

UNFCCC input to OHCHR

Background

The UN High Commissioner for Human Rights, in [report A/HRC/32/20](#), paragraph 89, made recommendations to the regional and international entities. In this context, the Office of the High Commissioner for Human Rights (OHCHR) sent to UNFCCC on 4 October 2017 a call for inputs to Report of High Commissioner on "Civil society space in multilateral institutions" with a deadline of 31 October 2017. OHCHR requested "specific, concrete illustrations of good practices" on the above four recommendations. Due to the imminent UNFCCC COP 23 to service, UNFCCC secretariat requested an extension of the deadline until December 2017, which was granted on 10 October 2017.

Responses to the recommendations

(a) Ensure safe premises for civil society and provide advice in cases of threats, intimidation or reprisals

The Executive Secretary (ES) is ultimately responsible for the safety and security of the participants attending the UNFCCC sessions. The ES maintains zero tolerance for threats, intimidation or reprisals and works in close cooperation with the UN Department for Safety and Security (UNDSS). This applies to the meetings of the governing bodies, the subsidiary bodies and the constituted bodies. A specific example would be a harassment case which civil society representatives reported during a COP. The responsible individuals were immediately identified with the cooperation of the civil society representatives, and these individuals were expunged from the premises, following admission of guilt. Even though the procedure had already been in place, in order to increase the awareness of the procedure, "Guidance note on arrangements by the UNFCCC secretariat and the COP organizers to address all forms of harassment"¹ was posted online ahead of COP 23 in 2017.

(b) Throughout their activities and processes, provide for the effective participation of civil society, in conformity with international standards of non-discrimination, the freedoms of expression, association and peaceful assembly and the right to participate in public affairs.

Parties to the UNFCCC have continuously enhanced effective participation of civil society in the intergovernmental process. The level of requests for IGO/NGO participation at UNFCCC COPs ranges between 11,000 (COP 20) to 25,000 (COP 23) in recent years. In order to ensure effective participation of these rapidly growing numbers of the civil society, the UNFCCC secretariat introduced a quota system whereby each admitted organization can prioritize the representatives they would like to nominate. Once accredited, civil society representatives have many opportunities to interact with Parties through informal meetings, interventions at plenary, by attending contact groups, responding to calls for written submissions on specific topics, interacting directly with Presiding Officers of the governing bodies and the subsidiary bodies of the Convention, the Kyoto Protocol and the Paris Agreement, as well as with the ES at briefing sessions, formal statements at the high-level segment, by attending high level ministerial dinner or gala hosted by the host countries, and through hundreds of side events and exhibits. Some of

¹ Available at: https://cop23.unfccc.int/sites/default/files/resource/guidancenote_harassment.pdf

these, such as interventions and invitations to high level ministerial dinner/gala, are coordinated through NGO constituencies, which mirror the nine Major Groups identified as stakeholders in the Outcome Document of Rio+20.

As the result of Parties' consideration and enhancement of non-Party stakeholder engagement, there has been a progressive increase in the number of open negotiation meetings and in other forms of providing for public space and engagement such as the Global Climate Action. The latter is aimed at promoting the engagement of non-Party stakeholders in climate action and national and international levels. Such stakeholders that take climate action for the implementation of the Paris Agreement are actively engaged and their initiatives are reported to the UNFCCC COP. The aforementioned growth in the participation by non-Party stakeholders is also mirrored in the number of their initiatives that support the implementation of the UNFCCC regime. Another example of the progressive increase in other forms of providing for public space and engagement is the Presidency's Open Dialogue. The initiative enables admitted NGO constituencies to discuss topics of their choice with Parties, whereby agenda-setting as well as programming of the dialogue are conducted jointly among the admitted NGO constituencies, the Presidency, the Bureau and the UNFCCC secretariat.

Another type of activities through which the UNFCCC secretariat provides for participation of the civil society is demonstrations and media stunts. While, it is not customary to allow demonstrations or wearing of a T-shirt with messages on the UN premises, the UNFCCC process is, unique in a sense that such approaches are facilitated in cooperation with the UNDSS. There is a process in place whereby participants can apply online for clearance for actions or media stunts at locations that do not disrupt the proceedings of the intergovernmental meetings or interfere with the freedom of movement of the participants. Examples are numerous but the total numbers of such actions illustrate the high degree of facilitation and conformity with international standards of non-discrimination, the freedoms of expression, association and peaceful assembly and the right to participate in public affairs: ca. 200 at COP 21, ca. 80 at COP 22 and ca. 110 at COP 23 throughout the two-week conference respectively.

(c) Expand the transparency, through such means as webcasting, of public meetings, including, for example, meetings of the Committee on Non-Governmental Organizations of the Economic and Social Council;

The UNFCCC secretariat webcasts as many meetings as procedurally feasible and financially viable. At the sessions of the governing bodies and the subsidiary bodies (COP/CMP/CMA/SBI/SBSTA/APA), all the plenary meetings, press briefings, mandated events and side events are broadcast live. At constituted bodies meetings, all the plenary proceedings are live broadcast. Furthermore, all these meetings that were live streamed are recorded for on-demand access and stored on the UNFCCC website.

In addition, in order to enhance the transparency of the process and accessibility of input, including input by non-Party stakeholders, the UNFCCC secretariat enables Parties to post submissions as well as plenary statements live through the online submission portal. This portal enables Parties' better access to non-Party stakeholders' input, as the posted submission are grouped together per call for submissions.

The launch of the UNFCCC secretariat's new website aims to further enhance transparency of the UNFCCC process to all stakeholders by displaying key information in a concise and timely manner, and using current technological means. The mobile phone application further increases transparency by

providing a portable entry point to website information and webcasts, including information posted to dedicated website sections that are in relation to Civil Society activities such as meetings, statements and submissions.

(d) Mainstream regular monitoring, review and public reporting on civic space issues and challenges across all entities.

The SBI has been the subsidiary body that regularly monitors, reviews and further enhances non-Party stakeholders' engagement in the UNFCCC process. It has done so since 1998, with the latest discussion at its forty-sixth session in May 2017². The last biennium report by the UNFCCC secretariat on the status of implementation of the SBI conclusions relating to observer engagement was made in time for the forty-fourth session in 2016³. The next report is due April 2018 for the forty-eighth session of the SBI. This forum enables the Parties to regularly monitor, review and further enhance non-Party stakeholders' engagement in the process. The illustrious good examples can be found in respective conclusions from the SBI⁴. All these reporting and conclusions are publicly made available.

The UNFCCC secretariat also created a public catalogue⁵ dedicated to the mandates and guidance from Parties relating to observer engagement in the UNFCCC intergovernmental process. This enables the public to quickly search past decisions, conclusions, reports and background documents relating to observer engagement in the UNFCCC process.

² FCCC/SBI/2017/7, 116 – 121

³ FCCC/SBI/2016/2, paragraphs 36 – 45.

⁴ FCCC/SBI/2002/17, paragraph 50(c); FCCC/SBI/2004/10, paragraph 100; FCCC/SBI/2010/27, paragraphs 140, 141 and 147–151; FCCC/SBI/2011/7, paragraphs 175–178; FCCC/SBI/2012/15, paragraphs 240–242; FCCC/SBI/2014/8, paragraph 224; FCCC/SBI/2016/8, paragraphs 162, 163 and 167; FCCC/SBI/2017/7, paragraph 119.

⁵ http://unfccc.int/parties_and_observers/ngo/items/9558.php