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**Subsidiary Body for Implementation**

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Item 15 of the provisional agenda

**Arrangements for intergovernmental meetings**

**Synthesis report on ways to enhance the engagement of observer  
organizations**

**Note by the secretariat\***

*Summary*

This report synthesizes the proposals made by Parties and observer organizations on ways to enhance the engagement of observer organizations. These include a range of proposals in relation to substantive inputs, admissions and access, registration and organizational issues, the role of constituencies, guidelines for participation, and practices taken from other processes. In total, five submissions were received from Parties and 16 from observer organizations. The report also reviews the background of observer engagement in the UNFCCC process, as well as previous consideration by the Subsidiary Body for Implementation of ways to enhance the effectiveness of this engagement.

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\* This document was submitted after the due date in order to enable the secretariat to include all relevant inputs.

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## **I. Introduction**

### **A. Mandate**

1. At its thirty-second session, the Subsidiary Body for Implementation (SBI) welcomed the continued interest of observer organizations, affirmed the value of the engagement of observer organizations as contained in Article 7, paragraph 2(l), of the Convention, and acknowledged the important role of civil society representation in the intergovernmental process.<sup>1</sup> The SBI agreed to continue relevant discussions at its thirty-third session, with a view to reaching conclusions on ways to enhance the engagement of observer organizations. In order to facilitate these discussions, the SBI invited Parties and observer organizations to submit their views on this matter to the secretariat by 16 August 2010, and requested the secretariat to prepare a synthesis report based on these submissions for consideration at its thirty-third session.<sup>2</sup>

2. Five such submissions were received from four Parties, while 16 submissions were received from observer organizations, including two intergovernmental organizations (IGOs) and 14 non-governmental organizations (NGOs). Two of these submissions were made on behalf of NGO constituencies and a joint submission was received from constituency focal point organizations. The full submissions from Parties have been made available in document FCCC/SBI/2010/MISC.8. The submissions received from NGOs and IGOs are available on the UNFCCC website.<sup>3</sup>

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

3. This document reviews the background of observer engagement in the UNFCCC process, as well as previous consideration by the SBI of ways to enhance the effectiveness of this engagement. It synthesizes the key issues and concerns raised and proposals made in the submissions referred to in paragraph 2 above, although the richness of the submissions means that all of the details could not be captured in a single concise document. It addresses the role of observer organizations and constituencies in, and their contributions to, the intergovernmental process. It also highlights a range of proposals in relation to admissions and access, registration and organizational issues, the role of constituencies, guidelines for participation, and practices from other processes. In addition, it synthesizes the proposals pertaining to dispute resolution as well as the proposals for new platforms, mechanisms and financial support. It should be noted that this document does not address the budgetary implications of the proposals. These implications would have to be considered once initial guidance by the SBI has been provided.

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

4. The SBI may wish to reflect on policy issues relating to ways of enhancing the engagement of observer organizations in the UNFCCC process. It may also wish to consider the proposals made by Parties and observers organizations in this regard and provide guidance, as appropriate.

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<sup>1</sup> FCCC/SBI/2010/10, paragraph 166.

<sup>2</sup> FCCC/SBI/2010/10, paragraphs 167 and 168.

<sup>3</sup> <[http://unfccc.int/parties\\_observers/ngo/submissions/items/3689.php](http://unfccc.int/parties_observers/ngo/submissions/items/3689.php)> and <[http://unfccc.int/parties\\_observers/igo/submissions/items/3714.php](http://unfccc.int/parties_observers/igo/submissions/items/3714.php)>.

