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**Subsidiary Body for Implementation**

**Thirty-fourth session**

**Bonn, 6–16 June 2011**

Item 17(e) of the agenda

**Arrangements for intergovernmental meetings**

**Observer organizations in the intergovernmental process**

**Report on the in-session workshop to further develop ways to  
enhance the engagement of observer organizations**

**Note by the Chair of the workshop**

*Summary*

A workshop was held in Bonn, Germany, on 8 June 2011 to further develop ways to enhance the engagement of observer organizations. The workshop featured presentations by Parties and representatives of eight constituencies of non-governmental organizations on proposals for enhancing the existing means of observer participation and for creating possible new means of participation. The secretariat made presentations outlining current practices for observer participation, good practices of other United Nations processes and virtual participation. Parties and observers engaged in a frank and open discussion of issues relating to the proposals. The discussions will serve as an input to the consideration of this matter by the Subsidiary Body for Implementation at its thirty-fourth session.

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## **I. Introduction**

### **A. Mandate**

1. The Subsidiary Body for Implementation (SBI), at its thirty-third session, agreed to continue to address further ways to enhance the existing means of engagement for observer organizations, particularly ways to increase opportunities for interventions and other substantive inputs. The SBI, at its thirty-third session, also agreed that efforts should be made to enhance the use of technical means for participation.<sup>1</sup>

2. The SBI, at the same session, agreed to convene an in-session workshop to further develop ways to enhance the engagement of admitted observer organizations in accordance with Article 7, paragraph 6, of the Convention, including ideas for enhancing their existing means of participation, taking note of the discussions that took place during SBI 33. The SBI requested that the workshop report be presented to it at its thirty-fourth session.

3. In addition, the SBI recognized the need to take into account best practices from other processes within the United Nations system and requested the secretariat to keep under review good practices relating to observer organizations in the United Nations system, with a view to benefitting from the experiences of other forums in order to further enhance the participation of observer organizations in the UNFCCC process. The SBI also requested the secretariat to report back to it on these practices at its thirty-fourth session.

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

4. This report summarizes the presentations made during the workshop by Parties, representatives of eight constituencies of non-governmental organizations (NGOs)<sup>2</sup> and the secretariat on proposals for enhancing existing means of participation and for creating possible new means of participation. It also summarizes the discussions by representatives of Parties and observer organizations. Issues and proposals suggested during the workshop could serve as an input for consideration of this matter by the SBI at its thirty-fourth session.

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

5. The SBI may wish to consider the issues and proposals discussed at the in-session workshop, as well as the discussions at its thirty-third session, and provide guidance on possible next steps. The SBI may also wish to consider the information provided on good practices relating to observer organizations in the United Nations system and to provide further guidance as appropriate.

## **II. Proceedings**

6. The workshop was convened on 8 June 2011, during the thirty-fourth session of the SBI, and was attended by some 300 participants, including representatives of Parties and representatives of observer organizations. The workshop was organized into sessions on

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<sup>1</sup> FCCC/SBI/2010/27, paragraphs 150–152.

<sup>2</sup> Business and industry NGOs; environmental NGOs; indigenous peoples organizations; local government and municipal authorities; research and independent NGOs; trade unions NGOs; women and gender NGOs; and youth NGOs. The farmers constituency participated in the workshop but did not make a presentation.

proposals for enhancing existing means of participation and proposals for new means of participation. The workshop was chaired by the Chair of the SBI, Mr. Robert Owen-Jones, and supported by Mr. Andrew Ure (Australia).

7. To facilitate the discussion, background documents, including a synthesis report on ways to enhance the engagement of observer organizations, were made available.<sup>3</sup> The synthesis report presented the key issues and concerns raised and proposals made by Parties and observer organizations for consideration at SBI 33.<sup>4</sup> The proposals were also made available on the UNFCCC website.

8. In his opening remarks, the Chair recalled that Parties discussed a range of proposals for enhancing observer participation and adopted conclusions on this important topic at SBI 33. At SBI 33, Parties also agreed to continue to address further ways to enhance the existing means of participation by observer organizations and to convene the workshop in order to build on the discussions undertaken. The Chair stated that he expected that the workshop would provide an important opportunity for Parties and observer organizations to present their ideas on observer participation in more depth and to engage in a frank and open discussion.

