

## **FUTURE ROLE AND FUNCTION OF MGS IN UNEP INCREASED PARTICIPATION IN THE CPR**

A presentation by  
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## **THE INTRODUCTION**

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## **Good governance**

- ▣ "Good governance at the local, national and international levels is perhaps the single most important factor in promoting development and advancing the cause of peace", Kofi Annan, former Secretary General of the UN

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## **A few dilemmas**

- ▣ A weak governance structure will yield weak results:
  - Using principles of justice and rights based approaches as a yard stick
- ▣ Governments must own an intergovernmental process
- ▣ The people must own an implementation process

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# UNEP is

- “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 serve as an authoritative advocate for the global environment,”

UNGA resolution S/19-2, Programme for the Further Implementation of Agenda 21

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# “The future we want”

- With the agreement of The Rio Outcome Document, “the Future We Want,” the UN decided on and started 15 processes, of which the HLPF, the post 2015 agenda and the upgrade of UNEP are but three.

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# The 15 processes

- The green economy process, § 56 -71
- The high level forum on SD, § 86
- Intergenerational solidarity, the ombudsperson for future generations, § 86
- Strengthening UNEP, § 88
- integration of the three dimensions of SD, § 93
- Outcome of Delivering as One Process, strengthening operational activities, § 95
- Sustainable Energy for All (SG initiative), § 129
- GA process on the maritime jurisdiction beyond national boundaries, conservation and resource use of marine resources, §161, 162
- Challenges facing Small Island States, § 180
- 10 Year Programme on Sustainable Consumption and Production, § 226
- The Sustainable Development Goals – through to 2015 § 248, 249
- Assess financing needs, § 255, 257
- Clean environmentally friendly easily adaptable and usable technologies, § 273
- The registry of commitments, § 283
- Sustainable agriculture – end hunger (Secretary General initiative), announced in Rio

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# Major Groups and sustainable development processes

- 1992 was about major groups giving advice to governments and the multilateral system
- 2002 was about major groups and stakeholders being part of the implementation process
- 2012 was about major groups and stakeholders being part of the agenda-setting process

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▣ **What then is tomorrow about?**

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**To answer that ...**

▣ ... must UNEP be seen in the context of HLPF and the SDGs?

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**THE FORMALITIES**

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**Post 2015 and the HLPF process open and accessible**

- ▣ On July 9, 2013, during its 91<sup>st</sup> Plenary Meeting, (UNGA), in resolution 67/290 (A/67/L.72) formally adopted by consensus the format and the organizational aspects of the high level political forum (HLPF).
- ▣ The resolution also recommended to the Economic and Social Council to abolish the CSD effective from the conclusion of its 20th and last session, to be held prior to the first meeting of the forum.

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## **The HLPF is tasked with a heavy agenda:**

- Providing leadership, guidance and recommendations for sustainable development,
- Identifying emerging issues, reviewing progress in the implementation of related commitments and continually enhancing integration of the three dimensions of sustainable development – economic, social and environmental
- In addition, every four years the HLPF will be held under the auspices of the GA at the level of Heads of State and Governments for two days, “resulting in a concise negotiated political declaration to be submitted to the Assembly for its consideration”

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## **Major Groups and civil society in the HLPF**

- Major groups, civil society and stakeholders enjoyed an unprecedented number of participatory privileges through working with and at the CSD.
- These participatory rights are now inscribed into the HLPF mandate and procedure
- A precedent at this high level of a global intergovernmental context
- This will greatly contribute to the potential relevance of the HLPF and its legitimacy

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## **Granting rights**

- ... in an intergovernmental process, is a question of formalities, procedure and process – whether we like it or not -

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## **Rights for civil society/major groups are now accepted**

- by the UN General Assembly in resolution 67/290 (A/67/L.72), 9 July, 2013
- Can/should they set a precedent for the new UNEP?

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## Which privileges are given MGs and civil society?

- ▣ Major Groups and relevant stakeholders are referred to in 7 paragraphs:
- ▣ Paragraphs 8c; 13; 14; 15; 16; 22 and 24.

