

Open Dialogue

Between the Parties and Non-Party Stakeholders

FIJIAN PRESIDENCY'S REPORT

The Fijian Presidency presided over the first Open Dialogue between Parties and Non-Party Stakeholders (NPS), conducted on 8 November 2017 in Bonn, Germany at COP23. This historic dialogue marks the first time in the UNFCCC process, during the formal proceedings, that an official dialogue between Parties and NPS has been convened.

The Open Dialogue was conducted in Pacific Island tradition of "Talanoa" where communities come together to share stories and experiences in pursuit of common understanding and the common good. The Presidency thanks all participants in this historic Open Dialogue for their thoughtful, respectful and productive contributions, and very much looks forward to participating in future dialogues to come. This report presents the Presidency's reflections on the Open Dialogue.

Background

As encouraged by the Subsidiary Body for Implementation (SBI), at its forty-sixth session in May 2017, the Fijian Presidency of the COP 23/CMP 13/CMA 1.2 convened the first Open Dialogue between Parties and NPS. The Open Dialogue received the highest level of priority for both the Fijian Presidency and the UNFCCC Secretariat, having COP23 President, Honourable Prime Minister of Fiji, Frank Bainimarama, Executive Secretary of the UNFCCC, Ms. Patricia Espinosa, Chief Negotiator for the COP23 Presidency, H.E. Ambassador Nazhat Shameem Khan, and the COP23 Presidency's Climate Ambassador, H.E. Deo Saran, all in attendance for the formal opening of the Dialogue. H.E. Ambassador Saran chaired the Open Dialogue, and enlisted the valuable support of two distinguished moderators, Prof. Jean-Pascal van

Ypersele and Prof. Benito Mueller, to whom the Presidency is grateful for their skilful moderation of the discussions.

The official mandate under the agenda item, Arrangements for Intergovernmental Meetings (AIM), decision FCCC/SBI/2017/7 paragraph 119(b) (i), is as follows:

“The SBI identified opportunities to further enhance the openness, transparency and inclusiveness of the effective engagement of non-Party stakeholders. [...] Encouraging future Presidencies, subject to the availability of resources, to explore ways to enable admitted NGO constituencies to have an open dialogue with Parties, whereby agenda-setting as well as programming of the dialogue are conducted jointly among the admitted NGO constituencies, the Presidency, the Bureau and the secretariat as appropriate, on the understanding that **any outcomes of such a dialogue should have persuasive value only**, respecting the Party-driven nature of the UNFCCC process [...]”.

The Open Dialogue brought together a diverse mix of nearly 50 Parties and broad cross-section of NPS, including environmental organizations, business and private sector, trade unions, youth, women, indigenous peoples, local governments, farmers and research institutions – all of whom hailed this as a historic moment for the UNFCCC process. Given the overwhelming interest in this historic event, the 430-person room capacity proved insufficient to seat all of the participants. The Fijian Presidency sincerely thanks all of the participants and, as H.E. Ambassador Saran noted in reference to future Open Dialogues, "we'll have to get a bigger room".

Fijian Prime Minister and COP23 President, Frank Bainimarama reminded the participants of both the context and importance of the historic meeting, “we understand that the formal negotiations are governed by the idea of a party driven process. But we also understand that the rich variety of NPS represented in this room have a great deal to contribute to that process. In fact, without the Non Party Stakeholders, we will fall short of the objectives set by the Parties.” COP23 President Bainimarama stated further, “today, we will not be negotiating. We will be talking to each other. And we will be listening. This is the perfect setting for adopting the Talanoa Spirit that is so much a part of what Fiji brings to the Presidency.”

The participants expressed strong support for the Open Dialogue at future climate talks and thanked the Fijian Presidency for championing the first Open Dialogue in a Talanoa spirit; hoping that this will become a lasting legacy.

Programme and Planning

The Open Dialogue was the culmination of several months of planning and consultations, which were conducted through an online platform - *Samepage*. Representatives of all 9 UNFCCC NGO constituencies were invited by the Presidency to participate and suggest topics and input in the designing of the programme together. Additionally, there were meetings held during Climate Week in September in New York and at the Pre-COP meeting in October in Fiji. The Presidency notes that some of the participants from both the Parties and NPS suggested ways to achieve greater outreach and involvement in the designing of future Open Dialogues.

In total, 13 topics were suggested and two were selected based on the majority of support from constituencies and Presidency priorities. The first session of the Open Dialogue was on **NDC enhancement and implementation** with the aim to initiate greater collaboration between Parties and NPS at the national levels in the design, implementation and enhancements of NDCs to assist in achieving greater ambition by 2020.

The second session was on **Enhancing observer access to and participation** in formal meetings with the aim to build on the conclusions of SBI and discuss specific steps towards their implementation as well as enabling conditions for further enhancement. A total of three hours was dedicated to the event, with each session receiving equal time for discussion.

Key Discussion Questions

As noted above, the Open Dialogue was organized into two equal length sessions to address the following specific key questions.

Session 1: NDC enhancement and implementation

1. How are Parties and NPS collaborating with each other on enhancing and implementing NDCs?
2. How can NDCs be improved?
3. How best can NPS actively contribute and feed into the 2018 Talanoa Dialogue both directly and indirectly?

