**OPD-centred climate leadership: *The right of persons with disabilities to equal participation through a recognised UNFCCC constituency***

***November 2026***

## 1. The case for formal recognition

Persons with disabilities have a right to participate in climate governance through organisations that they themselves lead and control. For the International Disability Alliance, formal recognition of a constituency of organisations of persons with disabilities within the United Nations Framework Convention on Climate Change is a necessary institutional measure to give effect to that right. Recognition should place their collective representation on an equal footing with other recognised non-governmental organisation constituencies throughout sessions of the Conference of the Parties and associated processes. It must be accompanied by accessibility, reasonable accommodation and the resources required for effective participation.[1]

The legal basis is principally the Convention on the Rights of Persons with Disabilities (CRPD), especially articles 4(3), 5, 29 and 32, read in light of the CRPD Committee's General Comment No. 7. These provisions require close consultation and active involvement through representative organisations, equality in public affairs, and inclusive international cooperation. Climate negotiations concern the exercise of those rights because they shape public policy, financing and protection from foreseeable harm across national borders.

The UNFCCC's current arrangements recognise a Disability Caucus as an informal group, while reserving constituency status to nine existing groupings. Informal groups have certain facilities, including a high-level segment statement opportunity, but recognition as an informal group expressly does not confer constituency status. The September 2026 guidance identifies constituency benefits involving plenary interventions, information, access arrangements and liaison, and states that changes to the constituency framework require guidance from Parties.[2] This leaves a question of equal institutional standing which occasional invitations cannot resolve.

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[1] CRPD, arts. 3(c), 4(3), 5, 29 and 32; Committee on the Rights of Persons with Disabilities, General Comment No. 7 (2018), CRPD/C/GC/7 (GC7), paras. 15–18, 28, 31–32, 45–46, 53–54 and 92. Source.

[2] UNFCCC, Admitted NGOs, section on constituencies, listing the Disability Caucus as an informal group; secretariat, NGO Constituencies and Informal Groups in the UNFCCC Process, September 2026, pp. 1–4, on access and Party guidance. Institutional position checked on 14 November 2026. Source; Admitted NGOs.

The CRPD does not expressly prescribe an institution bearing the name "UNFCCC constituency". The legal conclusion advanced here follows from applying its binding participation and equality obligations to the way the UNFCCC actually organises representation. A formally recognised OPD constituency is required within that architecture because it provides an established route to autonomous, sustained collective participation. This is an interpretation of the obligations and the institutional conditions needed to fulfil them; it is not a claim that a court or treaty body has already ordered the creation of this particular constituency.

OPD-centred climate leadership also improves the substance of climate action. Organisations accountable to persons with disabilities can identify barriers in warning systems, evacuation, energy access, transport, social protection and recovery that otherwise escape policy design. Their authority to participate derives from their rights. Their knowledge strengthens the case for implementing those rights throughout climate governance.[3]

## 2. The CRPD applies to global climate decision making

### The obligation to consult and actively involve

Article 4(3) of the CRPD states:

> "In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations."[4]

The second limb reaches beyond disability-specific legislation. General Comment No. 7, paragraph 18, explains that it covers measures which may affect disability rights directly or indirectly. Paragraph 15 requires consultation before mainstream as well as disability-specific policies are approved. Decisions about climate finance, adaptation priorities, decarbonisation, loss and damage or displacement readily fall within that scope. A climate institution cannot avoid the duty by describing its agenda as technical, environmental or financial.[5]

The international dimension is explicit. Article 29(b)(ii) addresses organisations representing persons with disabilities at international as well as national, regional and local levels. Article 32 requires inclusive and accessible international cooperation and recognises partnerships with OPDs. General Comment No. 7, paragraph 31, expressly

[3] OHCHR, Analytical study on the promotion and protection of the rights of persons with disabilities in the context of climate change, A/HRC/44/30 (2020), paras. 4–7 and 24–30; GC7, paras. 1 and 9. Source.

[4] CRPD, art. 4(3), adopted by General Assembly resolution 61/106, annex I (13 December 2006). Source.

[5] GC7, paras. 15 and 18–20. Paragraph 19 also addresses the burden on public authorities where the impact of a proposed measure is disputed. Source.

includes international decision-making bodies. Paragraph 32 calls on States to "strengthen the participation of organizations of persons with disabilities at the international level", giving the high-level political forum and human rights mechanisms as examples. Paragraph 92 requires OPD involvement throughout the development, implementation and monitoring of international cooperation. Together, these provisions require States parties to carry their participation obligations into the climate institutions in which they act.[6]

These duties attach to States bound by the CRPD, including when they formulate negotiating positions, establish participation arrangements and exercise authority in UNFCCC bodies. They require States to take the necessary measures within their authority, individually and in cooperation with other Parties, to secure effective participation. The secretariat is not itself a State party to the CRPD. Its responsibilities arise through the UNFCCC's institutional framework and applicable mandates. Parties must provide the guidance and resources that enable the secretariat to organise participation consistently with their obligations.