### **III. Summary of presentations and discussions**

#### **A. Proposals for enhancing existing means of participation**

9. To set the stage for the discussion, the representative of the secretariat presented an overview of observer participation in the UNFCCC process and highlighted the tremendous growth in the number of admitted organizations over the past 16 years. She also highlighted previous decisions and conclusions that govern the current means of participation. She outlined the range of means currently available for UN organizations, intergovernmental organizations and NGOs to engage in the UNFCCC process, including participation in meetings and contact groups, written submissions and side events. She also highlighted good practices of other United Nations processes relating to participation<sup>5</sup> and reviewed recent secretariat initiatives such as the Climate Change Studio and the Blogger's Loft. The secretariat welcomed new ideas for enhancing existing means of participation but alerted Parties that no additional budget is foreseen for the observer liaison work of the secretariat in the next biennium. Any ideas should be made without substantial financial requirements.

##### **1. Presentations by Parties**

10. The representative of the European Union and its member States highlighted the experiences gained in implementing Principle 10 of the Rio Declaration on Environment and Development and the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). He provided an overview of legislation, policies and practices and explained how European environmental and climate policies result from a comprehensive interaction between public authorities and stakeholders. He provided a positive assessment of recent achievements in the engagement of observers under the UNFCCC process, while noting that improvements could be made to enhance observer access to documents and meetings, including informal meetings. The participation challenges have become more complex, as specific operationalization tasks now lie ahead.

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<sup>3</sup> Documentation is available at <[http://unfccc.int/conference\\_programme/items/6007.php](http://unfccc.int/conference_programme/items/6007.php)>.

<sup>4</sup> FCCC/SBI/2010/16.

<sup>5</sup> A full report can be found in document FCCC/SBI/2011/6.

Parties therefore need to combine increased and balanced participation in decision-making with tailor-made, specific approaches that make maximum use of observer inputs.

11. The representative of the United States of America noted that the UNFCCC process has managed civil society input well over the years, but now must manage a major increase in the number of observer participants, engagement of constituent groups and number of agenda items to be covered during each session. He proposed an increased use of informal interaction during the sessions, such as a first-day lunch session with the chairs of the subsidiary bodies and Parties in order to hear comments from observers. He also proposed that, when significant issues are not discussed in a contact group setting, the first informal meeting should be open to observers wherever practicable. He also called for regular progress reports and interaction between the chairs of the subsidiary bodies and the contact groups and observers. He called for greater use of workshops and technical meetings, including observer inputs, as they provide a constructive setting for informal exchanges. He proposed a creative use of informal avenues, such as constituency interaction with delegations and major negotiating groups. Lastly, he noted that venues of the Conference of the Parties (COP) should be large enough to provide all NGO participants access to negotiating areas.

12. The representative of Australia highlighted the value of observer engagement in improving transparency and for developing an enhanced framework for measuring, reporting and verification (MRV). She stressed that Parties are currently building new institutions and mechanisms to support developing countries and Parties will need considerable technical expertise, particularly from the private sector, in designing them. On MRV, she cited the Human Rights Council as an example for engaging observers effectively at the national level. To increase transparency, she called for more regular meetings with the chairs of UNFCCC bodies, noting that a more systematic approach would increase their usefulness. She also recommended a platform for observers to report and comment on specific outcomes, as well as a forum for observer inputs into the high-level segment of the COP and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP).

## **2. Presentations by observer organizations**

13. The representative of business and industry NGOs (BINGOs) stressed the need to preserve and strengthen practices that have worked well and said the current guidelines for participation should be retained. She noted that steady progress had been made over the years due to continue efforts by Parties and the secretariat. She expressed strong support from the business community for recent informal dialogues and interactions, such as the Mexican public-private dialogue on climate change and the Cancun Global Business Day, and emphasized the need to enlist support from the business sector in the UNFCCC process. In particular, she noted the need to involve the developing country business sector. She suggested increased use of new technologies, such as newsflashes to inform constituencies, a dedicated web-page for each constituency and putting all documents online as soon as they become available.

