



FCCC/WEB/2002/13

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ARRANGEMENTS FOR INTERGOVERNMENTAL MEETINGS
EFFECTIVE PARTICIPATION IN THE CONVENTION PROCESS

Submission from a non-governmental organization

1. The Subsidiary Body for Implementation, at its sixteenth session, invited Parties to submit views on effective participation in the Convention process. The deadline for the submission of views was 8 July 2002.
2. The secretariat has received four submissions from Parties; these can be found in document FCCC/SBI/2002/MISC.8.
3. Further to the above, the secretariat has also received a submission from Climate Action Network. This submission is attached and reproduced in the language in which it was received and without editing.



CAN Submission on the Effective Participation in the Convention Process

The Climate Action Network (CAN) is a coalition of more than 330 nongovernmental organizations throughout the world committed to limiting human-induced climate change to ecologically sustainable levels. CAN is proud of the positive impact that our long-term and active participation in the international climate change negotiations has had. CAN believes strongly that procedures and mechanisms ensuring timely, meaningful participation by the interested public in all Convention-related decision-making processes are essential if the Convention and Protocol are to meet their environmental and sustainable development objectives and comply with rapidly emerging principles of international law. CAN appreciates this opportunity to submit our views on effective participation by observers in the Convention process.

1. CAN believes there should be a presumption that all meetings of Convention and Protocol bodies will be open to attendance by all accredited observers unless the relevant body decides, under clearly defined criteria, that the meeting should be closed to observers.

The most effective way for interested observers to participate in Convention processes is to be physically present in the rooms in which such processes take place. Convention and Protocol Parties should avoid allowing meetings of any given body to be always closed to observers. While CAN recognizes that there are occasional situations in which a meeting may need to be closed, we believe they should be the exception, and never the rule. Accordingly, CAN recommends that the Chair or other relevant decision-maker for a given Convention or Protocol body be expected to decide on a *per-meeting basis* whether a meeting room will be open or closed to observers. In the event the decision-maker decides that observers will not be allowed in the room, reasons for the decision should be provided with the announcement. In such situations, every effort should then be made to provide a means by which observers can witness the meeting in “real time” from a location outside of the meeting room.

2. CAN supports the relevant provisions of the Convention’s and CDM Executive Board’s draft Rules of Procedure, COP Decision 18/CP.4, and Article 13.2 of the Protocol that establish the rights of non-Party observers to participate in Convention processes.

These rules have, with limited exceptions, afforded all observers an opportunity to attend most meetings of Convention bodies, and they have given observers opportunities to distribute documents to delegates and address meetings, at the discretion of the Chair. They have also proved to be flexible by, for example, allowing for the recent recognition of a new class of accredited observer, indigenous peoples organizations. CAN recognizes the importance under the Convention and Protocol of differentiating between the rights of Parties and observers, including the requirements of Protocol Article 13.2 that Convention Parties choosing not to ratify or accede to the Protocol may participate in Protocol processes only as observers, not Parties.

3. CAN believes that the relevant rules require all observers, including non-Party states, intergovernmental organizations, and accredited non-governmental organizations and indigenous peoples organizations, to be accorded the same rights and privileges to participate in Convention processes.



The Convention's draft Rules of Procedure on observers do not differentiate between non-Party states, IGOs, local governments, and NGOs except that non-Party states are not specifically required to be "qualified in matters covered by the Convention" and do not have to seek accreditation, as do other observers. The rules make no distinction between the rights and privileges that any of these observers enjoy. Similarly, the draft Rules of Procedure for the Executive Board make no such distinction. CAN believes that the best way for the Convention and Protocol to provide a legally binding forum for states to pursue the objectives of the respective treaties, while simultaneously benefiting from the greatest range of non-Party perspectives, is to accord the rights of Parties only to states that have ratified or acceded to the respective treaty, and to grant non-Party states the same rights and privileges accorded to other accredited observers.

4. CAN supports the use of "real-time" webcasts by the CDM Executive Board and other Convention and Protocol bodies as one of the ways of satisfying the obligation to provide all interested persons and organizations with timely access to Convention decision-making processes, recognizing that those from developing countries need additional forms of access as well.

The "real-time" webcasts of Executive Board, COP, Subsidiary Body and other meetings have given interested governments, organizations, and individuals throughout the world (with the necessary technology) an opportunity to observe meetings when they would otherwise be unable to do so. Moreover, the archived webcasts serve as an important informational and research tool for all interested entities. This inexpensive tool enhances transparency, which in turn increases the integrity and responsibility of Convention and Protocol body decision-making. By increasing awareness of EB proceedings, for example, it may also strengthen confidence in, and support of, the CDM by the public. The COP, COP/MOP, and secretariat should strive to provide similar webcast services for the meetings of all Convention and Protocol bodies. Recognizing these benefits, however, CAN feels that webcasts should not replace the underlying presumption of open meetings described in the first point.

5. CAN requests Convention Parties to consider ways to enhance the ability of NGOs and indigenous peoples organizations from non-Annex I countries to participate in Convention processes, including through the provision of funding for travel expenses.

While many public-interest NGOs suffer from a perennial shortage of funds, the problem of limited financial resources is particularly acute for developing country NGOs and indigenous peoples organizations. This unfortunate reality exacerbates the disparities in participation by northern and southern observers in Convention processes, including the ability of southern observers to attend CDM-related meetings. Yet southern civil-society perspectives and support for the CDM will be critical to its success as an instrument for environmental mitigation and sustainable development. CAN urges Parties to consider providing funding for accredited NGO and indigenous peoples organization observers to facilitate their attendance and participation in all relevant Convention processes, and especially those related to the CDM.