

1st Joint Preparatory Retreat of the Bureaux of the UN Environment Assembly
and of the Committee of Permanent Representatives
22-23 March 2018
Nairobi, Kenya

**Secretariat Note on UN Environment Programme's Engagement with Stakeholders:
The Way Forward**

The Secretariat has the pleasure to submit a note regarding the status of the UN Environment Programme's engagement with Major Groups and Stakeholders in a support of discussions during the 1st Joint Preparatory Retreat of the Bureaux of the UN Environment Assembly and of the Committee of Permanent Representatives.

Note from the Secretariat: UN Environment Programme’s Engagement with Stakeholders: The Way Forward

Background

The participation of Major Groups and Stakeholders in the work of the United Nations Environment Programme (or the “Programme”) is rooted in Principle 10 of the Rio Declaration on Environment and Development and in paragraph 88 (h)¹ of the outcome document of the United Nations Conference on Sustainable Development, entitled “The Future We Want”, as endorsed by General Assembly resolution 66/288 of 27 July 2012.

Paragraph 88 (h) calls for “the active participation of all relevant stakeholders, drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society” within the framework of its decision on strengthening the role of the United Nations Environment Programme as the leading global environmental authority.

Paragraph 7 of decision 27/2 of the UNEP Governing Council² on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, adopted by the Governing Council at its first universal session in February 2013, mandates UN Environment Programme’s Governing Bodies to ensure the active participation of all relevant stakeholders, particularly those from developing countries, drawing on best practices and models from relevant multilateral institutions and to explore new mechanisms to promote transparency and the effective engagement of civil society in its work and that of its subsidiary organs, *inter alia* by:

- Developing by 2014 a process for stakeholder accreditation and participation that builds on the existing rules of procedure and that takes into account the inclusive modalities of the Commission of Sustainable Development and other relevant United Nations bodies;
- Establishing by 2014 mechanisms and rules for stakeholders’ expert input and advice;
- Enhancing by 2014 working methods and processes for informed discussions and contributions by all relevant stakeholders towards the intergovernmental decision-making process.

¹ See the full text of Paragraph 88 of “The Future We Want” in Annex 1

² <https://goo.gl/yYiHg1>

Following a review of the above-mentioned decision, the Secretariat took the view that the decision calls for the Assembly itself and not the Executive Director, to endorse new mechanisms for stakeholder engagement at the United Nations Environment Programme.

I was decided to implement paragraph 88h through a new Stakeholder Engagement Policy. To develop this, the United Nations Environment Programme prepared and commissioned various studies, put in place two expert groups and conducted multi-stakeholder meetings, to ensure that the draft of the new policy is based on best practices of international institutions.³

The United Nations Environment Assembly discussed the draft of a new Stakeholder Engagement Policy at its first and second sessions, without arriving at a decision (see annex 2 for the latest draft of the policy).

At the third session of the Assembly, a new Stakeholder Engagement Policy was not on the agenda.

While a new Stakeholder Engagement Policy was not formally agreed upon by Member States or adopted by the Executive Director, the United Nations Environment Programme has made significant efforts to reflect the spirit of the Rio +20 outcome document and those elements of the draft stakeholder engagement policy that Member States agreed upon during the discussions on a new Stakeholder Engagement Policy, in its day to day relationships with Major Groups.

Furthermore, the Committee of Permanent Representatives and the United Nations Environment Assembly Bureaus agreed to a proposal (see annex 3) prepared by the United Nations Environment Programme in 2016 to further enhance the engagement of Major Groups.

Stakeholder Engagement at the United Nations Environment Programme today

Stakeholder Engagement in the work of the governing bodies of the United Nations Environment Programme today is mainly governed by Rule 70 of the Rules of Procedures of the United Nations Environment Assembly (see annex 4) and the Stakeholder Engagement Handbook.⁴

The United Nations Environment Programme's current Stakeholder Engagement Policy has the following **new** elements that reflect best practices in United Nations inter-governmental bodies:

- While respecting the inter-governmental nature of the process, representatives of Major Groups and Stakeholder accredited to the United Nations Environment Programme may participate in all public meetings of the Committee of Permanent Representatives, including Subcommittee meetings, briefings, etc. In such meetings, they can make oral statements, including via video connection.

³ For more information and the mentioned reports and meeting outcomes, see: <https://goo.gl/qkZrMS>

⁴ <https://goo.gl/PBHMDc>

- Representatives of Major Groups and Stakeholders accredited to the United Nations Environment Programme can provide written and oral input to all deliberations of the United Nations Environment Assembly and its Subsidiary Organs, including to working groups. These statements are distributed by the Secretariat to Member States and are uploaded on the relevant websites for consideration by other stakeholders.
- Representatives of Major Groups and Stakeholders accredited to the United Nations Environment Programme have access to information relevant to the work of the Governing Bodies. This information is distributed to Member States and at the same time to accredited organisations. Furthermore, they may request access to the Committee of Permanent Representatives website and portals.
- Organizations working in the environment **and/or sustainable development** and that meet the other accreditation criteria⁵ will be granted accreditation.
- The granting of consultative status to a non-governmental organization by the United Nations Economic and Social Council (ECOSOC) is considered as evidence of having an international scope of work but does not replace the need to apply for a separate UNEA accreditation as organizations have to work in environment/sustainable development.
- Working with international partners, including from the United Nations, is considered as sufficient international scope of work to meet the related accreditation criteria. NGOs do not necessarily have to prove that they have a physical presence (e.g. an office) in more than one country. In practice, this means that organizations with a mainly national scope of operations can be considered for accreditation.
- Organizations from a country that does not require formal registration in order to make an organization a legal entity within that country are not required to provide a certificate of formal registration in order to obtain accreditation.

In addition, the Executive Director put in place a new Access-to-Information Policy which is one of the most advanced within the United Nations System, giving wide access to information held by the United Nations Environment Programme (see annex 5).

