Briefing note on the Right to Participation for SB64

Table of Contents

I. INTRODUCTION 1

II. PUBLIC PARTICIPATION IN THE CONTEXT OF THE UNFCCC 2

III. CHALLENGES AND RECOMMENDATIONS TO ADDRESS THEM 5

IV. RESOURCES 13

V. ANNEX 1: INTERNATIONAL HUMAN RIGHTS LAW AND THE RIGHT TO PARTICIPATION 15

VI. ANNEX 2: INTERNATIONAL ENVIRONMENTAL LAW AND THE RIGHT TO PARTICIPATION 20

I. Introduction

The climate crisis is a human rights crisis that requires increasingly urgent, ambitious and effective action. The climate negotiations are not advancing quickly enough to limit the damage from this ongoing catastrophe. Obstacles to faster progress include inadequate modalities for participation of rights-holders and their representative organizations, including those most affected by climate change, and corporate lobbying related to climate policies as well as public information campaigns based on inaccurate, misleading and unfounded assertions which harm the ability of States and the public to make informed decisions regarding climate change.

Effective environmental decision-making is necessarily linked to meaningful, inclusive, safe and informed participation and free expression, assembly and association of people, including Indigenous Peoples, environmental human rights defenders (EHRDs), marginalized groups and communities, and others. Public participation ensures that international discussions and decisions are informed by what is happening on the ground, and that a full and diverse range of perspectives are heard.

Participation is not only procedural but transformative, shaping governance outcomes and redistributing decision-making power. Where the right to participation and public freedoms are restricted, responses to environmental degradation, including climate change, risk being ill-informed and more susceptible to the influence of narrow private interests, overlooking science, including traditional knowledge, Indigenous Peoples' knowledge and local knowledge systems, exacerbating social and economic inequalities, and failing to address the root causes of harm.[1]

[1] See HRC, Procedures and practices in respect of civil society engagement with international and regional organizations, Report of the United Nations High Commissioner for Human Rights, A/HRC/38/18

Economic actors with vested interests participating in negotiations have been shown, through empirical studies, to influence scientific outputs when science is industry funded.[2] Industry has also tried to distort scientific consensus through strategic funding, ghostwriting, and aggressive lobbying on climate science, and health impacts of tobacco and chemicals, for instance.[3] This can lead to misleading claims that cast doubt on established evidence, thereby stalling or undermining effective policy action. Examples include fossil fuel companies deliberately undermining climate science by funding research through academic institutions to gain legitimacy, pressuring independent scientists, and sowing doubt about established findings.[4]

Respecting, protecting and fulfilling the human right to public participation is a matter of obligation for States, individually and collectively, and for UN bodies[5] in the context of decision-making processes.[6] Ensuring meaningful participation in intergovernmental negotiations requires clear modalities of engagement, including timely access to information, opportunities for consultation, and effective mechanisms for follow-up and accountability. It must move beyond presence in negotiations to structured and ongoing collaboration that centers the voices of those most affected by climate impacts. When such measures are implemented for rights-holders, legitimacy and effectiveness of environmental governance are enhanced. At the same time, participation frameworks must include safeguards to prevent undue influence from vested interests, particularly private actors seeking to shape decisions for commercial gain.

II. Public Participation in the context of the UNFCCC

In addition to obligations under international human rights[7] and environmental law[8], State parties to the **UN Framework Convention on Climate Change (UNFCCC)** have committed to promoting and facilitating public participation in addressing climate change, as stated in Article 4. Article 6(a)(iii) elaborates that parties should promote and facilitate public participation in addressing climate change and its effects and developing adequate responses."[9]

Article 12 of the **Paris Agreement** requires Parties to cooperate in taking measures to enhance, inter alia, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under the Agreement[10] The UNFCCC and Paris

[2] Special Rapporteur on climate change and human rights, report on "the imperatives of defossilizing our economies" (A/HRC/59/42). See also: McGarity & Wagner, Bending Science (2008); Oreskes & Conway, Merchants of Doubt, (2010); W.F. Lamb et al., Discourses of climate delay, Global Sustainability vol. 3 (2020); G. Supran and N. Oreskes, Rhetoric and frame analysis of ExxonMobil's climate change communications, One Earth 4, 696-719 (2021); Roberts et al. (eds.), Global Assessment of Climate Obstruction (forthcoming); Andreas Schaffer et all, Conflicts of Interest in the Assessment of Chemicals, Waste, and Pollution, *Environmental Science & Technology 57* (48), 19066-19077 (2023); International Panel on Chemical Pollution, Conflicts of Interest in the Assessment of Plastics (2023), Rob Ralston et all, Preventing corporate capture: democratic legitimacy and the global plastics treaty, One Earth 8, issue 5 (2025); Peter Dauverge at all, Competing axes of power in the global plastics treaty: Understanding the politics of progress and setbacks in negotiating a high-ambition agreement, Marine Policy, Volume 181 (2025); Climate Home News, How "sophisticated" climate misinformation gets to the heart of power (2025).

[3] Special Rapporteur on climate change and human rights, The imperatives of defossilizing our economies (A/HRC/59/42); Special Rapporteur on toxics and human rights, The right to science in the context of toxics substances (A/HRC/48/61), and Volker Türk, Protect the "right to science" for people and the planet, Nature op-ed (2023).

[4] Special Rapporteur on climate change, The imperative of defossilizing our economies, para. 38.

[5] In accordance with Articles 1(3) and 55(c) of the UN Charter, all organs and specialized agencies of the United Nations are required to promote and encourage respect for human rights and fundamental freedoms for all.

[6] UNECE, Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums, paras. 5, 28-39

[7] See Annex 1: International Human Rights Law and the Right to Participation.

[8] See Annex 2: International Environmental Law and the Right to Participation.

[9] United Nations, United Nations Framework Convention on Climate Change, Article 4. Article 6(a)(iii) .

[10] Paris Agreement, article 12.

Agreement establish various platforms for participation that aim to enhance inclusiveness and ensure diverse voices are integrated into climate decision-making.

