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LC/COP-EZ.4/DDR/2
10 April 2026

ENGLISH
ORIGINAL: SPANISH

2600189[E]

Fourth Meeting of the Conference of the Parties
to the Regional Agreement on Access to Information,
Public Participation and Justice in Environmental Matters
in Latin America and the Caribbean

Nassau, 21–24 April 2026

REPORT BY THE SECRETARIAT ON PUBLIC PARTICIPATION IN DECISION-MAKING PROCESSES WITH RESPECT TO PROJECTS AND ACTIVITIES THAT HAVE OR MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT

This document contains the report by the Secretariat entitled “Public participation in decision-making processes with respect to projects and activities that have or may have a significant impact on the environment”, prepared in accordance with paragraph 8 of Decision III/1 of the Third Conference of the Parties to the Escazú Agreement. This report drew upon, amongst other sources, a literature and documentary review; regulatory country file prepared by the Secretariat for 26 countries in Latin America and the Caribbean and submitted to the respective States for validation, national roadmaps finalized to date and emerging best practices and standards.

The Secretariat invites States Parties and observers to submit comments and observations on both the report and the country technical summaries that served as input by 1 June 2026. It also invites any country not included in the study to send the relevant information to the Secretariat within the same timeframe. Once this period has elapsed, the final version of the document will be published.

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A. INTRODUCTION

Environmental authorizations and environmental impact assessments (EIA) are among the most established instruments of environmental management and governance in Latin America and the Caribbean. Since the adoption of the first regulatory frameworks in the 1970s, these procedures have become fundamental tools for identifying, predicting and assessing the effects that certain projects and activities may have on the environment, and for defining the corresponding prevention, mitigation and compensation measures.[1] The 26 countries reviewed have some form of environmental assessment and licensing system, although there are significant differences in institutional design, regulatory scope and the degree of effective implementation.

As stated in Principle 10 of the Rio Declaration on Environment and Development, "environmental issues are best handled with the participation of all concerned citizens, at the relevant level". The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), adopted on 4 March 2018 and in force since 22 April 2021, gives effect to this Declaration, being the first regional treaty in Latin America and the Caribbean on environmental matters.

With regard to public participation, Article 7 of the Escazú Agreement establishes specific and operational standards that States Parties must ensure in environmental decision-making processes, with particular emphasis on projects and activities that have or may have a significant impact on the environment. This report analyses the extent to which these standards have been incorporated into the regulatory frameworks of 26 countries in the region, with the aim of identifying good practices, progress and challenges in their implementation at the national level.

B. OBJECTIVE

This study, entitled "Public participation in decision-making processes with respect to projects and activities that have or may have a significant impact on the environment", was prepared by the Secretariat of the Escazú Agreement in accordance with Decision III/1, adopted during the Third Conference of the Parties (COP3) held in Santiago, Chile, in April 2024. That decision requested the Secretariat to prepare a report with the aim of providing a regional overview of the state of public participation in decision-making processes with respect to projects and activities (Article 7, paragraph 2). The analysis seeks to identify good practices and offer key recommendations for their implementation and improvement.

C. REPORT METHODOLOGY

To achieve the study's objectives, a mixed methodology was applied, combining four components:

- **Literature and documentary review:** analysis of technical, academic and regulatory sources, including national legislation, public participation regulations, institutional

[1] Working Group of the Latin American Network of Environmental Impact Assessment Systems (REDLASEIA) and the Economic Commission for Latin America and the Caribbean (ECLAC) (2015), Analysis of cumulative impacts in environmental licensing, Environment and Development series, No. 178 (LC/TS.2025/13), Santiago, Economic Commission for Latin America and the Caribbean (ECLAC), 2025.

technical guidelines and previous comparative studies produced by international and regional organizations. The Observatory on Principle 10 was also reviewed, whichlargely contains the applicable regulatory framework in the countries of the region[2].

- **Preparation of country technical summaries:** systematization of information on regulatory frameworks for environmental impact assessment, public participation mechanisms provided for in environmental licensing procedures, consultation timelines and modalities, and safeguards for the effective participation of vulnerable individuals and groups. The summaries were structured according to the paragraphs of Article 7 of the Escazú Agreement, enabling an assessment of levels of regulatory incorporation.
- **Analysis of national road maps**: Priority actions regarding public participation incorporated into the national implementation plans and road maps for the Escazú Agreement finalized by the States Parties with the support of ECLAC were reviewed. This analysis enables the linking of regulatory frameworks with ongoing public policy agendas.
- **Identification of good practices and emerging standards:** based on the comparative analysis and exchanges with countries, notable experiences were identified that are in line with standards promoted by the Escazú Agreement.

In addition, **an analysis was carried out of the consideration of Article 7 in national frameworks**, and for this purpose, each provision was assigned a score reflecting the number of regulatory components reflected in national frameworks. For methodological reasons, this document is limited to analyzing regulatory incorporation and does not cover the level of compliance or effective implementation in practice.

The geographical scope covers 26 countries in Latin America and the Caribbean, including all States Parties to the Escazú Agreement as of the date of preparation, and a selection of countries by sub-region to ensure adequate geographical representation. Furthermore, member countries of the Latin American Network of Environmental Impact Assessment Systems (REDLASEIA) are included, many of which are Parties or signatories to the Escazú Agreement.

The Secretariat sent the country technical summaries for validation to the 26 countries analyzed. Thanks are extended to the 11 countries in Latin America and the Caribbean (Brazil, Chile, Colombia, Costa Rica, Ecuador, Guyana, Mexico, Panama, Peru, Saint Kitts and Nevis, and Uruguay) for reviewing the documents within the specified timeframe. The other countries included in this report are invited to submit their observations and comments by 1 June 2026. Other countries in the region not covered by this report may express their interest in participating in this study and validate the information with the Secretariat within the same timeframe.

D. THE ESCAZÚ AGREEMENT AND PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING PROCESSES

The Escazú Agreement operationalizes Principle 10 of the 1992 Rio Declaration, recognizing three interconnected rights of access: access to environmental information, public participation in decision-making processes, and access to justice in environmental matters. Article 7 establishes the comprehensive framework for public participation in decision-making processes relating to projects and activities.

[2] See https://observatoriop10.cepal.org/.

In accordance with the Agreement's Implementation Guide (ECLAC, 2023), Article 7 structures public participation into a three-stage sequential process. The preliminary stage ('before') imposes on the authority the obligation to notify the public and proactively disseminate the necessary information, establish conditions conducive to public participation, identify individuals or groups in vulnerable situation and, in the case of projects with a significant impact on the environment, identify the public directly affected and provide them with the minimum required information. The implementation stage (during') requires that participation take place from early stages of the process, that reasonable timeframes be provided, that appropriate means for submitting comments be offered, that support be given to individuals or groups in vulnerable situations, and that the authority duly considers the outcome of the process. Finally, the post-decision stage ('after') requires the public to be informed proactively and in a timely manner of the decision taken, the reasons and grounds on which it is based, and the manner in which their observations were considered, and to ensure that the decision and its reasoning are made public and accessible, together with information on the relevant administrative and judicial proceedings.

The analysis of the provisions of Article 7 is organized around four guiding principles that structure the comparative assessment of national frameworks for public participation in environmental licensing: (i) Participation from early stages. Paragraph 4 of Article 7 provides that participation must begin in early stages of the decision-making process, so that the public's comments can effectively influence the outcome; (ii) Informed participation. The public must be provided with information on the decision-making process, the opportunities to participate in it, and all relevant information regarding the proposed decision (paragraphs 6 and 17). (iii) Open, inclusive and duly considered participation. The public authority 'shall give due consideration to the outcome of the participation process' (paragraph 7) and inform the public of the grounds and reasons underlying the decision including how the observations of the public have been taken into consideration. (paragraph 8); (iv) Inclusive and non-discriminatory participation. Paragraph 10 requires conditions conducive to participation that are appropriate to the social, economic, cultural, geographical and gender characteristics of the public. Paragraph 14 provides specific measures for individuals and groups in vulnerable situations.

The obligations under Article 7 do not operate in isolation, but as part of an integrated system of mutually reinforcing provisions. Their effective operation depends, first and foremost, on Articles 5 and 6, which regulate access to environmental information: without timely, comprehensible and accessible information on the projects or activities under assessment and on the participatory process itself, public participation lacks any real basis. In turn, the obligations under Article 7 become enforceable through Article 8, which guarantees access to administrative and judicial bodies to challenge decisions where the right to participation has not been duly guaranteed. Article 9, for its part, creates the necessary conditions of safety so that this right can be exercised without fear: those who submit observations, attend hearings or organize to demand information may be exposed to reprisals, and the state's duty to protect human rights defenders in environmental matters is precisely the guarantee that participation is free and effective. Finally, Articles 10 to 12, on capacity building, cooperation and the information clearing house, provide the institutional support framework to enable the standards of Article 7 to be translated into concrete practices at the national level. Regional cooperation is not an optional add-on, but a structural condition for the progressive implementation of the Agreement's provisions.

