

Please note this document contains written submissions that were collated via the survey monkey link and three additional submissions; one joint submission and two individual organisational submissions. These stand-alone submissions are captured in their entirety at the end of the document.

Collated written submissions Agenda Item 2 - REPRESENTATION AND EQUITABLE ACCESS.
Actor: UNFCCC Secretariat

Constituency	Region your organization is primarily active in	Most substantial sub-topic to be addressed under Agenda Item 2	Please elaborate	Actionable measures you believe can be taken by the following actor to successfully address this issue: UNFCCC Secretariat	Timeline for measure(s) to be successfully implemented	Other sub-topics you identify as important to be addressed (AI2)	Please elaborate	Actionable measures that you believe can be taken by the following actor to successfully address this issue: UNFCCC Secretariat	Timeline for measure(s) to be successfully implemented
BINGO	Western European and Others	Other (please specify) - rules of engagement	[We] would specifically like to comment on the concept of Conflict of Interest.	To ensure a fair and robust multi-stakeholder dialogue between organisations who are committed to reducing GHG emissions	Short-term				
RINGO	Western European and Others	Principles of participation	It is imperative that principles of participation such as via establishment of rules of engagement and a code of conduct for all actors participating at COPs to ensure equity in access and that COPs are free from the threat of undue influence on climate policy negotiations and development. Please see below for more details.	<p>The UNFCCC Secretariat plays an important role in terms of ensuring a safe and inclusive space for people to raise their voice in diverse ways and does so within the limitations of being a secretariat to a government driven process. In this important role, within such an important global process, the UNFCCC Secretariat also needs to do its utmost to ensure the safety of the space is not undermined by actors with conflicts of interest, seeking to engage for the purposes of slowing or preventing climate action. Principles of participation will be important to put in place to ensure this occurs, and the UNFCCC space can be strictly for those who have a demonstrated commitment to strengthen and bring expertise to climate action. - In addition to the usual principles of inclusivity, equity and transparency, the Principles of Participation should include a principle that organisations are free of conflicts of interest, which may undermine or weaken the process. - In addressing conflicts of interest, the UNFCCC Secretariat should put in place a policy and the 'Guidelines for Participation' should be revised to achieve the following: 1. To define a conflict of interest in a way that recognizes that the integrity and objectives of an individual or institution become fundamentally compromised when they engage with actors whose financial/vested/private interests (or the interests of those they represent) place the individual or institution in an irreconcilable conflict with the public mandate they are beholden to serve. This definition should clearly define varying forms of conflict of interest that inherently risk or compromise the UNFCCC's integrity, namely the UNFCCC's primary interest and the conflicting interest of a non-state actor. 2. Recognize and set criteria for determining the distinguished types of representatives and non-Party stakeholders to determine a potential or actual conflict of interest. The guidelines for participation should distinguish between those with a primary and public interest whom have a duty to serve the mandate of the UNFCCC and whose primary aim is to "prevent 'dangerous' human interference with the climate system", versus those with a private and secondary interest whose legal, financial, contractual, or profit-seeking duty requires them to maximize profit for shareholders through activities that contribute substantially to greenhouse gas emissions or harm the climate and therefore are in direct contravention with the public-facing mandates of the UNFCCC. In doing so, the UNFCCC should draw on the world Health Organisation 'Framework of Engagement with Non-State Actors' (28 May 2016) WHA Doc A69/10, annex 1</p> <p>3. Establish rules of engagement and code of conduct across the different types of actors, which determine the level of access and influence that each representative is granted within the UNFCCC. Representatives should be prompted to submit individual and organisational declarations of interests. Representatives with a potential or perceived COI should then be excluded. Such an approach should include modern forms of influencing, for example through social media and advertising, as well as access through inclusion on country delegations and involvement in 'payment for event' arrangements in country pavilions. These rules should also apply to processes such as the Marrakesh Partnership, which should put in place strict criteria/rules on climate lobbying for corporate members; a transparent system of disclosure, accountability and monitoring and evaluation of the pledges made; a registry that allows oversight actors to track meetings and spending on lobbying and influence on climate policy; and a mechanism to flag and ban members found to be negatively influencing climate policy. 4. Enhanced transparency will also be an important part of the revisions going forward, which is currently lacking in a number of areas, such as full information related to delegations (eg: private sector actors included in government delegations) and transparency related to preparations for events, for example decisions related to side events, selection of COP Presidents, contracts between COP Presidents and corporate sponsors, third party payments to countries seeking to recoup costs for Pavilion space, etc. The UNFCCC Secretariat can play an important role by supporting proposals for a registry where parties should report their "engagement" activities plus an accountability mechanism.</p>	Short-term	Principles of participation			
ENGO	African States	Inclusion (developed developing country balance)	Compensation des émissions de carbone pour une justice climatique équitable à travers des projets de protection du climat et aussi à travers prévention et réduction.	1. compenser le carbone à travers le produit, le service et l'Organisation 2. Projets de Energies renouvelables, protection et sensibilisation.	Short-term	Principles of participation	Participation active avec prise en charge aux différentes rencontres. Créer une synergie des ONG observateurs pour appuyer différentes résolutions	Déjà évoqués	Short-term

	Asian States	Inclusion (developed/developing country balance)	The existing inequalities within climate negotiation were even further exacerbated during the covid-19 pandemic. These include poor representation of marginalized groups and Indigenous communities, lack of opportunities for engagement from civil society, unequal power dynamics between developed and developing country Parties, and inequitable negotiating practices such as huddles to make decisions. Negotiations should be made more equitable and resilient to ongoing and future global crises, especially ensuring the meaningful inclusion of most affected groups and negotiators/advisors from the Global South.	Early and prompt communication and facilitation regarding visas and entry to hosting countries especially for global south negotiators and advisors. Ensure affordable accommodation fee at the conference site. Ensure greater funding support for negotiators in the Global South through supplementary trust fund. Reform eligibility criteria. In addition, provide opportunities for funding for advisors especially from Global South as well as funding and technical support for virtual negotiations and regional hubs. Provide translations for the negotiators to communicate in their mother tongue languages	Short-term	Representation		Introduce caps on delegation sizes while ensuring the quality of representation and negotiations from each member states Provide capacity building opportunities for global south negotiators.	Mid-term
ENGO	African States	Other (please specify) - efficiency	Inclusion is "to be fostered" for the purpose of fair and transparent Observer Engagement, but the Efficiency is more largely dependent both on the quality of passion we have and the working materials (Technology) at our disposal to perform the tasks in hands: provide us with good technology and training -if possible -and work will be done accordingly. Discussions around parity representation is useless!	Willingness to understand what is at stake.	Long-term				
ENGO (ind)/ YOUNGO (NGOs)	African States	Principles of participation	Dans le cadre de principe de participation des ONGs environnementaux auprès de la CCNUCC doit être bien traiter dans le processus d'examen pour le quota en fonction de besoins car il nous est important aussi d'accréditer d'autres ONGs qui ne sont pas accréditées à la CCNUCC. Il nous est nécessaire d'avoir un nombre élevé de quotas plus ou moins.	Pour résoudre le problème réalisable par acteur au niveau du Secrétariat de la CCNUCC, doit prendre en compte les préoccupations des ONGs en tant que partie prenante.	Long-term				

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Actor: IGOs

Constituency	Region your organization is primarily active in	Most substantial sub-topic to be addressed under Agenda Item 2	Please elaborate	Actionable measures you believe can be taken by the following actor to successfully address this issue: IGOs	Timeline for measure(s) to be successfully implemented	Other sub-topics you identify as important to be addressed (AI2)	Please elaborate	Actionable measures that you believe can be taken by the following actor to successfully address this issue: IGOs	Timeline for measure(s) to be successfully implemented
BINGO	Western European and Others	Other (please specify) - rules of engagement	[We] would specifically like to comment on the concept of Conflict of Interest.	To support a fair and robust multi-stakeholder dialogue between organisations who are committed to reducing GHG emissions, providing coordination and technical advice when needed	Mid-term				
RINGO	Western European and Others	Principles of participation	It is imperative that principles of participation such as via establishment of rules of engagement and a code of conduct for all actors participating at COPs to ensure equity in access and that COPs are free from the threat of undue influence on climate policy negotiations and development. Please see below for more details.	<p>IGOs have an important role in ensuring a safe and inclusive space for people to raise their voice in diverse ways within the UNFCCC and on the subject of climate change generally, through their special status and privileges within the UNFCCC system. IGOs (green badges) are granted more access than others (yellow badges) and have greater access to country delegates through their day-to-day operations and within the UNFCCC system (eg: provision of dedicated seats within the plenary). IGOs have an important leadership role in this context. - IGOs should support the implementation of a policy and revision of the 'Guidelines for Participation' at the UNFCCC to achieve the following: 1. To define a conflict of interest in a way that recognizes that the integrity and objectives of an individual or institution become fundamentally compromised when they engage with actors whose financial/vested/private interests (or the interests of those they represent) place the individual or institution in an irreconcilable conflict with the public mandate they are beholden to serve. This definition should clearly define varying forms of conflict of interest that inherently risk or compromise the UNFCCC's integrity, namely the UNFCCC's primary interest and the conflicting interest of a non-state actor. 2. Recognize and set criteria for determining the distinguished types of representatives and non-Party stakeholders to determine a potential or actual conflict of interest. The guidelines for participation should distinguish between those with a primary and public interest whom have a duty to serve the mandate of the UNFCCC and whose primary aim is to "prevent 'dangerous' human interference with the climate system", versus those with a private and secondary interest whose legal, financial, contractual, or profit-seeking duty requires them to maximize profit for shareholders through activities that contribute substantially to greenhouse gas emissions or harm the climate and therefore is in direct contravention with the public-facing mandates of the UNFCCC. In doing so, the UNFCCC should draw on the world Health Organisation 'Framework of Engagement with Non-State Actors' (28 May 2016) WHA Doc A69/10, annex I.</p> <p>3. Establish rules of engagement and code of conduct across the different types of actors, which determine the level of access and influence that each representative is granted within the UNFCCC. Representatives should be prompted to submit individual and organisational declarations of interests. Representatives with a potential or perceived COI should then be excluded. Such an approach should include modern forms of influencing, for example through social media and advertising, as well as access through inclusion on country delegations and involvement in 'payment for event' arrangements in country pavilions. These rules should also apply to processes such as the Marrakesh Partnership, which should put in place strict criteria/rules on climate lobbying for corporate members; a transparent system of disclosure, accountability and monitoring and evaluation of the pledges made; a registry that allows oversight actors to track meetings and spending on lobbying and influence on climate policy; and a mechanism to flag and ban members found to be negatively influencing climate policy. 4. Enhanced transparency will also be an important part of the revisions going forward, which is currently lacking in a number of areas, such as full information related to delegations (eg: private sector actors included on government delegations) and transparency related to preparations for events, for example decisions related to side events, selection of COP Presidents, contracts between COP Presidents and corporate sponsors, third party payments to countries seeking to recoup costs for Pavilion space, etc. The UNFCCC Secretariat can play an important role by supporting proposals for a registry where parties should report their "engagement" activities plus an accountability mechanism.</p>	Mid-term	Principles of participation			

