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**Subsidiary Body for Implementation**  
**Forty-sixth session**  
**Bonn, 8–18 May 2017**

Agenda item 15

**Arrangements for intergovernmental meetings**

**In-session workshop on opportunities to further enhance the effective engagement of non-Party stakeholders with a view to strengthening the implementation of the provisions of decision 1/CP.21**

**Report by the secretariat**


*Summary*

An in-session workshop was held on 9 May 2017 in Bonn, Germany, on opportunities to further enhance the effective engagement of non-Party stakeholders with a view to strengthening the implementation of the provisions of decision 1/CP.21. The workshop was open to all Parties and observers attending the forty-sixth sessions of the subsidiary bodies as well as those participating by virtual means through Twitter. It featured a panel discussion on how to enhance partnerships between Parties and non-Party stakeholders for effective engagement, as well as three parallel breakout groups focused on the key issues raised in submissions from Parties and non-Party stakeholders, including: enhancing the ambition of nationally determined contributions and national adaptation plans; expanding the scope of non-Party stakeholder contributions at the intergovernmental level; and diversifying modes of engagement and facilitating participation at the intergovernmental level. Parties and observers engaged in a frank, open and inclusive discussion of all issues, with the Chair of the Subsidiary Body for Implementation (SBI) noting that “all participants are panellists”. This report on the workshop was prepared for consideration by SBI 46.

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## **I. Introduction**

### **A. Mandate**

1. At its forty-fourth session, the Subsidiary Body for Implementation (SBI) agreed to convene an in-session workshop at SBI 46 on opportunities to further enhance the effective engagement of non-Party stakeholders<sup>1</sup> with a view to strengthening the implementation of the provisions of decision 1/CP.21.<sup>2</sup> It invited Parties, observer organizations and interested United Nations agencies to submit their views by 28 February 2017, and requested the secretariat to prepare a summary report on the views contained in those submissions to be used as background information for the workshop. The SBI also requested the secretariat to prepare a report on that workshop for consideration at SBI 46.

2. The summary report referred to in paragraph 1 above reflected the submissions received by the deadline.<sup>3</sup> Reference materials for the workshop, including additional background information, full submissions from Parties and non-Party stakeholders<sup>4</sup> and an informational video, were made available on the UNFCCC website in advance of the workshop.<sup>5</sup> The agenda for the workshop was developed through extensive online consultation with those observer organizations that expressed a wish to participate.

### **B. Scope of the note**

3. This report summarizes the discussions held by representatives of Parties and non-Party stakeholders during the workshop held at SBI 46, on 9 May 2017.

### **C. Possible action by the Subsidiary Body for Implementation**

4. The SBI may wish to consider the issues, concerns and proposals discussed at the workshop as part of its consideration of this agenda item and to provide guidance on possible next steps, as appropriate.

## **II. Workshop participation and structure**

5. The workshop was open to all Parties and observers attending the forty-sixth sessions of the subsidiary bodies as well as those participating by virtual means, through Twitter.

6. The workshop featured a panel discussion on how to enhance partnerships between Parties and non-Party stakeholders for effective engagement, as well as three parallel

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<sup>1</sup> The term “Non-Party stakeholders” appears in decision 1/CP.21, for example in the preamble: “non-Party stakeholders, including civil society, the private sector, financial institutions, cities and other subnational authorities, local communities and indigenous peoples”.

<sup>2</sup> FCCC/SBI/2016/8, paragraphs 163 and 164.

<sup>3</sup> FCCC/SBI/2017/INF.3.

<sup>4</sup> Party submissions are available on the submission portal at [http://unfccc.int/documentation/submissions\\_from\\_parties/items/5900.php](http://unfccc.int/documentation/submissions_from_parties/items/5900.php). Submissions from non-Party stakeholders are available on the UNFCCC website at [http://unfccc.int/documentation/submissions\\_from\\_non-party\\_stakeholders/items/7481.php](http://unfccc.int/documentation/submissions_from_non-party_stakeholders/items/7481.php).

