Contribution to Combat Desertification

Conference of the Parties
Tenth session
Changwon, Republic of Korea 10–21 October 2011
Item 5 of the provisional agenda
Accreditation of intergovernmental and non-governmental organizations, admission of observers

Revised procedures for the accreditation of civil society organizations and the private sector

Note by the secretariat

Summary

At the ninth session of the Committee for the Review of the Implementation of the Convention, some Parties requested the secretariat to review the procedures for accreditation of civil society organizations (CSOs) and the private sector, with a view to aligning them fully with those in force in the other multilateral environmental agreements and the Economic and Social Council of the United Nations. At the same session, Parties also recommended that the secretariat revise the list of organizations proposed for accreditation to the Conference of the Parties.

The present document proposes options (i) for improving the efficiency of the UNCCD accreditation process and its alignment with the processes of similar entities, with a view to making the involvement of CSOs more productive and consistent over time, and (ii) for facilitating the participation of representatives from the business community in the sessions of the Conference of the Parties and its subsidiary bodies, in order to enhance private sector involvement in the implementation of the Convention.
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I. Introduction

1. The involvement of civil society organizations (CSOs) is encouraged by the United Nations Convention to Combat Desertification (UNCCD) through a number of provisions in which the role of non-governmental organizations (NGOs) and other major groups in the implementation of the Convention is fully acknowledged.¹

2. In addition, CSOs are also encouraged to participate in the sessions of the Conference of the Parties (COP) and the meetings of its subsidiary bodies.

3. Article 22, paragraph 7 of the UNCCD gives the basic rules governing the participation in COP sessions of organizations with observer status. Any body or agency, whether national or international, governmental or non-governmental, may be represented at sessions of the COP under the following conditions: (a) it is qualified in matters covered by the Convention, (b) it has informed the permanent secretariat of its wish to be represented at a session of the COP, and (c) unless at least one third of the Parties present at the session object.

4. Rule 7 of the rules of procedure of the COP (Participation of other bodies or agencies) further specifies that such observers may, upon the 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 related to the participation of other bodies or agencies.

5. By its decision 26/COP.1 (Accreditation of non-governmental (NGOs) and intergovernmental organizations (IGOs)) the COP decided, inter alia, to accredit to the first and subsequent sessions of the COP those organizations that the secretariat might recommend for accreditation and that, in deciding on the accreditation of additional organizations to the second and subsequent ordinary or extraordinary sessions of the COP, the COP should (a) take into account decisions 1/1² and 2/1³ adopted by the Preparatory Committee for the United Nations Conference on Environment and Development (UNCED) for the accreditation of NGOs, and (b) bear in mind the established practice of the General Assembly of the United Nations.

II. Background

6. In accordance with the aforementioned provisions, the secretariat has been facilitating the accreditation of IGOs and NGOs which have expressed interest in

¹ Including the following:
(a) to facilitate the participation of local populations, particularly women and youth (article 5 (d));
(b) to participate in the policy planning, decision-making, and implementation and review of national action programmes (article 10 2 (f));
(c) to disseminate relevant information and experience among target groups in different regions (article 16 (d));
(d) to organize awareness campaigns for the general public; to promote, on a permanent basis, access by the public to relevant information, and wide public participation in education and awareness activities; to develop and exchange educational and public awareness material, where possible in local languages (article 19 (3)).

³ A/46/48: Procedures for determining non-governmental organizations’ competence and relevance to the work of preparatory committees.
participating in the sessions of the COP and its subsidiary bodies. Applicants which have complied with the requirements are recommended for accreditation to the COP,\(^4\) which usually addresses this issue in the second item on the agenda of each session in order to allow the participation of the organizations in that session.

7. Following this process, up to now more than 900 CSOs have been accredited to the COP and have therefore the possibility of attending its meetings and those of its subsidiary bodies.

