

Final draft
**CAN Submission on Promoting Effective Participation in the
Convention Process**
January 2005

The Climate Action Network (CAN) is a coalition of more than 360 environment and development non-governmental organizations in 85 countries worldwide committed to limiting human-induced climate change to ecologically sustainable levels. CAN welcomes the opportunity to provide recommendations on the UNFCCC Note “Promoting Effective Participation in the Convention Process” (FCCC/SBI/2004/5). This final submission summarizes CAN’s main recommendations to the options outlined in the UNFCCC note and includes the position paper presented to SBI in June 2004 as Annex I. The contents of this submission relate to the non-governmental organisations section only.

CAN strongly believes that procedures and modalities for timely, meaningful, and representative participation by NGOs in all Convention-related processes are essential to ensure that both the Convention and Protocol meet their environmental and sustainable development objectives. CAN believes that the principle of NGO involvement as set out in Agenda 21 is key to developing the role of non-governmental organisations as social partners within the UN system.

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 goals¹.

CAN’s participation in the recent COP in Buenos Aires has demonstrated that CAN groups continue to provide significant knowledge and expertise useful in achieving a participatory and transparent environment and essential in ensuring environmentally responsible global solutions. CAN recognizes that there may be occasions when a meeting is closed to observers or an opportunity for input is limited, but this should be the exception, not the rule. CAN believes the basic presumption should be that all accredited observers shall have full access and opportunities for input at all meetings of Convention and Protocol bodies.

CAN asks that the Parties consider and support the recommendations as outlined below.

¹ Agenda 21, Chapter 27.3, viewed on 25 January 2005
<http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21chapter27.htm>

- **CAN requests that Parties increase and formalize the opportunities for input into the negotiating process.**

CAN places a high priority on increasing the opportunities available to NGOs to provide formal input to the negotiating process at the most effective times. CAN urges Parties to ensure that meaningful, effective participation takes place by allowing NGOs to make contributions in contact groups, preparing submissions and providing substantive input to the plenary sessions.

CAN supports the decision made at SB-20 that requests for submission of information and views could be extended to NGOs where appropriate and CAN groups look forward to this becoming the procedure as this would increase the transparency of positions and facilitate the increased sharing of information.

The recommendation at SBI-20 that NGO “submissions should not be issued as official documents, in order not to expand the volume of documentation, but would be made available on the secretariat web site,” is inconsistent to recommendations made to the UN High Level Panel on Civil Society which emphasized that “when civil society inputs are sought or invited by a UN process, the inputs received should be recognized, preferably in official UN documentation”². CAN supports this view and urges Parties to reconsider this limitation on transparency.

CAN appreciates the opportunities to outline positions and share expertise within the plenary sessions, as has been done at previous Conferences of the Parties. CAN groups request, however, that these opportunities be formalized and that the NGO community be given opportunities for input on which specific issues represent the highest priority for civil society. At the recent COP10 in Buenos Aires, NGOs were able to provide input during the final session of the plenary, but not during the roundtable discussions themselves. This differed from other COPs where opportunities have been given to speak during both the high level discussions and in the final plenary. CAN requests that NGOs receive a standing opportunity to express our positions during the Ministerial session when the political decisions are being made, as well as to comment on the decisions during the final plenary.

In addition, CAN appreciates the recent addition of opportunities for NGOs to speak on specific agenda items during plenary discussions, but has requested the ability to provide input into the decision of which agenda items. At both COP9 and COP10, CAN made interventions in the plenary on two agenda items. While important, these items did not represent the highest priority issues either for CAN or for the negotiations as a whole. Therefore, CAN would like a commitment from the secretariat to provide input in advance on the agenda items on which NGOs would like to intervene during the COP and that it be included in the daily programme.

² Consultation meeting with non-state constituencies of UNFCCC, COP9, Milan, 2 December 2003, <http://www.un.org/reform/milan.doc>, viewed on 25 January 2005.

- **CAN requests that Parties assist in supporting the attendance of environmental NGOs from developing countries and EIT countries**

A balanced representation of NGOs throughout the Convention process is one of the most integral aspects of civil society involvement. However, because of inadequate resourcing, NGOs who would bring expertise and experience from developing countries and EIT countries are often not adequately represented. CAN requests that Parties consider providing financial support for environment and development NGO attendance throughout Convention processes and that at least one developing country or/and EIT CAN representative from each UN region be funded to attend the negotiating sessions.