Action for Climate Empowerment (ACE), adopted under Article 6 of the UNFCCC and Article 12 of the Paris Agreement, promotes work to support public participation in climate action, among other elements. ACE aims to strengthen policy coherence, build partnerships, provide resources and tools, and improve monitoring, evaluating and reporting on ACE.

ACE has opened participatory spaces and helped normalize the expectation that civil society, youth, and other groups should participate in climate governance. A 2025 Research Institute for Sustainability study on the ACE framework identified challenges such as limited funding, low political visibility, fragmented implementation, and insufficient accountability mechanisms as barriers to the effectiveness of ACE.[11] It is important that elements of ACE such as public participation be treated as the human rights obligations that they are in order to ensure they are translated into practice and effectively mainstreamed throughout the climate negotiations.

The **Local Communities and Indigenous Peoples Platform (LCIPP)** seeks to strengthen the participation and engagement of Indigenous Peoples, as well as local communities, by promoting the exchange of knowledge and practice.[12] The three main functions of the LCIPP—knowledge sharing, capacity building for engagement, and design and implementation of policies and action—have strengthened the participation of Indigenous Peoples, as well as local communities, in COP processes. However, the Report of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform identified persistent challenges in ensuring meaningful and effective participation, including lack of integration of diverse perspectives, language barriers and inadequate translation, false equation of Indigenous Peoples and local communities, disempowering narratives, and logistical and resource constraints.[13] According to the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, the LCIPP is not an "adequate substitute for meaningful and active participation in negotiations."[14]

Participation modalities and impact could be strengthened by embedding concepts and values of Indigenous Peoples into broader UNFCCC discourse, adopting a rights-based approach, and ensuring adequate resources (including language support).[15] The **Baku Workplan of the Local Communities and Indigenous Peoples Platform**, adopted at COP29, aims to address these gaps, which started its work in 2025 and calls for will be evaluated in 2027.[16] Strengthening the LCIPP is a key priority, as the UN Special Rapporteur on the rights of Indigenous Peoples has emphasized, "The participation of Indigenous Peoples in decision-making and the availability of information and engagement mechanisms for them to do so are crucial elements in efforts to tackle climate change in a manner that is consistent with human rights obligations."[17] The Baku

[11] Lika, D, RIFS Discussion Paper, Understanding UNFCCC's Action for Climate Empowerment Framework.
[12] UNFCCC, Local Communities and Indigenous Peoples Platform.
[13] UNFCCC, Report of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform (LCIPP).
[14] Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Promotion and protection of human rights in the context of climate change mitigation, loss and damage and participation, A/77/226
[15] UNFCCC, Report of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform (LCIPP).
[16] UNFCCC, *COP29 Adopts Baku Workplan to Elevate Voices of Indigenous Peoples and Local Communities in Climate*.
[17] Report of the Special Rapporteur on the rights of indigenous peoples, UN Doc A/HRC/36/46, V. B(49) Human rights and other international standards, including the United Nations Framework Convention on Climate Change and the Paris Agreement.

Workplan has for instance explicitly called for language support beyond the UN languages[18]. However, barriers for Indigenous Peoples persist. The LCIPP remains functionally separate from the UNFCCC negotiation tracks and thus exerts limited influence on the work programmes established under the Convention and the Paris Agreement.[19] Addressing this structural disconnect is essential to ensure that climate action benefits from the holistic knowledge of Indigenous Peoples with their free, prior, and informed consent. Several COP decisions have highlighted the need for participation, including the **UNFCCC Decision 1/CMA.5, Outcome of the First Global Stocktake**. The outcome of the first Global Stocktake affirmed that "sustainable and just solutions to the climate crisis must be founded on meaningful and effective social dialogue and participation of all stakeholders, including Indigenous Peoples, local communities and governments, women, and youth and children." [20] The UN Special Rapporteur on the promotion and protection of human rights in the context of climate change has further highlighted the need to amplify the voices of diverse rights-holders, calling for meaningful participation of persons with disabilities, older persons, people of African Descent, minorities, children and young people, women, frontline communities, Indigenous Peoples, peasants, migrants, and internally displaced persons, in processes related to mitigation, disaster risk response, adaptation, just transition, and loss and damage.[21] Genuine participation requires the inclusion of all rights-holders; without such inclusivity, participation cannot be considered meaningful or consistent with human rights obligations.

Under the **UNFCCC Decision 3/CP.25, Enhanced Lima work programme on gender and its gender action plan**, parties recognized that the "full, meaningful and equal participation and leadership of women" is essential for sustainable climate action.[22] Gender balance, participation, and women's leadership are a priority area of the **Gender Action Plan (GAP)**.[23] While the original implementation of the GAP (2017–2019) created space for participation of women, girls in capacity-building workshops and training, it was described by the **Women and Gender Constituency (WGC)** as being too limited in scope, breadth, and depth, due to its rapid two-year timeline and narrow focus on single occurrence activities and training for women negotiators, in lieu of more continual and wholistic processes.[24] The Enhanced GAP (2019–2024) attempted to address these gaps by embedding stronger accountability measures, encouraging gender-responsive NDCs, and promoting gender balance in leadership roles across UNFCCC bodies.[25] Yet, the WGC has noted barriers remain: women and girls continue to face resource and access constraints, and problems with the monitoring of participation outcomes remain, leaving questions about whether the GAP has substantively strengthened participation for all women and girls.[26] At COP30 in November 2025, parties adopted the nine-year Belem GAP (Decision 7/CP.30). The plan, which recognizes women environmental defenders, is designed to

