

JOINT SUBMISSION

To the UNFCCC Subsidiary Body on Implementation Regarding Arrangements for Intergovernmental Meetings and Observer Organizations

BY:¹

Climate Action Network - International Secretariat, *Environmental non-governmental organizations - (ENGO) Focal Point*[†]

International Federation of Agricultural Producers, *Farmers* Focal Point*

ICLEI – Local Governments for Sustainability, *Local government and municipal authorities (LGMA) Focal Point*

International Trade Union Confederation, *Trade Unions non-governmental organizations (TUNGOS) Focal Point*

GenderCC, *Women and Gender* Focal Point*

Service Civil International, *Youth (YOUNGO)* Focal Point*

on 31.08.2010

The above mentioned 6 civil society constituency focal points have come together to deliver this submissions jointly, as we all agree on the vital importance of civil society participation in ensuring the success of these negotiations in achieving their ultimate objective as articulated in Article 2 of the Convention.

All constituency focal points represented in this submission are all actively engaged in this process due to the critical nature of climate change and its impacts on both the planet and its people. The UNFCCC is and should be the primary and legitimate forum for these discussions at the international level. It provides the opportunity for the most effective participation of all affected parties and constituencies, especially developing countries with limited resources.

Broad public participation in the UNFCCC processes is consistent with international law and norms. For example, the Rio Declaration,¹ Agenda 21,² and the Aarhus Convention³ all acknowledge

i Listed in the alphabetical order and as displayed in document contained at http://unfccc.int/files/parties_and_observers/ngo/application/pdf/const_continfo.pdf

† This submission is also endorsed by the Friends of Earth International that has been contributing in the UNFCCC process as one of the focal points of a network of environmental non-governmental organizations gathered as Climate Justice Now!

** Provisional Constituency

Based on their request, the above three groups are recognized as constituencies on a provisoinal basis pending a final decision of their status before COP 17.

¹“Environmental issues are best handled with participation of all concerned citizens, at the relevant level.” Rio Declaration, Prin. 10.

² For example, “Non-governmental organizations, including those non-profit organizations representing groups addressed in the present section of Agenda 21, possess well-established and diverse experience, expertise and capacity in fields which will be of particular importance to the implementation and review of environmentally sound and socially responsible sustainable development, as envisaged throughout Agenda 21. The community of non-governmental organizations, therefore, offers a global network that should be tapped, enabled and strengthened in support of efforts to achieve these common goals. ... To ensure that the full potential contribution of non-governmental organizations is realized, the fullest possible communication and cooperation between international organizations, national and local governments and non-governmental organizations should be promoted in institutions mandated, and programmes designed to carry out Agenda 21.” Agenda 21, Arts. 27.3 – 27.4.

³“In order to contribute to the protection of the right of every person of present and future generations to live in an

that the best environmental decisions are made when civil society participates. The Framework Convention itself provides that Parties “shall ... encourage the widest participation in this process, including that of nongovernmental organizations.”⁴

Civil society participation plays two key critical roles, among many others, in our collective view. First, civil society actors serve as a resource for the parties, with extensive knowledge and expertise to share. Civil society input can help to unlock challenging discussions, provide new ideas into the debates, and answer critical questions. But in addition, full and effective participation of civil society affords legitimacy to this process that would not otherwise be there. Members of civil society represent a huge variety of critical stakeholders in this process. From international organizations to women networks to grass roots movements, from mayors to workers, from indigenous peoples to young people around the globe... civil society representatives are the eyes and ears of the peoples of the world. In the spirit of constructive partnership, the 6 constituency focal points referenced above offer the following specific suggestions to move forward.

1. The Secretariat’s ongoing efforts on the stakeholder engagement review should be commended, however more transparency on the results would be recommended and drafts of the report should be made available. The Secretariat should revise its guidelines on public participation, on a timeline that will result in final guidelines published well before COP-16. This process should include meaningful participation by civil society. The proposed revisions should be broadly disseminated, and comments solicited, sufficiently in advance of their implementation to allow the Secretariat to revise the guidelines in light of comments received.

