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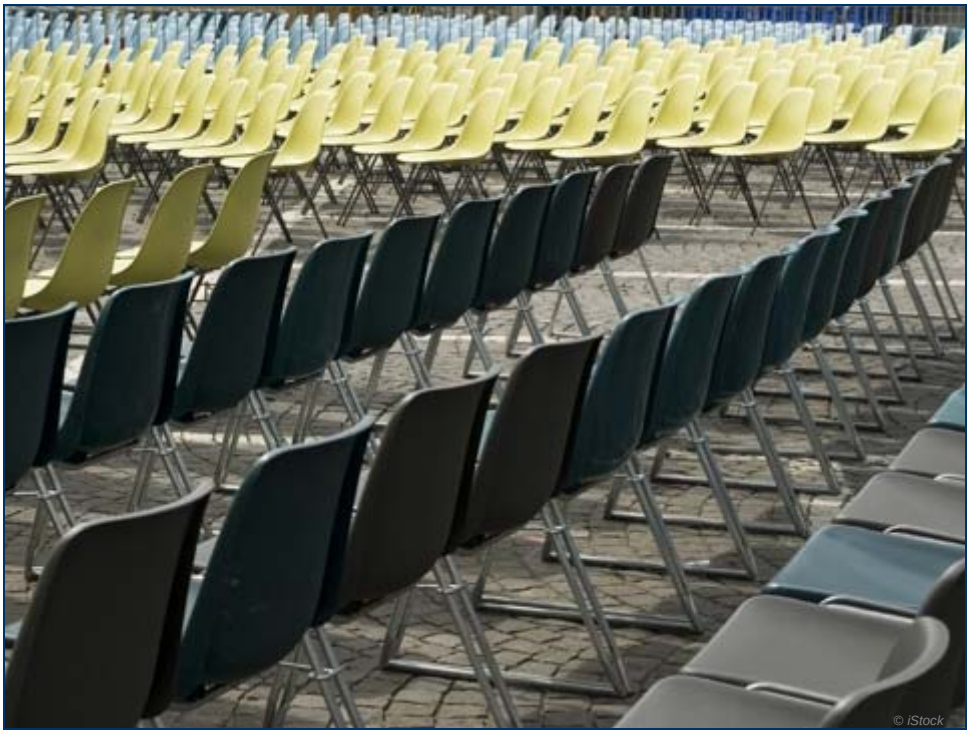
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Policy Position

TRANSPARENCY INTERNATIONAL
the global coalition against corruption



Guaranteeing Public Participation in Climate Governance

Public participation is an essential element of good governance, helping to build trust, bring expertise, strengthen legitimacy, and close gaps in accountability. Effective public participation, in climate change or in any area, has three interrelated elements: access to information, which allows for informed public opinion; direct engagement, which gives the public a chance to influence policy; and oversight, which allows the public to assess the implemented policies.

As has been seen with official development assistance (ODA), all three factors can play a critical role in reducing corruption risks and the mismanagement of resources. Such safeguards are essential for climate change where public investments of up to US$ 250 billion — double the current level of aid given annually — will soon flow through relatively untested channels to countries, many of which have poor records in fighting corruption.

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CSO Participation in the UNFCCC

Formal public participation in climate governance is exercised through the Conferences of the Parties (COP), representing all state parties to the UNFCCC, as well as the meetings held by the Parties to the Kyoto Protocol (CMP) and the subsidiary bodies of the convention.

As with other conventions, there is a clear division of duties between the COP and the subsidiary bodies of the UNFCCC. The COP is seen as the place for policy adoption; the subsidiary bodies are the space for policy formulation (and where technical issues are addressed).

However, citizen participation is currently informal in the subsidiary bodies, creating clear obstacles to civil society being able to shape and oversee climate-related policy decisions.

1. Identifying the challenges and opportunities for participation

The current system of climate governance — which encompasses international policy and climate financing frameworks — lacks the involvement of and accountability to those most affected by climate change. This has been partly due to the high fragmentation of its governance. On international policy, the UN Framework Convention on Climate Change (UNFCCC) is the principal platform for citizen engagement (see side bar). For climate financing, specific funds, some of which fall under the UNFCCC, have their own governance structures and channels for public participation.

To overcome the shortcomings seen in citizen involvement in climate governance, greater access to information, direct engagement and oversight by the public are needed. This will help to ensure that public participation is effective and comes to characterise the overall system.

Access to Information

Meaningful and effective public participation in climate policy begins with accessible information. Civil society organisations (CSOs) require transparent and timely information if they are to play their important intermediary role, representing public interest in international decision-making processes.

In terms of the UNFCCC COP, there is a general lack of access to official statements by delegations at plenary meetings due to delays in releasing official documentation and a relatively inaccessible official website. Many, although not all, states submit information on public participation through their national communications under the UNFCCC but it is not a requirement for reporting. All these factors make it difficult to participate and track states' policies on climate change. Having access to this information can help to ensure that there has not been undue influence exerted by special or vested interests as a result of lobbying or other activities — and that country statements made at the international level are consistent with practice at home.

When it comes to climate finance, there are provisions for information disclosure in some of the funds. At the board level of the Clean Development Mechanism (CDM) and the Adaptation Fund, two financing systems set up under the UNFCCC, project proposals must provide information on national stakeholder consultations and engagement. There are no criteria, however, for such engagement and no process to verify information received. There is also little information on the decision-making processes of the CDM or Adaptation Fund boards, including the basis upon which certain projects are approved or rejected.

Direct engagement in decisions

The engagement of affected communities in decision-making processes — such as through the UNFCCC or climate financing processes — is essential to ensure effective and sustainable government efforts to mitigate and adapt to climate change.