Furthermore, the United Nations Environment Programme continues to have a dedicated unit (Civil Society Unit) within its Secretariat of the Governing Bodies to facilitate the engagement of Major Groups and Stakeholders, including by providing financial support to participate in meetings and events. This unit is financed by UN Environment's Environment Fund and the regular budget.

⁵ The other criteria include: (i) registration of the organization; (ii) existence for at least two years; (iii) non-profit status; (iv)

The United Nations Environment Programme recently created the Private Sector Unit within its Secretariat of the Governing Bodies to enhance the relationship of the organization with the private sector.

Overall it can be stated that the United Nations Environment Programme currently has all mechanisms in place that represent a modern, open, transparent and participatory approach towards engagement of Major Groups and Stakeholders, reflecting best practices in multi-lateral institutions. Thus, it can be stated that the UN Environment Programme has implemented the Paragraph 88h of the Rio + 20 outcome document to the furthest extent possible.

Major Groups and Stakeholders and the application of the United Nations Environment Programme's new approach to stakeholder engagement

While, as stated above, the United Nations Environment Programme has put in place various new mechanisms for stakeholder engagement, many of the opportunities for engagement seem to be under-utilized, for instance:

- While meetings of the Committee of Permanent Representatives are open for the participation and for interventions from accredited Major Groups and Stakeholders, this opportunity is only occasionally taken up by Major Groups.
- While the United Nations Environment Programme distributes all relevant documents to Major Groups, only limited inputs are received, usually shortly before Assembly meetings.
- Input from Major Groups often focuses on process, on participatory rights but not often enough it presents environmental expertise that may enlighten and enhance the decision-making process. Many statements remain general and declarative in nature.

In the light of the above, it is advisable that the United Nations Environment Programme focuses on *practical steps* to enhance meaningful stakeholder engagement through the following means:

- Creating more and better opportunities for Major Groups to participate and engage meaningfully in inter-governmental negotiations (e.g. by highlighting Major Groups Statements during sessions).
- Providing a solid financial base for Major Groups participation.
- Engage in the capacity building of Major Groups.
- Strengthen civil society engagement in the regions.

Implementing the Rio + 20 Outcome Document

Some member states might still see the need to bring the process of implementing Paragraph 88 (h) of the Rio + 20 Outcome Document to a formal conclusion. There are various options to approach this, all of them considering the lessons learned from the past:

1. Re-visit the Stakeholder Engagement Policy⁶ and get it approved at the fourth session of the UN Environment Assembly. This approach would mean a new series of negotiations among Member States and it is not sure whether a consensus can be reached this time making the Assembly prone to criticism from both Major Groups and Stakeholders as well as Member States.
2. Revise rule 70 of the Rules of Procedure. Member states might opt to revise Rule 70, thus implementing Paragraph 88 (h), while the Executive Director, as in the past, will be in charge for the operationalization of this rule. A proposal for a revised text of Rule 70 is in the annex 6.
3. Continue with the current rules and practices for stakeholder engagement, including a revision of the Stakeholder Engagement Handbook, until there is a momentum among member states to reach consensus on a new Stakeholder Engagement Policy.
4. At the third session of the United Nations Environment Assembly, a resolution on the implementation of paragraph 88 (a)–(h) of the outcome document of the United Nations Conference on Sustainable Development (Rio+20) “The Future We Want” was adopted (see Annex 7). While it has a strong focus on consolidation of UN Environment Programme headquarter functions in Nairobi, it also:
 - “Recalls its strong commitment to the full implementation of paragraph 88 (a)-(h) and requests the Executive Director to provide regular briefings to the Committee of Permanent Representatives on the progress of its implementation;
 - Requests the Executive Director to report to the fourth session of the United Nations Environment Assembly on the implementation of this resolution”

In other words, the resolutions requests the UN Environment Programme to report back on the implementation of **all elements** of Paragraph 88, including 88h on stakeholder engagement. Such a report should not over-emphasise the implementation of Paragraph 88h, it could provide an opportunity to demonstrate how the UN Environment Programme, in practice, and along the lines described above, has implemented Paragraph 88h, thus not only reporting of the implementation of the resolution with respect to consolidating headquarter functions, but also on the implementation of Paragraph 88h.

⁶ In consultation with Member States the Secretariat should present a new version of the policy that is built on the last draft but considerably shorter.

The session on stakeholder engagement that was requested for the next United Nations Environment Assembly, could build upon this element of the report on the implementation of Paragraph 88.

Conclusion and Recommended Way Forward

It is recommended that Bureau of the Committee of Permanent Representatives to the UN Environment Programme and Bureau of the UN Environment Assembly decide at their joint meeting in March 2018 on the way forward.

If Member States do not want to address this issue at the 2019 Assembly, the United Nations Environment Programme will continue to apply current rules and procedures, striving for continuous improvement and progress.

Annex

Annex 1: Paragraph 88 of “The Future We Want”

88. We are committed to strengthening the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment. We reaffirm General Assembly Resolution 2997 (XXVII) of 15 December 1972 establishing the United Nations Environment Programme and other relevant resolutions that reinforce its mandate, as well as the Nairobi Declaration on the Role and Mandate of United Nations Environment Programme of 7 February 1997 and the Malmö Ministerial Declaration of 31 May 2000. In this regard, we invite the Assembly, at its sixty-seventh session, to adopt a resolution strengthening and upgrading the United Nations Environment Programme in the following manner:

- (a) Establish universal membership in the Governing Council of the United Nations Environment Programme, as well as other measures to strengthen its governance as well its responsiveness and accountability to Member States;
- (b) Have secure, stable, adequate and increased financial resources from the regular budget of the United Nations and voluntary contributions to fulfil its mandate;
- (c) Enhance the voice of the United Nations Environment Programme and its ability to fulfil its coordination mandate within the United Nations system by strengthening its engagement in key United Nations coordination bodies and empowering it to lead efforts to formulate United Nations system-wide strategies on the environment;
- (d) Promote a strong science-policy interface, building on existing international instruments, assessments, panels and information networks, including the Global Environment Outlook, as one of the processes aimed at bringing together information and assessment to support informed decision-making;
- (e) Disseminate and share evidence-based environmental information, and raise public awareness on critical, as well as emerging, environmental issues;
- (f) Provide capacity-building to countries, as well as support, and facilitate access to technology;
- (g) Progressively consolidate headquarters functions in Nairobi, as well as strengthen its regional presence, in order to assist countries, upon request, in the implementation of their national environmental policies, collaborating closely with other relevant entities of the United Nations system;
- (h) Ensure the active participation of all relevant stakeholders, drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society.**

