

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

FINAL REPORT

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EXECUTIVE SUMMARY

The Expert Group for New Mechanisms for Stakeholder Engagement at UNEP (EG, or the Group) analyzed and advised on UNEP's future accreditation policy, working methods and processes for stakeholder contributions towards intergovernmental decision making processes, mechanisms for expert input and advice, and access to information policies. The Group considered stakeholder engagement at stages of agenda setting and policy making, decision making, and implementation, taking into consideration current and appropriate international practice, against the background of relevant decisions of UN and UNEP governing bodies.

The Group distinguished among terms relevant to the inquiry including *stakeholder, non-governmental organization, civil society organization, social movement, major groups, major groups and other stakeholders, civil society mechanism, and member-based or peoples' organizations*. The Group also discussed and evaluated certain risks inherent in UNEP's reform of its stakeholder engagement mechanisms. Taking the above into account, the Group developed a proposed optimal solution for UNEP's new stakeholder engagement mechanism, calling upon UNEP to further develop the mechanism through an open, transparent and participatory process.

The Report presents findings in the areas of inclusiveness and accreditation, agenda-setting, decision-making, implementation and access to information policy.

Inclusiveness and accreditation

The existing major groups and stakeholders strategy creates imbalances and a "silo" approach to engagement. UNEP is not bound to follow a historical approach based on Agenda 21 and is urged to ensure meaningful participation through the establishment of an Environmental Civil Society Mechanism (ECSM) involving groups most affected by policies under discussion, following the model of the civil society mechanism of the Committee on World Food Security. UNEP's current interface is dominantly with NGOs and it is important to also enter into dialogue with organizations directly representing those most affected by environmental issues in order to determine on what themes and under what participation conditions they would be interested in increasing their interaction. The civil society engagement function should be separated from the advisory function, and the latter covered by a new and separate Advisory Body.

The ECSM would also represent the separation of civil society from business and industry, local governments, and science and technology, which would form their own caucuses. The ECSM and each caucus would follow the principle of self-organization, for example taking over accreditation tasks and

administration of funds. The ECSM in particular would continue to be guided in self-organization by the Major Groups and Stakeholders Branch to ensure effectiveness and accountability towards international processes.

Agenda-setting

Stakeholder engagement policies go hand in hand with UNEP's development as the key organization for setting the global environmental agenda. If civil society and other stakeholders can help to shape UNEP's agenda they will become more engaged, and UNEP's agenda will be more relevant to their concerns. Attention must be given to ensure true engagement at appropriate entry points in agenda setting for major processes, including the CPR and UNEA, with standing to contribute to deliberations on an equal basis with governments, but without the right to vote.

Decision-making

Civil society and stakeholders should have opportunities to participate in decision-making at an early stage, and should have standing to contribute to deliberations on an equal basis with governments, but without the right to vote. The ECSM should be encouraged to organize thematic working groups with regional and constituency focal points. Both in agenda-setting and in decision-making contexts, the ECSM and other stakeholders could be allocated seats at a ratio of 1-5-1 (business – ECSM – local governments). Science, business, local governments and the ECSM would all play a role in the Advisory Body and a potential High Level Panel of Experts. The Advisory Body could consist of 10-12 seats with members from science and technology, business, the ECSM, local governments, and IGOs, selected through self-organizing caucuses.

Implementation

Civil society and other stakeholder involvement in implementation could depend on themes and on the needed capacities. Capacity-building through the ECSM is therefore an important foundation for effective participation in implementation. The role of local governments may be greater in implementation than in other areas, and thus local governments may have an enhanced presence.

Access to information policy

UNEP should adopt an access to information policy with limited exceptions to disclosure of information, based upon international standards. While at a minimum, UNEP should apply the Bali Guidelines on Rio Principle 10, it should take into account the fact that access to information standards globally are rapidly evolving, and should seek to be a leading organization on access to information, due to its critical importance to environmental protection. Policy background documents should recall that access to

information is a fundamental human right. UNEP should institute a compliance mechanism or review procedure for its policy.

PART I. BACKGROUND (PREAMBLE)

1. In accordance with a request from the Executive Director of UNEP, a group of experts was engaged 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.” The Experts acting in their personal capacity were requested to address:
 - a. A new accreditation policy;
 - b. Working methods and processes for stakeholder contributions towards the intergovernmental decision making process;
 - c. Mechanisms for expert input and advice; and
 - d. Transparency and openness: access to information policy (Para. 17 of Decision 27/2).
2. The members of the Expert Group were Jochen von Bernstorff, Lalanath deSilva, Sandor Fulop, Joyeeta Gupta, Patricia Kameri-Mbote, Nora McKeon, and Marcos Orellana, with Stephen Stec as Rapporteur. This Report reflects the outcome of the Expert Group’s work and is presented to the Executive Director of UNEP as a contribution to the process of developing new mechanisms of stakeholder engagement at UNEP.
3. The Expert Group (EG, or the Group) held its first meeting in Nairobi at UNEP Headquarters on 21-22 September 2013, in the presence of staff of the UNEP Division of Regional Cooperation, including its Major Groups and Stakeholders Branch, of the Division of Environmental Law and Conventions (DELIC) and of the Division of Communication and Public Information (DCPI). In the meeting, the EG decided to focus on:
 - 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? The Group considered working methods, mechanisms for expert input, and transparency and openness.

- Implementation: how will stakeholders provide more substantive inputs in implementation of environmental and sustainable development plans to leverage more impacts and sustainable results?

4. The EG was guided by Paragraph 88 from the Rio + 20 Outcome Document, which states, in pertinent part:

“We are committed to strengthening the role of the United Nations Environment Programme (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, at its sixty-seventh session, 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.”

5. Decision 27/2 of the UNEP Governing Council¹ on implementation of paragraph 88 of the Rio+20 outcome document deals in part with stakeholder engagement in its Paragraph 7.²

¹ UNEP/GC.27/17.

² In Paragraph 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.”

