

Civil society participation in UN climate policy processes by those most affected by the climate crisis is of most value and key to tackling its numerous and interlinked aspects.

Unfortunately, civil society, especially from the global South, faces serious limitations to participating in global climate talks.

This analysis shows civil society's challenges with inclusive and meaningful access and participation at COP27. Looking both towards COP28 and beyond, there is a great need and an opportunity to use experiences from COP27 and best practices from previous COPs, to ensure meaningful inclusion and participation of civil society going forward.

Recommendations:

- Advance access and funding for Global South actors
- Ensure civil society's meaningful and inclusive participation
- Improve tech solutions and sharing information

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INTRODUCTION

Participation in UN climate policy processes by those most affected by the climate crisis is of most value and key to tackling its numerous and interlinked aspects. Both through having a seat and a say at the negotiation tables, raising voices of concern outside of negotiation venues, or creating online awareness of the climate crisis, civil society organizations' unique knowledge and impacts is crucial to the fulfillment of the Paris agreement.

Through international agreements such as the Paris agreement, the UN Framework Convention on Climate Change (UNFCCC), the Rio Declaration, and the Aarhus Convention, Parties of the agreements have agreed to promote and enhance participation of the public as Non-Party Stakeholders – including civil society and indigenous peoples – to inform environmental decision-making. Here, civil society organizations, activists, and climate justice movements play an important role in global climate governance by informing the general public and representing marginalized and vulnerable parts of the population. In other words, civil society bridges the negotiation rooms with the broader society focusing on socially just and democratic outcomes.

Unfortunately, civil society, especially from the global South, faces serious limitations to participating in global climate talks. And despite the obstacles to getting access, participation of representatives from NGOs and IGOs has

ranged from appr. 8000 at COP25 to appr. 11000 at COP27, mirroring the general increase in COP participants in the last years¹. However, as many has previously pointed to, and as this analysis will lay out, meaningful and inclusive access and participation of civil society continues to be a question of availability of travel funds, access to information about ways to contribute, being given space to speak, be heard and engage in negotiations. Furthermore, the shrinking of civic space globally and attacks on environmental defenders poses a threat to participation². Some of the challenges of civil society's access and participation at COP27, and recommendations for what UN Member States and the UNFCCC can do to enhance the participation framework for global climate policy processes for future COPs, will be outlined in the following.

ENHANCE CLIMATE PUBLIC PARTICIPATION

Parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement.

Paris Agreement, art. 12 (ACE)³



- 1) UNFCCC, https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/statistics-on-participation-and-in-session-engagement
- $2\)\ Freedom\, House: \underline{https://freedomhouse.org/article/critical-role-environmental-rights-defenders-and-risks-they-face}$
- 3) UNFCCC: https://unfccc.int/sites/default/files/english_paris_agreement.pdf

1.1 CASE-BASED

Civil society holds unique knowledge and local expertise on how to "push the breaks on our collective highway to hell", as the Secretary General, António Guterres, underlined at the beginning of COP27, the most recent UN climate summit taking place in Sharm El Sheikh, Egypt, in November 2022. In preparing for COP27, both local and international civil society and media raised concerns on civil society's meaningful and inclusive access and participation at the conference. And in early October 2022, five UN special rapporteurs expressed they were alarmed by restrictions for civil society ahead of COP275.

Instead of further limiting their rights, civil society actors and human rights defenders, including those working on climate rights, must be given an opportunity to raise awareness about their views and protection needs.

Mr. Ian Fry, Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ms. Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Ms. Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights while countering terrorism, Mr. Clément Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly, and Ms. Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression⁶.

As this analysis will show, physical restrictions on-site COP27 meant civil society delegates were often not allowed into negotiation zones, and the official online platform was unstable and only allowed for one-way communication. Looking both towards COP28 and beyond, there is a great need and an opportunity to use experiences from COP27 and best practices from previous COPs and other UN conferences, to ensure meaningful inclusion and participation of civil society going forward, and among member states and civil society actors to find ways to provide and improve opportunities for participation.

1.2 METHODS OF KNOWLEDGE GATHERING

In light of the above, ensuring civil society's access to and participation in UN processes continues to be relevant for informing decision-makers on the challenges with

and importance of civil society's vital role in global policy making. Through the #UNmute-initiative, civil society organizations, a long side UN Member States, has developed recommendations, engaged in multi stakeholder coalitions, and coordinated work to improve civil society's meaningful participation and inclusion at the UN⁷.