Annex 2: Stakeholder Engagement Policy Version May 25, 2016

Policy on stakeholder engagement in the United Nations Environment Programme

Note

This policy was prepared by the secretariat of the United Nations Environment Programme (UNEP) pursuant to Governing Council decision 27/2 on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, adopted by the Governing Council of UNEP at its first universal session, held in Nairobi from 18 to 22 February 2013. That decision called for the active participation of all relevant stakeholders, particularly those from developing countries, to be ensured, drawing on best practices and models from relevant multilateral institutions, and for new mechanisms to be explored to promote transparency and the effective engagement of civil society in the work of the governing body of the United Nations Environment Programme and that of its subsidiary organs, building on best practices in multilateral organizations.*

This policy therefore sets forth the proposed new mechanisms for the promotion of transparency and the effective engagement of civil society with the Assembly and its subsidiary organs.

* This policy builds on best practices of stakeholder engagement in multilateral organizations. The secretariat of UNEP prepared a *Review of Current Practices of Stakeholder Engagement in Multilateral Organizations*, released in July 2013, as called for by Governing Council decision 27/2 (<http://goo.gl/x7L64r>).

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1. Background

1. The participation of stakeholders in the work of the United Nations Environment Programme (UNEP) is rooted in Principle 10 of the Rio Declaration on Environment and Development and in paragraph 88 (h) of the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, which calls for “the active participation of all relevant stakeholders, drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society” within the framework of its decision on strengthening the role of the United Nations Environment Programme as the leading global environmental authority.⁷
2. Paragraph 7 of decision 27/2 of the UNEP Governing Council on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, adopted by the Governing Council at its first universal session in February 2013, mandates the governing body to ensure the active participation of all relevant stakeholders, particularly those from developing countries, drawing on best practices and models from relevant multilateral institutions and to explore new mechanisms to promote transparency and the effective engagement of civil society in its work and that of its subsidiary organs, inter alia by:
 1. Developing by 2014 a process for stakeholder accreditation and participation that builds on the existing rules of procedure and takes into account inclusive modalities of the Commission of Sustainable Development and other relevant United Nations bodies;
 2. Establishing by 2014 mechanisms and rules for stakeholders’ expert input and advice;
 3. Enhancing by 2014 working methods and processes for informed discussions and contributions by all relevant stakeholders towards the intergovernmental decision-making process.
3. While input from stakeholders can provide a valuable contribution to the intergovernmental process, decision-making within UNEP remains the prerogative of member States. This policy is intended to facilitate the effective engagement of stakeholders in the work of the United Nations Environment Assembly of the United Nations Environment Programme and that of its subsidiary organs, and in the work of UNEP. The policy provides a set of principles and guidance to UNEP, its staff and stakeholders, and is intended to enhance practices in working and dealing with stakeholders in both routine and special circumstances, and to facilitate the effective engagement of stakeholders in the governance of UNEP. The policy will be accompanied by an implementation handbook, which will be drafted upon approval of the policy.⁸
4. The policy is aligned with all relevant UNEP and United Nations rules and regulations, as well as with the guidelines and initiatives relating to United Nations cooperation with stakeholders.⁹ It

⁷ General Assembly resolution 66/288, annex.

⁸ The policy will be complemented by an implementation handbook, determining the operational and self-organization modalities of the Major Groups and Stakeholders Mechanism, which will be developed by the UNEP secretariat in an open and transparent manner upon approval of the policy.

⁹ Several reference documents guide the work of UNEP and the United Nations in working with stakeholders. These include the following: “Guidelines for participation of major groups and stakeholders in policy design at UNEP” (August 2009) (<http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/Guidelines-for-CSO-participation-Aug2609.pdf>); “UNEP and indigenous peoples: a partnership in caring for the environment” (November 2012) (http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/UNEP_Indigenous_Peoples_Policy_Guidance_endorsed_by_SMT_26_11_12.pdf); “UNEP guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters” (February 2010) (http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf); “Guidelines on cooperation between UNEP and business” (March 2004); “Guidelines on cooperation between the United Nations and the business community” (July 2000); and the UNEP partnership policy and procedures (September 2011).

further builds on General Assembly resolution 67/290 on the format and organizational aspects of the High-level Political Forum on Sustainable Development.

Purpose of the policy

5. The outcome document of the United Nations Conference on Sustainable Development called in several instances¹⁰ for strengthened public participation, access to information and access to justice in environmental matters, and underlined the importance of partnerships with civil society in achieving the ambitions of its outcome document.
6. UNEP engages with civil society to benefit from its wide knowledge and experience in sustainable development and its involvement in UNEP processes and activities in keeping the environment under review and setting the global environmental agenda; in developing and implementing policies and programmes; and in improving environmental decision-making, as intergovernmental decisions will have broader recognition by and support from the public if the views of stakeholders are taken into account in the agenda-setting, policymaking, decision-making and implementation processes.
7. Civil society stakeholders often provide a way to channel the voices of those most likely to be affected by environmental problems and related policies, calling attention to emerging environmental problems, taking account of the interests of future generations and reaching out to society and the public at large.