6. The EG considered UNEP's current system in the context of a wide range of examples from current international practice for stakeholder engagement. The Group considered its terms of reference referring to 'best practices.' Best practices refer to approaches, methods or instruments that have proven capabilities in achieving effective results measured against specific criteria. It can lead to the adoption of benchmarks or template approaches. They are often selected from a database of current practices. However, they may not be appropriate for specific contexts or circumstances. Appropriate practices are the most relevant approaches, methods or instruments for a specific context that have a proven track record of working in specific contexts and given specific criteria. The EG specifically decided to consider current and appropriate practices relevant to UNEP's circumstances. Annex 1 to this report elaborates on an important model from the practice of the Committee on World Food Security. Annex 2 to this report sets forth an indicative list of the documents and background materials considered by the EG in its deliberations.
7. The EG decided that it would be useful to elucidate terminology for its own purposes and as a means of informing the further discussions that would take place based on the report. As part of its work, the EG defined or described the following terms.
 - *Stakeholder*: A stakeholder is any party (individual or group) that is affected by or affects a particular problem/ policy/ project/ organization; it includes those with a legitimate concern in relation to the issue at hand; it is someone with an interest at stake; it could also include those with power to influence a decision.
 - *Non-Governmental Organization*: In UN parlance a non-governmental organization includes all organizations that are non-state actors potentially consulted under the UN Charter. An ECOSOC resolution has established formal, subject matter, and standing criteria for granting consultative status for non-state actors, requiring also permission of the home state.³ UNEP's adoption of the

Additionally, under paragraph 17 of the decision the GC decides "to enhance transparency and openness" in UNEP's work.

³ Under the ECOSOC resolution, for consultative status, non-state actors had to focus on the subject matter falling under the competence of ECOSOC, have principles and purposes consistent with the UN Charter, be supportive of the UN, have 'representative character' and be 'of recognized international standing', have headquarters and an executive officer, a democratically established constitution, authority to speak for its members, and be international. However, national non-state organizations could be admitted if it 'helps to achieve a balanced and effective representation of non-governmental organisations reflecting major interests of all regions and areas of the world or

major groups approach following Agenda 21 moves away from the ECOSOC definition in that it includes NGOs as one of the 9 major groups that can be seen as stakeholders for global issues. The Major Groups approach is discussed below.

- *Civil Society Organization:* A civil society organization is an organization or an aggregate grouping of organizations that have organized themselves to deal with specific interests of society (and is often seen as distinct from the state and business). They are likely to have a central node, office and representatives.
- *Social Movement:* A social movement refers to mobilized informal groups of individuals, communities and/or organizations that organize themselves around a specific political, economic, social or environmental issue. This category includes platforms, committees, mechanisms, federations and networks of advocacy-based and policy-oriented organizations which promote claims or rights of most affected constituencies (e.g. land-holding farmers, fishers and fish workers, pastoralists and herders, forest dwellers, rural landless workers, urban poor, indigenous peoples). Social movements emerge from particular historical circumstances. They share similar goals, promote awareness and attempt to influence policy-makers in development, social, environmental and/or political issues. Social movements coordinate different organizations, which may include legally registered member-based organizations (MBOs, see below) and NGOs. While their legal status and characteristics may vary, their common trait is to work to strengthen the capacities of the organizations under their coordination-umbrella to advocate for the common interests, concerns, views and goals of their constituencies.
- *Major Groups:* “Major Groups” refers to the nine major groups (business and industry, NGOs, children and youth, farmers, indigenous peoples, local authorities, scientific and technical community, women, workers and trade unions) identified in Agenda 21, Section III, Chapters 24-32. There is clear overlap among the groups and it is typically up to the organizations themselves to determine to which group to belong. In practice due to accreditation criteria, practically all Major Groups participants are NGOs. In practice UNEP makes a final decision as to which Major

where they have special experience upon which the Council may wish to draw.’ Arts. 1-11 of the Arrangements for Consultation With Non-Governmental Organizations, ECOSOC Resolution 1296 (XLIV), 1968. The Resolution however clearly emphasises the distinction made in the UN Charter between states and non-states: ‘... the arrangements for consultation should not be such as to accord to non-governmental organisations the same rights of participation as are accorded to states....’ Art. 12. of the ECOSOC Resolution.

Group a civil society organization would be allocated to, taking into account that organization's preferences and characteristics.

- *Major Groups and other stakeholders*: This is the formulation adopted in ‘The Future We Want,’ the outcome document adopted at the Rio + 20 Conference. Major groups refers back to the nine major groups identified in Agenda 21; while the other stakeholders include ‘local communities, volunteer groups and foundations, migrants and families as well as older persons and persons with disabilities’ (Para 43), and civil society (Para 44).
 - *Civil Society Mechanism*: Civil society mechanism refers to a system by which civil society is encouraged to organize itself and develop its own rules of inclusion (who should be included and what should be the procedures for inclusion), participation (when and how participation is organized), appropriate participation strategies for each of its members, and how access to information should be shared with its members.
 - *Member-based or peoples’ organizations (MBOs)*: Member-based organizations are locally-based organizations made up of stakeholders (e.g. small farmers, fishers or forest dwellers) who work towards a variety of common goals, such as managing common resources, lobbying their governments on certain issues, or helping to satisfy members’ needs by providing goods or services. Their primary objective as an organization is to improve the livelihoods of their members. MBOs work to be self-sustainable, requiring members to contribute in some way, e.g. through paying an annual fee or providing services. MBOs are subject to local laws and regulations. Their leaders are elected by and are accountable to their members and are mandated to speak on their behalf.
8. The Expert Group decided that there were certain risks that needed to be taken into account in UNEP’s future stakeholder engagement mechanism. These risks were present no matter which model would be proposed, and represented the potential for less than optimal success. Among these risks are:
- a. UNEP’s current civil society mechanisms do not rely upon or encourage self-organization; consequently the currently engaged civil society may not have the skills to successfully self-organize if burdens are placed upon it.
 - b. Civil society is typically plagued by power struggles that have been perhaps exacerbated by the MGS approach; handing over responsibility for self-organization may lead to conflicts and

unanticipated results. However, peoples' organizations tend to be less fractious than NGOs because they are not interested in internal civil society power struggles.

- c. The resources available to UNEP engaged civil society may be less than those available in other international contexts; thus it may not be fair to hand over the responsibility to civil society whose means are often quite limited. UNEP's new civil society mechanism should include financial support.
 - d. The success of the model proposed will depend in good part on the degree to which UNEP is able to engage a far larger proportion of organizations representing those most affected than at present and to take on board their suggestions regarding the conditions on which they would be motivated to invest energy in interfacing.
9. Taking the above into account, the Group developed an optimal solution for UNEP's new stakeholder engagement mechanism, which is set forth in the next section of the Report.
 10. Finally, the EG recognizes that it is an expert group that cannot substitute for the full engagement of stakeholders, and in accordance with the principles of stakeholder engagement, wishes to state in the strongest terms that it urges UNEP to engage in dialogue with a broad range of stakeholders at the earliest possible stage and continuously thereafter as an integral part of the reform process, making it clear to stakeholders that the suggestions that emerge from this dialogue will be integrated into the final mechanism.