14. The representative of environmental NGOs (ENGOs) called for increased interventions during plenary meetings, contact groups and other negotiating sessions and cited practices from the Aarhus Convention as an example of good practice. She stressed the need for enhanced opportunities to make submissions, which should be included in the official documentation and posted on the UNFCCC website. In addition, observers should not be required to provide their statement in advance. She noted that contact groups and other negotiating sessions should be open as a rule, not as an exception. She characterized the current rules for participation as vague and proposed the establishment of a committee to develop new guidelines of observer participation and to resolve disputes.

15. The representative of indigenous peoples organizations (IPOs) recalled Articles 41 and 42 of the United Nations Declaration on the Rights of Indigenous Peoples (2007) and called for priority interventions in areas of work with direct impacts on indigenous peoples including finance, adaptation and REDD-plus,<sup>6</sup> as well the financial, scientific and technical issues related to implementation. IPOs should be “active observers”, able to take the floor at meetings, participate fully in all discussions and propose agenda items. She called for the participation of self-selected representatives of indigenous peoples, with balanced regional representation, in closed-door meetings. She also noted that representatives of indigenous peoples typically reflect a balance that takes into account regional and subregional geography and gender. In this regard, the current system of accreditation tied to allocations per organization limits the full and effective participation of IPOs.

16. The representative of local government and municipal authorities (LGMAs) said that the full potential of local governments to address climate change has not yet been realized. He noted examples where local responses and commitments had been successfully integrated into international plans and highlighted the lessons learned through the Local Government Climate Roadmap. He noted the recognition of local and subnational governments at the Convention on Biological Diversity (CBD), in particular through the Plan of Action on Sub-national Governments, Cities, and other Local Authorities on Biodiversity 2011–2020, adopted in decision X/22. He recalled the lessons learned through the stakeholder engagement processes of the Nairobi work programme on impacts, vulnerability and adaptation to climate change (the Nairobi work programme), as well as the Governing Council/Global Ministerial Roundtables and the Global Major Groups and Stakeholders Forum of the United Nations Environment Programme (UNEP). He called for the recognition of local and subnational governments as “governmental stakeholders” under the UNFCCC process as defined in decision 1/CP.16, paragraph 7.

17. The representative of research and independent NGOs (RINGOs) noted that observers facilitate the two-way exchange of information by bringing ideas to negotiators and acting as intermediaries to disseminate information to a wider audience. She stressed the importance of the participation of observers with a science or social science background who can assist with the interpretation of scientific issues and help assess the likely effects of different policy choices. She proposed fine-tuning the procedures for controlling access to oversubscribed events and said that the online registration system needs to allow for replacement participants. She also supported civil society participation in the newly established mechanisms such as the Transitional Committee for the design of the Green Climate Fund. She recommended grouping side events by theme, whereby a room would be devoted to a given topic for one or two days per week, and all side events would be held at the same venue. Other ideas included more frequent reports on closed-door negotiations, clear requests for submissions and the establishment of an ombudsman to assist constituencies.

18. The representative of trade union NGOs (TUNGOs) highlighted the need to ensure observers’ simultaneous access to documents and Parties’ informal submissions and the electronic distribution of the latest negotiating drafts. This approach would save time for Parties and the observer organizations with whom they consult. She noted the effective functioning of this procedure under other United Nations bodies, where observers can access online platforms to download the latest versions of documents. Given the increased demands for technical work, she called for the enabling of observers to support the secretariat in producing background documents.

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<sup>6</sup> Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries.

