

Meaning of Observers and Non-admitted Entities in UNFCCC regime

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*This advice is provided in response to **Query 92-24***

Query:

Is it correct to say that the word “observer” in the UNFCCC context also refers to non-admitted entities? Is there a defined category of what “non-admitted entities” are?

Submission Portal: <https://www4.unfccc.int/sites/submissionsstaging/Pages/Home.aspx>

Sharm el-Sheikh online portal: <https://unfccc.int/topics/land-use/workstreams/agriculture/sharm-el-sheikh-online-portal>

Background:

The Conference of the Parties established the Sharm el-Sheikh online portal under the Sharm el-Sheikh joint work on implementation of climate action on agriculture and food security for sharing information on projects, initiatives and policies for increasing opportunities for implementation of climate action to address issues related to agriculture and food security (decision 3/CP.27).

In discussions under the joint work on agriculture and food security in Baku under SB 61, parties agreed to request the secretariat to further develop the online portal to enable submissions according to projects, initiatives or policies as indicated by “the submitting Party or observer”.

Canada suggested having a more general reference (rather than “Party” or “observer”) which would make clear that organisations not admitted as observers of the UNFCCC (non-admitted entities) are able to make submissions (e.g. farmers). Reportedly, the co-facilitator, upon consulting with the secretariat, suggested this was not necessary because the term “observer” covers non-admitted entities. Indeed, the [agreed draft conclusions](#), which were adopted, retain the word “observer” in the text but Annex II mentions “Admitted non-governmental organizations and non-admitted entities”. The SBSTA and the SBI are expected to continue consideration of the matter at SB 62 (June 2025).

Advice:

1. Summary

- 1.1. Based on the use of the term “observer” in UNFCCC contexts, a specific meaning exists that is distinct from the colloquial, general interpretation of “observer”. “Observers” or “observer organizations” are United Nations System entities, admitted intergovernmental organizations (IGOs), and admitted non-governmental organizations (NGOs). “Non-admitted entities” refers to non-Party stakeholders without observer status.
- 1.2. This means that using the term “observer” to encompass non-admitted entities may result in ambiguity and confusion, including during future UNFCCC sessions, which may ultimately reduce the participation of non-admitted entities such as farmers organizations.

2. Introduction

2.1. This analysis examines:

- (a) the use of the term “observer” in the wider UNFCCC context;
- (b) the use of the term “observer” in the context of the Sharm el-Sheikh online portal; and
- (c) the use of the term “non-admitted entities”.

2.2. It can be argued that care should be taken in the use of terms, including “observer”, that have both a generally understood meaning and a UN-specific or UNFCCC-specific meaning. Using different terms so as to distinguish between such meanings would result in greater clarity for delegates, other UNFCCC participants and the public.

3. Use of “observer” in the UNFCCC context

3.1. Article 7.6 of the UNFCCC reads as follows:¹

“The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.”

3.2. The draft² UNFCCC rules of procedure contain section V on observers. Rule 7 makes reference to the process of being admitted as an observer.

3.3. The UNFCCC webpage titled ‘How to obtain observer status’³ provides further guidance and makes clear the meaning of “observer” in the UNFCCC context. The webpage notes: “Organizations (non-governmental organizations (NGOs) and intergovernmental

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https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf#page=19

² Though the draft rules of procedure have not been formally adopted, they are applied as a matter of practice, except for Rule 42 on voting which is not agreed.

³ <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/how-to-obtain-observer-status#Mandate-and-legal-provisions>

organizations (IGOs)) must be admitted by the Conference of the Parties (COP) as observer organizations to the UNFCCC process to send representatives to attend any UNFCCC sessions or meetings.”

- 3.4. Thus, in the UNFCCC context, there is a distinction drawn between (i) observers, which have been admitted, and (ii) non-admitted entities. This suggests that “non-admitted entities” is not a specifically defined category, but refers to entities that are not admitted as observers.
- 3.5. It can be argued that the term “observer” used in the SB 61 conclusions (“by the submitting Party or observer”) is open to being interpreted as only “admitted observers” as opposed to a wider or colloquial meaning of “observer” – especially given the proximity of the term “Party”.
- 3.6. Below, we consider the use of the term “observer” or “observer organization” in recent decisions.
- 3.7. For CMA 5 decisions (2023), the following entities were invited to make submissions to the UNFCCC submission portal:⁴
 - (a) Decision 1/CMA.5 (Outcome of the first global stocktake), paragraph 193: “Parties and non-Party stakeholders”;
 - (b) Decision 2/CMA.5 (Global goal on adaptation), paragraph 41: “Parties and observers”;
 - (c) Decision 3/CMA.5 (United Arab Emirates just transition work programme), paragraph 6: “Parties, observers and other non-Party stakeholders”;
 - (d) Decision 4/CMA.5 (Sharm el-Sheikh mitigation ambition and implementation work programme referred to in decision 4/CMA.4), paragraph 7: “Parties, observers and other non-Party stakeholders”.
- 3.8. Decision 15/CP.25⁵ (Terms of reference for the review of the Doha work programme on Article 6 of the Convention) (2019) invites submissions to the UNFCCC submission portal from:
 - (a) “Parties, observer organizations and other stakeholders” (paragraph 2);
 - (b) “United Nations organizations,... observer organizations and other stakeholders” (paragraph 3); and
 - (c) “Parties and observer organizations” (paragraph 4).
- 3.9. Submissions displayed on the UNFCCC submission portal are grouped into the following categories:
 - (a) Parties;
 - (b) United Nations System;
 - (c) Admitted intergovernmental organizations (IGOs);

⁴ <https://unfccc.int/documents/637073>

⁵ <https://unfccc.int/documents/210476>

- (d) Admitted non-governmental organizations (NGOs);
- (e) Non-admitted entities (NAEs).

