
Sub-criteria D.2.1.: Identification of Relevant Stakeholders	
Diagnostic Question: To what extent do PLRs identify or require the identification of relevant stakeholders in the decision-making process?	
Indicators	Explanation (identify articles/provisions)
PLRs require a mapping of relevant stakeholders prior to consultations	The Legal Framework does not require the identification of relevant stakeholders before the decision-making processes It does not require it in the participation mechanism related to soil management, conservation and recovery plans.
PLRs define relevant stakeholders that should participate in the decision-making process	The Legal Framework does not clearly define who will be the stakeholders that can participate in the decision-making process. On the issue of land use and management, the Law is not so clear in stating that land management, conservation and recovery plans must include, at a minimum, a public hearing, which “may be attended by people, farmers or no, who live in the area where the plan is being developed or have an interest in it”.⁷⁹

⁷⁹ Ley uso y manejo conservación de suelos: ARTÍCULO 37.- La metodología participativa mediante la cual deben elaborarse y ejecutarse los planes de manejo, conservación y recuperación de suelos, deberá incluir, como mínimo, una audiencia pública en los centros de mayor población de las comunidades incluidas en el área, a esta audiencia el Ministerio de Agricultura y Ganadería deberá darle suficiente publicidad. A las audiencias podrán asistir las personas, agricultores o no, que habiten en el área donde se esté elaborando el plan o tengan interés en ella.

	n matters of environmental impact assessment, the participation of interested parties in decision-making refers to provide observations to the National Environmental Technical Secretariat, in relation to the evaluation process and in the operation of a work or project, which must be included in the file and assessed for the final report. ⁸⁰
PLRs require engagement/representation of local communities and/or indigenous peoples in relevant forest decision making processes	Costa Rica's Legal framework requires representation of indigenous peoples in relevant forest decision-making processes. The new Mechanism for Consultation with indigenous peoples ("Mecanismo general de Consulta a Pueblos Indígenas") approved through Executive Decree N040932-MP-MJP in 2018, developed in full consultation with indigenous peoples, by which the FPIC principles are reaffirmed and mandatory for all projects by State and private development, including for relevant forest decision-making processes. While not required explicitly in the Forestry Law, indigenous peoples participate from FONAFIFO's Board of Directors, the decision-making body for all operations of the Fund.
Safeguard D	
Criteria D.2.: Creating an Enabling Environment for an Effective Participation Sub-criteria D.2.2. Providing Access to Information	
Diagnostic Question: to what extent do PLRs require and regulate the provision of relevant and appropriate information as part of the consultation process?	
Indicators	Explanation (identify articles/provisions)
PLRs clearly define the types of information that should be provided during consultations	The Legal Framework clearly defines the type of information that you must provide Regarding environmental impact, the National Environmental Technical Secretary is obliged to

⁸⁰ LOA ARTÍCULO 22.- Expediente de la evaluación.

	provide an extract of environmental impact assessment and the list of studies submitted to the municipalities in whose jurisdiction the work, activity or project will be carried out.⁸¹ The Legal Framework defines responsibilities in a general way about the process / mechanism to facilitate access to information Regarding management, conservation and recovery plans, the Law on the subject asks the Ministry of Agriculture and Livestock "to give enough publicity" to the audience.⁸² The state organisms in charge of dictating the environmental policies will promote the creation of the necessary instruments so that the mass media, based on the social function that they exert, favor the formation of an environmental culture towards the sustainable development of the inhabitants of the Nation.⁸³ The National Environmental Technical Secretariat will be in charge of sending information on the environmental impact assessment to the municipalities and to give a wide dissemination, through the mass media, to the list of studies submitted for consideration.⁸⁴ Regarding procedures in principle Every official, entity or public body will be obliged to provide the managed company with information about the procedures and requirements that are carried out in the respective administrative unit or unit. ⁸⁵ In particular, it will be the office of information to the citizen of the institutions will be responsible for explaining to the user the
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⁸¹ LOA ARTÍCULO 22.- Expediente de la evaluación. Las personas, físicas o jurídicas, públicas o privadas, tendrán el derecho a ser escuchadas por la Secretaría Técnica Nacional Ambiental, en cualquier etapa del proceso de evaluación y en la fase operativa de la obra o el proyecto. Las observaciones de los interesados serán incluidas en el expediente y valoradas para el informe final. Dentro de los cinco días hábiles siguientes al recibo de una evaluación de impacto ambiental, la Secretaría Técnica Nacional Ambiental remitirá un extracto de ella a las municipalidades en cuya jurisdicción se realizará la obra, la actividad o el proyecto. Asimismo, le dará profusa divulgación, por los medios de comunicación colectiva, a la lista de estudios sometidos a su consideración.

⁸² Ley uso y manejo conservación de suelos: ARTÍCULO 37

⁸³ LOA ARTÍCULO 14.- Participación de medios de comunicación colectiva.

⁸⁴ LOA ARTÍCULO 22.- Expediente de la evaluación. Las personas, físicas o jurídicas, públicas o privadas, tendrán el derecho a ser escuchadas por la Secretaría Técnica Nacional Ambiental, en cualquier etapa del proceso de evaluación y en la fase operativa de la obra o el proyecto. Las observaciones de los interesados serán incluidas en el expediente y valoradas para el informe final. Dentro de los cinco días hábiles siguientes al recibo de una evaluación de impacto ambiental, la Secretaría Técnica Nacional Ambiental remitirá un extracto de ella a las municipalidades en cuya jurisdicción se realizará la obra, la actividad o el proyecto. Asimismo, le dará profusa divulgación, por los medios de comunicación colectiva, a la lista de estudios sometidos a su consideración.