## II. Background

### A. Observer organizations in the UNFCCC process

5. Parties have long recognized the value of observer participation in the intergovernmental process, as reflected in Article 7, paragraph 2(l), of the Convention, which recognizes the value of the engagement of NGOs and mandates that the Conference of the Parties (COP) shall: “Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies”. Article 7, paragraph 6, of the Convention states that: “Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object”. In addition, the draft rules of procedure being applied recognize the importance of observers.<sup>4</sup>

6. Several categories of observer organizations attend sessions of the COP, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) and the subsidiary bodies. These include organizations in the United Nations system, IGOs and NGOs. The NGOs represent a broad spectrum of interests and embrace representatives from business and industry, environmental groups, farming and agriculture, indigenous populations, local governments and municipal authorities, research and academic institutes, trade unions, and women and gender and youth groups. Observers representing other interest groups are present, such as faith-based groups, regional governments and parliamentarians, but these groups are less defined and organized. In recent years, the number and diversity of observer participants has increased dramatically, in step with the complexity of the issues on the climate change agenda. A total of 1,297 NGOs and 83 IGOs currently participate as observers.<sup>5</sup>

7. Constituencies are loose groupings which have emerged from the above-mentioned groups in order to facilitate interaction. There are currently nine constituencies among NGOs, which serve as communication channels to the secretariat. The identification of the nine constituencies is consistent with the major groups defined as stakeholders in Agenda 21: business and industry NGOs (BINGOs); environmental NGOs (ENGOS); farmers and agricultural NGOs; indigenous peoples’ organizations; local government and municipal authorities; research and independent NGOs; trade union NGOs; women and gender NGOs; and youth NGOs.<sup>6</sup> These constituencies serve as an important communication conduit for the participation of NGOs, helping to channel inputs from NGOs more effectively to the Parties. During sessions, constituency focal points coordinate the participation of their constituents, assist the secretariat in realizing representative observer participation and filter official inputs, including plenary statements. During intersessional periods, the constituency focal points assist with the attendance of NGOs at workshops and maintain an information exchange with the secretariat and their constituents.

8. Observer participation has grown steadily since COP 1 in 1995, with observer attendance averaging roughly 2,700 participants per session until COP 10 in 2004. At COP 11 and CMP 1 in 2005, representatives of observer organizations numbered nearly

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<sup>4</sup> FCCC/CP/1996/2, rules 6–8.

<sup>5</sup> As at 22 September 2010.

<sup>6</sup> Farmers and agricultural NGOs, women and gender NGOs and youth NGOs are recognized as constituencies on a provisional basis pending a final decision on their status before COP 17.

6,000. The interest of civil society in the UNFCCC process reached unprecedented levels at COP 15 and CMP 5 in 2009, with a total of 13,482 registered observer participants. However, the actual number of participants from observer organizations may in fact be higher, as many Party delegations now include representatives from observer organizations. The number of applications for admission in 2009 was nearly seven times higher than the average number of applications between 2003 and 2008. However, as the engagement of civil society in the UNFCCC process continues to grow, it will also present challenges for the process. In some submissions, it was observed that recent difficulties at sessions have been due to the exponential increase in the number of participants from observer organizations over the years.

9. NGOs participate in the UNFCCC process in accordance with 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” (hereinafter referred to as the guidelines for participation).<sup>7</sup> The guidelines for participation, developed in consultation with ENGOs and BINGOs in 2003, recognize that public participation “allows vital experience, expertise, information and perspectives from civil society to be brought into the process to generate new insights and approaches” and “promotes transparency”. The guidelines for participation seek to encourage the effective participation of observers in the UNFCCC process. They are not exhaustive, but provide information on current practice regarding the attendance of observers at sessions and meetings of the bodies of the UNFCCC. They are in line with the guidelines for participation and practices governing the participation of NGOs at sessions of other organizations in the United Nations system. Any infringement of these guidelines for participation would normally be resolved following consultations between the secretariat and the responsible organizations and individuals.

