

24 July 2014

To the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association

Re: Discussion on multilateral institutions and their effect on the rights to freedom of peaceful assembly and of association

Thank you for the opportunity to respond to your consultation. We make this submission in order to highlight the difficulties faced by civil society in exercising our rights of association at the Green Climate Fund (GCF). The GCF was created in 2010 as a financial mechanism of the United Nations Framework Convention on Climate Change (UNFCCC), and as such is accountable to the Conference of Parties (COP), which is its governing body, and the UNFCCC's provisions on transparency and participation. The GCF is expected to be the premier multilateral climate fund to help meet the adaptation and mitigation needs of developing countries. It is currently in the process of being operationalized.

Given that the GCF is a UNFCCC institution, at minimum, practices at climate negotiations should set the floor for civil society engagement at the GCF. However, as discussed below, this is not always the case.

We have the following specific concerns regarding the UNFCCC's Green Climate Fund:

- **Lack of voice for civil society** -- The GCF board gives far more voice to private sector representatives than to civil society representatives. At the UNFCCC, there are 9 constituencies -- business and industry, environmental NGOs, local government and municipal authorities, Indigenous Peoples organizations, research and independent NGOs, trade unions, farmers, women and gender, and youth. However, at the GCF, there are only 2 constituencies – business and industry (i.e. private sector) and civil society. Thus, while business and industry represents itself (with 2 active observers), the 2 civil society active observers are supposed to represent all 8 other UNFCCC constituencies from developed and developing countries.
- **Shortcomings in allowing civil society to represent itself** – Civil society organization (CSO) representation on the Private Sector Advisory Group (PSAG) – In November 2013, civil society held a democratic, transparent self-selection process to choose the PSAG civil society representatives (one from developing countries, one from developed countries). The CSO active observers then formally communicated to the GCF the winning candidates. However, the GCF board refused to honor our process and selection of our own representation. Instead, board members of the PSAG chose the CSO “representatives” through a process entirely lacking transparency and accountability. As denoted by the term CSO “representative,” we expect that a person serving that role is, in fact, representing those who have actually chosen that person to represent them. CSOs have repeatedly requested of the GCF Board and Secretariat consideration of an external third party to plan and execute processes for selecting “representation.”

- **Multi-stakeholder engagement** – Multi-stakeholder engagement is essential for the establishment and operationalization of the GCF to be credible and effective. According to the GCF Governing Instrument, “The Board will develop mechanisms to promote the input and participation of stakeholders, including private sector actors, civil society organizations, vulnerable groups, women and indigenous peoples, in the design, development and implementation of the strategies and activities to be financed by the Fund (para 71).” Unfortunately, to date, the GCF has done little to ensure that meaningful multi-stakeholder engagement is part of the GCF’s design, operationalization, or decision-making process. For example, in recently approved decision text on the project/program activity cycle of the initial proposal approval process, multi-stakeholder consultation and engagement is relegated to a mere footnote under the step of submission of the funding proposal to the GCF Secretariat.
- **Registration of observers** – The GCF secretariat has communicated that only 3-5 people can be registered per accredited organization, regardless of whether it is a small NGO or a large international network. This seems entirely arbitrary and is, in actuality, needless as there have yet to be large numbers of observers attending the meetings. The impact, however, has been to make participation for larger networks, many of which are more likely to have developing country members, more difficult.
- **Travel barriers** – CSOs from developing countries have faced difficulties attaining visas in a timely and non-cost prohibitive manner in order to attend GCF meetings. Registration announcements and confirmation of registration for GCF meetings often come too late, and those living in countries without Korean embassies/consulates face particular challenges.
- **Webcasting** – Though real-time webcasting of meetings is standard practice at the UNFCCC’s Adaptation Fund and in other fora, several developed country board members at the GCF have blocked this at the GCF. Instead, tape recordings of open sessions are supposed to be posted online for accredited observers within 3 weeks of the meeting. (It should be noted, however, that the GCF has failed to even do this.) This is a woeful outcome for public participation. Putting recordings on line after the event in this way offers no opportunity for public engagement or transparency and no ability to participate or comment on the proceedings as they happen.
- **Physical separation of CSOs** -- Civil society physically present at the meeting – except for the 2 designated active CSO observers -- must watch proceedings on a screen in an overflow room. This is the case even though there is little concern about space at the moment and, in any case, venues for GCF meetings could be chosen that are able to accommodate GCF members and observers in one room. All observers attending the meeting should be able to be in the meeting room.

We would be happy to discuss the points above in more detail, and we thank you for your consideration.

Sincerely,

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Asia Indigenous Peoples Pact
Beyond Copenhagen Collective for Climate and Environmental Justice (India)
Bharat Jan Vigyan Jatha (India Peoples Science Campaign)
Centre for Community Economics and Development Consultants Society (India)
Climate Action Network South Asia
Friends of the Earth – England, Wales and Northern Ireland
Friends of the Earth U.S.
Global Alliance for Incinerator Alternatives
Institute for Policy Studies, Climate Policy Project (U.S.)
Interamerican Association for Environmental Defense
International Rivers (U.S.)
International Trade Union Confederation
Jubilee South Asia/Pacific Movement on Debt and Development
Kitanglad Integrated NGOs (Philippines)
Korea Federation for Environmental Movement
Labour, Health and Human Rights Development Centre (Nigeria)
Public Advocacy Initiative for Rights and Values in India
Taiwan Youth Climate Coalition
Third World Network
Transparency International Kenya
Transparency International Korea
Ulu Foundation (U.S.)