⁸⁵ Ley de Protección al ciudadano del exceso de requisitos y trámites administrativos 8220 y 8990 Artículo 5.- Obligación de informar sobre el trámite.

	requirements and the procedure for granting applications, permits, licenses or authorizations. In case of not having that office, the institution must designate a department or a person for this purpose.⁸⁶ The Legal Framework regulates aspects of accountability for denials of access to information General Law of Public Administration: Article 274.-The decision that denies knowledge and access to a piece must be sufficiently motivated. The ordinary remedies of this law will fall against it. Regarding procedures, the State is obliged to provide information on the procedures and requirements that are carried out in the respective administrative unit or unit.⁸⁷ The Legal Framework facilitates access to justice when the denial of access to information is not carried out in accordance with the law Constitutional Jurisdiction Law • The right of petition of the administrators, and any foreign person, in front of the administration, offering the possibility of imposing recourse to the lack of response. Law on the Protection of citizens from excess requirements and administrative procedures 8220 and 8990 • Article 10.- Responsibility of the Administration and the official: The administrator may demand responsibility from both the Public Administration and the public official and his superior, for the breach of the provisions and principles of this law. General Law of Public Administration • Articles 190 and following: responsibility of the Administration • Articles 199 and following: Civil and administrative responsibility of the public official
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⁸⁶ Ley de Protección al ciudadano del exceso de requisitos y trámites administrativos 8220 y 8990 Artículo 4.- Publicidad de los trámites y sujeción a la ley.

⁸⁷ Ley de Protección al ciudadano del exceso de requisitos y trámites administrativos 8220 y 8990 Artículo 5.- Obligación de informar sobre el trámite.

	Article 358 et seq. : Criminal responsibility of the public official, as ordered by criminal law. The following specific breaches of this law will be considered as serious offenses: a) Not accept the single presentation of documents or demand more requirements than those established by law, executive decrees or regulations, as established by law. b) Not respecting the powers. c) Do not publicize the procedures or abide by the law. d) Not to inform the interested parties clearly and completely about the process. e) Not to resolve or qualify the requests, procedures, requests and other documents within the period established for each of these procedures in the General Law of Public Administration or in special law.
PLRs require the distribution of information in a timely manner (prior to consultations)	PLRs require distribution of information in a timely manner, but only in cases where Indigenous Peoples are affected. The new Mechanism for Consultation with indigenous peoples (“Mecanismo general de Consulta a Pueblos Indígenas”) approved through Executive Decree N040932-MP-MJP in 2018, developed in full consultation with indigenous peoples, by which the FPIC principles, including informed decision making, receiving information prior consultations. The Escazu Agreement, signed by Costa Rica (but not still ratified by the Assembly) also requires distribution of information prior consultation.

Safeguard D	
Criteria D.2.: Creating an Enabling Environment for an Effective Participation	
Sub-criteria D.2.3: Appropriate Participatory Mechanisms	
Diagnostic Question: to what extent do PLRs define a clear and meaningful process/mechanism for public participation in environmental decision-making?	
Indicators	Explanation (identify articles/provisions)
PLRs define a clear process for public authorities to carry out consultations (institutional responsibilities, procedural guidelines, time-frames)	The Legal Framework defines clear responsibilities of the parties involved (mainly from the institutions / agencies) over the public participation process / mechanism Land Use and Conservation Use Law - o ARTICLE 2.- This law has the following specific objectives: d) Promote the active participation of communities and producers in the generation of decisions on soil management and conservation. - o ARTICLE 5.- The Ministry of Agriculture and Livestock, in coordination with the Ministry of Environment and Energy, will be responsible for complying with the provisions of this law regarding soil management, conservation and recovery. - o ARTICLE 6.- For the purpose indicated in the previous article, the Ministry of Agriculture and Livestock will have the following specific functions: j) Promote, in a constant and systematic way, the application of diverse mechanisms and means for the participation of civil society in the appropriate management, conservation and recovery of soils. Organic Law of the Environment: ARTICLE. 6 is the obligation of the State and local governments. Encourage the active and organized participation of the inhabitants of the Republic in decision-making and actions aimed at protecting and improving the environment. - o ARTICLE 7.- Creation of the Regional Environmental Councils. - o The Regional Environmental Councils are created, attached to the Ministry of Environment and

	o Energy; as the highest regional decentralized instance, with the participation of civil society, for the analysis, discussion, denunciation and control of environmental activities, programs and projects. o ARTICLE 9.- Integration, the Regional Environmental Councils, will be integrated as follows: a) One of the provincial governors who serve the region, who will preside over it. b) A representative of the League of Municipalities. c) A representative of ecological organizations. c) A representative of each of the Regional Councils related to the environment operating in the region. d) A representative of the student governments of secondary schools located in the region. e) A representative of the business chambers that operate or are represented in the region. o ARTICLE 10.- Sessions of the Councils. The Regional Environmental Councils will meet, ordinarily, once a month and, extraordinarily, when convened. The members will not receive any kind of remuneration, their work in the Council will be <i>ad honorem</i>, they will last in their positions for two years and may be re-elected. Forest Law: Art. 10 on the National Forestry Office (ONF), in its functions establishes that it must “promote the constitution and strengthening of associations and groups organized for the development of the forestry sector, with emphasis on the incorporation of peasants and small producers to the benefits of harvesting and commercialization and industrialization of forest plantations ” • The Associations of Integral Indigenous Development ADII the Associations of Integral Indigenous Development have been defined by the Regulations of the Indigenous Law as the judicial and extrajudicial representatives of the indigenous communities.
PLRs define the process for addressing inputs received from the consultations	The new Mechanism for Consultation with indigenous peoples (“Mecanismo general de Consulta a Pueblos Indígenas”) approved through Executive Decree N040932-MP-MJP in 2018, developed in full consultation with indigenous peoples, by which the FPIC principles, define the process for addressing inputs from the consultations: a. Request for consultation; b. Admissibility of the request for consultation; c. Preparatory agreements for consultation;

	d. Exchange of information; and. Internal evaluation of the indigenous people; F. Dialogue, negotiation and agreements; g. Completion of the Consultation process; h. Compliance and monitoring of agreements.
PLRs regulate how public authorities should react if consultations are overwhelmingly negative (right to refuse a policy/project)	The PLR do explicitly state how public authorities should react if the consultations are negative, but only in the case of projects affecting indigenous peoples The new Mechanism for Consultation includes the following reference: Article 43 c): When the indigenous people have not given their free, prior and informed consent and/or were willing to generate minimum agreements. In this situation, the State has the possibility of implementing the measure consulted, only in cases of higher public interest, duly verified and justified on the basis legal and technical, within the framework of Human Rights and, only when the measure was necessary and proportional with respect to said higher public interest.
PLRs require disclosure of how public input was reflected into the final decision	The PLR do explicitly require disclosure of how public input was reflected into the final decision