The standards of Article 7 are, in turn, part of a broad and well-established international framework of human rights instruments that recognize the right to public participation in public affairs. The International Covenant on Civil and Political Rights recognizes the right to participate in the conduct of public affairs, which General Comment No. 25 of the Human Rights Committee

extends to decisions with environmental impact. Within the inter-American system, Advisory Opinion OC-23/17 of the Inter-American Court of Human Rights specified that States have an obligation to guarantee effective, prior and informed public participation in environmental assessment processes. For indigenous and tribal peoples, ILO Convention No. 169 establishes specific and strengthened consultation standards that constitute a special form of participation where projects or activities may directly affect them in those countries that are Parties to this treaty. In 2025, report A/80/187 by the Special Rapporteur on the right to a clean, healthy and sustainable environment reaffirmed that meaningful participation is an essential element of impact assessments and must be early, inclusive and culturally appropriate. From a comparative perspective, the Aarhus Convention (1998) of the United Nations Economic Commission for Europe constitutes the most relevant precedent: its standards on early participation, reasonable timeframes, due consideration of comments and the reasoning behind decisions were incorporated and adapted to the Latin American and Caribbean context in Article 7 of the Escazú Agreement.

Public participation in decision-making processes with respect to projects and activities is also part of the 2030 Agenda for Sustainable Development and addresses the structural challenges facing the region. Its most direct link is to target 16.7 of SDG 16, which calls for inclusive, participatory and representative decision-making at all levels, and with SDG 10, insofar as the inclusive mechanisms of Article 7 — in particular paragraphs 10 and 14 — seek to ensure that participation in environmental assessment processes does not reproduce existing inequalities, but rather helps to reduce them.

At the regional level, ECLAC has identified that Latin America and the Caribbean face three development traps: low capacity for growth and transformation; high inequality, low social mobility and weak social cohesion; and low institutional capacity and ineffective governance. Effective public participation offers concrete tools to address this last trap: it strengthens the legitimacy of public decisions, incorporates local knowledge and diverse perspectives, and enables the early identification of potential impacts and community concerns, helping to prevent socio-environmental conflict—which has been on the rise in the region—through institutional channels and by seeking the best possible options for the benefit of all stakeholders.

E. ENVIRONMENTAL IMPACT ASSESSMENT SYSTEMS IN LATIN AMERICA AND THE CARIBBEAN

One of the ways in which Article 7.2 of the Escazú Agreement has been implemented in the region has been through environmental impact assessment systems.

This section examines the **factors enabling** public participation in such systems.

1. Applicable regulatory framework

All 26 countries in Latin America and the Caribbean analyzed in this report have regulatory frameworks for environmental impact assessment, albeit with significant differences in institutional design, regulatory scope and legal tradition. Two main configurations are identified in the region. In Latin America, EIA is regulated by general or sectoral environmental legislation—framework environmental laws supplemented by specific regulations detailing assessment, categorization and participation procedures—adopted mainly in two waves of reform: the first, during the 1980s and 1990s, driven by the influence of the US model, the World

Bank's safeguard policies and the Earth Summit in Rio de Janeiro (1992); and the second, concentrated in the 2010s, which strengthened existing systems by incorporating more stringent standards for information, participation and appeal mechanisms. In the English-speaking Caribbean, by contrast, environmental assessment has traditionally formed part of physical planning regimes, adopted mainly from the 1990s onwards under the influence of the British legal tradition and the models of the Caribbean Community (CARICOM), where the authority jointly assesses the urban planning and environmental aspects of the project. This distinction has direct implications for participation mechanisms: whilst Latin American systems tend to provide for participatory procedures expressly regulated within the EIA process, Caribbean systems channel participation through mechanisms typical of the Anglo-Saxon urban planning tradition. However, there is a growing trend in this subregion towards developing environmental assessment systems that are separate from and complementary to land-use planning procedures. Table 1 presents the main regulatory instruments of each of the 26 countries analyzed.

Table 1
Main regulatory framework on environmental impact assessment and land-use planning in the 26 countries of Latin America and the Caribbean

No.	Country	Main regulation(s)	Year
1	**Antigua and Barbuda**	Environmental Protection and Management Act No. 10 of 2019; Physical Planning Act No. 6 of 2003	2019/2003
2	**Argentina**	Law No. 25,675 — General Environmental Law	2002
3	**Bahamas**	Environmental Planning and Protection Act; Environmental Impact Assessment Regulations; Planning and Subdivision Act (No. 4 of 2010)	2010/2019/2020
4	**Belize**	Environmental Protection Act (amended 2020); Environmental Impact Assessment Regulations; Housing and Town Planning Act Chapter 182	1992/1995/2000
5	**Bolivia**	Law No. 1333 on the Environment; Regulations on Environmental Prevention and Control (amended 2019)	1992/1995
6	**Brazil**	Act No. 6,938 (National Environmental Policy); Act No. 15,190 — General Environmental Licensing Act	1981/2025
7	**Chile**	Law No. 19,300 on General Environmental Principles; SEIA Regulations (Presidential Decree No. 40/MMA)	1994/2012
8	**Colombia**	Law 99 of 1993; Single Regulatory Decree for the Environment and Sustainable Development Sector (Decree No. 1076)	1993/2015
9	**Costa Rica**	Law No. 7554 — Organic Law on the Environment; Regulations on Environmental Assessment, Control and Monitoring (Presidential Decree No. 43898)	1995/2022
10	**Dominica**	Physical Planning Act (Act No. 5 of 2002)	2002
11	**Ecuador**	Organic Code on the Environment; Regulations of the COA (RCOA)	2017/2019
12	**Grenada**	Physical Planning and Development Control Act (amended 2016)	2002
13	**Guatemala**	Law on the Protection and Improvement of the Environment (Decree No. 68-86); Regulations on Environmental Assessment, Control and Monitoring (Government Agreement No. 137-2016)	1986/2016

14	**Guyana**	Environmental Protection Act (amended 2005); Environmental Protection (Authorisations) Regulations; Town and Country Planning Act. Chapter 20:01	1946/1996/2000
15	**Honduras**	General Environment Act (Decree No. 104-93); SINEIA Regulations (Executive Agreement No. 189-2009)	1993/2009
16	**Jamaica**	Natural Resources Conservation Authority Act (No. 9 of 1991); Town and Country Planning Act (No. 42 of 1957)	1957/1991
17	**Mexico**	General Law on Ecological Balance and Environmental Protection (LGEEPA); Regulations on EIA	1988/2000
18	**Nicaragua**	Law No. 217 — General Environmental Law (consolidated text 2014); Executive Decree No. 20-2017 (amended by Presidential Decree No. 06-2025)	1996/2017
19	**Panama**	General Environmental Law (Law No. 41 of 1998); Executive Decree No. 1 of 2023 (amended by Executive Decree No. 2 of 2024)	1998/2023
20	**Paraguay**	Law No. 294/93 — Environmental Impact Assessment	1993
21	**Peru**	Law No. 27446 — SEIA Law; Regulations of the SEIA Law (Supreme Decree No. 019-2009-MINAM)	2001/2009
22	**Saint Kitts and Nevis**	Development Control and Planning Act (2000, as amended); National Conservation and Environmental Management Act (2025); Physical Planning and Development Control Ordinance — Nevis (2005)	2000/2005/2025
23	**Saint Vincent and the Grenadines**	Town and Country Planning Act (No. 45 of 1992, amended 2024)	1992
24	**Saint Lucia**	Physical Planning and Development Act; Physical Planning and Development (EIA) Regulations	2001/2024
25	**Trinidad and Tobago**	Environmental Management Act; Certificate of Environmental Clearance Rules; Town and Country Planning Act (No. 21 of 1990) of Trinidad and Tobago	1990/2000/2001
26	**Uruguay**	Law No. 16.466 on EIA; Regulations on EIA and Environmental Authorisations (Decree No. 349/005)	1994/2005

Source: Prepared by the authors based on national legislation.

2. Responsible public authorities

In Latin America, ministries or agencies specializing in the environment with exclusive or predominant powers in the field of environmental assessment are more common. In the English-speaking Caribbean, it is usually a Planning Board or Development Control Authority, which combines urban planning and environmental functions. In some cases, such as Jamaica and Trinidad and Tobago, there are specialized environmental agencies with specific powers in the field of EIA.

