

Subject: Public participation in the UNFCCC process

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Good morning colleagues,

Let me start by welcoming the supportive role played by the Moroccan presidency to promote public participation in relation to the COP-22 as highlighted in more details in the letter communicated by the UNFCCC secretariat.

We look forward to working closely with Germany and Poland as the hosts of the 2017 and 2018 climate conferences to build on recent good practices observed in Paris and Marrakesh and to play an active role in promoting the Aarhus principles in relation to the COP that they will be hosting.

Host countries can nevertheless influence only some of the crucial aspects related to public participation in the UNFCCC process – much depending also on the positions of the parties and the negotiations themselves.

We would like to raise two main sets of issues in relation to the promotion of the Aarhus principles in relation to the implementation of the Paris Agreement and to the UNFCCC process.

First, the implementation of the Paris Agreement must provide a stronger basis for access to information and public participation in policies related to climate change.

The preamble and article 12 of the Paris Agreement reaffirm the commitment of parties to such a participatory implementation. The negotiations ongoing to define the modalities for the implementation of the Paris Agreement offer a critical opportunity to ensure this principle effectively guides the implementation of key provisions of the agreement.

The role of public participation in strengthening each of these key areas of work must be highlighted in the negotiations under the Ad-hoc Working Group on the Paris Agreement (APA). These negotiations offer an opportunity to address the following questions:

- What role should/can the public play in the determination of national contributions to the Paris Agreement?
- What role should local communities and stakeholders play in shaping adaptation policies?
- Can civil society strengthen the transparency framework and support countries with their reporting under the Paris Agreement so as to promote trust in the regime?

- Can the periodic review conference known as the Global Stocktake offer an opportunity to strengthen public momentum for climate action by building on a very participatory process?
- Will the procedural rights of local communities be respected and promoted in the context of future carbon markets or will these trading mechanism continue to undermine these rights as is currently the case under the Kyoto Protocol?

Statements by Aarhus parties in relation to these five issues have broadly failed up to now to put forward proposals to ensure that the Aarhus principles are promoted throughout the implementation of the Paris Agreement throughout these workstreams.

We are also concerned that these crucial negotiations are sometimes taking place under closed doors. A workshop on the issue of “transparency” was organized with the participation of all UNFCCC parties in March 2017 but civil society representatives were denied access to the meeting. Such modalities undermine the integrity of the process and its public credibility as well as threaten the spirit of partnership that had provided the basis of the Paris Agreement.

According to the Aarhus Convention article 3.7 and the Almaty Guidelines, we believe that the Aarhus Parties should promote the Aarhus principles in these negotiations during the May and November 2017 UNFCCC sessions.

Second, the parties must promote the Aarhus principles in UNFCCC agenda items related to public participation.

Negotiations under two agenda items will explicitly focus this year on issues related to public participation.

The first negotiations will address participation in the intergovernmental process.

The parties mandated a workshop to be held in May 2017 on enhancing the engagement of stakeholders in the UNFCCC process. The workshop was preceded by a call for written inputs from parties. Among Aarhus parties, only the EU has responded to a call for written submission on this issue so far – jointly with Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia and Serbia. We welcome the reference to the Aarhus Convention in this document.

We therefore look forward to working with the countries mentioned as well as with the other 15 parties who have not yet contributed to these discussions but that are under the legal obligation under article 3.7 of the Aarhus Convention to promote the Aarhus Principles.

The May Workshop will provide a crucial opportunity to ensure that the intergovernmental processes under the UNFCCC reflect more adequately the Aarhus principles and the Almaty Guidelines.

The second negotiations will explore opportunities to enhance access to information and public participation at the national level.

According to article 12 of the Paris Agreement and paragraph 83 of the Paris decision, the parties requested that the meeting of the subsidiary body for implementation to be held in November 2017 “explore ways to promote public participation and access to information” at the national level. The Aarhus parties should use the opportunity to consider how these upcoming negotiations relate to their commitment to promote the Aarhus principles beyond the UNECE region.

Given the complexity of the climate discussions and the fact that climate negotiators do not all have a detailed understanding of the Aarhus Convention, we would like to propose the organization of a short and informal briefing at the start of the UNFCCC session in Bonn.

This meeting would provide a space for climate negotiators to understand the scope of the Aarhus obligations and how these relate to opportunities to promote the Aarhus principles at this particular session. Such a meeting would be an effective way for the Aarhus parties to promote their commitment to promote awareness on the Aarhus principles among relevant departments of the public administration.

In advance of the Bonn climate negotiations, CIEL will share with all Aarhus and UNFCCC focal points of Aarhus parties a briefing note highlighting the relevance of the Aarhus obligations to the upcoming negotiations in order to support their efforts on these issues.

Thank you for your attention.