3.10. On a webpage that provides guidance about the UNFCCC submission portal, it is noted that (emphasis added in bold) “Non-Party stakeholders without observer status are welcome to make submissions **in response to a specific call for submissions**”.⁶ Such non-Party stakeholders are instructed to make submissions by email, which would “go through a clearing process”. Unlike Parties and unlike organizations with observer status, non-Party stakeholders are not granted an account for the submission portal. The webpage specifies that observer organizations are (emphasis added in bold) “United Nations System entities, **admitted** intergovernmental organizations, and **admitted** non-governmental organizations”.

3.11. Based on the above, there are distinctions between the use of “observers” / “observer organizations” and “other non-Party stakeholders” / “other stakeholders”. This strengthens the argument that the term “observer” does not encompass entities such as farmer organisations that are not admitted observers.

4. Use of “observer” in the context of the Sharm el-Sheikh online portal

4.1. The Sharm el-Sheikh online portal⁷ was established by Decision 3/CP.27⁸ (paragraph 16) for information sharing purposes to support the four-year Sharm el-Sheikh joint work on implementation of climate action on agriculture and food security (paragraph 14). This portal is distinct from the UNFCCC submission portal, which covers a broader range of topics, including calls for submissions for every session.⁹ The Sharm el-Sheikh online portal is in the process of being further developed by the secretariat per the agreed SB 61 conclusions.

4.2. In the SB 61 conclusions adopted during COP 29 (November 2024), the following conclusions refer to “observer” (emphasis added in bold):

- (a) Paragraph 3: *“They requested the secretariat to further develop the Sharm el-Sheikh online portal to enable submissions to be further categorized by project, initiative or policy, as indicated by the submitting Party or **observer**.”*
- (b) Paragraph 4: *“The SBSTA and the SBI also requested the secretariat to develop, by SB 62 (June 2025), a template for submissions to the Sharm el-Sheikh online portal, on the basis of the structure outlined in annex I, and invited Parties and **observers** to use the template when making submissions to the portal.”*

4.3. Annex II of the same document (SB61 conclusions) lists the following as a sub-element of the Sharm el-Sheikh online portal:

“(a) Parties

⁶ <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/submissions/submission-portal#Submissions-and-statements-from-non-Party-stakehol>

⁷ <https://unfccc.int/topics/land-use/workstreams/agriculture/sharm-el-sheikh-online-portal>

⁸ https://unfccc.int/sites/default/files/resource/cp2022_10a01_adv.pdf#page=16

⁹ <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/submissions/submission-portal>

(b) United Nations organizations and other admitted intergovernmental organizations

(c) Admitted non-governmental organizations and non-admitted entities”

There is an apparent contradiction between the body of the conclusions (which refer to submissions by Parties and observers in paragraph 3 and paragraph 4) and Annex II of the same document (which includes “non-admitted entities” under the ‘Submissions’ element).

- 4.4. At the time of writing, the current version of the Sharm el-Sheikh online portal which is available online displays three sections of submissions, which have further sub-sections:
- (a) “Submissions from Parties” (currently an empty section);
 - (b) “Submissions from United Nations System and other admitted intergovernmental organizations (IGOs)”;
 - (i) “United Nations System” (currently with one submission);
 - (ii) “Other admitted intergovernmental organizations” (currently an empty sub-section);
 - (c) “Submissions from admitted non-governmental organizations (NGOs) and Non-admitted entities (NAEs)”;
 - (i) “Admitted non-governmental organizations” (currently with one submission); and
 - (ii) “Non-admitted entities” (currently with one submission).
- 4.5. On the same webpage, under the heading “How to submit”, “national focal points (for Parties) and designated contact points (for admitted observers)” are invited to submit information to an email address. There is no mention of submission by non-admitted entities.
- 4.6. Despite this, the existence of the sub-section heading and one submission for “Non-admitted entities” suggests that, in practice, submissions to the Sharm el-Sheikh online portal are accepted from both admitted and non-admitted entities and these are displayed under the relevant section of the portal.
- 5. Use of “non-admitted entities”**
- 5.1. The term “non-admitted entities” has been used in the UNFCCC submissions portal, the current version of the Sharm el-Sheikh online portal and in Annex II of the SB 61 conclusions mentioned above.
- 5.2. Based on the webpage that provides guidance about the UNFCCC submission portal (see paragraph 3.10 above),¹⁰ “non-admitted entities” refers to non-Party stakeholders without observer status.

¹⁰ <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/submissions/submission-portal>

5.3. This means that “non-admitted entities” would include a wide variety of entities that have not applied for admission as observers and/or are not eligible to become observers.

6. Conclusion

For the Sharm el-Sheikh online portal, if submissions are intended to be encouraged from a wide range of stakeholders, including local organizations, then there is a strong case that the phrase “the submitting Party or observer” should be clarified. This is especially given the apparent contradiction, in the SB 61 conclusions on the Sharm el-Sheikh joint work, between the conclusions (which refer to submissions by Parties and observers) and Annex II (which includes “non-admitted entities” under the ‘Submissions’ element). The term “observer” has a specific meaning in the UNFCCC context which can be interpreted as excluding entities that are not admitted.