

SBI contact group discusses Ministerial meeting and role of observers

Bonn, 7 June (Lim Li Lin) – A controversial proposal to hold a Ministerial meeting before the next climate change conference in Mexico was discussed at the Bonn climate change talks. The role of observer organizations in the UN climate change negotiations was also debated.

A contact group on arrangements for intergovernmental meetings has been meeting under the Subsidiary Body for Implementation (SBI) of the UN Framework Convention on Climate Change (UNFCCC) in Bonn. On Thursday, 3 June, the contact group discussed the issue of organization of the intergovernmental process and observer organizations, and on Friday (4 June) the contact group discussed the issue of future sessional periods.

At the contact group on Friday, the proposal by Papua New Guinea for a high-level meeting was discussed. This issue had been raised at the last climate change talks in April, where both the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) and the Ad hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) “took note of a proposal for the SBI to consider the option that a high-level session be held between the thirty-second sessions of the SBI and the SBSTA (Subsidiary Body on Scientific and Technological Advice) and the sixth session of the CMP/sixteenth session of the COP to provide guidance.”

Papua New Guinea explained that its proposal is for a Ministerial meeting in advance of COP 16 to be held in Cancun in December, which should take into consideration the AWG-LCA. Ideally, the AWG-LCA Chair would invite all Parties but if there are financial constraints, a more limited participation could be considered. It said that this should be balanced, with all the regional and negotiating groupings represented, and still be open to any Party. The outputs of the meeting should inform the negotiations of the AWG-LCA.

Various questions were asked by the Chair, Robert Owen-Jones from Australia, United States, Singapore, EU, and

the Philippines on whether the meeting is only for Ministers and which Ministers, what format and modalities are envisaged for the meeting, what the expectations are, what form the political outcome would take, the relationship between the output of the meeting and the negotiations itself, who would be presiding over the meeting, whether this a pre-COP meeting or a more formal meeting in conjunction with additional sessions that have already been decided, and when the meeting would be held.

Papua New Guinea explained that usually the incoming Presidency (Mexico, the host of the next UN climate change conference) would organize a Ministerial meeting, but it is not directly linked with the negotiations itself, and is not inside the AWG processes. This initiative can still be taken by the incoming Presidency before Cancun. It was suggesting a follow up, and not a parallel process, that is an integral part of the negotiations, where Ministers and high-level officials can provide guidance to the negotiating process.

It said that it wished to avoid the Copenhagen experience last year, and do something different so that there is a higher chance of succeeding in Cancun. PNG said that at Copenhagen, Ministers did not have the time to meet and review the negotiating text. This missed a good opportunity to help negotiators move the text forward. The meeting should not parallel the negotiations, but should feed into it by giving advice and political guidance on crunch issues, so that the negotiators can do further work before Cancun.

It said that transparency and inclusiveness are important, and the meeting should be open ended. All Parties that want to attend, should be able to, and this was for the UNFCCC Secretariat and the Presidency to coordinate. It said that for the usual pre-COP meeting,

selected Ministers are invited, and it is not a formal part of the negotiating process.

It was open to whether the meeting could be held in between the next two negotiating sessions of August and October, or between the October session and Cancun in December, depending on how the negotiations move forward.

Bangladesh speaking for the **G77 and China** said that the Group was still consulting and was not certain whether such a meeting is required at this time.

Singapore emphasized that if the meeting is formal, it needs to be open ended, and that all meetings within the UNFCCC must be inclusive and transparent. It was not in favour of a smaller meeting if funds are unavailable. It said that the work schedule is now very tight, and that Ministers will attend the high-level segment in Cancun already. It asked how can we best use the time of our Ministers and said that it would reflect further on the proposal.

Brazil expressed caution about holding another Ministerial level meeting before Cancun, as technical negotiations need to have enough time to clean up the negotiating text and further discuss technical issues that will lead to the COP in Cancun. It said that the proposal is very difficult especially if Parties wanted to keep the process open and inclusive and asked whether it was necessary.

Spain on behalf of the **EU** expressed its interest in this proposal and said that it was in favour of increasing the possibility of political guidance to the negotiations.

Venezuela felt that more time was needed for the experts to negotiate.

Sudan said that it preferred that Ministerial meetings are convened after the negotiators have prepared something in the negotiating groups, and not before.

The Philippines expressed caution about holding this meeting given the dynamics of the technical negotiations.

The Chair said that this was an initial exchange and the issue will be taken up in the draft conclusions of the contact group.

The contact group also discussed the hosts for COP 18 and CMP 8 in 2012. Two countries from the Asian Group, Korea and Qatar, have offered to host the conference and are discussing bilaterally how to resolve this issue.

On Thursday, 3 June, the contact group discussed the issue of organization of the intergovernmental process and observer organizations.