ENGO	African States	Inclusion (developed developing country balance)	Compensation des émissions de carbone pour une justice climatique équitable à travers des projets de protection du climat et aussi à travers prévention et réduction.	L'ensemble de la concentration de CO2 dans l'atmosphère détermine l'effet de serre, il s'agit donc de réduire le plus possible le CO2. Pour les entreprises, il est donc judicieux de formuler les économies d'émissions possible, puis de planifier et mettre en œuvre les étapes respectives.	Short-term	Principles of participation	Participation active avec prise en charge aux différentes rencontres. Créer une synergie des ONG observateurs pour appuyer différentes résolutions	ok	Short-term
	Asian States	Inclusion (developed developing country balance)	The existing inequalities within climate negotiation were even further exacerbated during the covid-19 pandemic. These include poor representation of marginalized groups and Indigenous communities, lack of opportunities for engagement from civil society, unequal power dynamics between developed and developing country Parties, and inequitable negotiating practices such as huddles to make decisions. Negotiations should be made more equitable and resilient to ongoing and future global crises, especially ensuring the meaningful inclusion of most affected groups and negotiators/advisors from the Global South.	Facilitating funding mechanisms for global south negotiators, while ensuring that such funds are not used as a leverage over the negotiators and to influence positions in negotiations. Provide spaces for negotiators (especially in Global South) through regional dialogue on climate diplomacy and negotiation capacities	Mid-term	Representation		Ensure different members of IGOs have equal representation in negotiation spaces via consultation and participation in negotiation	Mid-term
ENGO	African States	Other (please specify) - efficiency	Inclusion is "to be fostered" for the purpose of fair and transparent Observer Engagement, but the Efficiency is more largely dependent both on the quality of passion we have and the working materials (Technology) at our disposal to perform the tasks in hands: provide us with good technology and training -if possible -and work will be done accordingly. Discussions around parity representation is useless!	Willingness to understand what is at stake.	Long-term				
ENGO (ind)/ YOUNGO (NGOs)	African States	Principles of participation	Dans le cadre de principe de participation des ONGs environnementaux auprès de la CCNUCC doit être bien traiter dans le processus d'examen pour le quota en fonction de besoins car il nous est important aussi d'accréditer d'autres ONGs qui ne sont pas accréditées à la CCNUCC. Il nous est nécessaire d'avoir un nombre élevé de quotas plus ou moins.	N/A	Long-term				

Collated written submissions Agenda Item 2 - REPRESENTATION AND EQUITABLE ACCESS.
Actor: NGO CFPs and NGOs

Constituency	Region your organization is primarily active in	Most substantial sub-topic to be addressed under Agenda Item 2	Please elaborate	Actionable measures you believe can be taken by the following actor to successfully address this issue: NGO Constituency Focal Points	Timeline for measure(s) to be successfully implemented	Actionable measures you believe can be taken by the following actor to successfully address this issue: NGOs	Timeline for measure(s) to be successfully implemented	Other sub-topics you identify as important to be addressed (A12)	Please elaborate	Actionable measures you believe can be taken by the following actor to successfully address this issue: NGO Constituency Focal Points	Timeline for measure(s) to be successfully implemented	Actionable measures you believe can be taken by the following actor to successfully address this issue: NGOs	Timeline for measure(s) to be successfully implemented
BINGO	Western European and Others	Other (please specify) - rules of engagement	[We] would specifically like to comment on the concept of Conflict of Interest.	To provide a coordination role to ensure that Observers' operating under the UNFCCC umbrella are respectful of the rules and procedures to inform the discussion of the various UNFCCC meetings in a transparent and pertinent way avoiding to address topics not listed on the agenda.	Short-term	NGO's must operate via the rules of the UNFCCC and use any opportunity for intervention to address the point of discussion and no other areas of 'interest'/concern. The Private Sector need to be treated as any other stakeholder and be on a level playing field (acknowledging that it is the Parties that vote). No one 'constituency' should be singled out (particularly business who have a longer term planning model than most Governments) as not qualifying for contribution to the dialogue and agreed actions.	Short-term						
RINGO	Western European and Others	Principles of participation	It is imperative that principles of participation such as via establishment of rules of engagement and a code of conduct for all actors participating at COPs to ensure equity in access and that COPs are free from the threat of undue influence on climate policy negotiations and development. Please see below for more details.	<p>Whilst most NGOs are from the environmental sector, seeking to participate in the process through the Environmental NGO Constituency, some constituencies, such as the Business NGO (BINGOs) do engage in the space for their own business purposes and where conflicts of interest may arise, and compromise the safety of the UNFCCC space. Many of these organisations are very well funded, powerful and from the global north, working with business interests, including the fossil fuel industry. For example, BINGOs directly engaged in carbon trading have an interest in ensuring carbon trading and market-based approaches remain high on the agenda, potentially resulting in non-market-based approaches, a priority of many vulnerable countries being of a lower priority. All NGO Constituencies, especially the BINGOs should be encouraged to support the implementation of a policy and revision of the 'Guidelines for Participation' at the UNFCCC to achieve the following: 1. To define a conflict of interest in a way that recognizes that the integrity and objectives of an individual or institution become fundamentally compromised when they engage with actors whose financial/vested/private interests (or the interests of those they represent) place the individual or institution in an irreconcilable conflict with the public mandate they are beholden to serve. This definition should clearly define varying forms of conflict of interest that inherently risk or compromise the UNFCCC's integrity, namely the UNFCCC's primary interest and the conflicting interest of a non-state actor.</p> <p>2. Recognize and set criteria for determining the distinguished types of representatives and non-Party stakeholders to determine a potential or actual conflict of interest. The guidelines for participation should distinguish between those with a primary and public interest whom have a duty to serve the mandate of the UNFCCC and whose primary aim is to "prevent 'dangerous' human interference with the climate system", versus those with a private and secondary interest whose legal, financial, contractual, or profit-seeking duty requires them to maximize profit for shareholders through activities that contribute substantially to greenhouse gas emissions or harm the climate and therefore is in direct contravention with the public-facing mandates of the UNFCCC. In doing so, the UNFCCC should draw on the World Health Organisation 'Framework of Engagement with Non-State Actors' (28 May 2016) WHA Doc A69/10, annex I. 3. Establish rules of engagement and code of conduct across the different types of actors, which determine the level of access and influence that each representative is granted within the UNFCCC. Representatives should be prompted to submit individual and organisational declarations of interests. Representatives with a potential or perceived COI should then be excluded.</p> <p>Such an approach should include modern forms of influencing, for example through social media and advertising, as well as access through inclusion on country delegations and involvement in 'payment for event' arrangements in country pavilions. These rules should also apply to processes such as the Marrakesh Partnership, which should put in place strict criteria/rules on climate lobbying for corporate members; a transparent system of disclosure, accountability and monitoring and evaluation of the pledges made; a registry that allows oversight actors to track meetings and spending on lobbying and influence on climate policy; and a mechanism to flag and ban members found to be negatively influencing climate policy. 4. Enhanced transparency will also be an important part of the revisions going forward, which is currently lacking in a number of areas, such as full information related to delegations (eg: private sector actors included on government delegations) and transparency related to preparations for events, for example decisions related to side events, selection of COP Presidents, contracts between COP Presidents and corporate sponsors, third party payments to countries seeking to recoup costs for Pavilion space, etc. The UNFCCC Secretariat can play an important role by supporting proposals for a registry where parties should report their "engagement" activities plus an accountability mechanism.</p>	Mid-term	<p>The term NGO is very broad and can include a very diverse range of organisations. Whilst most NGOs involved in the UNFCCC space are environmental NGOs, some businesses with a conflict of interest may register NGOs to gain access to the process to engage in their lobbying efforts 'under the radar', thereby undermining the safety of the UNFCCC space. The process underway will need to be applied to all NGOs to identify those participating in the process with this approach in mind. All NGOs should be encouraged to support the implementation of a policy and revision of the 'Guidelines for Participation' at the UNFCCC to achieve the following: 1. To define a conflict of interest in a way that recognizes that the integrity and objectives of an individual or institution become fundamentally compromised when they engage with actors whose financial/vested/private interests (or the interests of those they represent) place the individual or institution in an irreconcilable conflict with the public mandate they are beholden to serve. This definition should clearly define varying forms of conflict of interest that inherently risk or compromise the UNFCCC's integrity, namely the UNFCCC's primary interest and the conflicting interest of a non-state actor.</p> <p>2. Recognize and set criteria for determining the distinguished types of representatives and non-Party stakeholders to determine a potential or actual conflict of interest. The guidelines for participation should distinguish between those with a primary and public interest whom have a duty to serve the mandate of the UNFCCC and whose primary aim is to "prevent 'dangerous' human interference with the climate system", versus those with a private and secondary interest whose legal, financial, contractual, or profit-seeking duty requires them to maximize profit for shareholders through activities that contribute substantially to greenhouse gas emissions or harm the climate and therefore is in direct contravention with the public-facing mandates of the UNFCCC. In doing so, the UNFCCC should draw on the World Health Organisation 'Framework of Engagement with Non-State Actors' (28 May 2016) WHA Doc A69/10, annex I. 3. Establish rules of engagement and code of conduct across the different types of actors, which determine the level of access and influence that each representative is granted within the UNFCCC. Representatives should be prompted to submit individual and organisational declarations of interests. Representatives with a potential or perceived COI should then be excluded.</p> <p>Such an approach should include modern forms of influencing, for example through social media and advertising, as well as access through inclusion on country delegations and involvement in 'payment for event' arrangements in country pavilions. These rules should also apply to processes such as the Marrakesh Partnership, which should put in place strict criteria/rules on climate lobbying for corporate members; a transparent system of disclosure, accountability and monitoring and evaluation of the pledges made; a registry that allows oversight actors to track meetings and spending on lobbying and influence on climate policy; and a mechanism to flag and ban members found to be negatively influencing climate policy. 4. Enhanced transparency will also be an important part of the revisions going forward, which is currently lacking in a number of areas, such as full information related to delegations (eg: private sector actors included on government delegations) and transparency related to preparations for events, for example decisions related to side events, selection of COP Presidents, contracts between COP Presidents and corporate sponsors, third party payments to countries seeking to recoup costs for Pavilion space, etc. The UNFCCC Secretariat can play an important role by supporting proposals for a registry where parties should report their "engagement" activities plus an accountability mechanism.</p>	Mid-term	Principles of participation					

ENGO	African States	Inclusion (developed-developing country balance)	Compensation des émissions de carbone pour une justice climatique équitable à travers des projets de protection du climat et aussi à travers prévention et réduction.	Des projets qui permettent aux populations locales de mener une vie plus digne. Et comme ils leur permettent de réduire leurs émissions de gaz à effet de serre, ils ont une action bénéfique sur le climat. Grâce à ces projets, nos clients compensent leurs émissions incompressibles – un mécanisme décisif pour respecter les objectifs de l'Accord de Paris sur le climat.	Short-term	sans objet	Long-term	Principles of participation	Participation active avec prise en charge aux différentes rencontres. Créer une synergie des ONG observateurs pour appuyer différentes résolutions	Prise en charge des délégués constituant la synergie des ONG	Short-term	Sensibilisation avec motivation matérielle, financière et logistique	Short-term
	Asian States	Inclusion (developed-developing country balance)	The existing inequalities within climate negotiation were even further exacerbated during the covid-19 pandemic. These include poor representation of marginalized groups and Indigenous communities, lack of opportunities for engagement from civil society, unequal power dynamics between developed and developing country Parties, and inequitable negotiating practices such as huddles to make decisions. Negotiations should be made more equitable and resilient to ongoing and future global crises, especially ensuring the meaningful inclusion of most affected groups and negotiators/advisors from the Global South.	Propose ways for different badging systems at COPs and to coordinate between NGOs to facilitate such process. Facilitate opportunities for South-South collaborations (across negotiators and advisors)	Mid-term	Build further alliance with other NGOs and actors, e.g., on research for building capacities together (as observers and their negotiators) for climate negotiations, aligning positions for stronger leverage	Mid-term	Representation		Ensure different members of the constituency have equal representation in negotiation spaces via consultation and participation in negotiation	Mid-term	Facilitate and support national, regional, and local level consultations to ensure the representation and inclusion of ideas from the marginalized groups, and strengthen communications of such results with the government bodies (negotiators).	Short-term
ENGO	African States	Other (please specify) - efficiency	Inclusion is "to be fostered" for the purpose of fair and transparent Observer Engagement, but the Efficiency is more largely dependent both on the quality of passion we have and the working materials (Technology) at our disposal to perform the tasks in hands: provide us with good technology and training -if possible -and work will be done accordingly. Discussions around parity representation is useless!	Willingness to understand what is at stake.	Long-term	Willingness to understand what is at stake.	Long-term						
ENGO (ind)/ YOUNGO (NGOs)	African States	Principles of participation	Dans le cadre de principe de participation des ONGs environnementaux auprès de la CCNUCC doit être bien traité dans le processus d'examen pour le quota en fonction de besoins car il nous est important aussi d'accréditer d'autres ONGs qui ne sont pas accréditées à la CCNUCC. Il nous est nécessaire d'avoir un nombre élevé de quotas plus ou moins.	Les Points focaux de la circonscription des ONGs communiquent très régulièrement avec les autres ONGs.	Long-term	Prise en compte des ONGs accréditées; Prise ne compte des quotas alloués; Considérées les partie prenantes comme les des ONGs accréditées	Long-term						