Table 2
Public authorities responsible for environmental impact assessment in the 26 selected countries of Latin America and the Caribbean

No.	Country	Public authority responsible for EIA
1	**Antigua and Barbuda**	Department of Environment (DOE); Development Control Authority (DCA), headed by the Town and Country Planner.
2	**Argentina**	Undersecretariat for the Environment, under the Secretariat for Tourism, Environment and Sport.
3	**Bahamas**	Department of Environmental Planning and Protection (DEPP), headed by the Director of Environmental Planning and Protection.
4	**Belize**	Department of Environment (DOE).
5	**Bolivia (Plurinational State of)**	Vice-Ministry of the Environment, Biodiversity, Climate Change, and Forest Management and Development.
6	**Brazil**	Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA), at federal level; state licensing bodies at sub-national level.
7	**Chile**	Environmental Assessment Service (SEA), under the Ministry of the Environment (MMA).
8	**Colombia**	National Environmental Licensing Authority (ANLA), at national level. The Regional Autonomous Corporations (CAR) have jurisdiction within their respective areas.
9	**Costa Rica**	National Technical Environmental Secretariat (SETENA), a body attached to the Ministry of Environment and Energy (MINAE).
10	**Dominica**	Physical Planning Division (PPD), under the Physical Planning and Development Authority (PPDA).
11	**Ecuador**	Ministry of Environment and Energy (MAE).
12	**Grenada**	Physical Planning Unit (PPU).
13	**Guatemala**	Directorate of Environmental Management and Natural Resources (DIGARN), under the Ministry of the Environment and Natural Resources (MARN).
14	**Guyana**	Environmental Protection Agency (EPA).
15	**Honduras**	Ministry of Natural Resources and the Environment (MiAmbiente), through the General Directorate of Environmental Assessment and Control (DECA).
16	**Jamaica**	National Environment and Planning Agency (NEPA), under the Natural Resources Conservation Authority (NRCA).
17	**Mexico**	Ministry of the Environment and Natural Resources (SEMARNAT).
18	**Nicaragua**	General Directorate of Environmental Quality, under the Ministry of the Environment and Natural Resources (MARENA). In the Autonomous Regions of the Caribbean Coast, the Regional Councils through their Secretariats of Natural Resources and the Environment (SERENA).
19	**Panama**	Ministry of the Environment (MiAMBIENTE), through the Directorate of Environmental Impact Assessment (DEIA) and its Regional Directorates.

20	**Paraguay**	General Directorate for Environmental Quality and Natural Resources Control (DGCCARN), under the Ministry of the Environment and Sustainable Development (MADES).
21	**Peru**	National Service for Environmental Certification of Sustainable Investments (SENACE), at national level; competent sectoral authorities depending on the nature of the project.
22	**Saint Kitts and Nevis**	In Saint Kitts, the Development Control and Planning Board (DCPB) and the Department of Environment; and in Nevis, the Director of Physical Planning, Nevis Island Administration.
23	**Saint Vincent and the Grenadines**	Physical Planning Department (PPD), reporting to the Physical Planning and Development Board (PPDB).
24	**Saint Lucia**	Development Control Authority (DCA).
25	**Trinidad and Tobago**	Environmental Management Authority (EMA).
26	**Uruguay**	Ministry of the Environment (MA).

Source: Prepared by the authors.

3. Criteria for entry into the EIA system

The comparative analysis identifies three approaches through which countries in the region determine which projects or activities should be subject to environmental impact assessment. This decision is not technically neutral: the approach adopted defines the scope of projects subject to public participation, determines the degree of legal certainty available to communities in anticipating when they have the right to participate, and influences the authority's ability to respond to atypical projects or those with impacts that are difficult to foresee.

The first is the **Environmental Impact (EI) approach**, in which the authority assesses on a case-by-case basis whether the project may generate significant environmental impacts based on technical criteria. Its main advantage is the flexibility to cover projects of any sector or scale, but it requires strong institutional capacity to ensure consistent and objective assessments.

The second is the **Project Development (PD) approach**, which determines the mandatory nature of the EIA based on objective characteristics of the project —type, size or economic sector— implemented through lists of activities with or without quantitative thresholds. It offers legal certainty and predictability for project developers and communities, although it may create gaps regarding unforeseen activities. It is the predominant approach in mainland Latin America.

The third is the **Mixed (EM) approach**, which combines lists of activities with a residual clause empowering the authority to require an assessment for unlisted projects with the potential for significant impact, or which subjects all projects to a preliminary screening to determine whether they require a full EIA. It seeks to reconcile the predictability of lists with the flexibility needed to capture unforeseen situations and is the most widespread approach in the region – and in the English-speaking Caribbean – in terms of the number of countries that adopt it.

Table 3
Approaches to entry into the EIA system in the 26 selected countries of Latin America and the Caribbean

Approach	Main characteristics	Countries
Environmental Impact (EI)	Case-by-case assessment of likely impact. Discretion of the authority based on technical criteria.	Saint Vincent and the Grenadines
Project Development (PD)	Based on type, size and/or economic sector. Lists of activities with inclusion or exclusion, with or without quantitative thresholds.	Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, Honduras, Jamaica, Panama, Paraguay, Peru, Trinidad and Tobago
Mixed Approach (MA)	Combination of lists with discretionary assessment, or universal screening where every project is preliminarily assessed.	Antigua and Barbuda, Bahamas, Belize, Bolivia, Costa Rica, Dominica, Grenada, Guyana, Mexico, Nicaragua, Saint Kitts and Nevis, Saint Lucia, Uruguay

Source: Prepared by the authors based on national legislation.

4. Categorization of projects according to magnitude of impact

Once entry into the EIA system has been determined, 15 countries (58%) establish differentiated levels of assessment according to the magnitude of potential impacts, with direct implications for the depth of public participation requirements. Two-tier systems are adopted by the Bahamas, Chile, Colombia and Mexico; three-tier systems by Belize, Brazil, Ecuador, Panama, Peru and Uruguay; four-tier systems by Bolivia, Guatemala and Honduras; and five-tier systems by Costa Rica and Nicaragua. The remaining 11 countries—mainly from the English-speaking Caribbean, plus Paraguay—operate without formal categorization. Argentina lacks a unified national framework, delegating categorization to the provinces.

Table 4
Classification of projects according to magnitude of impact

Levels	Countries
No formal categorisation	Antigua and Barbuda, Dominica, Grenada, Guyana, Jamaica, Paraguay, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Trinidad and Tobago
2 levels	Bahamas, Chile, Colombia, Mexico
3 levels	Belize, Brazil, Ecuador, Panama, Peru, Uruguay
4 levels	Bolivia, Guatemala, Honduras
5 levels	Costa Rica, Nicaragua
Decentralised system	Argentina

Source: Prepared by the authors.

5. Sectoral coverage according to ISIC Rev. 4

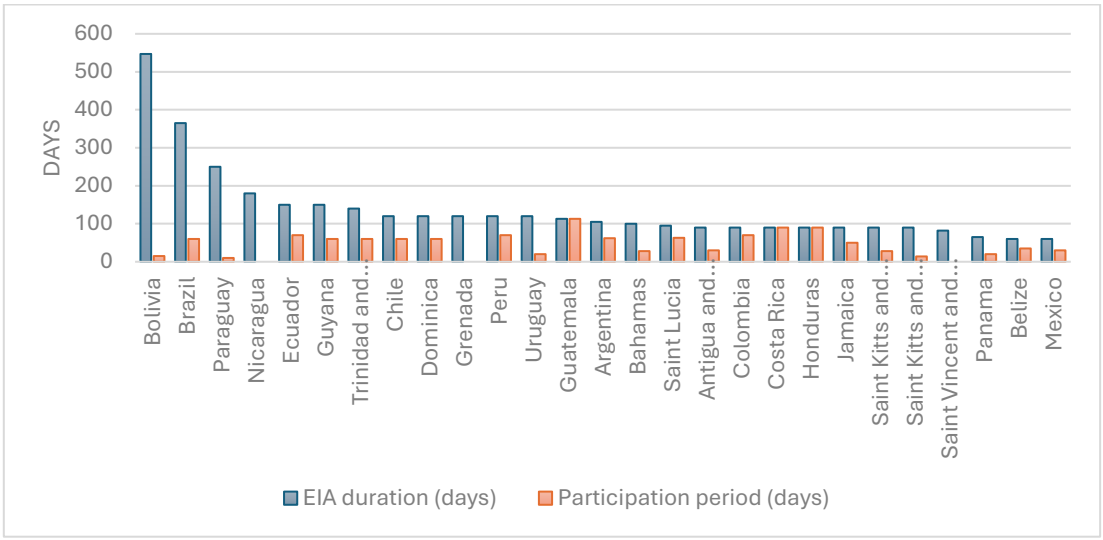
To compare the sectoral coverage of national EIA systems, a matrix was developed that classifies the activities and projects subject to assessment according to the International Standard Industrial Classification of All Economic Activities (ISIC), Revision 4. Table 5 on the following page presents the complete matrix

Analysis of sectoral coverage according to the International Standard Industrial Classification (ISIC Rev. 4) reveals common patterns that reflect both the historical priorities of environmental management and the design limitations of current regulatory frameworks. The sections with the greatest regional coverage are B (mining and quarrying), C (manufacturing), D (electricity and energy) and H (transport), which are present in virtually all the region's listing systems, reflecting the traditional concern for sectors with the greatest potential for direct environmental impact. Section A (agriculture, livestock and forestry) shows the greatest variability: some countries exclude traditional agricultural and livestock activities, but include intensive aquaculture, large-scale agro-industry and changes in forest land use. The services sections are generally excluded, with exceptions for waste management (E) and, in some countries, health activities (Q) or property development (L) when they exceed certain scales or are located in environmentally sensitive areas.