<sup>5</sup> Information on the workshop, including the programme, background information and information video, is available at [http://unfccc.int/meetings/bonn\\_may\\_2017/items/10088.php](http://unfccc.int/meetings/bonn_may_2017/items/10088.php).

breakout groups focused on key issues raised in the submissions from Parties and non-Party stakeholders. The breakout groups addressed: enhancing the ambition of nationally determined contributions (NDCs) and national adaptation plans through climate action; expanding the scope of non-Party stakeholder contributions at the intergovernmental level (what Parties can do); and diversifying modes of engagement and facilitating participation at the intergovernmental level (what the secretariat can do).

### **III. Proceedings**

#### **A. Overview of proceedings**

7. The Chair of the SBI, Mr. Tomasz Chruszczow, who chaired the workshop, welcomed all participants to the workshop, noting that the high level of attendance and record number of submissions reflected the fundamentally important role of observer organizations in the UNFCCC process. He recalled that at the United Nations Climate Change Conference in 2011 in Durban, South Africa, Parties called for an agreement applicable to all. With the Paris Agreement, they must now develop its work programme so as to ensure that it not only applies to all but also leaves no one behind. He emphasized that the workshop would be conducted in an inclusive, transparent and open manner, noting that “all participants are panellists” and that they should freely express their views. He further noted that participants should view the workshop as a conversation rather than a negotiation.

8. The Executive Secretary, Ms. Patricia Espinosa, emphasized that Parties have long recognized the value of observers and continually strived to enhance their engagement through decisions and conclusions. The Paris Agreement marked a significant step forward, as Parties welcomed the efforts of all non-Party stakeholders to address and respond to climate change and invited them to scale up their efforts and support action to reduce emissions, build resilience and decrease vulnerability. She noted that the wide range of proposals on this matter reflected an equally wide range of work to be done in making the transition to a low-carbon economy. As this was the first workshop on observer engagement since the adoption of the Paris Agreement, she urged participants to fully share their views and proposals.

9. The high-level champion from Fiji, Minister Inia Seruiratu, expressed appreciation for the essential role of non-Party stakeholders and underscored the determination of the incoming President of the twenty-third session of the Conference of the Parties (COP) to bring them closer to the decision-making process. He noted that the Paris Agreement should be viewed in the context of other recent intergovernmental agreements and commitments, such as the Sustainable Development Goals, which demonstrate a global commitment to sustainable development, protection of the most vulnerable, and protection of the natural environment for future generations. Governments can only achieve these goals through deep collaboration with a wide range of stakeholders. Non-Party stakeholders can provide expert inputs into the process, while also keeping Parties grounded on what is possible. Noting the Marrakech Partnership for Global Climate Action, he expressed his hope that the workshop could take forward the work begun in Morocco.

#### **B. Panel discussion**

10. The panel discussion focused on how to enhance partnerships between Parties and non-Party stakeholders for effective engagement. The following panellists helped to facilitate the discussion:

- (a) Mr. Ulrik Lenaerts (Belgium), on behalf of the European Union;
- (b) Mr. Walter Schuldt-Espinel (Ecuador), on behalf of the Like-minded Developing Countries;
- (c) Mr. Marcos Montoiro, from the secretariat of the United Nations Convention to Combat Desertification (UNCCD);
- (d) Ms. Kalyani Raj, from the All India Women's Conference, on behalf of the women and gender constituency;
- (e) Ms. Norine Kennedy, from the United States Council for International Business, on behalf of the business and industry non-governmental organizations constituency;
- (f) Mr. Yunus Arikan, from ICLEI-Local Governments for Sustainability, on behalf of the local government and municipal authorities constituency.

11. During the discussion, panellists and participants shared their views based on three guiding questions as noted in paragraphs 12–25 below.