10. A number of the submissions highlighted experiences gained from other intergovernmental processes that could be useful for enhancing engagement in the UNFCCC process. These submissions underscored that broad public participation in the UNFCCC process is consistent with international law and norms, and noted, for example, that the Rio Declaration on Environment and Development,<sup>8</sup> Agenda 21<sup>9</sup> and the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention)<sup>10</sup> all affirm that the best environmental decisions are made when civil society participates. This is reinforced for Parties to the Aarhus Convention by their obligations to promote the Aarhus principles, including public participation, within the UNFCCC process.<sup>11</sup> Some submissions also recalled the Almaty Guidelines,<sup>12</sup> which note that public participation improves the quality of decision-making. In addition, the Office of the United Nations High Commissioner for Human Rights has noted that public participation in decision-making is of key importance

<sup>7</sup> These guidelines apply mutatis mutandis to meetings of the bodies of the Kyoto Protocol.

<sup>8</sup> Rio Declaration on Environment and Development, Principle 10. Available at <<http://www.unep.org/Documents/Multilingual/Default.asp?documentid=78&articleid=1163>>.

<sup>9</sup> Agenda 21, paragraphs 27.3 and 27.4. Available at <[http://www.un.org/esa/dsd/agenda21/res\\_agenda21\\_00.shtml](http://www.un.org/esa/dsd/agenda21/res_agenda21_00.shtml)>.

<sup>10</sup> Available at <<http://www.unece.org/env/pp/documents/cep43e.pdf>>.

<sup>11</sup> The Aarhus Convention is not legally binding for all Parties to the UNFCCC. It is a regional treaty, with 44 Parties to the UNFCCC also being Parties to the Aarhus Convention.

<sup>12</sup> The Almaty Guidelines are a set of guidelines on promoting the principles of access to information, public participation in decision-making and access to justice in international forums dealing with matters relating to the environment. The primary purpose of these guidelines is to provide general guidance to Parties to the Aarhus Convention. The guidelines are available at <<http://www.unece.org/env/pp/ppif.htm>>.

in efforts to tackle climate change and that the right to participate is implied in article 25 of the International Covenant on Civil and Political Rights.<sup>13</sup>

11. Submissions from both governments and NGOs highlighted the outcome of a recent workshop held under the Aarhus Convention.<sup>14</sup> During the workshop, participants identified a number of needs and challenges regarding the promotion of the principles of the Aarhus Convention in the lead-up to, during and after the UNFCCC conference in Copenhagen in 2009, and made a number of recommendations to assist national focal points under the Aarhus Convention. Workshop participants also made a number of recommendations on how the involvement of civil society in the UNFCCC process might be enhanced.

## **B. Consideration by the Subsidiary Body for Implementation of the matter of observer participation**

12. The SBI periodically takes stock of relevant developments and provides guidance on any adjustments to the practices for engaging observer organizations in the intergovernmental process. The SBI, at its twentieth session, considered options for improving and promoting the engagement of observer organizations, including in relation to admission procedures and the participation of NGOs in meetings of the COP and the CMP, contact groups, workshops and meetings of expert bodies.<sup>15</sup> In its conclusions, the SBI recognized the fundamental value of effective participation by observers, both in the process and in responding to climate change. The SBI also recognized the value of NGO contributions to deliberations on substantive issues. It welcomed the practice of the President of the COP and the CMP, the chairs of the subsidiary bodies and the chairs of contact groups of permitting interventions by NGOs when appropriate. In addition, the SBI agreed that requests for submission of information and views could be extended to NGOs.<sup>16</sup>

13. The SBI, at its twenty-second session, considered relevant United Nations initiatives focused on enhancing the relationship between the United Nations system and civil society, which included consideration of the report of the Secretary-General in response to the report by the Panel of Eminent Persons on United Nations–Civil Society Relations.<sup>17</sup> The SBI noted that many of the steps recommended by the Secretary-General are already part of established UNFCCC practice to promote observer participation. In this context, the SBI agreed that the consideration of steps to further enhance the participation of observer organizations would take into account experience with current practice.

