

## **Joint civil society submission on establishing a UNFCCC Accountability Framework to protect against undue influence of polluting interests**

August 17, 2022

This submission is made as part of the process to strengthen observer engagement in the United Nations Framework Convention on Climate Change (UNFCCC),<sup>1</sup> particularly in relation to agenda items 1 (observer organizations), 2 (representation and equitable access), and 4 (current modes of observer engagement)- see Annex 2 for more detail. This submission and its recommendations are made collectively by DCJ-ENGO, YOUNGO, CAN, WGC and TUNGO constituencies. It also draws extensively from previous submissions or public positions produced by ENGO-DCJ, ENGO-CAN and other constituencies on relevant topics over recent years.<sup>2 3</sup>

It is also endorsed jointly by 126 individual UNFCCC observer and other civil society organizations or networks, the full list of which is in Annex 1.

### **Climate action will always be inadequate if polluting interests are allowed to obstruct**

The global community is in the throes of a climate crisis that is already affecting millions of lives around the world. Global action to address climate change has been far too slow and far too unambitious. Without an urgent and equitable alteration of course, we are on track to exceed 3 degrees Celsius of warming from pre-industrial levels, locking in decades of human suffering and the death of ecosystems.<sup>4</sup> The latest scientific reports produced by the Intergovernmental Panel on Climate Change (IPCC) illustrate in great detail how dire the situation is for humanity and ecosystems and the consequences to lives and livelihoods if world governments continue to fail to collectively and adequately rise to the challenge.<sup>5 6 7</sup> The most recent IPCC scientific report also documents how fossil fuel interests are the primary obstacle to accessing and implementing the solutions we need. Still, this finding was omitted from the IPCC's Summary for Policymakers.<sup>8</sup>

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

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<sup>1</sup> "Process to strengthen observer engagement in the UNFCCC," United Nations Framework Convention on Climate Change, accessed July 26, 2022, <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/process-to-strengthen-observer-engagement-in-the-unfccc-0>

<sup>2</sup> "Joint civil society submission on 'progress in the implementation of the SBI conclusions on non-Party stakeholder engagement with a view to considering how such engagement can be further enhanced,'" accessed July 26, 2022, <https://www.corporateaccountability.org/wp-content/uploads/2018/02/for-online-Final-Joint-CSO-submission-AIM-Feb2018-1.pdf>

<sup>3</sup> "Climate Action Network Position on Conflicts-of-interest and polluting industry obstruction of climate policy in the UNFCCC Process April 2020," Climate Action Network, accessed July 26, 2022, [https://climatenetwork.org/wp-content/uploads/2020/11/can\\_position\\_on\\_conflicts\\_of\\_interest-2.pdf](https://climatenetwork.org/wp-content/uploads/2020/11/can_position_on_conflicts_of_interest-2.pdf)

<sup>4</sup> United Nations, "UN emissions report: World on course for more than 3 degree spike, even if climate commitments are met," November 26 2019, <https://news.un.org/en/story/2019/11/1052171>

<sup>5</sup> IPCC, 2022: Climate Change 2022: Mitigation of Climate Change. Working Group III contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, <https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/>

<sup>6</sup> IPCC, 2022: Climate Change 2022: Impacts, Adaptation, and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, <https://www.ipcc.ch/report/sixth-assessment-report-working-group-ii/>

<sup>7</sup> IPCC, 2021: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>

<sup>8</sup> Amy Westervelt, "IPCC: We can tackle climate change if big oil gets out of the way," The Guardian, April 5, 2022, <https://www.theguardian.com/environment/2022/apr/05/ipcc-report-scientists-climate-crisis-fossil-fuels>

others, drive the use and expansion of emissions-intensive products. Climate action will continue to fail to meaningfully address the climate crisis as long as polluting interests are granted unmitigated access to policymaking processes and are allowed to unduly influence and weaken the critical work of the UNFCCC. In the words of the UN- Secretary General, “We seem trapped in a world where fossil fuel producers and financiers have humanity by the throat”.<sup>9</sup> Any shot at “keep[ing] the 1.5c target alive”<sup>10</sup> and avoiding an “atlas of human suffering”<sup>11</sup> hinges on systematically addressing the undue influence of polluting interests, and implementing procedures to protect against the conflicts of interest introduced when actors with private, polluting interests are allowed direct and unmitigated access to UNFCCC processes and activities.