2. The policy

A. Guiding principles

8. In accordance with the outcome document of the United Nations Conference on Sustainable Development, and taking into account the principles adopted by major groups and stakeholders at the Global Major Groups and Stakeholders Forum in February 2013, prior to the first universal session of the Governing Council of UNEP, this policy is founded on the following principles:¹¹
 - 8.1. *Acknowledgement of the intergovernmental nature of UNEP processes, as set out in paragraph 3 above*
 - 8.2. *Participation in decision-making processes*

UNEP will grant participation and access privileges to all accredited stakeholders, consistent with the rules and practices governing its work. UNEP may also use social media and new information technology to foster broader participation.
 - 8.3. *Access to information*

It is critically important to disseminate and make accessible the information concerning its work or information generated through its programme as widely as possible. Transparency, accountability, and openness can become a catalyst for achieving a greater impact. In particular in the context of Principle 10 of the Rio Declaration on Environment and Development, it is of fundamental importance to make available relevant information to stakeholders and the public in general.
 - 8.4. *Transparency and accountability for mutual benefit*

¹⁰In the outcome document, extensive reference is made to the involvement of civil society and stakeholders (see, for example, paras. 42 to 55 on engaging major groups and other stakeholders). In addition, paragraph 99 reads: “We encourage action at the regional, national, subnational and local levels to promote access to information, public participation and access to justice in environmental matters, as appropriate

¹¹*Principles on Stakeholder Participation in UNEP*, adopted at the fourteenth Global Major Groups and Stakeholders Forum, 17 February 2013 (http://www.unep.org/civil-society/Portals/24105/documents/GMGSF/GMGSF%2014/Stakeholder_participation_principles/Participation_and_Transparency_11_principles_as_adopted.pdf).

Engagement with major groups and stakeholders is based on the premise of mutual trust and benefit, transparency, responsibility and accountability.

8.5. *Respect for diversity of views and self-organization*

UNEP acknowledges the diversity of views among its stakeholders and, in striving for greater openness and with a view to embracing the full spectrum of civil society actors, including the UNEP national committees, will ensure that those differing voices are heard, including those outside the nine major groups.

8.6. *Improvements to current engagement practices*

UNEP will promote continuous improvement of its current practices, including opportunities for exploring innovative mechanisms, without regression and with regard to current practice.

8.7. *Regional Balance*

Participation of stakeholders from all regions, and particularly the developing countries, should be facilitated in order to help achieve a just, balanced, effective involvement of stakeholders from all regions and areas of the world.

B. Definition of stakeholders

9. UNEP applies the nine major groups approach, based on the categories of stakeholders as outlined in Agenda 21 and as noted in Governing Council decision SS.VII/5 of 15 February 2002.
10. UNEP therefore recognizes as stakeholders the nine major groups: farmers (including small-scale farmers, fisher folks, pastoralists and foresters); women; the scientific and technological community (including research and academia); children and youth; indigenous peoples and their communities; workers and trade unions; business and industry; non-governmental organizations; and local authorities.
11. UNEP recognizes the importance of environmental non-governmental organizations within the non-governmental organizations major group. UNEP will promote the participation of other stakeholders, such as local communities; volunteer groups and foundations; migrants and families; older persons; and persons with disabilities, through the nine major groups

C. Accreditation criteria and process

12. Accreditation is the main prerequisite for stakeholder participation in the governance of UNEP. Stakeholders, as referred to in paragraph 9 above, seeking observer status with the Assembly and its subsidiary organs must be accredited according to the process set out below.
13. In adherence to the guiding principles contained in this policy, the secretariat, adhering to the the UN charter and relevant General Assembly Resolutions, will grant accreditation to those stakeholders that meet the following criteria, to be included in the Rules of Procedure:
 1. Being legally constituted as a not-for-profit entity in a given country;
 2. Having been constituted for more than two years;
 3. Having a track record and a proven interest in environmental issues or sustainable development;
 4. Having a track record and a proven national or international scope of activities.
14. *Accreditation with the United Nations Economic and Social Council*
Stakeholders accredited with the United Nations Economic and Social Council, who provide sufficient proof of such accreditation will receive UNEP accreditation upon request
15. *Accreditation procedures*
Stakeholders seeking accreditation shall forward all relevant documents, including the following, to the UNEP secretariat:
 - a. Letter requesting accreditation, printed on the official stationery of the organization;

- b. Copy of the constitution, charter, statutes or by-laws of the organization and any amendments to those documents;
 - c. List of affiliates;
 - d. Proof of experience and interest in environmental issues or sustainable development;
 - e. Detailed account of the scope of the activities of the organization;
 - f. A brief description of programmes and activities of the organizations in areas relevant to the work and mandate of UNEP.
16. The UNEP secretariat will review accreditation requests against the accreditation criteria and supporting evidence presented by applicants; following which the Secretary of the Governing Bodies will communicate with those organizations that meet the criteria, thus allowing these organizations to engage with UNEP in line with paragraphs 17 and 18.
 17. The Secretariat will not receive accreditation requests during the period between OECPR and UNEA.
 18. The list of organizations that met the accreditation criteria will be circulated among the UNEA members no later than two months before the Open ended meeting of the CPR, for review and consideration by member states. The basis of any objections about the fulfillment of the accreditation criteria by particular organizations shall be raised by a member State not later than one month before the OECPR. Supporting documentation, if necessary, should be shared with the Secretariat which will make it available to the members of CPR. The Secretariat will engage in consultations with the member states that had raised the concerns and inform the particular organization accordingly.
 19. Those organizations that failed upon such review and consulting to meet the accreditation criteria will be removed from the list of organizations that met the accreditation criteria. The final list of accredited organizations will be presented for information to the OECPR as part of a report on the accreditation process, including information on objections raised by member states and on how these were handled. Following the OECPR, the respective organizations will be informed about their accreditation status.
 20. Accreditation is not a requirement for participation in the implementation of projects, programmes or partnerships. Participation modalities in the implementation of such projects, programmes or partnerships are set out in the UNEP partnership policy.

