



**Statement at the 26th Meeting of the Working Group of the Parties of the Aarhus Convention
Public Participation in International Forums: UN Climate Change Negotiations**

Thursday 23 June 2022

My name is Marie Talaïa-Coutandin and I am speaking on behalf of the Center for International Environmental Law.

We would like to draw Parties' attention to recent outcomes and developments in the context of the United Nations Framework Convention on Climate Change (UNFCCC), which raise concerns about the effective participation of the public in international climate governance.

In the context of the UNFCCC, civil society and Indigenous Peoples' organizations are facing continuous - if not increasing - challenges in meaningfully participating in the process. Recent outcomes also do not reflect the level of ambition that Parties to the Aarhus convention should uphold.

At the 26th Conference of the Parties to the UNFCCC, in November 2021, Indigenous Peoples and civil society organizations faced unprecedented constraints that cannot be justified by the COVID pandemic. A number of restrictions were put in place at the Conference venue, which resulted in extremely limited observers' participation with only two representatives from environmental NGOs being allowed in the entire building where negotiations took place. The thousands of additional delegates were asked with no prior notice to remain in other buildings largely empty of governmental delegates. Throughout the two weeks of the COP, many observers who were following the negotiations on the online platform had issues accessing it, despite being duly accredited. This was in stark contrast to the level of representation of corporations. More than 500 delegates were in fact deemed to represent fossil fuel corporations, many of whom were part of national delegations.

On a substantive level, we witnessed a lack of commitment by Parties to the Aarhus Convention to ensure that the rights to participation and access to information were reflected in relevant decision texts. The new Glasgow Work Programme on Action for Climate Empowerment (ACE)

is exemplary, as it relates to public participation and access to information in the implementation of the Paris Agreement. While the draft text mentioned a “human rights-based approach” among the principles that should guide the new Work Programme, last-minute, closed-door negotiations led to the deletion of this language. We understand that delegates from the UK and Norway played a role in rushing an agreement, even if that meant losing rights language. At the UNFCCC intersessional meeting, which concluded last week, Parties started to negotiate the action plan to implement the Work Programme. We are deeply concerned that the current draft text only refers to the rights of participation and access to information once and that this is still disputed language.

In the context of market-based mechanisms under the Paris Agreement, an independent grievance process is an absolute prerequisite prior to the implementation of any carbon trading project under the market mechanism. Such an independent grievance process is essential to provide an avenue for the redress of communities that have been harmed by such projects.

We expect that Parties to the Aarhus Convention live up to their obligations and promote procedural rights across all relevant workstreams of the UNFCCC and Paris Agreement.

Finally, we would like to express our concern for COP27 and COP28, which will take place in countries where civil society space is extremely limited. Many civil society organizations will not be able to attend due to security concerns, and those who will participate might face heavy restrictions in their ability to express their position, for instance through orderly protests. We urge Parties to the Aarhus convention to engage continuously with the COP27 and the COP28 Presidencies and take all steps needed to ensure that observers can operate in a safe space. Protecting the civil society space in international climate negotiations is the shared responsibility of all Parties to the UN climate agreements - not only of the presidencies.