14. The SBI, at its twenty-sixth session, took note of the experience gained from current arrangements for the participation of observer organizations and from relevant developments of good practice within the United Nations system, including the Almaty Guidelines of the Aarhus Convention. The SBI requested the secretariat to monitor and incorporate into its current practices any relevant development of good practices within the United Nations system in order to further enhance the participation of observer organizations.<sup>18</sup>

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<sup>13</sup> United Nations General Assembly document A/HRC/10/61, paragraph 79.

<sup>14</sup> Excerpt from the Chair's summary of the workshop on "Experiences of promoting the application of the principles of the Aarhus Convention in international forums" was submitted by the Aarhus Convention secretariat, United Nations Economic Commission for Europe for consideration. See <[http://unfccc.int/parties\\_observers/igo/submissions/items/3714.php](http://unfccc.int/parties_observers/igo/submissions/items/3714.php)>.

<sup>15</sup> FCCC/SBI/2004/5.

<sup>16</sup> FCCC/SBI/2004/10, paragraphs 98–104.

<sup>17</sup> FCCC/SBI/2005/5.

<sup>18</sup> FCCC/SBI/2007/15, paragraph 135.

15. The SBI, at its thirtieth session, took note of the positive developments in the practices for the participation of observer organizations in the UNFCCC process.<sup>19</sup> This was the last major review of observer engagement by the SBI and its conclusions constitute the status quo.

### **III. Engaging observer organizations**

#### **A. Ensuring transparency, accountability and information-sharing**

16. The vital role played by observer organizations in the UNFCCC process was underscored in nearly all of the submissions, recalling that observers have been active since the early stages of the intergovernmental process. Over the years, they have built recognized and institutionalized constituencies and greatly enriched the discussions taking place within the framework of the climate change regime. It was widely recognized that the participation of civil society is essential to ensure transparency, strengthen accountability and keep the issue of climate change high on the public agenda. Observer organizations also bring new ideas and approaches to the table. They provide essential scientific and technical support, as well as political insights, based on well-established and diverse experience, expertise and capacities.

17. The submissions also highlighted the many ways in which observer organizations contribute to the UNFCCC process. Organizations may attend formal meetings as observers and, in accordance with decision 18/CP.4, the presiding officers of Convention bodies may invite observer organizations to attend contact groups. Observers organize side events, present exhibits, hold demonstrations and arrange press briefings. They also deliver statements, access official documentation and distribute their own documents. In addition, observers may respond to requests for submissions, which are published as web documents on the UNFCCC website. These activities provide a unique and open platform for observer organizations to exchange information with government delegates. Observers are also active during intersessional periods and are normally invited to participate in workshops.

#### **B. Current initiatives**

18. The long-standing practice of holding dialogue and discussion with observer organizations and civil society within the UNFCCC process was highlighted in a number of the submissions. Many submissions welcomed and encouraged the secretariat's recent initiatives, particularly the improved dialogue with observer organizations. This dialogue, undertaken with the constituency focal points, has sought to develop practical solutions and improvements with regard to observer participation, such as a system of online registration. The submissions also highlighted studies undertaken by the secretariat on ways to enhance observer participation and draw on best practices from other processes within the United Nations system. It was suggested that the aforementioned dialogue could serve as a forum in which to share the outputs of these studies and gain feedback from the constituencies. A number of the submissions also stressed that the enhancement of observer engagement should be conducted in the closest collaboration with the observer organizations themselves.

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<sup>19</sup> FCCC/SBI/2009/8, paragraph 121.

## IV. Proposals for enhancing the participation of observer organizations

19. The submissions generally noted many encouraging improvements with regard to the participation of observer organizations in the UNFCCC process in recent years. However, some expressed concern over problems arising at COP 15 and CMP 5 and the thirty-second sessions of the subsidiary bodies. The secretariat is undertaking an assessment of the issues of logistics, registration and access, and many of the submissions welcomed this initiative. Furthermore, support was expressed for the Government of Mexico for its dialogue with observer organizations in preparation for COP 16 and CMP 6. In addition, the submissions included a range of proposals for improving current UNFCCC practices and enhancing the participation of observer organizations in the process.