D. Privileges of accredited stakeholders

21. While retaining the intergovernmental character of the Assembly and its subsidiary organs, accredited stakeholders will have the opportunity to participate in the governance of UNEP and to work at two levels: on agenda-setting processes and on policymaking and decision-making processes.
22. All accredited stakeholders shall enjoy the same privileges, which shall include the following:
 1. Accredited stakeholders may participate in all public meetings of the Assembly and its subsidiary organs, in accordance with the relevant rules of procedure. Should participation in a particular meeting be restricted, an advanced notification will be issued. The UNEP secretariat will provide accredited stakeholders with the dates, venue and agenda of the meetings in a timely manner;
 2. UNEP will convene a multi-stakeholder dialogue during the session of the Assembly in accordance with paragraph 5 (e) of Governing Council decision 27/2. The secretariat will provide accredited stakeholders with the dates, venue and agenda of the meetings in a timely manner;
 3. Designated seats will be reserved for major groups and stakeholders in all public meetings of the Assembly and its subsidiary organs. Major groups and stakeholders will designate their representatives according to criteria to be set out in the implementation handbook that will support this policy;

4. Accredited stakeholders will have access to documents publicly available on the UNEP websites and portals; official documents and reports of UNEP; and documentation related to the work of the Assembly and its subsidiary organs, including pre-session and in-session documents made available in public meetings. The UNEP secretariat will make every effort to provide access to such documents in a timely manner, using electronic and other modern information systems to facilitate delivery. Accredited stakeholders will be granted access to other relevant information portals. The UNEP secretariat will ensure that input received from major groups and stakeholders will be made available on the relevant web portals

5. Accredited stakeholders will be able to make written submissions to the Assembly and its subsidiary organs, in accordance with the relevant rules of procedure. Such submissions may include contributions and recommendations for agenda items of sessions of the Assembly and its subsidiary organs and recommendations on the subject matter of draft decisions for consideration by member States. Such contributions and recommendations may be submitted to the UNEP secretariat for distribution to member States in time for consideration by the relevant body. The UNEP secretariat will make such submissions available to member States, using electronic means whenever possible;

6. Accredited stakeholders may be invited to make statements during public meetings of the Assembly and its subsidiary organs, in accordance with the relevant rules of procedure. Session presidents or chairs are encouraged to provide opportunities for accredited stakeholders to speak on topics of interest in such public meetings;

7. Accredited stakeholders may be invited to participate in relevant regional consultations conducted by UNEP.

E. Responsibilities and obligations of accredited stakeholders

23. All accredited stakeholders shall have the same obligations, which shall include the following:

1. Accredited stakeholders will be expected to act in accordance with the present policy and the relevant rules of procedure for any meeting or session which they attend;

2. Accredited stakeholders will comply with the registration requirements and seating arrangements for any meeting or session which they attend. Meeting and session organizers will make every effort to have sufficient seating available for stakeholders during open sessions, so as to facilitate their participation. In situations where seating is limited, stakeholders may be asked to designate representatives to occupy the available seats, in accordance with the procedures laid out in the implementation handbook, to be developed by the UNEP secretariat in consultation with major groups and stakeholders;

3. Accredited stakeholders will provide the secretariat with a biennial communication outlining their activities in the field of the environment during the previous two years. This communication may be in the form of the annual report of the organization or may be a separate document prepared specifically to comply with this reporting requirement.

3. Other matters

A. Major Groups and Stakeholders Forum

24. Prior to each session of the Assembly and the open-ended meeting of the Committee of Permanent Representatives, UNEP will facilitate the organization of a Major Groups and Stakeholders Forum that will provide an opportunity for accredited stakeholders to consolidate their views and prepare their input to the Assembly and its subsidiary organs.

25. Member states and representatives of international organizations may participate in the Major Groups and Stakeholders Forum as observers. Major groups and stakeholders are encouraged to submit the main outcomes of such meetings in writing to the Assembly, through the UNEP secretariat, on the first working day of the session of the Assembly.

B. Major Groups and Stakeholders Mechanism

26. Accredited stakeholders may form stakeholder bodies or other groups to organize their contributions and facilitate their participation in UNEP processes. While self-organized, such bodies must adhere to the principles of transparency, responsibility and accountability, and respect the diversity of views among stakeholders on all issues.¹²

C. Use of information and communications technology to enhance effective participation

27. The use of modern information and communications technology will enhance the effective participation of stakeholders in a cost-effective manner. In addition to physical presence at meetings, virtual and online participation will also be made possible through webcasting of relevant meetings of the Assembly and its subsidiary organs, UNEP events, information platforms and discussion forums in accordance with the rules of procedure and the related access to information policy.

D. Participation of non-accredited stakeholders

28. While retaining the intergovernmental nature of the Assembly and its subsidiary organs, the president of the Assembly or the chairperson of a subsidiary organ, in consultation with the relevant bureaux, may invite a non-accredited organization or individual, on the basis of their competency, expertise and experience, to meetings of the Assembly and its subsidiary organs for a specific task or purpose, in accordance with the existing rules of procedure.
29. Organizers of other UNEP meetings may invite non-accredited stakeholders, on the basis of their competency, expertise and experience, to participate in panels or thematic discussions on topics of relevance, as appropriate.

E. Funding

30. Funding for stakeholder participation will be accounted for in the UNEP programme of work and budget. UNEP will endeavour to mobilize adequate funding including through extrabudgetary resources, to support stakeholder participation, particularly from developing countries.
31. Member states are invited to provide financial resources or take other initiatives to support participation of stakeholders, particularly those from developing countries, in relevant processes.

¹² As set out in paragraph 3 of this report, the policy will be complemented by an implementation handbook, which will contain the operational and self-organization modalities of the Major Groups and Stakeholders Mechanism. The handbook will be developed by the UNEP secretariat in an open and transparent manner, and comments will be invited from member States, including with regard to budgetary implications.

Annex 3: Background paper on the way forward regarding the Stakeholder Engagement Policy endorsed by the UNEA and CPR Bureaus in 2016:

Building partnerships and engaging Major Groups and other relevant civil society stakeholders

Background Paper

UNEP, September 29, 2016

Background

UNEA can only fulfil its mandate if it succeeds to engage the entire range of stakeholders who work on environmental protection and sustainable development globally in an inclusive, practical and effective manner. To achieve this,¹³ member states had put in place a process to agree on a new Stakeholder Engagement Policy for UNEP that clearly reflected the intentions of participatory civil society engagement as agreed upon in “The Future We Want”. However, neither at UNEA- 1, nor at UNEA -2, member states were able to reach an agreement on a new policy. This does not mean that UNEP has no Stakeholder Engagement Strategy in place. UNEP will continue to apply current rules and procedures which are largely regarded as already very open and participatory.

