



United Nations
Climate Change Secretariat

Executive Secretary

Nations Unies
Secrétariat sur les changements climatiques

Secrétaire exécutive

Ms. Beatriz Balbin
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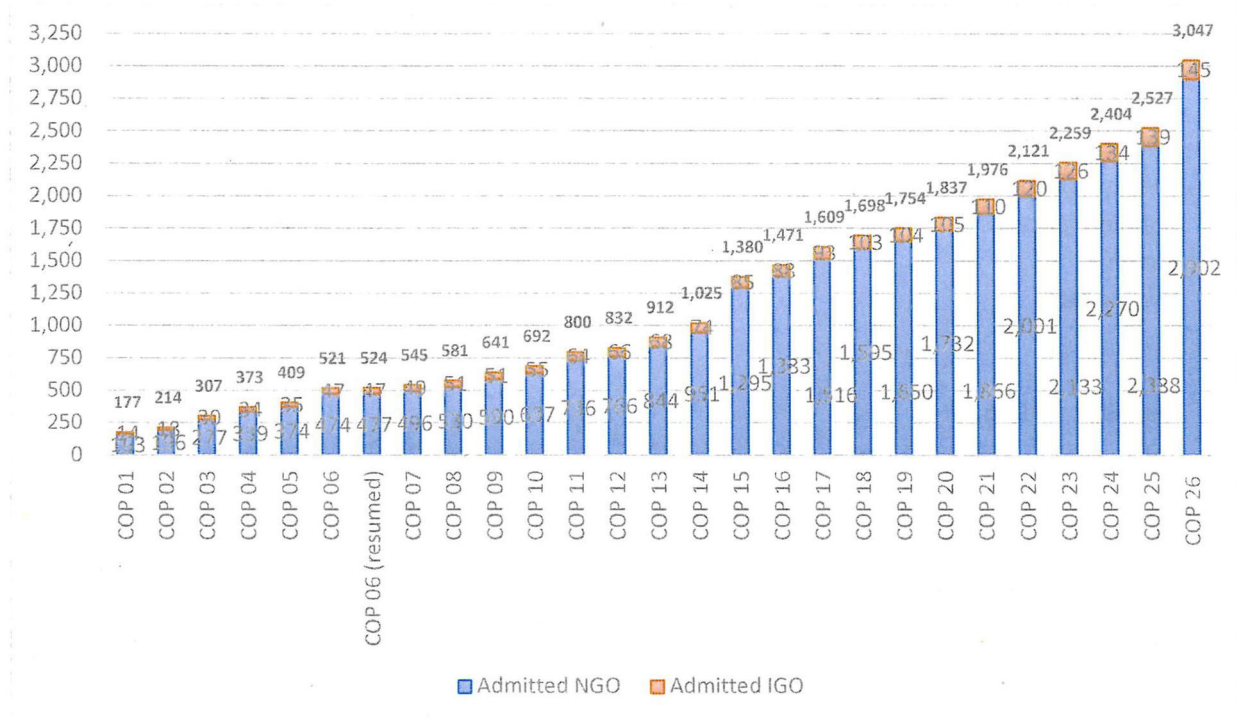
Date: 10 February 2023
Reference: EC-2022-252