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## Paragraph 15 is the key

*While retaining the intergovernmental character of the forum, major groups and other relevant stakeholders will be allowed:*

- (a) To attend all official meetings of the forum;
- (b) To have access to all official information and documents;
- (c) To intervene in official meetings;
- (d) To submit documents and present written and oral contributions;
- (e) To make recommendations;
- (f) To organize side events and round tables, in cooperation with Member States and the Secretariat of the United Nations;

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## Paragraph 8

*The forum, under the auspices of ECOSOC will conduct regular reviews, (specifies content) that:*

- (a) Will be voluntary, will include developed and developing countries, relevant United Nations entities;
- (b) Will be State-led, involving ministerial and other relevant high-level participants;
- (c) Will provide a platform for partnerships, including through the participation of major groups and other relevant stakeholders;
- (d) Will replace the national voluntary presentations held in the context of the annual ministerial-level substantive reviews of the Economic and Social Council, building upon the relevant provisions of General Assembly resolution 61/16 as well as experiences and lessons learned in this context;

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## Paragraphs 13 and 14

- ▣ Paragraph 13 is on regional commissions and regional meetings with the involvement of Major Groups
- ▣ Paragraph 14: ... while retaining the *intergovernmental nature* of discussions, and in this regard decides that the forum will be open to the major groups, other relevant stakeholders and entities having received a standing invitation to participate as observers in the General Assembly, building on ... CSD

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## Paragraphs 16 and 24

- Paragraph 16 is about the right to self-organise and include other groups
- Paragraph 24 is about helping to fund representatives from major groups irrespective of their country

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## Agenda setting, paragraph 22

“Requests the President of the General Assembly and the President of the Economic and Social Council to coordinate with the Bureau of the Council and with the bureaux of the relevant committees of the General Assembly to organize the activities of the forum so as to benefit from - *the inputs and advice of the United Nations system, the major groups and other relevant stakeholders, as appropriate;*”

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## ABOUT UNEP

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**How does all this this comply with existing formalities?**

**And how does it apply to UNEP?**

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## Faced with formalities

- ▣ § 71 of the Charter
- ▣ How does ECOSOC influence us
- ▣ What is actually the major groups?
- ▣ Single issue processes vs multiple issues
- ▣ The demand for quality and innovation
- ▣ Specialised Agencies and their precedents
- ▣ Accountability, representativity, facilitation

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## Article 71 of the Charter

- ▣ Allows NGOs only!
- ▣ Given an interpretative context in 1950 and further updated in 1968 by ECOSOC and finally in 1996;
- ▣ ECOSOC Res. 1996/31, 25th of July 1996, stating: §16. The provisions of the present resolution shall apply to the United Nations regional commissions and their subsidiary bodies *mutatis mutandis*.

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## ECOSOC rules ...

- ▣ 18. A clear distinction is drawn in the Charter of the United Nations *between participation without vote in the deliberations of ECOSOC and the arrangements for consultation*. Under Articles 69 and 70, participation is provided for only in the case of States not members of the Council, and of specialized agencies. *Article 71, applying to non-governmental organizations, provides for suitable arrangements for consultation*. This distinction, deliberately made in the Charter, is fundamental and the arrangements for consultation *should not be such as to accord to non-governmental organizations the same rights of participation as are accorded to States not members of the Council and to the specialized agencies brought into relationship with the United Nations*.

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## 1996 ECOSOC requirements for NGOs

- ▣ be of recognized standing within the particular field of its competence or of a representative character.
- ▣ have a representative structure and possess appropriate mechanisms of accountability to its members,
- ▣ have members that shall exercise effective control over its policies and actions through the exercise of voting rights or other appropriate democratic and transparent decision-making processes.
- ▣ have mechanisms for appropriate accountability that needs to be institutionalized.
- ▣ integrate the fact that the legitimacy for an NGO begins with the individual who uses it as an instrument of voluntary association.

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## NGO/CBO/MGs

- ▣ The major Groups and other stakeholders – define/understand “other” and include them in the MGs
- ▣ The NGO requirement (Article 71)  
(what about business, parliamentarians, cities?)
- ▣ The MGs are elements of a facilitation unit – ref the UNEP Guidelines – a tool to access the UN
- ▣ Facilitate – not represent with a mandate –or?