At a minimum, CAN urges that Parties make an attempt to ensure that funding, particularly for COP sessions, be made more secure by recommending that countries making a commitment to host a negotiating session should also include a commitment to support civil society participation during that session.

Funding should also be based on actual need. Priority should be given to NGO representatives from the Least Developed Countries, then to those from other non-Annex I countries. Funding should not be provided to those observers who in actuality work for or represent for-profit corporations, as those observers can be supported by their patrons.

- **Additional comments**

With regard to the High Level Panel of Eminent Persons on United Nations–Civil Society Relations (HLP) created by the Secretary-General, CAN welcomes the acknowledgement of the importance of civil society in making the UN more effective, furthering its goals and becoming attuned and responsive to citizens' concerns. CAN seeks clarification on some issues raised in this reform process particularly with regard to how the Trust Fund would ensure adequate participation for NGOs from developing countries and Economies in Transition.

CAN welcomes additional participation opportunities in the meetings of expert groups and urges the Parties to consider this option. CAN however does not recommend that web-based tools and the proposed multi-stakeholder dialogues substitute for additional opportunities for direct participation which have been highlighted above and in CAN's view are more effective.

Annex I

CAN Position on Promoting Effective Participation in the Convention Process Twentieth Meeting of the Subsidiary Bodies June 16, 2004

The Climate Action Network (CAN) is a coalition of more than 360 environment and development nongovernmental organizations in 85 countries worldwide committed to limiting human-induced climate change to ecologically sustainable levels. CAN is proud of the positive impact that its active participation in the international climate negotiations has had over the years and appreciates the effort by the Subsidiary Body for Implementation and the secretariat to broaden and enhance the opportunities for engagement and participation afforded to civil society. CAN strongly believes that procedures and modalities for timely, meaningful, and representative participation by NGOs in all Convention-related processes are essential both to ensure that the Convention and Protocol meet their environmental and sustainable development objectives and to comply with emerging public participation principles in international law. In this paper, CAN outlines its views on the options identified in the Note by the secretariat, "Promoting effective participation in the Convention process" (FCCC/SBI/2004/5). CAN calls upon all Parties to recognize the fundamental and critical role played by NGOs in the negotiation process by supporting substantial improvements in the mechanisms and policies for NGO participation.

CAN believes the basic presumption should be that all accredited observers shall have full access and opportunities for input at all meetings of Convention and Protocol bodies.

While CAN is aware of and sensitive to the time and funding limitations, along with the political context of the climate negotiations, CAN believes that when NGOs are given the same opportunities as Parties to attend and provide input to the negotiations all benefit. CAN recognizes that there may be occasions when a meeting is closed to observers or an opportunity for input is limited, but this should be the exception, not the rule. In the event that such limitations must be imposed on NGO engagement, the decision should be based on clearly defined criteria and its reason should be made public. The options laid out in the secretariat's paper represent important steps toward achieving such a participatory environment. CAN asks that Parties support the recommendations as outlined below.

CAN requests that Parties increase and formalize the opportunities for input into the negotiating process.

CAN places a very high priority on increasing the opportunities available to NGOs to provide formal input to the negotiating process at the most effective times. By formalizing additional points of input, Parties would provide important improvements to the current modalities for influence that primarily rely on informal and ad hoc contacts.

To facilitate broad and transparent sharing of civil society positions, CAN requests SBI to adopt the following improvements:

Opportunities to make interventions in contact groups: Because contact group meetings are the venue for some of the most important negotiations, NGO access and involvement are essential. The ability of NGOs to take the floor to comment on the direction of the discussion and to make recommendations represents a critical opportunity to provide input into decisions as they are being made as opposed to merely critiquing them afterward. CAN therefore recommends that NGOs be permitted to request opportunities to make interventions throughout the course of contact group discussions, with an assurance that NGOs will be granted at least one such opportunity for each contact group meeting. (Option B, Table 1)

Opportunities for NGOs to make submissions: When NGOs have been invited to submit our views to Parties on negotiating issues in the past, CAN has received feedback that such submissions are appreciated, as many delegations find it helpful to have the CAN position along with that of the various Parties when deciding on negotiating stances. An expanded practice of inviting submissions from NGOs would increase the transparency of positions and facilitate the increased sharing of information, particularly during the critical inter-sessional period in which many negotiating positions are formulated. (Option F, Table 1)

NGO input to the plenary on substantive items: NGO interventions on specific agenda items at COP9 presented important opportunities to outline positions and share expertise from within the CAN community. The expansion of this practice would be most welcome, and would further increase the opportunities for formal input on specific issues that are important to civil society. CAN strongly recommends, however, that the NGO community be given significant, timely opportunities for input on the decision of which agenda items will be covered, to ensure that they match CAN's priorities for the session as much as possible. (Option A, Table 1)

CAN requests that Parties assist in supporting the attendance of environmental NGOs from developing countries and EIT countries.