6. Timeframes for the assessment process

Regulatory frameworks across the region show significant variation in the timeframes established for public participation in environmental impact assessment processes. With respect to the deadlines for submitting written observations or comments, these range from 10 days (Paraguay) to 113 days (Guatemala), with the most common range being 28 to 70 days. Chile, Brazil, Colombia, Ecuador, Peru, Costa Rica and Honduras set timeframes of between 60 and 90 days, reflecting a balanced standard in terms of the time available for participation.

Figure 1
EIA Timelines and Public Participation



Source: Prepared by the authors.

Table 5 below contains a sectoral analysis for the countries.

Table 5

Sectoral coverage of EIA systems in the 26 selected Latin American and Caribbean countries according to ISIC Rev. 4 (sections A–U)

ISIC	Description	Antigua and Barbuda	Argentina*	Bahamas	Belize	Brazil*	Bolivia	Chile	Colombia	Costa Rica	Dominica	Ecuador	Grenada	Guatemala	Guyana	Honduras	Jamaica	Mexico	Nicaragua	Panama	Paraguay	Peru	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Trinidad and Tobago	Uruguay
A	Agriculture, livestock farming, forestry and fishing																										
B	Mining and quarrying																										
C	Manufacturing industries																										
D	Supply of electricity, gas, steam and air conditioning																										
E	Water supply; wastewater disposal; waste management																										
F	Construction																										
G	Wholesale and retail trade; vehicle repair																										
H	Transport and storage																										
I	Accommodation and catering services																										
J	Information and communications																										
K	Financial and insurance activities																										
L	Real estate activities																										
M	Professional, scientific and technical activities																										
N	Administrative and support services																										
O	Public administration and defence																										
P	Education																										
Q	Human health care activities																										
R	Arts, entertainment and recreational activities																										
S	Other service activities																										
T	Household activities as employers																										
U	Activities of offshore organisations																										
	TOTAL COVERED SECTIONS	**8**	**10**	**21**	**10**	**8**	**16**	**7**	**10**	**14**	**9**	**13**	**10**	**15**	**9**	**11**	**17**	**9**	**16**	**9**	**12**	**14**	**9**	**9**	**21**	**14**	**10**

Source: Prepared by the authors.

F. THE RIGHT TO PUBLIC PARTICIPATION: LEGAL RECOGNITION AND MECHANISMS

1. Constitutional recognition

An analysis of the constitutional texts of the 26 countries reveals marked variation in the extent to which the right to participate in environmental matters is recognized. The right to a healthy or balanced environment is enshrined in 15 constitutions, mainly in Latin America, and forms the basis from which various legal systems have derived state obligations regarding participation in environmental matters. A second level corresponds to the recognition of public participation as a principle of participatory democracy, present in 13 countries, which has in several cases served as the basis for extending the right to participate in environmental decision-making processes. A third level, qualitatively more robust, is the express recognition of participation in environmental matters as an autonomous right, present in five constitutions: Bolivia, Colombia, Ecuador, Panama and Uruguay (water management). The eleven English-speaking Caribbean countries analyzed do not include specific provisions on environmental participation in their constitutional texts, which is linked to the different historical periods in which these constitutions were adopted and to the *common law* tradition, in which rights tend to develop through legislation and case law. This does not imply the absence of participation mechanisms in the sectoral legislation of these countries, as analyzed in the following section.

2. Mechanisms for public participation in EIA procedures

The analysis identified seven types of public participation mechanisms in EIA procedures across the 26 selected countries in the region. Written observations or comments constitute the most widespread mechanism, present in 24 of the 26 countries, with deadlines ranging from 10 working days (Paraguay) to 60 working days (Chile for the EIA). Their widespread use is due to low administrative costs and the possibility of participation without requiring physical presence, although they present limitations for communities facing barriers to literacy, digital connectivity or the comprehension of technical documents. The publication of notices in print, digital or radio media—also present in 24 countries—does not in itself constitute a participation mechanism but is a necessary condition for the other mechanisms to operate effectively.

Public hearings or consultations, present in 20 countries, show the greatest variation in terms of their nature. A first group establishes them as mandatory ex officio for certain categories of projects: Brazil for all Environmental Impact Assessments (EIA) or Environmental Impact Reports (RIMA). Ecuador makes them a fundamental part of the public participation process, and Uruguay requires them for Category C projects. A second group triggers them at the public's request, with defined thresholds for activation: Colombia requires a request from at least 100 people or three non-governmental organizations; Paraguay makes them mandatory when the project affects indigenous communities or at the request of directly affected residents. A third group leaves them at the discretion of the authority, with no objective criteria determining when they are convened: Argentina, Honduras, Mexico and several English-speaking Caribbean countries. This disparity has direct consequences for the effectiveness of participation, as in discretionary models' communities have no guarantee of access to a space for face-to-face deliberation.

Access to project files, available in 18 countries, guarantees public access to documents of the project under assessment, although its practical effectiveness depends on the availability of accessible digital platforms. Consultation during the preparation of the EIA — present in 14 countries, including Bolivia, Belize, Colombia, Ecuador, Guyana, Panama and Trinidad and Tobago — is particularly relevant because it allows the public to help define the scope of the study before its completion, in line with the requirement for participation from early stages set out in Article 7.4 of the Escazú Agreement. Public information meetings are planned in 12 countries, while, recognition as a stakeholder or intervening

third party—which grants the public full procedural rights within the administrative procedure—is the least widespread mechanism.

Table 6
Presence of public participation mechanisms in EIA procedures in the 26 countries of Latin America and the Caribbean, by subregion

Participation mechanism	Regional (26 countries)
Written observations/comments	**24/26**
Publication of notices (newspapers, website, radio)	**24/26**
Public hearing or public forum	**20/26**
Access to files	**18/26**
Consultation during the preparation of the EIA	**14/26**
Public information meetings	**12/26**
Stakeholder/third-party status	**3/26**

Source: Prepared by the authors.

G. PROVISIONS OF ARTICLE 7 OF THE ESCAZÚ AGREEMENT IN NATIONAL NORMATIVE FRAMEWORKS

This chapter examines the extent to which the standards set out in Article 7 of the Escazú Agreement have been incorporated into the regulatory frameworks of the 26 Latin American and Caribbean countries analyzed. To this end, an assessment tool known as the 'Regional Summary of Article 7' was developed, which allows for a provision-by-provision overview of the extent to which each country has incorporated the regulatory components required by the Agreement into its legal system (see Table 7). The tool does not measure effective implementation: a high score indicates that the regulatory framework includes the relevant provisions, but not necessarily that it is applied in practice. The gap between regulatory recognition and effective implementation constitutes a relevant dimension of the analysis that exceeds the scope of this tool. Nor does it consider practices which, whilst not reflected in the regulations, may contribute to the implementation of Article 7 in the countries analyzed.

The instrument assigns each provision a score reflecting the number of regulatory components incorporated nationally, relative to the total possible components. Provisions 7.6 and 7.17 can achieve a maximum score of 4 and 7 respectively, due to the multiplicity of elements that the Agreement requires to be regulated in each case. Provisions 7.10, 7.11, 7.14, 7.16, 7.4 and 7.5 are binary —0 or 1— given that their regulatory requirement is of a unitary nature. The sum of all scores can reach a maximum value of 24, which is distributed across the three phases of the participatory process.

1. The three phases of the public participation process

The 11 provisions examined are organized into three phases corresponding to distinct stages of the EIA procedure, in line with the Agreement's concept that public participation should be a continuous and sequential process, not a one-off event.