### **Now is the moment the UNFCCC must protect its mandate from polluting interests undermining it**

*We recommend that to preserve the possibility of the UNFCCC delivering on keeping global temperature rise to below 1.5 degrees Celsius as promised in the Paris Agreement, we urgently request the Secretariat to review the “Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change.”<sup>12</sup> To be effective and fit for purpose in an era of climate emergency, and to be aligned with both the evidence based and best practice, this revision should introduce a rigorous UNFCCC Accountability Framework to guide engagement with representatives from non-governmental organizations which includes:*

- 1) Setting a definition of what constitutes a ‘conflict of interest’ (COI)*
- 2) Setting protocols that comprise the Accountability Framework, including i) determining criteria for distinguished types of representatives and non-party stakeholders; ii) establishing rules of engagement; iii) and providing guidance on handling potential conflict of interest cases across existing representatives or new applicants.*
- 3) Establishing COI accountability mechanisms to enforce and monitor the Accountability Framework.*

*The framework should prevent entities with private, polluting interests from unduly influencing or undermining UNFCCC activities and processes through their engagement as representatives of non-governmental organizations; strengthen the process for admission and accreditation of observers within the UNFCCC and its convenings; and draw on established international precedents, including from other UN bodies and applies them to the UNFCCC context.*

*It is critical that this revision comes into effect by COP27, and be used to guide all engagement of representatives of non-governmental organizations in UNFCCC processes or activities moving forward. Should this not be possible by COP27, transitional steps to come into effect for COP27 are proposed at the end of this document.*

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<sup>9</sup> Fiona Harvey, “Fossil fuel firms ‘have humanity by the throat’, says UN head in blistering attack,” The Guardian, June 17, 2022, <https://www.theguardian.com/environment/2022/jun/17/fossil-fuel-firms-un-head-antonio-guterres-blistering-attack>

<sup>10</sup> COP27, “Egypt Goals: Mitigation,” accessed July 26 2022 <https://www.cop27.eg/vision.html#goals>

<sup>11</sup> Zack Colman, Karl Mathiesen, Zia Weise, “Landmark climate report details ‘an atlas of human suffering’,” Politico, February 28, 2022, <https://www.politico.eu/article/landmark-climate-report-details-an-atlas-of-human-suffering/>

<sup>12</sup> UNFCCC Secretariat, ‘Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change’ (October 2017), [https://unfccc.int/sites/default/files/guidelines\\_for\\_the\\_participation\\_of\\_ngos.pdf](https://unfccc.int/sites/default/files/guidelines_for_the_participation_of_ngos.pdf)

More detail on these recommendations is elaborated below.

### **Existing measures to manage conflicts of interest of polluting actors alarmingly weaker than existing precedents**

Despite an abundance of local to global and UN-level precedents, the UNFCCC has yet to take adequate steps to manage the risks associated with conflicts of interest that can and do occur when engaging with non-Party stakeholders and representatives from non-governmental organizations that have private, polluting interests that contradict the public mandate and objectives of the UNFCCC. Strangely, this is even despite other UNFCCC internal procedures that do acknowledge the risk of and take some steps to address conflicts of interest in other aspects of the UNFCCC infrastructure.<sup>13</sup> Without adequate procedures to safeguard against the conflicts of interest introduced when engaging with non-Party stakeholders representing private, polluting interests (including relevant observers), the entire legitimacy of the UNFCCC remains at risk.<sup>14</sup>

Luckily, there exists an abundance of useful precedents from across the world from which to draw inspiration. These include but are in no way limited to the World Health Organization's (WHO) Framework for Engagement of Non-state Actors (FENSA),<sup>15</sup> the World Health Organization's Framework Convention on Tobacco Control (FCTC).<sup>16</sup>

Yet, at present, the UNFCCC's existing procedures related to engagement of representatives of non-governmental organizations leave a wide gap for polluting interests to undermine and weaken UNFCCC processes.