PART II. THE EXPERT GROUP'S VISION OF UNEP'S STAKEHOLDER ENGAGEMENT

1. Inclusiveness and accreditation

11. Under the current scheme, there are nine major groups. These are NGOs, farmers, women, children and youth, science and technology, business and industry, trade unions, indigenous peoples, local authorities. The table below shows the number and proportion of organizations in each category currently accredited to UNEP.

Table 1. Major groups and stakeholders currently accredited with UNEP

Major Groups & Stakeholders	Total Number of Accredited Organizations (Oct 2013)	Registered Organisations as a Percentage of Total. (%)
Business and Industry	23	8
Children and Youth	15	6
Farmers	3	1
IGO (IUCN)	1	0
Indigenous Peoples & Their Communities	10	4
Local Authorities	4	1
NGOs	184	68
Science and Technology	20	7
Women	8	3
Workers & Trade Unions	4	1
Total	272	100

12. Approximately two thirds of the accredited organizations are NGOs, several of which represent a large number of membership organisations. The balance of the remaining 8 major groups constitutes a third of the accredited organisations. The smallest groups are farmers, local authorities, and workers and trade unions. However, the organisations accredited under local authorities, business and industry, and workers and trade unions represent a very large number of membership organisations. There is some overlap between the groups as well. For example several organisations listed under science and technology can easily fit under NGOs and vice-versa. A women's organic farmer's association could qualify under women as well as farmers. The largest grouping is the NGOs with a current accredited membership of 174 organisations. However, they enjoy the same speaking opportunities and one seat. The NGO group consists of organisations that speak for, and are concerned about, the environment (about 62%) as well as development, faith based, educational and other organisations.
13. These figures regarding the present situation of accredited membership highlight two major issues:
- a. UNEP's interface with different constituencies is highly unbalanced. There is a concentration of NGOs and a dearth of organizations representing sectors of the population most directly and severely affected by the kind of environmental issues with which UNEP deals (such as peasant farmers, artisanal fisherfolk, pastoralists, Indigenous Peoples, agricultural workers). This needs to be addressed by proactive outreach on the part of UNEP to such organizations.⁴
 - b. Within the NGO group, the vast majority (62%) are NGOs focused predominantly on the environment, and these are required to negotiate their statements and positions with NGOs that address environmental issues within broader agendas. Clearly a one-size fits all approach is both unfair and does not help generate a sense of common purpose.
- 14 UNEP is not bound by the current nine Major Groups approach based on Agenda 21 and other sources; in fact, para. 88 of the Rio+20 Outcome Document encourages UNEP to take a new approach to stakeholder engagement. UNEP policy should ensure meaningful participation in various processes, including agenda setting, decision making/shaping, and implementation. Recent international experience provides several examples of modern approaches that could increase effectiveness of stakeholder engagement and address some of the systemic flaws in the current practice.

⁴ Many of such organizations are present in the IPC for Food sovereignty, which played a major role in the reform of the CFS and the establishment of its CSM.

- 15 The most progressive examples in the UN system focus their stakeholder engagement also on organizations representing groups most affected by policies under discussion. This kind of democratic involvement is a primary function of stakeholder participation. Secondly, civil society engagement is a way to hold governments to account. Civil society plays a watchdog role and exercises lobbying power. A third role is providing technical and contextual expertise that governments and UNEP may not have. All three roles have to be acknowledged in any policy of stakeholder engagement. UNEP's status as the authority for the global environment also needs to be taken into account. The comprehensive overview of environmental civil society organizations in this field – in dialogue with organizations representing those most affected by environmental issues and whose practices impact on the environment – should be acknowledged as a “fourth role.”
- 16 A modified version of the reformed CFS and its CSM taking into account UNEP's specificities is the preferred basis for a new stakeholder engagement system for UNEP. This model is presented in Annex 1.⁵ UNEP should keep the different bodies/processes separate given the differentiated levels and contexts.
- 17 A new Environmental Civil Society Mechanism (ECSM) with increased powers of self-organization would be a more effective way of organizing civil society engagement than the present arrangements and would replace existing mechanisms including the Major Groups Facilitating Committee (MGFC). The ECSM would have accountability towards both UNEP and the constituencies. The ECSM would include representatives of *some* of the existing Major Groups system, but would not include business and industry, local governments, or science and technology, which would instead be included in a new and separate Advisory Body and, eventually, in a version of the High Level Panel of Experts (see below). By abandoning some of the groups in the Major Groups system, the remaining “groups” lose their justification conferred upon them under Agenda 21, so there is a need to establish criteria and to start again on the basis of what is workable taking costs into account. The inclusion of additional

⁵ The CFS model includes two different kinds of mechanisms – autonomous, self-organized mechanisms for engagement by civil society, the private sector and other non-State categories of participants, and an Advisory Group composed of representatives of these non-State categories which works alongside of the intergovernmental Bureau and provides it with advice on an on-going basis. CFS also has an autonomous High Level Panel of Experts that prepares reports on complex and/or contentious issues upon request.

constituencies should be left up to civil society but it is appropriate for guidelines to be agreed with UNEP.⁶ The ECSM should have a Coordination Committee.

18 The ECSM should decide how best to represent themselves at different UNEP fora (e.g. UN Environment Assembly, committee of permanent representatives, other committees, expert groups, Ministerial roundtables etc). Key factors that they would need to consider as ECSM decides how best to represent its constituencies are (in no specific order):

- a. Fair distribution of opportunities to have a seat at the table for key voices, especially the less represented, vulnerable groups and most affected;
- b. Adequate representation of the environment (the silent voice) through those who speak best for it – e.g. environmental NGOs, indigenous peoples, peasants, artisanal fisherfolk, pastoralists etc. who also have a nurturing relation with the environment (except when extreme poverty and distress oblige them to adopt practices that are not environmentally friendly);
- c. Adequate regional representation;
- d. Developing a common position based on the subject matter under discussion or policy being developed or implemented;
- e. Enhancing the major groups and stakeholders by proactively recruiting and including other groups from social movements and under-represented constituencies; and
- f. Self-organization would also imply suggesting rules of engagement from the start to the implementation of the process; appropriate participation strategies for each group of stakeholders; and regarding the provision of accessible information to all stakeholders;
- g. Membership of the coordination committee should reflect plurality, gender, age, etc. and balance between the different constituencies;
- h. Accountability towards UNEP and to the constituencies;
- i. The principle of rotation, term limits for leadership positions, and time-bounded accreditation.

