



FRAMEWORK CONVENTION ON CLIMATE CHANGE - Secretariat
CONVENTION - CADRE SUR LES CHANGEMENTS CLIMATIQUES - Secrétariat

Executive Secretary
Secrétaire exécutif

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Dear Ms. Bjurstrøm,

Following an earlier email in October in which we provided a brief synopsis of the status of the UNFCCC regarding the Almaty Guidelines, I now include a more complete response to the questions raised in the letter and in the questionnaire.

The UNFCCC secretariat is interested in being informed of the work of the task force set up to consult with international forums to obtain their views on the Almaty Guidelines and to learn from their experiences with the issues addressed by the Almaty Guidelines. We see this as contributing to our own work to enhance the participation of observers and we intend to refer to the Almaty Guidelines in a document being prepared on the effective participation of observers for consideration by the Subsidiary Body for Implementation (SBI) at its twenty-sixth session in 2007.

Responses to specific issues in the questionnaire are as follows:

1. Please provide any comments on the Guidelines, in view of your forum's own processes, activities and particular characteristics.

i. Access to information

The UNFCCC secretariat provides Parties and the public with a wide range of information principally through our **web site** <www.unfccc.int>. A summary follows:

Ms. Hanne Inger Bjurstrøm
Chair of the Meeting of the Parties
Convention on Access to Information
Public Participation in Decision-Making and Access to Justice in Environmental Matters
United Nations Economic Commission for Europe (UNECE)
Environment, Housing and Land Management Division
Palais des Nations
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cc Mr. Jeremy Wates
Secretary, Aarhus Convention, UNECE



- All **official documentation**, in the UN languages, immediately following release
- Other documents including **technical papers**, workshop documentation, background papers, and in-depth review reports
- Information on the **background and issues** of the complex intergovernmental process for the general public and also **technical and substantive information** for those familiar with the process
- **Notifications** to Parties and observers
- Information on how the process works, including **participation as observers**
- Access to information on processes under the Convention and its Kyoto Protocol including the **CDM Executive Board (CDM EB)** and the **Joint implementation Supervisory Committee (JISC)** [<http://cdm.unfccc.int/>] [<http://ji.unfccc.int/>]
- Access to sources of **targeted information** on aspects of climate change provided by governments, organizations and the public – TT: CLEAR <http://unfccc.int/home/items/3092.php> and CC:iNET http://unfccc.int/cc_inet/items/3514.php

The secretariat has recognized the value of **web casts** to inform the general public of the proceedings and associated activities of the climate change process. The following provides some highlights:

- **Plenary** sessions of the Conference of the Parties (COP), the Conference of the Parties serving as the meeting of the Parties of the Kyoto Protocol (CMP)
- **Official press conferences**
- Selected **special events and side events** and other key activities held during the official sessions which allow a more complete “view” into the process by the interested public
- Meetings of the **CDM EB and the JISC**.

A reporting service on the official negotiations is provided by Earth Negotiations Bulletin (ENB), which is an independent expert service of the International Institute for Sustainable Development (IISD). Daily reports of ENB are distributed in hard copy during the sessions and made available through our web site. The same reporting service also covers side events and provides a daily summary of selected events in a bulletin called ENBoTS (ENB on the side) which is also on the web site.

Information requests relevant to the Convention process and within our mandate are dealt with promptly.

ii. **Public participation in decision-making**

Currently there are over 800 admitted observer organizations (57 intergovernmental organizations and 773 civil society organizations). Observer participation in the sessions is normally as great if not greater than that of Parties, indicating a consistent interest supported by an active involvement and satisfaction with the consequences of such involvement.

Observer organizations represent a wide range of civil society interests from the developed and the developing world, although the participation from the developed world is far higher. These organizations are currently grouped into five **constituencies**: business and industry; environmental; local government and municipal authorities; research and independent; and the indigenous peoples organizations. Other interest groups – trades unions, gender, faith and youth – are also represented. The constituency system allows channelling of information to and from particular interest groups and allows the process to have representation from civil society at limited access events including workshops.



Observers have the opportunity to make **general statements** at the COP and CMP joint plenary. Observers may request to make **interventions** on agenda items of the subsidiary bodies, the COP and the CMP which are normally granted, although they are dependant on the decision of the Chairs of these bodies. Other inputs by observers into the negotiating process are provided through **participation in workshops** and **submissions** on issues on which Parties have been requested for views. These submissions are made publicly available on the web site:
<http://unfccc.int/parties_and_observers/ngo/items/3689.php>.

Reference should also be made here to the **CDM and JISC processes** which request **public input** into aspects of their work, such as on methodologies and projects. These requests are made public through the CDM and JISC areas of the web site referred to above. Feedback from the public may be viewed on the web site and contributes into the decision making processes of the CDM EB or the JISC.