For example:

- 1) The requirements for becoming an official observer to the UNFCCC are simply that an organization is legally registered as a non-profit organization, and that it works on matters related to climate change.<sup>17</sup> Unfortunately, admitted observer organizations currently include those that directly or indirectly represent the interests of polluting corporations such as BP and Shell,<sup>18</sup> as well as other polluting corporations from the industries most responsible for the majority of global greenhouse gas emissions to-date.<sup>19</sup>

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<sup>13</sup> UNFCCC Secretariat, 'UNFCCC Secretariat Guidelines for Partnership' (29 March 2017) UN Doc B/2017/1 [https://unfccc.int/sites/default/files/b\\_2017\\_1\\_unfccc\\_guidelines\\_for\\_partnership\\_final.pdf](https://unfccc.int/sites/default/files/b_2017_1_unfccc_guidelines_for_partnership_final.pdf)

<sup>14</sup> Dambacher, BMR, Stilwell, MT and McGee, JS 2019, 'Clearing the air: avoiding conflicts of interest within the United Nations Framework Convention on climate change', *Journal of Environmental Law*, 25 <https://academic.oup.com/jel/article-abstract/32/1/53/5511704?redirectedFrom=fulltext>

<sup>15</sup> WHO, 'Framework of Engagement with Non-State Actors' (28 May 2016) WHA Doc A69/10, annex I. [https://apps.who.int/gb/ebwha/pdf\\_files/wha69/a69\\_r10-en.pdf](https://apps.who.int/gb/ebwha/pdf_files/wha69/a69_r10-en.pdf)

<sup>16</sup> WHO Framework Convention on Tobacco Control, 'Guidelines for implementation of article 5.3' (1 January 2013) Doc FCTC/16.1 <https://fctc.who.int/publications/m/item/guidelines-for-implementation-of-article-5.3>

<sup>17</sup> UNFCCC, 'UNFCCC standard admission process for non-governmental organizations (NGOs)' v1.06.17 [https://unfccc.int/files/parties\\_and\\_observers/observer\\_organizations/application/pdf/unfccc\\_standard\\_admission\\_process\\_ngos.pdf](https://unfccc.int/files/parties_and_observers/observer_organizations/application/pdf/unfccc_standard_admission_process_ngos.pdf)

<sup>18</sup> Matt McGrath, "COP26: Fossil fuel industry has largest delegation at climate summit," BBC, 8 November, 2021, <https://www.bbc.com/news/science-environment-59199484>

<sup>19</sup> Ekwurzel, B., Boneham, J., Dalton, M.W. *et al.* The rise in global atmospheric CO<sub>2</sub>, surface temperature, and sea level from emissions traced to major carbon producers. *Climatic Change* 144, 579–590 (2017). <https://doi.org/10.1007/s10584-017-1978-0>

- 2) Observers and non-governmental representatives representing and beholden to polluting interests are currently not required to disclose any potential or actual conflict of interest before engaging, participating, presenting, speaking, or being honoured on a panel, presentation, side event, award ceremony or other activity associated with the UNFCCC.
- 3) Existing procedures and policies do not draw any distinction between the treatment of different types of non-Party stakeholders or representatives of non-governmental organizations, with rules of engagement applying uniformly to each constituency despite the interests and therefore the risks of engagement with public vs private actors not being uniform.
- 4) There is currently no recognition of the impossibility of inviting private funding into the UNFCCC because of the inherent dangers of interacting with the private sector, especially in regards to policy making and the acquisition of resources. This includes public-private partnerships, sponsorship, human resource capacity such as staff secondments and consulting contracts, etc.

It is in the interests of the UNFCCC to ensure strong procedures that address and manage the risk for conflicts of interest. Encouraging unmitigated participation of entities that represent private, polluting interests that are beholden to spur business activities that rely on continuing to fuel climate change and contribute significantly to greenhouse gas emissions introduces a fundamental institutional conflict of interest. In effect, failing to address this issue equates to inviting some of the actors historically and currently most responsible for climate change to obstruct and influence the policy processes that aim to address it. Without removing this obstruction, just solutions cannot take hold.

**Recommendation: establish a UNFCCC Accountability Framework for engagement with representatives of non-governmental organizations**

We encourage the UNFCCC Secretariat to undertake an inclusive (centering public-interest organizations), evidence-based revision of the guidelines for participation through the **process to strengthen observer engagement in the UNFCCC that is happening over the course of 2022.**<sup>20</sup> The “Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change”<sup>21</sup> (‘guidelines for participation’) should be comprehensively revised and come into effect by COP27.<sup>22</sup> It is our understanding that these guidelines were originally produced within the mandate of the Secretariat in 2003 and then again revised by the Secretariat in 2017, so there is a clear precedent that demonstrates this recommendation lies within the scope and mandate of the Secretariat to take steps to further revise and strengthen their guidance for enhancing engagement.