To build on the important work of the #UNmute campaign, Global Focus conducted a small-scale case study of civil society's access and participation at COP27. Here, both quantitively and qualitative data was collected during the second week of COP27 and the following two weeks. A survey with 36 anonymous civil society respondents from different regions of the world, reached through an international network of civil society organizations, was conducted. Furthermore, five interviews were conducted in Sharm El Sheikh with climate and/or rights activists diving into their specific challenges with and opportunities for accessing and participating meaningfully at COP27.

Although it is small-scale, the civil society experiences, on which the following analysis is based upon, does shed light upon relevant points on civil society's access and participation at COP27 and back up general concerns raised by civil society actors about COP processes in general with data. Following this, the analysis can be used for further studies, advocacy, and as a reference point for actors working on civil society at COPs.

1.3 ROADMAP

The purpose of this analysis is to shed light on barriers for civil society to be able to fully take their role at COP-events and what needs to be done to improve meaningful participation. Based on the collected data by Global Focus at COP27, the analysis falls into three sections: First, access to COP27 is analyzed focusing on issues experienced in the periods leading up to the conference. This includes lack of information, ensuring visas and funding, and challenges with accommodation. Next, the analysis investigates the issues which civil society organizations experienced during COP27 resulting in limited participation. This includes lack of possibilities for active engagement, lack of access to negotiation rooms, lack of provided overflow rooms and a poorly functioning tech-platform. Finally, the analysis concludes by suggesting a list of recommendations to reduce barriers for a just and necessary civil society participation at future COP-events.

⁴⁾ The Guardian: https://www.theguardian.com/environment/2022/oct/31/egypt-cop27-showcase-charms-sharm-el-sheikh-protest-mall

⁵⁾ OHCHR: https://www.ohchr.org/en/press-releases/2022/10/egypt-un-experts-alarmed-restrictions-civil-society-ahead-climate-summit

^{6)} UN: https://news.un.org/en/story/2022/10/1129332

 $^{7 \) \} FORUS: \underline{https://www.forus-international.org/en/custom-page-detail/76243-unmute}$



2. ACCESS TO COP27

COP27 was the largest COP in history with more than 49.704 participants⁸. This included 636 fossil fuel industry delegates, a number which went up 25% in 2022 from the previous year⁹. But granting access to the COP venue in the first place continues to pose a challenge to many civil society actors. The data from the survey and interviews shows challenges at three levels: i) obtaining information and accreditation through the UNFCCC or a national delegation, ii) securing funding and successfully applying for and receiving a visa for the host country, and iii) booking and checking into decent accommodation.

2.1 INFORMATION AND ACCREDITATION

Often times, challenges with access can be linked to lack of timely and adequate information. The first preparation for civil society to access COPs is to receive enough information to plan their participation. As the survey reflects, experiences by civil society shows that their preparations for COP27 were characterized by confusing and unclear messages by both the UNFCCC and the host country. This severely affected their planning e.g., for accommodation and accreditation. Concerning the latter, the civil society actors participating in the survey and interviews at COP27 were either accredited through the UNFCCC as part of an NGO, a research institute etc. or through a national delegation and thus ensured access to the COP27 premises. While obtaining accreditation through a national delegation requires a member state's invitation, a UNFCCC accreditation is given to NGOs and other Non-State Actors following a long process of proving relevant criteria.

These arrangements are of practical character, but however necessary to get access to the COPs and thus constitute the outset for civil society's participation. One of the essential roles of civil society at COPs is to link the global policy making happening inside the negotiation venues with the general public outside of it. This can e.g., be to follow the negotiations to raise public awareness, and enhance public access, as part of UNFCCC's Action for Climate Empowerment (ACE) framework. The responsibility of these processes lies both with the UNFCCC for accreditation, and with the host country for visa and accommodation. Further, it is included in the Paris Agreement's article 12 on Parties' responsibility to enhance measures for public participation and access to information. However, both the UNFCCC, the host country, as well as other UN Member States play a role in ensuring that the adequate information and governance structures for accessing COPs are in place, so that civil society, especially from the Global South, are not indirectly denied access to global climate policy making or burdened by unnecessary practical planning.

PROMOTE PUBLIC AWARENESS

In carrying out their commitments under Article 4, paragraph 1 (i), the Parties shall:

- (a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities:
 - (i) The development and implementation of educational and public awareness programmes on climate change and its effects;
 - (ii) Public access to information on climate change and its effects;
 - (iii) Public participation in addressing climate change and its effects and developing adequate responses; and
 - (iv) Training of scientific, technical and managerial personnel;
- **(b)** Cooperate in and promote, at the international level, and, where appropriate, using existing bodies:
 - (i) The development and exchange of educational and public awareness material on climate change and its effects; and
 - (ii) The development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field, in particular for developing countries.