Session 2: Enhancing observer access and participation

1. Given that time management in Plenaries and Contact Groups is challenging, what are innovative ways to increase intervention opportunities?
2. Following SBI conclusions, what should the next steps be throughout 2018 for Parties to make greater use of inputs by non-Party stakeholders in workshops and technical meetings, as well as through submissions?
3. What are good practices from other UN processes? How can they be applied in the UNFCCC?

Key Discussion Themes

Both of the sessions saw very rich discussion between Parties and NPS leading to a range of constructive suggestions and ideas. Some key themes are outlined below.

The importance of enhancing NDCs through **co-designing and co-delivering them with NPS**, was highlighted. This signaled that there is a need to create the right environment and institutional arrangements in the countries to enhance engagement and cooperation between the national level governments and the NPS within each country as an integral part of the NDC process.

Further to this point, the virtue of moving from **consultation to collaboration** was noted, and that this process offers an opportunity for **continuous improvement at**

every level. Striving to continually improve not just our ambition, but also the underlying robustness of the process informing and implementing NDCs so that they truly represent the best of what each Party and constituency can bring to our shared challenge. Participants agreed on the **urgency** that underlies all of our work. The urgency of what the science is telling us, but also the urgency of getting this process right and ensuring we all have a role to play and can contribute to, and own, responsibility for the outcomes.

Participants also focused on **just transition** being a pathway to increased ambition. Examples were shared of NDCs that have higher ambition because the process to develop them included local plans based on the principles of just transition for workers and communities who would be impacted by the necessary movement away from fossil fuels.

The participants were also reminded that **indigenous peoples and local communities have traditional knowledge that is at least as valuable as western knowledge** to help inform decision making and assist in achieving our collective goals. The importance of ensuring **human rights and gender rights** in the process and in the outcomes was also a key element of discussion.

We heard that **actual transformation** on the ground necessarily **involves all actors.** And that in many cases, it is **not confined to individual political borders.** Global markets and economic value chains have extensive cross border reach, and thus their climate impacts and some of the best means to reduce those impacts requires greater collaboration with NPS. In that sense, NPS that operate in the global economy are invaluable in informing the NDC process and content for Parties.

Many reminded us that we have a **responsibility to enhance transparency,** as called for in the conclusions Parties agreed earlier this year at SBI 46, alongside openness and inclusiveness. Reference was made to the precedent of existing **frameworks, principles and rules** in other areas of the UNFCCC and external processes, that promote enhanced participation while addressing the realities of the different constituencies, and specifically the **capacity of some to unduly influence outcomes to serve their own**

vested interests. Calls were made for a policy that regulates participation of the different types of NPS, differentiating between those that represent public interest and those that represent private interests.

Overall, it was evident from the discussions that NPS can play a crucial role in supporting effective implementation, strengthening domestic enabling environments and providing analytical inputs to identify new opportunities for mitigation and adaptation action, both at the NDC level and through greater participation in the UNFCCC process.

The discussion highlighted that ‘today’s system is not perfect, but it is better than yesterday’s and we can seek to make tomorrow’s system better than today’s.’

Presidency Recommendations

The Fijian Presidency, after listening to and considering the valuable contributions from all of the participants, respectfully offers the following recommendations for Parties and NPS to consider:

Session One:

- Co-design and co-deliver NDCs with an inclusive representation of NPS in a transparent manner.
- Consider a national forum for convening inputs from all stakeholders in the NDC design process, and implementation process, leading to a “strong marriage” between Parties and NPS.
- Develop domestic policy and legal framework and conditions suitable to attract NPS investment into climate solutions and promote innovation to help enhance and operationalize NDCs with the highest possible levels of ambition.
- Imbed recognition of and respect for indigenous peoples, human rights, gender, and the just transition as part of NDC implementation and enhancements.

Session Two:

- Produce concise summaries of the submissions from admitted observer constituencies, so that Parties may consider the observers bottom-up approaches and have the benefit of such summaries.
- Enhance admitted observers' access to and participation in formal meetings, in order to ensure continued and enhanced transparency throughout this process.
- Define more clearly the role of admitted observers in the Talanoa Dialogue in order to manage expectations and maximize the shared benefits.
- Encourage direct communication between admitted observers and individual Parties through bilateral meetings.
- Consider other multi-lateral fora for examples of how observers are included in the process with a view to enhancing their participation in the UNFCCC process.
- Provide greater advance notice of meetings and agenda items, ensure equitable distribution of credentials, and consider co-facilitation of certain Sessions with admitted observers, as appropriate.
- Allow admitted observer interventions to be made throughout the official sessions or at stock take plenary to avoid cancellation of NPS interventions when the discussions go beyond the time limit.
- Foster more use of the Talanoa format for open discussions between Parties and observers.

Conclusion

The first Open Dialogue between Parties and NPS produced valuable sharing of experiences, engaging discussion and concrete suggestions for improving the process and increasing collective ambition. The COP23 Presidency is very pleased with the outcome of the Open Dialogue and extends its gratitude to all of those who made the Open Dialogue a success.

The Presidency assessed the success of the Open Dialogue against three criteria:

- whether there was strong participation amongst the Parties and NPS;
- whether the Dialogue produced a rich exchange of views in a non-negotiation setting, and;
- whether there was agreement to continue to hold another Open Dialogue in Poland at COP24.

Based on these criteria, the Presidency believes this first Open Dialogue was a resounding success.

We would like to acknowledge Poland as incoming President of COP 24 for rendering support for the Open Dialogue. To all of those who participated and to all Parties and the NPS, we look forward to joining you again next year and supporting our Polish friends.
