

### **NGOs without observer status engagement at COPs**

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*This advice is provided in response to **Query 56/23***

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**Query:** *We are an NGO currently in the process of obtaining UNFCCC observer status, although we have observer status for ECOSOC. What opportunities are there for NGOs lacking observer status at the UNFCCC to make submissions or participate in the negotiation meetings?*

#### **Advice**

##### **Summary**

Access to meetings and sessions of the UNFCCC for NGOs is regulated and specific to this multilateral process, independent and distinct from ECOSOC admission. Non-Governmental Organisations who have yet to obtain observer status with the UNFCCC can participate in two ways: they can (1) make online submissions, and (2) participate in conferences by registering representatives through an already admitted observer organisation, international organisation, or party.

NGOs lacking observer status can make submissions in response to specific calls for information and views open to parties and non-party stakeholders on the UNFCCC Secretariat website. The method provided for NGOs without observer status is to send their submission via email to the UNFCCC secretariat. Regarding participation in the negotiations, NGOs without observer status cannot register representatives to attend UNFCCC sessions. However, they can send delegates to negotiations by registering them with an NGO that does have observer status, and international organisation or a party. This allows delegates from NGOs without observer status to participate in negotiations and events.

#### **1. Requirement for Admission as an Observer organization**

Access to meetings and sessions of the UNFCCC for NGOs is regulated. In order to send representatives to any meeting or session of the UNFCCC, NGOs must first be admitted by the Conference of Parties (COP) as an observer organization to the UNFCCC process.<sup>1</sup> The NGO does not need to repeat this process once admitted, but it does have to register their representatives to attend each session. Further details about the process of registering representatives and using the online Registration System can be found on the UNFCCC webpage 'Admitted NGOs'.<sup>2</sup>

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<sup>1</sup> Webpage: 'How to Obtain Observer Status'; p. 3 UNFCCC Handbook on Standard Admission Process for NGOs

<sup>2</sup> Webpage: 'Admitted NGOs'

## **UNFCCC admission process is independent from ECOSOC admission**

The UNFCCC admission process is independent to any admission process under ECOSOC. Organizations that have observer status with ECOSOC are therefore still required to go through the UNFCCC admission process to obtain observer status at UNFCCC negotiations.<sup>3</sup>

NGOs without observer status at the UNFCCC can nonetheless engage in the negotiations. The following sections outline the two options for participation: they can make online submissions to the UNFCCC (section 2) and register participants to attend the negotiations through a registered organisation, international organisation, or a party (section 3).

### **2. Submissions by NGOs lacking observer status**

NGOs lacking or in the process of obtaining observer status can still make online submissions to the UNFCCC. They can respond to specific requests made by convention bodies for views and information on specific issues under negotiation.<sup>4</sup> Calls for information and views are published on the Secretariat Website.

Their submissions must be presented via email to the UNFCCC secretariat (unlike accredited NGOs who are able to upload their submission directly onto the portal). Once cleared, the submissions will then be added to the submission portal. They should also specify the mandate they are responding to. The UNFCCC submission portal website offers a more detailed account of the requirements:

*'Non-Party stakeholders<sup>5</sup> without observer status are invited to send their submissions, per the guidelines below, to the UNFCCC secretariat by email to [submission-info@unfccc.int](mailto:submission-info@unfccc.int). Received submissions will go through a clearing process and cleared submissions will then be published in the Submission and Statement Portal.*

*Guidelines for submissions from non-Party stakeholders without observer status:*

- 1. Submissions should clearly indicate which mandate they are in response to. For the exact reference, please find the respective call in the Submission and Statement Portal.*
- 2. The letterhead must carry the name, logo and contact details of the organization.*
- 3. Please do not use any special characters (e.g. # % & { } \ < > \* ? / \$ ! ' " : @) and do not exceed a maximum of 31 characters for the file name and keep to a maximum of 10 MB per file to ensure proper processing of the file.*

*PDF version of the submission has to be sent by email to [submission-info@unfccc.int](mailto:submission-info@unfccc.int) <sup>6</sup>*

### **Submissions by organizations with observer status**

Once an NGO has gained observer status it has to follow a different process for making submissions. Observer organisations are invited to make their submissions via an online Submission and Statement Portal.<sup>7</sup>

In addition to entering submissions, Observer Organizations can make statements orally during the plenary sessions of a conference. Statements can also be uploaded in written form via the portal, and statements made in this way are allowed to be longer than those given in plenary sessions.

