



**Intervention at the 25th Working Group of the Parties of the Aarhus Convention
Public Participation in International Forums: UN Climate Change Negotiations**

Monday 3rd May 2021

My name is Anna Blake, of the Center for International Environmental Law (CIEL), and I speak today on behalf of the EEB.

My intervention addresses specifically the crucial importance this year for Parties to uphold their obligation under article 3.7 of the Convention in the context of the UN Climate Negotiations. The COP-26 in Glasgow offers key opportunities to promote and protect the rights of access to information, public participation, and access to remedies in environmental decision making. The decisions that will be adopted in Glasgow in relation to both of these issues will have long lasting implications for the respect and promotion of Aarhus obligations in the implementation of the Paris Agreement.

Firstly, the decisions expected to be adopted at the COP-26 with regards to carbon trading threaten to breach the principles of the Aarhus Convention and the no harm principle. After six years of negotiations, Parties to the Paris Agreement are expected to finalize and adopt rules that will enable the operationalization of carbon trading under the Paris Agreement. This mechanism would provide an incentive for Parties to cooperate on projects seeking to reduce emissions in third countries. Alarmingly, the latest negotiating texts discussed by the Parties to the Paris Agreement failed to recognize that projects incentivized by any United Nations mechanism cannot be implemented at the expense of the rights of local communities or indigenous peoples. These draft modalities did not include adequate rules for **public participation, social safeguards, and grievance mechanisms protecting human rights**, including the rights of Indigenous Peoples. Yet, these requirements, safeguards, and grievance mechanisms are a common practice in International Financial Institutions and the UN Financial Mechanism.

This absence is all the more alarming, as the failure to integrate these safeguards under the Kyoto Protocol demonstrates that their presence is absolutely essential to prevent human rights abuses. Some of the projects financed under the Protocol's Clean Development Mechanism resulted in forced eviction and even targeted assassination of community leaders, to facilitate land grabs for the sake of hydropower or biofuel plantations. Aarhus Parties cannot allow this to repeat.

As the decision will be made on the basis of consensus, Parties to the Aarhus Convention can actually oppose any operationalization of the Paris Agreement that would come at the expense of the rights of local communities. All Aarhus Parties must affirm in the negotiations, urgently and without any ambiguity - as exemplified consistently by Switzerland so far, that they will not accept any compromise that would breach these obligations. Parties failing to do so would breach their obligations under article 3.7 of the Convention.

Secondly, the COP26 will adopt a new Work Programme on matters related to public participation, access to information, and climate education (described as “Action for Climate Empowerment” (ACE) in the UN climate process). This work programme will seek to promote the implementation of Article 6 of the UNFCCC and Article 12 of the Paris Agreement, which echo the principles and obligations of the Aarhus Convention. We urge Parties to the Aarhus Convention to engage constructively in ongoing consultations, to ensure that the new work programme will be **rooted in a human rights-based approach** set forth in the Aarhus Convention. The new work programme must also be designed in a manner that **effectively guides the implementation of the Climate Agreements**, so that access to participation and public participation are no longer treated as optional elements.

Finally, it is crucial that Parties guarantee that the shift in the UN Climate Change negotiations to virtual meetings and the restrictions associated with COVID-19 - including in the context of COP-26 - does not undermine the ability of the public and of observer organizations to participate effectively in the climate change process. Climate action is more urgent than ever and we look forward to the climate talks resuming to move critical negotiations forward. Effective public participation and transparency remain essential to ensuring the effectiveness and legitimacy of climate responses. We welcome the commitment by the COP-26 President Alok Sharma to make COP26 “the most inclusive COP ever”. While the UK presidency carries a particular responsibility in this respect - all Aarhus Parties have the shared responsibility to ensure that the climate negotiations proceed in a participatory and transparent manner.

The virtual session of the UNFCCC Subsidiary Bodies starting at the end of this month will create particular challenges in relation to guaranteeing effective public participation. The **Parties to the Aarhus Convention have the responsibility to work with the UNFCCC Secretariat and other Parties to ensure that the process, even in its virtual format, remains inclusive and transparent** – enabling genuine and meaningful participation by representatives of civil society and indigenous peoples organizations.