### A. Substantive inputs

20. *Interventions:* Some submissions called for increased opportunities for constituencies to make interventions and actively engage in the negotiations, while others called for guaranteed opportunities to do so. Some also called for a more flexible approach whereby each constituency, or at least a minimum number thereof, has the opportunity to be included on the list of speakers to enable them to intervene in every session, in the same manner as Parties. This would also require flexibility with regard to timing. However, other submissions did not support the idea of increasing the opportunities for interventions, as this would take up too much negotiating time and sessions already frequently run long.

21. In this context, some submissions highlighted relevant practices from other processes within the United Nations system, particularly multilateral environmental agreements. According to these submissions, at meetings of the bodies of the Convention on Biological Diversity (CBD) and the United Nations Convention to Combat Desertification, accredited observers are allowed to take part in all meetings and to address participants. The submissions stated that at CBD conferences civil society has contributed to contact groups and Friends of the Chair meetings. Some submissions also noted that, at the United Nations Commission on Sustainable Development (CSD), major groups are integrated into the various activities throughout the sessions, including thematic discussions, expert panels and interactive discussions with ministers during the high-level segment. The submissions also noted the practices of the Human Rights Council, where direct interventions are permitted. Also highlighted was the Aarhus process, in which NGOs have the same speaking rights as Parties and form part of drafting groups producing negotiating text during meetings of the Parties.

22. *Written submissions:* It was suggested that civil society should be permitted to make submissions on all substantive issues, even without a formal request. It was further proposed that all submissions made by civil society should be issued as official UNFCCC documents and be included in the document database on the UNFCCC website.<sup>20</sup>

23. *Side events:* A number of the submissions supported the approach of clustering side events based on topic, target group or stakeholder group. This 'theme' strategy is expected to provide a more effective environment for interaction and enable better planning in terms of attendance. Suggestions for making better use of side events included: taking advantage of advances in digital technologies and media in order to hold more virtual events, and

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<sup>20</sup> The SBI, at its twentieth session, agreed that requests for submission of information and views could be extended to NGOs where appropriate and on the understanding that such submissions would not be issued as official documents, in order not to expand the volume of documentation, but would be made available on the UNFCCC website. See document FCCC/SBI/2004/10, paragraph 104.



making use of social media for discussing issues; providing better advance information on events; developing more robust selection criteria for side events; creating a rating system to enhance the role of side events; and exploring the best location for side events in order to maximize their utility and accessibility. In this context, it was also noted that proposals calling for separate locations for NGOs far from the main conference site should be approached in a sensitive manner, so as not to destroy the vitality of civil society participation.

24. *Workshops*: Some submissions noted that participation in pre-session workshops has proved to be a useful way for observers to present and discuss information, analysis and views. Observers should be included in Parties' discussions – they are better able to share their expertise and contribute to these workshops if they are able to observe the entire discussion. Workshops provide a particularly important opportunity for the in-depth exchange of substantive information. Submissions from BINGOs in particular highlighted the value of participation in workshops, both during and between sessions, as a means of promoting public-private partnership.

25. *NGOs included in Party delegations*: Some submissions stressed that, as a matter of national sovereignty, Parties should be able to include civil society members in their delegations. It was noted that civil society serves as an extremely valuable technical and political resource for Parties, especially in developing countries. In addition, while the official composition of a delegation is left up to the Party itself, some submissions proposed that guidelines be developed for identifying and recruiting official delegates from NGOs.

## **B. Information-sharing**

26. *Documents*: It was proposed that observers should be given timely access to all documents, including negotiating texts and drafts in hard copy and electronic format. In addition, some submissions emphasized that civil society having access to 'pigeon holes' in order to disseminate information helps to increase information flows and transparency, subject to reasonable standards and oversight by the secretariat. It was noted that this system has worked for many years and should continue as standard practice.