[18] COP29 Adopts Baku Workplan to Elevate Voices of Indigenous Peoples and Local Communities in Climate Action | UNFCCC
[19] International Work Group for Indigenous Affairs, Consolidating the rights of Indigenous Peoples in climate governance through the Local Communities and Indigenous Peoples Platform, pg. 24.
[20] UNFCCC, Outcome of the first global stocktake, para. 9 of the GST.
[21] Special Rapporteur on climate change, Scene-setting report, UN Doc A/HRC/56/46.
[22] UNFCCC, Enhanced Lima work programme on gender and its gender action plan, pg. 7.
[23] UNFCCC, The Gender Action Plan.
[24] Women and Gender Constituency, Background Paper: The GAP.
[25] Decision 7/CP.29 which extended the ELWPG for another 10 years, recognizes that the full, meaningful, and equal participation and leadership of women in all aspects of the UNFCCC process and in national and local climate policymaking and action is vital for achieving long-term climate goals. It also notes the importance of taking further steps to enhance women's participation and leadership, signaling that current efforts are insufficient and need strengthening.
[26] Women and Gender Constituency, Background Paper: The GAP.

drive sustained, long-term gender-responsive climate policy and action, through its 27 activities and 98 deliverables, however, some recommendations from OHCHR and others were not implemented,

III. Challenges and recommendations to address them

Upholding the right to participation is a human rights obligation.[27] Participation should be continuous and inclusive, not limited to COP events. For participation to be transformative, it must move beyond consultative platforms to institutionalized mechanisms that enable rights-holders to co-create decisions.

Recent COP reforms have strengthened transparency measures. The publication of the host country agreement for COP30 in Brazil sets a new benchmark, giving the public full access to the legal framework under which negotiations are hosted.[28] New requirements for observers that include public reporting of funding sources (with an opt-out) and signing a pledge affirming that their objectives are aligned with those of the Paris Agreement mark a step forward in enabling more meaningful oversight and accountability of who is present and why.[29] While these developments represent important progress toward more transparent and accountable COP processes, challenges remain in fulfilling the right to meaningful participation for all participants.[30]

Recent civil society proposals and calls from the UN High Commissioner for Human Rights and UN experts have highlighted barriers to inclusive participation in climate negotiations and the need to ensure greater transparency, accessibility, and protection for public engagement.

A) Transparency and accessibility

Transparency is a cornerstone of meaningful participation, yet UNFCCC processes have been criticized for limited public access to information and negotiation spaces. In the **United Call for an Urgent Reform of the UN Climate Talks**, submitted in June 2025 by over two hundred civil society organizations, the increasing occurrence of obstacles to participation in UNFCCC negotiations such as closed-door negotiations, inadequate room size and the delay in publication of official documents and drafts, was noted as one of the matters limiting the effectiveness of the negotiations.[31] Practices that limit the ability of rights-holders to provide timely and effective input undermine the right to meaningful and informed participation.

Other restrictions to accessible participation have been reported, including those related to delayed or denied visa applications, excessive travel and hotel costs, restrictions on free movement and inaccessibility of venues, lack of child-friendly documentation and safeguards, and unavailability or last-minute changes of meeting rooms without prior timely notifications, among others.[32] Some of these burdens may disproportionately affect people and organizations

[27] See Annex 1 and Annex 2 for an overview of the human rights and environmental law framework relating to the right to participation.
[28] Amnesty International, Publishing the COP30 host country agreement with Brazil is a positive step for transparency.
[29] Global Witness, COP lobbyists disclosure requirements a huge win for people over polluters.
[30] See Amnesty International: Joint Open Letter to UNFCCC
[31] Center for International Environmental Law, Reclaiming Climate Justice: United Call for an Urgent Reform of the UN Climate Talks, pg. 14.
[32] Ibid. Save the Children, Childs Rights Resource Center, A COP Fit For Children: How to support children's participation.

from the Global South with limited resources, funding, and visibility compared to larger, well-funded actors from the Global North.[33]***Recommendations:***

- Provide full and unrestricted access for rights-holders to negotiations – including by allocating sufficiently large and accessible meeting rooms at the COP venue to accommodate parties and observers together.
- Ensure representation and safe participation from groups historically excluded from negotiation spaces, including Indigenous Peoples, people of African descent, EHRDs, rural communities, displaced persons, and persons with disabilities.
- Strengthen and formalize participation modalities for rights-holders in negotiation tracks and work programmes, ensuring that the knowledge of Indigenous Peoples and local perspectives directly informs technical and political decisions. Develop participatory monitoring systems and ongoing engagement frameworks that ensure sustained involvement of rights-holders between COPs. The use of qualitative participation indicators, such as representational diversity, depth of engagement, and influence on decision outcomes can be applied to assess the quality and equity of participation.Amend COP rules under which a single party can decide to close the negotiations of a specific item to ensure observer participation and transparency.
- Address other potential restrictions to participation such as those related to delayed or denied visa applications, excessive travel and hotel costs, inaccessibility of the venue, and unavailability or last-minute changes of meeting rooms without prior timely notifications, among others.
- Publish host country agreements in a timely manner after they are signed and make them easily accessible on the UNFCCC host country websites.

B) Freedom of expression, assembly and association

In recent sessions, civil society organizations, environmental human rights defenders, and Indigenous representatives have reported constraints on the exercise of their rights to freedom of expression, peaceful assembly, and association within and around COP venues. Alleged restrictions have included limitations on what could be said during formal plenary interventions, the removal of banners or signs, and procedural barriers to organizing peaceful demonstrations or press briefings inside the conference premises.[34] Outside the venue, host-country regulations have been alleged, at times, to have restricted or criminalized peaceful protests, with participants allegedly facing surveillance, intimidation, and reprisals.[35] Such constraints would contradict States' obligations under international human rights law to ensure for the human rights to participation, freedom of expression, assembly and association.

Recommendations:

- Host countries should embed specific provisions in Host Country Agreements that guarantee the full enjoyment of the rights to peaceful assembly, freedom of expression,

[33] 2035 Legitimacy, Policy Brief: Civil society engagement at the UNFCCC COPs: A reform agenda to promote equity and protect against undue influence, pg. 3.
[34] Amnesty International, Recommendations to Parties to the UNFCCC on Human Rights Consistent Climate Action 2024. Paula Dupraz-Dobias Geneva Solutions, Rights Groups accuse UN climate body of censorship at COP28.
[35] Climate Action Network International, Climate Talks and the Chilling Effect: Repression on the Rise - Climate Action Network.

access to information, and meaningful participation and protection against retaliation, including acts of intimidation and reprisal for cooperating with the UN, among other safeguards.