19. Local government and business would organize their own separate spaces.

⁶ The CFS CSM includes 11 constituencies, most of them categories of most affected groups, which were suggested by civil society during the reform process and agreed to by governments.

20. The ECSM should develop its own terms of engagement in UNEP processes, and should develop appropriate participation strategies for each of its constituents, including information needs.
21. The UNEP ECSM at first would not be entirely self-organizing as in the case of the CSM under the CFS. This is due to the fact that the CFS CSM was self-driven by civil society with organizations representing those most affected playing a leading role, while the UNEP ECSM will be facilitated by UNEP's Major Groups and Stakeholder Branch (MGSB), at least at the outset, until such time as UNEP's agenda (see Section B) will generate a comparable level of interest and high quality participation by civil society and other stakeholders. Consequently, some accreditation standards will continue to be applied by UNEP as a means of checking inclusiveness and relevance in relation to UNEP's mission. It remained an open question whether UNEP should write rules of procedure for these processes or whether it should be left up to the autonomy of the civil society mechanism. The best solution is probably one of dialogue, including potentially interested groups who are not now engaging with UNEP.
22. Current accreditation criteria present challenges to the inclusion of important groups and organizations within civil society and should be changed. The requirement that an organization be international (i.e., active in more than one country) should be eliminated. The requirement that an organization be legally registered should be eliminated. Accreditation should not be a barrier to inclusion of peoples' organizations, MBOs and social movements. If social movements do not have an organizational structure, it may be difficult to formally include them. The burden will be on the ECSM to decide how to include social movements and non-registered organizations, learning from the experience of the CFS/CSM.

2. Agenda-setting

23. A civil society policy has to take into account the reality of UNEP processes and its headquarters' location in Nairobi (high travel costs and lack of permanent representation of governments and civil society/stakeholders). The UNEP agenda needs to be focused less on administrative and financial issues and more on substantive issues to attract the interest of the stakeholders. UNEP can generate stronger interest from civil society if civil society can actually shape UNEP's agenda and be part of global environmental agenda-setting through UNEP, and if the decisions taken have meaningful impact at country level. This will allow for a two-way process of strengthening UNEP's role in global environmental agenda setting. UNEP should hold discussions with leaders of key

organizations – including those representing affected groups - to see what would help them get engaged. Civil society will likely have more impact on UNEP if it is able to engage both through an open-ended CPR and through a UNEA with heightened policy relevance. It is necessary to institutionalize civil society and expert input into agenda-setting.

3. Decision-making

24. Civil society needs opportunities to have access to draft decisions and to comment on them. Participation and access to information are required in drafting processes, including small, informal meetings but more needs to be done to open the structures to peoples' organizations and social movements in order to bring information about how UNEP's work affects local communities to bear on the decision-making process. The tendency to give civil society a brief opportunity to speak at the end of the discussion should be changed.⁷ UNEP should adopt guidance for chairs as to inclusion of civil society and the right to speak.
25. Within a new ECSM, a focal point system should be established to include both constituency focal points and regional or sub-regional ones. A set of regional FPs and constituency FPs in one body would be responsible for rules of accreditation, procedures (filling seats etc.), budgets and allocations, managing a trust fund, and establishing thematic working groups to prepare civil society input to UNEP deliberations and activities. The thematic working groups would be open to all constituencies and all organizations in the different regions. This would facilitate exchange among different constituencies and different regions and consensus building where possible, rather than the "silo thinking" that characterizes the present Major Groups system.
26. The themes could change based on UNEP's themes, and therefore would not be based on the MGs anymore. This approach would be less complicated, and would eliminate the "silent voice" problem. The ECSM representatives would work together with the other members of the Advisory Body to prepare and identify issues that should be on the UNEA agenda.

⁷ In the reformed CFS the CSM is allocated 5 self-selected speaking slots and these people are empowered to participate in the discussion throughout the debate, on the same footing as governments. Civil society can take the floor at any time during debate in the intergovernmental sessions on a potential instrument on Rio Principle 10 in the Latin America and Caribbean region.

27. In UNEA, CPR, etc. the number of seats allocated to the ECSM to fill could vary depending on the function, within the three main areas of decision-making, agenda setting, and implementation. The Group considered a good model would be to allocate seats at a ratio of 1-5-1 (business – ECSM – local governments).
28. Science would not be included in the ECSM model but would provide input through the new advisory mechanism, and eventually something along the lines of the CFS's High Level Panel of Experts, outside of political discussions.
29. The Advisory Body (AB) will be a complementary institution giving advice and technical expertise to the CPR/UNEA. AB members would be chosen by self-organizing caucuses. Research institutes will also have a seat there. 10-12 seats will be distributed among all stakeholders including other UN agencies as a way to increase cooperation within the UN and avoid fragmentation. Stakeholder input could be handled as special expertise, e.g., local knowledge, NGO expertise (public involvement expertise), etc.
30. UNEP's rules of procedure should be amended to correspond to the new stakeholder engagement mechanisms. Although rules should be clear it might be good to introduce some flexibility in implementation.

4. Implementation

31. The outcomes and effectiveness of the work of the ECSM depends in great part on the help and services offered to the participants by UNEP and other international organizations. Capacity building shall be a planned, systematic, regular activity. It shall encompass information given to the stakeholders in individual cases and in general about the procedures and institutions within UNEP. A second group of the capacity building activities is institutional help that is to overcome technical, organizational and financial barriers to participation of the members of the ECSM in individual cases and again in general matters, too. Enhancing responsible participation is usually understood as part of general institutional capacity building. The system of capacity building is to be completed with a third group of functions, that is monitoring and removing all the factors that block or hinder the participation of the stakeholders, such as being prosecuted, harassed because of their participation, or being discriminated against in any way when participating.
32. For implementation, local governments are a major partner and so might have an enhanced presence.

5. Access to Information Policy

33. The Expert Group was asked to consider a possible access to information policy, and delivered its recommendations directly to the appropriate UNEP staff at its Meeting. Consequently, this topic is not covered in detail in the current report. However, the major points made by the EG are set forth in Table 12, below.