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Actor: COP Presidency and SB Chairs

Constituency	Region your organization is primarily active in	Most substantial sub-topic to be addressed under Agenda Item 2	Please elaborate	Actionable measures you believe can be taken by the following actor to successfully address this issue: COP incoming Presidency	Timeline for measure(s) to be successfully implemented	Actionable measures you believe can be taken by the following actor to successfully address this issue: SB Chairs	Timeline for measure(s) to be successfully implemented
BINGO	Western European and Others	Other (please specify) - rules of engagement	[We] would specifically like to comment on the concept of Conflict of Interest.	The Presidency is requested to build an appropriate framework under which all stakeholders must operate at COP, following the UNFCCC rule and procedure, including the provisions applicable to conflicts of interest	Mid-term	To operate under and implement the UNFCCC relevant rules and procedure to ensure a transparent and robust dialogue that results in effective agreed actions from work programs.	Mid-term
RINGO	Western European and Others	Principles of participation	It is imperative that principles of participation such as via establishment of rules of engagement and a code of conduct for all actors participating at COPs to ensure equity in access and that COPs are free from the threat of undue influence on climate policy negotiations and development. Please see below for more details.	<p>COP Presidencies and Presiding Officers are in a unique role with a rare opportunity to make a significant contribution to the UNFCCC process. This leadership role is global and high level and gives rise to a significant number of opportunities that some may seek to exploit, hence each COP Presidency is under significant pressure from sectors expecting to be impacted by climate change both at home and abroad. COP Presidencies enter a large number of contractual arrangements, secure sponsorship deals and hold a high number of meetings with interested countries and stakeholders in order to work towards an outcome at each COP. The COP26 Presidency was criticised several times through the media for relationships of officials and investments in fossil fuels, for perceived conflicts arising from entry into consultancy arrangements; and for meetings held by the COP Presidency team with the fossil fuel industry. The UNFCCC also provides a handbook for hosting UN Climate Change conferences, which is intended to provide information on hosting a COP, including on matters related to best practices from protocol and external relations, through observers and conference logistics. The handbook makes no reference to conflicts of interest or adherence to any code of conduct to prevent undue influence on the preparation, running of, or outcome of a COP. A process should be in place to review the 'How To COP' manual to include a specific section on real and perceived conflicts of interest of COP Presidencies. COP Presidencies should be encouraged to support the implementation of a policy and revision of the 'Guidelines for Participation' at the UNFCCC to achieve the following: 1. To define a conflict of interest in a way that recognizes that the integrity and objectives of an individual or institution become fundamentally compromised when they engage with actors whose financial/vested/private interests (or the interests of those they represent) place the individual or institution in an irreconcilable conflict with the public mandate they are beholden to serve. This definition should clearly define varying forms of conflict of interest that inherently risk or compromise the UNFCCC's integrity, namely the UNFCCC's primary interest and the conflicting interest of a non-state actor. 2. Recognize and set criteria for determining the distinguished types of representatives and non-Party stakeholders to determine a potential or actual conflict of interest. The guidelines for participation should distinguish between those with a primary and public interest who have a duty to serve the mandate of the UNFCCC and whose primary aim is to "prevent 'dangerous' human interference with the climate system", versus those with a private and secondary interest whose legal, financial, contractual, or profit-seeking duty requires them to maximize profit for shareholders through activities that contribute substantially to greenhouse gas emissions or harm the climate and therefore is in direct contravention with the public-facing mandates of the UNFCCC. In doing so, the UNFCCC should draw on the World Health Organisation 'Framework of Engagement with Non-State Actors' (28 May 2016) WHA Doc A69/10, annex 1.</p> <p>3. Establish rules of engagement and code of conduct across the different types of actors, which determine the level of access and influence that each representative is granted within the UNFCCC. Representatives should be prompted to submit individual and organisational declarations of interests. Representatives with a potential or perceived COI should then be excluded. Such an approach should include modern forms of influencing, for example through social media and advertising, as well as access through inclusion on country delegations and involvement in 'payment for event' arrangements in country pavilions. These rules should also apply to processes such as the Marrakesh Partnership, which are particularly important for COP Presidencies through their High-level Champion appointment, and should put in place strict criteria/rules on climate lobbying for corporate members; a transparent system of disclosure, accountability and monitoring and evaluation of the pledges made; a registry that allows oversight actors to track meetings and spending on lobbying and influence on climate policy; and a mechanism to flag and ban members found to be negatively influencing climate policy. 4. Enhanced transparency will also be an important part of the revisions going forward, which is currently lacking in a number of areas, such as full information related to delegations (eg: private sector actors included on government delegations) and transparency related to preparations for events, for example decisions related to side events, selection of COP Presidents, contracts between COP Presidents and corporate sponsors, third party payments to countries seeking to recoup costs for Pavilion space, etc. The UNFCCC Secretariat can play an important role by supporting proposals for a registry where parties should report their "engagement" activities plus an accountability mechanism.</p>	Short-term	N/A	
ENGO	African States	Inclusion (developed-developing country balance)	Compensation des émissions de carbone pour une justice climatique équitable à travers des projets de protection du climat et aussi à travers prévention et réduction.	Financement des projets avec suivis et évaluations sans oublier les différents impacts	Short-term	Mobilisation des ressources	Short-term

	Asian States	Inclusion (developed-developing country balance)	The existing inequalities within climate negotiation were even further exacerbated during the covid-19 pandemic. These include poor representation of marginalized groups and Indigenous communities, lack of opportunities for engagement from civil society, unequal power dynamics between developed and developing country Parties, and inequitable negotiating practices such as huddles to make decisions. Negotiations should be made more equitable and resilient to ongoing and future global crises, especially ensuring the meaningful inclusion of most affected groups and negotiators/advisors from the Global South.	Ensure the neutrality of the COP and equal and meaningful participations from all Parties and observers.	Long-term	Ensure the equitable representation of observers and delegates from Global South at SBs and in various planning meetings for COP	Mid-term
ENGO	African States	Other (please specify) - efficiency	Inclusion is "to be fostered" for the purpose of fair and transparent Observer Engagement, but the Efficiency is more largely dependent both on the quality of passion we have and the working materials (Technology) at our disposal to perform the tasks in hands: provide us with good technology and training -if possible -and work will be done accordingly. Discussions around parity representation is useless!	Willingness to understand what is at stake.	Long-term	Willingness to understand what is at stake.	Long-term
ENGO (ind)/ YOUNGO (NGOs)	African States	Principles of participation	Dans le cadre de principe de participation des ONGs environnementaux auprès de la CCNUCC doit être bien traiter dans le processus d'examen pour le quota en fonction de besoins car il nous est important aussi d'accréditer d'autres ONGs qui ne sont pas accréditées à la CCNUCC. Il nous est nécessaire d'avoir un nombre élevé de quotas plus ou moins.	N/A	Long-term	N/A	Long-term

Collated written submissions Agenda Item 2 - REPRESENTATION AND EQUITABLE ACCESS.

Actor: Parties*

** Please note that this process to strengthen observer engagement in the UNFCCC process is informal in nature and we review actions within the purview of the secretariat, observers and presiding officers. Any actions identified above for*

Constituency	Region your organization is primarily active in	Most substantial sub-topic to be addressed under Agenda Item 2	Please elaborate	Actionable measures you believe can be taken by the following actor to successfully address this issue: Parties*	Timeline for measure(s) to be successfully implemented
BINGO	Western European and Others	Other (please specify) - rules of engagement	[We] would specifically like to comment on the concept of Conflict of Interest.	All stakeholders can potentially have a conflict of interest, even parties when seeking support for funding specific programs. Parties are encouraged to engage with the Private Sector and BINGO constituency with the common goal of establishing effective mitigation initiatives at scale. The Private Sector is already working in this space and embedding actionable and quantifiable change into their value chains. The Private sector have much to offer the parties in terms of concepts/ideas and modes of working to effect the necessary change required.	Mid-term
RINGO	Western European and Others	Principles of participation	It is imperative that principles of participation such as via establishment of rules of engagement and a code of conduct for all actors participating at COPs to ensure equity in access and that COPs are free from the threat of undue influence on climate policy negotiations and development. Please see below for more details.	N/A	
ENGO	African States	Inclusion (developed-developing country balance)	Compensation des émissions de carbone pour une justice climatique équitable à travers des projets de protection du climat et aussi à travers prévention et réduction.	Bonne gouvernance et priorité des projets	Short-term
	Asian States	Inclusion (developed-developing country balance)	The existing inequalities within climate negotiation were even further exacerbated during the covid-19 pandemic. These include poor representation of marginalized groups and Indigenous communities, lack of opportunities for engagement from civil society, unequal power dynamics between developed and developing country Parties, and inequitable negotiating practices such as huddles to make decisions. Negotiations should be made more equitable and resilient to ongoing and future global crises, especially ensuring the meaningful inclusion of most affected groups and negotiators/advisors from the Global South.	Conduct national and local level consultations, ensuring the participation of all people across different socioeconomic status e.g., gender, caste, dis/ability, ethnic groups and Indigenous peoples, and ensure the inputs from such consultations are submitted to the secretariat and reflected in the COPs. Build further alliance with likeminded negotiators to discuss shared position and how to bring forth such at the climate negotiations	Mid-term
ENGO	African States	Other (please specify) - efficiency	Inclusion is "to be fostered" for the purpose of fair and transparent Observer Engagement, but the Efficiency is more largely dependent both on the quality of passion we have and the working materials (Technology) at our disposal to perform the tasks in hands: provide us with good technology and training -if possible -and work will be done accordingly. Discussions around parity representation is useless!	Humbleness, humanity and willingness to understand what is at stake.	Long-term
ENGO (ind)/ YOUNGO (NGOs)	African States	Principles of participation	Dans le cadre de principe de participation des ONGs environnementaux auprès de la CCNUCC doit être bien traiter dans le processus d'examen pour le quota en fonction de besoins car il nous est important aussi d'accréditer d'autres ONGs qui ne sont pas accréditées à la CCNUCC. Il nous est nécessaire d'avoir un nombre élevé de quotas plus ou moins.	N/A	Long-term