Safeguard D	
Criteria D.2.: Creating an Enabling Environment for an Effective Participation	
Sub-criteria D.2.4. Access to Justice/Conflict Resolution Mechanisms in Environmental Decision Making	
Diagnostic Question: to what extent do PLRs require and regulate access to justice in environmental decision making processes?	
Indicators	Explanation (identify articles/provisions)
PLRs clearly define/create dispute resolution mechanisms relevant to environmental decision making	Costa Rica's PLRs clearly define dispute resolution mechanisms relevant to environmental decision making The new Mechanism for Consultation with indigenous peoples ("Mecanismo general de Consulta a Pueblos Indígenas") approved through Executive Decree N040932-MP-MJP in 2018, developed in full consultation with indigenous peoples, by which the FPIC principles, define the process for resolving disputes affecting indigenous peoples. The Alternate Law for Resolving Conflicts and Promoting Social Peace (No7727, 1997), establishes mechanism to apply conciliatory measures and extra judicial conflict resolution measures, for all conflicts including environmental conflicts.

Safeguard D	
Criteria D.3. Effective Participation of Indigenous Peoples and Local Communities	
Sub-criteria D.3.1. Creating an Enabling Environment	
Diagnostic Question: to what extent do PLRs create an enabling environment for the meaningful participation of indigenous peoples and local communities?	

Indicators	Explanation (identify articles/provisions)
PLRs include specific provisions that require engagement/representation of local communities and/or indigenous peoples in relevant forest decision making processes	The Legal Framework requires the incorporation of culture, traditional and community structures in decision making • CONAI Reform Law (N.5671): ○ Art. Art.2 The National Commission of Indigenous Affairs will be integrated by: a) By the representatives of the following dependencies and institutions: Presidency of the Republic; University of Costa Rica; National University; Ministry of Public Education; Ministry of Interior and Police; Ministry of Culture, Youth and Sports; Ministry of Health; Ministry of Agriculture and Livestock; Ministry of Public Security; b) Mixed Institute of Social Assistance; Land and Colonization Institute; National Service of Aqueducts and Sewerage; National Learning Institute; and National Electricity Service. c) A representative of the Municipal Councils of Guatusos, Talamanca, Coto Brus, Pérez Zeledón, Buenos Aires and Mora and of the District Council of Brunca; d) One delegate from each Community Development Association that exists in the indigenous communities; e) One member of each of the pro-indigenous associations that are legally registered” • Decree 20-2005-Creation of the Committee on Indigenous Electoral Affairs ○ Article 1 — The Committee on Indigenous Electoral Affairs is created, which will be attached to the Supreme Electoral Tribunal, and whose fundamental objectives will be to ensure, guide, coordinate and stimulate equality and accessibility, as well as the protection and respect of rights, freedoms and social and cultural conditions of the indigenous population in civil and electoral aspects. ○ Article 2 - It corresponds to the Committee on Indigenous Electoral Affairs: d. Encourage the dissemination of all necessary information, in order to integrate

	indigenous peoples into the electoral process. g. Promote the full effectiveness of electoral rights, respecting their social, cultural identity, customs and traditions The Legal Framework provides an adequate space for local communities and indigenous peoples to define their own rules and internal decision-making mechanisms • Law 5251 1973 Creation of National Commission for Indigenous Affairs (CONAI) ○ Article 4. k) Create local administrative councils to solve in principle the multiple problems of indigenous localities. The Legal Framework provides technical or financial assistance to strengthen the capacities of local communities and indigenous peoples to participate in environmental decision making • Executive Decree No. 26174-MP-C of April 22, 1997 Creates Inter-Institutional Commission for Follow-up to the National Indigenous Dialogue ○ Article 1. Creation of the Inter-Institutional Commission for Follow-up on the National Indigenous Dialogue, in charge of making the recommendations and procedures deemed appropriate to fulfill its tasks ○ Article 4. The Functions of the Commission shall be the following: a) Promote coordination and coordination actions that facilitate the definition of policies and the establishment of actions aimed at the integral development of Indigenous Peoples. b) Facilitate the development and monitoring of Work Plans aimed at the development of Indigenous Peoples. c) Promote the application of ILO Convention 169 as well as all those initiatives within the framework of the International Decade of Indigenous Peoples and the Creation of the Fund for the Development of Indigenous Peoples. d) Coordinate the financial and technical support necessary for the fulfillment of agreements to respond to the socio-economic and cultural problems of Indigenous Peoples. e) Promote the social, economic and cultural improvement of the indigenous population with a view to raising their living conditions and
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	integrating Aboriginal communities into the development process. Serve as an instrument of coordination between the different public institutions required to carry out works and provide services for the benefit of indigenous communities;
PLRs define a culturally appropriate manner to distribute relevant information (non-technical, accessible)	PLRs define a culturally appropriate manner to distribute relevant information (non-technical, accessible), only in the case of projects affecting indigenous peoples. The new Mechanism for Consultation with indigenous peoples (“Mecanismo general de Consulta a Pueblos Indígenas”) approved through Executive Decree N040932-MP-MJP in 2018, developed in full consultation with indigenous peoples, by which the FPIC principles, define the process for resolving disputes affecting indigenous peoples. Article 3 i) Includes a reference to the procedures (including information sharing), to be done in a culturally appropriated manner, and defines what is culturally appropriated.
PLRs require the incorporation of traditional/community structures for decision-making processes	The new Mechanism for Consultation with indigenous peoples (“Mecanismo general de Consulta a Pueblos Indígenas”) approved through Executive Decree N040932-MP-MJP in 2018, developed in full consultation with indigenous peoples, by which the FPIC principles are reaffirmed and mandatory for all projects by State and private development, including for relevant forest decision-making processes. Article 2 c) requires the use of traditional structures for decision-making process. Article 3 e) Inclusion of traditional authorities: Any process of consultation and intercultural dialogue must take into account the traditional community structures and institutions that, in a customary manner, are recognized by an indigenous people as a source of advice or decision-making; these include, without prejudice to existing ones, the major councils recognized by the indigenous peoples.
PLRs provide technical or financial assistance to strengthen the capacities of local	Mechanism for Consultation with indigenous peoples,