## **1. Effective engagement**

12. Participants were invited to consider how to more effectively engage observer organizations in the UNFCCC process and all stakeholders and actors at the national level. Participants were invited to address: the efforts needed to improve their engagement during sessions; how non-Party stakeholders could contribute to global climate action; how observers could contribute to the transparency framework to promote information-sharing and mutual trust; and how partnerships and interactions could contribute to the design and implementation of NDCs.

13. Panellists highlighted the vital role that non-Party stakeholders play in achieving action on climate change, recognized the added value they have already brought to the UNFCCC process to date, and stressed the essential role they are now playing in implementation efforts and in building ambition over time. Recalling the value of previous SBI conclusions to enhance engagement, panellists noted that Parties should consider how these steps could be taken further, such as involving non-Party stakeholders in more than just contact groups, for example by also involving them in workshops, expert meetings and efforts to develop NDCs. Another panellist cited the multi-stakeholder dialogue on the operationalization of the local communities and indigenous peoples platform as a good example of how engagement could develop.

14. Participants noted the limited value of brief plenary interventions and called for increased flexibility for chairs to allow for more regular inputs. Some suggested that rights-based constituencies should speak first, sometimes even before Parties begin their discussions. Others called for increasing the opportunities to make presentations to technical experts meetings (TEMs). Participants also proposed more extended, structured participation in the NDC cycle and the global stocktake – not just the current practice of two-minute interventions at the end of meetings. For indigenous peoples organizations (IPOs), actions to improve meaningful contributions could include: a working group under the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts; the establishment of a thematic focus on IPO needs; and a TEM on traditional knowledge for the pre-2020 action agenda. In addition, some participants proposed that more could be done to raise of the awareness of presiding officers of negotiating bodies of the benefits of observer participation.

15. In the discussion, participants raised a number of concerns about non-Party stakeholder engagement, as well as offering proposals for improving it. On access to

negotiation meetings, some participants called for limiting the number of closed meetings, and publicly stating the justification for closures. They also called for improved access to the full range of UNFCCC meetings at the next United Nations Climate Change Conference, not just to side event and exhibit areas. Some noted the need for the provision of financial support for youth participants, particularly for the facilitative dialogue in 2018. They also noted the need to engage youth representatives more fully in the UNFCCC process and at the national level as they are active in providing opportunities for dialogue with the younger generation, which often leads to useful policy suggestions and innovative ideas. In addition, it was noted that the research community could provide more knowledge and expert inputs if new channels were developed to facilitate their input.

16. A panellist and other participants called for a legal framework to enable the better engagement of non-Party stakeholders. This would require the development of a set of rules and principles, as well as procedures for avoiding conflicts of interest. With regard to potential conflicts of interest, some participants called for a process for guaranteeing that all non-Party stakeholders participating in the process are committed to the objectives of the Convention and share a common view on their urgency. Others stressed that more observers joining the UNFCCC process was a positive development, because as many groups as possible will be needed to achieve transformational change on a global level.

17. Some participants noted that while the UNFCCC process has a strong track record on non-Party stakeholder engagement, practices from other processes could also be helpful, such as the open dialogue engagement under the UNCCD, which allows non-Party stakeholders to choose agenda items and engage in an open dialogue with Parties. It was also noted that the application of practices from the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, such as conducting direct public consultation and sharing information on the impacts of proposed policy, is beneficial for decision-making. It was also noted that the Committee on Food Security of the Food and Agriculture Organization of the United Nations strongly engages with stakeholders, classifying civil society as participants and not observers, which provides them with greater opportunities for making presentations and interventions. Participants also proposed finding a better term than “observers”, since they do not passively observe but actively engage.

18. Speakers noted that the full operationalization of the NDCs will require the active involvement and engagement of all non-Party stakeholders. Some panellists also highlighted the successful use of national dialogues and round tables in the development of NDCs and called for the continuation of this approach. Non-Party stakeholders can identify cost-effective measures with high mitigation potential, as well as increase political awareness and build momentum, especially for the facilitative dialogue. On the other hand, it was cautioned that during the implementation phase, public funding must not be spent on actions that violate indigenous peoples’ rights, such as providing funding for wind farms that encroach on their lands.