8. Decision 3/COP.8 containing the 10-year strategic plan and framework to enhance the implementation of the Convention (2008–2018) (the Strategy), highlights the importance of the involvement of the private sector as one of the key actors in successful implementation of the Convention. However, neither the text of the Convention nor the decisions of the COP clearly indicate specific requirements for private sector representatives attending UNCCD official meetings. Currently, representatives of the private sector can attend only by being included as members of the official delegation of a country attending the COP or with a CSO accredited to the Conference as an observer.

9. At the ninth session of the Committee for the Review of the Implementation of the Convention (CRIC 9), some Parties asked the secretariat to review the procedure for accreditation of civil society organizations including the private sector, “with a view to fully aligning them with those in force in the other multilateral environmental agreements (MEAs) and the Economic and Social Council (ECOSOC) of the United Nations”. At the same session, Parties also recommended that the secretariat “revise the list of organizations proposed for accreditation to the Conference of the Parties”.

10. Building upon the above, the present document proposes options (i) to improve the efficiency of the UNCCD accreditation process and its alignment with processes of similar entities, with a view to making the involvement of CSOs more productive and consistent over time, and (ii) to facilitate the participation of representatives from the business community in the sessions of the COP and its subsidiary bodies, with a view to enhancing private sector involvement in the implementation of the Convention as advocated by The Strategy.

III. Accreditation process for civil society organizations

11. For the purpose of providing reference information to assist the COP in its deliberations on this matter, a comparative analysis was made between the procedures for the accreditation of CSOs of the UNCCD with those applied by ECOSOC and a number of MEAs.

A. United Nations Convention to Combat Desertification

12. In accordance with the provisions described in paragraphs 3 to 5 above, organizations soliciting accreditation to the COP are asked to provide information and documentation to support their request (please refer to annex I for a complete list of the documentation required).

13. The documents need to be submitted by post, to be original where required, and to be in one of the three working languages of the UNCCD secretariat (English, French and Spanish); translations of the original should be certified. Applications should be received by

the secretariat no later than 90 days prior to the beginning of the session of the COP which will consider the list of organizations proposed for accreditation.

14. Under the current arrangements, representatives of the private sector can attend a UNCCD official meeting either by being included as members of the official delegation of a Party or as an observer.

B. United Nations Economic and Social Council

15. Article 71 of the United Nations Charter provides that ECOSOC may make suitable arrangements for consultation with NGOs which are concerned with matters within its competence.

16. Resolution 1996/31 of ECOSOC regulates the consultative relationship between the United Nations and NGOs. The resolution, inter alia, outlines the information that the organizations should submit in order to be granted consultative status (please refer to annex I).

17. The resolution goes beyond regulating admittance to Council meetings, aiming to ensure coherence in the rules governing the participation of NGOs in international conferences convened by the United Nations. At the same time, it outlines the eligibility requirements for consultative status, the rights and obligations of NGOs with consultative status and the procedures for suspension and withdrawal of such status.

18. The organizations willing to participate in international conferences convened by the United Nations should request accreditation to the relevant body. The secretariat of the conference is responsible for the receipt and preliminary evaluation of requests from NGOs for accreditation to the conference.

19. Applications should be accompanied by information on the competence of the organization and the relevance of its activities to the work of the conference, and should include the information referred to in annex I.

20. Accreditation does not entail any negotiating role but, in accordance with established United Nations practice and at the discretion of the chairperson of the meeting concerned, the organization should be offered the possibility of addressing the conference through written statements and oral presentations.

21. ECOSOC has established an online platform to facilitate the accreditation process. Once registered in the system, NGOs should upload the required information which can be submitted in English or French only. The application is reviewed by the Committee on NGOs of ECOSOC, which submits its recommendations to the ECOSOC meeting for consideration and its final decision.

