

# Global Witness

on behalf of the

## ECOSYSTEMS CLIMATE ALLIANCE

Response to calls for submissions on observers'  
participation in the UNFCCC processes

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HUMANE SOCIETY  
INTERNATIONAL



## Broadening observers' participation

The **Ecosystem Climate Alliance** (ECA) strongly believes that broad and meaningful observer participation is vital to a positive, transparent, timely and legitimate outcome of the UNFCCC process. Observer organisations, including NGOs, the business community and other stakeholders, bring substantial and valuable expertise in the areas they follow and assist the negotiations by moving information among Parties and crafting texts, analyses and ways forward when Parties may be constrained from doing so by politics, time limitations or lack of needed expertise. This contribution is particularly critical for the smaller and less specialized delegations, many of which lack the arsenal of lawyers, scientists, diplomats and bureaucrats that wealthy nations deploy. Observer participations can help level the playing field for these Parties in the negotiations. Observers also play a crucial role in legitimating the negotiating process by raising awareness and building public and political support for any agreed outcomes.

Historically, UNFCCC Parties have maintained strong support for observer participation in the UNFCCC process. This support is reflected in the legal requirements to ensure wide participation set out in Article 4 paragraph 1(i) and Article 7 paragraph 2(l) of the Convention. In its guidelines for the participation of representatives of non-governmental organizations, the Secretariat also recognises that public participation “*allows vital experience, expertise, information and perspectives from civil society to be brought into the process to generate new insights and approaches [and] promotes transparency*”<sup>1</sup>.

The unfortunate series of events that characterised the second week of talks at COP 15 in Copenhagen - when observers were pushed to the margins and excluded completely from the crucial stages of the negotiations – proved that the lack of stakeholder participation leads to distrust that complicates the progress of the negotiations. The non-transparent process of Copenhagen presented challenges to the current modalities of stakeholder engagement in the negotiations. Both before and after Copenhagen, however, these modalities have fallen well short of the standards of participation upheld under other multilateral environmental agreements, to the detriment of the UNFCCC process as a whole. For these reasons, the **Ecosystems Climate Alliance** welcomes the initiative of the UNFCCC Subsidiary Body for Implementation (SBI) to request the views and suggestions of Parties and stakeholders on observers' participation (FCCC/SBI/2010/L.21, 9 June 2010). In a spirit of cooperation towards the future success of the Convention, the **Ecosystems Climate Alliance** respectfully requests the Parties to consider the recommendations and practical suggestions presented below as it seeks to refine and continually improve that participation.

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<sup>1</sup> *Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change*, March 2003  
[http://unfccc.int/files/parties\\_and\\_observers/ngo/application/pdf/coc\\_guide.pdf](http://unfccc.int/files/parties_and_observers/ngo/application/pdf/coc_guide.pdf)

## **Recommendations to improve observers' participation in the UNFCCC process**

### **1. Closed meetings to be held only in exceptional circumstances**

It is the view of the **Ecosystems Climate Alliance** that the Rules of Procedure should establish a formal presumption in favour of observer participation in all meetings, whether formal or informal, and including high-level meetings, with closed sessions strictly limited to cases of exceptional circumstances when all Parties agree.

In the event that closed meetings are held, the Chairs or Facilitators of those sessions should provide regular open briefings to all Observer organisations.

### **2. Observer attendance at pre-session workshops**

Participation at pre-session workshops has proven to be a useful opportunity for Observers to present and discuss information, analysis and views. The **Ecosystems Climate Alliance**, however, is concerned that Observers have been excluded from some of the Parties' discussions. Observers are better able to share their expertise and contribute to these workshops if they are able to observe the entire discussion of the Parties.

### **3. Observers' interventions during the meetings**

Observer organisations provide a unique perspective on the climate change negotiations and should be afforded an opportunity to provide their insight during the meetings. This would greatly enhance inclusiveness, participation and awareness.

The **Ecosystems Climate Alliance** supports each of the UNFCCC Constituencies being afforded an opportunity to make interventions during the open negotiation meetings. Consistent with the practice employed under other multilateral environmental agreements, those interventions should be permitted after the country groups and individual Parties, with the Constituencies entering the queue along with the intergovernmental organizations. Individual Observer organisations, with preference given to those speaking on behalf of a group or alliance of organisations, should also be given an opportunity to intervene where possible, and sessions should be managed to ensure adequate time for such interventions.

### **4. Distribution of UNFCCC documents to Observers**

Meaningful participation is possible only if Observers have access to all relevant information during the meetings. It is the view of the **Ecosystems Climate Alliance** that systems should be established to:

- (i) Ensure distribution of hard copy documents to Observers (including non-papers and other draft text) as soon as they are available.
- (ii) Further, electronic copies of those documents should also be posted on the UNFCCC website as soon as they are available.

### **5. Inclusion of NGOs on Party delegations**

It is our view that it is a matter of national sovereignty for each Party to freely decide how best to take advantage of the resources brought by civil society, including by inviting NGO representatives onto their delegations.

