Participation is a Right

The Road from Egypt to the Emirates

www.LaRutaDelClima.org

N.º 20 Climate Justice in Latin America Series
Credits

Editorial ©La Ruta del Clima –

**Participation is a Right: The Road from Egypt to the Emirates** by Asociación La Ruta del Clima with the technical and financial support of the Heinrich-Böll Foundation.

---

Authors: La Ruta del Clima
Graphic Design: Mariana Cerdas


This work is available under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International license.

The text of the license is available at: https://creativecommons.org/

Address to order the publication or download the text: www.LaRutadelClima.org

Asociación La Ruta del Clima. San José, Costa Rica
# TABLE OF CONTENTS

- Introduction ................................................................................................................................. 4
- Effective Participation? .................................................................................................................. 5
- Fossil Fuel Lobbyists Also Participate ......................................................................................... 6
- Exodus from Egypt ....................................................................................................................... 8
- All Eyes on the Emirates ............................................................................................................... 9
- A 'Paradigm Shift' is Needed ...................................................................................................... 11
The right to participate in the climate governance process has come under fire at the annual UN climate conference (COP) in recent years. At COP25, a last minute switch in location from Chile to Spain presented major logistical hurdles for resource-strapped participants in the Global South and elsewhere. Sky-high hotel costs, UK quarantine rules, and vaccination issues were among the major hurdles delegates and civil society organizations (CSOs) faced heading into COP26 in Glasgow. Last year in COP27 in Egypt, the harassment of CSOs by the host government “alarmed” UN experts with their crackdown on activism. Conflicts between UN Security and Egyptian officials and the harassment of activist inside the COP venue put into question who was in control of the space. The idea of a civic space was non-existent at COP27 for participants.

This year’s host, the United Arab Emirates (UAE), has vowed to prioritize inclusivity. In a Letter to Parties, COP28 President Sultan Al Jaber identified inclusivity as one of the four key paradigm shifts to deliver on the Paris Agreement, stating:

“Inclusion will be the foundation of our Presidency, the tool that will enable us to collectively achieve ambitious outcomes at COP28. We will continue to work in collaboration with women, Indigenous Peoples, local communities, youth, people of determination, subnational actors, and faith-based organizations to ensure their contributions throughout our programs and outcomes.”

Inclusion can come in many forms and this year it most likely mean, an extreme undue influence of oil company lobby.

- Al-Jaber

Image credit: Dr. Sultan Al-Jaber
In a host country agreement with the United Nations Framework Convention on Climate Change (UNFCCC), the UAE pledged to make space for activists and allow for them to “assemble peacefully” to make their voices heard. While Al Jaber has made broad overtures to the importance of participation, it remains an open question whether the UAE will make COP27 a participatory and inclusive conference or if the voices of youth, women, local communities, Indigenous Peoples, and others on the frontlines of the climate crisis will be forced to take a backseat. These promises must be interpreted at the light of the long history of systematic human rights violations that the host government has accumulated.

**EFFECTIVE PARTICIPATION?**

"Without the pressure of civil society, there would be no Paris Agreement," said Jennifer Morgan, Germany’s State Secretary and Special Envoy for International Climate Action at last year’s conference in Egypt, as climate activists faced an unprecedented level of hostility from the host country.

The Right of Public Participation is at the center of UNFCCC parties’ obligations. Article 6 of the UNFCCC and Article 12 of the Paris Agreement define State obligations on Public Participation. COP participation has historically been far from balanced when it comes to gender and Global South representation.

At the first COP in Berlin, 88 percent of participants were male, while only 12 percent were female. 75 percent of all delegations at COPs 1-25 were male. The number of female participants at COP has increased steadily in recent years, with females comprising 37 percent of participants at COP27. Last year, only two parties sent all-male delegations, a record low and encouraging sign going forward.