C. United Nations Framework Convention on Climate Change

22. The legal basis for the participation of observers in meetings of the United Nations Framework Convention on Climate Change (UNFCCC) is provided in the text of the Convention which mirrors article 22 of the UNCCD and the rules of procedures of the UNCCD COP. However, as indicated in document FCCC/SBI/2004/5, the secretariat

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5 As contained in A/51/3 (Part II), 10 September 1996.
6 The NGO Committee of ECOSOC is composed of 19 Member States of the United Nations.
7 Article 7, paragraph 6 of the UNFCCC.
further developed procedures for the admission of NGOs and IGOs. In the case of the
UNFCCC, only organizations with independent juridical personality and non-profit and/or
tax-exempt status may be admitted to the COP with observer status.\textsuperscript{8} Organizations meeting
the requirements are included in a list that the UNFCCC secretariat recommends to the
COP, through its Bureau, for admission to the COP as observers.

23. Prior to the accreditation, the secretariat requests the submission of a certificate of
non-profit incorporation as proof. Alternatively the non-profit status could also be proved
by means of a copy of the relevant law/regulation certifying the non-profit status of the
organization.

24. Applications are accepted in one of the six United Nations official languages. The
charter/statutes/constitution or by-laws, the proof of non-profit status and the financial
statements need to be submitted in original languages with translation in one of the United
Nations official languages; the translation does not need to be certified, however.

25. Applications for admission are accepted throughout the year and the review process
begins on 1 March of every year for admission of observers to the meeting of the COP in
the same year.

26. In addition to this, NGOs applying for accreditation to the COP may indicate with
which major group\textsuperscript{9} they would like to be associated.

D. Convention on Biological Diversity

27. The Convention on Biological Diversity (CBD) has provisions similar to those of
the UNCCD regulating the admission of observers to meetings of the COP and its
subsidiary bodies. Article 23 of the Convention refers to the accreditation of observers in
the same terms as article 22 of the UNCCD, and Rule 7 of the rules of procedure of the
CBD COP mirrors the text of Rule 7 of the UNCCD.

28. The CBD COP, at its eighth meeting, requested the Ad Hoc Open-ended Working
Group on Review of Implementation of the Convention to consider procedures for the
admission of bodies and agencies, whether governmental or non-governmental.\textsuperscript{10} The COP
subsequently adopted decision IX/29, which spells out the steps required for the admission
of qualified bodies and agencies, whether governmental or non-governmental, as observers
to meetings of the COP and its subsidiary bodies.

29. Thus, organizations should inform the secretariat of their wish to be represented as
observers to the meetings of the Conference, and should submit their statutes/by-laws/rules
or terms of reference, as well as any other relevant information.

30. Organizations wishing to be represented at the COP should submit a letter of interest
under the organization's letterhead and signed by the chief executive or president. If the
organization has not been admitted as an observer to a previous meeting of the COP
(including when the COP serves as the Meeting of the Parties to the Biosafety Protocol) or

\textsuperscript{8} Organizations wishing to be considered for admission should provide evidence of their independent
juridical personality and non-profit and/or tax exempt status in a State member of the United Nations,
of one of its specialized agencies or of the International Atomic Energy Agency, or in a State Party to
the International Court of Justice.

\textsuperscript{9} Business and industry NGOs, environmental NGOs, indigenous peoples' organizations, local
government and municipal authorities, research and independent NGOs, trade union NGOs, farmers'
NGOs, women's NGOs and youth NGOs. The last three groups currently have provisional status.

\textsuperscript{10} <www.cbd.int/doc/decisions/cop-08/cop-08-dec-10-en.doc>.
its subsidiary bodies, additional information is required, and relevant documentation should be attached to the letter of interest (please refer to annex I).

31. Unlike the UNCCD process, a list of bodies and agencies which have informed the secretariat of their wish to be represented at the COP is submitted to every meeting of the COP for its consideration, and bodies and agencies should notify the secretariat of any relevant change in the information provided previously to the secretariat which may affect the organization’s admission as an observer.