The **preliminary phase** (score of 15 out of a total of 24) comprises six provisions setting out the conditions that must be met before the participation process formally begins. Provisions 7.6 and 7.17 regulate the information that must be made available to the public: the first, of a procedural nature — who decides, how and when to participate, and to whom to request further information; the second, the

minimum components that the Environmental Impact Assessment to be disclosed must contain, including the description of the area, the anticipated impacts, mitigation measures, the non-technical summary, reports and opinions, alternative technologies considered, and monitoring actions. Provisions 7.10, 7.11, 7.14 and 7.16 address the inclusive dimension of participation: adapting processes to the characteristics of the public, facilitating understanding in languages other than the official ones, actively supporting groups in vulnerable situations, and identifying the public directly affected. The weighting of this phase in the scorecard reflects the complexity and scope of the obligations that precede the participatory process itself.

The implementation phase (score of 4 out of a total of 24) comprises three provisions governing the conditions under which the active participation process must take place. Provision 7.4 requires that participation begins in the early stages of the process, so that the public's comments can effectively influence the outcome. Provision 7.5 establishes that timeframes must be reasonable to ensure informed participation, taking into account the characteristics of the public. Provision 7.7 —the provision with the highest institutional requirement in this phase— establishes the obligation to give due consideration to the comments received: it is not enough merely to receive them; they must be processed, duly weighed up and reflected in the final decision.

The **post-implementation phase** (score of 5 out of a total of 24) comprises two provisions governing the State's obligations once the decision has been adopted. Provision 7.8 requires that the decision be published in a timely manner thereof and of the grounds and reasons underlying the decision, including how the observations of the public have been taken into consideration. Provision 7.9 complements the previous one by requiring that the public be informed of the established procedure to allow the public to take the relevant administrative and judicial actions. This phase concludes the public participation cycle and is a prerequisite for consistency between Article 7 and Article 8 of the Agreement —access to environmental justice—: a public that is unaware of the grounds for a decision or the available remedies can hardly exercise its rights fully.

Table 7
Regional summary of the implementation of the provisions of Article 7 of the Escazú Agreement

Country	Preliminary Phase	Implementation Phase	Post-implementation phase
Antigua and Barbuda	5	3	2
Argentina	7	1	3
Bahamas	6	3	2
Belize	7	2	0
Bolivia (Plurinational State of)	4	3	0
Brazil	7	3	2
Chile	11	4	5
Colombia	7	4	4
Costa Rica	5	3	2
Dominica	7	3	2
Ecuador	11	3	1
Guatemala	9	4	2
Grenada	0	0	1
Guyana	5	2	2
Honduras	4	4	1
Jamaica	6	3	2

Mexico	3	3	1
Nicaragua	0	2	0
Panama	9	4	3
Paraguay	9	3	1
Peru	8	3	4
Saint Lucia	5	3	2
Saint Kitts and Nevis	1	3	2
Saint Vincent and the Grenadines	0	0	2
Trinidad and Tobago	7	3	2
Uruguay	4	3	2
Average	6	3	2
Degree of inclusion	38%	69%	38%

Source: Prepared by the authors.

Table 8
Regional summary of the implementation of Article 7 disaggregated by provision

Country	**Preliminary Phase**						**Implementation Phase**			**Post-implementation phase**	
	7.6	**7.17**	**7.10**	**7.11**	**7.14**	**7.16**	**7.4**	**7.5**	**7.7**	**7.8**	**7.9**
Maximum	4	7	1	1	1	1	1	1	2	3	2
Antigua and Barbuda	2	2	0	0	0	1	1	1	1	1	1
Argentina	4	3	0	0	0	0	0	1	0	2	1
Bahamas	2	4	0	0	0	0	1	1	1	1	1
Belize (Plurinational State of)	0	7	0	0	0	0	1	0	1	0	0
Bolivia	1	2	0	0	0	1	1	1	1	0	0
Brazil	2	4	0	1	0	0	1	1	1	1	1
Chile	3	6	1	0	1	0	1	1	2	3	2
Colombia	1	4	1	0	0	1	1	1	2	3	1
Costa Rica	0	5	0	0	0	0	1	0	2	1	1
Dominica	0	7	0	0	0	0	1	1	1	1	1
Ecuador	2	5	1	1	1	1	1	1	1	1	0
Guatemala	2	3	1	1	1	1	1	1	2	2	0
Grenada	0	0	0	0	0	0	0	0	0	0	1
Guyana	0	5	0	0	0	0	1	0	1	1	1
Honduras	0	4	0	0	0	0	1	1	2	0	1
Jamaica	0	6	0	0	0	0	1	1	1	1	1
Mexico	0	3	0	0	0	0	1	1	1	1	0
Nicaragua	0	0	0	0	0	0	1	0	1	0	0
Panama	2	3	1	1	1	1	1	1	2	2	1
Paraguay	1	5	1	0	1	1	1	1	1	0	1
Peru	0	4	1	1	1	1	1	1	1	3	1
Saint Lucia	0	5	0	0	0	0	1	1	1	1	1
Saint Kitts and Nevis	1	0	0	0	0	0	1	1	1	1	1
Saint Vincent and the Grenadines	0	0	0	0	0	0	0	0	0	1	1
Trinidad and Tobago	1	6	0	0	0	0	1	1	1	1	1

Uruguay	0	4	0	0	0	0	1	1	1	1	1
Average	0.9	3.7	0.3	0.2	0.2	0.3	0.9	0.8	1.1	1.1	0.8
Degree of inclusion	23%	53%	27%	19%	23%	31%	88%	77%	56%	37%	40%

Source: Prepared by the authors.
Note: The regulatory analysis was based on a review of primary sources: laws, regulations and decrees relating to environmental impact assessment and public participation in each of the 26 countries. Where regulations are contained in sector-specific rules or are partially scattered across different instruments, the score reflects the sum of the components that are effectively regulated, regardless of whether they are found in a single body of legislation or in several.
Note on color coding: The shading of the cells reflects the level of regulatory incorporation of each provision in relation to the maximum possible score. Cells with the darkest shading indicate full or near-maximum incorporation; cells with medium shading indicate partial incorporation; and cells with no shading or minimal shading indicate absence or incipient incorporation.

2. Regional results: four trends in the incorporation of Article 7

The regional summary of the implementation of Article 7 provisions analysis allows us to identify four structural trends that characterize the state of incorporation of Article 7 into the regulatory frameworks of Latin America and the Caribbean.

The first is **early participation as a shared common ground for the region**. The best-incorporated provision of Article 7 is participation in early stages (7.4) with 88%, followed by timeframes (7.5) with 77%. These results indicate that most of the countries have established formal mechanisms ensuring that the public is consulted before a decision is adopted. This understanding is shared across the region and represents the region's main regulatory progress regarding Article 7. However, it should be interpreted with caution: the formal existence of participation mechanisms does not mean that the public is in a position to exercise its right effectively, as this depends on the conditions of the preliminary phase being equally guaranteed.

The second trend is the **disclosure of the EIA as a regulatory strength, but with a worrying asymmetry**. Provision 7.17 is included in 53% of the countries, reflecting that more than half of the countries have incorporated the obligation to disclose the essential technical elements of the environmental study – including a description of the project, potential environmental impacts, and mitigation, compensation or remediation measures. However, provision 7.6—which establishes the duty to inform the public about the responsible authority, participation mechanisms, the timeline of the process and the channels for requesting further information—has a compliance rate of just 23%. This asymmetry creates a paradoxical situation: the public can access technical information about the project, but does not necessarily know how, when or where exercise their right to participate. Regulatory frameworks in the region thus tend to regulate the content of the EIA in greater detail than the participatory process itself.

The third trend is that **inclusive participation represents the most significant regulatory gap in the region**. The four provisions requiring to adapt processes to the characteristics of the public and groups in vulnerable situations record the lowest rates under Article 7: language support (7.11: 19%), support for groups in vulnerable situations (7.14: 23%), conducive conditions adapted to the public (7.10: 27%) and identification of the directly affected public (7.16: 31%). These provisions respond to the principle of non-discrimination and the human rights approach that runs through the Escazú Agreement. Their absence from national regulatory frameworks means that participation tends to be effective mainly for those with greater capacity to access information and formal processes, thereby reproducing rather than correcting existing inequalities.

The fourth trend is that the **closing of the participatory cycle remains a regulatory shortfall in the region**. The subsequent phase averages 38%, equivalent to that of the previous phase. Publishing

decisions with their reasoning (7.8: 37%) and disseminating information on available grounds for challenging decisions (7.9: 40%) show that less than four in ten countries systematically regulate the point at which the public receives a response on how their participation was considered and what options they have if they disagree with how public participation was taken into account in the decision. The Escazú Agreement conceives participation as a process that does not end with the receipt of comments, but with the transparent communication of the decision taken: without this, participation runs the risk of becoming a formal procedure without substantive consequences.