Importantly, these guidelines for participation should serve as a basis for guiding engagement with the different types of representatives from non-governmental organizations for UNFCCC activities and processes. Therefore, it should also be considered how this revision of the guidelines for participation could also institutionalize agreements reached

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<sup>20</sup> “Process to strengthen observer engagement in the UNFCCC,” United Nations Framework Convention on Climate Change, accessed July 26, 2022, <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/process-to-strengthen-observer-engagement-in-the-unfccc-0>

<sup>21</sup> UNFCCC Secretariat, ‘Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change’ (October 2017), [https://unfccc.int/sites/default/files/guidelines\\_for\\_the\\_participation\\_of\\_ngos.pdf](https://unfccc.int/sites/default/files/guidelines_for_the_participation_of_ngos.pdf)

<sup>22</sup> Should this not be possible transitional steps are presented below the recommendations to come into effect for COP27 while longer-term work is taken if needed.

through other aspects of the process to strengthen engagement more broadly, including on equitable access, admission, principles of participation etc. Equally importantly, this framework should not be looked at as comprehensive, but as a foundation to be laid that must continue to be built upon.

**Particularly and in light of the climate emergency, the definition and framework should be designed to guide engagement with different types of representatives and/or their organizations that are closely involved in, have close, direct or financial relationships with, or partner closely with entities whose profit-making depends on activities that harm the climate, including through the use and expansion of emissions-intensive products. Such actors include individuals, corporations, trade associations or industry groups that have a duty to serve a private interest that is in direct contravention of the public-facing mandates of the UNFCCC, whose aim is to “prevent ‘dangerous’ human interference with the climate system.”<sup>23</sup>**

The revised guidelines for participation should introduce a **UNFCCC Accountability Framework (Accountability Framework)** to Manage Conflicts of Interest when engaging with representatives of non-governmental organizations. This Accountability Framework should include:

**1. A definition of what constitutes a conflict of interest (COI).**

The guidelines should define a COI in a way that recognizes that the integrity and objectives of an individual or institution become fundamentally compromised when they engage with actors whose financial/vested/private interests (or the interests of those they represent) place the individual or institution in an irreconcilable conflict with the public mandate they are beholden to serve. This definition should clearly define varying forms of conflict of interest that inherently risk or compromise the UNFCCC’s integrity, namely the UNFCCC’s interest and the conflicting interest of a non-state actor. In the context of the guidelines for participation, a definition should be established, such as:

- *“A COI may arise where the UNFCCC’s primary interest, as reflected in the objective, purpose and principles of the Convention and any protocol or agreement adopted thereunder, may be unduly influenced by the conflicting interest of any body, agency or other entity, or any representatives thereof, in a way that affects, or may reasonably be perceived to affect, the independence and objectivity of the UNFCCC’s work.”<sup>24</sup>*

**2. A set of protocols that comprise the Accountability Framework and which:**

**i. Recognize and set criteria for determining the distinguished types of representatives and non-Party stakeholders in order to determine a potential or actual COI.**

Particularly, the guidelines for participation should distinguish between those with a public interest whom have a duty to serve the mandate of the UNFCCC and whose primary aim is to “prevent ‘dangerous’ human interference with the

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<sup>23</sup> “What is the United Nations Framework Convention on Climate Change?” United Nations Framework Convention on Climate Change, accessed July 28, 2022, <https://unfccc.int/process-and-meetings/the-convention/what-is-the-united-nations-framework-convention-on-climate-change#:~:text=The%20UNFCCC%20entered%20into%20force,ultimate%20aim%20of%20the%20UNFCCC>

<sup>24</sup> Dambacher, BMR, Stilwell, MT and McGee, JS 2019, 'Clearing the air: avoiding conflicts of interest within the United Nations Framework Convention on climate change', Journal of Environmental Law, 22 <https://academic.oup.com/jel/article-abstract/32/1/53/5511704?redirectedFrom=fulltext>



climate system”, versus those with a polluting and private interest whose legal, financial, contractual, or profit-seeking duty requires them to maximize profit for shareholders through activities that contribute substantially to greenhouse gas emissions or harm the climate and therefore is in direct contravention with the public-facing mandates of the UNFCCC.<sup>25</sup> The risk that private, polluting interests pose in undermining, weakening or compromising the integrity of UNFCCC processes and activities should be considered in the process of distinguishing between these types of representatives.

