

JOINT INTERVENTION BY  
ENGOS, GENDER, IPOS, LGMA, TUNGOS, YOUTH CONSTITUENCIES  
On the Agenda item 16. d  
3 June 2010

Thank you Chair for the opportunity to speak today.

My name is Anabella Rosemberg and I am a representative of the International Trade Union Confederation, speaking on behalf of 6 civil society observer constituencies – the Environmental organizations, the Youth Constituency, Women and Gender constituency, Local Governments and Municipal Authorities, Trade Unions and Indigenous Peoples Organizations. We have come together to deliver this intervention jointly, as we all agree on the vital importance of civil society participation in ensuring the success of these negotiations in achieving their ultimate objective as articulated in Article 2 of the Convention.

We are all actively engaged in this process due to the critical nature of climate change and its impacts on both the planet and its people. The UNFCCC is and should be the primary and legitimate forum for these discussions at the international level. It provides the opportunity for the most effective participation of all affected parties and constituencies, especially developing countries with limited resources.

We note with appreciation the positive remarks you have made, Mr. Chair, with respect to civil society participation in this process, as well as the remarks found in the background paper for this agenda item. In that positive spirit, we, representatives of the legitimate civil society stakeholders, offer our perspective and suggestions for ensuring we learn from the past and continue to improve moving forward.

Broad public participation in the UNFCCC processes is consistent with international law and norms. For example, the Rio Declaration,<sup>i</sup> Agenda 21,<sup>ii</sup> and the Aarhus Convention<sup>iii</sup> all acknowledge that the best environmental decisions are made when civil society participates. The Framework Convention itself provides that Parties “shall ... encourage the widest participation in this process, including that of non-governmental organizations.”<sup>iv</sup>

Civil society participation plays two key critical roles, among many others, in our collective view. First, we are a resource for the parties. We have extensive knowledge and expertise to share. Our input can help to unlock challenging discussions, provide new ideas into the debates, and answer critical questions. But in addition, our full and effective participation provides legitimacy to this process that would not otherwise be there. We as civil society represent a huge variety of critical stakeholders in this process. From international organizations to women networks to grass roots movements, from mayors to workers, from indigenous peoples to young people around the global ... We are the eyes and ears of the peoples of the world.

In the spirit of constructive partnership, we offer the following specific suggestions to move forward.

1. We appreciate the Secretariat's ongoing efforts on the stakeholder engagement review and encourage them to revise its guidelines on public participation, on a timeline that will result in final guidelines published well before COP-16. This process should include meaningful participation by civil society. The proposed revisions should be broadly disseminated, and comments solicited, sufficiently in advance of their implementation to allow the Secretariat to revise the guidelines in light of comments received.
2. The default approach for all civil society engagement – including participation in informals, to access to delegates' "pigeonholes" - should be full participation and access, as was recently agreed with respect to timely access to all documents. Only in exceptional circumstances may parties explicitly decide to limit access.
3. On numbers, venues should be chosen that allow for a strong representation of civil society constituencies. The Secretariat should undertake an open consultation process with the observer constituencies should limitations be required due to space constraints or other issues. This process should provide for the flexibility needed to ensure effective participation of all observers, the advanced notice required in order to plan effectively, and opportunities for input into the criteria and procedures in order to ensure the diverse needs and resources of observer organizations are taken into account.
4. Side events are an important part of these conferences, providing parties and observers opportunities to exchange views, influence the negotiations, and bring in new ideas to the process. As such, side events put on by observers and Parties should be treated equally and be accommodated in such a way to ensure that they can have an impact on the negotiations by ensuring the ability for relevant attendance. We suggest increased use of innovative web tools to enhance facilitation and coordination of side events.
5. A fundamental role of civil society is to promote positive solutions and expose bad developments through the use of a variety of tools including stunts. When proposals are inequitable and permit business as usual, there is no justification for denying full civil society expression. The right to have our voice heard within the venue must be respected and not subject to arbitrary and draconian restricts. Many parties in the room have cause to be thankful to civil society for not quietly accepting inadequate and inequitable proposals
6. The roles of Secretariat, Parties and host country in determining public participation policies should be made explicit. Clear information on the division of responsibilities and arrangements between the Secretariat and the host of each COP - in this case the Government of Mexico for COP16 - should be made public well in advance of the COP.
7. We encourage the UNFCCC Secretariat to take part in the workshop organized by the Aarhus Secretariat on the experience of COP15 scheduled for 29 June 2010. We request the Secretariat to accept the offer extended by the Aarhus Secretariat to collaborate closely on these key issues.

8. We encourage the UNFCCC and its Secretariat to look towards other forums where public participation has been effectively facilitated. The Convention on Biological Diversity and UNEP Governing Councils serve as two examples. Civil society has effectively participated in advisory boards, governance bodies and other entities of multilateral agreements and we encourage Parties to consider these examples.
9. The Secretariat should request authority to use more of its budget to facilitate public participation and should request that the Parties provide increased financial resources to support these efforts.
10. We welcome the opportunity to exploring with you innovative ways of engaging civil society, including for instance facilitation of a cross-constituency civil society meetings and workshops.
11. As mentioned, civil society serves as an extremely valuable technical and political resource for Parties, especially in developing countries. Parties should always be encouraged to utilize these resources in whatever means they choose, including by inviting them onto their delegations.

On an immediate level, we would like to make one key suggestion with respect to the work of this particular Contact Group. We suggest that civil society observers be permitted to attend any informal meetings taking place in the coming days covering this agenda item.

Thank you, once again Chair for this opportunity. We thank you in advance for the chance to address this group before the close of this session. We look forward to working with you, the Secretariat, and the Parties to ensure the full and effective participation of civil society in our joint efforts to address this most critical issue.

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<sup>i</sup> “Environmental issues are best handled with participation of all concerned citizens, at the relevant level.” Rio Declaration, Prin. 10.

<sup>ii</sup> For example, “Non-governmental organizations, including those non-profit organizations representing groups addressed in the present section of Agenda 21, possess well-established and diverse experience, expertise and capacity in fields which will be of particular importance to the implementation and review of environmentally sound and socially responsible sustainable development, as envisaged throughout Agenda 21. The community of non-governmental organizations, therefore, offers a global network that should be tapped, enabled and strengthened in support of efforts to achieve these common goals. ... To ensure that the full potential contribution of non-governmental organizations is realized, the fullest possible communication and cooperation between international organizations, national and local governments and non-governmental organizations should be promoted in institutions mandated, and programmes designed to carry out Agenda 21.” Agenda 21, Arts. 27.3 – 27.4.

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iii “In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.” In the words of Kofi Annan, “Although regional in scope, the significance of the Aarhus Convention is global. It is by far the most impressive elaboration of principle 10 of the Rio Declaration, which stresses the need for citizen’s participation in environmental issues and for access to information on the environment held by public authorities.” Kofi A. Annan, former Secretary-General of the United Nations. UNECE, “Introducing the Aarhus Convention,” <http://www.unece.org/env/pp/>.

iv UNFCCC Art. 4.1(i).