PART III. SUMMARY TABLE ON PROPOSED MECHANISMS FOR STAKEHOLDER ENGAGEMENT AT UNEP

34. The following tables set forth good practices and proposed mechanisms for stakeholder engagement at UNEP as identified by the Expert Group in the following areas:

- Accreditation
- Participation Mechanisms at HQ level
 - Agenda Setting
 - Decision Making/Shaping
 - Mechanisms for Expert Input and Advice
- Participation Mechanisms at regional level
 - Agenda Setting
 - Decision Making/Shaping
- MGS/Civil Society Approach used
- MGS representative body at HQ level
- MGS representative body at regional level
- Rules and Procedures
- Access-to-Information Policy

Table 1: Accreditation

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
Criteria inhibit accreditation; barriers to accreditation	Eliminate requirement that organizations be legally registered	UNCCD; CSM of CFS	Allows for inclusion of peoples' organizations and social movements; prevents states from unjustified interference in participation (RAIPON case)	Potential delays in preparation for meetings	Added costs of consultations
ditto	Eliminate requirement that organizations have international scope	CSM of CFS	Many of the most active and competent organizations have a single country (or single natural area) focus; Allows for inclusion of peoples' organizations and social movements	Might call for including additional organizations and have transaction costs	Added costs
Requires UNEP to manage	Main criteria set by ECSM; limited accreditation standards to be applied by UNEP	CSM of CFS	Ease of administration	UNEP involvement can be criticized as not respecting civil society's self-organization rights; Presently, civil society is not sufficiently active to self-organize completely; also affected by internal power politics	Reduced costs to UNEP

Table 2: Participation Mechanisms at HQ Level (Agenda Setting)

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
MGs have limited influence on UNEP/GC agenda setting	Early consultations with ECSM and a High Level Advisory Group on agenda setting for UNEA	CSM of CFS; Aarhus Convention	<ol style="list-style-type: none"> 1. Civil society support and interest in UNEP will increase. 2. UNEA agenda will be more relevant and meaningful to stakeholders 3. Agenda setting is inclusive of more stakeholders and transparent. 	Potential delays in preparation for meetings	Added costs of consultations; may be cost savings due to increased relevance of agenda and focus on key issues

Table 3: Participation Mechanisms at HQ Level (Decision Making/Shaping)

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
Except for GC/GMEF, opportunities are not formalized and are overly dependent on proactive MGSB	Civil society to have equal rights as governments to intervene and participate in meetings, particularly the CPR	CSM of CFS	Deepens democratic decision-making	Unlike states, civil society reps present may not represent all constituencies and this may create imbalances	Does not entail additional costs; may be cost savings through improved decisions
	UNEP to issue guidance to chairs on inclusion of civil society in meetings		Broader ownership of decisions made	Depending on civil society organizations present and issues at stake, there may be asymmetries of information between them and governments	

Table 4: Participation Mechanisms at HQ Level (Mechanisms for Expert Input and Advice)

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
MGFC and ad hoc advisory bodies - Limited membership and representation; questionable legitimacy	A permanent Advisory Body to be established with 10-12 members according to constituencies	CSM of CFS	Established body will stimulate interest; provide focal point for provision of expertise	This might elevate scientific knowledge over local and indigenous knowledge	Costs related to maintenance of permanent body.
	Participation in AB to be determined by self-organizing caucuses of the member groups.		Increased ownership and representation	Some caucuses may be inactive	
	Civil society to be included as representing specialized expertise		Gives recognition to Civil society as being more than specialized interests		

Table 5: Participation Mechanisms at Regional Level (Agenda Setting)⁸

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
Role and function of regional representatives in MGFC unclear; selection not transparent	Self-organized regional caucuses for ECSM; Separate (parallel) processes for business and local government	CSM of CFS	Civil society support and interest in UNEP will increase.	Potential delays in preparation for meetings	Added costs of consultations
Regional consultative meetings (RCMs) have currently limited engagement; insufficient resources	UNEP to issue guidance to chairs on inclusion of civil society in meeting		Broader ownership of decisions made	Potential divergent positions and requirement for more time to come to common positions	Added costs of including more representatives

⁸ This is understood to refer to regional processes aimed at preparation for HQ processes, where the agenda-setting is relevant.

Table 6: Participation Mechanisms at Regional Level (Decision Making/Shaping)⁹

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
Role and function of regional representatives in MGFC unclear; selection not transparent	Self-organized regional caucuses for CSM; Separate (parallel) processes for business and local government	CSM of CFS	Civil society support and interest in UNEP will increase.	Potential delays in preparation for meetings	Added costs of consultations
Regional consultative meetings (RCMs) have currently limited engagement; insufficient resources	UNEP to issue guidance to chairs on inclusion of civil society in meeting		Broader ownership of decisions made	Potential divergent positions and requirement for more time to come to common positions	Added costs of including more representatives

⁹ This is understood to refer to regional processes aimed at preparation for HQ processes, and to a limited extent influence on programming decisions at the regional level.

Table 7: MGS/Civil Society Approach used

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
MGS approach is rigid, non-inclusive, and unbalanced.	Abandon MGS approach: ECSM to be self-organizing, including accreditation, selection of representation (seats), budget, trust fund	UNFCCC HPLF CSM of CFS	Civil society support and interest in UNEP will increase. Places cost responsibilities onto groups. Increases clarity, transparency and balance by separating business and local government from civil society; responds well to the three major gaps (truly consultative procedures, higher legitimacy and wider representation); higher level motivation and creative solutions	Could reduce MGSB involvement; less normativity and control, less guarantees for fulfilling basic UNEP requirements; uneven performance	May increase donor contributions via trust fund mechanism
	Business and local government to have separate, self-organized caucuses		Easier, clearer articulation of pro- environmental interests and views, no more obstruction of functional environmental issues out of organizational (business or governmental) interests	Less dialogue between the three parts of SD, less possibilities for forging out workable compromises in the early phases of forming MGS standpoints	Could be lower, because differentiated cost bearing rules might be developed

Table 8: MGS representative body at HQ level

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
Global Major Groups and Stakeholder Forum (GMGSF) is more an event than a process, the GMGSF rarely has influence on the UNEP agenda	GMGSF to have formal links to UNEP processes; outcomes to be formally addressed and taken into account	CSM of CFS			
MGFC raises questions about representation, legitimacy, selection; limited contact points with real decision-making processes	The system of representation of MGS should be revised to include both constituency focal points and regional or sub-regional ones; ECSM should organize thematic working groups according to UNEP's work program		All the specific interests will find their respective channels of expression	Too many participants, time consuming	Higher travel, accommodation etc. costs
MGSB acts as a surrogate for civil society self-organization	UNEP CSM to be self-organizing, including accreditation, selection of representation (seats), budget, trust fund; Business and local government to have separate, self-organized caucuses. MGSB continues to provide assistance.				