19. It was noted that the Sustainable Development Goals were developed with an open process that allows non-Party stakeholders to track and report on how those goals are being met, which could provide a good example. It was also noted that building a new world would not happen with the old rules of engagement; improved engagement with local and regional governments will be key.

20. With regard to global climate action, participants called for the creation of a measurement, reporting and verification system for non-Party stakeholder actions that would provide improved follow-up and tracking of progress. It was also proposed that it be ensured that the climate champions follow a sound strategy, as they are vital for generating good examples of stakeholder engagement.

## 2. Differentiated engagement and governance principles (taken up together)

21. Differentiated engagement of non-Party stakeholders is already under way, with the preamble and Article 12 of the Paris Agreement setting governance rules for inclusiveness and States' obligations for ensuring public participation and public access to information. Participants were therefore invited to share their views on: good practices for differentiated partnerships that could ensure inclusiveness; whether there is a need to differentiate the approach to partnerships depending on the geographical region; and how stakeholders with different interests, skills, knowledge and resources could be brought together to work effectively on solving climate-related problems.

22. Participants were also invited to share their views on governance and stewardship principles that could ensure non-discrimination, self-selection, transparency, cooperation, good governance and engagement, while not resulting in conflicts of interest. They also addressed the good practices that are applicable to the UNFCCC process.

23. Panellists highlighted a range of relevant issues and proposals on differentiated engagement. A panellist called on Parties to adopt clear rules of engagement for public interest and rights-based constituencies, as they often lack resources. A proposal was made for mechanisms to provide resources and space that would foster greater involvement of marginalized groups such as women, youth, indigenous peoples and workers in the process. Another panellist proposed the use of a recognized channel for business voices in the process and for more voices from small and medium-sized enterprises and from businesses in developing countries. Another panellist stated that the engagement of local and regional governments should respect their uniqueness in terms of visibility, structure and political weight since they are publicly elected, rely on public budgets and are accountable to citizens.

24. Speakers also emphasized the expert advisory role that intergovernmental organizations (IGOs) can play and suggested that the facilitative dialogue presents an opportunity to make improvements and provide better access and inputs to meetings. They also called on Parties to facilitate a shift away from a culture where single Parties can veto observer participation, noting that a "Parties only" discussion often includes some non-governmental organizations on Party badges but excludes IGOs. A representative of the UNCCD secretariat provided an example of a panel representing five geographical regions that organizes observer input into the process, reflecting respective regional circumstances.

25. On conflicts of interest, some participants stressed that enhancing the engagement of non-Party stakeholders must not undermine the legitimacy and integrity of the UNFCCC process. To that end, one group proposed that the UNFCCC process adopt a definition of conflict of interest. The framework for engagement adopted by the World Health Organization in its efforts on tobacco control was cited as an example. Some participants expressed concern regarding public-private partnerships being viewed as the only driver for climate action. Others countered that businesses and industry play an important role in meeting the climate challenge and all groups will benefit from an open and transparent process. Another speaker noted that excluding groups, such as the private sector, fundamentally misunderstands the purpose of this convention, as the entire negotiating process is about hearing competing views.

## **C. Breakout groups**

### **1. Enhancing the ambition of nationally determined contributions and national adaptation plans through climate action**

26. This breakout group was assisted by: Mr. Larry Hegan (Canada), facilitator; Mr. Tim Damon (Seychelles), rapporteur; and Ms. Emily Rushton (Association Actions Vitales Pour Le Développement Durable), note-taker.

27. Participants shared a range of positive experiences with stakeholder engagement during the development of NDCs, which could have broader application. These included: taking a collaborative approach and engaging a broad range of stakeholders; using an architectural framework for engaging with civil society and developing a standardized approach; actively developing NDC partnerships, which requires considerable effort but will help ensure effective, long-term results; and using bottom-up and top-down approaches together to ensure collective action, with local-level action that involves government and civil society representatives in equal measure. Helpful actions, beyond written submissions, can also include: public forums and consultations; including civil society representatives on governmental advisory boards; and online interactions, particularly for youth.