19. The representative of the women and gender constituency called for additional financial resources for the capacity-building of civil society in order to facilitate effective public participation, both at the national and the international levels. Such resources would aid the implementation of recent decisions made in Cancun. She cited recent conclusions of the Subsidiary Body for Scientific and Technological Advice (SBSTA) that called for further multilevel capacity-building of stakeholders at different levels, including women, in order to better utilize information on the Nairobi work programme. She supported funding the participation of a specified minimum number of representatives from each constituency at major UNFCCC meetings. Furthermore, she called for greater possibilities for the participation of all constituencies at UNFCCC negotiations by providing real input and called for the abolishment of closed meetings. Interventions during plenary and contact group meetings should be comparable to Parties' statements in terms of timing. In addition, oral interventions as well as written submissions should be made available as official documents on the UNFCCC website. She noted that such a process is commonly used under other international processes, such as the Aarhus Convention and the Commission on Sustainable Development (CSD). She also supported the establishment of a trust fund to support the participation of civil society, in particular underrepresented groups.

20. The representative of youth NGOs (YOUNGOs) stressed that the UNFCCC process should foster a respectful dialogue among all stakeholders and that the current restrictions on civil society messages during their media actions were unacceptable. With regard to transparency, he stated that meetings should be open to observers as a default rule. At present, a large number of sessions are closed, thus preventing observer organizations from contributing as effectively as possible to the process. He supported the extension of the use of webcasts to all open sessions and recommended that a written record of the positions taken by delegations in plenary meetings be made available on the UNFCCC website. There should be no requirements to submit interventions in advance and interventions from observer organizations should not be limited to the opening and closing of meetings. He emphasized the importance of using a single venue for sessions of the COP and the CMP that can accommodate all participants.

21. During the discussions, many participants noted that a wide range of constructive, concrete and meaningful proposals had been presented on improving the engagement of observer organizations. A number of Parties expressed their views on the value of observer participation and shared experiences demonstrating how observer inputs had helped their interventions, which had a subsequent impact on the negotiations. Some speakers cited the Nairobi work programme and Article 6 of the Convention as examples of effective engagement. Some speakers highlighted the increased need for technical inputs and submissions from observers, stating that experts can play an important role in the new mechanisms, as well as MRV. They emphasized the critical role that the private sector will play future funding. The "Mexican dialogue" approach to facilitating observer participation at the sixteenth session of the COP and the sixth session of the CMP was also noted by some speakers, several of whom also supported the inclusion of observers on the Bureau, or their participation in certain parts of Bureau meetings. The CSD dialogue process involved a high level of interaction with ministers and negotiators and could provide a useful model to follow.

22. Some speakers emphasized the need for improved access to informal groups and reiterated that it is common practice in other processes to allow observers in first and then close the meeting if necessary. Others noted that increased access is not only about providing transparency, but also about playing a constructive role in building the capacity of some Parties. Speakers also focused on: the capacity of the secretariat, with too few members of staff being asked to manage too many observer organizations; the need to increase the number of observers from developing countries, particularly the least developed countries; the role of observers in promoting greater recognition of the impacts

of climate change on mountain regions; the example of the International Labour Organization (ILO), which includes civil society by including worker and employer representatives on delegations. A proposal was also made that the international community supports the efforts of an agency of Chinese Taipei to participate in the UNFCCC process as an observer.

23. In closing, the Chair provided his reflections on the wide range of views expressed. He noted the clear and positive reinforcement of Parties' views on the value of observer participation and the need to enhance their role in both the negotiating process and the implementation process. He noted a number of specific and concrete suggestions were made, including:

- Opportunities for observers to make interventions without clearance requirements and in a similar manner to those provided to Parties;
- Increased opportunities for written submissions, which should be published alongside those of Parties;
- Allowing observers to have access to all documents at the same time as Parties, in order to improve transparency and avoid delays in the sharing of information;
- Increasing the use of webcasts and closed circuit television (CCTV) broadcasts, as well as improvements to the online registration system and the organization of side events;
- Funding the increased participation of all constituencies at UNFCCC sessions.