These representatives include but are not limited to industry trade associations, groups with another identity that are fronting for businesses, industry groups, and other actors that represent the interests of those that are bound to a profit-making motive that depends on activities that harm the climate and/or use emissions-intensive products. This also includes but is not limited to representatives from public-interest NGOs, academic and research institutions, and other public-interest entities if they have ties (financial or otherwise) to said industries. In addition, the risks of all actors with some form of engagement or ties is not the same, e.g. that of a trade union representing workers in the fossil fuel company that is transitioning out of energy intensive production compared to an executive from a polluting corporation that is blocking or defending climate action. The guidelines for participation should therefore distinguish between these types of representatives and consequently explain what constitutes a potential COI case.

**ii. *Establish rules of engagement across the distinguished type of actors.***

Once the distinguished types of representatives have been determined, rules of engagement should determine the level of access and influence that each distinguished representative is granted within the UNFCCC. This should draw on existing evidence and established best-practice, and differentiate the different types of engagement acceptable with each set of actors, taking into account the differing public or private, polluting interests. The guidelines for participation should clearly define what types of access and interactions are acceptable and unacceptable across the varying types of actors within UNFCCC processes and activities. Where a potential COI exists or is identified, the guidelines for participation should manage and where necessary restrict engagement, representation, access to and influence over norm-and standard-setting activities of the UNFCCC<sup>26</sup>, as well as relevant events such as press conferences, side events, ceremonies etc, as these

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<sup>25</sup> For reference, see distinction between non-state actors, types of participation, and definitions on 'primary' vs 'secondary' interests: WHO, 'Framework of Engagement with Non-State Actors' (28 May 2016) WHA Doc A69/10, annex I [https://apps.who.int/gb/ebwha/pdf\\_files/wha69/a69\\_r10-en.pdf](https://apps.who.int/gb/ebwha/pdf_files/wha69/a69_r10-en.pdf)

<sup>26</sup> Representatives and their organizations can play varying roles and have varying interactions within the UNFCCC. These interactions vary from implementation support; public-private partnerships, or PPPs; private-sector sponsorships; privatisation and deregulation programs; interchange of personnel between private and public sectors (revolving doors); participation in pre-negotiations; Lobbying; participating via state delegations and in some cases negotiating on behalf of governments; and norm-and standard-setting, (i.e. on the board of official bodies e.g. Green Climate Fund or the Technology Executive Committee). For example, norm-setting is the prerogative of sovereign States. It is therefore acceptable for public interest NGOs and their representatives with no industry-related COI to provide input into decision-making processes, and to be granted access to a transparent process. It is unacceptable, however, for business-interest NGOs or actors and their representatives with a secondary private interest in corporations/industries that would be affected by the norms to have any access to or influence in these processes.

actors are in an irreconcilable conflict with the public mandate they are beholden to serve.

iii. ***Provide guidance on handling potential COI cases.***

While rules of engagement can set the standard for an Accountability Framework, the guidelines for participation should also provide guidance for rules and procedures on how it plans to handle a potential case of COI across:

i. ***Existing representatives of non-governmental organizations engaging within the UNFCCC;***

For potential COI across existing representatives, the guidelines for participation could adopt a differentiated approach similar in spirit to the WHO's FENSA, "with separate policies dealing with the specific risks of engagement that may arise with different types of observers, such as representatives of private sector entities."<sup>27</sup>

In order to identify potential COI cases, the guidelines for participation should require representatives to submit individual and organizational declarations of interests (DOI) prior to participation in any UNFCCC activity or process, and require the disclosure of polluting industry affiliations over the past 10 years.

To adhere to existing best practice, it is critical this information be publicly available to enhance transparency and inclusiveness. As COIs are identified and declared, following established precedents engagement with the relevant individual or actor must be managed using the framework to protect against the risk or threat of undue influence. Statements submitted by those entities approved to participate after the screening process must be made publicly accessible for at least 5 years.

ii. ***New applications for representation within the UNFCCC admission process.***

In order to introduce new or unnecessary risk of new cases of COI and strengthen the admission process, the guidelines for participation should exclude the admission of observers and their representatives with a potential or perceived COI, as determined by the type of representative and rules of engagement, as described above. Specifically, the guidelines for participation should include duty of care in screening, requiring new applicants to submit a statement of competence including at the least how the proposed representative or organization "advance[s] the objective, purpose and principles of the Convention and any protocol or agreement adopted thereunder, and a declaration that the representative, body or agency has no COI."<sup>28</sup> Such a statement should be submitted at least 1 month prior to the relevant activity or process wherever possible, to allow time for in-depth screening.