Article 33(3) reinforces the requirement for participation in monitoring the CRPD. Its direct subject is national implementation and monitoring; it does not turn the COP into a CRPD monitoring body. It nevertheless matters for scrutiny of national climate policy and of how a State carries its disability rights obligations into international cooperation. The international claim rests directly on articles 4(3), 29 and 32, without extending article 33 beyond its proper scope.[7]

**Equality and protection support the participation duty**

Article 5 requires substantive equality. General Comment No. 6, paragraph 11, explains inclusive equality through redistribution, recognition, participation and accommodation. Equal treatment cannot be assessed solely by asking whether a disabled delegate may apply for an ordinary observer badge. The question includes whether persons with disabilities have an effective collective route into processes through which other groups influence deliberations. Measures needed to achieve equality are compatible with article 5(4); reasonable accommodation is separately required by articles 2 and 5(3).[8]

General Comment No. 11 on political and public life, adopted in 2026, strengthens this analysis. Paragraphs 1 and 4 distinguish effective participation from formal eligibility and arrangements dependent on informal support. Paragraph 6 connects the collective participation elaborated in General Comment No. 7 to implementation of article 29.

[6] CRPD, arts. 29(b)(ii) and 32(1); GC7, paras. 17, 31–32, 92 and 94(r). Source.

[7] CRPD, art. 33(3); GC7, paras. 34–39 and 56. General comments explain the Committee's interpretation of the Convention; they do not amend the treaty or create UNFCCC bodies. Source.

[8] CRPD, arts. 2 and 5; CRPD Committee, General Comment No. 6 (2018), CRPD/C/GC/6, paras. 11–13, 23–27 and 28–29. Source.

Institutional design must therefore secure participation as a right, with identifiable responsibilities and enforceable standards.[9]

Article 11 brings protection in situations of risk into the analysis. General Comment No. 9, paragraphs 4–9, treats risk as an open-ended concept, recognises the agency of persons with disabilities and places participation throughout the risk cycle within the meaning of protection. General Comment No. 10, paragraphs 2–3, expressly connects article 11 to international environmental and climate change law and recognises the continuous risks created by climate-related hazards. Protection and participation are consequently interdependent obligations.[10]

### 3. Representation must be led by persons with disabilities

A disability constituency must be rooted in the constituency it represents. General Comment No. 7, paragraph 11, sets out the essential test for OPDs:

> "They can only be those that are led, directed and governed by persons with disabilities. A clear majority of their membership should be recruited among persons with disabilities themselves."[11]

This test concerns democratic authority and accountability. A university, service provider, humanitarian organisation or environmental NGO may possess valuable disability expertise. That expertise does not by itself give it a representative mandate from persons with disabilities. A constituency organised around the subject of disability, but controlled by institutions working on behalf of disabled people, would fail to secure the self-representation required by article 4(3).

The Committee makes the distinction expressly. Paragraph 13 separates organisations "of" persons with disabilities from organisations "for" them and requires priority to be given to ascertaining OPD views. Paragraph 14 extends that priority to civil society partnerships, expressly including work on environmental rights. Allies should support the constituency's research, advocacy and organisational capacity under arrangements which preserve OPD control of priorities, spokespersons and decisions.[12]

No single organisation acquires an exclusive mandate to represent all persons with disabilities. Paragraph 12(a) permits umbrella organisations to speak on matters collectively decided by their members and protects the freedom to choose representative organisations. It also rejects using an umbrella structure to prevent other OPDs from

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[9] CRPD Committee, General Comment No. 11 (2026) on the participation of persons with disabilities in political and public life, CRPD/C/GC/11, paras. 1, 4 and 6–8, advance unedited version published by OHCHR. Source.

[10] CRPD Committee, General Comment No. 9 (2026), CRPD/C/GC/9, paras. 4–9; General Comment No. 10 (2026), CRPD/C/GC/10, paras. 2–3, advance unedited version published by OHCHR. Both were adopted at the Committee's thirty-fifth session. Source; General Comment No 9.

[11] GC7, para. 11. The paragraph also requires commitment to the principles and rights of the Convention and describes organisational independence, diversity and forms of collective organisation. Source.