### **6. Clarification of the rules on Observer participation**

We believe that the current rules governing Observer participation need clarification to avoid misunderstandings or distrust developing between Observer organisations and those responsible for administering the rules. In particular, the **Ecosystems Climate Alliance** proposes clarifying the guidelines on stakeholder participation to provide clear and objective criteria for

- (i) accreditation and nomination of observers; and
- (ii) the conduct of peaceful actions within the meeting venues.

### **7. Broader representation within each Constituency**

The ***Ecosystems Climate Alliance*** proposes that the Secretariat has the flexibility to recognise additional focal points within each Constituency so as to better reflect the present day groupings that exist within them. For example, a focal point should be allocated who represents environmental NGOs from the South.

### **8. Financial support for southern NGO representatives**

The ***Ecosystems Climate Alliance*** is of the view that participation by under-represented groups, such as Southern civil society NGOs, should be promoted by the Secretariat, the Parties and other Observers, with consideration given to the establishment of a Participation fund similar to the support provided to developing country Parties.

### **9. Access to the meeting venues**

Logistical issues, such as the location and size of conference facilities, access to information, access to conference venues and communications, have a significant impact on the ability of Observers to attend, comment and engage in the UNFCCC process. Further, the ***Ecosystems Climate Alliance*** underscores the importance of side events as a means of providing technical expertise and advice to negotiators. It is imperative, therefore, that Side Events be hosted in close proximity to the main meeting venue, making it feasible for delegates to attend.

The ***Ecosystems Climate Alliance*** appreciates the significant difficulties involved in arranging large conferences, and that access to meetings may be restricted if the meeting venue lacks the necessary capacity. However, we note that further transparency will avoid misunderstandings or unnecessary conflict. In particular:

- (i) The Secretariat should conduct a transparent dialogue with the host Party and strictly monitor the logistical arrangements to ensure that facilities are sufficient to accommodate all participants, including participants from observer organizations.
- (ii) Host country agreements should be made public as soon as they are concluded, and only information that could jeopardize security should be redacted.
- (iii) Registered observers should not be denied access to the venues except on reasonable grounds and provided those reasons are made public.
- (iv) The reasons for holding any closed meetings should be made public.

We also support the establishment of an independent review mechanism, giving Observers the right to formally appeal any decision limiting their access to the venue.

### **10. Ensuring Civil society submissions are provided to Party delegations**

The ***Ecosystems Climate Alliance*** proposes that all submissions made by civil society be released as an official miscellaneous document (MISC) and included in the document database of the website. This arrangement could supplement the current webpage dedicated to civil society submissions.

Further, observers should also be able to distribute documents through delegation pigeonhole boxes, subject to reasonable standards and oversight by the Secretariat. This system has worked efficiently and well for many years in other multilateral environmental agreements.

## **11. Web-casting of meetings**

It is the view of the **Ecosystems Climate Alliance** that participation can also be improved through on-line streaming of meetings through the UNFCCC website. In particular, all meetings open to Observers should be streamed online in real-time, ideally in all five official languages of the United Nations (where such service is provided at the meeting itself).

## **12. Online registration process**

The **Ecosystems Climate Alliance** supports the pilot phase of the UNFCCC on-line registration system.

In the past, Observer organisations have not been able to amend their list of participants, and consequently it has been necessary to register the names of each person who may potentially attend, even if many of those are alternates. Consequently, even when an Observer organisation knew the approximate size of its intended delegation, but not the exact identity of each participant, it was required to register every potential name thereby providing an inflated list of participants.

While the current pilot phase of the on-line registration system allows an Observer organization to amend its list of participants, this appears to be the case only if a quota has been imposed on the numbers who may participate. This may again lead to inflated lists of potential participants.

Therefore, we suggest the Secretariat develop a registration system that

- (i) Encourages Observers to register the total number of participants they expect to attend the upcoming climate change talks;
- (ii) Allows Observer organisations to amend the names of their delegation up to a reasonable time prior to the meeting; and
- (iii) Allows organisations to elect to register members of their delegation for certain days only (e.g. for those only attending side events or specific meetings).

Establishing a more flexible electronic registration system will improve the administration of the meetings by allowing the host countries to better estimate the number of expected participants on any given day, increasing efficiency, control and security, and ensuring a suitable venue for the meetings.

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### **About ECA**

The Ecosystems Climate Alliance (ECA) is an alliance of environment and social NGOs<sup>2</sup> founded in December 2008 committed to keeping natural terrestrial ecosystems intact and their carbon out of the atmosphere, in an equitable and transparent way that respects the rights of indigenous peoples and local communities.

ECA recognises that avoiding emissions of terrestrial carbon stored in the soils and biomass of forests, peatlands and wetlands represents an important opportunity for cost-effective greenhouse gas mitigation. ECA advocates climate, forest and land use policies to give strong, equitable, transparent and positive incentives free of perversities for avoiding the degradation of terrestrial carbon stores and for rehabilitating degraded land, supported by effective forest governance, robust monitoring and demand-side policies to ensure meaningful outcomes.

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<sup>2</sup> Including Australian Orangutan Project, Environmental Investigation Agency, Global Witness, Humane Society International, Rainforest Action Network, Rainforest Foundation, Norway, The Wilderness Society, Australia, Wetlands International