



Submission: CAN views on approaches and initiatives for increasing the efficiency of the UNFCCC process towards enhancing ambition and strengthening implementation

Climate Action Network (CAN) is the world's largest network of civil society organizations working together to promote government action to address the climate crisis, with more than 1600 members in over 160 countries. www.climatenetwork.org

Introduction:

The UNFCCC is a space that is often dominated by elites and corporations, at the expense of all others. Clearly, urgent and transformative change necessitates fundamental revisioning of the current system and how it must be adapted to reflect the urgency to address climate change.

COP26 was yet another wake-up call for the international climate community: the structures of the climate regime are not working for the speed and scale of changes needed to maintain Parties' commitments to keeping under 1.5 degrees. Participatory policy and decision making must be at the heart of climate action to be transformative, just and equitable.

This realisation, combined with the transition to implementation, provides a unique opportunity to think about an alternative future and vision for the UNFCCC. Climate Action Network (CAN) welcomes the opportunity to provide recommendations **on approaches and initiatives for increasing the efficiency of the UNFCCC process towards enhancing ambition and strengthening implementation**

In this submission CAN focuses on three key aspects to move to policy and decision making within the UNFCCC process that are more equitable and just by:

- **Ensuring human rights based climate action in the UNFCCC** by elevating the status of rights-holders constituencies and the establishment of a formal complaint mechanism regarding limitations to the right of public participation and good governance.
- **Establishing a protocol for risk assessment of hosting COPs** to ensure safe and effective participation of the public in the selection of host countries to ensure that the minimum conditions for effective participation are guaranteed.
- **Addressing conflicts-of-interest and polluting industry obstruction of climate policy in the UNFCCC Process.**

1) Ensure human rights based climate action

Effective, real, and meaningful climate action under the UNFCCC is necessary to respect and promote the human rights of millions of people around the world who are threatened by i.e. loss of life, food and water sources, diseases, and displacement, or who suffer from adverse physical and mental health consequences of climate change, as demonstrated by the IPCC. This requires in particular addressing the vulnerability to adverse climate impacts faced by some of the people, 19 including as a result of historic, ongoing and structural marginalisation. To leave no one behind, climate action must address the particular vulnerability faced by the elderly, persons with disabilities, migrants and internally displaced persons, outdoor workers, women in all their diversity, and others exposed disproportionately to climate impacts. This can only be done by guaranteeing equitable participation of marginalised groups in all their diversities in climate change policy processes and programming, including at the country level. It is also critical that climate actions themselves respect and promote human rights and are implemented with appropriate safeguards to avoid human rights abuses. This begins with the protection and effective participation in all climate action of environmental and human rights defenders, who are increasingly facing violence and shrinking civic space.

The IPCC recognizes that public participation and access to information to empower citizens to play an active role in the transition enhances the effectiveness of climate decision-making and implementation of climate actions. Land and natural resources are essential to millions of peoples' access to food, shelter, culture, work, water, health, and well-being. Climate action must account for the unique role that ecosystems and land play in fulfilling these rights. Moreover, strengthening land tenure and (collective) land rights leads to improved climate action, as recognized by the IPCC.

Indigenous Peoples are on the frontlines of the direct consequences of the climate crisis as well as the strategies adopted by States to address it, and at the same time they are agents of change who can and do provide real and effective solutions. Indigenous knowledge is critical to effective climate action. The importance of indigenous knowledge for effective climate action has been recognized by the IPCC.

Women and girls are disproportionately affected by the climate crisis due to gender inequalities that restrict access to education, resources, decision-making spaces, and other opportunities, as recognized by the IPCC. At the same time, women and girls possess critical knowledge and are developing gender-just solutions that are also shown to be more innovative, sustainable and cost-effective to mitigate climate change impacts, adapt to climate changes and build resilience in communities.

A just transition is central to ensuring socially just and equitable climate action as it is fundamentally about realising the transition from a fossil-fueled economy to a fossil-free one in a fair and inclusive way for workers and communities and in a manner that creates decent work conditions and upholds the human rights of marginalised groups and advances social and environmental justice.

Intergenerational equity and the duties of present generations towards children and future generations have long been recognized as fundamental principles of international

environmental law. Children and youth are disproportionately impacted by the climate crisis (particularly those in low and middle income countries, and those who suffer from the impacts of inequality and discrimination) and they, as well as future generations, will face the consequences of climate change for a greater percentage of their lives. For this reason, youths should always participate equally in climate change policy processes and programming.