The Executive Secretary of the UNFCCC, Yvo de Boer, outlined the backdrop to the discussion. He said that the discussion was not starting from scratch, and there had been a long-standing dialogue with observer organisations. He explained that the following actions are being taken after the lessons learnt at Copenhagen – a process of online registration; a project to study stakeholder participation, to see how it can be improved as well as on best practices in the UN system with regard to inclusiveness, transparency, etc.

A statement was made on behalf of 6 civil society observer constituencies – the environmental organizations, women, local governments and municipal authorities, trade unions and indigenous peoples organizations – setting out the following specific suggestions:

- The Secretariat should revise its guidelines on public participation well before COP 16. This process should include meaningful participation by civil society. The proposed revisions should be broadly disseminated, and comments solicited, sufficiently in advance of their implementation to allow the Secretariat to revise the guidelines in light of comments received.
- The default approach for all civil society engagement – including participation in informal consultation and access to delegates’ “pigeonholes” – should be full participation and access. Only in exceptional circumstances should Parties explicitly decide to limit access.
- Venues should be chosen that allow for a strong representation of civil society constituencies. The Secretariat should undertake an open consultation process with observer constituencies should limitations be required due to space constraints or other issues. This process should provide for the flexibility needed to ensure effective participation of all observers, advanced notice required in order to plan effectively, and opportunities for input into the criteria and procedures in order to ensure the diverse needs and resources of observer organizations are taken into account.
 - Side events are an important part of these conferences, providing Parties and observers opportunities to exchange views, influence the negotiations, and bring in new ideas to the process. As such, side events by observers and Parties should be treated equally and be accommodated in such a way to ensure that they can have an impact

on the negotiations by ensuring the ability for relevant attendance. Increased use of innovative web tools to enhance facilitation and coordination of side events is suggested.

- A fundamental role of civil society is to promote positive solutions and expose bad developments through the use of a variety of tools including stunts. When proposals are inequitable and permit business as usual, there is no justification for denying full civil society expression. The right to have the voice of civil society heard within the venue must be respected and not subject to arbitrary and draconian restrictions. Many Parties in the room have cause to be thankful to civil society for not quietly accepting inadequate and inequitable proposals.
- The roles of Secretariat, Parties and host country in determining public participation policies should be made explicit. Clear information on the division of responsibilities and arrangements between the Secretariat and the host of each COP - in this case the Government of Mexico for COP 16 - should be made public well in advance of the COP.
- The UNFCCC Secretariat is encouraged to take part in the workshop organized by the Aarhus Secretariat (of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters) on the experience of COP 15 scheduled for 29 June 2010. The Secretariat is requested to accept the offer extended by the Aarhus Secretariat to collaborate closely on these key issues.
- The UNFCCC and its Secretariat is encouraged to look towards other forums where public participation has been effectively facilitated. The Convention on Biological Diversity and the UNEP (UN Environment Programme) Governing Councils serve as two examples. Civil society has effectively participated in advisory boards, governance bodies and other entities of multilateral agreements and Parties are encouraged to consider these examples.
- The Secretariat should request authority to use more of its budget to facilitate public participation and should request that the Parties provide increased financial resources to support these efforts.
- The opportunity to explore innovative ways of engaging civil society, including for instance

facilitation of cross-constituency civil society meetings and workshops is welcomed.

- Civil society serves as an extremely valuable technical and political resource for Parties, especially in developing countries. Parties should always be encouraged to utilize these resources in whatever means they choose, including by inviting them onto their delegations.

The groups also suggested that with respect to the work of this contact group, that civil society observers are permitted to attend any informal meetings taking place on this agenda item.

An issue that was raised during the contact group related to the requirement by the Secretariat that observer organization register well in advance without being allowed to add, subtract or change the names of their representatives.

Australia said that this was in appropriate, and encouraged the Secretariat to be helpful, and not impose unnecessary burdens. It also said that it encouraged smaller group negotiations, with a summary report back to plenary, and that it supported Mexico and their efforts as the in-coming Presidency.

Bolivia also referred to registration restrictions on parties imposed by the Secretariat, which are inappropriate especially for this meeting which is very different from the COP and CMP (Conference of the Parties serving as the meeting of the Parties) meetings, and asked for the restrictions by the Secretariat to be lifted immediately. It said that the Bolivian government had convened a meeting of civil society and social movements in Cochabamba where a peoples' agreement was concluded in four days. If Parties encouraged their participation there can be better results, it said.

The Philippines said that this is not the first time that this has happened, and that this was damaging to the interest of developing countries. It said that there is a tendency by the Secretariat to make rulings and apply them without consulting with the bureau or Parties, and without prior notification. This affects observer organizations, some which have been in the process for a long time. It said that the same rules should not be applied to non-governmental organizations and intergovernmental organizations. This rule was made without the knowledge of the Parties or the bureau, it said.

An informal consultation was held on Saturday, 5 June.