The Way Forward

New Stakeholder Engagement Policy and UNEA-3

It is proposed that under the leadership of the UNEA President, *informal* consultations among member states on a new Stakeholder Engagement Policy continue. A new draft of the policy will however be earliest tabled at UNEA-4 - if there are strong indications that there is a realistic chance towards an agreement.

Applying Current Rules and Procedures

In the meantime, UNEP will continue to apply current rules and procedures¹⁴, but strive to reflect –within applicable rules- the consensus that was achieved among member states on elements of a new stakeholder engagement policy:

1. Organisations that work on environment *and/or sustainable development* and that meet the other accreditation criteria will be granted accreditation

¹³ In follow up to Paragraph 7 of decision 27/2 of the UNEP Governing Council on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, adopted by the Governing Council at its first universal session in February 2013.

¹⁴ For details see UNEP’s Stakeholder Engagement Handbook: goo.gl/URUfrX

2. ECOSOC accreditation will be considered as evidence for having an international scope of work
3. Working with international partners, including from the UN, will be considered as international scope of work. NGOs will not necessarily need to prove to have a physical presence (e.g. office) in more than one country.

Outreach

UNEP will continue its efforts to reach out to civil society, in order to ensure strong and meaningful participation in UNEA and also in the implementation of UNEP's Programme of Work. A focus will be on reaching out to faith-based organizations and Major Groups that have been underrepresented, for instance farmers and science and technology. In addition, UNEP will:

- Continue the "Perspectives" publication that allows civil society to present their views, with possibly more translations into languages
- Organize in preparation for the UNEAs regional and sub-regional multi-stakeholder consultations in all UNEP regions¹⁵ in collaboration with Regional Offices and relevant partners as well as divisions
- Increase the use of social media in reaching out to civil society and engage in an exchange of good practices also in view of the successful implementation of UNEA resolutions.
- Engage with divisions in UNEP to ensure mainstreaming stakeholder engagement into the Programme of Work
- Allow for e-participation of accredited observer organizations in meetings of the CPR and its subcommittees
- Provide assistance in the creation of a civil society liaison office that will engage with the Committee of Permanent Representatives in Kenya.
- Increase efforts to raise funds for civil society participation.

¹⁵ A first consultation of this type took place on September 21 and 22 in Nairobi, targeting stakeholders from Eastern and Southern Africa

Annex 4: Rule 70 of the Rules of Procedures of the United Nations Environment Assembly:

XIII. OBSERVERS OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Rule 70

1. International non-governmental organizations having an interest in the field of the environment, referred to in section IV, paragraph 5, of General Assembly resolution 2997 (XXVII), may designate representatives to sit as observers at public meetings of the United Nations Environment Assembly and its subsidiary organs, if any. The United Nations Environment Assembly shall from time to time adopt and revise when necessary a list of such organizations. Upon the invitation of the President or Chairperson, as the case may be, and subject to the approval of the United Nations Environment Assembly or of the subsidiary organ concerned, international non-governmental organizations may make oral statements on matters within the scope of their activities.

2. Written statements provided by international non-governmental organizations referred to in paragraph 1 above, related to items on the agenda of the United Nations Environment Assembly or of its subsidiary organs, shall be circulated by the secretariat to members of the United Nations Environment Assembly or of the subsidiary organ concerned in the quantities and in the languages in which the statements were made available to the secretariat for distribution.

Annex 5: UN Environment’s Access-to-Information Policy:

28 January 2016

UNEP Access-to-Information Policy (Revised)

Introduction

The Governing Council of the United Nations Environment Programme¹⁶, at its twenty-seventh and first universal session held in February 2013, in paragraph 17 of decision 27/2, decided to enhance transparency and openness in its work, and in this regard requested the Executive Director to establish a written access-to-information policy.

Subsequently, the Executive Director established the UNEP¹⁷ Access-to-Information Policy on 6 June 2014, which was implemented on an interim basis. Having undertaken a process of its review, the Executive Director establishes the present Policy that supersedes the above-mentioned interim policy.

The Executive Director recognizes that in order for UNEP to fully carry out its mandate entrusted to it by the General Assembly in its resolution 2997 (XXVII) and other relevant resolutions, it is critically important to disseminate and make accessible the information concerning its work or information generated through its programme, in particular with respect to environmental information as widely as possible. In particular in the context of Principle 10 of the Rio Declaration on Environment and Development, it is of fundamental importance for UNEP to make environmental information available to member states, other stakeholders and the public in general with a view to supporting their efforts in achieving sustainable development.

For the purpose of this Policy, “environmental information” means¹⁸ any information in written, visual, aural, electronic or any other material form on:

- (a) The state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- (b) Factors, such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programmes, affecting or likely to affect the elements of the environment within the scope of subparagraph (a) above, and cost-benefit and other economic analyses and assumptions used in environmental decision-making;

¹⁶ The designation of the Governing Council of UNEP was changed to the United Nations Environment Assembly of UNEP by the General Assembly by its resolution 67/213 of 13 March 2013.

¹⁷ “UNEP” in this context means the UNEP secretariat.

¹⁸ As defined in Article 2 of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

- (c) The state of human health and safety, conditions of human life, cultural sites and built structures, inasmuch as they are or may be affected by the state of the elements of the environment or, through these elements, by the factors, activities or measures referred to in subparagraph (b) above.

At the same time, UNEP has an obligation to handle sensitive information in an appropriate manner consistent with the relevant rules and practice of the United Nations. This Policy endeavors to strike an appropriate balance between the need to grant the public maximum access to information in the UNEP's possession, including environmental information, and UNEP's obligation to respect the confidentiality of information regarding its member states, partners, employees and other parties.¹⁹

The Policy will be reviewed and may be updated as necessary by the Executive Director. Such review of the Policy will be undertaken in consultation with member states and relevant stakeholders.