UNFCCC, art. 6 (ACE) 10

- 8) Carbon Brief: https://www.carbonbrief.org/analysis-which-countries-have-sent-the-most-delegates-to-cop27
- 9) BBC: https://www.bbc.com/news/science-environment-63571610
- 10) UNFCCC: https://unfccc.int/resource/ccsites/zimbab/conven/text/art06.htm



2.2 VISA & FUNDING

Testimonies from civil society actors pointed to untimely information on visa requirements, as well as unclear rules for the procedures. Interviewing a representative from an Indigenous Peoples' organization, they pointed to the fact that long-winded visa procedures in many cases affected them and colleagues in attending climate conferences, and that it seldom relied on the host country but on bureaucratic visa processing in general. Further, the Guardian 11 reported on African climate activists facing multiple challenges accessing COP27 due to "confusing visa system requires people from dozens of African and Asian countries to apply for pre-approval, with no exceptions for COP27 participants, a process that can take weeks". Through the survey, some additionally highlighted the troublesome electronic visa process, with one respondent having to pay twice before obtaining it, and another directly calling it a money-making scam.

On the backdrop of the COP27 being declared an African COP¹², Nyombi Morris, a young Ugandan climate activists highlighted that many of his peers located in Africa had visas for joining COP27 but did not hold the adequate funding resources to attend. In fact, Nyombi denied the attempt to brand COP27 as an African COP: "This can't be

an African COP because there are a lot of challenges that I have witnessed which I never expected. One: many activists were left out. Even those who had accreditation. They failed to get at least funding".

Although the question of funding activists to join COP27 has not been within the scope of this small-scale survey study, it is important to highlight that funding in many cases is one of the main barriers of accessing global climate conferences and thus having the voices of the ones most affected by the climate crisis heard. Promoted as an African COP, COP27's visa processes did however not allow for meaningful inclusive, fair, and transparent participation.

2.3 ACCOMMODATION

One of the major challenges of civil society accessing COP27 was related to accommodation. Countless incidents with civil society's reservations being cancelled, often with the possibility of re-reserving it for up to five-fold of the price, were being reported following up to the conference¹³. Additionally, the survey points to how the problematic accommodation process led to stressful planning. Here, incidents of hotels breaking contracts, claiming reservations did not exist, and cancelling bookings

¹¹⁾ The Guardian: https://www.theguardian.com/environment/2022/oct/06/cop27-african-activists-climate-crisis

^{12)} African Development Bank Group: https://www.afdb.org/en/cop27

¹³⁾ The Guardian: https://www.theguardian.com/environment/2022/nov/11/like-vegas-but-worse-bemusement-week-one-cop27-sharm-el-sheikh

made over a year prior to the COP27 within a few weeks before the conference were highlighted by several civil society actors. Some also experienced trouble reserving accommodation in the first place, mentioning that the hotels which were part of the official COP27 website were fully booked at a very early stage. As some report in the survey, this led to their attendance at COP27 being thrown into uncertainty up to a few days before its beginning.

When successfully arriving for COP27, more than half of the survey responses from civil society comment on the accommodation prices when checking in – in some cases between 500 and 600 USD. per night. Here, comments on the "overpriced", "extremely expensive", and "skyrocket high" accommodation costs take up place. One points to how it seriously impeded their attendance, while another

mentions that they had to reallocate funding due to the high accommodation prices with the consequence of not having enough funding to attend COP15 in December 2022. Issues of accommodation, such as the ones highlighted through the survey, critically affect civil society actors with fewer resources. This can lead to civil society actors with regionally conditioned funding effectively being left out of the COP. And through the Aarhus Convention, Parties to it shall promote public participation in decision-making on environmental matters. However, the civil society being left out, often from children's or youth organizations, Indigenous People's representatives, women's rights organizations or independent or small-scale Global South activist, are at the same time those most affected by the climate crisis and thus the most critical to not disconnect from global climate policy development.

THE RIGHT TO ACCESS DECISION-MAKING

Each Party shall promote environmental education and environmental awareness among the public, especially on how to obtain access to information, to participate in decision-making and to obtain access to justice in environmental matters.

Each Partys shall 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.