24. He also noted the proposal regarding participation by an agency of Chinese Taipei.

## **B. Proposals for new means of participation**

25. To set the stage for the discussion, the secretariat provided an update on the current status of "virtual participation", whereby people can remotely follow or participate in UNFCCC sessions, events or other activities. The secretariat highlighted "asynchronous" forms of participation, such as the use of the webcasts, the UNFCCC iPhone application, Facebook, Twitter and YouTube, which have become a regular and popular conference feature but do not provide one-to-one communication. With regard to one-to-one communication, work is under way to explore options for "synchronous" participation that allows participants to contribute in real time, such as through a telephone or video conference. This method of remote connection could enable the involvement of a greater number participants in side events. The secretariat also highlighted the special exhibit, Virtual\_Participation@UNFCCC, organized for the current sessions. The exhibit demonstrates that virtual participation in UNFCCC sessions is now a realistic option for enhancing the intergovernmental process, although the corresponding social, technical and financial aspects must also be considered. The secretariat stated that it is currently seeking to identify virtual participation pilot projects to test some of the options available (e.g. the inclusion of teleconferencing/videoconferencing in side event meeting rooms at the seventeenth session of the COP and the seventh session of the CMP).

### **1. Presentations by Parties**

26. The representative of Bolivia (Plurinational State of) focused on sharing experiences from the First World Peoples Conference on Climate Change and the Rights of Mother Earth, which attracted over 35,000 participants from around the world and representatives from 56 governments. By employing 17 working groups, the conference resulted in the Cochabamba Agreement and the idea of a worldwide referendum on climate change. To



ensure fair representation, he called for restoring balance among civil society representation, noting that the private sector is overrepresented. If the number of participants for a session is limited, then a quota system should be used. He called for ensuring a higher percentage of developing country civil society representatives and favouring social organizations and grassroots movements. He also supported a participation fund for developing countries and leaders of social movements. He also noted the ILO as a process that involves governments negotiating alongside their civil society representatives. The speaker also noted that, in order to facilitate observer participations, this workshop should have included interpretation.

27. The representative of Mexico echoed the call for increased participation from developing country observer organizations and sought a higher profile for observers in the process. He recalled that, while preparing for COP 16, Mexico opened a consultative process with a range of national and international constituencies, as a new partnership between civil society and governments is needed to generate ideas to support the intergovernmental process. He called for a follow-up process in the run up to COP 17 and noted that the responsibility should not fall solely to the host country. He also supported increasing the time slots for observer interventions during UNFCCC meetings, noting that a genuine partnership with observer organizations could not be achieved through short statements prepared in advance. Mexico also promoted the establishment of mechanisms to facilitate participation of underrepresented constituencies, noting that other processes used this approach. Other ideas included regularized meetings between presiding UNFCCC officers and stakeholders before and during sessions.

## **2. Presentations by observer organizations**

28. The representative of BINGOs called for the establishment of a business consultative channel or mechanism for business that is recognized and utilized by Parties and the secretariat as part of the intergovernmental process. The proposed channel would be a multiwindow structure that could provide a range of views and interactions for all agenda items, allowing for two-way exchanges. It would be organized and funded by business, with open and transparent membership, governance and consensus procedures, and build on existing business groups and networks. It would be developed in a timely fashion without prejudice to the continued ongoing involvement of business under other UNFCCC agenda items. Issues that would need resolution include acceptance by major business groups, recognition by Parties, involvement of the developing country business community and membership, funding and governance. Enhancing substantive consultative arrangements could be a desirable option for all constituencies. To ensure that such enhanced arrangements provide a resource to Parties and the process, the representative suggested that as a next step, the SBI should be encouraged to invite Parties and others to provide views about which issues would be of greatest interest for possible enhanced consultation, and suggest where constituencies could be most helpful.

29. The representative of ENGOs highlighted the need for a participation fund to support participation by underrepresented groups. She recalled that such a proposal had been considered previously but urged Parties to consider it again. She also proposed the establishment of an independent committee to oversee observer participation. The committee, which could include two civil society representatives, would review lower-level matters without COP oversight and review all restrictions. Lastly, she called for a clear, effective and uniform process for civil society participation in the new mechanisms established under the UNFCCC, such as the Transitional Committee of the Green Climate Fund.