H. PRIORITY ACTIONS ON PUBLIC PARTICIPATION IN NATIONAL ROAD MAPS FOR THE IMPLEMENTATION OF THE ESCAZÚ AGREEMENT

The national road maps for the implementation of the Escazú Agreement represent a concrete expression of the States Parties' commitment to progressively strengthening their regulatory frameworks regarding access rights. These instruments, developed by each country with the support of ECLAC following an assessment of existing gaps in relation to the Agreement's obligations, priority actions are identified to advance towards its full and effective implementation. Regarding public participation in decision-making processes relating to projects and activities, the road maps reveal both explicit recognition of outstanding regulatory shortcomings and the political will to address them through concrete measures.

An analysis of the roadmaps finalized by nine States Parties — Argentina (2023), Belize (2026*[3]), Chile (2024), Ecuador (2023), Grenada (2026), Panama (2025), Saint Lucia (2024), Saint Kitts and Nevis (2026*[4]) and Uruguay (2024)— identified 43 priority actions that are specifically linked to the 11 provisions on the pre-implementation, implementation and post-implementation phases of Article 7 of the Escazú Agreement. This figure, distributed across countries with very diverse regulatory trajectories, reflects that strengthening public participation in activities and projects is a shared priority in the region, regardless of the initial level of institutional development.

The thematic analysis of these actions reveals that the gaps identified by the States themselves coincide significantly with the trends observed in the regional analysis of Article 7, lending coherence and validity to the comparative assessment presented in the previous chapter.

The actions are grouped into four main areas. The first is the strengthening of information and access —provisions 7.6 and 7.17—, which includes the development of guides for the public, the incorporation of electronic project registers and access to files; this area is a priority for Argentina, Chile, Grenada, Saint Lucia, Saint Kitts and Nevis, and Uruguay. The second is ensuring participation from the initial stages with reasonable timeframes—provisions 7.4 and 7.5—with commitments to establish minimum timeframes of 30 days and update regulations to strengthen early participation; prioritized by Chile, Panama and Uruguay. The third is due consideration of comments and the publication of decisions —provisions 7.7 and 7.8 —, which includes mechanisms to inform the public about how their contributions were considered; prioritized by Argentina, Panama and Uruguay. The fourth is the development of inclusive participation frameworks —provisions 7.10, 7.11, 7.14 and 7.16—, which encompasses the reduction of barriers for groups in vulnerable situations, the adaptation of mechanisms to specific territorial and cultural contexts, and the guarantee of the participation of indigenous peoples; prioritized by Argentina, Chile, Panama, Saint Lucia and Saint Kitts and Nevis.

[3] Roadmap in the process of being published at the time of the report.
[4] Roadmap in the process of being published at the time of the report.

It is significant that the areas with the lowest level of regulatory compliance in the regional analysis—inclusive participation and the closure of the participatory cycle—are precisely those that account for the highest number of actions in the roadmaps. There is clear alignment between this regional analysis and the priority actions incorporated by the States Parties into their national roadmaps for the implementation of the Escazú Agreement.

Table 9
Summary of priority actions on public participation (Article 7) in the national roadmaps for the implementation of the Escazú Agreement

State Party	Year	Key priority actions under Article 7	No.
Argentina	2023	Regulation of minimum EIA requirements; participation guidelines with clear criteria; participation from the initial stages; diversification of mechanisms according to territorial, cultural and gender-specific factors.	**4**
Belize (*)	2026	Develop guidelines, training and campaigns on the process for public participation in decisions related to activities that require EIAs and Limited Level Environmental Study, and other decisions mandated by law.	**1**
Chile	2024	Updating SEIA regulations; participation in EIS from early stages; transparency in decision-making; accessible mechanisms; geospatial information; summaries in non-technical language; reducing barriers for vulnerable groups; participation of indigenous peoples.	**10**
Ecuador	2023	Awareness-raising and training; mechanisms for participation at the local level; strengthening of the Inter-institutional Committee for Environmental Democracy (MIDA); technical advisory methodology; technical standard for participation.	**6**
Granada	2026	Public access to project information; revision of the EIA administrative manual in accordance with the Escazú Agreement; training of officials.	**3**
Panama	2024	Effective publication of notices; access to decisions; minimum timeframes of 30 days; receipt of comments; mandatory due consideration; inclusive participation; identification of the affected public.	**7**
Saint Lucia	2024	Public participation guidelines; multi-channel notification strategies including SMS, social media, Kwéyòl, Braille, sign language and community formats.	**2**
Saint Kitts and Nevis	2026	Access to public project records; disclosure of EIA components; legislative amendment with 30-day deadlines; identification of the affected public; training of officials.	**4**
Uruguay	2024	Public guide on participation; catalogue of participatory mechanisms; minimum criteria for consultations and public hearings; allocation of resources; youth participation; training of officials.	**6**
Total priority actions			**43**

Source: Prepared by the authors based on the national roadmaps for the implementation of the Escazú Agreement.

Note: (*) Roadmap finalized and in the process of being published at the time of the report.

I. GOOD PRACTICES REGARDING PUBLIC PARTICIPATION IN ENVIRONMENTAL LICENSING PROCESSES

A comparative analysis of the regulatory frameworks of the 26 countries in Latin America and the Caribbean reveals a set of experiences that represent significant progress in incorporating the standards of Article 7 of the Escazú Agreement, whether through the design of innovative procedural mechanisms or through more comprehensive regulatory alignment with the Agreement's provisions. These experiences are presented below, organized around the three phases that structure Article 7—the preliminary stage, the implementation stage and the post-implementation stage—followed by practices relating to enabling conditions for individuals and groups in vulnerable situations, a dimension that cuts across the participatory cycle. Their value lies not only in the results produced in each national context, but also in their potential for transfer and adaptation to other regulatory systems with different legal traditions and levels of institutional development.

1. Preliminary stage: public information and notification

Preliminary procedural information

Argentina stands out for its incorporation of provision 7.6, which requires that the public be provided, at the start of the process, with the necessary information to understand which decision is under consideration and how they can participate in it. Argentine legislation incorporates the four components required by the Agreement in this provision: the nature of the decision under assessment, the identification of the authority responsible for the process, a description of the planned participation procedure—including dates, mechanisms and consultation venues—and the channels available for requesting additional information. Provision 7.6 has the lowest level of adoption across the region—only 23% of countries incorporate it into their legislation.

Disclosure of EIA content

Belize and Dominica incorporate into their regulatory frameworks the seven minimum components of the EIA that must be disclosed to the public in accordance with provision 7.17 of the Agreement: the description of the area and the physical and technical characteristics of the project, the anticipated environmental impacts, the mitigation measures envisaged, the summary in non-technical language, the reports and opinions of the public bodies involved in the process, the alternative technologies and locations considered, and the planned monitoring actions. Both countries demonstrate that full disclosure of the EIA content is achievable regardless of the size of the country or the scale of its institutional resources.

Participation from the definition of the study's scope

The English-speaking Caribbean countries — including the Bahamas, Dominica, Jamaica, Saint Lucia and Trinidad and Tobago — have incorporated the publication of the EIA Terms of Reference (TOR) as a mechanism for public participation that brings forward the effective start of consultation to a stage prior to the project's formal entry into the assessment procedure. Through this instrument, the public has the opportunity to contribute to defining the scope of the study before it is drawn up, allowing community concerns to inform not only the analysis of impacts, but also the terms under which that analysis will be conducted. This practice, more widespread in the English-speaking Caribbean than in mainland Latin America, constitutes one of the most advanced expressions of the principle enshrined in Article 7(4) and represents a highly valuable benchmark for countries in the region that do not yet provide for opportunities for participation during the scoping phase.

2. Implementation stage: mechanisms, timelines and accessible information

Public participation during the preparation of the environmental impact assessment

In the context of mainland Latin America, Bolivia incorporates into its Regulations on Environmental Prevention and Control —amended in 2019— the possibility for the public to participate during the preparation of the environmental impact assessment, prior to its formal submission to the competent authority. This mechanism allows communities in the area of influence to contribute to defining the scope of the impact analysis before the study is finalized, in line with the requirement for participation from the initial stages of the process enshrined in Article 7(4) of the Agreement.

Public information documents in accessible language

Uruguay and Nicaragua have adopted the requirement to produce public information documents in non-technical language—the Summary Environmental Report and the Environmental Impact Document, respectively—as separate instruments from the full technical study. These documents acknowledge a reality often overlooked in the design of EIA systems: the publication of the technical study does not equate to substantive participation. For the right to participate to be exercised effectively and not merely as a formality, information on the project's impacts must be translated into formats comprehensible to people without specialist training, presented in accessible language, and accompanied by the visual and communicational elements necessary to facilitate understanding. This requirement is consistent with paragraphs 6 and 17 of Article 7 of the Agreement, and with the recognition that the quality of participation depends directly on the quality of the information that precedes and underpins it.