Aarhus Convention, art. 3 14



 $14)\ \ UNECE: \underline{https://unece.org/environment-policy/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/introduction/public-participation/aarhus-convention/public-participation/aarhus-convention/public-participation/aarhus-convention/public-participation/aarhus-convention/public-participation/aarhus-convention/public-participati$

3. PARTICIPATION

One thing is getting access to the COP-event in the first place, another thing is dealing with the barriers to fully participate, and hence being able to meaningfully engage with decision-makers in the COP-process from a civil society perspective.

In a COP-context, participation relies on forms of representation whether it being through a national delegation, an academic insitution, an NGO etc. However, the data suggests that civil society participation at COP27 was limited in multiple ways, including the following three: i) Lack of participation in formal parts the programme, ii) Lack of access to negotiation room or to overflow rooms, and iii) Lack of well-functioning online platform.



3.1 PARTICIPATION IN FORMAL PARTS OF THE PROGRAMME

10 out of the 36 respondents were not able to engage actively (e.g. speak or be heard) in the parts of the formal programme to which they had formal access. This reflects a spectrum of issues that vary from practical aspects to the design of the process. For instance, participants highlighted that the sound often was so bad, that it was not possible to hear the on-going negotiations, hence making active participation meaningless. Others pointed towards the fact

that the formal sessions were designed in ways where contributions were restricted solely to Parties and not observers. Others again pointed to the difficulty of engaging with government officials throughout the programme, as many separate meetings and side-events without civil society led to their exclusion. As one of the Nigerian activists, Friday Nbani, interviewed at COP27 told: "This is the main reason why I came to the COP27. For me to get access to those negotiators. And ask them: what is the plan on loss and damage?". However, as the findings show, this active participation was in many cases severely restricted.



3.2 ACCESS TO NEGOTIATION ROOMS OR OVERFLOW ROOMS

Furthermore, civil society's meaningful participation was reduced by restricted access to the negotiation rooms. 14 of the 31 respondents who attempted to get access to negotiation rooms were denied access in all or a majority of the meetings they should have gained access to according to their badge type. This, they were informed, was in particular due to capacity restraints in the negotiation rooms whether due to lack of space, chairs, or security concerns, or due to certain quotas limiting access to negotiation rooms for CSOs. Furthermore, the survey indicates that participants, part of national delegations, have privileged access to negotiation room with all[3] reporting full access to the negotiation rooms they attempted to enter, while in contrast around half[4]

of UNFCCC-accredited observer parties in the survey got denied access in all or majority of their attempts to access the negotiation rooms.

While the side-events, where civil society often engage at COPs, does provide some opportunities and are increasingly linked directly to negotiations, thereby creating a possibility to share information and build capacity of the negotiators through civil society interaction outside the negotiation room, side-events are by no means sufficient as a way of participation. In example, Hallima Nyota, a Kenyanactivist who shared herstory at COP27, did not find the side-events proficient for engaging with government officials and parliamentarians: "But my feeling is that the aspect of world leaders having separate meetings from civil society engagement and having the side-events, it is a way of exclusion. And I think the next time we need to







think of how we can have leaders joining the discussion of civil society organizations to make concrete decisions that are all inclusive." Access to negotiations is crucial and cannot be substituted with side-event participation. The decision-making process is by the end of the day, what happens in the negotiation rooms and not in the adjacent side-events or pavilions. This is also highlighted in the 10th principle of the Rio Declaration which is closely connected to the roots of the UNFCCC and thereby also the COP processes.

As a backup solution to accessing the negotiation rooms in case of capacity restraints, participants should ideally be offered access to overflow rooms. However, in practice only 2 of the 14 respondents who witnessed being denied access to negotiation rooms experienced to be offered an overflow room every single time, and more

than one fifth¹⁵ never had access to follow the negotiations through an overflow room. Overflow rooms are a necessary backup to the actual negotiation rooms as they allow for following the negotiations, and thereby gain access to the information needed to inform the continued dialogue with parties and communicate the information to the broader public. Here overflow rooms provide a clear advantage compared to other means of following the negotiations such as the virtual platforms since you then continue to be able to engage with other observer parties and stay close to delegations. A lack of overflow rooms therefore hinders both participation and access to information. Overflow rooms are also recommended in the how-to-COP UNFCCC handbook for host countries regarding which meeting facilities that should be provided16. However, this was in many cases not sufficiently provided at COP27.