People with disabilities have been largely excluded from decision-making in the UNFCCC. Enhancing inclusion and participation of persons with disabilities and their representative organisations through the creation of a constituency for persons with disabilities under the UNFCCC at COP27 is key to enhancing the rights of persons with disabilities.

It is time to revise the rules of procedures of the UNFCCC to elevate the voices of those most impacted by climate change by providing them with a meaningful seat at the negotiating table.

Party driven process is no longer sufficient; most impacted communities are not primarily determined by **national citizenship, and there is a lack of true diversity and inclusion across the convention. Rights-holders constituencies¹ should be able to effectively exercise their right to participate in environmental decisions and be formally mandated to advise rather than merely observe, and be invited to represent the views of their constituency by way of active engagement in all aspects of UNFCCC negotiations, work programmes and dialogues, etc.**

Country delegations should additionally be invited to ensure that there is strong, free and fair representation and inclusion of diverse, impacted stakeholders within their official delegations.

Furthermore, the establishment of a formal complaint mechanism regarding limitations to the right of public participation and observer safety could help develop rights based processes that promote participation and good governance.

Further innovative solutions to ensure human rights based climate action should be invited from most impacted people, areas and parties, including the possibility to review current practise of consensus voting in a workshop organised by the UNFCCC at SB58 and based on the results of the ongoing “observer review process²”.

2) Establish a protocol for risk assessment of hosting COPs

To enable diverse, safe and effective participation of the public during COPs it is important to develop mechanisms that ensure peoples rights and well-being from an access rights perspective. The inclusion of a protocol for risk assessments and preventive measures to ensure safe and effective participation of the public in the selection of host countries could ensure that the minimum conditions for effective participation are guaranteed.

¹ Definition rights-holders: <https://socialprotection-humanrights.org/key-issues/universality-of-protection-and-effective-access/rights-holders/>

² Background note on the observer review process: <https://drive.google.com/drive/folders/1qhFDE9zUyBXMH07xLrMxe8whQi7BHjmW>

Such a protocol can help ensure that all states hosting climate negotiations commit to ensuring the freedoms of association, peaceful assembly and expression of civil society participants and observers and fulfil guidelines to guarantee people's participation. A State's full guarantee of the rights to freedom of peaceful assembly and of association should be a prerequisite for the nomination of a State to host international climate forums as recommended by the UN Special rapporteur on Freedom of Assembly and Association in its [2021 report](#) presented to the UN general Assembly.

States wishing to host a COP meeting should demonstrate their commitment to human rights and people's participation and show leadership at the global and regional level and national level on climate issues.

We invite parties to consider the development of such a protocol as one of the potential outcomes from a workshop to be conducted at COP58 (see suggestion above).

3) Addressing conflicts-of-interest and polluting industry obstruction of climate policy in the UNFCCC Process³

The undue influence of industries whose profit-making depends on activities that harm the climate, pose a major obstacle in advancing climate ambition. In direct contravention of the mandates of the United Nations Framework Convention on Climate Change (UNFCCC), the fossil fuel, big forestry and agribusiness industries, amongst others, drive the use and expansion of emissions-intensive products. They use their accreditation and access to the UNFCCC processes to distract from the level of ambition needed and advance proposals that instead of bringing us fully in line with the goals and objectives of the Paris Agreement and UNFCCC, protect their profits above all and serve their private interests. They also block progress, fund climate denial, muddy political narratives and question scientific consensus on climate change publicly. The UNFCCC has yet to address the issue of conflicts of interest in regards to the role of engagement with non-Party stakeholders. It is in the UNFCCC's interest to ensure that strong policies that address and manage the risk for conflicts of interest and draw on best practice are put in place. Agreeing on a process to address these issues is an essential step towards ratcheting up ambition in line with what is necessary to achieve the Convention's objectives.

In light of the above, Climate Action Network (CAN) recommends that the UNFCCC should: • Adopt an appropriate definition of 'conflict of interest', and a rigorous conflict of interest framework that:

- a) prevents entities with private interests from unduly influencing or undermining national and international climate policy;
- b) strengthens the procedures for admission of observers within the UNFCCC and its instruments; and

³ See further information on CAN's position on Conflict of Interest here: https://climatenetwork.org/wp-content/uploads/2020/11/can_position_on_conflicts_of_interest-2.pdf

c) draws on established international precedent in a manner that is appropriate for the UNFCCC context. • In the absence of a process to develop policies to address conflicts of interest and to not undermine the objectives of the UNFCCC any further, the UNFCCC should stop inviting industry trade associations and other entities which represent and/or are beholden to the interests of polluting industries to present their views during the UNFCCC negotiation process, workshops or other events.