

The UNEP We Want

MAJOR GROUPS AND STAKEHOLDERS
REPORT ON THE FUTURE OF UNEP AND UNEA



The UNEP We Want

Report of the Major Groups and other Stakeholders for UNEP@50

FINAL DRAFT (March 3, 2022)

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[Foreword]

Preface

Ten years after UNEP's founding, in 1982, the terms of reference of the World Commission on Environment and Development - WCED, or the Brundtland Commission - were being debated. As the Chair, Gro Harlem Brundtland, wrote in her Foreword to the Commission's 1987 report, entitled "Our Common Future," there was much discussion about the report's scope, and whether it should be limited to the environment or should also include development. The result is well-known, as the Brundtland Commission laid out the framework for our current conception of sustainable development, which was further adapted and elaborated into the 27 principles of the Rio Declaration on Environment and Development in 1992.

"Our Common Future" was addressed to governments and private enterprise. But, as Prime Minister Brundtland wrote, it was "first and foremost" directed towards people, and especially the young. The report called for a "common endeavor" and laid the groundwork for what in today's parlance would be called an "all-of-society" approach to guaranteeing to future generations the fundamental right to a healthy, life-enhancing environment, by "furthering the common understanding and common spirit of responsibility so clearly needed in a divided world."

UNEP was still a young programme during this time. Established as one of the global policy responses to the "people power" that pushed for environmental protection in the 1960s and 70s, even at that early stage there were calls for it to be strengthened. UNEP's catalytic, coordinating and authoritative roles have been frequently reconfirmed, and it has adapted and responded as the world has struggled to integrate the three pillars of sustainable development. Still, even after 50 years UNEP still faces some of the challenges that were identified not long after its founding.

The authoritative voice on the environment within the UN system is the locus of many and frequent examples of an effective level of engagement of global civil society. But UNEP has not met the great expectations that it would be instrumental in building institutional and professional capacities on the national level particularly in the developing world. Given the importance of an all-of-society approach in overcoming global challenges in areas such as climate change, pollution and loss of biodiversity, UNEP's engagement with global civil society needs to be reinforced and renewed.

The approach to civil society engagement has since 1992 followed the mandate set forth in Agenda 21, which in Chapter 23 defines the nine Major Groups and recognizes the need to strengthen their important role in UNEP's work. The Major Groups - later extended to "other stakeholders" - work tirelessly to improve UNEP's reach, to influence its work programme, to make its agenda and that of UNEA more responsive to the needs of the people, and to anticipate future challenges where UNEP can play an important role. They fulfill the functions UNEP has described as experts, watchdogs and multipliers, in addition to advocating for their constituencies in UNEP and UNEA-related agenda-setting, policy development, and implementation. The work can be challenging, frustrating and rewarding, but mainly it is constant and intense as the world shifts from crisis to crisis.

The occasion of the fiftieth anniversary of UNEP's founding allows for a more reflective, ambitious, experimental, and innovative kind of input from the Major Groups and Stakeholders. It is an occasion for us to continue the dialogue started with WCED's invitation to further common understanding and a common spirit of responsibility.

The UNEP We Want

Background Report led by the
Science & Technology and
Children and Youth Major Groups

The history and evolution of UNEP is something that has been extensively written about. Prime references include Stanley Johnson's 2012 report *UNEP the first 40 years* and more recently the comprehensive 2021 book by Maria Ivanova *The Untold Story of the World's Leading Environmental Institution*. Both works delve deeper into the inner arrangements of the institution and the political climate that surrounded it through the decades, but they do not focus explicitly on stakeholders' perspectives on how well UNEP has delivered its mandate on the ground. There has even been expert consideration of "The UNEP That We Want" in which Mark Halle provided his summary of the work of an expert group he led at UNEP's request which was convened in order to examine UNEP's vision with respect to the role of science; the response to the needs of developing countries; and the role of UNEP in the broader UN family of organizations.

This, however, is the first comprehensive assessment and future vision of UNEP/UNEA from the perspective of global civil society. In recognition of children and youth as the hope for the future representing future generations of humankind, and the science-policy interface being at the foundation of UNEP's mandate, the Major Groups Facilitating Committee established UNEP@50 Task Force under the leadership of the Science & Technology and Children and Youth Major Groups. Quoting from the Brundtland Report: "Scientific groups and NGOs have played - with the help of young people - a major part in the environmental movement from its earliest beginnings" (WCED, 1987). This theme has been a constant - in 2021, UNEA President Sveinung Rotevatn said that Youth "has his back" as a minister and UNEA President.