communities and indigenous peoples to participate in environmental decision making	Article 18.- Budget. The Ministry of Justice and Peace will include in the budget project of the Government of the Republic, the budget items that it deems necessary for the operation of the UTCI, without detriment to the human, logistic, financial and in kind resources that public institutions must provide , a private company and international organizations, interested in a specific Indigenous Consultation process, through current regulations and legitimate mechanisms for this purpose, in the light of the principle of transparency.
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Safeguard D	
Criteria D.3. Effective Participation of Indigenous Peoples and Local Communities Sub-criteria D.3.2.: Free, Prior and Informed Consent	
Diagnostic Question: to what extent do PLRs recognise and regulate the right to FPIC in consistency with relevant international law?	
Indicators	Explanation (identify articles/provisions)
PLRs recognise the right to FPIC in consistency with international law (if applicable)	The Legal Framework recognizes the right to FPIC, consistent with international law Biodiversity Law - Article 79. Previously informed consent: Procedure by which the State, private owners or local and indigenous communities, if applicable, prior to providing all the required information, agree to allow access to their biological resources or the intangible element associated with them, mutually agreed terms. Law No. 7316 ‘Convention on Indigenous and Tribal Peoples in Independent Countries’: - Art 1: Approval of the 169 Convention. The General Mechanism for Indigenous People’s Consultation. Executive Decree N° 40932-MP-MJP, published April 05 /2018. Creates and publishes this mechanism to regulate the obligation of the Executive power to consult Indigenous peoples in a free, prior, and informed

	manner, through adequate procedures and representative institutions, in the cases where there will be administrative measures, legislative projects promoted by the Executive power or private projects that may affect them. Articles 2 and 3 establish a series of definitions and applied principles for Indigenous Peoples. The general consultation mechanism for Indigenous Peoples will be of compulsory application for central public administration. Without prejudice, of the principle that separates powers in the Political Constitution of Costa Rica, and the corresponding autonomy regime in line with legal and constitutional dispositions, the Legal, Judicial powers, the supreme elections tribunal, its dependencies and agencies, municipalities, state universities, autonomous and semi-autonomous institutions, public and private companies that manage public goods or execute public powers, may apply the present norm as a reference framework for its own norms. Establishes a series of general procedures for consultation, defines who are the responsible parties in the process and under this decree; establishes the Transitory IV, that protects consultation actions under the preparation of the National REDD+ strategy, literally mentioning the following: "Consultation processes that are in place will not be affected by the validity of the new decree, without affecting the application and revision of such consultation, in light of what the present decree establishes".
PLRs prohibit relocation of indigenous peoples without FPIC and only after just and fair compensation, with option of return where possible.	The PLRs prohibit relocation of indigenous peoples without FPIC. <u>The General Mechanism for Indigenous People's Consultation. Executive Decree Nº 40932-MP-MJP, published April 05 /2018.</u> Creates and publishes this mechanism to regulate the obligation of the Executive power to consult Indigenous peoples in a free, prior, and informed manner, through adequate procedures and representative institutions, in the cases where there will be administrative measures, legislative projects promoted by the Executive power or private projects that may affect them, including possible relocations (Article 13 b).

Safeguard E	
Criteria E.1.: No Conversion of Natural Forests	
Sub-criteria E.1.1. Defining Natural Forest, Biological Diversity and Ecosystem Services	
Diagnostic Question: to what extent do PLRs define the term natural forests, biological diversity and ecosystem services?	
Indicators	Explanation (identify articles/provisions)
PLRs provide a clear definition for the term natural forests (or primary, untouched forests)	PLRS provide a clear definition of natural forests Forestry Law # 7575 of 1996 defines forest as “Native ecosystem, intervened or not, regenerated by natural succession or other forestry techniques, which covers an area of two or more hectares, characterized by the presence of mature trees of different ages, species and varied size, with one or more canopies that they cover more than seventy percent (70%) of that area and where there are more than sixty trees per hectare of fifteen or more centimeters in diameter measured at chest height” (article 3.d).
PLRs clearly distinguish between plantations and natural forests	PLRS provide a clear definition of plantations, distinguishing them from natural forests Forestry Law # 7575 of 1996 plantations as “Land of one or more hectares, cultivated from one or more forest species whose main objective, but not unique, will be the production of wood” (article 3.f).
PLRs provide a clear definition for the term biological diversity in accordance with relevant international law (especially CBD)	Costa Rica approved by Law N° 7416 of June 1994 the text of the Convention on Biological Diversity, signed at the United Nations Conference on Environment and Development held in Rio de Janeiro, which provide the definition for the term biological diversity. Additionally, Costa Rica has a Biodiversity Law N° 7788 of April 1994 and Decree 34433 of 2008, which purpose is to conserve biodiversity and the sustainable use of resources, as well as to insure fair distribution of the benefits and costs. It also creates the National Commission for Biodiversity Management (CONAGEBIO, articles 14 and 15 Law 7788).

	Finally, in 2015 it was officialized by Decree N° 39118-MINAE the National Biodiversity Policy 2015-2030. Its purpose is to provide a guiding and articulating framework for the actions of the State, the sectors related to the management of Biodiversity and Costa Rican citizenship in general, so that the actions aimed at conservation are legislated, planned, executed and evaluated.
PLRs provide clearly define the term ecosystem services in accordance with relevant international law	Decree No. 41124-MINAE of 2018 “Regulation for the management and recognition of ecosystem services”. It defines ecosystem services in article 5.h, according to national and international law (especially CBD). Additionally, the Forestry Law No.7575 defines environmental services of the forest and plantations (article 3.k) such as mitigation of greenhouse gas emissions (fixation, reduction, sequestration, storage and absorption), water protection, biodiversity conservation, genetic improvement, protection of ecosystems and alternative ways of life, natural scenic beauty for tourism and scientific purposes, among others.

