

Intervention by the Center for International Environmental Law on behalf of the ECO-Forum

Promotion of the Aarhus Principles in the Context of the UNFCCC Negotiations

Thank you Madam Chair for giving us the floor.

We welcome the presence of high-level representatives from the Polish Government and from the UNFCCC Secretariat to this thematic session.

We would like to take this opportunity to share our perspective on the promotion of the Aarhus Principles in the Context of the UNFCCC and of the Paris Agreement.

In terms of participation of civil society representatives to the climate negotiation process, we welcome small improvements made recently including in relation to the submission portal and to the increasing access granted to observer organizations to negotiating rooms.

We remain concerned however that the effective and meaningful participation of the public remains significantly impacted by the limited opportunities offered to civil society representatives to provide thematic interventions addressing specific aspects of the negotiations. We also regret the absence of civil society representation during workshops organised in the context of the negotiations of the Paris Agreement Implementation Guidelines for instance in Bonn before the COP-23 or in Bangkok prior to the upcoming session in September.

The negotiations this year leading up to the COP-24 in Katowice are of particular importance as they are expected to result in the adoption of the Paris Agreement implementation guidelines that will inform how this landmark agreement drives climate action at the domestic level for the many years to come.

In this context, it is particularly important for Aarhus Parties to deliver on their legal obligation provided in article 3.7 of the convention to promote the principles of the convention throughout these negotiations and work collectively to ensure that the principles of transparency, meaningful participation and access to remedies are duly reflected in the substantive outcomes of COP-24. The Implementation Guidelines should set clear expectations regarding the need for participatory processes in the context of the drafting of future national climate commitments, of the reporting of national action and of the market-based mechanisms.

Article 3.7 of the Aarhus Convention explicitly requires that Parties promote the Aarhus principles in international processes related to the environment - in other words this obligation requires them to take proactive steps to support these principles. We regret that many Aarhus Parties do not live up to their commitments and fail to refer to the importance of procedural rights when elaborating on their expectations regarding the Paris Implementation Guidelines.

Finally, we remain concerned by the bill adopted by the Polish parliament earlier this year in relation to the role of the country as the host of the COP-24 in Katowice. The act contains provisions that are incompatible with at least the spirit if not the letter of the

Aarhus Convention - particularly in relation to a ban on spontaneous demonstration and to the collection of private data from anyone involved with or participating to the conference. We believe that the response communicated by the Polish presidency to the Bureau of the Aarhus MOP does not address these concerns adequately. Consequently, we call on all Aarhus Parties to reach out to the Polish COP-24 presidency to request that it upholds and promotes public participation during the Katowice Climate Conference.