There have been similarly jarring numbers for Global South participation. At COP21 in Paris, NGOs from the Global South accounted for only 25 percent of the total representation. A breakdown of participation at COP26 in Glasgow by La Ruta del Clima and La Data Cuenta shows that over 9,000 badgeholders were from Western Europe, the United States, Canada and other Global North delegations, while fewer than 2,000 were from Latin American and Caribbean nations. At the civil society level, the contrast has been even starker.
Sky-high travel and accommodation prices have made it difficult for cash-strapped Global South organizations to participate, particularly the last two years. Rooms at the official hotel portal for COP26 were going for up to £888 a night, pricing out those hoping to have easy access to the negotiations. Logistical challenges tied to the pandemic and vaccine inequality further complicated the process for would-be participants.

Last year, the Egyptian tourism ministry drastically increased the floor price for rooms in Sharm el-Sheikh, locking in prices as much as five times their usual costs. This created a fresh set of obstacles for those hoping to attend the COP.

**FOSSIL FUEL LOBBYISTS ALSO PARTICIPATE**

Fossil fuel executives and lobbyists have played a fundamental role in shaping international climate policy dating back to the Rio Summit in 1992 and founding of the UNFCCC.

The influence of fossil fuel companies at the local, national, and international level is clear. A report by Oil Change International and Friends of the Earth U.S. shows that G20 countries and multilateral development banks provided at least $55 billion for fossil fuels per year from 2019 to 2021, nearly double the $29 billion spent on clean energy. In The Intercept, Kate Aronoff laid bare the fossil fuel lobby’s role in influencing the Paris Agreement, noting a Shell executive’s comments at an International Emissions Trading Association (IETA) side event during COP24 in Katowice, Poland:

> Civil society, social movements and governments have found it incredibly challenging to jump through all the hoops necessary to get here from the UK. Compared to previous years, this COP is one of the whitest.

> - Nathan Thanki, climate activist

*Image credit: Fossil Fuel Non-Proliferation Treat*
We have had a process running for four years for the need of carbon unit trading to be part of the Paris Agreement. We can take some credit for the fact that Article 6 of the Paris Agreement is even there at all. We put together a straw proposal. Many of the elements of that straw proposal appear in the Paris agreement. We put together another straw proposal for the rulebook, and we saw some of that appear in the text.

- Shell’s Chief Climate Change Adviser

In Egypt, a total of 636 lobbyists attended COP27, a 25 percent year-over-year increase. As Euronews noted, this is more than the combined total delegates sent by the 10 countries most impacted by climate change. Their presence coincided at a moment when there was increased momentum to include language about the phasedown of all fossil fuels in the COP27 decision.

Ahead of COP28, the UNFCCC has taken some measures to increase transparency regarding fossil fuel lobbyists. They will now have to self-identify by listing their affiliation and relationship to their affiliated organization, according to the UNFCCC. For many, this measure is too little too late and believe fossil lobbyists should be excluded going forward. The stakes are particularly high this year as COP 28 President Sultan Al Jaber is also the CEO of the Abu Dhabi National Oil Company (ADNOC), the top oil producer in the country and the 12th biggest in the world.

- Destination Zero’s Founder and Executive Director Catherine Abreau told the New York Times

It’s just like how tobacco lobbyists need to be kept out of conversations about cancer prevention.

It’s just like how tobacco lobbyists need to be kept out of conversations about cancer prevention.

- Shell’s Chief Climate Change Adviser

It’s just like how tobacco lobbyists need to be kept out of conversations about cancer prevention.

- Destination Zero’s Founder and Executive Director Catherine Abreau told the New York Times

Image credit: Canadian Climate Institute
EXODUS FROM EGYPT

Despite the difficult obstacles faced in attending the last two conferences, they were the most well-attended in history. UNFCCC numbers show 49,704 people attended COP27 in Sharm el-Sheikh, blowing past the 38,457 participants at COP 26.

In its final list, the UNFCCC documented 26,370 participants from 2,950 parties, observer organizations and media. An additional 23,334 people were registered under Additional Badges that include Party Overview and Staff. 10,090 participants attended the events from a total of 1,649 non-governmental organizations.

Despite this record turnout, a series of actions taken by the host government impeded participation.

Many Egyptian NGOs critical of their government were denied entry to the conference by the host government, a country with a well-documented track record of cracking down on dissent. According to the UNFCCC, host nations reserve the right to invite civil society organizations at their discretion, telling The Guardian that "there is no fixed written policy" for this one-time registration process.