[12] GC7, paras. 13–14 and 57. Source.

participating. Recognition should therefore establish a common platform with open and accountable governance, rather than confer ownership of disability representation on IDA or any other institution.[13]

Representation must include self-advocacy and supported participation. Paragraphs 12(c)–(f) recognise self-advocacy organisations, organisations including family members in a supportive role, and organisations of women, children and young persons with disabilities. Families may assist participation where persons with disabilities want that support; support must respect their own will, preferences and control. Legal capacity restrictions, communication methods or the need for extensive assistance cannot justify exclusion.[14]

A credible constituency must also reach beyond the organisations best able to travel to negotiations. The diversity required by paragraphs 11(e), 16 and 50 includes different impairments, genders, ages, Indigenous identities, minority communities and migration situations. Constituency arrangements should secure the leadership of women with disabilities and meaningful participation by persons with intellectual and psychosocial disabilities, deafblind persons and others requiring significant support. OPDs from small island developing States, least developed countries and other climate-affected settings need funded routes into agenda setting and representation.[15]

Cross-constituency cooperation remains valuable. Women, young people and Indigenous persons with disabilities should be able to shape both disability representation and the wider movements to which they belong. Cooperation should be chosen and reciprocal. It cannot make an OPD's ability to speak dependent on another constituency agreeing to allocate time or adopt its position. Transparent rules on funding and conflicts of interest should protect this independence.[16]

## 4. Meaningful participation requires permanent arrangements

### Early involvement and a continuous process

General Comment No. 7, paragraph 22, describes the conduct required of States:

> "States parties should systematically and openly approach, consult and involve, in a meaningful and timely manner, organizations of persons with disabilities."[17]

In the UNFCCC, this means engagement before agendas, negotiating options and draft conclusions have hardened. OPDs need timely information, opportunities to develop

[13] GC7, para. 12(a). Source.

[14] GC7, paras. 12(c)–(f), 21, 24–26 and 79–80; CRPD, arts. 7 and 12. Source.

[15] GC7, paras. 11(e), 16, 50 and 72–75. See also General Comment No. 9, paras. 19 and 28–29, on intersecting exclusion, geographic disadvantage and Indigenous knowledge. Source.

[16] GC7, paras. 11(c) and (e), 12(a), 52 and 61(e). Source.

[17] GC7, para. 22. Source.

collective positions, and access to the consultations and technical exchanges that shape the eventual outcome. Paragraphs 15, 43 and 54–55 require early and continuous involvement, transparent procedures and realistic time frames. A consultation after the decisive choices have been made does not satisfy that standard.[18]

Paragraph 28 states:

> "The right to participate is a civil and political right and an obligation of immediate application, not subject to any form of budgetary restriction, to be applied to decision-making, implementation and monitoring processes related to the Convention." It adds: "Full and effective participation should be understood as a process, not as an individual one-time event."[19]

The practical implication is participation between COPs as well as during them. This includes the subsidiary bodies, mandated dialogues and workshops, submissions, technical work and follow-up. The immediacy of the duty requires action now. Decisions about the allocation of resources must give effect to participation and address barriers, rather than postpone the right until an unspecified future funding cycle.

**Influence and an explanation of decisions**

Participation must have a demonstrable connection to decision-making. Paragraph 48 rejects consultation as a mere formality. Paragraph 23 requires public authorities to explain the outcome and how OPD views were considered; paragraph 49 calls for transparent mechanisms to consider those views when giving reasons for decisions. These standards do not give any organisation a veto. They require a real opportunity to influence proposals and an intelligible account of the consideration given to its input.[20]

The Committee expressly contemplates formal representative arrangements. Paragraph 53 states:

> "States parties should adopt provisions granting organizations of persons with disabilities seats on, for example, standing committees and/or temporary task forces by giving them the right to nominate working members to these bodies."[21]

Paragraph 53 addresses domestic frameworks, but its institutional reasoning is pertinent: structured participation requires procedures and representative roles. Read with paragraphs 31–32 on the international level, it supports the creation of reliable channels through which OPDs choose their own representatives. It does not automatically confer

[18] GC7, paras. 15, 43 and 47–55. Source.

[19] GC7, para. 28, first and final sentences. The paragraph addresses decision-making, implementation and monitoring related to the Convention; its international application is supported by paras. 17, 31–32 and 92. Source.

[20] GC7, paras. 23 and 48–49. Source.

[21] GC7, para. 53, final sentence; see also paras. 31–32, 54 and 94(f). Source.

membership of every UNFCCC body; the competent body must establish the relevant arrangements.