Safeguard E	
Criteria E.1.: No Conversion of Natural Forests	
Sub-criteria E.1.2. Prohibiting the Conversion of Natural Forests	
Diagnostic Question: do PLRs prohibit the conversion of natural forests?	
Indicators	Explanation (identify articles/provisions)
PLRs clearly prohibit the conversion of natural forests to other land-uses, or other types of forests (such as plantations)	The Legal Framework in place since 1996 explicitly prohibits conversion of natural forests Forestry Law No. 7575 of 1996 article 19 “On land covered with forest, it will not be allowed to change land use, nor establish forest plantations (...)”, by virtue of which the elimination of the forest is not allowed even in the case of agricultural land.

If conversion is not prohibited, PLRs set controls on conversion in both public and private forests, through environmental impact assessments and mitigation	According to Forestry Law No. 7575 of 1996, it is prohibited to change land use of both private and public forest (article 19). Nevertheless, it is allowed to develop activities related with conservation, environmental training, ecotourism and use of water for human consumption, approved by the Minister of Environment and Energy, who will define, when applicable, the performance of environmental impact assessments (article 18).
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Safeguard E		
Criteria E.2. Protection and Conservation of Natural Forests and Biodiversity		
Sub-criteria E.2.1. Identifying Natural Forests and Biodiversity		
Diagnostic Question: do PLRs promote or require the identification/mapping of natural forests and biological diversity?		
Indicators	Mark accordingly	Explanation (identify articles/provisions)/Gaps identified
PLRs require mapping of natural forests (i.e. development and updating of natural forests inventories this could be part of a broader NFI)		Costa Rica's Legal Framework requires periodic inventories and evaluation of forest resources According to Forestry Law # 7575, it is mandatory to carry out the inventory and evaluation of forest resources (Article 6) The Monitoring System of Forest Cover, Land Use and Ecosystems, (Sistema de Monitoreo de Cobertura, Uso de la Tierra y Ecosistemas, SIMOCUTE in Spanish, https://simocute.org/) is Costa Rica's official monitoring system . It monitors the status and changes of Costa Rica's natural, forests, agricultural and biodiversity resources to consolidate institutional efforts, support public management and decision making, including a subsystem for monitoring of land use change within production landscapes http://www.mocupp.org/ linked with land tenure (MOCUPP in Spanish), which It also generates maps of the deforestation detected within production landscapes. These maps are published through the Territorial Information System (SNIT in Spanish) http://www.snitcr.go.cr/. It is mandatory to public institutions in Costa

		Rica to publish their geo-referenced information in SNIT (Decree No 37.773-JP-H-MINAE-MICITT, 12 of July 2013, article 5). Officialization of the Forest Coverage Maps: Decree 36818 MINAET of 2011 Officialization of the Forest Coverage Maps of the years 2000 and 2005 elaborated by FONAFIFO, attached to the Ministry of Environment and Energy.
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PLRs require mapping of biological diversity (including ecosystem services)	Law No. 59 on the creation of National Geographic Institute of 1944, article 2 requires for the National Geographic Institute to elaborate official maps on natural resources. There is an official map of National Protected Areas, elaborated by the National System of Protected Areas, as well as maps of strategic ecosystems such as wetlands and natural forest. These maps are published through the Territorial Information System (SNIT in Spanish) http://www.snitcr.go.cr/. It is mandatory to public institutions in Costa Rica to publish their geo-referenced information in SNIT (Decree No 37.773-JP-H-MINAE-MICITT, 12 of July, 2013, article 5).
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Safeguard E	
Criteria E.2. Protection and Conservation of Natural Forests and Biodiversity	
Sub-criteria E.2.2: Measures to Protect Biodiversity and Natural Forests	
Diagnostic Question: Do PLRs regulate the protection of biodiversity and natural forests?	
Indicators	Explanation (identify articles/provisions)
PLRs contain provisions for the protection of natural forest areas	The Legal Framework contain specific provisions for the protection of natural forests - Forestry Law No. 7575: - Articles 18 and 19 - Article 22: The National Fund for Forest Financing (FONAFIFO) creates the Forest Conservation Certificate, with the purpose of giving back to the owner or holder of the land, for the environmental services generated by conserving his/her forests.

	• The National System of Protected Areas, that creates and protects about 169 protected areas, both public and private property (Biodiversity Law, article 22).
PLRs contains provisions for the protection of biodiversity (BD strategy, creation of protected areas etc.)	The Legal Framework contains provisions for the protection of biodiversity and creation of protected areas Biodiversity legislation and policy • Costa Rica approved by Law N° 7416 of June 1994 the text of the Convention on Biological Diversity, signed at the United Nations Conference on Environment and Development held in Rio de Janeiro. • Additionally, Costa Rica has a Biodiversity Law N° 7788 of April 1994 and Decree 34433 of 2008, which purpose is to conserve biodiversity and the sustainable use of resources, as well as to insure fair distribution of the benefits and costs. It also creates the National Commission for Biodiversity Management (CONAGEBIO, articles 14 and 15 Law 7788). • Finally, in 2015 it was officialized by Decree N° 39118-MINAE the National Biodiversity Policy 2015-2030. Its purpose is to provide a guiding and articulating framework for the actions of the State, the sectors related to the management of Biodiversity and Costa Rican citizenship in general, so that the actions aimed at conservation are legislated, planned, executed and evaluated. Creation of protected areas 26% of the country is under protection by one of the management categories established by the National System of Conservation Areas (SINAC, Biodiversity Law article 22). There are about 169 official protected areas. Only 2 non-native species are used for reforestation: Teca (<i>Tectona grandis</i>) and Melina (<i>Gmelina arborea</i>). These species are not invasive (do not reproduce unassisted by planting), hence they are restricted to the planting areas. Because they have been used for decades in reforestation in the tropics, they are considered naturalized.