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## Comparing elements of the UN

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>▣ Single issue processes vs multiple issues</li> </ul> | <ul style="list-style-type: none"> <li>▣ SAICM, Climate, Bio-diversity<br/>UNEP deals with a host of issues</li> </ul> |
| -----   |  |
| <ul style="list-style-type: none"> <li>▣ Specialised Agencies and their bodies</li> </ul>     | <ul style="list-style-type: none"> <li>▣ Not subject to the Charter<br/>CSM of the WFS-FAO</li> </ul>                  |
| -----   |  |
| <ul style="list-style-type: none"> <li>▣ The demand for quality and innovation</li> </ul>     | <ul style="list-style-type: none"> <li>▣ Find and facilitate the best qualified organisation</li> </ul>                |

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## Understanding/using a few key words and concepts

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|--|--|
| <ul style="list-style-type: none"> <li>▣ Intergovernmental</li> <li>▣ Intervene</li> <li>▣ Access</li> <li>▣ Participate</li> <li>▣ Agenda setting</li> <li>▣ And all this amounts to</li> </ul> | <ul style="list-style-type: none"> <li>▣ MGs may not negotiate in plenary, but modalities can be made to intervene</li> <li>▣ Always for all accredited</li> <li>▣ A privilege to be at the UN, and to represent your constituency</li> <li>▣ Develop a process</li> <li>▣ decision making/ shaping</li> </ul> |
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## UNEA, the CPR and MGs

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>▣ The open-ended CPR</li> <li>▣ The UNEA</li> <li>▣ Other relevant meetings</li> <li>▣ Other meetings of the CPR</li> <li>▣ Written statements</li> <li>▣ Agenda setting</li> </ul> | <ul style="list-style-type: none"> <li>▣ For all and always</li> <li>▣ For all and always</li> <li>▣ Depends and as appropriate</li> <li>▣ As appropriate</li> <li>▣ Process for background papers</li> <li>▣ Develop a process</li> </ul> |
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## UNEA, the CPR and MGs

- ▣ Use/discard MGs
- ▣ Be representative
- ▣ Inclusive of the "others"
- ▣ Speaking on behalf of/ Speaking for
- ▣ Decided by the Summit
- ▣ Principles of self organisation, adhering to ECOSOC demands

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## AND HOW DO WE APPLY THIS KNOWLEDGE?

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## The 15 Rio processes - and large parts of the document - address six broad areas -

- ▣ A deepening of the understanding of Sustainable Development and its three dimensions
- ▣ Financial and economic issues in general terms - the green economy debate, GDP+, the 10YFP on SCP and in more particular terms, financing the aforementioned processes
- ▣ Science based decisions, increased role for science
- ▣ Governance, enhanced roles for stakeholders, right to participate, set agendas for our future, access to information etc
- ▣ Multilateralism in general and the United Nations in particular
- ▣ And lastly, and to a lesser extent values, universality issues, anthropocentric or biocentric worldview

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## From "the state of civil society" 2013, by CIVICUS

- ▣ There is a need for a renewed debate over the roles and priorities of civil society in many parts of the world, which should reassess relationships with both the State and civil society membership and constituencies alike.
- ▣ The issue is therefore not just a question of resources, but also one that may challenge the very roles of organisations that were set up and driven by a specific externally-funded aid agenda.
- ▣ Key questions here include: are the large numbers of development groups or specialised agencies as necessary as they once were?

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## From "the state of civil society" 2013, by CIVICUS

- ▣ There is an urgency to understand a new generation of issues, and ways of coping with them by older organisations that are perhaps in denial about the changes confronting them. ... organisations that are clearly failing to see that unless they change and adapt to new circumstances their future may be of limited duration

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## New Challenges

- ▣ The science policy interface
- ▣ Evidence based decisions
- ▣ Geo report can/should we participate
- ▣ Shadow reporting – something for us?
- ▣ And the integration of the three dimensions into the ... future?
- ▣ And the of course – the SDGs
- ▣ Contributing to sustainable development without compromising the environmental issues

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## Civil society/ major groups – do we represent 'critical scrutiny'?

- ▣ "... through lack of reasoned engagement and action, we do still fail to take adequate care of the environment around us and the sustainability of the requirements of good life. To prevent catastrophe caused by human negligence or callous obduracy, we need critical scrutiny, not just goodwill towards others. "
- ▣ Amartya Sen "The Idea of Justice"

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## Thank you for your attention

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