30. The representative of the IPOs constituency cited several precedents for the participation of indigenous peoples in other related forums, such as increased opportunities

to make interventions and actively engaging in the negotiations in the same manner as Parties as under the Convention on Biological Diversity. He also called for the setting up of an indigenous peoples' expert body, which would serve as a technical advisory body on issues of direct relevance to indigenous peoples. Other proposals included a technical support unit for indigenous peoples issues, an indigenous focal point in the UNFCCC secretariat, a voluntary trust fund to enable participation of indigenous peoples and steps to ensure full and effective participation of indigenous peoples in meetings of the subsidiary bodies or UNFCCC managed funds, mechanisms, programmes and projects.

31. The representative of LGMAs supported increased access to meetings and the possibility of spontaneous interventions on specific technical points in contact groups. He also proposed an Internet-based platform for reporting on progress, which in turn requires the publication of negotiating draft texts and official documents in "real time". He called for a more systematic approach for exchanges between Parties or chairs. He said that local governments demanded strongly their inclusion as civil society members of the Green Climate Fund. He also highlighted the opportunities presented by the design of a new global environmental governance within the scope of the Rio+20 process.

32. The representative of TUNGOs suggested the organization of a ministerial round table during the high-level segment of COP 17/CMP 7 where a certain number of seats would be given to observer organizations to enable them to participate on an equal footing in the interactions with ministers. She said this format has worked very well in other United Nations bodies. The added value would be a transparent multilateral exchange on broad political issues. She also noted that other processes allow civil society representatives on their bureaux.

33. The representative of the women and gender constituency suggested the development of an online consultation system for every major agenda item. This system could take the form of an online forum that provides a limited amount of space for input from each Party grouping and observer constituency. Such a system would provide more flexibility and immediate access to the various opinions on a certain subject, and could thereby advance the debate. She called for the inclusion of members of civil society on the Bureau, noting this approach is used under other international processes. She also proposed the establishment of a gender advisory group to help overcome the lack of gender expertise in the intergovernmental process and identify issues where the gender perspective is lacking. She emphasized that no financial burden for such a group should be placed on the secretariat budget.

34. The representative of YOUNGOs called for the establishment of a voluntary trust fund, similar to those used under other conventions, to enable Parties to support the participation and capacity-building of the least represented constituencies. In addition, online tools should be developed to enable non-attending delegates to actively take part in the intergovernmental process, for instance by delivering presentations during side events or raising questions during briefings. He noted that currently actions organized by civil society inside the conference premises can be restricted and said that notification for some cannot be provided far in advance. He stressed that, when observer organizations believe that these restrictions infringe on the principles of public participation, Parties should establish a mediation process to which observer organizations could refer.

35. During the discussion, a number of speakers expressed support for the proposal to create a trust fund to enable the participation of civil society organizations from developing countries, which would seek to increase participation from underrepresented groups. Some speakers called for improvements in constituency coordination. They also said that some observers encountered problems in accessing visas for attending certain meetings. Further questions were also raised on the possibility of including civil society representatives on the COP Bureau, such as the possible number of representatives. A Party offered to raise the

issue at the next Bureau meeting. Civil society representatives for the new mechanisms were also discussed. Participants also explored the possibility of an independent committee to address observer participation and noted the ECOSOC committee on NGOs, which decides on withdrawal or suspension of NGOs. In addition, the discussion addressed online participation, with some noting this approach does not serve all observers equally. Some noted that, for any new processes or mechanism, Parties would need to ensure that these genuinely improve the process of providing inputs for the negotiating process. They expressed concern at attempts to consolidate inputs and proposed a focus on improving existing means of participation.

36. The Chair thanked all participants for their proposals and inputs. He said that many constructive ideas had been put on the table and noted that some had received general support. He stated his intention to capture these ideas in a summary report for consideration by the SBI under its agenda item on arrangements for intergovernmental meetings. He would also reflect on ways to present a single list of proposals for consideration and highlighted a number of proposals, including: a trust fund for participation; an online consultative system; improved access to informal groups; ministerial round tables; online participation in sessions; possible civil society representatives on the Bureau; and increased availability of translation for workshops. The Chair noted that Parties would ultimately need to reach agreement on any new proposals. In closing, he said an overarching theme was that solutions do not lie with Parties or civil society alone but with increased cooperation to improve the engagement of observer organizations in the intergovernmental process.

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