### Accessibility, funding and safe participation

Articles 9 and 21 require access to the environment, information and communication. General Comment No. 7, paragraphs 45–46, 77 and 84, translates those requirements into consultation practice. For climate negotiations, this includes accessible registration, transport and venues; screen-reader-compatible documents and platforms; sign language interpretation and captioning; Easy Read and plain-language information; and personal assistance, communication support and reasonable accommodation according to individual requirements. Remote participation should be accessible and enable meaningful engagement, without becoming a reason to exclude people from physical meetings.[22]

Funding must support the organisations through which participation occurs. Paragraph 61(a) recommends "Providing funds directly to organizations of persons with disabilities, avoiding third-party intermediation". Paragraph 61(d) calls for sustainable core institutional funding, while paragraph 61(e) protects autonomy in setting advocacy agendas. Paragraphs 60 and 63 address capacity and sufficient funding. In climate governance, this means supporting preparation, coordination, technical expertise, accessible communication, travel and necessary support costs across the negotiating year.[23]

Participation must also be safe. Paragraph 29 recognises persons with disabilities and their organisations engaged in these processes as human rights defenders, including when they express dissent. Protection against intimidation, harassment and reprisals should extend to both in-person and online participation. Accessible complaints mechanisms and a prompt response to exclusion are part of making these safeguards effective.[24]

## 5. Climate law and United Nations decisions reinforce the case

### The climate treaties and decisions of their governing bodies

Public participation is already part of the climate treaty framework. UNFCCC article 4(1)(i) requires Parties to encourage broad participation, including by NGOs, and article 6(a)(iii) addresses public participation in climate responses. Paris Agreement article 12 requires cooperation to enhance participation and access to information, while article 7(5)

[22] CRPD, arts. 9 and 21; GC7, paras. 22, 45–46, 71, 77, 84 and 94(m)–(n). Accessibility is a general obligation; reasonable accommodation responds to individual requirements and is subject to the definition in CRPD art. 2. Source.

[23] GC7, paras. 46, 60–64, particularly 61(a), (d) and (e). Source.

[24] GC7, paras. 29, 65–66 and 94(c). Source.

identifies participatory and transparent adaptation. The Paris preamble expressly includes the rights of persons with disabilities among the human rights obligations Parties should respect, promote and consider when taking climate action.[25]

The preamble supplies interpretative context; it does not replace the operative obligations of the CRPD. Nor do the climate treaties' general participation provisions erase the more specific requirement to engage persons with disabilities through their representative organisations. The instruments should be implemented coherently, with the CRPD explaining what inclusive participation requires for its States parties.

The Glasgow work programme on Action for Climate Empowerment (ACE), adopted by decisions 18/CP.26 and 22/CMA.3, encourages stakeholder participation in climate negotiations and frequent inclusive consultations with follow-up. Its annex, paragraphs 22 and 29(a) and (d), is directly relevant to how participation is organised. Paragraph 27(g) expressly includes persons with disabilities in accessible communities of practice and learning.[26]

The ACE action plan adopted by decisions 23/CP.27 and 22/CMA.4 includes persons with disabilities in activity C.2 on inclusive participation. Its four-year timetable runs to COP31. This provides a concrete implementation context for accessible engagement, while the right to participate extends across the UNFCCC's substantive work.[27]

The first global stocktake decision, 1/CMA.5, reaffirms disability rights in its preamble and addresses societal participation and human rights in paragraphs 176 and 178. Decision 2/CMA.5, paragraph 13, includes persons with disabilities when encouraging participatory, transparent and human rights approaches to adaptation. Decision 3/CMA.5, paragraph 2(f), includes participatory approaches within the just transition work programme. These decisions provide substantive entry points for OPD leadership.[28]

Finance and loss and damage also engage disability rights. Decision 1/CMA.6, paragraph 26, urges inclusion of persons with disabilities in climate finance efforts. Decision 22/CMA.7, paragraph 3, expressly includes disability among circumstances of vulnerability which the Warsaw International Mechanism must address. Effective

[25] UNFCCC, arts. 4(1)(i) and 6(a)(iii); Paris Agreement, preamble, eleventh preambular paragraph, and arts. 7(5) and 12. Article 6 of the UNFCCC addresses national-level activities and international cooperation; it is distinct from Paris Agreement art. 6 on cooperative approaches. Source.

[26] Decisions 18/CP.26 and 22/CMA.3, Glasgow work programme on Action for Climate Empowerment (2021), annex, paras. 22, 27(g) and 29(a), (d). The COP text is in FCCC/CP/2021/12/Add.2, pp. 17–26. Source.