**Collated written submissions Agenda Item 2 - REPRESENTATION AND EQUITABLE ACCESSM.
Additional Observations**

Constituency	Region your organization is primarily active in	Most substantial sub-topic to be addressed under Agenda Item 2	Please elaborate	Additional observations	Other sub-topics you identify as important to be addressed (A12)	Please elaborate
BINGO	Western European and Others	Other (please specify) - rules of engagement	[We] would specifically like to comment on the concept of Conflict of Interest.			
RINGO	Western European and Others	Principles of participation	It is imperative that principles of participation such as via establishment of rules of engagement and a code of conduct for all actors participating at COPs to ensure equity in access and that COPs are free from the threat of undue influence on climate policy negotiations and development. Please see below for more details.	N/A	Principles of participation	
ENGO	African States	Inclusion (developed-developing country balance)	Compensation des émissions de carbone pour une justice climatique équitable à travers des projets de protection du climat et aussi à travers prévention et réduction.	Faire participer activement les ONG au processus de gestion des projets communément avec les Parties.	Principles of participation	Participation active avec prise en charge aux différentes rencontres. Créer une synergie des ONG observateurs pour appuyer différentes résolutions
	Asian States	Inclusion (developed-developing country balance)	The existing inequalities within climate negotiation were even further exacerbated during the covid-19 pandemic. These include poor representation of marginalized groups and Indigenous communities, lack of opportunities for engagement from civil society, unequal power dynamics between developed and developing country Parties, and inequitable negotiating practices such as huddles to make decisions. Negotiations should be made more equitable and resilient to ongoing and future global crises, especially ensuring the meaningful inclusion of most affected groups and negotiators/advisors from the Global South.		Representation	
ENGO	African States	Other (please specify) - efficiency	Inclusion is "to be fostered" for the purpose of fair and transparent Observer Engagement, but the Efficiency is more largely dependent both on the quality of passion we have and the working materials (Technology) at our disposal to perform the tasks in hands: provide us with good technology and training -if possible -and work will be done accordingly. Discussions around parity representation is useless!			

ENGO (ind)/ YOUNGO (NGOs)	African States	Principles of participation	Dans le cadre de principe de participation des NGOs environnementaux auprès de la CCNUCC doit être bien traiter dans le processus d'examen pour le quota en fonction de besoins car il nous est important aussi d'accréditer d'autres ONGs qui ne sont pas accréditées à la CCNUCC. Il nous est nécessaire d'avoir un nombre élevé de quotas plus ou moins.	Améliorer les résultats, le développement et l'application des modèles climatiques régionaux et sous-régionaux et d'autres méthodes de réduction d'échelle afin de mieux comprendre les risques liés au climat à l'échelle locale et d'étayer la prise de décisions aux niveaux régional, national et local, y compris dans les pays en développement comportant des zones de haute montagne, en particulier les pays les moins avancés et les petits États insulaires en développement.		
ENGO, YOUNGO, WGC, TUNGO	Global	Principles of participation	Please find below the stand-alone joint written submission collectively made by ENGO-DCJ, YOUNGO, ENGO-CAN, WGC and TUNGO constituencies.			
BINGO	Western European and Others	Principles of participation	Please find below the stand-alone written submission made by the United States Council for International Business (USCIB).			
BINGO	Western European and Others	Principles of participation and Inclusion (developed-developing country balance)	Please find below the stand-alone written submission made by the International Chamber of Commerce (ICC).			

Joint civil society submission on establishing a UNFCCC Accountability Framework to protect against undue influence of polluting interests

August 17, 2022

This submission is made as part of the process to strengthen observer engagement in the United Nations Framework Convention on Climate Change (UNFCCC),¹ particularly in relation to agenda items 1 (observer organizations), 2 (representation and equitable access), and 4 (current modes of observer engagement)- see Annex 2 for more detail. This submission and its recommendations are made collectively by DCJ-ENGO, YOUNGO, CAN, WGC and TUNGO constituencies. It also draws extensively from previous submissions or public positions produced by ENGO-DCJ, ENGO-CAN and other constituencies on relevant topics over recent years.^{2 3}

It is also endorsed jointly by 126 individual UNFCCC observer and other civil society organizations or networks, the full list of which is in Annex 1.

Climate action will always be inadequate if polluting interests are allowed to obstruct

The global community is in the throes of a climate crisis that is already affecting millions of lives around the world. Global action to address climate change has been far too slow and far too unambitious. Without an urgent and equitable alteration of course, we are on track to exceed 3 degrees Celsius of warming from pre-industrial levels, locking in decades of human suffering and the death of ecosystems.⁴ The latest scientific reports produced by the Intergovernmental Panel on Climate Change (IPCC) illustrate in great detail how dire the situation is for humanity and ecosystems and the consequences to lives and livelihoods if world governments continue to fail to collectively and adequately rise to the challenge.^{5 6 7} The most recent IPCC scientific report also documents how fossil fuel interests are the primary obstacle to accessing and implementing the solutions we need. Still, this finding was omitted from the IPCC's Summary for Policymakers.⁸

In direct contravention of the mandates of the United Nations Framework Convention on Climate Change (UNFCCC), the fossil fuel, big forestry and agribusiness industries, amongst

¹ "Process to strengthen observer engagement in the UNFCCC," United Nations Framework Convention on Climate Change, accessed July 26, 2022, <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/process-to-strengthen-observer-engagement-in-the-unfccc-0>

² "Joint civil society submission on 'progress in the implementation of the SBI conclusions on non-Party stakeholder engagement with a view to considering how such engagement can be further enhanced,'" accessed July 26, 2022, <https://www.corporateaccountability.org/wp-content/uploads/2018/02/for-online-Final-Joint-CSO-submission-AIM-Feb2018-1.pdf>

³ "Climate Action Network Position on Conflicts-of-interest and polluting industry obstruction of climate policy in the UNFCCC Process April 2020," Climate Action Network, accessed July 26, 2022, https://climatenetwork.org/wp-content/uploads/2020/11/can_position_on_conflicts_of_interest-2.pdf

⁴ United Nations, "UN emissions report: World on course for more than 3 degree spike, even if climate commitments are met," November 26 2019, <https://news.un.org/en/story/2019/11/1052171>

⁵ IPCC, 2022: Climate Change 2022: Mitigation of Climate Change. Working Group III contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, <https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/>

⁶ IPCC, 2022: Climate Change 2022: Impacts, Adaptation, and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, <https://www.ipcc.ch/report/sixth-assessment-report-working-group-ii/>

⁷ IPCC, 2021: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>

⁸ Amy Westervelt, "IPCC: We can tackle climate change if big oil gets out of the way," The Guardian, April 5, 2022, <https://www.theguardian.com/environment/2022/apr/05/ipcc-report-scientists-climate-crisis-fossil-fuels>

others, drive the use and expansion of emissions-intensive products. Climate action will continue to fail to meaningfully address the climate crisis as long as polluting interests are granted unmitigated access to policymaking processes and are allowed to unduly influence and weaken the critical work of the UNFCCC. In the words of the UN- Secretary General, “We seem trapped in a world where fossil fuel producers and financiers have humanity by the throat”.⁹ Any shot at “keep[ing] the 1.5c target alive”¹⁰ and avoiding an “atlas of human suffering”¹¹ hinges on systematically addressing the undue influence of polluting interests, and implementing procedures to protect against the conflicts of interest introduced when actors with private, polluting interests are allowed direct and unmitigated access to UNFCCC processes and activities.

Now is the moment the UNFCCC must protect its mandate from polluting interests undermining it

We recommend that to preserve the possibility of the UNFCCC delivering on keeping global temperature rise to below 1.5 degrees Celsius as promised in the Paris Agreement, we urgently request the Secretariat to review the “Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change.”¹² To be effective and fit for purpose in an era of climate emergency, and to be aligned with both the evidence based and best practice, this revision should introduce a rigorous UNFCCC Accountability Framework to guide engagement with representatives from non-governmental organizations which includes:

- 1) Setting a definition of what constitutes a ‘conflict of interest’ (COI)*
- 2) Setting protocols that comprise the Accountability Framework, including i) determining criteria for distinguished types of representatives and non-party stakeholders; ii) establishing rules of engagement; iii) and providing guidance on handling potential conflict of interest cases across existing representatives or new applicants.*
- 3) Establishing COI accountability mechanisms to enforce and monitor the Accountability Framework.*

The framework should prevent entities with private, polluting interests from unduly influencing or undermining UNFCCC activities and processes through their engagement as representatives of non-governmental organizations; strengthen the process for admission and accreditation of observers within the UNFCCC and its convenings; and draw on established international precedents, including from other UN bodies and applies them to the UNFCCC context.

It is critical that this revision comes into effect by COP27, and be used to guide all engagement of representatives of non-governmental organizations in UNFCCC processes or activities moving forward. Should this not be possible by COP27, transitional steps to come into effect for COP27 are proposed at the end of this document.

⁹ Fiona Harvey, “Fossil fuel firms ‘have humanity by the throat’, says UN head in blistering attack,” The Guardian, June 17, 2022, <https://www.theguardian.com/environment/2022/jun/17/fossil-fuel-firms-un-head-antonio-guterres-blistering-attack>

¹⁰ COP27, “Egypt Goals: Mitigation,” accessed July 26 2022 <https://www.cop27.eg/vision.html#goals>

¹¹ Zack Colman, Karl Mathiesen, Zia Weise, “Landmark climate report details ‘an atlas of human suffering’,” Politico, February 28, 2022, <https://www.politico.eu/article/landmark-climate-report-details-an-atlas-of-human-suffering/>

¹² UNFCCC Secretariat, ‘Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change’ (October 2017), https://unfccc.int/sites/default/files/guidelines_for_the_participation_of_ngos.pdf

More detail on these recommendations is elaborated below.

Existing measures to manage conflicts of interest of polluting actors alarmingly weaker than existing precedents

Despite an abundance of local to global and UN-level precedents, the UNFCCC has yet to take adequate steps to manage the risks associated with conflicts of interest that can and do occur when engaging with non-Party stakeholders and representatives from non-governmental organizations that have private, polluting interests that contradict the public mandate and objectives of the UNFCCC. Strangely, this is even despite other UNFCCC internal procedures that do acknowledge the risk of and take some steps to address conflicts of interest in other aspects of the UNFCCC infrastructure.¹³ Without adequate procedures to safeguard against the conflicts of interest introduced when engaging with non-Party stakeholders representing private, polluting interests (including relevant observers), the entire legitimacy of the UNFCCC remains at risk.¹⁴

Luckily, there exists an abundance of useful precedents from across the world from which to draw inspiration. These include but are in no way limited to the World Health Organization's (WHO) Framework for Engagement of Non-state Actors (FENSA),¹⁵ the World Health Organization's Framework Convention on Tobacco Control (FCTC).¹⁶

Yet, at present, the UNFCCC's existing procedures related to engagement of representatives of non-governmental organizations leave a wide gap for polluting interests to undermine and weaken UNFCCC processes.

