



As reflected in the Paris Agreement, **public participation and access to information in climate-related decision-making** are keys to ensure effective implementation of climate action.

Associating communities, indigenous peoples and civil society to the planning and implementation of mitigation and adaptation promotes public support for climate action, contributes to higher ambition and improves the effectiveness and resilience of these actions.

The UNFCCC Parties have committed to promote the procedural rights of the public and civil society in climate policy through international frameworks, including the Agenda 2030 and the UN-ECE and UN-ECLAC conventions on Public Participation in Environmental Decision-Making.

This note provides an overview of opportunities for parties to enhance public participation and access to information in climate policies during the 48th Session of the UNFCCC Subsidiary Bodies.

At this session, parties will have the opportunity to consider in more specific terms how public participation and access to information can inform and be reflected in the implementation guidelines of the Paris Agreement to ensure that its implementation is participatory and transparent. Additionally, some other agenda items will offer an opportunity to enhance the role of observer organizations in the intergovernmental process and to promote the participation of indigenous peoples in climate-related decision-making. This note does however not pretend to be comprehensive as other agenda items would also be relevant in this context – for instance in relation to gender, agriculture and compliance.

Public Participation in International Climate and Environmental Frameworks

The UNFCCC provides a commitment to encourage the widest participation of NGOs in the climate process (article 4.1(i)) as well as to promote and facilitate public access to information and public participation in climate policies (article 6). The Paris Agreement stresses the linkages between the promotion at all levels of these principles and the effective implementation of the agreement and commits Parties to further cooperate to enhance public participation and access to information.

These provisions build upon a long-established recognition of the critical nature of procedural rights in environmental decision-making. **Principle 10 of the 1992 Rio Declaration** stresses that “environmental issues are best handled with participation of all concerned citizens, at the relevant level”. Further guidance regarding the implementation of this principle has been developed by international environmental institutions (such as **the UNEP Bali Guidelines** on Principle 10) and by International Human Rights institutions. **Agenda 2030** builds on the renewed commitment of states to participatory and transparent policies, respect for human rights, the empowerment of all groups of societies and gender equality. SDG Target 16.7 in particular stresses the need to “ensure responsive, inclusive, participatory and representative decision-making at all levels”. Promoting access to information and public participation in the implementation guidelines of the Paris Agreement will thereby ensure that the Agreement contributes most effectively to the realization of the SDGs.

Regional Conventions on Public Participation in Environmental Decision-Making

47 UNFCCC Parties from Europe and Central Asia are also Parties to the **Aarhus Convention** that provides a legally binding obligation for all of its parties to “promote the application of the

principles of this Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment". The scope of this obligation has been further elaborated through the adoption by the MOP of the Aarhus Convention of a set of guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums ("**Almaty Guidelines**") and through subsequent MOP decisions. This guidance emphasizes the importance of promoting public participation and access to information both in relation to the modalities of intergovernmental processes but also to substantive outcomes, including work programmes, projects and decisions adopted by these processes.

Additionally, 24 UNFCCC parties from Latin America and the Caribbean have adopted in March 2018 a Latin American and Caribbean Convention on information, participation and justice in environmental matters (the **Escazú Convention**). The Convention will be open for signature in September 2018 but its adoption by all States involved in the drafting process signals a strong and renewed commitment by these 24 States to the principles of environmental democracy. The Convention stresses the importance of the growing awareness in international forums regarding the need for public participation in environmental decision-making. It also provides a commitment to promote public participation in international forums and negotiations on environmental matters or with an environmental impact – both in the modalities of these forums but also at the domestic level in matters related to these forums.

Promoting Public Participation and Access to Information in the Context of the Implementation Guidelines of the Paris Agreement

As the implementation guidelines to be adopted at the COP-24 will inform in the long-term the implementation of the Paris Agreement at the national level, the integration of access to information and public participation in these guidelines is critical to ensure that public support for climate policies and the effective implementation of climate actions under the Agreement.

Nationally Determined Contributions (APA – item 3)

The planning of the NDCs offers an opportunity to promote a dialogue at the national level regarding the importance of ambitious action and support and to identify critical leverages and opportunities for domestic policies. Many INDCs submitted prior to the Paris Conference – or NDCs revised since 2015 – resulted from multi-stakeholders consultations. **Such consultations are critical to ensure that the contributions are truly "nationally determined"**. Several countries have suggested that the guidance for the development and communication of future nationally determined contributions could invite countries to share information regarding the planning process for their NDCs including stakeholder consultations and the participation of indigenous peoples and local communities. This proposal builds on precedents in the UNFCCC regime: Least Developed Countries were for instance requested to describe stakeholder consultations held in the context of the preparation of their National Adaptation Programmes of Action.

The **invitation for Parties to include information related to these aspects of the planning of their NDCs when communicating their contributions to the UNFCCC** would signal that importance of a transparent and participatory preparation of the NDCs. It would also contribute to enhance the sharing of good practices regarding the consultation of stakeholders for the planning of climate action.

Adaptation Communications (APA – item 4)

The parties affirmed in the Paris Agreement that adaptation measures must be integrated with social and environmental policies. Article 7.5 of the Paris Agreement emphasizes in particular that adaptation action should follow a gender-responsive, participatory, and fully transparent

approach taking into consideration vulnerable groups, communities, and ecosystems, and should be based on the best available science and traditional and indigenous knowledge.