Similarly, Brazil distinguishes, from its foundational framework—CONAMA Resolution No. 01/1986—between the EIA, a comprehensive technical document prepared by specialist consultants for use in the administrative process, and the RIMA (Environmental Impact Report), whose specific and legally distinct function is to ensure public understanding of the project through accessible language, illustrated with maps, graphs and visual communication techniques. The RIMA is neither an annex nor an optional summary of the EIA, but rather the instrument through which the public's right to access comprehensible information on the decision under assessment is realized, recognizing that without such understanding, participation lacks any real basis.

The public's legal standing

Colombia has made progress in recognizing third parties as having legal standing equivalent to that of a party in administrative environmental assessment proceedings. This approach goes beyond the model most found in the region, where the public may submit comments but lacks mechanisms to enforce those comments before the authority or to challenge decisions that fail to take them into account. Under the Colombian system, citizens and organizations acting as third-party interveners may not only submit comments, but also provide technical evidence, access the full case file and lodge administrative appeals against the decision taken. In addition to this procedural guarantee, there is a requirement to hold a mandatory information meeting at least ten days before the public hearing, which ensures that the public has the necessary time and information to prepare adequately and participate in a meaningful way. This design significantly strengthens the public's position vis-à-vis the authority and the project proponents, bringing it closer to the standards set out in paragraphs 4, 5 and 7 of Article 7 of the Agreement.

Flexibility and scope of participation mechanisms

Panama combines sequential and mandatory stages of participation depending on the project's impact category, with a citizens' initiative mechanism: for Category II and III projects, 50 citizens may request the convening of a public forum, regardless of whether the authority has already scheduled one ex officio. This moderate threshold democratizes access to in-person participation mechanisms without imposing excessive organizational burdens on communities and constitutes a replicable model for other countries in the region where access to public hearings depends exclusively on the authority's discretionary decision.

Ecuador has developed one of the most structured and formalized participatory processes in the region. The system distinguishes between two sequential and mandatory phases: an information phase, in which the public receives information about the project and its impacts, and a consultation phase, in which their views on the granting of the environmental permit are gathered. Both phases are led by socio-environmental facilitators accredited by the authority, who conduct preliminary visits to the area of influence to identify local stakeholders and dynamics, apply diverse information and engagement

mechanisms—including assemblies, fixed and mobile public information centers, and the media—and systematize the comments received for incorporation into the technical environmental report. The mandatory participation of the Ombudsman's Office as an independent monitor of the process adds a layer of public oversight that strengthens confidence in its outcomes and contributes to institutional accountability. When the authority decides to authorize a project that has a majority opposition of the community, it is obliged to provide specific reasons for its decision, which introduces a standard of accountability of great relevance from the perspective of Article 7.

Guidance for the public on participation mechanisms

Mexico has developed a *Manual of Good Practices on Public Participation in the Environmental Impact Assessment Procedure*, a public policy instrument that guides the public on the mechanisms available during the implementation stage, the channels provided for submitting observations, and the functioning of the process as a whole. Unlike regulatory instruments that impose obligations on the authorities, this manual creates favorable conditions from the public's perspective: it reduces barriers to understanding the process, facilitates the effective exercise of the right to participate, and helps ensure that participation is not restricted to those who already possess technical knowledge or access to specialist advice. Its existence illustrates the value of guidance and dissemination tools as a necessary complement to the regulatory framework and constitutes a replicable model for other countries in the region where participation mechanisms exist in law but are not always known or accessible to the public in practice.

Structure for participation at multiple stages of the process

The Bahamas has institutionalized a participation model structured around three sequential and mandatory stages throughout the EIA procedure. The public may submit written comments from the moment the need for a study is determined —with a minimum notice period of two weeks— during the consultation process, and again once the EIA has been prepared and published, with an additional period of at least 14 days to submit comments. This approach recognizes that public understanding of the project and its impacts deepens as the assessment progresses, and that a single instance of public participation does not allow for the diversity of perspectives at different stages of the process to be captured.

Transparency of the authority's analysis during consultation

Antigua and Barbuda requires the Department of the Environment to make available to the public, during the consultation period, a file containing not only the project description and supporting technical documents, but also a statement of the Department's reasons for the proposed action. This means that the public can familiarize themselves with the authority's preliminary reasoning before the decision is taken, enabling them to make more informed and substantive comments. In most systems in the region, the authority's reasoning is only made known once the decision has been taken; in Antigua and Barbuda, however, it forms part of the material available during the consultation.

3. Post-implementation stage: due consideration and closure of the participatory cycle

Chile has developed, through both case law and administrative practice, a standard of due consideration that goes beyond the minimum threshold of formally receiving observations. Under this standard, the authority is obliged to analyze the admissibility of each public comment submitted during the process, to incorporate it into the technical analysis systematized in the Consolidated Assessment Report (ICE), and to provide a reasoned response in the Environmental Qualification Resolution (RCA), which is the administrative act that concludes the assessment process. This means that public comments do not disappear during the procedure: they must be examined, responded to and traceable within the file. The RCA must also inform the public of the administrative and judicial remedies available to challenge the

decision, thereby closing the participatory cycle in a manner consistent with the right of access to environmental justice enshrined in Article 8 of the Agreement. Chile fully incorporates the three provisions of the subsequent phase (7.7, 7.8 and 7.9), constituting the most comprehensive regulatory framework in the region in this area. Colombia, Costa Rica, Guatemala, Honduras and Panama share with Chile the standard of due consideration enshrined in provision 7.7, forming a group of countries that have made significant progress in this specific component.

The experiences described in this chapter demonstrate that the standards set out in Article 7 are normatively achievable within the diverse context of Latin America and the Caribbean, regardless of a country's size, legal tradition or institutional capacities. The region has a concrete and transferable body of best practice to draw upon in order to make steady progress in strengthening its frameworks for public participation in decision-making processes relating to projects and activities. The existence of these experiences also highlights the potential of the cooperation and information-sharing mechanisms provided for in Articles 10 to 12 of the Agreement as tools for the dissemination and adaptation of these good practices to other national contexts.

4. Enabling conditions and vulnerable individuals or groups: a cross-cutting dimension

Translation into indigenous languages as a condition for effective participation

Guyana has incorporated, through the Terms and Scope issued by the Environmental Protection Agency for each EIA, the requirement to translate the non-technical summaries of the study into the Amerindian indigenous languages predominant in the project's area of influence —including Lokono, Wapishana and Makushi— where this is necessary to ensure the communities' understanding and participation. This practice operates at the level of institutional policy rather than legislation but illustrates how provision 7.11 of the Agreement can be implemented through specific management tools, even if the legislation does not expressly provide for it. It constitutes a concrete reference for other countries in the region where indigenous communities are present in project areas of influence, where the language barrier remains one of the main obstacles to the effective exercise of the right to participate.

Participatory methodologies

Guatemala has institutionalized culturally and linguistically appropriate participatory methodologies within its regulatory framework, recognizing the country's ethnic diversity and the barriers that such diversity can create to the effective exercise of the right to participate. The instruments provided include interviews with key stakeholders, surveys of the population in the project's area of influence, workshops tailored to the socio-cultural characteristics of each community, and the dissemination of information via radio spots in local languages. This approach is based on a recognition that is not always present in the region's regulatory frameworks: the effectiveness of participation depends not only on the formal existence of the mechanism, but also on the conditions under which it is exercised being conducive and suited to the social, economic, cultural, geographical and gender characteristics of the public, as required by Article 7(10).

This dimension does not operate solely during the implementation phase: it runs through all three stages of the participatory cycle. Conducive conditions must be in place from the preliminary phase —in the manner of notification, the languages used for communication, and the identification of the directly affected public— and must be maintained during implementation—in the design of mechanisms, the timeframes and the specific support provided to individuals or groups who face particular difficulties in fully exercising their rights of access—and extend into the post-implementation phase, ensuring that the decision and its grounds are equally accessible to those who participated. Ecuador, Peru, Guatemala and Panama have fully incorporated the four provisions of Article 7 relating to this dimension: enabling conditions adapted to the characteristics of the public (7.10); the facilitation of understanding in languages other than the official ones where appropriate (7.11); efforts to identify and support vulnerable individuals or groups (7.14); and the identification of the public directly affected by projects and activities

(7.16). Their relevance is particularly significant given that these provisions represent the widest regulatory gap in Article 7 across the region, with implementation rates in no case exceeding 31%.

J. CONCLUSIONS AND RECOMMENDATIONS

A comparative analysis of the regulatory frameworks of 26 Latin America and Caribbean countries, in light of the standards set out in Article 7 of the Escazú Agreement, allows the following conclusions to be drawn.