For example:

- 1) The requirements for becoming an official observer to the UNFCCC are simply that an organization is legally registered as a non-profit organization, and that it works on matters related to climate change.¹⁷ Unfortunately, admitted observer organizations currently include those that directly or indirectly represent the interests of polluting corporations such as BP and Shell,¹⁸ as well as other polluting corporations from the industries most responsible for the majority of global greenhouse gas emissions to-date.¹⁹

¹³ UNFCCC Secretariat, 'UNFCCC Secretariat Guidelines for Partnership' (29 March 2017) UN Doc B/2017/1 https://unfccc.int/sites/default/files/b_2017_1_unfccc_guidelines_for_partnership_final.pdf

¹⁴ Dambacher, BMR, Stilwell, MT and McGee, JS 2019, 'Clearing the air: avoiding conflicts of interest within the United Nations Framework Convention on climate change', *Journal of Environmental Law*, 25 <https://academic.oup.com/jel/article-abstract/32/1/53/5511704?redirectedFrom=fulltext>

¹⁵ WHO, 'Framework of Engagement with Non-State Actors' (28 May 2016) WHA Doc A69/10, annex I. https://apps.who.int/gb/ebwha/pdf_files/wha69/a69_r10-en.pdf

¹⁶ WHO Framework Convention on Tobacco Control, 'Guidelines for implementation of article 5.3' (1 January 2013) Doc FCTC/16.1 <https://fctc.who.int/publications/m/item/guidelines-for-implementation-of-article-5.3>

¹⁷ UNFCCC, 'UNFCCC standard admission process for non-governmental organizations (NGOs)' v1.06.17 https://unfccc.int/files/parties_and_observers/observer_organizations/application/pdf/unfccc_standard_admission_process_ngos.pdf

¹⁸ Matt McGrath, "COP26: Fossil fuel industry has largest delegation at climate summit," BBC, 8 November, 2021, <https://www.bbc.com/news/science-environment-59199484>

¹⁹ Ekwurzel, B., Boneham, J., Dalton, M.W. *et al.* The rise in global atmospheric CO₂, surface temperature, and sea level from emissions traced to major carbon producers. *Climatic Change* 144, 579–590 (2017). <https://doi.org/10.1007/s10584-017-1978-0>

- 2) Observers and non-governmental representatives representing and beholden to polluting interests are currently not required to disclose any potential or actual conflict of interest before engaging, participating, presenting, speaking, or being honoured on a panel, presentation, side event, award ceremony or other activity associated with the UNFCCC.
- 3) Existing procedures and policies do not draw any distinction between the treatment of different types of non-Party stakeholders or representatives of non-governmental organizations, with rules of engagement applying uniformly to each constituency despite the interests and therefore the risks of engagement with public vs private actors not being uniform.
- 4) There is currently no recognition of the impossibility of inviting private funding into the UNFCCC because of the inherent dangers of interacting with the private sector, especially in regards to policy making and the acquisition of resources. This includes public-private partnerships, sponsorship, human resource capacity such as staff secondments and consulting contracts, etc.

It is in the interests of the UNFCCC to ensure strong procedures that address and manage the risk for conflicts of interest. Encouraging unmitigated participation of entities that represent private, polluting interests that are beholden to spur business activities that rely on continuing to fuel climate change and contribute significantly to greenhouse gas emissions introduces a fundamental institutional conflict of interest. In effect, failing to address this issue equates to inviting some of the actors historically and currently most responsible for climate change to obstruct and influence the policy processes that aim to address it. Without removing this obstruction, just solutions cannot take hold.

Recommendation: establish a UNFCCC Accountability Framework for engagement with representatives of non-governmental organizations

We encourage the UNFCCC Secretariat to undertake an inclusive (centering public-interest organizations), evidence-based revision of the guidelines for participation through the **process to strengthen observer engagement in the UNFCCC that is happening over the course of 2022.**²⁰ The “Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change”²¹ (‘guidelines for participation’) should be comprehensively revised and come into effect by COP27.²² It is our understanding that these guidelines were originally produced within the mandate of the Secretariat in 2003 and then again revised by the Secretariat in 2017, so there is a clear precedent that demonstrates this recommendation lies within the scope and mandate of the Secretariat to take steps to further revise and strengthen their guidance for enhancing engagement.

Importantly, these guidelines for participation should serve as a basis for guiding engagement with the different types of representatives from non-governmental organizations for UNFCCC activities and processes. Therefore, it should also be considered how this revision of the guidelines for participation could also institutionalize agreements reached

²⁰ “Process to strengthen observer engagement in the UNFCCC,” United Nations Framework Convention on Climate Change, accessed July 26, 2022, <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/process-to-strengthen-observer-engagement-in-the-unfccc-0>

²¹ UNFCCC Secretariat, ‘Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change’ (October 2017), https://unfccc.int/sites/default/files/guidelines_for_the_participation_of_ngos.pdf

²² Should this not be possible transitional steps are presented below the recommendations to come into effect for COP27 while longer-term work is taken if needed.

through other aspects of the process to strengthen engagement more broadly, including on equitable access, admission, principles of participation etc. Equally importantly, this framework should not be looked at as comprehensive, but as a foundation to be laid that must continue to be built upon.

Particularly and in light of the climate emergency, the definition and framework should be designed to guide engagement with different types of representatives and/or their organizations that are closely involved in, have close, direct or financial relationships with, or partner closely with entities whose profit-making depends on activities that harm the climate, including through the use and expansion of emissions-intensive products. Such actors include individuals, corporations, trade associations or industry groups that have a duty to serve a private interest that is in direct contravention of the public-facing mandates of the UNFCCC, whose aim is to “prevent ‘dangerous’ human interference with the climate system.”²³

The revised guidelines for participation should introduce a **UNFCCC Accountability Framework (Accountability Framework)** to Manage Conflicts of Interest when engaging with representatives of non-governmental organizations. This Accountability Framework should include:

1. A definition of what constitutes a conflict of interest (COI).

The guidelines should define a COI in a way that recognizes that the integrity and objectives of an individual or institution become fundamentally compromised when they engage with actors whose financial/vested/private interests (or the interests of those they represent) place the individual or institution in an irreconcilable conflict with the public mandate they are beholden to serve. This definition should clearly define varying forms of conflict of interest that inherently risk or compromise the UNFCCC’s integrity, namely the UNFCCC’s interest and the conflicting interest of a non-state actor. In the context of the guidelines for participation, a definition should be established, such as:

- *“A COI may arise where the UNFCCC’s primary interest, as reflected in the objective, purpose and principles of the Convention and any protocol or agreement adopted thereunder, may be unduly influenced by the conflicting interest of any body, agency or other entity, or any representatives thereof, in a way that affects, or may reasonably be perceived to affect, the independence and objectivity of the UNFCCC’s work.”²⁴*

2. A set of protocols that comprise the Accountability Framework and which:

i. Recognize and set criteria for determining the distinguished types of representatives and non-Party stakeholders in order to determine a potential or actual COI.

Particularly, the guidelines for participation should distinguish between those with a public interest whom have a duty to serve the mandate of the UNFCCC and whose primary aim is to “prevent ‘dangerous’ human interference with the

²³ “What is the United Nations Framework Convention on Climate Change?” United Nations Framework Convention on Climate Change, accessed July 28, 2022, <https://unfccc.int/process-and-meetings/the-convention/what-is-the-united-nations-framework-convention-on-climate-change#:~:text=The%20UNFCCC%20entered%20into%20force,ultimate%20aim%20of%20the%20UNFCCC>

²⁴ Dambacher, BMR, Stilwell, MT and McGee, JS 2019, 'Clearing the air: avoiding conflicts of interest within the United Nations Framework Convention on climate change', Journal of Environmental Law, 22 <https://academic.oup.com/jel/article-abstract/32/1/53/5511704?redirectedFrom=fulltext>

climate system”, versus those with a polluting and private interest whose legal, financial, contractual, or profit-seeking duty requires them to maximize profit for shareholders through activities that contribute substantially to greenhouse gas emissions or harm the climate and therefore is in direct contravention with the public-facing mandates of the UNFCCC.²⁵ The risk that private, polluting interests pose in undermining, weakening or compromising the integrity of UNFCCC processes and activities should be considered in the process of distinguishing between these types of representatives.

These representatives include but are not limited to industry trade associations, groups with another identity that are fronting for businesses, industry groups, and other actors that represent the interests of those that are bound to a profit-making motive that depends on activities that harm the climate and/or use emissions-intensive products. This also includes but is not limited to representatives from public-interest NGOs, academic and research institutions, and other public-interest entities if they have ties (financial or otherwise) to said industries. In addition, the risks of all actors with some form of engagement or ties is not the same, e.g. that of a trade union representing workers in the fossil fuel company that is transitioning out of energy intensive production compared to an executive from a polluting corporation that is blocking or defending climate action. The guidelines for participation should therefore distinguish between these types of representatives and consequently explain what constitutes a potential COI case.

ii. *Establish rules of engagement across the distinguished type of actors.*

Once the distinguished types of representatives have been determined, rules of engagement should determine the level of access and influence that each distinguished representative is granted within the UNFCCC. This should draw on existing evidence and established best-practice, and differentiate the different types of engagement acceptable with each set of actors, taking into account the differing public or private, polluting interests. The guidelines for participation should clearly define what types of access and interactions are acceptable and unacceptable across the varying types of actors within UNFCCC processes and activities. Where a potential COI exists or is identified, the guidelines for participation should manage and where necessary restrict engagement, representation, access to and influence over norm-and standard-setting activities of the UNFCCC²⁶, as well as relevant events such as press conferences, side events, ceremonies etc, as these

²⁵ For reference, see distinction between non-state actors, types of participation, and definitions on 'primary' vs 'secondary' interests: WHO, 'Framework of Engagement with Non-State Actors' (28 May 2016) WHA Doc A69/10, annex I https://apps.who.int/gb/ebwha/pdf_files/wha69/a69_r10-en.pdf

²⁶ Representatives and their organizations can play varying roles and have varying interactions within the UNFCCC. These interactions vary from implementation support; public-private partnerships, or PPPs; private-sector sponsorships; privatisation and deregulation programs; interchange of personnel between private and public sectors (revolving doors); participation in pre-negotiations; Lobbying; participating via state delegations and in some cases negotiating on behalf of governments; and norm-and standard-setting, (i.e. on the board of official bodies e.g. Green Climate Fund or the Technology Executive Committee). For example, norm-setting is the prerogative of sovereign States. It is therefore acceptable for public interest NGOs and their representatives with no industry-related COI to provide input into decision-making processes, and to be granted access to a transparent process. It is unacceptable, however, for business-interest NGOs or actors and their representatives with a secondary private interest in corporations/industries that would be affected by the norms to have any access to or influence in these processes.

actors are in an irreconcilable conflict with the public mandate they are beholden to serve.

iii. ***Provide guidance on handling potential COI cases.***

While rules of engagement can set the standard for an Accountability Framework, the guidelines for participation should also provide guidance for rules and procedures on how it plans to handle a potential case of COI across:

i. ***Existing representatives of non-governmental organizations engaging within the UNFCCC;***

For potential COI across existing representatives, the guidelines for participation could adopt a differentiated approach similar in spirit to the WHO's FENSA, "with separate policies dealing with the specific risks of engagement that may arise with different types of observers, such as representatives of private sector entities."²⁷

In order to identify potential COI cases, the guidelines for participation should require representatives to submit individual and organizational declarations of interests (DOI) prior to participation in any UNFCCC activity or process, and require the disclosure of polluting industry affiliations over the past 10 years.

To adhere to existing best practice, it is critical this information be publicly available to enhance transparency and inclusiveness. As COIs are identified and declared, following established precedents engagement with the relevant individual or actor must be managed using the framework to protect against the risk or threat of undue influence. Statements submitted by those entities approved to participate after the screening process must be made publicly accessible for at least 5 years.

ii. ***New applications for representation within the UNFCCC admission process.***

In order to introduce new or unnecessary risk of new cases of COI and strengthen the admission process, the guidelines for participation should exclude the admission of observers and their representatives with a potential or perceived COI, as determined by the type of representative and rules of engagement, as described above. Specifically, the guidelines for participation should include duty of care in screening, requiring new applicants to submit a statement of competence including at the least how the proposed representative or organization "advance[s] the objective, purpose and principles of the Convention and any protocol or agreement adopted thereunder, and a declaration that the representative, body or agency has no COI."²⁸ Such a statement should be submitted at least 1 month prior to the relevant activity or process wherever possible, to allow time for in-depth screening.