The Policy

1. UNEP is committed to making information relating to its work, including environmental information, available to the public.
2. The Policy is guided by openness. Any information in the custody of UNEP, in particular information concerning the work of UNEP in accordance with its mandate given by the General Assembly in resolution 2997 (XXVII) and other relevant resolutions (such as resolutions 47/190, S-19/2 and 66/288), including environmental information generated and maintained through programmes of UNEP, is available to the public, in the absence of a compelling reason for confidentiality in line with the exceptions to the Policy listed in paragraph 5 below.

Information made available to the public

3. The information relating to the following functions and responsibilities of the United Nations Environment Assembly of UNEP and the Executive Director stipulated in General Assembly in resolution 2997 (XXVII) will be made available to the public:

The United Nations Environment Assembly's functions and responsibilities:

- (a) To promote international co-operation in the field of the environment and to recommend, as appropriate, policies to this end;
- (b) To provide general policy guidance for the direction and co-ordination of environmental programmes within the United Nations system;

¹⁹ This approach is consistent with the Secretary-General's bulletin on information sensitivity, classification and handling (ST/SGB/2007/6), which states that the work of the United Nations should be open and transparent, except insofar as the nature of information concerned is deemed confidential. The Secretary-General's bulletin is available at https://archives.un.org/sites/archives.un.org/files/ST_SGB_2007_6_eng.pdf.

- (c) To receive and review the periodic reports of the Executive Director on the implementation of environmental programmes within the United Nations system;
- (d) To keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by Governments;
- (e) To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formation and implementation of environmental programmes within the United Nations system;
- (f) To maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that may be incurred by developing countries in the implementation of environmental programmes and projects and to ensure that such programmes and projects shall be compatible with the development plans and priorities of those countries;
- (g) To review and approve the Programme of utilization of resources of the Environment Fund.

The Executive Director's functions and responsibilities:

- (a) To provide substantive support to the United Nations Environment Assembly;
- (b) To co-ordinate, under the guidance of the United Nations Environment Assembly, environment programmes within the United Nations systems, to keep their implementation under review and to assess their effectiveness;
- (c) To advise, as appropriate and under the guidance of the United Nations Environment Assembly, intergovernmental bodies of the United Nations system on the formulation and implementation of environmental programmes;
- (d) To secure the effective cooperation of, and contribution from, the relevant scientific and other professional communities in all parts of the world;
- (e) To provide, at the request of all parties concerned, advisory services for the promotion of international cooperation in the field of the environment;
- (f) To submit to the United Nations Environment Assembly, on his/her own initiative or upon request, proposals embodying medium-range and long-range planning for United Nations programmes in the field of the environment;
- (g) To bring to the attention of the United Nations Environment Assembly any matter which the Executive Director deems to require consideration by it;
- (h) To administer, under the authority and policy guidance of the United Nations Environment Assembly, the Environment Fund;
 - (I) To report on environmental matters to the United Nations Environment Assembly;
- (i) To perform such other functions as may be entrusted to him by the United Nations Environment Assembly.

4. Primarily, information will be made available, in the available language or languages, on UNEP public website – www.unep.org.

Exceptions

5. While UNEP commits to providing access to information relating to its work, the implementation of this Policy will be consistent with the relevant rules and practices of the United Nations, including those contained in Secretary-General's bulletin concerning information sensitivity, classification and handling (ST/SGB/2007/6). Information to be designated confidential and handled as such includes the following:

- (a) Documents created by the United Nations, received from or sent to third parties, under an expectation of confidentiality which has been expressly stated orally or in writing;
- (b) Documents whose disclosure is likely to endanger the safety or security of any individual, violates his or her rights, or invades his or her privacy;
- (c) Documents whose disclosure is likely to endanger the security of member states or prejudice the security or proper conduct of any operation or activity of the United Nations;
- (d) Documents covered by legal privilege or related to internal investigations;
- (e) Internal inter-office or intra-office documents and other communications, including draft documents, if disclosure would undermine the Organization's free and independent decision-making process;
- (f) Documents containing commercial information, if disclosure would harm either the financial interests of the United Nations or those of other parties involved;
- (g) Information which, if disclosed, in UNEP' view, would seriously undermine the policy dialogue with member states or partners concerned.

Request for information

6. Information that is not available on UNEP public website may be made available upon request. For UNEP's internal tracking purposes, such requests should quote the following language: "Under UNEP's Access-to-Information Policy, I am requesting information on....". The request should be directed to:

Access-to-Information Desk

United Nations Environment Programme Address: P.O. Box 30552, Nairobi 00100,
Kenya Phone: +254 20 7621234 Email: unepinfo@unep.org

7. Regarding request for information that may be considered an exception under this Policy, the officer concerned should seek guidance from Senior Legal Officer on handling of such requests.

8. All information requests should be handled promptly. The requestor should expect to receive an acknowledgement of receipt of the request within five (5) working days. Depending on the

complexity of the request, UNEP will endeavour to handle all requests within thirty (30) calendar days after the acknowledgment of receipt is sent. If it is not possible to handle a request within thirty days, UNEP will inform the requestor of the reason why it needs more time and the estimated date for communicating the information concerned.

9. In principle, information should be made available free of charge. For information requests that involve the reproduction of material in hard copies in a large quantity which cannot be delivered within the available resources, UNEP, as required, may charge a limited fee to recover the actual cost of printing of such material and associated labor cost, which will be communicated to the requestor and will need to be paid in advance.

10. If a document contain both confidential information and non-confidential information, and if in UNEP's view it is consistent with the purpose of paragraph 5 above, part of such document containing only non-confidential information may be made available to the public upon request.

11. UNEP may partially or wholly deny a request for information in accordance with the limitations set out in this Policy, or if the request is deemed an excessive demand upon UNEP's resources. In case of denying a request for information, UNEP will provide the requestor with a reason for denying such a request.

Review and appeal process

12. If a request of information is denied, the requestor may seek the review of the decision by addressing a letter to the Access-to-Information Panel established pursuant to paragraph 17 below, providing reasons for the appeal.