32. Within the CBD process, the rules of procedure have been broadly interpreted with a view to encouraging the participation of business and industry organizations. No distinction has been made between non-profit and for-profit non-governmental bodies or agencies. Business and industry organizations may be represented at CBD meetings as observers if they have met the relevant informational requirements and the conditions of the rules of procedure.

E. Convention on Migratory Species

33. Article VII paragraph 9 of the Convention on Migratory Species (CMS) regulates the participation of an “agency or body technically qualified in protection, conservation and management of migratory species, which has informed the secretariat of its desire to be represented at meetings of the Conference of the Parties”.

34. According to article VII paragraph 7 of the CMS each COP should determine and adopt rules of procedure for that meeting.

35. The only requirement for participation in meetings of the COP is the submission of a written request, addressed to the CMS secretariat. The secretariat screens each request against the required qualification of the organization and eventually includes the name of the requesting organization in a list which is first submitted to the Committee in charge of credentials, and then to the COP for approval.

F. Stockholm Convention on Persistent Organic Pollutants

36. The secretariat of the Stockholm Convention on Persistent Organic Pollutants facilitated the accreditation of NGOs at the first session of the COP applying mutatis mutandis the ECOSOC rules, since the rules of procedure of the COP had not yet been adopted.

37. Decision 2/16 on official communications with Parties and observers regulates the accreditation of CSOs to sessions of the COP, and refers to the requirements contained in annex IV of document UNEP/POPS/COP.2/26.

38. For organizations accredited to ECOSOC, the information required is limited to an application form providing contact details of the organization. Organizations not accredited to ECOSOC should also provide some information and documentation (please refer to annex I for a detailed list of requirements).

39. The procedure for transmission of requests to the COP is similar to that for other MEAs.

G. The United Nations Environment Programme

40. The United Nations Environment Programme (UNEP) has established a mechanism to facilitate the participation of CSOs in the sessions of the Governing Council and the Global Ministerial Environment Forum. The requirements for such a process are contained in a document entitled “Modalities for accreditation of civil society organizations to the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme”.

41. The document highlights the requirements and procedures for the accreditation of CSOs, sets out the rights and obligations of the organizations and also provides the format for the quadrennial reports to be submitted by the accredited organizations.

42. A very detailed accreditation form has been prepared to facilitate submission of the relevant documentation. The documents are to be submitted to the Major Groups and Stakeholders Branch of the Division of Regional Cooperation, which reviews the application and sends the documentation together with its recommendation to the office of the Secretariat for Governing Bodies for its consideration.

43. The required documentation includes evidence of non-profit-making status and a detailed account of the international scope of the organization’s activities (please refer to annex I for a detailed list of requirements).

IV. Updating of the list of civil society organizations accredited to the Conference of the Parties

44. CSOs accredited to one of the sessions of the COP are accredited to subsequent sessions of the COP and its subsidiary bodies. This standard practice, which is used by practically all the MEAs, has been applied for the principle of economy. It avoids the duplication of work that continuous requests for accreditation may cause and considerably reduces the work of the applicants as well as of the secretariats.

45. However, if the organizations do not promptly inform the secretariat whenever there are changes in their scope, policy or interest, or the organization is not operating or has been dissolved, an unnecessary administrative burden is created and communication with/among organizations is ultimately jeopardized.

46. In fact, out of the approximately 900 organizations accredited to the UNCCD COP, some 600 maintain contact with the secretariat whereas less than 300 do this on regular basis.

47. Aware of this situation, some Parties at CRIC 9 requested the secretariat to revise the list of organizations proposed for accreditation to the COP at each session.