²⁷ Dambacher, BMR, Stilwell, MT and McGee, JS 2019, 'Clearing the air: avoiding conflicts of interest within the United Nations Framework Convention on climate change', Journal of Environmental Law, 25 <https://academic.oup.com/jel/article-abstract/32/1/53/5511704?redirectedFrom=fulltext>

²⁸ Ibid, 22

Specifically, the screening process should be designed to gain a clear and comprehensive understanding of the representative and their body or agency seeking admission through duty of care commitment, and include individual and institutional declarations of all industry affiliations of financial or non-financial type in the past 10 years and applied across the board to all new applicants in order to help distinguish the type of representative. The screening process should also include implementation of due steps if potential or perceived COI is disclosed. To follow existing precedents, those with a potential or declared COI should not be granted observer status. Statements submitted by those entities approved to participate after the screening process must be made publicly accessible for at least 5 years.

The UNFCCC Secretariat should have the authority to revoke or deny the observer status of any non-state actor if any potential, perceived, or real conflict of interest is determined.

3. *Establish COI accountability mechanisms to enforce and monitor the Accountability Framework.*

To complement requirements for existing and new organizations and representatives, an Accountability framework would need to be able to enforce and monitor potential cases of COI for effective implementation. This includes creating a procedure for identifying “areas where COI’s are more likely to arise or prove more damaging to the UNFCCC, as exemplified in the OECD Guidelines and the WHO’s FENSA.”²⁹ This also includes carrying out regular risk assessments of representatives and their engagements, to ensure that “the benefit of their engagement outweighs the residual risks.”³⁰ The guidelines for participation should also make clear any effort for monitoring, including the production of a regular report on the admissions process, for example, or by making it mandatory to enter information on the representative and their organization's objectives, activities, funding sources and affiliations via the UNFCCC’s public register.

4. *Recommend Parties apply the Accountability Framework more broadly.*

As implementing the Accountability Framework is effective, follows best practice and evidence, and is not capacity intensive, the Secretariat should share the guidelines for participation with Parties ahead of SB58 for further consideration of where and how such a precedent should be further applied and developed further to more holistically and effectively address the undue influence of polluting interests and preserve the integrity of the UNFCCC.

In general, the Accountability Framework should not be looked at as comprehensive, but as a foundation to be laid that must continue to be built upon.

Transitional steps towards COP27

²⁹ Ibid, 23

³⁰ Ibid, 24

Though we believe the recommendations above are both critical and urgent, given the scale of the crisis the UNFCCC seeks to address, should it prove unfeasible to establish the UNFCCC Accountability Framework by COP27, we urge these transitional steps- which are low cost, low-capacity, and effective- be established with urgency in time for COP27:

- 1) All observer organizations and individuals seeking accreditation through them should complete an online declaration of interest (DOI) prior to their accreditation for or participation in COP27, in accordance with the parameters outlined above. This should require the disclosure of polluting industry affiliations or other forms of relationship over the past 10 years.
- 2) Statements submitted by those entities approved to participate after the screening process must be made publicly accessible for COP27 and for at least 5 years after.
- 3) All individuals or representatives of non-governmental organizations that declare or are determined to have a potential or perceived COI should not be allowed to present or participate in, or, at an absolute minimum, should be required to publicly disclose verbally and in writing their COI before participating in any activity.

These transitional steps must be deployed as a first step and not the final step, as all the other above steps will be necessary to protect against polluting interests.

ANNEX 1

The following 126 individual UNFCCC observer and other civil society organizations jointly make this submission, in addition to the constituencies listed at the top of this submission.

198 methods

350 Hawaii

350 Silicon Valley

350.org

3D Africa Organization

Activismo Ambiental Potosino

Agricultural Expertise Center

ALTSEAN-Burma

Amazon Watch

Amigos de la Tierra

ARRCC (Australian Religious Response to Climate Change)

Asha Parivar

Asian Peoples Movement on Debt and Development (APMDD)

Association Nigérienne des Scouts de l'environnement (ANSEN)

Baby Milk Action

Biofuelwatch

BUNDjugend (Young Friends of the Earth Germany)

Center for Biological Diversity

Centre Europe - Tiers Monde (CETIM)

Centre for 21st Century Issues

Centre for Citizens Conserving Environment & Management (CECIC)

Centre for Climate Safety

Centre for Environmental Justice

Centre for Natural Resource Governance

Centre pour la Justice Environnementale Togo

Cherish Aid

Citizen's Network For Community Development Zambia

Clean Energy Action

Climate Action Parry Sound

Climate Change Network Nigeria (CCNN)

Climate Justice Programme
Climatemama
CNS
CODEPINK
Connected Advocacy
Consumer Information Network
Corporate Accountability
Corporate Accountability & Public Participation Africa
Corporate Europe Observatory
Dialogue and Peaceful Coexistence Committee
Dibeen For Environmental Development
Disability Support and Rehabilitation Centre
EarthRights International
Eco Action Families
EDEN center
Educating Girls and Young Women for Development (EGYD)
Egerton University
Elseidi Law Firm
Empower Our Future
Enable the disable action EDA
Endorois Indigenous Women Empowerment Network
Endorois Welfare Council (EWC)
Environmental Defence Canada
ESCR- Net
Faith for the Climate
FFF MAPA (Fridays for future MAPA)
FIAN International
Foundation for the Conservation of the Earth
FrackBustersNY
Friday for the future Goma
Fridays For Future Windhoek
Fridays for Future- Sierra Leone
Friends of the Earth International
Friends of the Earth Scotland
Fundación Promoción Humana

GAIA - Global Alliance for Incinerator Alternatives
Global Climate Change Foundation (GCCF)
Global Forest Coalition
Global Initiative for Economic, Social and Cultural Rights
Global Witness
Golden Change for Concerned Youth Forum (GCCYF)
Grand(m)others Act to Save the Planet GASP
Green Climate Campaign Africa
Green Habitat Botswana
Greenbelt Climate Action Network
Health Care Without Harm
Home of Sibuyan Island Peoples (with Living Laudato Si' Philippines)
Honor the Earth
Human and Nature Youth Club
Ibfan-Gifa
Indigenous Environmental Network
Institut Prometheus pour la Démocratie et les Droits Humains (IPDDH)
Inter-Religious Council of Uganda
International Baby Food Action Network
International Federation for Human Rights
International Student Environmental Coalition
IWRAP Asia Pacific
JEI
Klima Action Malaysia (KAMY)
Korea Federation for Environmental Movements(KFEM)
Labor/Community Strategy Center
LASNET(Latin American Solidarity Network)
Leave It In The Ground (LINGO)
Lok Shakti Abhiyan
Long Beach Alliance for Clean Energy
Magna Youth Action
Manushya Foundation
Medico International
North Country NYPAN
Online Knowledge Society

Pacific Environment
Pakistan Fisherfolk Forum
Palawan State University
People for a Healthy Environment
Planetary Health Hub - Netherlands
PODER
Polluters Out
Project on Organizing, Development, Education, and Research
(PODER)
Reclame Fossielvrij / Fossil Free Advertising
Refugee Together For Social Transformation
Renewable Energy and Environmental Sustainability for Africa Initiative
Smart Youth Network initiative
Social Tipping Point Coalitie
Somali Greenpeace Association
Somali Youth Development Foundation
Third World Network
Transparency International
treetify
United Youth Initiative for Africa - UNIYIA
Vision for Alternative Development
Vision for Alternative Development (VALD)
Wate Justice & Gender
Wings for Amazon Project
WomanHealth Philippines
Women Rising Radio/Media
Youth For Climate Turkey
Zorg voor Klimaat - Dutch Climate & Health network

ANNEX 2

How these recommendations relate to the process to strengthen engagement of observers in the UNFCCC

This submission is made as part of the process to strengthen observer engagement in the United Nations Framework Convention on Climate Change (UNFCCC),³¹ particularly in relation to agenda items 1 (observer organizations) and 2 (representation and equitable access). Specifically:

1. Agenda item 1 (observer organizations)

1.1 What are the roles of Constituencies?

This submission details the threats to the UNFCCC and climate action that exist when actors representing polluting interests that are in conflict with the UNFCCC objectives are allowed direct access to its processes, policymaking, and activities, and also what is at stake if actors with conflicting interests are allowed to continue to engage in the process with these risks unmitigated.

The role of Constituencies and particularly their respective members should and must be to promote, preserve, and help deliver the objectives of the UNFCCC. In order to reasonably be said to do this, an actor's legal, financial, relational, or organizational interests must also be aligned with the objectives of the UNFCCC. If they have private, profit-driven, polluting interests that by definition contradict with UNFCCC objectives, they cannot reasonably be seen to act in alignment with them as they are bound to represent and advance interests that contradict the UNFCCC's. These factors and conditions must be taken seriously when considering the role of Constituencies and their members.

1.5 Different Constituencies play different roles. Should there be a differentiation with regards to access and participation based on those roles?

As this submission makes clear, there should be a clear distinction between different Constituency members with regards to access and participation based on public and private, polluting interests. Such a distinction is needed to preserve the integrity of the UNFCCC.. If a member is beholden to private, polluting, profit-driven interests then engagement with them introduces a potential or perceived conflict of interest as described in the recommendations above. Per best practice, the respective Constituency members should not be allowed access to UNFCCC processes and activities. The rest of this submission provides a clear rationale for why such an approach is needed.

The purpose of this approach is to remain inclusive to those who advance the mandate of the UNFCCC, while upholding the integrity of the UNFCCC. The objective is to ensure that those and only those whose interests are aligned with public

³¹ "Process to strengthen observer engagement in the UNFCCC," United Nations Framework Convention on Climate Change, accessed July 28, 2022, <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/process-to-strengthen-observer-engagement-in-the-unfccc-0>

interests and climate action are able to engage effectively without said action being threatened, weakened or undermined by those with conflicts of interest.

The purpose of this approach is also about ensuring that there is equitable and adequate space for the voices of frontline communities, women, youth, Indigenous Peoples, and others who are most directly impacted by climate change to be heard and their expertise offered without dilution or obstruction.

2. Agenda item 2 (representation and equitable access)

2.3 How can the UNFCCC serve as a safe place for people to raise their voices in diverse ways? How could principles of participation help build understanding around the respective roles played by different actors in the UNFCCC?

To serve as a safe (and also equitable and effective) space, all actors engaging or being engaged must be able to demonstrate their alignment with UNFCCC objectives as laid out in these recommendations, and have a demonstrated commitment to strengthen and bring expertise to climate action. Critically, engagement must not introduce conflicts of interest that inherently weaken a process that must urgently deliver the strongest climate action possible. We simply do not have time for this.

If conflicts of interest are left unaddressed, then collective engagement in the UNFCCC as a safe place is unlikely, if not impossible.. This understanding must be reflected in principles of participation.

2.4 What should be the principles of participation for different stakeholders in the UNFCCC and how could they be applied? Should they be formalized and, if so, what would that entail?

We recommend the following principles of participation be enshrined in relevant outcomes from this process, potentially including the revised guidelines for participation as recommended in this submission:

Inclusiveness- Concrete measures should be co-developed to understand and agree what “inclusivity” looks like in practice. Inclusiveness is necessary for those who do not have potential or perceived conflicts of interest and also those who are most impacted by climate change.

Equity- Participation should prioritize and center the voices, expertise, and lived experience of communities most affected by climate change and most exposed by the threat of climate action failure.