	There are clear guidelines for Teak plantations in Costa Rica, http://www.fonafifo.go.cr/media/1332/manual-para-productores-de-teca.pdf http://www.fonafifo.go.cr/media/1334/manual-para-productores-de-melina.pdf They are restricted to areas previously converted and are not planted instead of native forests
PLRs contain provisions for the protection of endangered species	In addition to the National Biodiversity Policy, Biodiversity Law and Decree, and the guidelines from the National Commission for Biodiversity (CONAGEBIO), The State Forest Administration can establish forestry closed of endangered species (Forestry Law article 6.e). Decree N° 25700-MINAE, declares in total forestry closed exploitation of endangered trees, indicated in this Decree. Decree 27998-MINAE “Principles, criteria and indicators for sustainable management of secondary forests and forest certification in Costa Rica” article 11.2 “Uncommon, threatened, endangered and closed forest species are protected”.
PLRs regulate/control the market and trade of endangered species	The Convention on International Trade in Endangered Species of Wild Fauna and Flora was ratified by Law No. 5605 in 1974.
PLRs contain clear regulations regarding the planting of invasive species	Wildlife Conservation Law No. 7317 of 1992 and Decree 40548 Regulations to the Wildlife Conservation Law of 2017 “Declaration, management and control of invasive alien species. For an exotic species to be declared invasive, SINAC will carry out a technical-scientific analysis of the status of the species” (Article 31).
PLRs define clear penalties for non-compliance with the above measures	Wildlife Conservation Law No. 7317 of 1992, in its Article 110 defines specific penalties for non-compliance with the above measures.
PLRs promote sound environmental management and sustainable use of public/private forests (preparation of management plans, guidelines, process)	Forest Law No. 7575 in its article 3 subsection f) defines the Forest Management Plans as the “Set of technical standards that will regulate the actions to be carried out in a forest or forest plantation, on a site or part of it in order to take advantage of, conserve and develop the arboreal vegetation that exists or intends to establish, in accordance with the principle of the rational use of renewable natural resources that guarantee the sustainability of the resource”.

PLRs regulate industry-specific sustainable resource production/management practices applied, including credible certification systems where appropriate PLRs regulate sustainable practices supported for small-scale producers	• Certificate of origin (CO): Certifies that the raw material of forest origin has been managed according to the criteria of sustainability, according to Forestry Law # 7575. The certificate of origin must be carried at all times, and any official may demand to see it when wood is being transported (articles 30, 31, 32, 55 and 56). There are CO for agroforestry systems called CO for SAF. • Forestry Use Permit Forestry Law # 7575 article 55: every person who possesses wood, including saw wood, must demonstrate its legal origin to the National Forestry Authority. • Plastic Plates System to Facilitate Control in the Use of Forest Products Decree N° 27240-MINAE, establishes a Plastic Plates System to facilitate control in the use of forest products from forest management plans and forest use permits.
PLRs require the monitoring and evaluation management forests (M&E of implementation of management plans)	The Forestry Law No 7575: • Article 20 requires that forests can be used only if they have a <u>management plan</u> that contains <u>assessment of the impact</u> it may cause on the environment. The State Forestry Administration will approve it according to previously certified sustainability criteria, in accordance with the control principles and the procedures established in the regulations of this law for that purpose. Management plans include regular monitoring and reporting. • The Forestry Officers in charge of monitoring, are in charge of monitoring compliance of management plans.

Safeguard E
Criteria E.2. Protection and Conservation of Natural Forests and Biodiversity Sub-criteria E.2.3: Supporting Conservation Research and Awareness-Raising

Diagnostic Question: do PLRs support/promote conservation research and awareness raising over forest and biological diversity protection?		
Indicators	Mark accordingly	Explanation (identify articles/provisions)/Gaps identified
PLRs promote conservation research for science-based biodiversity conservation		Forestry Law 1775, within Article 5: i) Maintain an inventory of actions related to <u>forestry research, in coordination with the institutions involved in its execution.</u> Biodiversity Law No 7788: Article 99: The establishment of scientific, technical and technological training programs, as well as <u>research projects that promote the conservation and sustainable use of biodiversity are favored through the incentives provided for in this law</u>, in other or interpretations made of them.
PLRs promote the implementation of programmes that aim to improve public knowledge of the value of biodiversity		Forestry Law 1775, Article 5: j) Promote the <u>systematization of forest information and forest dissemination, education and training</u> Biodiversity Law 7788: Article 86. <u>Biological education</u> should be integrated into <u>educational plans at all levels provided</u>, to achieve an understanding of the <u>value of biodiversity</u> and how it plays a role in the life and aspiration of each human being. The Ministry of Education, in coordination with the public and private entities competent in the field, especially the Ministry of Environment and Energy, should design formal education policies and

		programs that integrate knowledge of the importance and CR018ES Others (Biodiversity), Law , 04/23/1998, No. 7788 page 33/42 the value of biodiversity and associated knowledge, the causes that threaten and reduce it and the sustainable use of its components, in order to facilitate the learning and assessment of the biodiversity that surrounds each community and demonstrate its potential to increase the quality of life of the population. Incorporation of the Educational Variable in the Projects Article 87. The State will ensure that each project developed by a public institution in the environmental field <u>includes a component of education and public awareness about the conservation and sustainable use of biodiversity</u>, specifically in the area where the project is developed.
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Safeguard E	
Criteria E.2. Protection and Conservation of Natural Forests and Biodiversity	
Sub-criteria E.2.4: Integration of Biodiversity in Cross-Sectoral Policies	
Diagnostic Question: Do PLRs require/promote the integration of biodiversity consideration in cross-sectoral policies?	
Indicators	Explanation (identify articles/provisions)
PLRs require the consideration and measuring of the possible impacts of forest and land use policies on biodiversity	The Legal Framework provides for measuring the possible impacts on forests and land use policies in biodiversity According to Forestry Law No. 7575 of 1996, it is prohibited to change land use of both private and public forest (article 19). Nevertheless, it is allowed to develop activities related with