Dear Ms. Balbin,

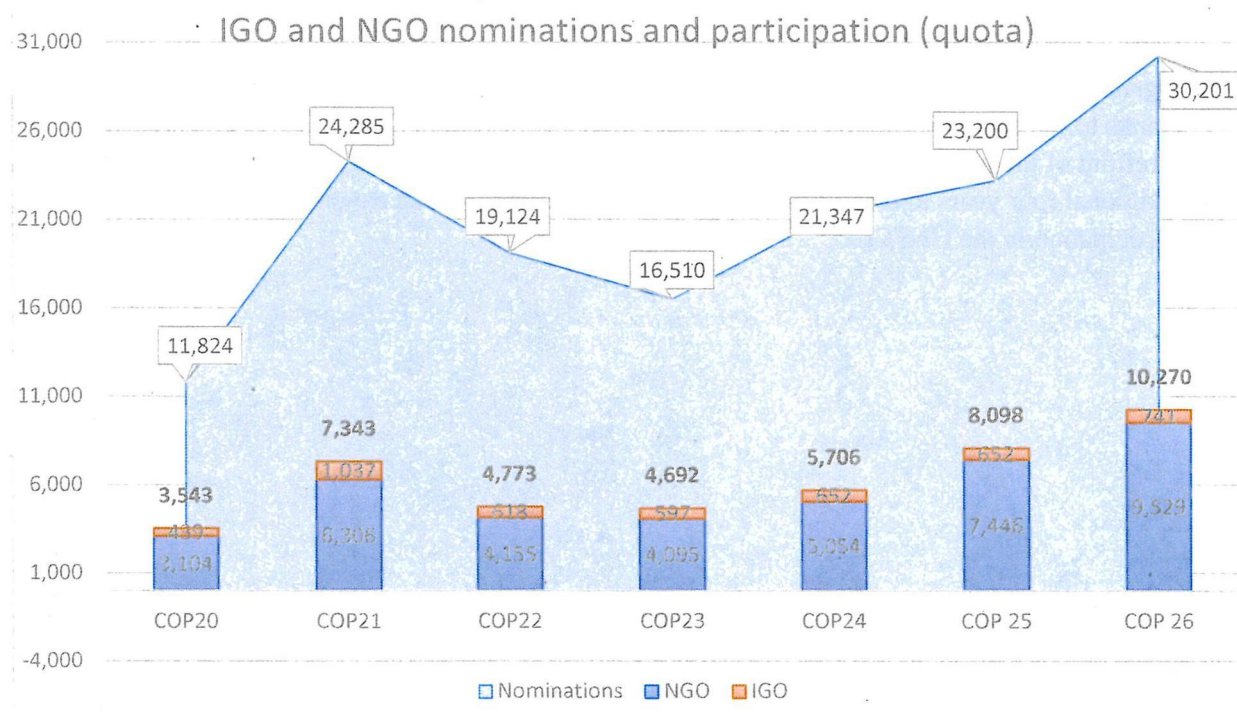
I refer to your memo of 30 September 2022, in which you attach a joint communication from the Special Rapporteur on the promotion and protection of human rights in the context of climate change, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, concerning civil society participation in the 27th session of the Conference of the Parties (COP 27).

Please accept my apologies for the delayed response. It has taken us some time to adequately cover the pertinent issues, and to analyse and seek solutions with Parties and the UN system in efforts to address these concerns for future conferences..

No other United Nations annual conference attracts as many and diverse observers to its sessions as the UNFCCC. Currently there are circa 3,280 observer organizations, both the organizations admitted by the COP and the UN observer organizations combined. Since COP 1, the admission of observer organizations steadily increased – it took 14 years to reach 1,000 observer organizations. However, thanks to the collective efforts of civil society organizations and Parties to drive climate change to the forefront of the global agenda, it only took eight more years to reach 2,000 organizations and only an additional four years to reach 3,000 observer organizations. It is an exponential increase of civil society participation in the UNFCCC.



Furthermore, the number of individuals accredited is also increasing. Since COP 21, the secretariat receives on average 22,000 accreditation requests per COP from IGOs and NGOs alone, of which, the secretariat is able to facilitate access to an average of 7,000 participants per COP session. For COP 27, more than 2,000 organizations requested more than 35,000 accreditations. The secretariat was able to facilitate accreditations of more than 14,000 participants.





Through various means civil society is formally engaged in the official negotiation process. Within the NGO category of observers, which is the largest category at around 93 per cent, there are nine Constituencies that mirror the nine Major Groups recognized in the 2030 Agenda for Sustainable Development. This diversity translates into rich discussions and a wealth of resources that UNFCCC Parties can benefit from, and ensures legitimacy and transparency of the process. As at all sessions of the COP, the UNFCCC secretariat is committed to the participation of civil society in the UNFCCC process and welcomes their engagement during these sessions. In particular, the safe and effective participation of all accredited participants is of the highest priority during sessions of the COP, including at COP 27.

Accordingly, we wish to share the below information on the issues raised in your letter.

I. Accreditation of civil society organizations at COP 27

Admission of organizations is provided for in Article 7, paragraph 6 of the United Nations Framework Convention on Climate Change and in subsequent guidance from Parties on the admission criteria. The formal admission of organizations as observers rests with the COP based on a list of recommended applicant organizations from the COP/CMP/CMA Bureau.

Organizations inform the secretariat of their wish to be represented at UNFCCC sessions, as provided in the aforementioned article, through an application in the online admission system (OAS) based on the timelines publicly announced on the official webpage. The secretariat then conducts eligibility assessment against admission criteria set by Parties based on the documents that applicant organizations submit. Organizations deemed eligible are recommended to the COP Bureau for provisional admission and to the COP for full admission. The admission process is a standard matter and the process is clearly and transparently explained on the UNFCCC official website.

The application process for admission is open to any organization in the world, as explained on the UNFCCC official website. With respect to observer organizations based in Egypt, one NGO had been admitted by COP 17 in 2011 as an observer in the UNFCCC process and one other NGO applied for admission in accordance with the relevant application process prior to the deadline set for COP 27.