However, neither the COP nor UNFCCC subsidiary bodies have a formal provision for direct CSO engagement. The standard practice is to allow general statements from civil society constituencies when the meetings begin but not to offer them the floor during the discussions. Informal meetings called by governments are generally closed to civil society. The rules for CSO participation in 'contact group' meetings (where specific aspects of negotiations are delegated by the chair to contact persons) are subject to change and when they are 'open' it means that CSOs are only permitted as observers. This situation limits civil

society's opportunity to influence outcomes or hold individual governments to account.

The formal involvement of civil society is also required in climate financing decisions given the sheer volume and multiplicity of funding mechanisms. Having the public involved from the beginning in how funding is allocated can help to provide an important safeguard against special interests capturing the funding and can optimise efforts to combat climate change.

On the positive side, new developments in climate finance illustrate tangible opportunities for better civil society engagement. For example, the new Green Climate Fund could provide a sound basis for public participation in how funding is allocated. The fund, established in 2010, is the financial mechanism of the UNFCCC that will start in 2012 to provide up to US$ 100 billion per year to support developing country efforts to mitigate and adapt to climate change. Nevertheless, the scope for public input into fund decisions remains to be determined since the fund is still being organised (although civil society is being consulted in its set up).

At the national level, the public's participation in decision-making must be formalised as part of national planning efforts and the prioritisation of mitigation and adaptation projects. Civil society's involvement can help to ensure local ownership and the long-term sustainability of projects. In the context of adaptation, public engagement and consultation mechanisms need to be built into all action programmes that least developed countries are currently developing for national climate adaptation activities (called 'national adaptation programmes of action' or NAPAs).

However, concerns have been raised over the manner in which these and other consultations with civil society have been conducted. Under the UN Reducing Deforestation and Degradation Scheme (UN REDD), launched in September 2008 and active in 29 partner countries, problems have been signalled regarding the failure to engage indigenous peoples and to make them aware of their land rights — and the right to participate in all decision-making processes.

Overseeing implementation

While citizen participation starts with having access to information and engaging in policy formulation, it must also include the public's oversight of how climate change decisions and projects are implemented. This provides a strong argument for ensuring adequate space for civil society input when designing the various monitoring frameworks for climate governance, both at the national and global levels.

Under the current climate governance system, there is much potential for more direct citizen engagement in monitoring, reporting and verification (MRV) activities related to climate mitigation and adaptation efforts. Globally, the various elements of appropriate MRVs have yet to be agreed upon. This situation means that there is an opportunity for civil society to play an important oversight role if states create the channel for it.

Another area for citizen oversight includes monitoring infrastructure and the procurement associated with adaptation projects, which often involve construction components. Tools such as the Project Anti-Corruption System (PACS), already used successfully to target bribery and fraud in construction projects by both the public and private sectors, could be applied to adaptation projects. PACS set out a variety of anti-corruption standards and template agreements that are to be used throughout the project's lifecycle, including for independent monitoring, due diligence, transparency, reporting and enforcement.

Benchmarks for Public Participation in Climate Governance

Following the Rio Declaration on Environment and Development in 1992, it is recognised that 'environmental issues are best handled with participation of all concerned citizens' (principle 10). This principle has been subsequently carried over into other environment-related conventions.

One such agreement that has set a key benchmark for public participation in environmental policy is the Aarhus Convention (also known as the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters).

Although it is only open for ratification by European and Central Asian countries, the convention, passed in 1998, provides the most comprehensive standards on public participation in environmental policy. States parties are required to take all necessary legislative, regulatory and other measures to ensure full public participation.

Other UN processes also provide examples that could be used to establish a benchmark for good practice in public participation. For example, the UN Human Rights Council includes clear provisions for citizens' access to information, engagement in decision-making and oversight.

2. Recommendations

Public participation in climate change will enable persons to play a meaningful role in climate governance, shaping how policies on mitigation and adaptation efforts are made and implemented. To ensure this occurs, TI recommends the following measures:

Government

- Ensure that language on 'transparency', 'access to information' and full 'public participation' are expressly provided in new international instruments where relevant.
- Provide clear and accessible information on climate policy and the mandates of relevant national decision-making bodies, as well as clear guidelines and rules of procedure for public participation in these bodies.
- Elaborate international standards, including criteria for monitoring, reporting and verification of mitigation, adaptation and climate finance and the role of civil society in these processes.
- Include details in national communications to the UNFCCC on access to information, provisions for and cases of public participation in national policies and measures.
- Conduct active outreach to affected communities, as well as open hearings on policies and consultative decision-making processes to ensure that citizens' inputs are included.

UNFCCC secretariat

- Upload all draft resolutions and decisions, voting records and outcome documents at the earliest opportunity.
- Develop more accessible online resources for strengthening access to information, including an extranet portal and searchable databases.
- Formalise the good practice established at past COPs of facilitating daily briefings from chairpersons with civil society and the media.
- Continue to liaise with civil society on how to improve public participation in climate governance processes.

Civil society

- Advocate for provisions that formally provide for effective representation of stakeholders in all national institutions responsible for climate policy.
- Continue to advocate for a meaningful role for civil society in the development of international standards on monitoring, reporting and verification of national mitigation and adaptation actions.
- Advocate at the international level for changes to current working methods of finance bodies to open up opportunities for national stakeholders to engage.
- Track lobbying activities of vested interests to prevent undue influence in climate policy.
- Share best practices, beyond climate and environmental policy, for strengthening public participation in climate governance.

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The GCR on climate change brings together more than 50 leading experts and practitioners to explore major climate-related corruption risks. To learn more, see: www.transparency.org/publications/gcr.

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