	conservation, environmental training, ecotourism and use of water for human consumption, approved by the Minister of Environment and Energy, who will define, when applicable, the performance of environmental impact assessments (article 18).
PLRs provide clear guidance on how to assess trade-offs between development (livelihoods, infrastructure, food production) and biodiversity (including modification/cancellation of the policy if potential impacts are too high)	The Legal Framework provides clear guidance on assessing development impacts on biodiversity • The Organic Law of the Environment # 7554 of 1995 establishes the obligation to carry out environmental impact assessments • The Biodiversity Law (Ley, 23/04/1998, N° 7788, Chapter VII, provides clear guidance on carrying out environmental impact assessments targeting specifically biodiversity: ○ Article 92. In the opinion of the Technical Office of the Commission, the environmental impact assessment of the proposed projects will be requested when they are considered to affect biodiversity. The evaluation will be approved in accordance with article 17 of the Organic Law of the Environment. Guidelines for Environmental Impact Assessment ○ Article 93. The National Technical Secretariat shall include in the guidelines for preparing the environmental impact assessment, changes in biodiversity, whether natural or man-made, and the identification of processes or activities that have an impact on conservation and use. of biodiversity. Stages of Environmental Impact Assessment ○ Article 94. The assessment of the environmental impact on biodiversity must be carried out in its entirety, even when the project is scheduled to be carried out in stages. Public Hearings ○ 95. The National Technical Secretariat must hold public information and analysis hearings on the specific project and its impact, when deemed necessary. The cost of publication will be at the expense of the interested party. Environmental Audit ○ 96. In projects that require environmental impact assessment in accordance with article 92 above, the National Technical Secretariat and the Technical Office of the Commission will coordinate the corresponding environmental audit. International Notification

	○ 97. Pursuant to the Convention on Biological Diversity and International Environmental Law, the National Technical Secretariat will be responsible for the application of subsections c) and d) of Article 14 mentioned Convention.
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Safeguard E	
Criteria E.2. Protection and Conservation of Natural Forests and Biodiversity	
Sub-criteria E.2.5: Enhancement of Other (non-carbon) Benefits	
Diagnostic Question: do PLRs promote the enhancement of multiple benefits?	
Indicators	Explanation (identify articles/provisions)
PLRs seek to maintain and increase the ecological, biological, climatic, socio-cultural, and economic contributions of forest resources	The Legal Framework includes provisions for maintaining/increasing the ecological, biological and climatic contributions of forest resources Forestry Law 7575 • Article 1.- The present law establishes, as an essential and priority function of the State, to ensure the <u>conservation</u>, <u>protection</u> and administration of natural forests and the production, exploitation, industrialization and promotion of the country's <u>forest resources</u> destined for that purpose, in accordance with the principle of <u>adequate and sustainable use of renewable natural resources</u>. In addition, it will ensure the generation of employment and the increase in the <u>standard of living of the rural population</u>, through its effective incorporation into forestry activities. The Biodiversity Law 7788 • Chapter II creates the National System of Conservation Areas, that include under their objectives increasing the ecological, biological, climatic, socio-cultural, and economic contributions of Costa Rica's national ecosystems, including its forest resource

	Chapter IV regulates in detail provisions for the conservation and sustainable use of ecosystems and species.
PLRs regulate access to, and fair and equitable sharing of benefits derived from forest biological resources (non-timber forest products)	The Biodiversity Law: - Article 14 creates the National Commission for the Management of Biodiversity (CONAGEBIO), which is the body responsible for ensuring the adequate distribution of the costs and benefits of biodiversity - Chapter V (Articles 62 to 76) regulates in detail all aspects of Access to Genetic and Biochemical Elements and Protection of Associated Knowledge
PLRs promote the development of alternative livelihood in forests (eco-tourism, agroforestry)	Law of Development and Promotion of Organic Agricultural Activity No. 8591 and Decree No. 35242. The Law and Decree of Development and Promotion of Organic Agricultural Activity seeks to ensure compliance with the objectives of development, promotion and management of organic farming activity, strengthen control mechanisms and promotion of products derived from organic farming activity, as well as ensuring the competitiveness and profitability of these products. National Agroforestry Commission (CAFN) Decree # 29084-MINAE creates the National Agroforestry Commission (CAFN) to promote the conservation and sustainable use of natural, economic and human resources through the knowledge and practice of SAF and to foster fair compensation and participation with gender equity of goods and services provided by SAFs.

Safeguard F & G	
Criteria F&G.1: Monitoring and Assessment	
Diagnostic Question: to what extent do PLRs require regular monitoring and measurement of risks to forest permanence	
Indicators	Explanation (identify articles/provisions)
PLR s require the development of detailed land use and forest inventories (forest cover, forest cover change), monitoring of land-use and land-use change (including monitoring system)	Inventory and evaluation of forest resources According to Forestry Law # 7575, it is mandatory to carry out the inventory and evaluation of forest resources (Article 6) Monitoring System of Forest Cover, Land Use and Ecosystems https://simocute.org/ - Costa Rica´s Monitoring System of Forest Cover, Land Use and Ecosystems (Sistema de Monitoreo de Cobertura, Uso de la Tierra y Ecosistemas, SIMOCUTE). - It monitors the status and changes of Costa Rica's natural, agricultural and biodiversity resources to consolidate institutional efforts, support public management and decision making. Monitoring of land use change within production landscapes http://www.mocupp.org/en - Monitoring of land use change within production landscapes linked with land tenure (MOCUPP in Spanish) is a tool for sustainably managing landscapes where agricultural commodities are grown, in all of the Costa Rican territory. - It generates annual publishing of total land cover maps of agricultural commodities that may be detected using remote sensors (pineapple, pasture, sugar cane, palm oil). - It also generates maps of the deforestation detected within production landscapes. - These maps are published through the Territorial Information System (SNIT in Spanish) http://www.snitcr.go.cr/. This allows users to link these maps with land tenure information so they may serve to generate economic incentives for those who avoid deforestation or to process those who infringe the Forestry Laws. Monitoring Land Use Change Within Production Landscapes. It is mandatory to public institutions in