- Host Country Agreements should explicitly recognize that peaceful assemblies and other forms of collective expression are integral to meaningful participation and must be safely facilitated both inside and outside COP venues. Security measures must be proportionate, non-discriminatory, and comply with international human rights standards on the use of force.
- UNFCCC and UNDSS should ensure that policies governing demonstrations and organized activities by civil society and EHRDs are consistent with international human rights standards, including enabling peaceful assembly and freedom of expression in designated areas in the blue zone.

C) Safeguards against irresponsible engagement by businesses

While businesses have engaged in the UNFCCC negotiations from the outset,[36] recent climate conferences have involved an increasing number of representatives from the fossil fuel industry.[37] Under the **United Nations Guiding Principles on Business and Human Rights**, States should take appropriate steps to prevent, investigate, punish and redress all business-related human rights abuses within their territory and/or jurisdiction. This includes those related to climate change.[38] According to OHCHR's Key Messages on Human Rights, Climate Change, and Business, businesses have "the responsibility to respect the right to participation and avoid negatively affecting participation in public affairs."[39] There are risks that irresponsible engagement in the climate negotiations may result in weakened text and human rights harms, including to the right to participation.

The Working Group on the issue of human rights and transnational corporations and other business enterprises raised concerns about unmitigated adverse human rights impacts of industry groups representing oil and gas companies, among others, taking part in lobbying relative to climate change decision-making.[40] The Working Group flags instances of irreconcilable conflict of interest, noting, "Climate lobbying is now increasingly carried out by industry associations, and many companies reportedly 'maintain extensive networks of trade associations and lobbyists whose aggregate positions on climate are … misaligned with their own.'"[41]

The Working Group also highlighted the undue influence of corporate public relations strategies on climate policymaking and negotiations. It noted that some oil and gas corporations have

[36] Carbon Brief, The challenge of consensus decision-making in UN climate negotiations.
[37] At COP-28, Kick Big Polluters Out coalition found at least 2,456 fossil-fuel lobbyists were granted access, a marked increase from 636 lobbyists at COP-27. Kick Big Polluters Out, Record number of fossil fuel lobbyists granted access to COP28 climate talks. At COP29 in Baku, Kick Big Polluters Out coalition found at least 1,773 fossil-fuel lobbyists present, outnumbering the number of delegates from the ten most climate-vulnerable nations combined. Kick Big Polluters Out, Fossil fuel lobbyists eclipse delegations from most climate-vulnerable nations at COP29 climate talks.
[38] OHCHR, Guiding Principles on Business and Human Rights.
[39] OHCHR, Key Messages on Human Rights, Climate Change, and Business, pg. 7.
[40] Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Corporate influence in the political and regulatory sphere: ensuring business practice in line with the Guiding Principles on Business and Human Rights, A/77/201, para. 55.
[41] Ibid (para. 58). Communication AL OTH 53/2023 further noted the negative impacts of greenwashing on the enjoyment of human rights. AL OTH 53/2023, pg. 6

sponsored grassroots campaigns to manipulate public opinion on fossil fuels and climate change in ways that contradict established scientific consensus. These practices, it warned, risk distorting public debate and undermining efforts toward transparent, rights-based climate action.[42]

At COP30, an open letter from a coalition lead by Transparency International, and signed by over 260 civil society organizations, further called on the Brazilian COP30 Presidency and the UNFCCC to address fossil fuel lobby influence in climate negotiations urging for the adoption of a conflict-of-interest policy and stricter transparency standards

Recommendations:

- Implement conflict of interest and human rights due diligence policies, based on the United Nations Guiding Principles on Business and Human Rights, to protect the negotiations from irresponsible engagement by businesses.
- Ensure that large corporate interests and industry associations are not disproportionately represented in UNFCCC decision-making processes and exclude those with irreconcilable conflicts of interest.
- Require full disclosure regarding the affiliation of accredited representatives of the host country, of State parties' delegations, and of observers in relation to potential political and financial interests that could reasonably be perceived to raise conflicts of interest or bias.
- Require all individuals and entities engaged in lobbying to enroll in mandatory lobbying registers and disclose information regarding lobbying activities, contacts and expenditures, in a timely manner.
- Create clear and transparent criteria for advertising, PR, and sponsorship of the conference, to ensure that such companies do not have ties to fossil fuel companies with a track record of climate disinformation and obstruction. For example, the requirement for a company to have a meaningful near-term plan to reduce emissions that is compatible with a pathway to limit global heating to no more than 1.5° Celsius could reduce the likelihood of greenwashing and contribute to upholding the COP's role as a driver of urgent and ambitious climate action.
- Develop a UNFCCC Accountability Framework to guide engagement with observers, address conflicts of interest, and safeguard against partnerships with actors whose activities are inconsistent with the objectives of the Paris Agreement and the responsibility to respect human rights in the context of climate change.[43]

D) The situation of environmental human rights defenders

In its resolution 40/11, the Human Rights Council recognizes that environmental human rights defenders face risks including violence and discrimination and urges States to secure their protection. Through the Call to Action for Human Rights[44] and the United Nations guidance on

[42] Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Corporate influence in the political and regulatory sphere: ensuring business practice in line with the Guiding Principles on Business and Human Rights, A/77/201, para. 104.
[43] See e.g.: Joint civil society submission on establishing a UNFCCC Accountability Framework to protect against undue influence of polluting interests.
[44] United Nations Secretary General, Call to Action for Human Rights.

protecting and promoting civic space,[45] the United Nations Secretary-General committed the United Nations system to better protect environmental human rights defenders[46] and safeguard the rights to express, assemble, associate, and participate in decision-making, freely and safely.[47]