The intimidation, harassment, and surveillance of activists by the Egyptian government during the conference alarmed UN human rights experts who expressed concern these tactics would have a "chilling effect" and cause civil society organizations to self-censor. There were several reports of activists subject to intrusive questioning at the airport and inside the conference venue. Egyptian security officials were present throughout the conference, including the Blue Zone, and were seen filming activists. Experts warned the host country's COP27 app was essentially a "cyberweapon," raising fears it could access private emails, read encrypted chats, and even listen to voice conversations.

"Just talking about the word activism means you are very quickly surrounded by people eavesdropping on you," said one COP27 participant. 

Image credit: Waleed Zein-Anadolu Agency
On the heels of the negative publicity in Egypt, the UAE has pushed for inclusivity to be a pillar of this year's COP. On August 1, COP28 President Sultan Al Jaber and UN Climate Change Executive Secretary, Simon Stiell, issued a joint statement on their plans to make COP28 “the most inclusive” summit to date.

“In line with UNFCCC guidelines and adherence to international human rights norms and principles, there will be space available for climate activists to assemble peacefully and make their voices heard,” wrote Stiell and Al Jaber. “We are committed to upholding the rights of all participants and to ensuring that everyone’s perspectives are heard and their contributions to the climate challenge are recognized.”

These broad overtures by the COP28 Presidency and UNFCCC Secretariat were met with skepticism by human rights organizations, who pointed to the country’s track record when it comes to freedom of assembly and freedom of expression. There are strict legal constraints on freedom of assembly, with unauthorized political protests subject to police dispersal. The gestures of peaceful assembly in the host country have been criticized as “profoundly flimsy” and there have been calls to guarantee the safety of protestors at risk of reprisal.

The fact that the hosts of this crucial climate meeting felt the need to highlight that some form of free assembly and expression will be allowed during COP28 serves only to highlight the normally restrictive human rights environment in the United Arab Emirates and the severe limits it places on the rights to freedom of expression and peaceful assembly.

- Heba Morayef, Amnesty International’s Regional Director for the Middle East and North Africa.

Image credits: Heba Morayef, X
The United Arab Emirates has a documented history of systematically restricting the political rights of its residents and citizens alike. According to the U.S. State Department, there are well-documented reports of arbitrary arrests and detentions, political prisoners, and substantial interference with the freedom of peaceful assembly and freedom of association.

The UAE's 2022 Code of Crimes and Punishments makes some strides in terms of reducing the severity of certain sentences, but retains provisions criminalizing free expression and free assembly. For example, a penalty of five years can be imposed on “anyone who mocks, insults, or damages the reputation, prestige or standing of the state” or “its founding leaders.”

Protecting press freedoms will also be critical in Dubai. In the Reporters Without Borders’ 2023 World Press Freedom Index, the UAE ranks 145 out of 180 nations, just 21 spots ahead of last year’s host. The 1980 Publications and Publishing Law is regarded as one of the most restrictive in the region, enabling censorship and outlawing criticism of the government, its allies and any member of the royal family or ruling leaders. The International Center for Justice and Human Rights has documented numerous cases of detainment of journalists and bloggers.

Internet censorship is rampant in the UAE, which ranks 59 out of 70 countries in Freedom House’s 2022 Freedom of the Net index. Internet service providers are fully or partially owned by the state, allowing the government to control the flow of information in the country. A wide range of online activities are prohibited and the country’s cybercrime law criminalizes offending the state and its rulers or symbols, as well as insulting religion. The country has relaxed some of its restrictions for other international events, easing its Voice over Internet Protocol (VoIP) service restrictions for visitors during the World Expo 2020 in Dubai, allowing them to make WhatsApp voice calls and access Skype on site.
A ‘PARADIGM SHIFT’ IS NEEDED

The UAE is correct that a "paradigm shift" is indeed needed in terms of participation and inclusivity. While there was a massive turnout at Sharm el-Sheikh, the hostile environment that many activists experienced was not in line with UNFCCC values nor the ACE framework.

To enable a true paradigm shift, additional guarantees must be put in place beyond a broad recognition of the right to assemble peacefully to ensure participants can stage meaningful protests without concerns over detention. The host country must ensure that this year’s COP is safe and affordable for participants.