48. In this regard, two options could be considered by the Parties at COP 10:

14 <http://www.unep.org/civil_society/PDF_docs/accreditation-modalities-eng-4-7-08.pdf>.  
16 Cf. ICCD/COP(9)/16 and Add.1 dated 14 September 2009 and 22 September 2009 respectively.
(a) The organizations accredited to the COP could be asked to communicate to the secretariat (i) written confirmation of their interest in remaining accredited to the COP, (ii) a declaration that no changes have occurred in their status, juridical personality, governing bodies, membership and other requirements that may preclude their rights to be admitted to UNCCD meetings with observer status, and (iii) any other information relevant to the accreditation, with particular regard to their activities and competence in matters relating to the Convention. This process can be initiated as soon as a decision is taken by the COP and concluded by the following session (that is, at COP 11 if the decision is taken at COP 10), and can eventually be repeated at a frequency decided upon by the COP (for example, every three or five years).

(b) They could adopt by decision of the COP (i) a set of obligations for accredited organization and (ii) a clause on suspension and withdrawal of observer status in the case of failure to meet such obligations (similar to the existing provisions for ECOSOC\textsuperscript{17} or UNEP\textsuperscript{18}). Again, the COP would decide how often the assessment is conducted and by which body and/or institution.

V. Modalities for the participation of the private sector in meetings of the United Nations Convention to Combat Desertification

49. While the participation of civil society in sessions of the COP is regulated by the Convention as well as the rules of procedure of the COP, the participation of the private sector and business entities has not being addressed by all MEAs.

50. Several MEAs limit participation in official meetings to the organizations or bodies that are non-profit, and request evidence of this at the time of the organization’s accreditation.

51. The CBD has interpreted the rules of procedure broadly and does not restrict accreditation to non-profit organizations.\textsuperscript{19} Consequently, business and industry representatives have been able to attend meetings of the COP and its subsidiary bodies. The requirements for their participation are the same as those for the other bodies included in the rules of procedure of the COP and decision IX/29.

52. In the case of CMS, business entities can attend meetings, provided that they have followed the procedure described in paragraphs 33-35.

53. In the case of the UNFCCC as well as other MEAs, representatives of the private sector or business entities attend sessions through their nomination as part of the official delegation of a Party or an accredited NGO or IGO.

54. Building upon similar processes in other MEAs, and following the recommendation of CRIC 9, the COP may wish to consider granting observer status to those business and industry entities which:

\textsuperscript{17} Please refer to paragraph 57 (c) of resolution 1996/31, relating to the suspension and withdrawal of consultative status in the case where an organization fails to make a positive or effective contribution to the work of the United Nations, and in particular of the Council or its commissions or subsidiary organs.

\textsuperscript{18} UNEP uses a similar clause, and the required information is obtained through the evaluation of the quadrennial reports submitted by the organizations.

(a) Have expressed a wish to participate in meetings of the COP and its subsidiary bodies;

(b) Have specific expertise in matters relating to the Convention;

(c) Participate in the United Nations Global Compact. In the case where an organization does not participate in the Global Compact, clearance will be requested from the United Nations Procurement Division and the United Nations Ethics Office.

VI. Conclusions and recommendations

55. Although the procedures established by MEAs for granting observer status to CSOs and allowing them to participate in official meetings vary slightly from one treaty to another, they are all founded on three key criteria:

(a) Formal expression of interest in participating in the work of the governing body of the treaty;

(b) Specific competence in matters dealt with by, and the objectives of, the treaty;

(c) Legally established juridical personality and statute.

56. Some agreements grant these rights on a temporary basis, against continuous commitment and participation of the organization in the process (ECOSOC, UNEP). Others extend the same rights to the business community (CBD, CMS).

57. Some have developed an online accreditation system in order to facilitate submission of the information and required documents (ECOSOC, UNFCCC).

58. UNCCD procedures for the accreditation of CSOs are very much aligned with the procedures established by similar processes, particularly with regard to the other two Rio Conventions. As yet no provisions are in place for a periodical review of CSO membership, nor for the inclusion of private sector entities as fully-fledged stakeholders in the process.