The process for observer organizations to accredit representatives in order for them to participate at a session of the COP is well established and is open to all organizations that have been admitted as observers by the COP based on criteria that have been agreed upon by Parties.

In addition, at some sessions of the COP, the host country, particularly in the case of those host countries from which no or only a few organizations are admitted to the UNFCCC process as observers, has chosen to facilitate participation of local civil society in the session by requesting the COP/CMP/CMA Bureau and, subsequently, the COP to grant what is called “one-time-only” admission at that session. The secretariat understands that, given that only two Egyptian NGOs were officially eligible to register participants to attend COP 27 out of nearly 3,000 observer organizations within the UNFCCC process, the Government of Egypt submitted a list of additional organizations to the COP/CMP/CMA Bureau, which was included in the COP document for admission.



The UNFCCC secretariat is not involved in the process of selecting organizations for this list of organizations provisionally admitted by the COP Bureau for one-time-only admission as it is at the discretion of the host country.

II. Access to accommodation during COP 27

As with every session of the COP, access to accommodation is an essential part of the preparations for the Conference and is addressed in the host country agreement concluded between the UNFCCC secretariat and the Government of Egypt for COP 27 (HCA). Specifically, pursuant to Article 6 of the HCA, the Government of Egypt advised that it undertook to ensure “adequate and easily accessible accommodation, at hotels and residences, is available to Conference participants at reasonable commercial rates”.

The secretariat consistently engaged with the Government of Egypt on this issue in the lead up to COP, including in response to concerns raised about availability of affordable accommodation.

III. On-site advocacy actions during COP 27

In principle, on United Nations premises, no demonstrations are permitted. The UNFCCC secretariat, however, has long supported the right of observer organizations to express themselves in compliance with the guidelines for participation of representatives of NGOs at meetings of UNFCCC bodies and the applicable Code of Conduct. To this end, the secretariat worked closely with the UN Department of Safety and Security (UNDSS) in order to enable their advocacy actions within the so-called Blue Zone:

This close coordination with UNDSS and the close collaboration with observer organizations have established a process that aligns with the guidelines for participation and the Code of Conduct. This process provides that observer organizations, UNDSS and the UNFCCC secretariat shall jointly pre-determine the locations where advocacy actions can take place. From there, NGOs request clearance from the UNFCCC secretariat and UNDSS within a certain time period, and the UNFCCC secretariat and UNDSS support any advocacy actions on site that have been given the appropriate clearance. Civil society is very much aware of this option and the corresponding process, as has been repeatedly shown during previous sessions of the COP.

This aligns with the HCA, which contains a number of standard provisions that are included in any host country agreement that is concluded for sessions of the COP. To this end, Article 9 of the HCA provides that “[s]ecurity within the Conference premises shall be the responsibility of the UNDSS” while “[s]ecurity outside the Conference premises shall be the responsibility of the Government”.

The HCA also contains important safeguards for representatives of civil society in the COP and nationals, with Article 10(5) providing that “participants accredited and issued badges by the secretariat to attend and participate in [COP 27] and persons performing functions in connection with the Conference shall be immune from legal process with respect to words spoken or written and any act performed by them in connection with their participation in [COP 27]”.



Similarly, Article 10(3) of the HCA states that “representatives of observer organizations [...] shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connection with their participation in [COP 27]”.

At the same time, the HCA is clear that “[w]ithout prejudice to the privileges and immunities accorded by this Agreement, all persons enjoying such privileges and immunities have the duty to respect the laws and regulations of the Host Country”. Participants at COP 27, as at all previous sessions of the COP, were made aware of this.

IV. Granting of visas to attend COP 27

The HCA stipulates in Article 10(6) that all Conference participants, including representatives of observer organizations, “shall have the right of entry into and exit from Egypt, and no impediment shall be imposed on their transit to and from the [COP 27] premises”. This Article also provides that they “shall be granted corresponding entry visa to Egypt upon presentation of a complete visa application along with all supporting documents”.

For any cases involving visa-related issues of which the secretariat was made aware, the secretariat brought these to the attention of the Government of Egypt for their subsequent action.

The UNFCCC secretariat firmly agrees that civil society plays an essential role in the advancement of climate action and remains committed to ensuring that their freedom to participate in the process is upheld. It is in this context that the secretariat is pleased to have been able to engage with the Office of the UN High Commissioner for Human Rights in the lead up to COP 27 in light of our shared commitment to upholding UN values throughout the Conference, and to continue such engagement both during and following the session, as needed.

We worked closely with the Government of Egypt to seek to ensure a successful conference with outcomes that are so urgently needed to address the climate crisis.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes.

Simon Stiell