EHRDs stand at the forefront of public participation, climate justice and just transition pathways, yet their work is persistently hindered by smear campaigns, harassment, restrictions on the rights to freedom of peaceful assembly, criminalization, repressive legislation and strategic lawsuits against public participation (SLAPPs), and attacks at times costing their own lives.[48] According to OHCHR data, in 2024, at least 167 EHRDs were killed and 19 EHRDs disappeared. EHRDs were detained in at least 28 countries in 2024. EHRDs from groups facing multiple and intersecting forms of discrimination in society, including women, face additional obstacles.[49]

Women environmental human rights defenders (WEHRDs), especially Indigenous women and women of African descent, experience multiplied risks from societal discrimination and gender-specific threats including sexual violence and exclusion from decision making.[50] As women are distinctly and disproportionately affected by climate change yet often face exclusion from climate-decision-making,[51] urgent measures are needed to ensure their safe, full, meaningful and informed participation in climate governance and justice.[52]

Multilateral forums offer an important opportunity to advance efforts to reduce the high levels of violence against defenders,[53] providing public visibility and scrutiny to global challenges linked to violence against defenders as well as built-in mechanisms for collective collaboration around shared challenges. It is essential to guarantee an environment where EHRDs can freely operate, advance climate solutions, and exercise their rights without fear of reprisals or restrictions.

According to a number of civil society organizations, civic space around UNFCCC negotiations has become increasingly constrained for EHRDs, including through limits on observer access and restrictions on peaceful protest within the UN-controlled "Blue Zone."[54] These organizations further warn that victims of harassment or surveillance may be deterred from reporting incidents

[45] OHCHR, United Nations guidance on protecting and promoting civic space.
[46] UNEP, Guidance Note on Environmental Human Rights Defenders.
[47] See: Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/37/59, Framework principle 4: States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.
[48] Special Rapporteur on human rights defenders, Tipping points: human rights defenders, climate change and a just transition, UN Doc A/80/114, pg. 12.
[49] Special Rapporteur on human rights defenders, Tipping points: human rights defenders, climate change and a just transition, UN Doc A/80/114, pg. 12.
[50] UN Women, Brief: Women environmental human rights defenders
[51] IPCC. Cross-Chapter Box: Gender, Gender, Climate Justice and Transformative Pathways, chapter 18, 'Climate Change 2022: Impacts, adaptation and vulnerability', working group II, Sixth Assessment Report, pg. 2700.
[52] See, for example: Report of the Secretary General, Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes, E/CN.6/2022/3 (para 2); and UN Women. 2023 Feminist climate justice: A framework for action.
[53] Special Rapporteur on human rights defenders, Tipping points: human rights defenders, climate change and a just transition, UN Doc A/80/114, pg. 12.
[54] Amnesty International, the Center for International Environmental Law, the Egyptian Commission for Rights and Freedoms, and the Global Climate Legal Defense Network, The contributions made by human rights defenders to achieving the Sustainable Development Goals and the challenges they face in this work.

due to the opacity of the UNFCCC Code of Conduct and procedures for investigating or publishing outcomes of complaints.[55] Amnesty International has further reported cases of EHRD intimidation, close surveillance, or silencing when trying to speak out or organize inside and outside official spaces.[56]

Recommendations:

- UNFCCC should seek to prevent and address all acts of intimidation and reprisals against civil society actors engaging or seeking to engage in the climate negotiations by aligning existing procedures and mechanisms with the recommendations of the Secretary-General's annual reports on reprisals[57], including through close consultations with OHCHR.
- Parties should promote and protect the safety and security of civil society representatives before, during and after climate negotiations, inside and outside the venue, preventing and effectively addressing intimidation and reprisals against those who seek to engage, including possible attacks and in-person and digital surveillance by the host country government under security pretexts.
- When intimidation takes place, it is important to document, investigate, provide effective remedies and adopt and implement preventive measures, and report cases, by obtaining the consent of the victim, observing the "do no harm" principle and confidentiality, and follow-up with the victims of intimidation and reprisals to ensure that they are safe from further such acts before, during and after the conference. Whenever required, acts of intimidation and reprisal should be publicly condemned and referred to UN human rights mechanisms with the consent of the victim.
- Share good practices and examples across countries that inspire collaborative frameworks for protection, including by considering good practices contained in the Secretary-General's annual reports on cooperation with the UN system (known as reprisals reports).
- Parties must commit to strengthening civic space and meaningful participation in climate negotiations, upholding human rights protections across all future UNFCCC sessions and supporting the positive role of EHRDs in climate action under different agenda items (ACE, GAP, JTWP, GST, etc.)
- Remove the administrative, financial, and logistical barriers to the meaningful participation of communities and frontline defenders most affected by climate change, especially those from least-responsible countries with limited resources, including by allocating dedicated resources to enhance the capacity of EHRDs—particularly women, children and young people, and marginalized groups—to meaningfully engage in UNFCCC processes.

[55] Ibid, para. 11.
[56] Amnesty International, Civic Space and Environmental Human Rights Defenders: Essential for Achieving Climate Justice, pg. 25.
[57] See, for example: Report of the Secretary General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, A/HRC/54/61 (paras. 134-139)

E) Participation in Nationally Determined Contributions, National Adaptation Plans and Long-Term Low Emission Development Strategies

Nationally Determined Contributions (NDCs), National Adaptation Plans (NAPs), and Long-Term Low Emission Development Strategies (LT-LEDs), required under the Paris Agreement, should further integrate inclusive and accessible participatory measures. In order to translate international commitments into actionable national policy, NDCs, NAPs, and LT-LEDs must embed mechanisms that ensure inclusivity, transparency and meaningful and effective participation, thereby enabling the voices of affected people and communities to shape climate ambition.