STATES SHALL FACILITATE AND ENCOURAGE PUBLIC AWARENESS AND PARTICIPATION

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Rio Declaration, principle 10 17

- 15) 21,43%. The numbers are based on the part of the sample who experienced being denied access to negotiation rooms (n=14).
- 16) UNFCCC: https://unfccc.int/sites/default/files/resource/How-to-COP_2020.pdf
- 17) UNEP: https://www.unep.org/civil-society-engagement/partnerships/principle-10



3.3 LACK OF FUNCTIONING TECH-SOLUTIONS

As a final backup solution and alternative to in-room access to negotiations or overflow rooms, a UNFCCC-virtual platform was offered at COP27 with the "purpose of making a space where participants can watch and join meetings according to their badge type, network with other participants and create self-service online meetings" Among the respondents who tried to access the platform more than half responded that they experienced issues at one or more of the sessions preventing them from meaningfully following the negotiations. Furthermore, 17 of the 24 respondents who used the tech platform experienced issues at some of the sessions they wanted to follow, hence preventing them following the negotiations meaningfully online as fluid streaming is crucial to understand the technical discussions.

Considering the length and size of a COP-event an online platform is a valuable tool for those attending it. Unfortunately, some respondents pointed to the fact that the poor internet connection at the COP27 venue at times made following the negotiations impossible.

A long list of issues was mentioned in the survey including issues with translators, disappearing links to the negotiation sessions, as well as observers being excluded from connection when formal end-time was reached despite ongoing in-room negotiations. In sum, these poor functional practicalities can have considerable impact on participants' ability to follow the negotiations. This is problematic, especially considering the issues with getting access to negotiation rooms and overflow rooms. Furthermore, these issues

were experienced by the people actually present at the COP, leading to fear that it was even more problematic for civil society not able to travel to COP27.

As the data underlines, civil society organizations were facing numerous challenges before COP27 which complicated their participation severely. As highlighted, planning participation, visa application, and accommodation all require a reliable flow of information which, if not provided, is a clear barrier to access. In addition, expensive accommodation, scarce funding, and bureaucratic processes further reduce access. During the COP-event, lack of possibilities for engagement in the formal part of the programme, lack of access to negotiation rooms, limited overflow rooms and a poorly functioning online-platform all reduced the meaningful and inclusive participation for civil society organizations.

Echoing the recommendation of the UN Special Rapporteur on Freedom of Peaceful Assembly and of Association, Clément Nyaletsossi Voule, for Member States "[To] ensure civil society participation in climate summits and negotiations, both by providing official opportunities for participation and by pushing Governments hosting these events to respect the rights of environmental activists", the adopted framework is not properly implemented for civil society's inclusive and meaningful participation – let alone being improved beyond that. With this, and as this analysis' findings shows, enhanced access and participation for civil society organizations must be a priority on the agenda for state parties as well as host countries and the UNFCCC. Based on the analysis, the following recommendations are suggested to ensure civil society's vital role at COPs in the future.

4. CONCLUSION

4.1 RECOMMENDATIONS TO UN MEMBER STATES AND THE UNFCCC TO ENSURE CIVIL SOCIETY'S VITAL ROLE AT COPS

1. ADVANCE ACCESS AND FUNDING FOR GLOBAL SOUTH ACTORS

- Ensure access, including visas and badges, for especially global South and local, independent civil society organizations
- Make available global or national funding opportunities to cover or support travel and accommodation costs for local civil society representatives –especially youth, Indigenous Peoples' representatives and women and feminist's groups -from the global South
- Make affordable accommodation available for civil society groups

2. ENSURE CIVIL SOCIETY'S MEANINGFUL AND INCLUSIVE PARTICIPATION

- Make space for observers to speak, be heard, and engage actively in all parts of the official programme they have been cleared to observe
- Provide adequate access to on-site meeting rooms to allow for representatives from civil society to meet with national delegations in person or online e.g. through facilities in country pavilions
- Ensure enough space for observes in negotiation rooms, as well as in overflow rooms, for civil society representative to meaningfully follow the negotiations

3. IMPROVE TECH SOLUTIONS AND SHARING INFORMATION

- Ensure an open flow of information prior to COP28, in order for civil society actors to get insight in the process and possibilities for participation and have time to plan their participation and activities in due time both online and on site
- Ensure the opportunity for civil society representatives located outside of the Blue Zone, to participate online and to speak, be heard and engage actively in all negotiations they would have had access to as on-site observers
- Maximize the opportunities and advantages of information and communications technology and digitalization in in preparing for and during COP





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