27. *Webcasts and CCTV*: The submissions generally agreed that meetings should be broadcast on the web or on CCTV as often as possible. However, while such broadcasting reduces the demand for physical access to meetings, it cannot be a substitute for in-person attendance at and participation in meetings and should not be used as a justification for limiting public participation. Many submissions expressed appreciation for the substantial effort that the secretariat has devoted to webcasting meetings. It was also proposed that the secretariat explore new technologies for providing real-time information to observers on changes in the meeting schedule or plan, such as a text message based system.

28. *Briefings*: To keep observer organizations informed of the issues being discussed and of progress being made in informal discussions, it was proposed that the chairs and facilitators of groups could brief observer organizations more frequently and regularly.

## **C. Organizational issues**

29. *Access to negotiating sessions*: Many submissions expressed support for observers having broad access to meetings of the UNFCCC bodies. Some stated that all meetings should be open, including informal meetings, working groups, drafting groups and related processes, as well as all relevant stages of the decision-making process. One submission proposed considering incorporating civil society representation into the structure of the decision-making bodies, such as the Bureau of the COP. Some asked that any access

restrictions be applied to meeting rooms only and not to the venue itself. It was suggested that if restrictions on access become necessary for capacity reasons, a minimum number of representatives per constituency should be admitted, with constituencies managing this number internally. In addition, some submissions noted that NGO observers must not be restricted to alternative venues dedicated to side events and exhibits, as this would limit their opportunities to interact with negotiators.

30. *Registration*: The submissions generally called for an expedited, flexible and client-friendly nomination and registration system. The prototype online registration system being developed by the secretariat was seen as a step in the right direction. It was noted that observers need the surety that their nomination will allow them access. They also need to know in advance if access might be restricted so that they can make informed decisions on the matter. In this context, one submission stressed that IGOs should have flexibility in nominating their representatives and, if necessary, be allowed to make such nominations up to and during the course of any session. A number of the submissions stated that any restrictions on the number of NGOs allowed to register or participate in a session should be based on fair and objective criteria and communicated as far as possible in advance of the session. It was also suggested that observers be allowed to register for certain days only.

31. *Venues*: Many submissions underscored that host country governments must ensure that meeting venues can accommodate the anticipated number of participants. At any UNFCCC meeting, the secretariat and the host country government must ensure adequate capacity for registration and access, so as to avoid unreasonably long queues. It was also proposed that the sufficient capacity of a venue that allows observer participation should be an important consideration in the discussions between the secretariat and a potential host country, and that, before any final decision is made to confirm a host country, observer organizations and Parties should be notified as early as possible of any challenges or limitations to participation that might exist. Some submissions called for a public document that sets out a clear division of the roles and responsibilities of the secretariat, Parties and the host country government in managing the venue to ensure public participation.

32. *Constituency focal points*: Some submissions called for additional focal points within each constituency. It was also proposed that the secretariat be given the flexibility to recognize additional focal points within each constituency so as to better reflect the groupings within the constituencies. For example, a focal point should be allocated to represent ENGOs from the South.

33. *Demonstrations*: Some submissions considered the current approach to controlling demonstrations and actions to be vague and overly restrictive. Some observers underscored the importance of providing opportunities for peaceful and respectful actions at venues used for UNFCCC meetings.<sup>21</sup> Reasonable restrictions on the time, place or manner of such actions could be established, on the basis of clearly defined criteria and balancing the needs of negotiators with the rights of civil society to express their views. Such criteria should not prevent demonstrators from being able to peacefully express their opinions directly to negotiators, observers and other participants.

