

Observer participation in the proceedings of the Board of the Green Climate Fund

Issues for initial consultation

A. Background

Responding to the request from the Conference of the Parties at its seventeenth session in Durban, the UNFCCC secretariat and the GEF secretariat have taken the necessary administrative steps to set up the interim secretariat of the Green Climate Fund as an autonomous unit within the UNFCCC secretariat premises so that the interim secretariat can provide technical, administrative and logistical support to the Board until the independent secretariat of the Green Climate Fund is established.

Through decision 3.CP/17, Parties have requested the interim secretariat to make arrangements for convening the first meeting of the Board of the GCF by 30 April 2012. The interim secretariat is making logistical and substantive preparations for the same.

B. Observer participation in the proceedings of the Board

Governments have placed high importance on the participation of observers in operationalizing the GCF. The substantive contribution of observers to the work of the Transitional Committee added great value to the successful conclusion of the design process. As the GCF now enters into a new phase, the participation of the observers is even more valuable.

The Governing Instrument for the GCF calls upon the Board to make arrangements, including developing and operating accreditation processes, to allow for effective participation by accredited observers in its meetings. It also requests the Board to invite the participation as “active observers”, two civil society representatives, one each from developing and developed countries, and two private sector representatives, one each from developing and developed countries.

The Board at its first meeting is expected to consider a proposal on modalities for observer participation and provide guidance on specific procedures for effective participation of observers, including active observers.

For participation of observers in the First Board meeting, the interim secretariat would make tentative arrangements building on the practise of observer participation during the work of the Transitional Committee and guidance from the Governing Instrument for the GCF.

C. Issues for consultations with observers

In order to effectively support the Board, the interim secretariat is reaching out to observers for initial consultation on the broad modalities of observer participation in the work of the Board. In addition, as provided in the Governing Instrument of the GCF, 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 GCF. The interim secretariat of the GCF is utilizing existing networks of UNFCCC and GEF observers for initial consultations. A timely response to the issues outlined below could inform the Board of the views of observers on modalities of effective participation in the proceedings of the Board.

1. Guidelines for accreditation of observers

What are the key elements of the processes and guidelines for accreditation of observers for the GCF?

Indigenous Peoples' Organizations accredited as observers in the UNFCCC and GEF should be automatically accredited as observers in the Green Climate Fund. Indigenous Peoples' Organizations that have attained UN ECOSOC status should also be considered.

2. Active observers

- a) What should be the modalities of participation of active observers in the Board meetings?

As the case is with the Global Fund against Malaria and the Climate Investment Funds, active observers should have the capacity of participating in all meetings, table language, propose amendments, and in some cases participate to voting.

In the World Bank's Pilot Program for Climate Resilience (PPCR) there are two observers from Indigenous Peoples (IP) constituencies and the UN Permanent Forum on Indigenous Issues that sit in the governing body. IP observers can request the floor to make verbal interventions, propose additional agenda items.

- b) What should be the roles and responsibilities of the active observers towards their respective constituencies?

Active observers will have to inform their constituency in advance and in a timely fashion about the planned meetings, and agendas, disseminate relevant documents and invite inputs and contributions both direct and indirect. They are also expected demonstrate enough outreach in seeking content on proposed submissions or seek a significant degree of consensus on proposed submissions among their constituencies. The active observers, as a minimum, are responsible for providing feedback on their participation in GCF meetings.

- c) What should be the selection procedure for active observers, both for civil society and private sector?

Indigenous Peoples usually proceed with a self-selection process according to the regions (Asia, Pacific, Africa, Arctic, Latin America, Central America, Northern America) depending on the number of IP seats designated.

- d) What could be the general parameters and criteria for the selection of active observers?

In endorsing a self-selection process, the GCF would not be responsible for the criteria and parameters for selection.

- e) Would a "self-selection process" be a preferred mechanism for the selection of active observers?
YES.

- f) What should be the terms of active observers?

Active observers should serve a 2 year term.

- g) Should there be a provision for alternates for active observers?

YES, there should be an alternate.

- h) Would Civil Society Organizations (CSO) be in a position to provisionally identify two active observers for the First Board meeting?

Indigenous Peoples would be able to provisionally identify active observers representing Indigenous Peoples.

- i) How can the selected active observers ensure equitable representation of various voices from the diverse CSO community?

Indigenous Peoples are a constituency separate from CSOs.

In consideration of the status of Indigenous Peoples as recognized in international human rights agreements and instruments such as the UN Declaration on the Rights of Indigenous Peoples, Indigenous Peoples should be recognized as Active observers.

Indigenous Peoples are already recognized as a separate constituency from Civil Society organizations in the following GCF relevant programmes including Forest Carbon Partnership Facility, the Climate Investment Funds, the UN REDD programme and the Convention on Biological Diversity. In all cases, Indigenous Peoples have their own self-selected observers. In the case of the CBD, Indigenous Peoples further have a separate observer status which allows them to make interventions that can be recognized officially, subject to support from a Party.