To ensure that the Adaptation Communications promote the vision defined in article 7.5, governments should be requested to **provide information regarding the meaningful and effective participation of civil society** – in particular of those most exposed to the impacts of climate change or those traditionally lacking access to policy making. Building on the precedent set by the guidelines for the development of the National Adaptation Programmes of Action – the Parties should report in their Adaptation Communications on these consultations and how the perspective and views shared by communities and NGOs have been reflected in the planning and prioritization of adaptation action.

Transparency Framework (APA – item 5)

Civil society can also play important roles to contribute to the effectiveness of the future transparency framework. Several international frameworks recognize the added-value of enabling non-governmental organizations to provide additional information through reporting mechanisms in order to complement the information provided by the States. The rules and procedures for the transparency framework could build on these precedents and create opportunities for civil society to contribute to the different stages of the review process so as to enhance the framework. Several parties have put forward such proposals in their submissions related to the Transparency Framework.

Additionally, the transparency framework would contribute more effectively to the comprehensive implementation of the Paris Agreement if it would request Parties to **provide information regarding the implementation of their commitments under Article 12 of the Agreement**. This request could build upon and expand on the obligation for Annex-1 Parties to report in their National Communications on their activities related to Public Awareness, Training and Education. Such reporting would facilitate the sharing of good practices and solution-oriented processes that contribute to promote public participation and access to information in the context of the national circumstances of each Party.

Global Stocktake (APA – item 6)

The Global Stocktake (GST) is called to play a critical role to mobilize climate action by all Parties and stakeholders and to increase support for climate ambition. Experience with the UNFCCC process demonstrates however that previous mechanisms designed to review collective ambition have often failed to deliver on their promises. To perform these functions effectively, the modalities for the GST must offer opportunities for civil society and organizations to provide input and to participate effectively at all stages of the GST. The methodology and process for the Talanoa Dialogue currently reflects the importance of an inclusive and transparent process for the review of collective ambition and the GST must build upon the experience gained this year with these two principles. To leverage fully the opportunity offered by these crucial periodic events, parties could **provide a space for civil society to participate effectively to the global stocktakes by providing information** and playing a role during any related event in order to maximize the public awareness and public scrutiny that these events seek to create.

Article 6 Mechanisms (SBSTA – item 12)

Guaranteeing access to information, local stakeholders consultations and access to remedy is particularly critical in the context of the mechanisms established under article 6 of the Paris Agreement. The absence of sufficient guidance regarding the nature of these participatory processes in relation to the Clean Development Mechanism resulted in many projects being implemented without the full consultation of the communities directly impacted by these

projects. The Sustainable Development Mechanism (SDM) established under the Paris Agreement must learn from these shortcomings and guarantee effectively, among other principles, the procedural rights of local communities, taking the stronger sets of safeguards developed, for instance, in the context of REDD+ as a starting point.

Action for Climate Empowerment (SBI – item 18)

Building on Article 12 of the Paris Agreement related to Action for Climate Empowerment, the parties mandated in Paris the CMA to explore ways of enhancing the implementation of training, public awareness, public participation and public access to information so as to enhance actions under the Agreement. The SBI agreed at the COP-23 that this exploration of views would be undertaken through an in-session workshop at the May 2018 session. As an outcome of this workshop, Parties could consider the adoption of recommendations to **promote the integration of the principles listed in Article 12 throughout the implementation of the Paris Agreement** and to identify how these principles should be integrated in the Paris implementation guidelines to increase the effectiveness of each relevant set of guidelines as indicated above.

Further enhancing the Participation of Observers and Indigenous Peoples in the UNFCCC Process

Engagement of observer organizations (SBI – item 20)

At its previous session, the SBI “underscored the paramount importance of the principles of inclusiveness and transparency of the UNFCCC process and the value of the effective engagement of non-Party stakeholders and their contributions to the deliberations on substantive issues”. Building on this conclusion the SBI will continue, under its agenda item on Arrangements for Intergovernmental Meetings, to consider opportunities to further **enhance the engagement of observer organizations in the intergovernmental process**. Several parties have put forward in their written submissions before the session several concrete suggestions that could contribute to the promotion of more effective engagement of observer organizations. Good practices could be drawn from the positive experience of other UN forums, including in relation to ensuring the interventions of civil society are invited on a more frequent basis and that these interventions are not limited to addressing plenary meetings of the Subsidiary Bodies either at the beginning or at the end of their session.

Local Communities and Indigenous Peoples Platform (SBSTA - item 7)

In Paris, Parties agreed to establish a platform for the exchange of experience and sharing of good practices related to indigenous and local knowledge. The operationalization of this platform was initiated at COP-23 with the adoption of a decision recalling that Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on the rights of indigenous peoples and local communities, and emphasizing the role of indigenous peoples in achieving the goals set in the Paris Agreement. The Parties further recommended that the platform builds on the **principles of effective participation of indigenous peoples**; equal status of indigenous peoples and Parties, including in leadership roles; self-selection of indigenous peoples representatives in accordance with indigenous peoples' own procedures; and adequate funding to enable the functions of the Platform.

The SBSTA 48 is mandated to consider the further operationalization of the platform and the modalities for the development of a workplan and a multi-stakeholders dialogue will be on **Tuesday 1st May** as the first activity of the Platform. These negotiations offer a unique opportunity to ensure that the voices of indigenous peoples are more effectively reflected in the UNFCCC process and to build on the good practices of other international forums.