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<sup>27</sup> Dambacher, BMR, Stilwell, MT and McGee, JS 2019, 'Clearing the air: avoiding conflicts of interest within the United Nations Framework Convention on climate change', Journal of Environmental Law, 25 <https://academic.oup.com/jel/article-abstract/32/1/53/5511704?redirectedFrom=fulltext>

<sup>28</sup> Ibid, 22

Specifically, the screening process should be designed to gain a clear and comprehensive understanding of the representative and their body or agency seeking admission through duty of care commitment, and include individual and institutional declarations of all industry affiliations of financial or non-financial type in the past 10 years and applied across the board to all new applicants in order to help distinguish the type of representative. The screening process should also include implementation of due steps if potential or perceived COI is disclosed. To follow existing precedents, those with a potential or declared COI should not be granted observer status. Statements submitted by those entities approved to participate after the screening process must be made publicly accessible for at least 5 years.

The UNFCCC Secretariat should have the authority to revoke or deny the observer status of any non-state actor if any potential, perceived, or real conflict of interest is determined.

**3. *Establish COI accountability mechanisms to enforce and monitor the Accountability Framework.***

To complement requirements for existing and new organizations and representatives, an Accountability framework would need to be able to enforce and monitor potential cases of COI for effective implementation. This includes creating a procedure for identifying “areas where COI’s are more likely to arise or prove more damaging to the UNFCCC, as exemplified in the OECD Guidelines and the WHO’s FENSA.”<sup>29</sup> This also includes carrying out regular risk assessments of representatives and their engagements, to ensure that “the benefit of their engagement outweighs the residual risks.”<sup>30</sup> The guidelines for participation should also make clear any effort for monitoring, including the production of a regular report on the admissions process, for example, or by making it mandatory to enter information on the representative and their organization's objectives, activities, funding sources and affiliations via the UNFCCC’s public register.

**4. *Recommend Parties apply the Accountability Framework more broadly.***

As implementing the Accountability Framework is effective, follows best practice and evidence, and is not capacity intensive, the Secretariat should share the guidelines for participation with Parties ahead of SB58 for further consideration of where and how such a precedent should be further applied and developed further to more holistically and effectively address the undue influence of polluting interests and preserve the integrity of the UNFCCC.

In general, the Accountability Framework should not be looked at as comprehensive, but as a foundation to be laid that must continue to be built upon.

**Transitional steps towards COP27**

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<sup>29</sup> Ibid, 23

<sup>30</sup> Ibid, 24



Though we believe the recommendations above are both critical and urgent, given the scale of the crisis the UNFCCC seeks to address, should it prove unfeasible to establish the UNFCCC Accountability Framework by COP27, we urge these transitional steps- which are low cost, low-capacity, and effective- be established with urgency in time for COP27:

- 1) All observer organizations and individuals seeking accreditation through them should complete an online declaration of interest (DOI) prior to their accreditation for or participation in COP27, in accordance with the parameters outlined above. This should require the disclosure of polluting industry affiliations or other forms of relationship over the past 10 years.
- 2) Statements submitted by those entities approved to participate after the screening process must be made publicly accessible for COP27 and for at least 5 years after.
- 3) All individuals or representatives of non-governmental organizations that declare or are determined to have a potential or perceived COI should not be allowed to present or participate in, or, at an absolute minimum, should be required to publicly disclose verbally and in writing their COI before participating in any activity.

These transitional steps must be deployed as a first step and not the final step, as all the other above steps will be necessary to protect against polluting interests.

## ANNEX 1

The following 126 individual UNFCCC observer and other civil society organizations jointly make this submission, in addition to the constituencies listed at the top of this submission.