28. A key challenge arises when there is no shared vision at the national level, particularly in countries having only a few organizations focused on climate change. A broad vision, such as ‘zero emissions’, is needed to build wider buy-in. Other challenges include: building public trust, which calls for transparency on who comes to the table and what they bring; confronting structural inequalities to ensure free, meaningful and informed participation for all; ensuring that public hearings are culturally appropriate and accessible to different groups; integrating gender considerations at national and local levels, as women are often excluded in terms of access to finance, technology and education; and ensuring that private partners do not take over the governmental role in public-private partnerships.

29. A number of participants noted the need to share more success stories, which can inspire action and build capacity. In addition, non-Party stakeholders should be part of the five-year review process to share their experience on successes and lessons learned. Non-Party stakeholders can also play an important role in education at every level, from primary through to university levels, which will improve ownership of national climate goals. Participants also noted the value of reference groups at national and UNFCCC levels that have balanced representation from all, and called for transnational learning partnerships for capacity-building. Some participants cited the Marrakech Partnership for Global Climate Action as a critical tool for increasing ambition, and characterized the Non-State Actor Zone for Climate Action platform as good for leaders. However, it was also noted that clear criteria for the selection of partners, rather than more general principles, would be helpful. The discussion also addressed potential conflicts of interest. Some called for a clear process for addressing conflicts of interest and stressed that corporations should not be involved in policymaking. Other noted that all sectors should be included and cited the success of the Montreal Protocol on Substances that Deplete the Ozone Layer as an example of positive industry involvement.

### **2. Expanding the scope of non-Party stakeholder contributions at the intergovernmental level (what Parties can do)**

30. This breakout group was assisted by: Mr. Herman Sips (Netherlands), facilitator; Ms. Hindou Oumarou Ibrahim (Indigenous Peoples of Africa Co-ordinating Committee), rapporteur; and Mr. Harro Van Asselt (University of Eastern Finland), note-taker.

31. Participants called for the development of clear rules of engagement for observers in the process, citing the Standing Committee on Finance and the Warsaw International



Mechanism as good examples. A number of participants suggested that Parties follow a presumption of inclusion for non-Party stakeholders for all levels of UNFCCC meetings, and called for clearly stated reasons if they are excluded. An increased level of access to meetings would create a sense of trust and inclusion, conducive to enhanced cooperation. Participants also emphasized the need to provide the agendas in advance for all meetings – including negotiating sessions, workshops and TEMs – to allow for better coordination and improved inputs.

32. There were also calls for the inclusion of more observers in national delegations, in particular youth representatives, to promote intergenerational collaboration, capacity-building and awareness-raising. It was suggested that Parties needed more information regarding the selection of youth representatives, to ensure that the selected participants represent the interests of the national youth to promote intergenerational collaboration. The proposals also included: improved measures to capture the voice of indigenous peoples, women and youth who lack institutional support; establishing guiding principles for engagement to be used in national processes; improving information-sharing practices, both bottom-up and top-down; mandatory translation of all United Nations documents into the six official United Nations languages, and translation provided by Parties into their national languages; and improving the processes for making submissions, including allowing individuals to make submissions, to capture more voices and ensure that the best ideas are included. One participant suggested that the number of side events at sessions could be reduced to avoid confusion and overlap.

33. Participants also proposed the convening of preparatory meetings and national debates before sessions between non-Party stakeholders and Parties. A forum or platform where needs from countries can be matched by expertise and knowledge from non-Party stakeholders would allow for more specific and substantive contributions. A number of participants called for technical examination processes and TEMs to be more relevant for the high-level segment of the COP in order to increase their profile, as well as improved efforts to bring back their results to the local and regional level where their innovations can be utilized. Broader stakeholder participation in workshops, expert group meetings and seminars was also suggested by a number of participants. Better use of technology to increase virtual participation was suggested, with a good example cited in the use of Twitter to collect questions from virtual participants during the opening panel discussion of this workshop. Participants also called for developing channels for individual inputs, particularly from researchers, who are often constrained by university systems. Participants also discussed possible conflicts of interest. Some participants said a clear policy on the issue was essential for the integrity and credibility of the process and cautioned against the influence of vested interests. Other participants stressed that all businesses have a role to play in the process.