2. The default approach for all civil society engagement – including participation in informals - should be full participation and access, as was recently agreed with respect to timely access to all documents. Only in exceptional circumstances should parties explicitly decide to limit access.

3. On numbers, venues should be chosen that allow for a strong representation of civil society constituencies. The Secretariat should undertake an open consultation process with the observer constituencies should limitations be required due to space constraints or other issues. This process should provide for the flexibility needed to ensure effective participation of all observers, the advanced notice required in order to plan effectively, and opportunities for input into the criteria and procedures in order to ensure the diverse needs and resources of observer organizations are taken into account.

4. Side events are an important part of these conferences, providing parties and observers opportunities to exchange views, influence the negotiations, and bring in new ideas to the process. As such, side events put on by observers and Parties should be treated equally and be accommodated in such a way to ensure that they can have an impact on the negotiations by ensuring the ability for relevant attendance. Increased use of innovative web tools to enhance facilitation and coordination of side events should also be explored.

5. A fundamental role of civil society is to promote positive solutions and expose bad developments through the use of a variety of tools, including stunts. When proposals are inequitable and permit business as usual, there is no justification for denying full civil society expression. The right to have the voices of civil society heard within the venue must be respected and not subject to arbitrary and draconian restrictions. Many parties in the process have cause to be thankful to civil society for not quietly accepting inadequate and inequitable proposals, and thus this right should be strengthened with a view towards an agreeable policy for all.

environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.” In the words of Kofi Annan, “Although regional in scope, the significance of the Aarhus Convention is global. It is by far the most impressive elaboration of principle 10 of the Rio Declaration, which stresses the need for citizen’s participation in environmental issues and for access to information on the environment held by public authorities.” Kofi A. Annan, former Secretary-General of the United Nations. UNECE, “Introducing the Aarhus Convention,” <http://www.unece.org/env/pp/>.

4 UNFCCC Art. 4.1(i).

6. The roles of the UNFCCC Secretariat, Parties and host country in determining public participation policies should be made explicit. Clear information on the division of responsibilities and arrangements between the Secretariat and the host of each COP - in this case the Government of Mexico for COP16 – should be made public well in advance of the COP.

7. The UNFCCC Secretariat should continue to engage with the Aarhus Secretariat and other relevant bodies that address public participation. The recommendations of the Aarhus Convention in its recent meeting of 29 June 2010 should be taken into consideration and implemented by the UNFCCC Secretariat and the Parties (especially those who are Party to the Aarhus Convention) as appropriate.

8. The UNFCCC and its Secretariat should look towards other forums where public participation has been effectively facilitated. The Convention on Biological Diversity and UNEP Governing Councils serve as two examples. Civil society has effectively participated in advisory boards, governance bodies and other entities of multilateral agreements and we encourage Parties to consider these examples.

9. The Secretariat should request authority to use more of its budget to facilitate public participation and should request that the Parties provide increased financial resources to support these efforts.

10. Innovative ways of engaging civil society, including for instance facilitation of a cross-constituency civil society meetings and workshops should be explored by the SBI and the UNFCCC Secretariat in close coordination with civil society constituencies.

11. As mentioned, civil society serves as an extremely valuable technical and political resource for Parties, especially in developing countries. Parties should always be encouraged to utilize these resources in whatever means they choose, including by inviting them onto their delegations.

Finally, in the short term, civil society observers should be permitted to attend any informal meetings taking place during COP16 or otherwise covering agenda items concerning civil society participation.

It should be noted that many parties expressed their commitment to ensuring proper civil society participation during the SBI32 session. In addition, the work of the SBI Chair to take up this agenda item is to be commended. The constituencies represented in this submission look forward to working with the SBI Chair, the Secretariat, and the Parties to ensure the full and effective participation of civil society in the collective efforts to address this most critical issue.