198 methods

350 Hawaii

350 Silicon Valley

[350.org](http://350.org)

3D Africa Organization

Activismo Ambiental Potosino

Agricultural Expertise Center

ALTSEAN-Burma

Amazon Watch

Amigos de la Tierra

ARRCC (Australian Religious Response to Climate Change)

Asha Parivar

Asian Peoples Movement on Debt and Development (APMDD)

Association Nigérienne des Scouts de l'environnement (ANSEN)

Baby Milk Action

Biofuelwatch

BUNDjugend (Young Friends of the Earth Germany)

Center for Biological Diversity

Centre Europe - Tiers Monde (CETIM)

Centre for 21st Century Issues

Centre for Citizens Conserving Environment & Management (CECIC)

Centre for Climate Safety

Centre for Environmental Justice

Centre for Natural Resource Governance

Centre pour la Justice Environnementale Togo

Cherish Aid

Citizen's Network For Community Development Zambia

Clean Energy Action

Climate Action Parry Sound

Climate Change Network Nigeria (CCNN)

Climate Justice Programme  
Climatemama  
CNS  
CODEPINK  
Connected Advocacy  
Consumer Information Network  
Corporate Accountability  
Corporate Accountability & Public Participation Africa  
Corporate Europe Observatory  
Dialogue and Peaceful Coexistence Committee  
Dibeen For Environmental Development  
Disability Support and Rehabilitation Centre  
EarthRights International  
Eco Action Families  
EDEN center  
Educating Girls and Young Women for Development (EGYD)  
Egerton University  
Elseidi Law Firm  
Empower Our Future  
Enable the disable action EDA  
Endorois Indigenous Women Empowerment Network  
Endorois Welfare Council (EWC)  
Environmental Defence Canada  
ESCR- Net  
Faith for the Climate  
FFF MAPA (Fridays for future MAPA)  
FIAN International  
Foundation for the Conservation of the Earth  
FrackBustersNY  
Friday for the future Goma  
Fridays For Future Windhoek  
Fridays for Future- Sierra Leone  
Friends of the Earth International  
Friends of the Earth Scotland  
Fundación Promoción Humana

GAIA - Global Alliance for Incinerator Alternatives  
Global Climate Change Foundation (GCCF)  
Global Forest Coalition  
Global Initiative for Economic, Social and Cultural Rights  
Global Witness  
Golden Change for Concerned Youth Forum (GCCYF)  
Grand(m)others Act to Save the Planet GASP  
Green Climate Campaign Africa  
Green Habitat Botswana  
Greenbelt Climate Action Network  
Health Care Without Harm  
Home of Sibuyan Island Peoples (with Living Laudato Si' Philippines)  
Honor the Earth  
Human and Nature Youth Club  
Ibfan-Gifa  
Indigenous Environmental Network  
Institut Prometheus pour la Démocratie et les Droits Humains (IPDDH)  
Inter-Religious Council of Uganda  
International Baby Food Action Network  
International Federation for Human Rights  
International Student Environmental Coalition  
IWRAP Asia Pacific  
JEI  
Klima Action Malaysia (KAMY)  
Korea Federation for Environmental Movements(KFEM)  
Labor/Community Strategy Center  
LASNET(Latin American Solidarity Network)  
Leave It In The Ground (LINGO)  
Lok Shakti Abhiyan  
Long Beach Alliance for Clean Energy  
Magna Youth Action  
Manushya Foundation  
Medico International  
North Country NYPAN  
Online Knowledge Society

Pacific Environment  
Pakistan Fisherfolk Forum  
Palawan State University  
People for a Healthy Environment  
Planetary Health Hub - Netherlands  
PODER  
Polluters Out  
Project on Organizing, Development, Education, and Research  
(PODER)  
Reclame Fossielvrij / Fossil Free Advertising  
Refugee Together For Social Transformation  
Renewable Energy and Environmental Sustainability for Africa Initiative  
Smart Youth Network initiative  
Social Tipping Point Coalitie  
Somali Greenpeace Association  
Somali Youth Development Foundation  
Third World Network  
Transparency International  
treetify  
United Youth Initiative for Africa - UNIYIA  
Vision for Alternative Development  
Vision for Alternative Development (VALD)  
Wate Justice & Gender  
Wings for Amazon Project  
WomanHealth Philippines  
Women Rising Radio/Media  
Youth For Climate Turkey  
Zorg voor Klimaat - Dutch Climate & Health network

## ANNEX 2

### How these recommendations relate to the process to strengthen engagement of observers in the UNFCCC

This submission is made as part of the process to strengthen observer engagement in the United Nations Framework Convention on Climate Change (UNFCCC),<sup>31</sup> particularly in relation to agenda items 1 (observer organizations) and 2 (representation and equitable access). Specifically:

#### 1. Agenda item 1 (observer organizations)

##### 1.1 What are the roles of Constituencies?

This submission details the threats to the UNFCCC and climate action that exist when actors representing polluting interests that are in conflict with the UNFCCC objectives are allowed direct access to its processes, policymaking, and activities, and also what is at stake if actors with conflicting interests are allowed to continue to engage in the process with these risks unmitigated.