Table 9: MGS representative body at Regional level¹⁰

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
Regional consultative meetings (RCMs) have currently limited engagement; insufficient resources	The focal point system should be revised to include both constituency focal points and regional or sub-regional ones	CSM of CFS	Civil society support and interest in UNEP will increase.	Increased complexity of coordination	Number of participants at meetings may increase costs
Not self-organizing; questionable representation, legitimacy, selection	ECSM to be self-organizing, including accreditation, selection of representation (seats), budget, trust fund; Business and local government to have separate, self-organized caucuses; Seats on regional level to be allocated according to 1-5-1 ratio (business, ECSM, local governments)		Can be interpreted as a win-win situation, because civil sector gets more weight, while business and local governments will have 1:7 rate of participation instead of 1:9	Certain civil society actors (women, farmers etc.) might feel that they lose their independent voices	Could be lower
	ECSM should organize thematic working groups according to UNEP's work program				

¹⁰ This is understood to refer to mechanisms described in the previous two footnotes.

Table 10: Rules and Procedures

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
Rule 69 is out of date and does not reflect current practice	Rules and procedures to be adapted based on outcome of Major Groups and Stakeholders engagement reform process		Rules and procedures can be functionally formed, harmonized with the structures and functions of the MGS participation; in the case the self-organizing concept prevails, rules and procedures will serve as loose frameworks that guarantee the most basic values and requirements UNEP attaches to the MGS procedures	Internal coherence of the rules will require further efforts	Costs might play important role in determining rules and procedures

Table 11: Access to Information Policy

Problem with current system	Proposed solution	Other good practices	Pros of solution	Cons of solution	Costs, if any.
No official policy on UNEP level. Not integrated within UNEP as a whole	Official policy to be adopted; Exemptions to disclosing information must be restricted	UNEP Bali Guidelines; Aarhus Convention; Almaty Guidelines (Minimum standard should be UNEP’s own Bali Guidelines, supplemented by Aarhus Convention and Almaty Guidelines); EU Transparency Directive	Enables public to gain access to information in accordance with international standards. Increases transparency and accountability.	Requires substantial training of staff.	Introduction of new policies will require dedication of resources. May need to hire staff to handle information requests.
No processes or procedures for appeals/redress; no guarantee of rights of access	Policy background/preamble should recall that access to information is a human right; Compliance mechanism should be considered	UNEP Bali Guidelines; Aarhus Convention; Almaty Guidelines (Minimum standard should be UNEP’s own Bali Guidelines, supplemented by Aarhus Convention and Almaty Guidelines); EU Transparency Directive	Recognition that information access is an enforceable right.	Requires substantial training of staff.	Costs of defending actions by UNEP staff challenged in appeals process.

ANNEX 1: THE CIVIL SOCIETY MECHANISM (CSM) OF THE COMMITTEE ON WORLD FOOD SECURITY (CFS)

The Committee on World Food Security (CFS), originally established by the World Food Conference of 1974, underwent a thorough reform in 2009 to address the vacuum in global food governance revealed by the 2008 food crisis. This process was strongly supported by small-scale producers' organizations, Indigenous Peoples and other civil society organizations along with many governments who felt that decision-making in this crucial area should be taken within the UN system. The challenge was to transform the CFS into an inclusive global policy forum where inequality, poverty, and violation of the human right to food could be addressed in an effective manner. The reform took place through a nine-month process involving dialogue among governments, UN agencies and non-state actors through a "Contact Group" which met in Rome. Peoples' organizations and networks and social movements were enabled to participate through their network – the IPC for Food Sovereignty. This network had emerged from the civil society forums held in parallel to the World Food Summits (1996-2002), where a deliberate decision had been taken by the organizers to ensure that small-scale producers and other organizations representing those most affected by food insecurity were in the majority.

Civil society/peoples' organizations made an important contribution to the reform of the CFS. The table below summarizes some of the important characteristics of the reformed CFS.

The reform document of the Committee on World Food Security: some important features¹⁷

- Recognizes the structural nature of the causes of the food crisis and acknowledges that the primary victims are small-scale food producers.
- Defines the CFS as "the foremost inclusive international and intergovernmental platform" for food security and includes defending the right to adequate food in its mission.
- Brings civil society (with emphasis on organizations of those most affected) and other non-state actors into the room as full participants. Affirms civil society's right to autonomously self-organize to relate to the CFS.
- Establishes a body, the Advisory Group (AG), composed of representatives of the different categories of non-state participants, which works alongside of the Bureau on all inter-sessional processes. Civil society has 4 places in the AG out of a total of 13.
- Enjoins the CFS to negotiate and adopt a Global Strategic Framework (GSF) for food strategy in order to provide guidance for national food security plans as well as for intergovernmental and non-state actors.

- Empowers the CFS to take decisions on key food policy issues, and promotes accountability by governments and other actors for applying them.
- Supports the CFS's policywork by a High Level Panel of Experts and acknowledges the expertise of producers and practitioners alongside that of academics and researchers.
- Recognizes the principle of "subsidiarity" and the need to build links between the global CFS and regional and country levels, where governments have committed to establishing multi-stakeholder policy spaces.

Inclusivity is fundamental in the design of the new CFS. Everyone is in the room: governments, civil society, the private sector (in a separate category), relevant UN agencies, international research institutions, and international and regional financial institutions. All categories of participants are enabled to participate in debate in the CFS on the same footing as governments, through their self-selected spokespersons. However, voting rights are reserved for governments. All work is done in plenary or in open-ended working groups in which all categories participate.

The autonomy and right to self-organization of civil society is recognized in the CFS reform document, as is the need to give priority voice to constituencies representing those most affected. Civil society developed its own proposal for a Civil Society Mechanism to interface with the CFS, which was validated in a Civil Society Forum in October 2010 and acknowledged by the CFS. The CSM recognizes 11 constituencies: smallholder family farmers, artisanal fisherfolk, herders/pastoralists, landless, urban poor, agricultural and food workers, women, youth, consumers, Indigenous Peoples, and NGOs. The first 10 constituencies, composed of peoples' organizations representing those most affected, are given clear priority and voice in determining the positions to be defended in the CFS. NGOs play an extremely important supporting role because of their expertise, analytic capacity and experience with advocacy.