## **D. Role of constituencies**

34. NGOs have formed themselves into constituencies, with diverse but broadly clustered interests or perspectives, and a flexible and manageable system has evolved to

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<sup>21</sup> The guidelines for participation, the United Nations Security guidelines related to media actions, distribution of publicity materials, and use of the United Nations emblem at the UNFCCC conferences, and the guidelines for the use of cameras and audio/video recording devices provide such opportunities, which many observers frequently use.

enhance the participation of large numbers of observer organizations. A number of the submissions characterized the constituency system as a vital tool for promoting the participation of observers and underscored the need to ensure that each constituency, through their designated representatives, has the opportunity to interact with Parties. The submissions proposed a number of practical steps for enhancing engagement at the constituency level, particularly with regard to access and representation (see paras. 29 and 30 above).

35. A number of the submissions called for the official recognition of new constituency groups. One submission stressed that parliamentarians and legislators deserve specific recognition as a separate constituency, owing to their role in the approval of treaties, budgets and national laws.<sup>22</sup> The submission highlighted that parliamentarians and legislators could contribute to promoting a better understanding of the challenges that climate change poses to development and the well being of Parties and their populations. Another submission, from a group of legislators, called for the designation of a new category for legislators, either as a stand-alone category or as a subcategory under the umbrella of observer organizations. Such a category should also be protected from any restrictions on the number of observers attending the joint high-level segment of the COP and the CMP and be provided with opportunities for making interventions, as highlighted in paragraphs 20 and 21.

36. A number of the submissions called for an enhanced role for specific constituencies and sought recognition of this role as Parties develop a future regime. Some stressed the important role of the private sector and business community, in the light of its critical role in enabling the implementation and delivery of solutions for reducing emissions. These submissions stressed that the private sector is a key source of technology, innovation and finance for reducing global emissions. A structured and effective form of private-sector participation is therefore needed in order to ensure that its expertise can be translated into tangible results. A well-designed process for private-sector engagement could draw on this expertise at various stages and in a range of areas within the UNFCCC process. Some submissions stressed the importance of creating proper incentives in order to gain the involvement of private-sector representatives from the emerging economies and less developed countries in the process.

37. In addition, some submissions noted that any changes to the role of the constituencies should be made only after vigorous consultations with the constituency groups. Changes such as the channelling and consolidation of the groups could risk dampening the vigour and innovation that they bring to the table. Prior consultations with the groups would be necessary and it should be ensured that any changes to the system are mindful of the different characteristics of each constituency.

## **E. Guidelines for participation**

38. A number of the submissions addressed the guidelines for participation, noting that, although they have stood the process in good stead, they could be strengthened. Some

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<sup>22</sup> Creation of a new constituency has to stem from a change in major groups in the United Nations Conference on Sustainable Development process, which are the basis for the current nine constituencies in the UNFCCC process. In this context, it is noteworthy that several stakeholders see the preparatory meetings for the United Nations Conference on Sustainable Development in 2012 (Rio+20) as an opportunity for expanding the list of nine major groups endorsed at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992 to include parliamentarians, regional governments, faith-based groups, educational groups and think tanks, for instance. However, this issue has so far not been included on the agenda of the Preparatory Committee for CSD Member States to deliberate.

submissions called for a mandate to revise the guidelines for participation in consultation with civil society. The process for revising the guidelines for participation could draw on the experience gained from other relevant processes, under, for example, the Aarhus Convention. Proposed revisions should be broadly disseminated and comments solicited in advance of their implementation.

39. In this context, some submissions addressed the subject of sanctions for breach of the guidelines for participation and for dispute resolution. They noted the lack of a formal method of reviewing or appealing against decisions on participation, which leads to inconsistent sanctions. Some called upon the SBI to mandate the development of procedures, consistent with existing United Nations standards. They highlighted the Economic and Social Council Committee on NGOs, which considers complaints against accredited organizations and decides on the withdrawal or suspension of recognition. It was also suggested that the SBI establish an independent, temporary committee to develop procedures for use in the event of any dispute involving non-governmental actors, which would then be agreed to by the COP. Some observers also called for the SBI to clarify that only the COP has the authority to make final decisions concerning disciplinary action.

