



Meaningful public participation in the 3rd meeting of the Transitional Committee

24th August 2023

Dear Transitional Committee Co-chairs and the TC Secretariat,

With this letter, Climate Action Network, Demand Climate Justice, the Women and Gender Constituency, and YOUNGO are reaching out to all Transitional Committee members and the TC Secretariat to express strong concerns regarding the announced restrictions for meaningful non-party observer participation during the third meeting of the Transitional Committee (TC3)¹, planned to take place in Santo Domingo from the 29th of August until the 1st of September. These concerns relate in particular to the following paragraph in the notification² as sent to Observer Constituencies by the UNFCCC Secretariat's Observer Relations Team on Monday 7 August:

“In order to maximize the progress during the meeting, it will include both open and closed components. These will be indicated in the provisional schedule, but revised as needed throughout the meeting. It is likely that the components of the meeting that are open to Party and non-party observers will be kept to a minimum in order to maximize time for Transitional Committee deliberations at the meeting. Observers are encouraged to consider following the open components of the meetings virtually via the webcast. An overflow room will be made available for all in-person observers”

We consider this notification and the practices of the Transitional Committee & Secretariat with regards to these meetings not to be in line with the commitment reaffirmed by Parties, the UNFCCC Secretariat and the Transitional Committee to promoting and safeguarding public participation and access to information. These principles are reiterated in several international legal frameworks and reaffirmed both in the UNFCCC and the Paris Agreement. In this context, the notification appears to be completely at odds with

¹ UNFCCC, 'Third meeting of the Transitional Committee', <https://unfccc.int/event/tc3>

² UNFCCC, 'Notification. The 3rd meeting of the transitional committee on the operationalization of the new funding arrangements for responding to loss and damage and the fund established in paragraph 3 of decisions 2/CP.27 and 2/CMA.4' https://unfccc.int/sites/default/files/resource/Notification_LD_TC3_NGOs.pdf

the Transitional Committee's commitment in its working arrangements³ to enhance public participation in the process.

In particular, we would like to **highlight the following concerns**:

- The framing of public participation as an impediment to progress stands in strong contrast to the role civil society, Indigenous Peoples, women and youth groups and other observer constituencies have played in the historic decision to establish a new Loss and Damage Fund, the expert contributions they have made throughout the TC process, including in proposing good practice operational Fund modalities, and the best available science confirming that public participation leads to more effective climate policies⁴.
- The possibility that a substantial part of TC3 will be closed, meaning not only excluding active participation and engagement by non-party observers, but likely also not webcast (for discussions in closed sessions), given the crucial nature of this meeting in advancing draft recommendations to COP28, deprives the broader public of accountability and transparency needed for the legitimacy of decisions and recommendations taken by the TC, keeping the interest of affected communities at the core.
- The active discouragement of and limitations to effective, inclusive and meaningful participation set a bad precedent for the expected strong involvement of affected communities and non-party observers in the further operationalization and operations of the Loss and Damage Fund, including the design, implementation, and monitoring and evaluation of its policies and activities, as well as in improving their involvement in institutions and processes determined to be part of the broader funding arrangements

These restrictions come in addition to structural constraints for effective in-person participation related to the **repeated late notifications about meetings and related nomination processes**. This is making it difficult and in many cases impossible to make travel arrangements and secure related documents and which significantly increases travel costs, and therefore impeding participation, particularly from the Global South and from youth groups.

We urgently request you to take steps to put in place the following **minimal criteria for TC3**:

1. Ensuring that all meetings and conversations are open to the public to follow discussions including through webcasting, in line with the need for maximum transparency and accountability of the TC process and to safeguard the legitimacy of and trust in its findings, and that modalities are in place for non-Party observers to ask for the floor and intervene during all of the agenda items.
2. Allowing non-Party observers access to and a proper seat in the room where the proceedings take place, instead of being relegated to an overflow room.
3. Putting in place modalities for hybrid public participation allowing for non-Party observers to make remote interventions, in line with the modalities provided for the TC workshops in April and July

³ UNFCCC, 'Working arrangements for the Transitional Committee on the operationalization of the new funding arrangements for responding to loss and damage and the fund established in paragraph 3 of decisions 2/CP.27 and 2/CMA.4' (VII) <https://unfccc.int/sites/default/files/resource/TC1%20paper%202020Working%20arrangements%2028%20March%20rev%202.pdf#page=3>

⁴ IPCC, 2023: Summary for Policymakers. In: Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, H. Lee and J. Romero (eds.)]. IPCC, Geneva, Switzerland, pp. 1-34, doi: 10.59327/IPCC/AR6-9789291691647.001 (C.6.5 D).

2023 and other UNFCCC meetings such as the meetings of the Executive Committee of the Warsaw International Mechanism for Loss and Damage.

Going forward, in preparing for TC4 and other future meetings and proceedings related to the Fund and funding arrangements to address loss and damage, the Transitional Committee and the UNFCCC Secretariat must **proactively work towards enhancing meaningful, inclusive and effective public participation**, by putting place the above mentioned modalities and procedures in place for TC4 and any related meetings, as well as communicating in a timely manner about meeting dates, locations, and related nomination processes and not putting any restrictions on the number of representatives per constituency, and creating an enabling environment for effective public participation through accessible information, the provision of financial resources, and interpretation modalities.

We thank you for the attention and time dedicated to reading this letter, and invite you to take active steps to address these concerns ahead of and during TC3, and after. We look forward to hearing your continued commitment to realizing and enhancing meaningful participation in the context of the Transitional Committee process, and are available to discuss this further.

With kind regards,

Climate Action Network
Demand Climate Justice
Women and Gender Constituency
YOUNGO