The CSM is inclusive: any civil society organization dealing with food issues at any level can be a member. The concept of representation has been banished. The CSM is a space for dialogue and exchange. Consensus positions are sought through thematic working groups open to all, but consensus is not obligatory. The CSM employs a focal point system. There are 41 members in its Coordination Committee. These members are self-selected by the organizations belonging to the 11 recognized constituencies and 30 sub-regions. The selection processes must be inclusive and transparent and reported to the CSM as a whole. The Coordination Committee and its members do not represent their organizations or constituencies but rather provide services to them by diffusing information, seeking input to policy discussions in the CFS and supporting advocacy. The key operating instrument of the CSM are the thematic working groups established to develop CS positions on the policy issues under discussion in the CFS. These working groups are coordinated by social movements and technically supported by

NGOs. They are open to participation by all members of the CSM in all parts of the world. The positions they develop are discussed and validated in regional CSM consultations and in an annual global Civil Society Forum that takes place just before the annual CFS plenary.

The CSM is autonomously able to bring its delegation to the annual CFS plenary. It is allocated a certain number of spots (currently 175) and is responsible for ensuring the organization of its delegation. Accreditation is therefore not an issue. Governments and the secretariat have come to appreciate this approach of civil society autonomy, since it gives better results.

CSM costs are covered by a multi-donor trust fund to which governments and other donors are invited to contribute. The trust fund is lodged with FAO, but all decisions regarding how to use the resources are made by the CSM, to which FAO transfers the funds under a contractual arrangement. Some donors make their contributions directly to the CSM.

The Advisory Group (AG) is another part of CFS reform. The AG includes members from all of the categories of non-voting participants listed in the reform document: civil society but also private sector, foundations, research institutions, other UN agencies, international development banks. Civil society has 4 slots in the AG. The AG accompanies the Bureau in its intersessional work. It meets monthly with the Bureau and participating in “Open-Ended Working Groups” for specific drafting and pre-negotiation tasks.

The CFS reform document enjoins governments to replicate the multi-stakeholder approach at regional national level. This has already happened in the context of regional conferences in 2013. Regional multi-stakeholder meetings will be organized over the coming months in the context of the CFS consultation on principles for responsible agricultural investments.

ANNEX 2: SELECTED DOCUMENTS CONSULTED BY THE EXPERT GROUP IN ITS DELIBERATIONS

1. Review of Current Practices of Stakeholder Engagement in Multilateral Organisations, UNP, 30 July 2013.
2. Draft GA resolution on the format and organizational aspects of the high-level political forum on sustainable development, A/67/L.72.
3. Preliminary report of the Survey on Models and Mechanisms of Civil Society Participation in UNEP, 7 December 2012 – 9 January 2013 (working document – draft 12 February 2013).
4. Report, Expert Group Meeting on “Models and Mechanisms of Civil Society Participation in UNEP: Building on the Experiences of Multilateral Organizations,” January 22-23, 2013, Geneva.
5. Principles on Stakeholder Participation in UNEP, 14th Global Major Groups and Stakeholders Forum (GMGSF-14) 2013.
6. GC/GMEF Processes and Major Groups and Stakeholders: A Guide on how to participate in the GC/GMEF sessions.
7. Guidelines for Participation of Major Groups and Stakeholders in Policy Design at UNEP (26 Aug 09).
8. Review of the Rio+20 Outcome Document, compiled by DRC/MGSB, 27 June 2012.
9. Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus, 1998).
10. Decision II/4 promoting the application of the principles of the Aarhus Convention in international forums, ECE/MP.P/2005/2/Add.5, 20 June 2005, and the Almaty Guidelines attached.
11. Gap Analysis of UNEP’s work with major groups and stakeholders (draft under development), MGSB/DRC, 10 August 2012.
12. UNEP and Indigenous Peoples: A Partnership in Caring for the Environment, Policy Guidance, November 2012.
13. Assessment of the Major Groups and Stakeholders concept and approach, Draft 28 May 2013.
14. UNEP Current Engagement Model, Draft 28 May 2013.

15. 21 Issues for the 21st Century: Result of the UNEP Foresight Process on Emerging Environmental Issues.

16. International Resource Panel website.

ANNEX 3: THE EXPERT GROUP: BIOGRAPHIES

Jochen von Bernstorff

Eberhard Karls Universitaet Tuebingen

Since summer semester 2011 he is the Chair of Constitutional Law, Public International Law and Human Rights Law at Eberhard Karls University Tuebingen. Before that he worked as Research Fellow at the Max-Planck-Institute for Comparative Public Law and Public International Law in Heidelberg. Research area: Law of the United Nations (especially Security Council/ Human Rights), was an Aide at the German Federal Foreign Office (diplomatic service), Multilateral Human Rights Policy Task Force, UN-Department. Bernstorff served also as a member of the German delegation at the UN Commission on Human Rights 2004 and 2005 and UN Human Rights Council 2006, Geneva, of the German delegation at the UN General Assembly 2003, 2004, 2005, New York and was the Chief negotiator of the German delegation at negotiations over the UN Convention on the Rights of Persons with Disabilities, New York (2003-2007).

Nora McKeon

Expert on UN Civil Society relations, formerly World Committee on Food Security

Nora McKeon studied history at Harvard and political science at the Sorbonne before joining the Food and Agriculture Organization (FAO) of the United Nations. She held positions of increasing responsibility there, culminating in overall direction of the FAO's relations with civil society. A major area of her work over the years was strengthening civil society/social movement participation in field programmes and in policy dialogue at all levels, with particular attention to organizations of small food producers (peasant farmers, artisanal fisherfolk, pastoralists, Indigenous Peoples, etc.) as the mandated representatives of those most affected by food insecurity and poverty yet most distant from decision-making mechanisms. She now divides her time between research, teaching (University of Rome 3) and activism around food systems, peasant farmer movements and UN-civil society relations. She coordinates a program of exchange and advocacy with African and European small farmers' organizations and is closely involved in the current reform of global food governance. Recent publications include: *Peasant Organizations in Theory and Practice* (with Michael Watts and Wendy Wolford, UNRISD 2004), *Strengthening Dialogue with People's Movements: UN experience with small farmer platforms and Indigenous Peoples* (with Carol Kalafatic, UN NGLS 2009) and *The United Nations and Civil Society: Legitimizing Global Governance-Whose Voice?* (Zed 2009), *Global Governance for Food Security*

(Heinrich Boll Foundation 2011) and Land Grabbing and Global Governance (Globalizations 2013).