Despite continual fundraising efforts by both individual groups and the CAN network as a whole, a balanced representation of civil society at the various sessions and workshops is still a priority that needs support from Parties to the Convention/Protocol. An extensive network of environment and development NGOs are working to prevent climate change in developing and EIT countries, but the NGO delegation to negotiating sessions and workshops is consistently lacking adequate representation from these areas because of a lack of resources. NGOs bring tremendous expertise and local hands-on experience, benefiting individual delegations and the overall process. While CAN recognizes there are financial limitations within the Convention process as well, CAN requests that Parties seriously consider providing financial support for environment and development NGO attendance at workshops and sessions based on the following considerations: (Option C and E, Table 1)

NGO participation at workshops has been markedly limited due to a lack of funds: Over the last several years CAN has consistently been unable to fill available slots for crucial inter-sessional workshops. In part this is due to the inability of NGOs to cover the costs of travel and the lack of funder interest in supporting attendance at small-scale meetings. Recently this has even resulted in the lack of any environment or development NGO representatives at several workshops, preventing experts from sharing vital experiences, research, and positions at the point at which that information would be most useful to delegates. When representatives are able to attend, they are almost all from industrialized countries, leaving a significant information gap from the majority of global civil society. CAN requests that at least one ENGO representative be funded to attend each workshop with priority going to those from developing countries. CAN already manages a nomination and selection process that could facilitate the distribution of those funds to the NGO with the greatest expertise in the relevant area, and that could require the NGO to represent the broader community's positions at the meeting in addition to its own.

Funding for NGO participation at negotiating sessions is insufficient, insecure, and ad hoc: While more funding sources are willing to support NGO attendance at negotiating sessions than at workshops, resources for attendance at COPs remain scarce and difficult to obtain. The pool of resources is not large enough to support the attendance of a representative and balanced group of NGOs, resulting in an insufficient delegation of developing and EIT country groups. In addition, despite the regularity of negotiating sessions, a new round of labor-intensive fundraising is required for each session of the Convention bodies. CAN therefore requests that at least one developing country or EIT CAN representative from each UN region be funded to attend the negotiating sessions. In addition, given that much of the past funding for Southern NGO participation has come from the host government for each session, it would help set a common expectation and facilitate the fundraising process if SBI recommended that the commitment to host a negotiating session should also include a commitment to support civil society participation in that session.

Funding for attendance at sessions and workshops must be based on actual need: Recognizing the funding limitations, it is important that this support for attendance at sessions be provided only to those with a true need, and not to all constituencies regardless of need. Priority should be given to NGO representatives from the Least Developed Countries, then to those from other non-Annex I countries. Moreover, funding should not be provided to those observers who in actuality work for or represent for-profit corporations, because those observers can be supported by their patrons. The secretariat should be able to make such an evaluation by reviewing information provided in the observer's admissions documentation, or by requesting such information when announcing the availability of funding.

Funding for NGO participation would likely cost less than the estimates made: Due to funding limitations, CAN members have learned to stretch available funding a great deal and would likely be able to make arrangements for attending workshops and sessions for significantly less than is estimated in the paper. At COP9, for instance, developing

country CAN members attended the two-week session for an average of USD 3,500, significantly less than the USD 6,500 estimate noted by the secretariat.

Additional comments on the secretariat paper:

CAN would welcome additional participation opportunities in the meetings of expert groups: Because past meetings of expert groups have been closed to observers, NGO access to the related information and processes has been limited. CAN would be very interested in steps to increase the opportunities for involvement in these processes.

Web-based tools and multi-stakeholder dialogues (Option D, Table 1) do not substitute for additional opportunities for direct participation: Additional web services and discussions such as multi-stakeholder dialogues certainly represent additional opportunities to share information, but it is important that these forums not be seen as a substitution for more participatory methods of NGO engagement.