	Costa Rica to publish their geo-referenced information in SNIT (Decree No 37.773-JP-H-MINAE-MICITT, 12 of July, 2013, article 5).
PLRs require monitoring of entire forest product supply chain	Certificate of origin (CO) Certifies that the raw material of forest origin has been managed according to the criteria of sustainability, according to Forestry Law # 7575. The certificate of origin must be carried at all times, and any official may demand to see it when wood is being transported (articles 30, 31, 32, 55 and 56). There are CO for agroforestry systems called CO for SAF. Forestry Use Permit Forestry Law # 7575 article 55: every person who possesses wood, including saw wood, must demonstrate its legal origin to the National Forestry Authority. Plastic Plates System to Facilitate Control in the Use of Forest Products Decree N° 27240-MINAE, establishes a Plastic Plates System to facilitate control in the use of forest products from forest management plans and forest use permits.
PLRs provide law enforcement bodies with adequate mandates, resources and expertise to conduct routine monitoring	Park rangers with police authority. Biodiversity Law # 7788. It creates the National System of Conservation Areas with Park rangers with police authority in and out protected areas. They are the National Forestry Authority and it is made up of forestry engineers, biologists, specialists in natural resource management, among others. Criminal sanctions for serious environmental offences. Forestry Law # 7575 establishes sanctions against the main forest environmental crimes, such as illegal logging (articles 58 and 61), forest fire with wilful intent (article 59), transporting wood without a permit (article 61), change of land use (articles 19 and 61), among others

PLRs require regular monitoring and reporting on social and environmental impacts of forest programmes	The Forestry Law No 7575: Article 19: Requires that under all activities permitted, forest cut will be limited, proportional and reasonable for the purposes set forth in the Law. Previously, a pre-selection questionnaire must be filled out before the State Forestry Administration to determine the possibility of demanding an <u>environmental impact assessment</u>, as established by the regulations of this law. Article 20 requires that forests can be used only if they have a <u>management plan</u> that contains <u>assessment of the impact</u> it may cause on the environment. The State Forestry Administration will approve it according to previously certified sustainability criteria, in accordance with the control principles and the procedures established in the regulations of this law for that purpose. Management plans include regular monitoring and reporting.
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Safeguard F & G	
Criteria F&G.2: Measures to Tackle Reversals and Displacement	
Diagnostic Question: to what extent do PLRs aim to minimise the risks related to deforestation and forest degradation?	
Indicators	Explanation (identify articles/provisions)
PLRs promote sustainable utilisation and conservation of forests and other relevant resources	Land Use Certificate According to Land Use, Management and Conservation Law #7779 and Urban Planning Law # 4240 (articles 28 and 29) it is mandatory to have a Land Use Certificate in order to know the type of activities that are allowed in a field. Forestry Law N° 7575 and Regulatory Decree of the Forestry Law N° 25721-MINAE Establishes the responsibility of the Ministry of Environment and Energy, to ensure the conservation, protection and administration of natural forests; as well as to promote the sustainable use of natural resources. Among the main contributions of the Forestry Law are: creation of the State Forest Administration, the National Fund for Forest Financing (FONAFIFO, Article 46) and the National Forest Office (ONF, Article 7), the inclusion of the concept of “Environmental Services” (Article 3).
PLRs require adverse impacts (direct and indirect) to natural resources, biodiversity, ecosystem services are identified, assessed, mitigated and managed	Evaluation of environmental impacts The Organic Law of the Environment # 7554 of 1995 establishes the obligation to carry out environmental impact assessments.
PLRs implement effective law enforcement to combat and eradicate illegal forest-related practices	Policy of criminal prosecution of environmental crimes It is a policy developed by the environmental prosecutor to strengthen the effective application of criminal sanctions in environmental crimes, including breach of Forestry Law (Administrative Circular 02-PPP-2010, Policy of prosecution of environmental crimes, Office of the Attorney General).

	Specialized courts Costa Rica has prosecutors specialized in investigating environmental crimes. In addition, it has an administrative environmental court, attached to the Ministry of Environment, which investigates and punishes faults in environmental legislation (Organic Law of Environment No. 7554 article 103 and Decree No. 34136 Rules of proceedings of administrative environmental court).
PLRs seek to detect and reduce forest fires and other disturbances	National Fire Management Program Provides training, equipment and staff and volunteers to prevent and combat forest fires, especially in dry season and in areas classified as medium-high incidence of fires. Also, the National Fire Management Program maintains a daily monitoring of the incidence of forest burns and fires throughout the country, so the areas affected by this type of incident are recorded every day, both inside and outside the Protected Wild Areas. National Fire Management Strategy and National Action Plan on Fire Management These tools aims to standardize strategies and techniques for forest fire prevention and combat. Forest Fire Brigades This volunteer program was created in 1991 and provides forest firefighters trained and trained to support park rangers to attend emergencies.
PLRs promote alternative livelihoods and income diversification from forest management	Law of Development and Promotion of Organic Agricultural Activity No. 8591 and Decree No. 35242. The Law and Decree of Development and Promotion of Organic Agricultural Activity seeks to ensure compliance with the objectives of development, promotion and management of organic farming activity, strengthen control mechanisms and promotion of products derived from organic farming activity, as well as ensuring the competitiveness and profitability of these products. National Agroforestry Commission (CAFN) Decree # 29084-MINAE creates the National Agroforestry Commission (CAFN) to promote the conservation and sustainable use of natural, economic and human resources through the

	knowledge and practice of SAF and to foster fair compensation and participation with gender equity of goods and services provided by SAFs.
PLRs seek to avoid, minimize and mitigate risks posed to human health and the environment from pollutants, wastes, and hazardous materials	Evaluation of environmental impacts Organic Law of the Environment # 7554 of 1995 establishes the obligation to carry out environmental impact assessments. “Polluter Pays” Principle According to which the financing burden should lie as closely as possible on investor and polluter. Regulation for the classification and management of hazardous waste Decree No. 41527 2018 General regulation for the classification and management of hazardous waste.