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<sup>3</sup> Webpage: 'How to Obtain Observer Status'; p.3 UNFCCC Handbook on Standard Admission Process for NGOs

<sup>4</sup> Webpage: 'How to engage without Observer Status'

<sup>5</sup> The term 'non-party stakeholders' appears to be a broad term; in Decision 1/CP.21 p.2. it includes 'civil society, the private sector, financial institutions, cities and other subnational authorities, local communities and indigenous peoples'.

<sup>6</sup> Webpage: 'Submission Portal'

<sup>7</sup> Webpage: 'Submission Portal'

### **3. Participation of NGOs lacking observer status in the negotiation meetings**

UNFCCC negotiation meetings are not open to the public.<sup>8</sup> To attend any sessions or meetings of the UNFCCC, representatives of an NGO must be accredited and the NGO itself must be admitted and have observer status with the UNFCCC. The representative will then receive a badge allowing them entry. There are, therefore, two stages to gaining entry: first the NGO needs to secure observer status with the UNFCCC, and second the observer NGO must nominate and confirm the names of each representative attending a particular session.<sup>9</sup>

An NGO without observer status can participate in a UNFCCC negotiation meeting - such as a COP or any other negotiation meeting open to observers - by registering their delegates as representatives of an NGO that does have observer status, by registering with an accredited international organisation or in a party delegation. The UNFCCC website provides:

*'If your organization is not admitted, i.e. does not carry official observer status with the UNFCCC, and you have missed the deadline for admission or if your organization is not eligible for admission, the representatives of your organization might be nominated and confirmed to attend sessions by already-admitted observer organizations who agree for them to be part of their delegation. Visibility on the list of participants will be given to the name of your organization if the nominating organization makes relevant entries in the online registration system when confirming your representatives. Please note that observer organizations must nominate and confirm their representatives by the deadlines that are announced in the notification and/or information note for each conference.'*<sup>10</sup>

To facilitate this process, the UNFCCC provides a list of all admitted observer organizations:

- NGOs: <https://unfccc.int/process/parties-non-party-stakeholders/non-party-stakeholders/admitted-ngos/list-of-admitted-ngos>

Further information for NGOs with observer status, including details on how to register representatives for sessions, can be found on the UNFCCC webpage for Admitted NGOs.<sup>11</sup>

In addition to this option, a non-registered NGO can also have access to the negotiations by registering delegates or representatives with a party delegation, or an international organisation, provided they are willing to offer that option. If registered as a party delegate, the representative will, in principle, have access to more negotiation rooms than those available for 'observers,' but the use of the badge might also be subject to restrictions by the party.

#### **How NGOs engage in the negotiations**

Once admitted, representatives are free to attend sessions open to observer NGOs.<sup>12</sup> The current badge system simply provides for entry and does not establish further requirements for observers to provide information regarding the activities they will be conducting during COP, however, in recent years the UNFCCC has discussed requesting more information on the above as to enhance

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<sup>8</sup> Art 7, para. 6 of the Convention

<sup>9</sup> A1, 'Guidelines for Participation of NGOs at meetings of the bodies of the UNFCCC'

<sup>10</sup> Webpage 'How to engage without observer status'

<sup>11</sup> Webpage: 'Admitted NGOs'

<sup>12</sup> Observers are admitted to UNFCCC Conferences subject to the rules of procedure. Rule 7 of the rules of procedure states that: '[Non-governmental observers] may, upon invitation of the President, participate without the right to vote in the proceedings of any session in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the session object.'

transparency on COP delegate's interest.<sup>13</sup> Consequently, once a representative has a badge, they are free to attend any negotiation open to observer organisations.

During the negotiations, civil society can engage with the process through constituencies, which are diverse groups of interest. The UNFCCC website defines them as “*loose groups of NGOs with diverse but broadly clustered interests or perspectives.*” They have emerged into the process progressively, the first being Business and Industry NGOs (BINGO) and Environmental NGOs (ENGO). There are currently nine constituencies in the UNFCCC:

BINGO	Business and industry NGOs
ENGO	Environmental NGOs
Farmers	Farmers and agricultural NGOs
IPO	Indigenous peoples organizations
LGMA	Local government and municipal authorities
RINGO	Research and independent NGOs
TUNGO	Trade union NGOs
WGC	Women and gender constituency
YOUNGO	Children and youth NGOs

Source: UNFCCC website.<sup>14</sup>

Each constituency is represented and organized by respective constituency focal points (CFPs). They provide a conduit for the exchange of official information between their constituents and the secretariat, and this is why, although it is not obligatory for NGOs to engage through a constituency, the secretariat recommends doing so. The constituency system is also how NGOs can contribute to statements in plenary sessions, via the making of joint constituency statements. More details on how constituencies operate and the benefits of belonging to them are found in the UNFCCC Secretariat document “Constituencies and you.”<sup>15</sup>

Since 2016 the UNFCCC secretariat also recognizes the following groups as informal NGO groups:

- Faith Based Organizations (FBOs);
- Education, Communication and Outreach Stakeholders (ECOs);
- Parliamentarians.