[27] Decisions 23/CP.27 and 22/CMA.4, Action plan under the Glasgow work programme on Action for Climate Empowerment (2022), para. 1 and annex, table 3, activity C.2. COP text: FCCC/CP/2022/10/Add.2, pp. 43–50. Source.

[28] Decisions 1/CMA.5, preamble and paras. 176, 178; 2/CMA.5, para. 13; and 3/CMA.5, para. 2(f) (2023), FCCC/PA/CMA/2023/16/Add.1. Paragraph 13 of decision 2/CMA.5 uses the qualification "where possible". Source.

implementation needs the knowledge and scrutiny of the people whose rights and livelihoods these mechanisms concern.[29]

These texts have different legal functions and use different operative verbs. An encouragement to adopt an inclusive approach is not equivalent to an express decision recognising a constituency. Their cumulative significance is that Parties have repeatedly accepted disability inclusion within the climate agenda. The remaining institutional task is to enable OPDs to shape that agenda with standing comparable to other constituencies.

**United Nations resolutions and wider participation practice**

Human Rights Council resolution 41/21, paragraph 7, urges States to increase participation by persons with disabilities in climate responses at local, national, regional and international levels. Paragraph 5 addresses disability-inclusive adaptation and mitigation. The Council's resolution 62/14, paragraph 10, reiterates a disability-inclusive approach to climate policy. These resolutions support implementation of the applicable treaty duties; they do not themselves alter UNFCCC observer arrangements.[30]

General Assembly resolution 80/263, adopted on 20 May 2026 following the International Court of Justice's climate advisory opinion, is particularly relevant. Paragraph 5 calls for "full, meaningful and equal participation" of persons with disabilities and other identified groups in climate decision-making, where appropriate, including through information and justice. This is a direct political endorsement of equality in the process through which climate choices are made.[31]

The history of the nine Major Groups supplies no convincing basis for permanently excluding disability representation. The Rio+20 outcome, endorsed by General Assembly resolution 66/288, expressly includes persons with disabilities among other stakeholders whose active participation is required, in paragraph 43. General Assembly resolution 67/290, paragraphs 14–16, establishes participation arrangements for Major Groups and other stakeholders at the High-level Political Forum and specifically encourages persons with disabilities to establish autonomous coordination mechanisms. These are precedents for institutional inclusion, not rules which automatically govern the UNFCCC.[32]

The Sendai Framework, endorsed by General Assembly resolution 69/283, likewise recognises in paragraph 36(a)(iii) the critical contribution of persons with disabilities and their organisations to risk assessment and the design and implementation of plans. Its

[29] Decision 1/CMA.6 (2024), para. 26, FCCC/PA/CMA/2024/17/Add.1; decision 22/CMA.7 (2025), para. 3, FCCC/PA/CMA/2025/19/Add.3. Source; Finance decision.

[30] Human Rights Council resolutions 41/21 (2019), paras. 5 and 7; and 62/14 (2026), para. 10. Source; Resolution 41/21.

[31] General Assembly resolution 80/263, Advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, adopted 20 May 2026, para. 5. Source.

[32] General Assembly resolution 66/288 (2012), annex, para. 43; resolution 67/290 (2013), paras. 14–16, particularly para. 16 on autonomous coordination mechanisms. Source; Rio+20 outcome.

relevance extends to climate-related risk and supports treating OPDs as partners in public decision-making.[33]

### Human rights jurisprudence and international environmental participation

In its advisory opinion of 23 July 2025, the International Court of Justice affirmed that human rights protection requires measures to protect the climate system and that human rights and climate obligations inform one another. Paragraphs 403–404 support a coherent reading of these bodies of law; paragraphs 214 and 260 address cooperation, including participation. The opinion clarifies existing law without deciding the institutional claim to an OPD constituency.[34]

The European Court of Human Rights, in Verein KlimaSeniorinnen Schweiz and Others v. Switzerland, paragraph 554, identifies access to information and procedures for considering the views of people affected or at risk as safeguards in climate decision-making. This supports effective influence rather than merely nominal access. Its judgment does not prescribe a particular UNFCCC observer structure.[35]

For Parties to the Aarhus Convention, article 3(7) adds a specific obligation to promote its participation principles in international environmental decision-making. The Almaty Guidelines explain their application to international forums. This provides an additional basis for those States to advance inclusive rules within the UNFCCC, alongside their CRPD obligations.[36]

## 6. Concluding observations apply these standards to climate action

The CRPD Committee has repeatedly applied participation duties to climate policy and disaster risk governance. Its concluding observations are recommendations to the States reviewed and authoritative evidence of the Committee's interpretation of the Convention. They are not decisions establishing rights of admission to a particular UNFCCC body.