## **F. Proposals for new platforms, mechanisms and financial support**

40. The submissions included a number of proposals and recommendations calling for new platforms, mechanisms and financial support to enhance the engagement of observer organizations:

(a) *Platform for dialogue*: A platform for dialogue among governments and observer constituency groups, organized by the secretariat, could: (i) meet on a regular basis (e.g. a full day's session, possibly one day before sessions of the COP, the CMP and the subsidiary bodies); (ii) have a well-structured agenda based on the provisional agendas for the sessions; and (iii) follow a specific format, such as a round table, a public plenary-style debate or a workshop to promote an open dialogue. A report on the outcomes could be included in the official documentation for the sessions;

(b) *Online consultation system*: An online consultation system for major agenda items could offer more opportunities for Parties and observer constituencies to present their ideas. Such an online forum could provide a limited amount of space or maximum word count for inputs from each Party grouping and observer constituency on the respective agenda item. It could provide more flexibility and immediate access to the various opinions on a certain subject;<sup>23</sup>

(c) *Financial support for observers and the secretariat*: The increasing number of meetings in different parts of the world puts an enormous burden on the financial and human resources of civil society groups. Financial support for a minimum number of representatives per constituency is therefore needed. In addition, support for civil society at the national level can be facilitated by the provision of financial support for sharing experiences and knowledge on the international negotiations, as well as for increasing the capacity of mass media and television broadcasters in advance of the UNFCCC conferences. In this context, it was noted in one submission that the CBD secretariat currently maintains a general voluntary trust fund to support the work of indigenous peoples and local communities to facilitate their participation in CBD conferences. Increased financial resources are also needed for the UNFCCC secretariat in order to enable it to facilitate the meaningful participation of NGO observers at all stages of the UNFCCC process;

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<sup>23</sup> In this context, existing online information systems such as the information network clearing house CC:iNet and the technology information clearing house TT:Clear could provide useful models.

(d) *Technology fair*: Host countries could organize a commercial technology fair in conjunction with the respective sessions of the COP and the CMP in order to provide information on new technologies.

41. Submissions from Parties and BINGOs recalled the success of the dialogue of the Expert Group on Technology Transfer (EGTT) with the business community, noting that a dialogue with the business community is now included as a regular item on the agenda of the EGTT. These submissions also highlighted the recent dialogues between the public and private sectors sponsored by the Government of Mexico. The Mexican Dialogues, initiated in July 2010, were seen as an important first step to involve business in providing structured input to the formal UNFCCC process. A number of submissions proposed the further development of these approaches, noting that both models have provided practical experience, as well as built trust and understanding between business and governments. An in-session SBI workshop in 2011 could launch the consideration of such proposals as:

(a) *Informal dialogues and formal processes*: Both informal dialogues and formal, structured processes, such as an advisory group, provide useful vehicles. A combination of both could be the optimal interim approach to immediately enhancing the role of the private sector, with a view to establishing a more formal advisory structure for specific issues. Parties could request input from the private sector on specific topics, which could be reported back within the framework of the formal process. This would allow for the formal recognition of the products of the informal process and allow for the consideration of specific issues in the decision-making process. This approach would increase the overall benefit of private-sector engagement and make the private sector more responsive;

(b) *A business consultative mechanism*: A recognized business consultative mechanism under the Convention could draw from a variety of existing, competent sources for business expertise and for technological and economic assessments. It could also serve as a clearing house for requests for information from the secretariat, Parties and other institutions engaged in UNFCCC matters, and could actively solicit input and participation tailored for specific purposes;

(c) *Consultative bodies*: A high-level consultative body could serve as a resource for negotiators by providing expertise on the design of a post-2012 agreement and subsequent decisions. A working-level consultative body could provide technical assistance in response to country-specific requests during the implementation phase of an agreement, as well as consult on the formulation and execution of standards.