According to the UNFCCC website, these informal NGO groups do not enjoy all privileges of an official constituency, but their morning coordination meetings can be announced on CCTV and in the Daily

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<sup>13</sup> Admission and Registration review

<sup>14</sup> <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/admitted-ngos#Constituencies-in-the-UNFCCC>

<sup>15</sup> [https://unfccc.int/files/parties\\_and\\_observers/ngo/application/pdf/constituencies\\_and\\_you.pdf](https://unfccc.int/files/parties_and_observers/ngo/application/pdf/constituencies_and_you.pdf)

Programme (DP) and they receive a certain number of tickets to limited access meetings such as opening ceremonies.<sup>16</sup>

Information on how representatives can engage during formal sessions is available in the COP28 Observer Handbook.<sup>17</sup>

In summary, the handbook states that representatives can engage in formal processes by:

- Follow the negotiations to provide input to Parties;
- Showcasing advocacy;
- Hold bilateral meetings with government delegates;
- Partaking in press conferences and side-events/ exhibitions;
- Develop position papers and making formal submissions in response to calls for information and views by negotiation bodies;
- Making joint constituency statements in the plenaries via the constituencies;
- Making interventions at the opening, stock-taking, and closing plenaries on the invitation of the presiding officers;
- Attend the Open Dialogue between Constituencies and the Presidency.<sup>18</sup>

#### **Participation in non-official events around COPs**

Additionally, certain areas of a conference may be open to the public: for example, as has become the norm at COPs, COP28 will have a Green Zone open to the general public, which will feature exhibitions and some events and conferences.<sup>19</sup> This is distinct from the Blue Zone, which will be open to UNFCCC accredited parties and observer organizations. This area hosts the formal negotiations and side events, and representatives are required to be registered and have a badge to enter.<sup>20</sup>

Finally, although this is beyond the scope of the query, it is worth mentioning that there are many non-official 'side events' or activities open to the public taking place outside the perimeters of the negotiations venue, often organised by different non-party stakeholders, such as 'people's summits', businesses workshops, researchers' sessions, amongst others.

#### **4. References and Resources:**

##### **Webpages:**

Webpage: 'How to Obtain Observer Status': <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/how-to-obtain-observer-status>

Webpage: 'Observer Organizations': <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/observer-organizations>

Webpage: 'Admitted NGOs': <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/admitted-ngos#Submissions-and-Statements>

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<sup>16</sup> <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/admitted-ngos#Constituencies-in-the-UNFCCC>

<sup>17</sup> <https://unfccc.int/sites/default/files/resource/Observer%20Handbook%20for%20COP%2028.pdf>

<sup>18</sup> Handbook, p. 23-25.

<sup>19</sup> Further detail on COP28 green zone available via their webpage: <https://www.cop28.com/en/green-zone>

<sup>20</sup> Further detail on COP28 blue zone available via their webpage <https://www.cop28.com/en/blue-zone>

Webpage: 'How to engage without Observer Status': <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/how-to-engage-without-observer-status>

Webpage: 'Submission Portal': <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/submissions/submission-portal>

### **Handbooks and Guides:**

UNFCCC Handbook on Standard Admission Process for NGOs:

[https://unfccc.int/sites/default/files/resource/standard\\_admission\\_process\\_ngos\\_en.pdf](https://unfccc.int/sites/default/files/resource/standard_admission_process_ngos_en.pdf)

Guidelines for Participation of NGOs at meetings of the bodies of the UNFCCC:

[https://unfccc.int/sites/default/files/guidelines\\_for\\_the\\_participation\\_of\\_ngos.pdf](https://unfccc.int/sites/default/files/guidelines_for_the_participation_of_ngos.pdf)

Observer Handbook for Cop28:

<https://unfccc.int/sites/default/files/resource/Observer%20Handbook%20for%20COP%2028.pdf>

### **Treaties and rules of procedure**

Kyoto Protocol: <https://unfccc.int/resource/docs/convkp/kpeng.pdf>

Rules of Procedure FCCC/CP/1996/2: [https://unfccc.int/sites/default/files/resource/02\\_0.pdf](https://unfccc.int/sites/default/files/resource/02_0.pdf)

Admission and Registration review:

[https://unfccc.int/sites/default/files/resource/Infosheet\\_item3.pdf](https://unfccc.int/sites/default/files/resource/Infosheet_item3.pdf)