



Subsidiary Body for Implementation

Process of admission of observer organizations to the UNFCCC

Note by the secretariat

Summary

The Conference of the Parties, at its twenty-fifth session, requested the Subsidiary Body for Implementation at its fifty-second session to review the approach to admitting observer organizations to the UNFCCC process and to provide any relevant guidance to the secretariat.

Abbreviations and acronyms

COP	Conference of the Parties
IGO	intergovernmental organization
NGO	non-governmental organization
SBI	Subsidiary Body for Implementation



I. Introduction

A. Mandate

1. COP 25 requested SBI 52 to review the approach to admitting observer organizations to the UNFCCC process and to provide any relevant guidance to the secretariat.¹

B. Scope of the note

2. This document presents the process for admitting IGOs and NGOs as observers to the UNFCCC process, and the procedures outlined in document FCCC/SBI/2004/5, paragraph 8.² It also includes information on documentation used by the secretariat to determine the eligibility of organizations applying for admission, as well as information on provisional admittance to a session by the Bureau before formal admission by the COP.

C. Possible action by the Subsidiary Body for Implementation

3. The SBI may wish to review the approach to admitting observer organizations and provide any relevant guidance thereon to the secretariat.

II. Admission of observer organizations to the UNFCCC process

4. The admission of IGOs and NGOs as observers to the UNFCCC process is governed by Article 7, paragraph 6, of the Convention.

5. In order to implement the provisions on the admission of observers to the UNFCCC process, the following three primary criteria for admission were established:

- (a) Competence in Convention matters;
- (b) Confirmation of independent juridical personality;
- (c) Confirmation of non-profit and/or tax-exempt status in a United Nations Member State, a member State of one of its specialized agencies or of the International Atomic Energy Agency, or a State party to the International Court of Justice.

6. It was also provided that:³

- (a) Multilateral agreements that do not establish an independent juridical entity are not considered eligible for admission;
- (b) Organizations which have been established by, and report to, governments and carry out government-mandated activities, but which cannot provide evidence of independence from government, are not considered eligible for admission. They are encouraged to participate as part of government delegations;
- (c) Organizations which carry out functions on behalf of governments, including activities relating to the flexible mechanisms, provided that they meet the criteria listed in paragraph 5 above and that their governance structure is independent of governments, are considered eligible for admission.

7. It was also provided that entities that cannot provide the necessary documentation are not to be considered eligible for admission as observer organizations. Organizations which fulfil the criteria are included in a list of organizations which the secretariat recommends, through the Bureau, to the COP for admission as observers.⁴

¹ FCCC/CP/2019/13, para. 18.

² SBI 20 took note of the procedures (FCCC/SBI/2004/10, para. 100).

³ FCCC/SBI/2004/5, para. 10.

⁴ FCCC/SBI/2004/5, para. 9.

III. Determining eligibility for admission as an observer

8. Applications for admission as an observer to the UNFCCC process and related documentation are accepted in any of the six official United Nations languages.

9. The criteria for admission of IGOs and NGOs as observers require them to provide documents that prove, among other things, that they meet the criteria listed in paragraph 5 above. In determining eligibility in line with those criteria, the secretariat is guided by the following documents supplied by the applicant organizations:

- (a) Letter of application from the head of the organization;
- (b) Copies of certified articles of association, by-laws, statutes or constitutions detailing the mandate, scope and governing structure in the case of NGOs; or copies of documents such as treaties, charters, statutes or constitutions that confirm independent juridical personality, are signed by more than one United Nations Member State and provide details on the mandate, scope and governing structure in the case of IGOs;
- (c) Certificate of incorporation issued by a government authority in the country in which the organization is headquartered in the case of NGOs; or a copy of the host country agreement concluded between the organization and the Member State hosting the organization in the case of IGOs;
- (d) Certificate confirming non-profit and/or tax-exempt status, issued by a government authority in the country in which the organization is headquartered;
- (e) Financial statements for the most recent accounting year, including income and expenditure breakdowns;
- (f) List of funding sources covering the last two years;
- (g) The two most recent annual reports or other evidence of competence in matters relating to the UNFCCC for the last two years;
- (h) List of networks of which the organization is part and/or affiliations with other organizations involved in climate change activities;
- (i) Evidence of academic independence or freedom in the case of NGO research institutes, including universities.

10. These documents are submitted via an online system, which also serves as a platform on which the applicants are kept informed of the status of their assessment and the secretariat and applicant organizations can communicate in case of any questions.

IV. Provisional admittance by the Bureau and formal admission by the Conference of the Parties

11. The secretariat determines conformance to all the requirements for admission as observers to the UNFCCC process and issues a recommendation to the Bureau to provisionally admit the organizations that meet the requirements. Issues or concerns raised by the Bureau are included in the recommendation of the Bureau to the COP.

12. The secretariat advises these applicants of their provisional admittance status, on the understanding that the final authority for their admission as observers lies with the COP.

13. The COP is then invited, at the first meeting of its next session, to review the organizations recommended and accord observer status as deemed appropriate.