Additionally, Indigenous Peoples can be considered as both beneficiaries and possible affected stakeholders. In this framework it is worth noting that the governing Body of the Global Fund against Malaria, AIDS and TBC hosts active observers representing affected communities. These observers have the right to vote.

Participation of UN mechanisms on Indigenous Peoples

Further to enhancing the participation of Indigenous Peoples, there are three UN mechanisms which can be involved. These are the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on Indigenous Issues and the Special Rapporteur on the Rights of Indigenous Peoples. Expert representatives from any or all of these bodies should be invited to observe on the Board.

At the World Bank's FCPF and PPCF and in the UN-REDD, the Chair of the UN Permanent Forum on Indigenous Issues is invited to sit as an observer.

3. Consultation with the GCF Board

- a) Would provisions for consultations with the Board prior to Board meetings be useful?

A preliminary consultation on the agenda and agenda items with observers and active observers would facilitate the discussion and incentivize consensus reaching in Board meetings. However, these consultations will have to be subject to the same transparency, publicity and access to information and participation rules as other official meetings. IPOs that will not be able to attend the Board meetings can send their contributions and comments for consideration at the pre-Board consultation.

Prior to GEF Council meetings, a separate day is set aside prior to the meeting for the GEF CEO and members to interface with the GEF Civil Society Organizations' network.

- b) What should be the mode and duration of any pre-meeting consultations?
1 day, with highest available representative of the GCF body.
- c) Would an annual forum for consultations be a useful platform for consultations? Any other ideas for the modalities of consultation?

An annual Partnership Forum is already organized by the Climate Investment Funds (CIF) and can indeed be a good opportunity to bring together stakeholders/observers from the various agencies and entities working on climate issues, mostly on REDD, Adaptation and Mitigation, to allow for a cross-fertilization and exchange that will indeed contribute to enhance capacity and knowledge of Board members and observers alike.

- d) How should the contributions from the broader civil society be channelled to the Board in between its meetings?
They can be channelled through the observers directly to the Secretariat.
- e) What should be the mechanism for submission of views?

They can be sent via email, and posted on a dedicated workspace in the GCF website, where specific discussion fora can also be activated if needed. We notice the lack of questions on modalities to ensure feedback from the Board and the GCF. The submission of views should be accompanied by clear modalities to ensure that submitters fully understand how their views are taken into due account and if not the reason why.

UN-REDD adopts a model of templates with original language, a summary of comments received and ensuing action /comments. This is a good way to ensure a two-way communication. Additionally some redress mechanism will have to be identified to ensure that concerns raised are addressed.

4. Availability of relevant information and documents

- a) What is the reasonable timeline for receiving documents for effective consultation before each Board meeting?

Dissemination of information in ways that are timely and culturally appropriate, in order to respect the language diversity and collective decision-making processes of Indigenous Peoples, will take more time than both Civil Society and Private sectors who are able to decide based on individual expert opinions.

A timeframe at least equal to the timeframe envisaged for Board members. This timeframe should allow for observer/s to disseminate the documents, and seek feedback and facilitate dissemination to the Board. Timelines may differ according to the type of documents subject to consultation. Key policy documents might require longer timeframes, and the organization of specific workshops and other activities. Individual IP organizations should be given the possibility of sending their own comments and contributions, either directly or via the observer/s. The role of observer/s in assisting in dissemination of information and documentation should not supplant the GCF's responsibility to ensure full and timely access to information in accordance to internationally accepted standards. In fact such criteria should be developed in the broader discussion on the access to information and stakeholder consultation and engagement policy that the Board will have to develop and adopt.

b) What are the useful and equitable modes of dissemination of information?

See above. Indeed a reasonable timeframe, the translation of documents in at least three of the UN languages (English, French and Spanish), the publication of the information/documents on a dedicated website space and of the meeting's agenda and related documents in advance of the meeting.

5. Support for observer participation

What kind of institutional and financial support is needed from the GCF for substantive participation and effective representation of observers and how should such funds be raised?

The most urgent type of support to allow substantive participation and effective representation of IP Observers is financial. A voluntary fund should be established to support IP Observers attendance to the Board meetings, and translation of documents in languages other than the UN languages. Funds can be raised via trust funds with donor governments or from foundations. In terms of institutional support, an Indigenous Peoples Advisory Group should be set up with the purpose of assisting observers and IP constituencies in researching the issues, develop analyses and disseminate and coordinate feedback and input. The Advisory Group would also be funded by one or more Trust Funds. The GCF Secretariat should also have an office /officer in charge of Indigenous Peoples issues, which include the support/advisory role/outreach to observers and to the broader Indigenous Peoples constituencies, observers and the Indigenous Peoples Advisory Group.

6. Measuring the level of observer involvement in proceedings of the Board

Should there be specific indicators to measure the level of observer participation in proceedings of the Board? What could these indicators be?

The need to develop indicators to measure the level of observer participation will have to be determined in a consultation with all relevant observers, once these are appointed/selected.

Note: In order to ensure timely preparation of the proposed document for the first meeting of the Board, please submit your responses by 20 March 2012 to: GCF-IntSec@unfccc.int.