Conflict of interest free- Participation with non-Party stakeholders must not introduce real, potential or perceived conflicts of interest which by nature will undermine and weaken any outcomes of said participation or UNFCCC processes.

These principles and others could be formalized in the revised ‘guidelines for participation’ as part of the process proposed and laid out in this submission.

2.5 Across all modes of observer engagement, what steps can be taken to help address the potential for or actualization of conflict of interest when engaging with or between observers, the secretariat, COP Presidencies, SB Chairs and the High-Level Champions (HLCs)?

The recommendations in this submission concisely detail the concrete steps that can be taken to help address conflicts of interest. These steps are effective, evidence based and follow on the precedents already set including by other UN institutions.

United States Council for International Business (USCIB)

SUBMISSION TO THE UNFCCC SECRETARIAT

Process to Strengthen Engagement of Observer Organizations (OOs) in the UNFCCC

Executive Summary:

Inclusive and Meaningful Engagement for All Observers, To Provide a Confluence of Interests in Support of the work of the United Nations Framework Convention on Climate Change (UNFCCC) and the implementation of the Paris Climate Agreement

- USCIB believes that new circumstances and challenges inside and outside the UNFCCC (such as the ongoing conflict in Ukraine, inflation, and energy insecurity) should be reflected in pursuing inclusive and meaningful engagement for all OOs.
- This submission reflects 30+ years of responsible and constructive engagement by USCIB in UNFCCC, as well as in the UN Economic and Social Council (ECOSOC), UN Environment Programme (UNEP), UN Convention on Biological Diversity (UN CBD), International Labor Organization (ILO), the Food and Agriculture Organization Committee on Food Security (FAO CFS) and the OECD. USCIB is the sole American representative of the Business and Industry Advisory Committee (BIAC) to the OECD, the International Chamber of Commerce (ICC) and the International Organization of Employers (IOE).
- USCIB supports the current guidelines for the engagement of OOs in the UNFCCC. It welcomes proposals to strengthen engagement of all OOs, with a view to supporting action and delivering on the Paris Agreement and UNFCCC. The international community, all societal partners and all observer organizations have to redouble implementation efforts, including with respect to mitigation, adaptation, resilience, innovation and deployment, investment and finance.
- We recommend an emphasis on building a **confluence of interests** wherever possible – there is a wide and rich range of actors and constituencies, partnerships and synergies across the different areas covered by the UNFCCC, and those in turn can provide solutions to other challenges of sustainable development, such as food insecurity, infrastructure investment, just transition for workers and employers, and a wealth of others.

This confluence would include more dialogue towards partnerships and collaborative solutions, suites of mutually reinforcing approaches to linked challenges (such as nature-based solutions) and supply- and value- chain considerations across a range of stakeholders to support all of society actions.

- At the 2022 Subsidiary Bodies meetings in Bonn, the EU representative proposed convening an in-session workshop on improving the efficiency of the UNFCCC process, including with respect to the engagement of OOs. We encourage Parties to revisit this proposal to hold workshops involving the OOs and Parties to consider how each of the constituencies can support and inform the inter-

governmental nature of the UNFCCC process and bring about a “confluence of interests” that advances implementation and provides a resource to Parties and the UNFCCC secretariat.

- Information with respect to business engagement with the UNFCCC, and indeed business’ role in society in general, is widely available from the UNFCCC and other sources. This includes annual reports, online sources, financial reports, CDP, and via ESG reporting and disclosure, as is also true in terms of climate change related engagements and commitments. As a result, we reject the assertion from some that the participation of business within the UNFCCC process, including attendance at key sessions and meetings, requires any additional transparency as compared to that for other Observer Organizations. All OOs are required to conduct themselves in line with both the rules and objectives of the UNFCCC process, as well as the existing code of conduct. We also note that the very concept of delivering on key implementation aspects of the Paris Agreement, such as Just Transition, by their very definition require all stakeholders – including business – to be included.
- BINGO has been on hand in support of the UNFCCC and the Paris Agreement since 1993. BINGO representatives come from organizations that are clearly identified as groups of private enterprises. They sponsor pavilions and side events, and engage openly and responsibly through BINGO and with the OO coordinating structure. In addition, the UNFCCC already issues publicly accessible participants lists and other sources of information about organizations and participants in the UNFCCC process.
- In addition to UNFCCC sources, the internet provides abundant information quickly on businesses and business groups. Furthermore, businesses and business organizations are one of the few constituencies subject to abundant legally binding disclosure requirements across a wide range of jurisdictions, as well as other standards such as CBP, ESG and others, most of which can be found in the public domain.
- We have long regarded the UNFCCC and its Secretariat to be leaders in providing options for observer organizations to engage with this vital process; they have consistently pursued a high standard of listening, supporting, facilitating and partnering with OOs. We hope UNFCCC will not depart from its record of treating all constituencies fairly and on an equal footing, and forego any discriminatory or disenfranchising approach targeting one constituency alone.
- For USCIB, “Conflict of interest” proposals as presented in some focus groups convened under Agenda Item 2 of these consultations raise serious concerns: simply put, if they were taken forward they would not only undermine business’s ability to participate on an equal basis with other constituencies, they would set a precedent that could then also be used to effectively discriminate, disqualify or discredit other OOs. This would also run counter to USCIB’s stated support for inclusion of all stakeholders and OOs.
- The fact is that previous attempts to exclude business or business sectors have not been supported by Parties. Based on decades of involvement in many multilateral institutions, we do not agree that discrimination against and marginalization of business is a “best practice” in multilateralism. Indeed, the former Executive Secretary, Patricia Espinosa, was a vocal champion for fully inclusive multilateralism throughout her tenure. In addition to the UNFCCC, the vast majority of UN bodies either have established or are endeavoring to expand the involvement of all constituencies,

including business, for example: The International Labor Organization (ILO), UN Environment (UNEP), the UN Economic and Social Commission for Asia Pacific (UN ESCAP), the UN Economic and Social Council (ECOSOC), among others.

Collectively, the international community is seeking to make the multilateral system more open to meaningful engagement for all stakeholders. This vision is expressed even by the UN Secretary General in his recent report, "Our Common Agenda." On page 86, the report highlights "space for all voices" and the inclusion of the private sector, as part of the inclusive multilateralism that he believes is essential to deliver the 2030 Agenda and SDGs

The approach proposed by some constituencies would be a step backwards, in conflict with the UNFCCC's governance history and inclusive approach. Any discriminating against and sidelining BINGO OOs would damage and slow implementation, marginalize one of the most central constituencies in the UNFCCC process, and undermine private sector action (such as Race to Net Zero, the SME Climate Hub, and others) and resources which are instrumental in taking forward the fight against climate change.

Strengthening the Engagement of All Observer Organizations and Pursuing a Confluence of Interests

We welcome this important consideration of a process to strengthen engagement of observer organizations (OOs) in the UNFCCC. As on previous occasions when this matter has been discussed in the UNFCCC, notably in the Subsidiary Body on Implementation and through the Arrangements for Intergovernmental Meetings (AIM) agenda item, we believe that meaningful, inclusive, and transparent engagement of all OOs continues to be a must-have in the UNFCCC.

USCIB and its members have consistently championed strengthening the engagement of all observer organizations (OOs) in the UNFCCC. This submission reflects 30+ years of responsible and constructive engagement by USCIB in UNFCCC, as well as in the UN Economic and Social Council (ECOSOC), UN Environment Programme (UNEP), UN Convention on Biological Diversity (UN CBD), International Labor Organization (ILO), The Food and Agriculture Organization Committee on Food Security (FAO CFS) and the OECD. USCIB is the sole American representative of the Business and Industry Advisory Committee to the OECD, the International Chamber of Commerce (ICC) and the International Organization of Employers (IOE)

Further to the conclusion of the Paris Agreement and Glasgow outcomes, as the UNFCCC and COP meetings and processes move from negotiation to implementation, including at national, regional, local and community levels, strengthening engagement of OOs will further enrich the inter-governmental nature of the process by providing information and experience, resources, and technical expertise to the Parties and their deliberations, and to the Secretariat. To support this action-oriented evolution, the substantive engagement of all OOs will provide important perspectives, experiences, and solutions relevant to the UNFCCC and its Paris Agreement.

This topic could not be brought up at a timelier moment. There is no more immediate issue than climate change, and the UNFCCC process is unlike any other in the UN system, including urgent issues of mitigation, energy and food security, technological innovation, just transition, adaptation, and resilience.

There is no doubt that OOs are an indispensable part of the ambition imperative that we all share. After the unprecedented response of OOs to COP26, including Business and Industry (BINGO), we regard this internal discussion as a chance to update and fully reflect all that OOs offer and bring to the UNFCCC, the Paris Agreement and its constituted bodies.

Strengthening engagement of OOs is not just a matter of concern for observer organizations. Indeed, at this moment, when increased ambition and all-of-society and all-of-economy action is imperative, strengthening the effectiveness and results of the UNFCCC process itself depends directly and substantially on a strengthened and more meaningful role for OOs. Government action and resources alone will not be adequate to deliver the commitments of the Paris Agreement, and the needed actions identified by IPCC.

For some constituencies, such as business, being defined an “observer” (of the process), has long since become a misnomer, ignoring the concrete action and technical expertise that resides in the private sector. As U.S. Special Presidential Envoy for Climate, and former Secretary of State, John Kerry, has emphasized, private sector leadership is increasingly recognized as central to effective climate action. Kerry has recently noted that, “Glasgow produced unprecedented private sector commitments to action,”, adding that businesses have “identified trillions of dollars of investment available for the energy transition, provided we take the right steps to deploy those funds. Provided that

governments put in place the incentives, the transparency, and the accountability required to create confidence” [to enable those investments].

Moreover, this focus on enhancing engagement of OOs is part of UN-wide recognition of the necessity of meaningful involvement of all societal partners. The UN Secretary General’s recent report, Our Common Agenda, focusses on supercharging SDG implementation while strengthening the UN. To accomplish both those objectives, the report describes a UN that actively involves non-state actors, including business.

Other multilateral deliberations and institutions already provide for recognized consultation with societal partners, such as the ILO and OECD. To be clear, any measure that seeks to disqualify or exclude any constituency, reduce its active participation, or stigmatize its members, works against the common interest that all constituencies and the international community share in a successful, effective UNFCCC process.

Therefore, in our view the important question is:

How can the UNFCCC process make the best possible use of the diverse and significant resource of information, political will, expertise, implementation, and partnership that all OOs represent?

In our view, there are fundamental starting questions:

- what is meant by “strengthening” engagement?
- what can that “engagement” consist of as we look ahead to COP27 and COP28 during a period of challenges on multiple levels?

At the most recent SB meetings in Bonn, the EU representative proposed convening an in-session workshop on improving the efficiency of the UNFCCC process, including the engagement of OOs. We encourage Parties to revisit this proposal and agree to hold a series of workshops with OOs and Parties to consider how each of the constituencies can support and inform the inter-governmental nature of the UNFCCC process.

Strengthening engagement of OOs should:

- advance a confluence of interests through an open, democratic, inclusive process, which has been the direction of travel across the UN with respect to OOs since Agenda 21 in 1992, and taken forward by UNFCCC, UNEP, and UN DESA among others. We cannot turn back.
- highlight and take advantage of the substantive roles and distinctive contributions that each constituency brings to the UNFCCC process, and,
- continue to advance inclusiveness and self-selection in connection with OOs, both at UNFCCC meetings and in support of the process between official meetings.

Current rules for engagement of OOs function as a “ceiling” for all OOs, regardless of size, constituency, or objective of engagement. Considering the wide variety of activities and discussion topics under the UNFCCC, the Paris Agreement and its constituted bodies, the use of one-size fits all approaches to the engagement of OOs will continue to be limiting and unintentionally deprive the process of resources and opportunities to make more rapid progress.