When Indigenous Peoples, local communities, EHRDs and civil society are involved in planning and implementing climate action, including NDCs, this promotes public and sustained support for climate action, contributes to higher ambition, and improves the effectiveness and sustainability of those actions.[58] Despite growing recognition of the importance of public participation, numerous obstacles continue to undermine the effective inclusion of civil society in the planning and updating of NDCs, including limited transparency, short timelines, inadequate funding, and insufficient accommodation to local contexts.[59]

The **Integrating Human Rights in NDCs Toolkit for Practitioners**, developed by OHCHR, the Center for International Environmental Law, and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, outlines concrete recommendations, including guaranteeing the meaningful, informed, and effective participation of rights-holders in the design of the NDCs, committing to participatory implementation and monitoring, and adopting specific measures to ensure free, active, and meaningful participation. These measures include providing timely access to information, ensuring early engagement when all options remain open, and strengthening accountability and transparency mechanisms.[60]

Recommendations:

- Parties should guarantee the meaningful, informed, and effective participation of rights-holders in the design of NDCs, NAPs and LT-LEDs.[61] This can also be achieved through new forms of participatory democracy integrating intersectional measures for inclusive participation of those most affected by climate change.
- Parties should showcase practices that integrate community-led planning, participatory budgeting, and multi-stakeholder policy co-design.
- The UNFCCC Secretariat should develop and periodically report on qualitative indicators to measure the meaningfulness of participation in climate negotiations going beyond quantitative metrics. These could include detailed descriptions of participation processes used; demographics of participants and efforts to ensure inclusivity; how

[58] IPCC, Working Group II Contribution to the IPCC Sixth Assessment Report on Climate Change Impacts, Adaptation and Vulnerability, Summary for Policy Makers, pgs. 25, 28, and 29.
[59] Independent Institute for Environmental Issues and BUND, NDC Participation Guidebook, pgs. 26-27.
[60] OHCHR, the Center for International Environmental Law, and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Integrating Human Rights in NDCs Toolkit for Practitioners. See also, UNFCCC, **Integrating Action for Climate Empowerment into Nationally Determined Contributions**.
[61] See: CIEL, AIPP, CARE, ITUC, IWGIA, RFN, and WEDO, Delivering on the Paris Promises: Combating Climate Change While Protecting Rights, pg. 14.

input from rights-holders influenced final commitments; plans for ongoing participation in implementation and monitoring, and barriers encountered and how they were addressed.

IV. Resources

UNFCCC Outcomes

- UNFCCC Action for Climate Empowerment
- UNFCCC Integrating Action for Climate Empowerment into Nationally Determined Contributions
- UNFCCC Gender Action Plan
- UNFCCC Local Communities and Indigenous Peoples Platform

Legal Documents

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- Inter-American Court of Human Rights Advisory Opinion AO-32/25 on the Climate Emergency and Human Rights
- UNGA Resolution 76/300: The human right to a clean, healthy, and sustainable environment
- Human Rights Council resolution 40/11: Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development
- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)
- Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)

UN Guidance

- ECLAC Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean: Implementation Guide
- OHCHR Guidelines for States on the effective implementation of the right to participate in public affairs
- OHCHR Guiding Principles on Business and Human Rights
- UNECE Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums
- UNECE Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters
- United Nations Guidance Note on the Protection and Promotion of Civic Space
- United Nations Guidance Note on Environmental Human Rights Defenders
- OHCHR Civic Space Brief
- Annual reports of the Secretary-General on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (also known as reprisals reports)

- OHCHR Procedures and practices in respect of civil society engagement with international and regional organizations

Reports of the special procedures mechanisms of the Human Rights Council

- Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Access to information on climate change and human rights
- Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Promotion and protection of human rights in the context of climate change mitigation, loss and damage and participation
- Report of the Special Rapporteur on the situation of human rights defenders, Tipping points: human rights defenders, climate change and a just transition

V. Annex 1: International Human Rights Law and the Right to Participation

The foundation of the human right to participation in public affairs is set out in **Article 21 of the Universal Declaration of Human Rights** and **Article 25 of the International Covenant on Civil and Political Rights (ICCPR).** As **the Human Rights Committee** has noted, it includes the right to partake in the formulation and implementation of policy at the international and regional levels.[62]

The right to participation is also explicitly included in the **Convention on the Elimination of All Forms of Discrimination against Women** (Article 7), the **International Convention on the Elimination of All Forms of Racial Discrimination** (Article 5(c)), the **Convention on the Rights of Persons with Disabilities** (Article 29), the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (Art 41), and the **Convention on the Rights of the Child** (Article 31). The latter further enshrines the right of the child to be heard (Article 12(2)).

The right has been established in regional instruments, such as **Articles 23(1)(a) of the Inter-American Convention on Human Rights, Article 13 of the African Convention on Human Rights, Article 25 of the ASEAN Human Rights Declaration and Article 24 of the Arab Charter on Human Rights**. The European Court of Human Rights has stated that public participation is part of the right to private and family life under Article 8 of the European Convention on Human Rights.[63] According to both the Inter-American Court of Human Rights and European Court of Human Rights, States have an obligation to ensure the right to public participation in policies and decision-making that could affect the environment.[64]

The **International Court of Justice (ICJ) Advisory Opinion on the Obligations of States in Respect of Climate Change** reaffirms state's obligations to facilitate public participation in climate change-related decision-making and responses under the UN Framework Convention on Climate Change (Section IV.B.3.(c)) and Paris Agreement (Section IV.B.5.(d)) More broadly, the ICJ unanimously recognized that States have binding obligations under international human rights law to protect the climate system and other parts of the environment, reaffirming that the right to clean, healthy and sustainable environment "is essential for the enjoyment of other human rights" under international law and "inherent in the enjoyment of other human rights" because of the interdependence between human rights and the protection of the environment.[65]

The right to participation in matters specifically related to climate change is further expounded upon in the **Inter-American Court of Human Rights Advisory Opinion AO-32/25 on the Climate Emergency and Human Rights**. Section VI Article C.4 establishes that public participation is a "fundamental pillar of procedural rights" and obliges states to ensure the meaningful participation of individuals under their jurisdiction in climate-related decision-making and policymaking processes.[66]In addition to being a stand-alone human right, participation is an enabler for, and depends on the full exercise of, other human rights such as the rights to equality

