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UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

SUBSIDIARY BODY FOR IMPLEMENTATION

Seventeenth session

New Delhi, 23–29 October 2002

Item 9 (c) of the provisional agenda

ARRANGEMENTS FOR INTERGOVERNMENTAL MEETINGS

EFFECTIVE PARTICIPATION IN THE CONVENTION PROCESS

Submissions from Parties

1. The Subsidiary Body for Implementation, at its sixteenth session, invited Parties to submit views on effective participation in the Convention process (FCCC/SBI/2002/6, para.5). The deadline for the submission of views was 8 July 2002.
2. The secretariat has received four submissions. In accordance with the procedure for miscellaneous documents, these submissions are reproduced* in the language in which they were received and without formal editing.
3. In addition, the secretariat has received a submission from Climate Action Network. It is the practice of the secretariat not to reproduce documents from either intergovernmental or non-governmental organizations. Parties may, however, wish to consult the UNFCCC web for this submission (see FCCC/WEB/2002/13).

* These submissions have been electronically imported in order to make them available on electronic systems, including the World Wide Web. The secretariat has made every effort to ensure the correct reproduction of the texts as submitted.

Parties making submission

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PAPER NO. 1: DENMARK ON BEHALF OF THE EUROPEAN COMMUNITY
AND ITS MEMBER STATES, AND CROATIA, CZECH REPUBLIC, ESTONIA,
HUNGARY, LATVIA, ROMANIA, POLAND AND SLOVENIA

VIEWS ON EFFECTIVE PARTICIPATION IN THE CONVENTION PROCESS

Denmark on behalf of the European Community and its Member States, and Croatia, Czech Republic, Estonia, Hungary, Latvia, Romania, Poland and Slovenia welcomes the opportunity to submit views on effective participation in the Convention process, as requested by SBI at its 16th session.

Transparency and efficiency in the process

We believe that effective participation in the Convention process depends on both the transparency of this process and the efficiency of its operation. Transparency helps to build confidence in and support for the work of the UNFCCC process and to promote broad engagement and understanding of climate change issues. At the same time, ensuring efficiency in the operation of the UNFCCC process is also important given the need to manage the large volume of work in a manner conducive to keeping the process moving forward and the limited resources available. In considering effective participation in the UNFCCC process, we therefore see the need to reflect on the relationship between transparency and efficiency and to explore whether and to what extent there are synergies and trade-offs involved in furthering the twin goals of transparency and efficiency.

The EU and other Parties mentioned above believe that:

- Consideration of effective participation in the Convention process should start from, and be firmly based on, the pertinent provisions of the United Nations Framework Convention on Climate Change, in particular relevant parts of Art. 7 and Rules of Procedure as applied
- Transparency is a horizontal issue, which concerns all UNFCCC bodies. Adopting an ad hoc approach to different bodies may result in unequal treatment and inconsistencies. A systematic approach to ensuring effective participation might thus be preferable to ad hoc solutions. However, different procedures may be required for different bodies due to their special roles and functions and their specific mandates and composition.
- Transparency and effective participation can be promoted in a number of ways. The ability to observe meetings, the timely availability of all non-confidential documents and the availability of appropriate channels for communicating comments and providing input and the capacity of the participants to contribute efficiently are all key aspects that need to be considered, as is transparency of the applicable rules and practice in this respect. Use of electronic communication has proven helpful and could possibly be further enhanced.
- Broad participation of observers including NGOs in the Convention process is important and should, to the extent possible, be promoted at all times by various means, including timely announcement of meetings. The EU is also open to a discussion with other Parties and NGOs to develop mechanisms to enhance and secure the broadest possible and balanced participation of observers and NGOs, while maintaining the balance between efficiency and transparency.
- In considering these issues, due attention should be paid to investigating the potential implications of the entry into force of the Kyoto Protocol, in particular the question of the participation as observers by Parties to the UNFCCC which are not Parties to the Protocol, including the question of the extent of these Parties' rights as observers in bodies established under the Protocol. while bearing in mind the relevant rules of international law and the

- necessity to preserve the balance between rights and obligations on which any multilateral conventional process needs to be based.

Overall, the issue of effective participation deserves careful consideration taking into account the aforementioned including the financial and practical implications. The EU looks forward to discussing this issue further with other Parties on the basis of the Secretariat's paper on effective participation in the Convention process at the 17th session of Subsidiary Body of Implementation.

PAPER NO. 2: MYANMAR

VIEWS ON EFFECTIVE PARTICIPATION IN THE CONVENTION PROCESS

Representatives from Mega-industries and institutions of different countries may be considered the potential observers in the convention process.

PAPER NO. 3: UNITED STATES OF AMERICA

**Views of the United States of America
On “Effective Participation in the Convention Process”**

This submission reflects the intervention made on this issue by the U.S. delegation at the 16th Session of the Subsidiary Bodies in Bonn.

The United States has decided not to ratify the Kyoto Protocol, as is well known. On the other hand, we are moving forward in the United States to implement the Climate Change Policy announced by President Bush on February 14.

In that regard, we think it important to keep abreast of the efforts of our colleagues concerning the actions they are taking to implement the Kyoto Protocol. A number of the issues they are grappling with may well have implications for similar efforts that we are undertaking outside the Kyoto Protocol at home.

As noted by the President in his February 14 climate change policy announcement, we intend to take into account evolving domestic and international approaches in our efforts to implement our climate change policy. To this end, we have a keen interest, as a Party to the U.N. Framework Convention on Climate Change, in participating as an observer in meetings, for example, of the Executive Board of the Clean Development Mechanism.