Different types of needs from the UNFCCC process require bespoke approaches to engaging with the relevant constituencies in each setting, and this has already begun. For example, the Platform for Indigenous People and Local Communities highlights the unique role and rights of those constituencies

and has established a recognized ongoing dialogue with Parties. In our view, this is a model for other dedicated ongoing platforms that could be co-created with Parties and the Secretariat for other constituencies, such as BINGO, to improve and increase changes for targeted and transparent dialogue and cooperation.

The objective and opportunity should be inclusiveness and adequate support for ongoing dialogue, expert advice from and partnership with OOs. Such inclusiveness should strive for wide regional representation, with business and other constituencies from G77 and LDCs, including on national delegations as appropriate, with visas, support, and frameworks for their meaningful engagement, as mentioned by the G77/China and the Africa Group. For business, this suggests looking for ways to bring even more business representatives across sectors, particularly SMEs, and from the global South to be actively involved in the UNFCCC process.

If designed well, this continuing inclusiveness and meaningful engagement of OOs can even contribute to the pursuit of efficiency. Recognized consultative arrangements with larger globally networked groups, such as BINGO, TUNGO and LGMA would free up Secretariat resources so that they can prioritize attention to other constituencies that may lack organizational structures. USCIB would welcome a dialogue of how the engagement rules could instead be seen as a “floor,” based upon which other distinct dedicated channels for certain constituencies, including BINGO, could be developed.

Prioritizing and Supporting Representativeness, Expertise and Transparency

Both through the accreditation process and via online tools, transparency concerning OOs, and their objectives and actions is greatly enhanced and widely available.

The OO application already requests abundant information about each organization, and with today’s internet search capabilities and requirements for reporting and disclosure in many national and regional jurisdictions, such further questions can be addressed through a wide variety of online publicly available tools. Requiring more information through the UNFCCC Secretariat will only burden them with an additional unproductive bureaucratic task.

Existing UNFCCC transparency measures and the code of conduct for OOs continue to be relevant and sufficient. Exclusionary and discriminatory approaches will be counter-productive to the necessity of bringing all societal partners to the table and to encourage the widest possible action and partnership. Promulgating arbitrary distinctions and litmus tests within constituencies will undermine the spirit of collective effort and joint purpose that is distinctive and indeed indispensable to the UNFCCC. Such efforts will quickly become a waste of time and resources, endangering the community of OOs that is distinctive to the UNFCCC OOs.

Parties do need to provide adequate funding to the Secretariat so that they may support the meaningful engagement of observer organizations. It is already the case that OO focal points work closely and positively with the Secretariat to co-manage engagement of organized constituencies, and further discussion should pursue how OO’s can provide a resource to the Secretariat 365 days a year.

Business is a Unique and Central Constituency in Civil Society

Business is unique among OO constituencies because of its diversity, and the wide variety of private sector entities that it encompasses, from small businesses at the local level to multinational corporations and across all facets of the economy. The business community musters substantial resources and employs billions of people, and will be a significant part of:

- Taking actions to mitigate and invest in emissions reductions
- delivering a just transition of energy, commerce, and society to net zero, and,
- building adaptation and resilience to current and future impacts of climate change.

Well organized global business organizations, such as ICC and IOE, are composed of national and regional networks of “national committees” and federations, that bring together companies, employers, and business entities from developing and developed countries. They are well-equipped and capable, both in their own right, and through the BINGO network, to respond to specific requests for particular inputs or to provide expertise/experts.

While every constituency is different, a recognized consultative track for BINGO that is:

- inclusive to all businesses,
- regionally and sectorally representative

can function as a valuable source of information and know-how year-round for both the Parties and the Secretariat. A voluntary self-governed consultative track for business can help manage and appropriately channel the increasing numbers of companies, business and employers’ groups that are stepping up to address the climate challenge.

We encourage the development of structures in the UNFCCC to deepen and institutionalize business engagement in the UN climate talks – recognizing the value-add of private sector experience, expertise, and know-how from all sectors of the economy.

In particular, exclusionary approaches that would arise from distorted interpretations of conflict of interest, if applied, are certain to weaken the UNFCCC process, community and hamper actual results on the ground.

Conclusion

USCIB welcomes the possibility to hold discussions via workshops with Parties and other OOs to consider options that will enhance the meaningful engagement of all OOs, providing implementation-relevant resources to Parties and the Secretariat, and advancing the efficiency of the inter-governmental process. Each OO constituency brings unique expectations, capabilities and diversity to the UNFCCC, and the challenge ahead will be how to capitalize on the OOs for enhanced ambition, improved dialogue and impactful partnerships in the years ahead.



23 September 2022

ICC Submission on Process to Strengthen Observer Engagement to the UNFCCC

Agenda Item 2: Representation and Equitable Access

The International Chamber of Commerce (ICC) is the institutional representative of 45 million companies in more than 150 countries. Our members include many of the world's largest companies, small and medium-sized enterprises (SMEs), business associations and local chambers of commerce – working across all sectors around the globe.

ICC has served as the United Nations Framework Convention on Climate Change (UNFCCC) Focal Point for Business and Industry since the early 90s and in 2016, was granted Observer Status at the UN General Assembly – the first time a private sector organisation has been admitted formally into the UN system. We are committed to the UN Sustainable Development Goals and the objective of the Paris Agreement and this commitment was reaffirmed in our centenary declaration in 2019, recognising the escalating climate emergency and endorsing the findings of the Intergovernmental Panel on Climate Change Special Report on Global Warming of 1.5 °C.

We greatly appreciate the opportunity for businesses of our networks to engage in an open, inclusive and transparent way with the UNFCCC process and specifically the opportunity to exchange constructively with other Observers groups and governments.

We firmly believe that meeting the goals of the Paris Agreement will require on-going dialogue and a major step-change in multilevel and multilateral cooperation and effective partnerships – between governments, regions, cities, businesses, trade unions, farmers, academia, young people, indigenous communities, women and environmental groups – globally and locally. ICC believes that enhancing this collaboration and strengthening engagement, in particular of the nine Observer groups, will be critical to achieve successful implementation of the Paris Agreement.

We welcome the “Process to Strengthen Observer Engagement to the UNFCCC” launched earlier this year as an important and timely exercise. We commend the former UNFCCC Executive Secretary Patricia Espinosa for her efforts in this regard and also sincerely thank the UNFCCC Observer Relations Team who, together with the consultants Hayley Walker and Neoka Naidoo, have worked relentlessly to ensure an open and balanced exchange between Constituencies.



In response to the call for submission for agenda item 2 on representation and equitable access and building on our views and suggestions shared during the informal discussions over the past weeks, ICC offers the following reflections and suggestions:

Build on and strengthen existing guidelines for the engagement of non-State-actors in the UNFCCC process and Code of Conduct, along the core principles of openness, transparency and inclusiveness.

ICC and the UNFCCC Business and Industry Constituency fully supports and promotes the current guidelines for engagement and Code of Conduct that provide a good basis for engagement of non-State actors. While these are guided by the core principles of the Convention of – openness, transparency and inclusiveness – we note that the current texts do not directly reflect these concepts. The inclusion of these core principles in the current guidelines and code of conduct together with a clear definition of the principles should be explored.

We welcome the proposal by the European Union during the latest “Arrangements for Intergovernmental” meetings in Bonn to convene an in-session workshop on improving the efficiency of the UNFCCC process, including the engagement of non-State-actors. We encourage Parties to revisit this proposal and agree to hold a series of workshops involving Parties and Observers, where an exchange around the core principles for participation – openness, transparency, inclusiveness – could be added to the agenda, and inclusion of these principles in the guidelines and code of conduct could be considered.

Strengthen the engagement of all business and civil society groups in UNFCCC and COP processes.

ICC and the UNFCCC Business and Industry Constituency comprises a wide range of companies and organisations from multi-nationals through to SMEs that represent a diverse range of business interests, goods and services, expertise and financial size. No one company or organisation will have the same resources, structure, objectives or strategy as another. Despite the many ways in which business can differ, one commonality is the undeniable need for all business to take action to tackle the climate crisis.

Since Paris, more and more global and local business leaders are taking bold action to tackle climate change, despite the many challenges they are facing. The increasing amount of initiatives and commitments registered on the NAZCA portal, the ever-increasing number of businesses joining the UNFCCC Race to Zero and the growing participation of business and industry representatives in UNFCCC COP and technical meetings all underline the business community’s focus on and commitment to climate change as a priority, and with increasing momentum as we prepare for COP27.¹

¹ Today, over 5,000 businesses, 400 of the biggest investors have joined the UN Race to Zero; 1400 major companies have committed to net zero emissions before 2050 through the Science Based Targets initiative, the Exponential Roadmap



A lot of this progress has been possible because business in all its diversity is present, learning and engaging in the UNFCCC process and exchanging with governments and other civil society groups and conveying key lessons, learnings and success stories in their local contexts. We can see that some businesses are able to change faster than others. It is critical to build on their achievements and showcase their actions in the UNFCCC process but we also need to hear from the ones that are facing the biggest challenges to transition to a net zero future, identify effective and appropriate policies and collectively determine the solutions we need.

We firmly believe that continued private sector participation and involvement – in its full diversity in the UNFCCC and COP process – is indispensable in order to achieve much needed accelerated action, increased deployment of resources and ultimately a successful implementation of the Paris Agreement.

We are deeply concerned to see suggestions made and efforts taken by different constituencies group that would try to curb the involvement of certain sectors of business in the UNFCCC process and urge Parties and the UNFCCC Secretariat to continue to take an open, transparent and inclusive approach in all ways of engaging non-State actors.

Various UN General Assembly resolutions have recognised the importance of working in partnership with the business sector and civil society in order to achieve UN goals.² There is a recognition that many of the world's most pressing problems are too complex for any one sector to face alone and that the private sector can bring key its knowledge, expertise, resources, access and reach that are often critical to advance UN goals.

Instead of focusing efforts on exclusionary policies and rules, we recommend an emphasis on how we can build and strengthen dialogue between governments, business and all civil society groups and move collectively towards real partnerships and collaborative solutions.

We encourage the UNFCCC Secretariat to explore together with Parties, and all civil society groups, opportunities and solutions for strengthened engagement of Observers. Positive experiences to engage business, alongside other civil society groups, can be found in other UN fora, *inter alia*, in the UN Environment Programme, UN Convention on Biological Diversity, UN Economic and Social Commission for Asia and the Pacific, UN Economic and Social Council, as well as in the UNFCCC and should serve as examples.

We believe that the proposed in-session workshop in the context of Arrangements for

initiative and the Climate Pledge. Nearly 800 B corps have committed to net zero by 2030, members of the ICC Chambers Climate Coalition total more than 2,100 chambers of commerce representing more than 10 million local businesses; and more than 450 financial firms, from 45 countries, responsible for more than \$130 trillion in financial assets, have committed to aligning their operations and financing with achieving 1.5C - as set out by the Glasgow Financial Alliance for Net Zero in its first progress report.

² See e.g. GA Resolutions A/RES/73/2; A/RES/56/76; A/RES/58/129; A/RES/60/215; A/RES/62/211; and A/RES 68/234.



Intergovernmental Meetings discussions on improving the efficiency of the UNFCCC process, can provide the right forum for an exchange between Parties and Observers on how to strengthen the engagement of each Constituency, building on existing practices but also exploring new ways to involve Observers in the process and access broader input, technical capability and expertise from all civil society groups. This will be critically important as the international climate change process moves towards implementation.