The Concluding observations from the CRPD on the periodic review of Australia provides an early, direct example. In its 2019 concluding observations on Australia, paragraph 21, the Committee recognised that climate change exacerbates inequality and vulnerability and identified the absence of a mechanism for OPD engagement in implementing and reporting on the Sendai Framework. Paragraph 22 recommended an accessible, inclusive engagement mechanism developed in close consultation with representative

[33] General Assembly resolution 69/283 (2015), annex II, Sendai Framework for Disaster Risk Reduction 2015–2030, para. 36(a)(iii). See also GC7, para. 92. Source.

[34] International Court of Justice, Obligations of States in respect of Climate Change, Advisory Opinion, 23 July 2025, General List No. 187, paras. 214, 260 and 403–404. An advisory opinion is not a binding judgment between litigating parties; the legal obligations it identifies may nevertheless be binding. Source.

[35] European Court of Human Rights, Verein KlimaSeniorinnen Schweiz and Others v. Switzerland [GC], application no. 53600/20, judgment of 9 April 2024, paras. 553–554. Source.

[36] Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), art. 3(7); Meeting of the Parties, decision II/4 (2005), annex, Almaty Guidelines. These obligations bind Aarhus Parties, not all UNFCCC Parties as such. Source.

organisations. The concern was institutional: effective participation needed a mechanism.[37]

For Canada, the Committee's 2025 concluding observations, paragraphs 21–22, address gaps in climate-related emergency policies and environmental racism. The Committee recommended reviewing climate, environmental and emergency measures in close consultation with, and with the active involvement of, persons with disabilities through their representative organisations. Its recommendation also connects disability inclusion with the intersection between environmental racism and ableism.[38]

For Kiribati, the Committee's 2025 concluding observations, paragraphs 19–20, address inadequate inclusion in climate policy, the Joint Implementation Plan and disaster legislation. The Committee recommends disability inclusion across national climate and risk frameworks through close consultation and active OPD involvement. Paragraphs 7–8 separately call for stronger participation mechanisms and resources, including for organisations working in the outer islands. This illustrates why representation must reach communities whose exposure to climate harm is compounded by distance and exclusion.[39]

These findings connect climate protection with representative participation, accessible procedures and resources. International recognition would help OPDs bring experience from these national processes into global negotiations and scrutinise the decisions returned to countries for implementation. It would complement, and could not discharge, each State's continuing duty to consult OPDs nationally.

## 7. Why the existing architecture requires a constituency

The claim follows from the relationship between the right and the mechanism through which it can be exercised. Article 4(3) requires involvement through representative organisations. Articles 5 and 29 require equality in public affairs. General Comment No. 7 requires timely, continuous, accessible and adequately supported participation. Where collective access is structured through constituencies, these standards must be reflected in the distribution of constituency standing.

There are three distinct institutional questions. Observer admission determines whether an organisation may participate under UNFCCC article 7(6). Constituency recognition provides a collective coordination and representation channel. Membership or observer roles in a constituted body are governed by that body's own mandate. Recognising an OPD constituency would address the second question. It should also support fair access

[37] CRPD Committee, Concluding observations on the combined second and third periodic reports of Australia, CRPD/C/AUS/CO/2-3 (2019), paras. 21–22. Source.

[38] CRPD Committee, Concluding observations on the combined second and third periodic reports of Canada, CRPD/C/CAN/CO/2-3 (2025), paras. 21–22. Source.

[39] CRPD Committee, Concluding observations on the initial report of Kiribati, CRPD/C/KIR/CO/1 (2025), paras. 7–8 and 19–20. Source.

under the first and provide a basis for seeking appropriate arrangements under the third.[40]

The September 2026 guidance confirms that the secretariat differentiates constituencies from informal groups. Accordingly, the question at issue is whether OPDs have an equivalent and dependable opportunity to organise representation, convey priorities and engage through the channels used by recognised constituencies. Access obtained on an exceptional or borrowed basis cannot by itself establish that equivalence.

Formal recognition is therefore necessary under the present arrangements. Any proposed alternative would have to be developed with OPDs and demonstrate equivalent autonomy, continuity, scope and practical influence. Relabelling informal access, or referring OPDs to other constituencies, would not meet that test. Administrative terminology is not the object of the right; effective and equal standing is. The established constituency mechanism supplies the appropriate institutional means.

Several objections can be answered within existing law. First, the historical list of Major Groups is not a closed group, and can be justifiably opened to social groups that are formally recognised as rights-holders in an international treaty (i.e. the CRPD, CEDAW, CRC etc). The broader UN instruments on which the practice draws expressly contemplate persons with disabilities and other stakeholders. Secondly, overlap with women's, youth or Indigenous representation is no justification for withholding a disability mandate: people may hold intersecting identities while needing distinct, accountable channels for the rights at issue. Thirdly, the resource and time implications require practical arrangements, not indefinite exclusion.