2. Does your forum have any formalized rules or procedures concerning access to information, public participation in decision-making, and access to justice in environmental matters? If yes, please provide an overview.

The Convention and its Kyoto Protocol provide for the **attendance** of observers¹. The **participation** of observers is governed by the draft rules of procedure applied² and decision 8/CP.4. The Convention and its Protocol recognize the value of inputs from civil society and authorize Parties to draw upon any relevant information from nongovernmental bodies³. In addition, a code of conduct⁴ for observer organizations has been developed to assist them in their participation.

3. Does your forum have any non-formalized practices concerning access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.

The secretariat provides observers with informal opportunities to gain information on the process, to provide their views directly and to exchange information with decision makers and other participants.

- **Meetings** between the constituencies and the Executive Secretary and with officials of key bodies in the process. These discussions allow an open interaction and receive positive responses from participants.
- **Press briefings** by civil society are common at sessions of the COP and provide a sounding board for civil society views on the negotiations. They also serve to convert the technical/diplomatic language of a negotiating process into useful information and to assist in making the process more transparent.
- The popular **side event programme** which provides a platform for a myriad of information sharing events, encompassing a broad range of climate change issues. Side events are organized by all categories of participants with over 56 % organized by civil society. Web casts of selected side events and uploaded presentations provided at side events may be viewed through our web site. In addition to the side events are the exhibits, which allow organizations to promote and display their climate change activities, viewpoints or publications.

¹ Article 7, paragraph 6, of the Convention, Article 13, paragraph 8, of the Kyoto Protocol and decision 36/CMP.1.

² FCCC/CP/1996/2.

³ Article 7, paragraph 2(l) of the Convention and Article 13, paragraph 4(i) of the Kyoto Protocol.

⁴ Guidelines for non-governmental observers at meetings of Convention bodies are available at http://unfccc.int/files/parties_and_observers/ngo/application/pdf/coc_guide.pdf.



- **Input to academic publications.** Institutions have conducted research projects on the influence of civil society on the climate change process. Researchers carrying out these studies on UNFCCC – civil society interactions have enjoyed active participation by the secretariat and open access to our archives. These projects help to explain the intergovernmental process and its interactions with civil society.

4. Are there any current or future work plans of your forum that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.

We are continuously reviewing and improving our web site in terms of usability and content. This is a continuous challenge as the process involves more economic sectors and becomes more technical. Web based solutions would appear to be the most practical, economic and globally accessible way of providing information to the public, although with more limitations in developing countries.

The UNFCCC process is receptive to the inclusion of civil society in its deliberations as evidenced by participation by **business** in discussions on technology diffusion and by key climate change think tanks in the discussions on the dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention. These examples reflect a degree of openness and inclusivity within the climate change process which continues to adapt to the changing needs of the negotiations.

Discussions are taking place under the SBI on **enhancing the participation of observers**. Several practices have been institutionalized as a result of the discussions, including encouraging submissions of information/views on specific issues by observers, making interventions on agenda items, and inviting observers to workshops. Other proposals, including establishing a fund to support participation by developing country / EIT organizations at sessions, have not been approved. The item remains open with further consideration by the SBI expected in 2007.

The secretariat encourages capacity building for new organizations to the process. Climate change is an issue of such global significance that new organizations continue to join the process. The majority of these are newcomers to an intergovernmental process and need guidance on how to interact. This task is best carried out by civil society organizations with the secretariat providing support and expert information on the process.

5. In particular, what kind of challenges, if any, has your forum encountered with regard to access to information, public participation in decision-making and access to justice in environmental matters (for example, low involvement of civil society, or practical difficulties in managing public participation)? If appropriate, please provide a description underlining those experiences you think could be most useful to consider when reviewing the relevance and practicality of the Almaty guidelines.


The UNFCCC process attracts **large numbers of organizations and participants**. COP 12 and CMP 2 in Nairobi this year had 6000 participants, while COP 11 and CMP 1 in Montreal in 2005 had 10,000. We do face challenges in channelling this interest to provide useful inputs to an intergovernmental meeting. The development of a **constituency system** has helped in managing large numbers to allow a representation of the different perspectives to provide input in a fair, transparent manner.

One of the most recent challenges regarding involvement of the public may be found in the CDM and JISC processes. Both these processes govern **project implementation** by private entities and governments which impact various categories of **stakeholders** and have generated a great deal of interest. From its inception, the CDM process included opportunities for input from the public at various stages. These “calls for public input” allow comments from the affected public. Additionally the CDM process has institutionalized question and answer sessions for observers to CDM EB meetings with the Board. Both these tools are also being used by the JISC with equal success.



The Convention and its Kyoto Protocol are treaties among Parties and hence there are limitations to the involvement of the public in decision making. The challenge is to **enrich** the negotiating process with input from civil society and to provide **civil society** with information to help create public momentum for action on climate change.

Yours sincerely,


for Yvo de Boer