While we appreciate the efforts made to date to enable those not on the Board to observe its proceedings electronically by streaming video, this arrangement is not wholly satisfactory to us, nor do we believe it to be an adequate substitute, as a State Party to this Convention, for the opportunity to be physically present in the room in an observer capacity during meetings of the Board. In this regard, we question whether the rules of procedure drafted by the Board are fully consistent with our own rules of procedure under the Framework Convention.

We have also observed that our own concern may extend as well to others with respect to the operations of other bodies under the Convention – for example, the CACAM Group with respect to meetings of the Expert Group on Technology Transfer. We are distressed that some would seek to close these meetings to observers from States Parties.

This then is the first category of concern that we have with respect to effective participation in the Convention process – the right of States Parties to take part as observers in meetings of expert groups.

The second category of concern involves the opportunities afforded to non-governmental organizations (NGOs) to take part as observers not only in meetings of expert groups but also in workshops. We were distressed at the very limited opportunities afforded to NGOs to take part as observers at the recent workshop on Cleaner Energy in Whistler, British Columbia, and at the manner in which those few opportunities were allocated among NGOs. In the case of the private sector, the allocation made clearly favored representatives of companies that are members of the International Chamber of Commerce in Paris – an umbrella organization that is not fully representative of our private sector – yet one which some apparently believe to be a “recognized constituency group”. To our knowledge, there are no “recognized constituency groups” in the Convention, nor have we the Parties ever identified any such groups.

At the same time that we all increasingly recognize the critical role played by NGOs in the work of the Convention – NGOs representing the environmental community, the private sector, and others in civil society – it is ironic that we seem to be moving increasingly to restrict their participation in various activities under the Convention.

We recognize, as do the NGOs themselves, that opportunities to participate as observers in these Convention bodies such as expert groups or Convention activities such as workshops necessarily cannot be open-ended. We also recognize that the interest of NGOs in participating as observers is likely to vary from expert group to expert group and from workshop to workshop depending on the issues taken up at a particular moment.

In our view, it is time, however, to revisit this vital issue in a thoughtful, deliberative manner, working with NGOs to develop a fair and equitable method of allocating broader opportunities among them to participate as observers.

We do not believe that this is the Herculean task some fear. In conversation with our NGOs – both from the environmental community and from the private sector – we have been assured that they will be able to work out such arrangements among themselves and with NGOs from other countries if we the Parties are willing to address this issue and work with them.

Finally, the third category of our concern involves issues beyond simply the physical presence of NGOs as observers. It has to do with other indicia of effective participation including, for example, the need to provide timely notice of workshops and expert meetings to facilitate travel arrangements, the importance of making relevant documents available to all in a transparent and timely manner, and the value of giving NGOs opportunities at appropriate times and in an appropriate manner to be heard and otherwise to inform Parties of their view and concerns.

In making these points, we are mindful that, just as all Parties are not similarly situated, so too not all NGOs are similarly situated. In our view, consideration should be given to ways that will promote more effective participation of NGOs from developing countries and other countries not included in Annex I, as well as from economies in transition. This is a very important aspect of this issue, and one to which we must all summon creativity and resourcefulness in pursuit of equitable solutions.

For the reasons we have described here, we respectfully propose that we add this item to our agenda today under “other business”. We also warmly welcome your suggestion that we ask the Secretariat to prepare a paper for our next session elaborating these issues based on informal consultations with Parties and NGOs. In particular, we hope that our able Secretariat will offer a number of options and suggestions – for further consideration at our next session – that could help to ameliorate the kinds of concerns we have mentioned.

In closing, let me note that as we move beyond negotiation toward implementation of actions to address climate change, NGOs will play an ever increasingly important role. It is time now to better partner with them so as to recruit them to this work and not leave them standing on the outside looking in.

PAPER NO. 4: UZBEKISTAN

View of the Republic of Uzbekistan

“Effective participation in the Convention Process”

The efficiency of participation in the Convention Process of Republic of Uzbekistan and other non-Annex 1 Parties is defined in volume and conditions of allocation of financial funds by developed countries. Necessary elements in this process is following: a capacity building, strengthening of institutional activity within the framework of project preparation and implementatrion on the Mechanism Clean Development (CDM), updating and realization of adequate national politics and measures, and also strengthening of the international cooperation between a scientific researches and development of climatic observation network.

The present stage of implementation of the Convention requires from the Parties the high knowledge and more active participation in the majority of measures spent by UNFCCC Secretariat. Unfortunately, the countries of transit economy are limited in financial opportunities of participation in many important workshops and meetings. It would be expedient to expand a quotes of the participants from the transit economy countries and to provide financial support from of UNFCCC Secretariat.

Taking into account importance and extensiveness of a problem of effective participation in the Convention Process, Uzbekistan propose to include a issue on effective participation in the Convention Process in Agenda of subsidiary bodies and preparation of the progressive report at of a Conference of the Parties.

The review of non-Annex I Parties on an effective participation in the Convention Process could be include following items:

- conditions of allocation of financial funds in the period between presentation of the national communications;
- politics and measures, especially, which should be included primary in the national communication of non-Annex I Parties in depending from national circumstances;
- support of implementation of the national target programs;
- national institutional activity on creation of the GHG inventory database centres on a continuous basis, and also on development of the national register for the emission account and their reductions with the purposes of participation in project activity on CDM;
- performance of the obligations by developed countries on distribution and transfer of ecologically clean technologies;
- assistance of multilateral development banks on giving the credits to least developed countries and transit economy countries for realization of the projects on GHG emission reduction, in particular, in energy saving and increasing energy efficiency.