13. Every request for appeals will be acknowledged. The Panel will review the denial of requests to disclose information concerned or portion of such information to a member of the public.

14. The Executive Director will have the authority to take a final decision concerning the request for information in question.

15. In case of rejecting an appeal, UNEP will provide the requestor with a reason for such rejection.

16. That review should normally be completed within sixty (60) working days of being requested. The outcome of the review will be communicated to the requestor.

Access-to-Information Panel

17. The Access-to-Information Panel is hereby established.

18. The Panel consists of three members, all appointed by the Executive Director: two UNEP staff members and one individual, in his/her personal capacity, from outside of UNEP. Members of the Panel will be selected on the basis of the following criteria: in-depth knowledge and

thorough understanding of UNEP policies, structures, programmes and operations at Headquarters, Regional and Sub-regional or Country Office levels; thorough knowledge of, and familiarity with, information disclosure and access to information policies; and proven ability to work with UNEP partners. Members will serve for a term of two years, which may be extended for another term at the discretion of the Executive Director.

19. The Panel's primary function is to assist the Executive Director to review appeals relating to a request for information and to determine whether the Policy has been properly applied, and to submit its conclusion and relevant recommendations to the Executive Director.

20. In addition, the Panel assists the Executive Director to monitor the implementation of the Policy.

21. The Panel will deliberate with the presence of three members.

22. The Chair of the Panel will be selected from amongst, and by the Panel members.

23. The Panel may develop, as appropriate, more detailed procedures for the review of denied requests, review the implementation of the Policy and provide recommendations on changes which should be made, as well as re-examine the Policy on a regular basis in light of operational and other changes within UNEP.

24. The Panel will meet virtually or in situ whenever there is an appeal for review. The Panel may also meet to consider policy matters related to the Policy and its application, as necessary.

Extraordinary circumstances

25. In extraordinary circumstances, the Executive Director or such officials as the Executive Director so authorizes may disclose certain information covered in the list of exceptions set out in paragraph 5 above, if the overall benefits of such disclosure outweigh the potential harm to the interests protected by the exceptions. This may include situations in which the disclosure of certain confidential information would be likely to avert imminent and serious harm to public health or safety, or imminent and significant adverse impacts on the environment. Such disclosure by the Executive Director or the authorized official would be on the most restricted basis necessary to achieve the purpose of the disclosure. The disclosure of information received from a Government or a third party in confidence requires the written consent of the Government or the third party concerned.

Annex 6: An Alternative Version of Rule 70:

XIII. OBSERVERS OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Rule 70

1. ~~International~~ Non-governmental organizations, having an interest in the field of the environment **and/or sustainable development**, referred to in section IV, paragraph 5, of General Assembly resolution 2997 (XXVII), may designate representatives to sit as observers at public meetings of the United Nations Environment Assembly and its subsidiary organs, if any.

The United Nations Environment Assembly shall from time to time ~~adopt and revise when necessary~~ **review** a list of such organizations **in line with the established criteria for accreditation**. Upon the invitation of the President or Chairperson, as the case may be, ~~and subject to the approval of the United Nations Environment Assembly or of the subsidiary organ concerned,~~ accredited non-governmental organizations may make oral **or written** statements on matters within the scope of their activities.

2. Written statements provided by ~~international~~ non-governmental organizations referred to in paragraph 1 above, related to items on the agenda of the United Nations Environment Assembly or of its subsidiary organs, shall be circulated by the secretariat to members of the United Nations Environment Assembly or of the subsidiary organ concerned **in a timely and appropriate manner** ~~the quantities~~ and in the languages in which the statements were made available to the secretariat for distribution.

Annex 7: Resolution of Implementing Paragraph 88

UNITED
NATIONS

EP



**United Nations
Environment Assembly of the
United Nations Environment
Programme**

UNEP/EA.3/L.28

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United Nations Environment Assembly of the
United Nations Environment Programme
Third session
Nairobi, 4–6 December 2017

Draft resolution on the implementation of paragraph 88 (a)– (h) of the outcome document of the United Nations Conference on Sustainable Development (Rio+20) “The Future We Want”

Recalling the mandate contained in the United Nations General Assembly Resolution 2997 (XXVII) of 15 December 1972, which established the United Nations Environment Programme, and other relevant resolutions that reinforce its mandate, as well as the 1997 Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme of 7 February 1997 and the 2000 Malmo Ministerial Declaration of 31 May 2000,

Also recalling the United Nations General Assembly resolutions 53/242 of 28 July 1999, 55/200 of 20 December 2000, 57/251 of 20 December 2002, 64/204 of 21 December 2009, 65/162 of 20 December 2010, 66/203 of 22 December 2011 and other previous resolutions relating to the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme,

Recalling the outcome document of the United Nations Conference on Sustainable Development, held from 20 to 22 June 2012 in Rio de Janeiro, Brazil, entitled “The future we want” which invited the General Assembly to adopt, at its sixty-seventh session, a resolution strengthening and upgrading the United Nations Environment Programme, in the manner outlined in paragraph 88, subparagraphs (a) to (h) of the outcome document,

Committed to the implementation of Resolution 67/213 on the Report of the Governing Council of the United Nations Environment Programme on its twelfth special session and on the implementation of section IV.C, entitled “Environmental pillar in the context of sustainable development”, of the outcome document of the United Nations Conference on Sustainable Development,

Recalling decision 27/2 of the Governing Council of the United Nations Environment Programme on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development

Reaffirming its commitment to strengthening the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment,

1. *Reiterates* the importance of the Nairobi headquarters location of the United Nations Environment Programme, and reaffirms its commitment to the effective consolidation of headquarters functions in Nairobi and the strengthening of UNEP's regional presence;

2. *Recalls* its strong commitment to the full implementation of paragraph 88 (a)-(h) and requests the Executive Director to provide regular briefings to the Committee of Permanent Representatives on the progress of its implementation;

3. *Requests* the Executive Director to report to the fourth session of the United Nations Environment Assembly on the implementation of this resolution.
