

UNEP

Committee of Permanent
Representatives

Nairobi, 11 November 2013

- Report of the Independent Group of Experts on New Mechanisms for Stakeholder Engagement at UNEP

Presented by Stephen Stec,
Rapporteur

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Established by request of UNEP ED

Experts acted in personal capacity

To provide expert advice to the Task Force on Stakeholder Engagement on the main elements of new mechanisms for stakeholder engagement and transparency that build on “best practices of multilateral organizations.”

Meeting -- 21-22 September 2013

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Members of the Expert Group:

Jochen von Bernstorff, Tuebingen University

Sandor Fulop, former Ombudsman for Future Generations, Hungary

Joyeeta Gupta, University of Amsterdam

Patricia Kameri-Mbote, University of Nairobi

Nora McKeon, formerly FAO

Marcos Orellana, CIEL/ American University

Lalanath de Silva, The Access Initiative

Stephen Stec, Central European University

(Rapporteur)

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Scope of work

- Who to include and a new accreditation policy
- Agenda-setting: how will stakeholders actively engage in setting the global environmental agenda?
- Decision-making: how will stakeholders participate in the deliberations leading to decision-making in the new UNEP, in its governing bodies and all its subsidiary organs?

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Guiding political declarations

Paragraph 88, Rio + 20 Outcome Document:

“We are committed to strengthening the role of [UNEP] 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.

(...) In this regard, we invite the General Assembly, ... to adopt a resolution strengthening and upgrading UNEP in the following manner: (...) **“(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.”

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Guiding political declarations

Decision 27/2 of the UNEP Governing Council, para. 7:

The GC “Decides that the governing body will ensure the active participation of all relevant stakeholders, particularly those from developing countries, drawing on best practices and models from relevant multilateral institutions and will explore new mechanisms to promote transparency and the effective engagement of civil society in its work and that of its subsidiary bodies, inter alia by:

- (a) 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;
- (b) Establishing by 2014 mechanisms and rules for **stakeholders expert input and advice**;
- (c) Enhancing by 2014 working methods and processes for informed **discussions and contributions by all relevant stakeholders towards the intergovernmental decision making process.**”

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Background documents

See Annex 2 of the Report

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Terms and definitions

See Paragraph 7 of the Report

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Risks

Burden of self-organization.

Conflicts within civil society.

Limited resources available to civil society, need for financial support.

Success dependent on degree of engagement/motivation.

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Findings – Optimal Model for Engagement

I – Inclusiveness and accreditation

II – Agenda-setting

III – Decision-making

IV – Implementation

V – Access to information policy

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I – Inclusiveness and accreditation, paras. 11-22

Current 9 Major Groups: NGOs, farmers, women, children and youth, science and technology, business and industry, trade unions, indigenous peoples, local authorities

UNEP's interface with different constituencies is highly unbalanced.

One-size fits all approach to NGOs is both unfair and does not help generate a sense of common purpose.

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Environmental Civil Society Mechanism (ECSM)

Modified version of the reformed CFS and its CSM taking into account UNEP's specificities is good approach.

Some MGs and other communities

Relaxed accreditation criteria

Increased powers of self-organization

- Coordination Committee
- Factors (see para. 18)
- UNEP MGSB to provide oversight and assistance

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Business, local governments, science and
technology

Business, local government have their own “caucuses”

Science and technology in advisory role

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Advisory Body (AB)

Complementary institution giving advice and technical expertise to the CPR/UNEA.

10-12 seats distributed among all stakeholders including other UN agencies, research institutes.

AB members would be chosen by self-organizing caucuses.

Civil society/stakeholder specialized expertise in e.g., local knowledge, public involvement, NGO organization etc.

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II – Agenda-setting, para. 23

Civil society engagement requires meaningful opportunities to participate in UNEA agenda-setting.

UNEP should establish modalities for ECSM participation in agenda-setting within CPR and UNEA.

As UNEP's agenda has heightened policy relevance, so civil society's interest will be strengthened.

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III – Decision-making, paras. 24-30

Early access – draft decisions

Guidance to chairs on inclusion of civil society

ECSM to have a focal point system

- geographical regions
- constituencies/themes

Thematic working groups

Seats in meetings would be allocated depending on function (e.g., 1-5-1).

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IV – Implementation, paras. 31-32

CSOs require capacity-building to participate effectively.

UNEP should play a role in ensuring fair treatment of civil society within states as a means of implementing projects and programs effectively.

Local governments have a special role in implementation.

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V – Access to information policy, para. 33

Expert Group delivered recommendations to responsible staff.

UNEP's own Bali Guidelines represent minimum standard

Aarhus Convention is a notable international standard that states parties are obliged to promote.

Presumption of disclosure; exemptions must be narrowly restricted.

Access to information is a fundamental right

Appeal/compliance mechanism

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Costs

The Expert Group could not go into great detail about costs.

However, it should be noted that some of the proposals would result in cost savings (such as shifting to self-organization) while other proposals might entail increased costs.

Notes on costs are found in the 10 summary tables on the proposed mechanisms (see para. 34 and following)

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