Joyeeta Gupta

University of Amsterdam

Originally from India, Joyeeta Gupta is currently a Professor of environment and development in the global south at the Amsterdam Institute for Social Science Research of the University of Amsterdam and UNESCO-IHE Institute for Water Education in Delft. She is also a member of the Amsterdam Global Change Institute. She is editor-in-chief of *International Environmental Agreements: Politics, Law and Economics* (IF 1.128) and is on the editorial board of journals like *Carbon and Law Review*, *International Journal on Sustainable Development*, *Environmental Science and Policy*, *Current Opinion in Environmental Sustainability*, *Catalan Environmental Law Journal*, *Review of European Community and International Environmental Law* and the new *International Journal of Water Governance*. She was and continues to be lead author in the Intergovernmental Panel on Climate Change which recently shared the 2007 Nobel Peace Prize with Al Gore and of the Millennium Ecosystem Assessment which won the Zayed Second Prize. She has published extensively. She is on the scientific steering committees of many different international programmes including the Global Water Systems Project and Earth System Governance.

Lalanath de Silva

Director, The Access Initiative

Lalanath De Silva was a public interest litigator and advocate for over two decades. Pioneering the growth of public interest law in the area of the environment, he appeared in many of Sri Lanka's leading environmental cases on behalf of victims, communities and non-governmental organizations. He also worked for the Government of Sri Lanka for two years as the Legal Consultant to the Ministry of Environment and Forests. During that time he was responsible for drafting and enacting the bulk of Sri Lanka's environmental regulatory provisions. From 2002-2005 he served as a Legal Officer in the Environmental Claims Unit of the United Nations Compensation Commission (UNCC) in Geneva. Together with a small group of international lawyers, he helped process the largest war reparations claims handled by the UNCC to monitor, assess, restore and compensate for environmental damage resulting from the 1991 Gulf War. Lalanath joined the World Resources Institute (WRI) in 2005 as the Director of

The Access Initiative (TAI) (www.accessinitiative.org). Since then he has been focusing on helping over 150 civil society groups in over 40 countries assess the status of access to information, public participation and access to justice in their countries. Through these assessments, civil society partners identify gaps in access laws, practices and institutions and undertake activities that will change the situation on the ground. In October 2012 he was appointed as a member of the Compliance Review Panel of the Asian Development Bank, Manila. Lalanath qualified as a lawyer from the Sri Lanka Law College and has a Master of Laws degree from the Law School, University of Washington, Seattle, USA.

Patricia Kameri-Mbote

University of Nairobi

Patricia Kameri-Mbote is a Professor of Law and Dean at the School of Law, University of Nairobi. She has served as Acting Executive Director and Director of Research and Policy Outreach, African Centre for Technology Studies, Nairobi. She is also a Senior Counsel on the Kenyan Bar and was also a member of the Committee of Eminent Persons appointed by His Excellency the President of Kenya in February 2006 to advise the government on the way forward for the stalled constitution review process. She has also served as a Policy scholar at the Woodrow Wilson International Center for Scholars.

Prof. Kameri-Mbote studied law in Nairobi, Warwick, Zimbabwe and Stanford. She is a member of the IUCN Commission on Environmental Law and the Kenya National Academy of Sciences and a board member of local, regional and international organizations. Her research interests, in which she has published widely on, include environment and natural resources law and policy, human rights, women's rights, land rights, intellectual property rights, biotechnology policy and law and economic law.

Marcos Orellana

Dr. Marcos A. Orellana (LL.M., S.J.D.) is Director of CIEL's Environmental Health Program and Adjunct Professor at the American University Washington College of Law. At CIEL Dr Orellana has worked with NGOs and local communities worldwide to strengthen tools to protect the vital functions of the planet and secure global environmental justice, including with respect to chemicals and waste, oceans and biodiversity, and trade and investment.

Prior to joining CIEL, Dr. Orellana was a Fellow to the Lauterpacht Research Centre for International

Law of the University of Cambridge, UK. He also was a Visiting Scholar with the Environmental Law Institute in Washington DC and Instructor Professor of international law at the Universidad de Talca, Chile.

Dr Orellana has acted as legal counsel to the Chilean Ministry of Foreign Affairs on international environmental issues. In that capacity Dr Orellana has worked with MEAs and the Rio+20 process. Dr Orellana has also acted as consultant to several International Institutions, including the UN Environment Programme and the Office of the High Commissioner for Human Rights.

Sándor Fülöp

Former Parliamentary Commissioner for Future Generations in Hungary

From May 2008 to August 2012 Dr. Sándor Fülöp held the office of the first Parliamentary Commissioner for future generations in Hungary. Before, he worked as a public prosecutor and executive director of Hungary's principal non-profit environmental law firm. He has also been a member of the compliance committee of the Aarhus Convention, the first international convention on access to information, access to decision-making and access to justice in environmental matters. He is president of the Hungarian Environmental Management and Law Association (EMLA), works on public interest environmental cases as a private attorney, teaches and does international consultancy work in environmental law and policy matters. Dr. Fülöp has authored numerous publications in the field of environmental protection legislation, e.g. "Environmental protection democracy in the practice. Handbook on community participation for environmental protection and water management authorities" (2002), "Some internal contradictions of the environmental protection law: Is the re-codification necessary?" (2002) and "Preliminary examination - impact study - IPPC" (2007).

Stephen Stec, Rapporteur

Central European University

Stephen Stec is an environmental lawyer, adjunct professor at Central European University (HU) and Associate Scholar at Leiden University (NL). In recent years he has taught at the Monterey Institute of International Studies (California USA) and KIMEP University (Kazakhstan) and was a visitor at the University of Toronto Faculty of Law and at Middlebury College. He has co-authored or edited several books and written numerous articles in areas such as environmental democracy, sovereignty and human rights, natural resources management, environmental inspection and enforcement, environment and

security, and corporate social responsibility. He is a frequent consultant to international organizations such as UNEP, UNECE, OSCE, OECD, and the European Commission. Formerly he was the head of the Environmental Law Programme of the Regional Environmental Center for Central and Eastern Europe (REC). Prof. Stec is one of the authors of *The Aarhus Convention: An Implementation Guide* (1st and 2nd editions) and co-editor of *Energy and Environmental Challenges to Security* (2009). From 2006-08 he served on the Managing Board of the Environment and Security Initiative (ENVSEC). In 2007 he received the Rule of Law Award.