Balanced and Equitable Participation in International Forums
Promoting coherence between human rights obligations and international governance related to the environment

15. Where members of the public have differentiated capacity, resources, socio-cultural circumstances or economic or political influence, special measures should be taken to ensure a balanced and equitable process. Processes and mechanisms for international access should be designed to promote transparency, minimize inequality, avoid the exercise of undue economic or political influence, and facilitate the participation of those constituencies that are most directly affected and might not have the means for participation without encouragement and support.

Almaty Guidelines, Decision II/4
Outline

Section 1: Promoting balanced and equitable participation

Section 2: Facilitating the participation of those most directly affected

Section 3: Avoiding the exercise of undue economic or political influence

Conclusions & outlook for Aarhus Parties & Stakeholders
Promoting balanced and equitable participation
Ensuring representation of diverse constituencies

- Main trend: multistakeholderism / non Parties stakeholders
- Objective must be to enable the voices of all rights holders
- Major Group approach must not impair diversity of voices:
  - diversity of perspectives heard
  - No joint interventions across constituencies
  - Barring access to groups that were not considered in Rio (persons with disabilities, fenceline communities, waste pickers)

Equitable participation critical consideration

- Blatant inequality in access to international forums
- Lifting of visa access and logistical issues
- Global South / Global North figures regarding NGOs registration must not be weaponized against public participation
Facilitating the participation of those most directly affected
Facilitating the participation of those most directly affected

Facilitation of the participation of those constituencies that are most directly affected and might not have the means for participation without encouragement and support

- Material support
- Adequate preparation
- Meaningful opportunities to participate
- Examples: waste pickers, fenceline communities

Keys to effective participation

- Engagement with representative structures & processes
- Safe space and freedom from retaliation
- Lifting of visa access and logistical issues
Facilitating the participation of those most directly affected

When you are not at the table, you are probably on the menu...
Good practice: UN Voluntary Fund for Indigenous Peoples
Avoiding the exercise of undue economic or political influence
Avoiding the exercise of undue economic or political influence

Corporate ownership of the negotiating space

- Sponsoring of the COPs,
- Rental of space on commercial basis
- Sponsoring of consultative forums

Undue political influence

- Number of delegates
- Facilitation of sessions / setting agenda
- Presidency mixing roles
- UN secretariats playing unhelpful roles
Avoiding the exercise of undue economic or political influence

Sources: UK Government, Guardian, BBC
Corporate ownership of the negotiating space

- Sponsoring of the COPs,
- Rental of space on commercial basis
- Sponsoring of consultative forums

Undue political influence

- Number of delegates
- Facilitation of sessions / setting agenda
- Presidency mixing roles
- UN secretariats playing unhelpful roles

Lessons learned

- Good practices exists: WHO Framework Convention on Tobacco
- Civic space and corporate capture as two sides of the same coin
- Need to review modalities for corporate sponsorship AND to differentiate between rights holders and actors with vested interests
Conclusions & outlook for Aarhus
Parties & Stakeholders
Subsidiary Body for Implementation  
Fifty-eighth session  
Bonn, 5–15 June 2023  
Agenda item 19  
Arrangements for intergovernmental meetings

Arrangements for intergovernmental meetings

Draft conclusions proposed by the Chair

16. The SBI encouraged hosts of future sessions and mandated events to reaffirm their commitment to upholding the purposes and principles of the United Nations Charter and international human rights law before, during and after UNFCCC sessions and mandated events, and to ensure that participants can exercise their human rights without fear of intimidation and repercussions.

17. The SBI welcomed UNFCCC policies and the efforts of the secretariat to secure the conference venue and highlighted that all participants must abide by the UNFCCC code of conduct at the meeting premises and respect the national laws of the host country outside the meeting premises.

18. The SBI noted that for transparency the host country agreement for sessions of the COP should be made publicly available consistently with the United Nations Charter.

19. The SBI noted that host country agreements should reflect the purposes and principles of the United Nations Charter as well as respective obligations under international human rights law, and enable inclusive and effective participation of Parties and observer organizations, with a view to ensuring that UNFCCC sessions and mandated events are convened at a place where human rights and fundamental freedoms are promoted and protected, and where all participants are effectively protected against any violations or abuses including harassment and sexual harassment.

20. The SBI recommended that the host country designate a focal point to address the issues referred to in paragraph 19 above.
Conclusions and outlook

Almaty Guideline 15 must serve as a compass for Aarhus Parties engagement in International Forums

- Promoting balanced and equitable participation of all right holders
- Taking affirmative steps to remove obstacles to - and support - the participation of those most directly affected
- Tackling undue economic influence and addressing conflicts of interest
Outlook for the Aarhus Convention Process (possibly in cooperation with the Escazú Agreement process)

1. Consult UN Secretariats and stakeholders to map practices and challenges

2. Prepare a synthesis note based on these consultations

3. Disseminate key findings among Parties and relevant actors
Thank You!

For questions and further inquiries, please out to:

Sébastien Duyck, Senior Attorney
sduyck@ciel.org