### **3. Diversifying modes of engagement and facilitating participation at the intergovernmental level (what the secretariat can do)**

34. This breakout group was assisted by: Ms. Loredana Dall'Ora (Italy), facilitator; Ms. Lina Dabbagh, (Climate Action Network International); and Ms. Ceris Jones, (World Farmers' Organisation), note-taker.

35. Participants made a range of proposals for action, including: providing financial support for global South stakeholders and other non-Party stakeholders with limited access to resources to attend the sessions; providing financial support for non-Party stakeholders, as done under the United Nations Environment Programme and the Convention on Biological Diversity. Participants also called for utilizing the latest developments in IT and online capabilities to allow virtual participation (e.g. through the use of webinars and voice recognition systems to facilitate online translation for remote participants). They also

proposed: holding more meetings online when they are open to observers, thereby reducing the number of on-site participants; improving disaggregation of the recordings and submissions on the UNFCCC website, particularly to facilitate sorting information by country; and facilitating the engagement of youth, stating that other United Nations processes allow it. There were also calls for the development of new avenues for providing expert inputs, particularly from universities and researchers. A call was made for measures to protect privacy, as activists are sometimes vulnerable to repression.

36. Participants also cited problems with accreditation and badges and called for increased flexibility for the quota system (e.g. easier transfer of quota slots, the use of day passes, and aligning accreditation with specific initiatives). A number of participants called for exploring the feasibility of a preparatory ‘pre-COP’ meeting between Parties and non-Party stakeholders. Some participants suggested that Parties should also consider revising the categories for constituencies, noting that they were agreed many years ago and do not facilitate the engagement of all observers. It was also suggested that there should be an equal profile provided for IGOs in events focused on non-Party stakeholders (particularly at a pre-COP meeting) and a contact point established for IGOs within the secretariat. Part of the debate centred on the need to develop a policy to address conflicts of interest for non-Party stakeholders. Some participants strongly expressed support for this approach, while others stressed the importance of diversity and inclusiveness.

#### **D. Closing meeting**

37. During the closing meeting, representatives from the three breakout groups reported rich and nuanced discussions that revealed many key issues and concerns, while also yielding many practical proposals for further consideration by the SBI. In addition, a participant stressed that, despite the slow pace of negotiations at the intergovernmental level, much action was already under way on the ground. On the other hand, it was noted that the wide range of processes under way can often make the full scope of action difficult to track. On public participation, participants stressed the need to increase citizens’ involvement and that all people have the right to free and informed participation, pointing to the absence from the UNFCCC process of some vulnerable communities affected by climate change. It was further proposed that Parties should give greater consideration to human rights while developing climate action.

38. Mr. Aziz Mekouar, on behalf of the COP 22 Presidency, thanked participants for their productive exchanges during the workshop. Recalling a full range of observer engagement actions taken by the Moroccan presidency, he reaffirmed that non-Party stakeholders are essential for driving ambition and implementation, as well as contributing to informed decision-making. He noted that they also reminded the nations of the world of their shared vision for achieving the goals of the Paris Agreement and Sustainable Development Goals, and the strong partnerships that will be needed for their successful achievement.

39. The SBI Chair thanked participants for their active contributions and for providing such an extensive range of helpful proposals and actions. Noting the emotions driving the interventions, he reflected that while not everyone was convinced by opposing arguments for the moment, an exchange of views is necessary for transitioning to a different future. He expressed his hope that participants had launched an open conversation, a prerequisite for inclusiveness. He also expressed confidence that the contributions from this workshop would assist the SBI in its deliberations on advancing the engagement of non-Party stakeholders for the implementation of the Paris outcomes.