Recognition would remain compatible with an intergovernmental negotiating process. The claim is to equality with other observer constituencies, not a Party vote, a veto or unrestricted access to every closed negotiation. Objective and proportionate rules on space, security and meeting management can continue to apply, provided their design and effects are non-discriminatory and reasonable accommodation is available. No presumption follows that every existing restriction on observers is itself adequate.

The duty to act belongs to the States parties concerned. Their responsibility is to pursue arrangements capable of fulfilling their obligations and to avoid maintaining discriminatory barriers through collective procedures. The existence of a secretariat's administrative role cannot relieve them of that task. Conversely, the legal case should not assume that the secretariat can amend the participation framework unilaterally where Party guidance is required.

[40] UNFCCC, art. 7(6); UNFCCC secretariat, NGO Constituencies and Informal Groups in the UNFCCC Process, September 2026, pp. 1–4. Recognition of a constituency is analytically distinct from admission of individual observer organisations and from a mandate-specific seat. Source.

## 8. Recognition must secure OPD leadership in practice

A constituency's governing arrangements should be developed by OPDs through an accessible and transparent process. Persons with disabilities must direct its leadership and decision-making, and representative OPDs must control its collective mandate. Procedures for membership, the selection and rotation of focal points, agreement on positions and the reporting back of representatives should be published. Allies may contribute expertise and resources under arrangements that preserve this authority.[41]

Participation in the constituency's consultations should reach OPDs and self-advocacy networks without their own UNFCCC accreditation. General Comment No. 7, paragraphs 43–44, rejects legal registration as a prerequisite for broad consultation. This principle should guide internal outreach and collective preparation. It does not automatically waive the UNFCCC's separate requirements for conference admission; accessible accreditation support and transparent routes through admitted organisations remain necessary.[42]

Recognition should extend throughout relevant COP proceedings, meetings of the Parties to the Paris Agreement (CMA) and Kyoto Protocol (CMP), and the work of the Subsidiary Body for Implementation and Subsidiary Body for Scientific and Technological Advice. It should cover constituency liaison, intervention arrangements and equitable access to meetings and nomination opportunities under the applicable mandates. Separate decisions may be needed for particular boards or constituted bodies. A plenary statement should be one element of a continuing relationship.

Dedicated funding should enable participation from developing countries and by groups routinely excluded within the disability movement. Travel and support costs must be budgeted together. Accessible coordination, interpretation, technical advice and organisational capacity require year-round support. Funding criteria should be transparent, proportionate to organisational capacity and protective of advocacy independence. Financial support must not purchase control over the constituency's position.

OPDs should participate in evaluating the arrangements. Useful measures include the diversity of representation, the timeliness and accessibility of information, accommodation delivered, opportunities to intervene and nominate experts, and evidence of how proposals were considered. Article 31 supports appropriate data collection with privacy safeguards. National CRPD monitoring and treaty reporting can assess State conduct; the UNFCCC should also provide an accessible process for

[41] The proposed governance arrangements apply GC7, paras. 11–14, 47, 50, 52 and 57. They are recommendations for implementation, not pre-existing UNFCCC constituency rules. Source.

[42] GC7, paras. 43–44 and 61(g); UNFCCC, art. 7(6). Source.

addressing participation barriers. General Comment No. 7, paragraphs 47, 65–66 and 94(u), supplies the relevant standards.[43]

## 9. Action required from Parties and the secretariat

At COP31, Parties should provide clear guidance for recognition of an OPD-led constituency and for implementation across the relevant governing and subsidiary bodies. The secretariat should work with OPDs to identify the necessary administrative arrangements and the competent decision-making route. UNFCCC articles 7(2)(l), 7(6) and 8(2) provide the institutional framework for observer participation and secretariat functions. Constituency recognition can be pursued through that framework without amending the climate treaties.[44]

The recognition process should have a published timetable, accessible consultation and a reasoned outcome. OPDs should determine their internal governance through an inclusive process. Outstanding administrative questions should be resolved with practical interim arrangements offering the greatest participation possible, while formal recognition is completed. Interim facilities should not become a substitute for a decision.

States should also consult OPDs when preparing national positions and support the participation of persons with disabilities in national delegations. Delegation membership can provide valuable access, but it does not replace independent representation: a national delegate ordinarily speaks within a government mandate. Both routes are needed. Host governments, the secretariat and service providers should coordinate accessibility and accommodation before negotiations begin, including arrangements for support persons, accessible travel and accommodation, and safe emergency procedures.