(i) The region has established a formal framework for public participation, which constitutes its main regulatory asset in relation to Article 7. 88% of countries guarantee participation in early stages of the EIA process, and 77% set timeframes for the exercise of this right. This framework is consistent across the region and reflects decades of regulatory development driven by international commitments, legislative reforms and citizen advocacy. However, the existence of formal mechanisms does not equate to effective participation: its quality depends on whether the conditions of the preliminary phase —sufficient information, inclusive access, adequate timeframes— are equally guaranteed, an area in which the region shows significant shortcomings.

(ii) The region's regulatory frameworks prioritize technical transparency over procedural guidance for the public. Provision 7.17 on the disclosure of EIA content has been incorporated in 53% of cases, whilst provision 7.6 on prior procedural information stands at a mere 23%. This asymmetry has practical consequences: the public can access technical information about a project, but does not necessarily know how, when, or to whom to exercise their right to participate. Regulation of the content of the EIA has progressed more systematically than regulation of the participatory process itself.

(iii) Inclusive participation constitutes the deepest regulatory gap and the most urgent pending agenda of Article 7 in the region. The four provisions relating to the adaptation of processes to the characteristics of the public and to vulnerable groups—7.10, 7.11, 7.14 and 7.16—record the lowest rates of incorporation and regulation of Article 7. Their absence from most regulatory frameworks means that participation tends to be effective mainly for those with greater capacity to access formal processes, thereby reproducing rather than correcting existing inequalities. This gap disproportionately affects indigenous communities, people of African descent and rural sectors living in poverty.

(iv) The closing of the participatory cycle is a regulatory shortcoming shared across the region. The post-implementation stage records an average of 38%, equivalent to that of the preliminary stage. Less than four out of ten countries systematically regulate the publication of the decision, including its grounds and the manner in which public comments were considered. This omission disconnects the participatory process from the right of access to environmental justice enshrined in Article 8 of the Agreement and undermines institutional accountability in environmental assessment processes.

(v) The region has good regulatory practices demonstrating that the standards of Article 7 are achievable in different institutional contexts. The experiences and good practices found across the region illustrate that it is possible to make progress in incorporating the Agreement's standards regardless of each country's size, resources or legal tradition. The potential for exchanging experiences within the region is significant and remains underutilized.

(vi) The national road maps for implementing the Escazú Agreement represent a solid and well-founded first step towards improving the implementation of the Escazú Agreement at the national level. The 43 priority actions identified in the roadmaps of eight States Parties confirm that the findings of the regional analysis align with the country-level assessment.

Based on the regional assessment and the analysis of good practices, the following recommendations are proposed for the countries of Latin America and the Caribbean:

(i) **Strengthen procedural information prior to the beginning of the participation process (provision 7.6).** Incorporate into regulatory frameworks an express obligation to inform the public, at the start of the process, of the nature of the decision under assessment, the responsible authority, the envisaged participation mechanisms, the timelines of the process and the channels available to request further information. This measure, which entails low regulatory costs, is a necessary condition for the public to effectively exercise existing formal participation mechanisms.

(ii) **Complete the disclosure of the components of the Environmental Impact Assessment (provision 7.17).** Move towards incorporating the seven minimum components established by the Agreement, with particular attention to those with the least regional coverage: the summary in non-technical language, the disclosure of alternative technologies and locations considered, and the publication of reports and opinions from public bodies.

(iii) **Develop regulatory frameworks for inclusive participation (provisions 7.10, 7.11, 7.14 and 7.16).** It is urgent that countries in the region adopt specific measures to adapt participatory processes to the social, economic, cultural, geographical and gender characteristics of the public; recognize language barriers and facilitate understanding in languages other than the official ones; identify the public directly affected by each project; and ensure active support for vulnerable groups.

(iv) **Ensure the transparent conclusion of the participatory cycle (provisions 7.7, 7.8 and 7.9).** The obligation to take due account of public comments in the final decision must be properly regulated; the decision must be published along with its reasons and technical grounds; the manner in which public comments were considered must be indicated; and information must be provided on the administrative and judicial remedies available to challenge it.

(v) **Make use of the Escazú Agreement's cooperation framework for the exchange of good practices (Articles 10 to 12).** The mechanisms for cooperation, capacity-building and information exchange provided for in the Agreement offer a conducive institutional space for systematizing and disseminating the regulatory innovations identified in this report. In particular, it is recommended to promote specific exchanges on inclusive participation, the publication of terms of reference as a mechanism for early participation, the drafting of documents in accessible language, and standards of due consideration – areas in which the region has mature and transferable experience.

(vi) **Strengthen and expand national road maps for implementation.** Countries that have not yet drawn up roadmaps should do so in accordance with Decision III/1 of the Third Conference of the Parties to the Escazú Agreement, which suggests incorporating specific actions related to public participation with defined targets, indicators and deadlines. Their development and monitoring must be carried out with the meaningful participation of the public, in line with the very purpose of the Agreement.

(vii) **Strengthen the institutional capacity of the public responsible authorities.** The effective implementation of Article 7 requires that the authorities responsible for managing EIA processes have the necessary human, technical and budgetary resources to organize high-quality participation forums, manage and systematize the observations received, prepare substantiated responses and publish decisions with the level of detail required by the Agreement. In this regard, institutional capacity-building is a cross-cutting enabling condition for compliance with all the provisions of Article 7.

Only through a comprehensive, progressive and rights-based approach will it be possible to consolidate decision-making processes with respect to projects and activities, and environmental impact assessment systems in Latin America and the Caribbean, as tools that effectively guarantee the public's right to participation enshrined in the Escazú Agreement, thereby contributing to more informed, legitimate and sustainable environmental decisions, and promote investment processes that contribute to sustainable development in the region.

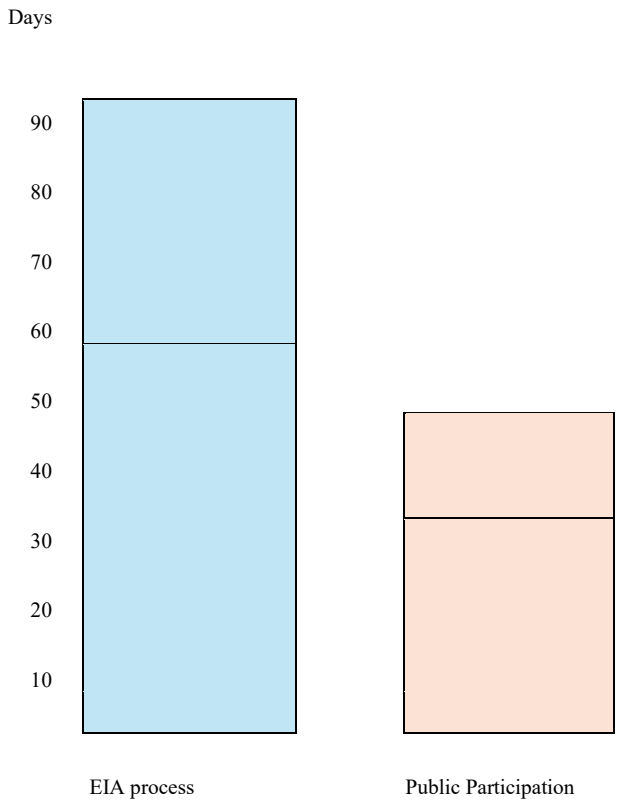
ANNEX

COUNTRY TECHNICAL SUMMARY TEMPLATE: (To be completed)

1. Brief description of the environmental licensing process

Below is a figure that shows the timing for the licensing process and the time for the public participation process:

Figure 1
Timelines for EIA and public participation



(Completed with national information)

Source: Prepared by the authors.

Below is a timeline for public participation in projects or activities that require an Environmental Impact Assessment.

Diagram 1
Public participation in environmental licensing processes



(Completed with national information)

Source: Prepared by the authors.

2. Inclusion of the provisions of Article 7 of the Escazú Agreement in national legislation

This section analyzes the presence or not of the provisions of Article 7 of the Escazú Agreement in national legislation referring to Environmental Impact Assessment.

These specific provisions of the article are organized in one table that includes the provisions referring to access to information in environmental licensing processes and the provisions referring to the characteristics of the instances of public participation in environmental licensing processes.

Table 1
Provisions of the Escazú Agreement related to access to information and public participation instances in environmental licensing processes

Provisions of the Escazú Agreement	Environmental Impact Assessment (EIA)	Regulations
Referring to access to information in environmental licensing processes		
Referring to the characteristics of the instances of public participation in environmental licensing processes		

(Completed with national information)

Source: Prepared by the authors.