59. With the ultimate aim of encouraging a more effective and widespread participation of civil society in UNCCD meetings and processes, and taking into consideration the recommendations of CRIC 9 on this matter, the COP at its tenth session may wish:

(a) To advise on the two options put forward in chapter IV, paragraph 48 of this document on how effectively to revise and keep updated the list of organizations accredited to the COP and the frequency of this exercise;

(b) To allow business and industry entities to apply for, and get observer status at, meetings of the governing bodies of the UNCCD according to the procedures put forward in chapter V, paragraph 54 of this document;

(c) To request the secretariat to facilitate the processes referred to in paragraph 59 (a) and (b) above, and to establish such formats, guidelines and other tools as might be required for this purpose, including the application form in annex II to this document; to request the secretariat also to arrange the development of an online system to facilitate the submission process;

(d) To request the secretariat to implement such provisions starting from the next intersessional session of the CRIC (CRIC 11) and the next ordinary session of the COP (COP 11);
(e) To request the Executive Secretary to report to COP 11 on implementation of the decision taken by the Parties on this matter;

(f) To undertake at the thirteenth session of the COP an overall review of the results achieved with the revised procedures for accreditation of CSOs, in terms of the increased effectiveness of civil society involvement in the implementation of the Convention.
## Annex I

### Requirements for the admission of observers to the governing bodies of various multilateral environmental agreements and Economic and Social Council

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Annex II

**Application form to be submitted by civil society organizations, including the private sector, for the accreditation to the Conference of the Parties and its subsidiary bodies**

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</table>

*Please indicate below the primary theme(s), aims and activities of your organization which are relevant to the UNCCD process. Please briefly describe these (max. 500 characters) for inclusion in our database; this description will be made publicly available.*
Themes (Please tick as appropriate)

<table>
<thead>
<tr>
<th>Adaptation &amp; Vulnerability</th>
<th>Forestry</th>
<th>Public health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture &amp; Pastoralism</td>
<td>Food Security</td>
<td>Migrations &amp; Overpopulation</td>
</tr>
<tr>
<td>Science &amp; Technology</td>
<td>Mitigation</td>
<td>Trade</td>
</tr>
<tr>
<td>Soil Degradation Prevention</td>
<td>Land Use Change</td>
<td>UN Convention synergy</td>
</tr>
<tr>
<td>Sustainable Land Management</td>
<td>Water &amp; Sanitation</td>
<td>Other (specify below)</td>
</tr>
</tbody>
</table>

Sectors (Please tick as appropriate)

<table>
<thead>
<tr>
<th>Advocacy</th>
<th>Gender</th>
<th>Field Project implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fundraising</td>
<td>Legal aspects</td>
<td>Research &amp; Development</td>
</tr>
<tr>
<td>Education, training &amp; public awareness</td>
<td>Capacity building</td>
<td>Other (specify below)</td>
</tr>
</tbody>
</table>

2. Name and position of the Head of the organization:

(Mr. Ms.) First name Middle name Family name

Position/Title: ………………………………………………………………………………………………………

Direct telephone line: ………………………………………………………………………………………………………

Email of the Head of the organization: ………………………………………………………………………………………………………

3. Name and position of the contact person (if different from the Head of the organization):

(Mr. Ms.) First name Middle name Family name

Position/Title: ……………………………………………………………………………………………………………………………

Direct telephone line: ……………………………………………………………………………………………………………………………

Email of the Contact Person: ……………………………………………………………………………………………………………………………

4. Seven international constituencies contribute to the UNCCD implementation process: Environmental non-governmental Organizations (ENGO), Local Government and Municipal Authorities (LGMA), Indigenous Peoples Organizations (IPO), Youth Organizations (YO), Research-oriented and Independent non-governmental Organizations (RINGO), Business and Industry non-governmental Organizations (BINGO), and Trade Union non-governmental Organizations (TUNGO). With which constituency, if any, would your organization prefer to be associated?

ENG O  LGMA  IPO  YO  RINGO  BINGO  TUNGO

5. Stamp & Signature of the Head of the organization: ………………………………………………………………………………………………………

Place & Date: ……………………………………………………………………………………………………………………………