IDA's position is that Parties should now give institutional effect to the participation duties they have accepted. A formally recognised constituency, governed by OPDs and supported to participate throughout the process, is the appropriate response to the present inequality in collective standing. Its purpose is to enable persons with disabilities to help determine climate policy and hold its implementation to account.

[43] CRPD, arts. 31 and 33(3); GC7, paras. 47, 56, 65–66, 90–91 and 94(u). Availability of any judicial or treaty-body remedy depends on the applicable jurisdictional and admissibility requirements. Source.

[44] UNFCCC, arts. 7(2)(l), 7(6) and 8(2); UNFCCC secretariat, NGO Constituencies and Informal Groups in the UNFCCC Process, September 2026, p. 4, on the need for guidance from Parties. The proposed route is an institutional recommendation based on those provisions and that guidance. Source.

## 10. Proposed operative elements for recognition

The following elements are proposed for a COP decision or other competent Party guidance, with corresponding arrangements under the Paris Agreement and Kyoto Protocol as appropriate.

1. Recognises a constituency of persons with disabilities within the UNFCCC observer framework, led and governed by persons with disabilities through their representative organisations, with standing on an equal basis with other recognised NGO constituencies.
2. Requests the secretariat, in close consultation with and with the active involvement of organisations of persons with disabilities, to implement the recognition across relevant sessions and processes, including communication, intervention and access arrangements, in accordance with applicable mandates and rules.
3. Affirms the autonomy of the constituency to determine its governance, focal points and representatives through transparent, accessible and inclusive procedures which respect the diversity of persons with disabilities.
4. Requests the secretariat and invites host governments and relevant bodies to ensure accessibility and reasonable accommodation, and invites Parties and other contributors to provide predictable financial and technical support for effective participation, including necessary support costs.
5. Invites the governing bodies and constituted bodies concerned to review their participation arrangements with organisations of persons with disabilities and to make the adjustments within their competence required for effective and equal participation.
6. Requests the secretariat to report to the Subsidiary Body for Implementation at its next ordinary session on implementation, remaining barriers and resource requirements, with the active involvement of the constituency in assessing progress.

**Annex: selection of relevant UNFCC updates/political commitments**

**UNFCCC**

**Status of the Disability Caucus**

- **February 2026:** the UNFCCC formally recognised the Disability Caucus, a platform of OPDs and disability-focused organisations, as an Informal Group of stakeholders within the UNFCCC process.
- The Caucus has more than 120 organisations, 12 of which are already accredited by the UNFCCC.

**COP29, Baku (2024)**

- **Gender and climate change decision (extended Lima work programme on gender), preamble.** It repeats the Paris human-rights clause, naming migrants, children, persons with disabilities and people in vulnerable situations. This is a vulnerable-groups reference, not participation language. unfccc

**COP30, Belém (2025)**

- **Just transition decision under the UAE Just Transition Work Programme (CMA.7):** the strongest participation language so far. The final text recognises the inclusion of a list of groups including people of African descent, women, children, youth, elderly people, and persons with disabilities, to enable effective, inclusive, and participatory just transition pathways. Amnesty points to the guiding principles in paragraph 12, including 12(h). The decision also starts work on a just transition mechanism.
- **Decision 12/CMA.7, Global Goal on Adaptation.** CMA 7 adopted a set of 59 Belém Adaptation Indicators. Paragraph 10 refers to the contribution of persons with disabilities, Indigenous Peoples and local communities, people of African descent and migrants to adaptation, alongside participatory and fully transparent approaches.
- **Decision 7/CP.30, Belém Gender Action Plan (2026–2034).** It names women with disabilities among the groups of women it addresses.
- **Decision 17/CP.30, Action for Climate Empowerment.** This decision mandated the 2026 ACE work.

**SB64, Bonn (June 2026)**

- **ACE (FCCC/SBI/2026/L.4 and the co-facilitators' draft new ACE action plan).** The 16 June draft still had youth [and persons with disabilities] in brackets. unfccc
- After the September 2026 technical workshop, the final draft text will be negotiated at COP31;
- **Just transition:** some of the text on inclusive and participatory just transition pathways referred to persons with disabilities.

- **Constituency recognition:** for the first time, Parties including Guatemala and Kenya, alongside the African Group, called specifically for recognition of a disability constituency

**COP31, Antalya (ongoing)**

- The ACE action plan, just transition mechanism and GGA texts are under consideration
- Persons with Disabilities is one of the Presidency's thematic areas, with its thematic day on 19 November.