[62] Human Right Committee, General Comment No. 25, CCPR/C/21/Rev.1/Add.7 (1996), paras. 5 and 8.
[63] See ECtHR, Verein KlimaSeniorinnen and Others v. Switzerland, Application no. 53600/20(2(2024), para. 539 e.
[64] See IACtHR, Advisory Opinion OC-23/17, "The Environment and Human Rights," (2017), para. 226 and Conclusion (g) and ECtHR, Taşkin and Others v. Turkey, App. No. 46117/99 (2003), paras. 119 and 120.
[65] International Court of Justice, Obligations of States in Respect of Climate Change Advisory Opinion, *paras. 387-393.*
[66] Inter-American Court of Human Rights, Advisory Opinion AO-32/25, paras. 180-184.

and non-discrimination, peaceful assembly and association, freedom of opinion and expression, education, and to benefit from scientific progress and its applications. It is understood as one of the key elements of the human right to a clean, healthy, and sustainable environment.[67] The right to freedom of expression, including access to information, is foundational for informed public participation. The full realization of democracy,[68] the rule of law,[69] and development (articles 2 (3) and 8(2) of the **Declaration on the Right to Development**) are all dependent on effective enjoyment of the human right to participation.

The **Human Rights Committee, in its General Comment No. 25,** recognized that the right to take part in the conduct of public affairs also covers the formulation and implementation of policy at the international and regional levels.[70] As established in the **United Nations Office of the High Commissioner for Human Rights** (**OHCHR) Guidelines on Public Participation**, decision-making in multilateral environmental processes has a significant effect on the realization of human rights, as it impacts national legislation, policies and practices. Decisions in these processes must be made in a transparent and accountable manner, respectful of fundamental rights.[71]

As the **Committee on the Elimination of Discrimination against Women** has stressed in its **General Recommendation No. 40**, women have the right to equal and inclusive representation in all decision-making systems on equal terms with men – this requires institutionalization of fifty-fifty parity between women and men in all spheres of decision-making.[72]

The **Committee on the Rights of the Child, in its General Comment No. 26**, stipulated that for free, active, meaningful and effective participation, children should be provided with environmental and human rights education, age-appropriate and accessible information, adequate time and resources and a supportive and enabling environment. They should receive information about the outcomes of environment-related consultations and feedback on how their views were taken into account and have access to child-sensitive complaint procedures and remedies when their right to be heard in the environmental context is disregarded.[73]

According to the General Comment, "the exercise by children of their rights to freedom of expression, peaceful assembly and association, to information and education, to participate and be heard and to effective remedies can result in more rights-compliant, and therefore more ambitious and effective, environmental policies."

According to the **Committee on Economic, Social and Cultural Rights, in its General Comment 25,** the right enshrined in article 15 (1) (b) of the International Covenant on Economic,

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[67] In July 2022, the UN General Assembly unanimously adopted the resolution recognizing the human right to a clean, healthy, and sustainable environment. According to the General Assembly, ensuring an effective right to participation is vital for exercising the right to a clean, healthy, and sustainable environment. UNGA, The human right to a clean, healthy, and sustainable environment, A/RES/76/300, Preamble.

[68] Human Rights Committee, General Comment No. 25, which states that Article 25 (participation) "lies at the core of democratic government." CCPR/C/21/Rev.1/Add.7, para. 1.

[69] According to former UN Secretary General Kofi Anan, the Rule of Law requires participation in decision-making. See the Report of the Secretary-General "The rule of law and transitional justice in conflict and post-conflict societies," S/2004/616 para. 6.

[70] Human Rights Committee, General comment no. 25, CCPR/C/21/Rev.1/Add.7.

[71] OHCHR Guidelines for States on the effective implementation of the right to participate in public affairs.

[72] Committee on the Elimination of Discrimination against Women, General Comment 40 on the equal and inclusive representation of women in decision-making systems, UN Doc. CEDAW/C/GC/40

[73] Committee on the Rights of the Child, General Comment No. 26, CRC/C/GC/26, para. 27.

Social and Cultural Rights encompasses not only a right to receive the benefits of the applications of scientific progress, but also a right to participate in scientific progress.[74]

The preceding authorities unequivocally affirm that under international human rights law, States have obligations to ensure the right to participation including in multilateral environmental negotiations. Participation should allow individuals to contribute to and benefit from decision-making processes. That is, participation must be active (i.e. not symbolic), inclusive (i.e. particularly of groups in vulnerable situations), informed (i.e. access to documents and information), meaningful (i.e. real potential to influence decisions), and safe (i.e. free from any threats and attacks, including acts of intimidation and reprisal). As underscored by the Special Rapporteur on the promotion and protection of human rights in the context of climate change access to "quality, trustworthy and evidence-based" information is a prerequisite for transparency, inclusiveness and effectiveness in decision-making, and interlinked with the right to participation.[75]

This includes not only actively facilitating participation and empowering individuals, Peoples and groups to engage in decision-making processes that affect their rights and well-being, but an obligation to end all acts of intimidation and reprisals against those participating or seeking to participate in international forums and related events.[76] Meaningful participation also includes the ability to speak in real time and contribute during sessions, sharing independent research and lived experiences, involvement in informal negotiations and meetings where key decisions are made, consideration of input in the outcomes, and removal of practical and procedural barriers. For example, in negotiations under the **Convention on Biological Diversity Subsidiary Body on Implementation**, it is the regular practice that observers may take the floor in contact groups to make textual suggestions. If at least one Party supports such a suggestion, it becomes part of the official negotiating text on which Parties deliberate.[77]

A human rights-based approach demands attention to power asymmetries between rights-holders and duty-bearers and other stakeholders. In this sense, the right to participation protects against power asymmetries which can hinder meaningful participation, particularly for people in vulnerable situations, and lead to decisions that do not reflect diverse perspectives or needs. Imbalances in observer representation, e.g. where business interests are present in large numbers including in delegations and rights-holders are not, can lead to flawed decision-making. There is growing concern about the influence of corporate actors, including fossil fuel companies, whose interests are in conflict with the objectives of the climate negotiations.[78] This