The role of Constituencies and particularly their respective members should and must be to promote, preserve, and help deliver the objectives of the UNFCCC. In order to reasonably be said to do this, an actor's legal, financial, relational, or organizational interests must also be aligned with the objectives of the UNFCCC. If they have private, profit-driven, polluting interests that by definition contradict with UNFCCC objectives, they cannot reasonably be seen to act in alignment with them as they are bound to represent and advance interests that contradict the UNFCCC's. These factors and conditions must be taken seriously when considering the role of Constituencies and their members.

##### 1.5 Different Constituencies play different roles. Should there be a differentiation with regards to access and participation based on those roles?

As this submission makes clear, there should be a clear distinction between different Constituency members with regards to access and participation based on public and private, polluting interests. Such a distinction is needed to preserve the integrity of the UNFCCC.. If a member is beholden to private, polluting, profit-driven interests then engagement with them introduces a potential or perceived conflict of interest as described in the recommendations above. Per best practice, the respective Constituency members should not be allowed access to UNFCCC processes and activities. The rest of this submission provides a clear rationale for why such an approach is needed.

The purpose of this approach is to remain inclusive to those who advance the mandate of the UNFCCC, while upholding the integrity of the UNFCCC. The objective is to ensure that those and only those whose interests are aligned with public

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<sup>31</sup> "Process to strengthen observer engagement in the UNFCCC," United Nations Framework Convention on Climate Change, accessed July 28, 2022, <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/process-to-strengthen-observer-engagement-in-the-unfccc-0>



interests and climate action are able to engage effectively without said action being threatened, weakened or undermined by those with conflicts of interest.

The purpose of this approach is also about ensuring that there is equitable and adequate space for the voices of frontline communities, women, youth, Indigenous Peoples, and others who are most directly impacted by climate change to be heard and their expertise offered without dilution or obstruction.

2. Agenda item 2 (representation and equitable access)

2.3 How can the UNFCCC serve as a safe place for people to raise their voices in diverse ways? How could principles of participation help build understanding around the respective roles played by different actors in the UNFCCC?

To serve as a safe (and also equitable and effective) space, all actors engaging or being engaged must be able to demonstrate their alignment with UNFCCC objectives as laid out in these recommendations, and have a demonstrated commitment to strengthen and bring expertise to climate action. Critically, engagement must not introduce conflicts of interest that inherently weaken a process that must urgently deliver the strongest climate action possible. We simply do not have time for this.

If conflicts of interest are left unaddressed, then collective engagement in the UNFCCC as a safe place is unlikely, if not impossible.. This understanding must be reflected in principles of participation.

2.4 What should be the principles of participation for different stakeholders in the UNFCCC and how could they be applied? Should they be formalized and, if so, what would that entail?

We recommend the following principles of participation be enshrined in relevant outcomes from this process, potentially including the revised guidelines for participation as recommended in this submission:

**Inclusiveness-** Concrete measures should be co-developed to understand and agree what “inclusivity” looks like in practice. Inclusiveness is necessary for those who do not have potential or perceived conflicts of interest and also those who are most impacted by climate change.

**Equity-** Participation should prioritize and center the voices, expertise, and lived experience of communities most affected by climate change and most exposed by the threat of climate action failure.

**Conflict of interest free-** Participation with non-Party stakeholders must not introduce real, potential or perceived conflicts of interest which by nature will undermine and weaken any outcomes of said participation or UNFCCC processes.

These principles and others could be formalized in the revised ‘guidelines for participation’ as part of the process proposed and laid out in this submission.

2.5 Across all modes of observer engagement, what steps can be taken to help address the potential for or actualization of conflict of interest when engaging with or between observers, the secretariat, COP Presidencies, SB Chairs and the High-Level Champions (HLCs)?

The recommendations in this submission concisely detail the concrete steps that can be taken to help address conflicts of interest. These steps are effective, evidence based and follow on the precedents already set including by other UN institutions.