

Developing countries call for rules to guide engagement of non-state actors in the UNFCCC

Bonn, 20 May (Hilary Chiew) – Several developing countries called for rules and standards to guide the participation of non-state actors in the United Nations Framework Convention on Climate Change (UNFCCC), saying that a distinction has to be made with those with commercial interests.

The call was made by Ecuador and supported by other developing countries. Guatemala also wanted special attention to be given to the issue of conflict of interests in the participation of non-state actors.

These calls were made at the meeting of the Subsidiary Body for Implementation (SBI) which considered various issues under the agenda item on ‘Arrangements for intergovernmental meetings.’

Apart from the issue of observer engagement in the intergovernmental process, Parties were also invited to consider the status of preparations and arrangements for the 22nd meeting of the Conference of Parties (COP22) and 12th meeting of the Conference of Parties meeting as the Parties to the Kyoto Protocol (CMP12), the host of future meetings of the COP and CMP, as well as the entry into force of the Paris Agreement and implications on the frequency and organisation of sessions.

Parties are required to make related recommendations for consideration and adoption by the COP, as appropriate.

Parties had so far met in two contact group meetings on 17 and 18 May respectively, and in one informal consultation on 19 May. Meetings were chaired by the SBI Chair Tomasz Chruszczow (Poland).

Observer engagement in the intergovernmental process

At the contact group meeting on 18 May, **Ecuador** welcomed the scaling up of observer participation in the UNFCCC process but stressed that it is important to have standards and rules to guide the participation of non-Parties stakeholders.

It said non-state actors should not be put in the same basket as “some have commercial interests” and there should be due diligence criteria or guidelines for the Secretariat to engage with them.

Supporting Ecuador, **Guatemala** called for a review of the application process for observer engagement and called for special attention to be paid on the matter of conflict of interests.

Echoing Ecuador, **Bolivia** said it was also concerned with the real and potential conflict of interests of businesses in the UNFCCC process.

To this, Chair Chruszczow asked “what is wrong with that, as each of us has a specific interest”, adding that there are criteria for the approval of non-state actors and asked Parties not to forget that many business communities and the media are actively engaged with climate change issues all over the world.

“We are simply seeking to have their views heard and considered by Parties,” he added.

In response, **Ecuador** insisted that distinction must be made among non-state actors and requested for the Secretariat to make a presentation at the next meeting on the engagement procedures.

Corporate Accountability International, a member of **Climate Justice Now!**, echoed the concerns of Ecuador, Bolivia and Guatemala and urged Parties to consider seriously the possible conflict of interest that may arise when a public institution like the UNFCCC engages with entities in the private sector whose profit motives or interests conflict with the public objectives of climate policy.

It said because sound climate policy must affect profits of industry, the interests of the two conflict. As such, it supported the creation of a process to identify and avoid conflicts of interests to protect the legitimacy of the UNFCCC, its Parties and its outcomes.

China acknowledged the importance of civil society in the process. It said many non-governmental organisations had expressed interests to help countries to prepare their intended nationally determined contributions (INDCs) and welcomed this as many developing countries lack capacity. However, it cautioned that each developing country has its own circumstances and national sovereignty in preparing the NDCs.

Bolivia highlighted the gap in relation to the effective participation of indigenous peoples and local communities in the engagement of observers. It said they had contributed substantively to the Convention with regard to protection of Mother Earth through their collective actions in protecting biodiversity and ecosystems that address climate change. It said the recognition of indigenous peoples and their voices in this process in a real and effective manner is very important.

Hence, a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner which aims to strengthen the knowledge, technologies, practices and efforts of indigenous peoples and local communities was established in Paris. It called for the operationalisation of the platform.

On 19 May, the Secretariat outlined the process of engagement of civil society and stressed that it has measures in place to conduct proper due diligence when interacting with the private sector.

Status of preparations and arrangements for COP22 and CMP12

China referred to paragraph 115 of Decision 1/CP.21 on a facilitative dialogue and asked for clarification as to where on the SBI agenda this will be discussed. It was concerned that Parties failed to identify which item on the agenda related to the facilitative dialogue.

(Paragraph 115 of Decision 1/CP.21 reads: *“Decides to conduct a facilitative dialogue in conjunction with the twenty-second session of the Conference of the Parties to assess the progress in implementing decision 1/CP19, paragraphs 3 and 4, and identify relevant opportunities to enhance the provision of financial resources, including for technology development and transfer, and capacity-building support, with a view to identifying ways to enhance the ambition of mitigation efforts by all Parties, including identifying relevant opportunities to enhance the provision and mobilisation of support and enabling environments.”*)

(Paragraph 3 and 4 of Decision 1/CP19 concerned the full implementation of the Bali Action Plan, enhancing of ambition of the pre-2020 period in terms of mitigation targets of developed country Parties and

provision of means of implementation by developed countries to developing countries.)

In response, the **European Union** referred to another paragraph 20 of the Decision 1/CP21 and said there was no request for the COP to have it as an item on the agenda of the SBI. However, it said it is willing to look at the issue, noting that the Secretariat knew best what matters are mandated for discussion under the SBI.

(Paragraph 20 of Decision 1/CP21 reads: *“Decides to convene a facilitative dialogue among Parties in 2018 to take stock of the collective efforts of Parties in relation to progress towards the long-term goal referred to in Article 4, paragraph 1, of the Agreement and to inform the preparation of nationally determined contributions pursuant to Article 4, paragraph 8, of the Agreement.”*)

To this, Chair Chruszczow said the meeting was to collect views and not to have discussion.

Entry into force of the Paris Agreement and implications on the frequency and organisation of sessions

On the frequency and organisation of sessions, **Maldives speaking for the Alliance of Small Island States (AOSIS)** said it is in favour of the continuation of the yearly COP for full consideration of the pre-2020 issues (referring to matters prior to the entry into force of the Paris Agreement).

“We are moving into the implementation phase (of the Paris Agreement) but there are still many sticky issues to be resolved.” It said the Group is open to suggestions on the frequency of sessions for the post-2020 period.

Switzerland said it is favour of a biennial cycle and that it should be up to the COP Presidency to decide whether to have the COP in its country or to rely on the Secretariat for the latter’s facility in Bonn. It understood the sentiment of AOSIS and stressed that in the post-2020 period, Parties should be in implementation mode with less frequent meetings.

The **Russian Federation** disagreed with the notion that Parties are in the implementation stage but stressed that Parties are in a preparatory stage. It also disagreed to switching to a biennial cycle.

On the **hosts for COP23 and COP24**, Chair Chruszczow informed that there are still no candidates.

In conclusion, Chair Chruszczow said the Secretariat will prepare draft conclusions to be circulated to Parties in the afternoon of 20 May (today). The next meeting to consider the draft conclusions is scheduled for 23 May (next Monday).