[74] Committee on Economic, Social and Cultural Rights, General Commet No. 26, E/C.12/GC/25, para.11.
[75] Special Rapporteur on the promotion and protection of human rights in the context of climate change, Access to information on climate change and human rights, para. 4. See also: the **Special Rapporteur on Climate Change (A/HRC/59/42)** on the need to 'defossilize knowledge: "In order to support an informed, transparent and participatory process for defossilization, States also need to "defossilize" information systems, to protect human rights in the formation of public opinion and democratic debate from undue commercial influence 189 and from information distortions arising from the operationalization of the fossil fuel sector's playbook over decades, considering fossil fuel companies' historical and current access to influential media and their economic power over influential actors." The imperative of defossilizing our economies, para. 72. The **Inter-American Court of Human Rights Advisory Opinion AO-32/25 on the Climate Emergency and Human Rights** establishes positive duties for states to address climate information: "States must ensure that information related to the climate emergency issued by public authorities is clear, accurate, reliable, accessible, and timely, thereby enabling the public to exercise democratic and critical scrutiny over its content."
[76] See HRC, Draft guidelines for States on the effective implementation of the right to participate in public affairs, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/39/28.
[77] Convention on Biological Diversity (CBD), Subsidiary Body on Implementation, Scenario Note, CBD/SBI/3/1/Add.2.
[78] See, for instance, *Kick Big Polluters Out* Coalition. 2025. LETTER: 225+ Organizations demand COP30 center people, not polluters.

is why effective engagement in multilateral environmental negotiations requires protecting negotiations from vested interests and guaranteeing the participation of people in vulnerable situations in their capacity as rights-holders so they can have a voice in shaping policies and programs that affect their live.[79]

As put forward by the **UN Working Group on Business and Human Rights**, private sector participation should be conducted transparently and responsibly. However, where businesses engage in political processes to support policies that are inconsistent with respect for human rights – especially where the modes of engagement utilized and the surrounding regulatory contexts preclude adequate oversight – there is a significant risk of unmitigated human rights harms to individuals and communities and impairment of the State's ability to safeguard against those harms.[80] Addressing this issue requires transparency, traceability and conflict of interest provisions to ensure that corporate political engagement is responsible and rights-respecting. In this regard, the **World Health Organization Framework Convention on Tobacco Control** provides a useful example. Article 5.3 of the Convention requires Parties to protect public health policies from the vested interests of the tobacco industry. Similar safeguards could inform multilateral environmental processes where comparable conflicts of interest arise.[81]

[79] See the UN Framework Principles on Human Rights and the Environment, in the Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/37/59.
[80] Working Group on Business and Human Rights, Corporate influence in the political and regulatory sphere: Ensuring business practice in line with the Guiding Principles on Business and Human Rights, UN Doc A/77/201, para. 2.
[81] World Health Organization (WHO). 2003. *WHO Framework Convention on Tobacco Control*. Geneva: WHO. Article 5.3.

VI. Annex 2: International Environmental Law and the Right to Participation

The right to participation in public affairs is vital to the protection of the environment, and States also have positive legal obligations, under international environmental law, to ensure participation in environmental matters. In 1982, the UN General Assembly adopted the **World Charter for Nature**, stating that all persons shall have the opportunity to participate in decisions of concern to the environment. Similarly, **Principle 10 of the Rio Declaration** establishes that "Environmental issues are best handled with the participation of all concerned citizens," and **Agenda 21** promotes "the broadest public participation."

The right to participation in environmental matters in international context has been codified in the **Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)**, which is open for global accession, and the **Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)**, both of which impose a legal duty on Parties to ensure the right. These instruments provide a framework that can be used by Parties in international negotiations, such as those under the INC and those on climate change, biodiversity, and other issues.

Specifically, under Article 3.7 of the Aarhus Convention and Articles 4.10 and 7.12 of the Escazu Agreement, Parties have legally binding obligations to promote the right to public participation in international forums on matters relating to the environment. This includes an obligation to facilitate broad and open access to participation in multilateral environmental processes.[82]

Under Article 9 of the Escazu Agreement, Parties must guarantee a safe and enabling environment for human rights defenders in environmental matters, and protect and promote their rights including the freedom to participate in activities regarding environmental matters. Likewise, Article 3 (8) of the Aarhus Convention requires each Party to protect environmental defenders from penalization, persecution or harassment.

Participation is also included under the **Kunming-Montreal Global Biodiversity Framework**, which calls for Parties to enable participation at all levels of government, apply a human rights based approach, and protect environmental human rights defenders, and the Agreement under the **United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ)**, according to which, Parties are to facilitate the participation of relevant global, regional, subregional and sectoral bodies, Indigenous Peoples, and local communities with relevant traditional knowledge, the scientific community, civil society and other relevant stakeholders. The BBNJ further establishes important provisions on transparency and opportunities for public comment, including requirements for the publication of decisions, the dissemination of information on consultations, and the ability of the public and stakeholders to submit views on proposals.

The **Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters under the Aarhus Convention (Maastricht**

[82] See also ECLAC, Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean: implementation guide.

Recommendations) provide a step-by-step practical guidance on how to implement effective public participation in decision-making in the domestic and transboundary context.[83]

The **Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines)**[84] provide practical measures to facilitate public participation in international decision-making processes and within the framework of international organizations in matters relating to the environment. These measures include ensuring access to documents, transparency of procedures, and participation rights. They cover both procedural aspects (e.g., room access, document availability) and substantive aspects (e.g., decision-making influence). The Almaty Guidelines also emphasize the importance for States to ensure that modalities for participation in international forums are designed in a manner that minimizes inequality, and avoids the exercise of undue economic or political influence, while facilitating the participation of those constituencies that are most directly affected and might not have the means for participation without encouragement and support.[85]

The **ECLAC Observatory on Principle 10** identifies and shares legal developments and best practices including on the right to public participation, as enshrined in Principle 10 of the Rio Declaration and the Escazú Agreement.[86]

[83] UNECE, Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters.
[84] UNECE, The Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums.
[85] Ibid, guideline 15.
[86] ECLAC, Observatory on Principle 10 in Latin America and the Caribbean.