It is incomplete, a first step, but the hope is that it will boost engagement and consideration towards modeling a better, more consequential engagement with UNEP and UNEA going forward.

Methodology

This report is based in part upon a study on attitudes of organizations and people from all walks of life about UNEP's first fifty years and about a role for UNEP in the future that would better serve the people and the planet. It includes a multitude of viewpoints and visions from those involved in UNEP's engagement processes with global civil society.

The project involved several elements: a survey of the attitudes and opinions of representatives of global civil society; a series of consultations organized by Children and Youth; interviews conducted by the team of co-authors; regular communications and updates through MGS and Regional focal points; and a drafting and negotiation process for a joint MGS statement. These elements have all fed into the present report.

The organization of the project included several structural layers. At the core, organizing the process and providing direction, was UNEP@50 Task Force, consisting of two representatives of each of the lead Major Groups. At the request of the Task Force, the Major Groups facilitators and the Regional Representatives designated Focal Points to coordinate and facilitate communications between the Task Force and the various constituencies.

The Major Groups and Stakeholders UNEP@50 project has been closely linked with two other ongoing processes. UNEP@50 Task Force has cooperated closely with the group leading the MGS engagement in the preparation of the Stockholm+50 Conference, to be held later in 2022. The Joint Statement of MGS on The UNEP We Want and this background report may be considered as useful inputs to the conference.

Also, UNEP@50 Task Force project has proceeded in parallel with the discussions and negotiations in regards to UN General Assembly Resolution 73/333. At the beginning of this project, the international community had not yet determined a clear path for carrying out the Resolution. Over time, intentions coalesced around the notion that a statement of the Member States to be adopted at the UNEA Special Session on UNEP@50 would be the best means of addressing the goals of the Resolution. Consequently, the MGS inputs into the 73/333 process also played a role in shaping the Joint Statement of MGS on The UNEP We Want.

Surveys

Between December 2020 and August 2021, two surveys were conducted with the main aim to gather insights from the Major Groups and other civil society organizations on a range of issues and to guide the framing of civil society input for an impactful UNEP@50 commemoration. A first snapshot survey was circulated at the end of 2020 – beginning of 2021 and the results were presented at the Global Major Groups and Stakeholders Forum in February 2021, while the second, a more detailed survey, was launched in June 2021 and inputs were gathered until August 2021.

The two surveys collected non-state actors' perspectives on UNEP's achievements and failures over the past fifty years, and expectations for the future with regard to its role, mandate and focus within the UN system and in the international arena, with particular attention to thematic areas and emerging issues. A particular focus was placed on UNEP's stakeholder engagement framework and policy to gather insights on its performance and areas for improvement.

The surveys generated around 130 responses of which 65% have been submitted by accredited organizations. Respondents come from all regions of the world, with almost 31% from Africa, 26% from Europe, 18% from Asia and the Pacific, 15% from Latin America and the Caribbean, and 9% from North America. The results reflect the views of all Major Groups in rough proportion to the size of the respective groups, with almost half of the respondents being engaged in the NGOs Major Group, while the Farmers, Local Authorities, Business and Industry, and Indigenous Peoples Major Groups were the least represented.

The results of the two surveys were used to shape a series of global consultations with non-state actors, as well as to inform the text of the Major Groups Joint Statement. The detailed survey results are set forth in the **Annexes** to this report.

Consultations

[CY to describe the consultations process]

Interviews

The report co-authors conducted more than 40 interviews ...

Review

Whereas the Joint Statement was a negotiated and endorsed text, this report is a background study aimed at further elaborating the themes, ideas and concepts revealed through the surveys, interviews and consultations. The present report has been circulated in a self-organized peer review process through the Major Groups Facilitating Committee with the assistance of UNEP Civil Society Unit with the aim of ensuring correctness and consistency. It should not be considered to be endorsed by all Major Groups and Stakeholders or by the Major Groups Facilitating Committee.

UNEP @ 50 An Introduction

Without a sound and wholesome environment, there will be no nature, without nature there will be no life. Ensuring environmental sustainability is a reference point in the annals of the UN.

“We fundamentally depend on natural systems and resources for our existence and development. Our efforts to defeat poverty and pursue sustainable development will be in vain if environmental degradation and natural resource depletion continue unabated. At the country level, national strategies must include investments in improved environmental management and make the structural changes required for environmental sustainability. For many environmental priorities, such as shared waterways, forests, marine fisheries and biodiversity, regional and global efforts must be strengthened.”

This became a central paragraph in the UN report called “In Larger freedom” in 2005, which led to the establishment of the Council for Human Rights.” Today, 50 years after the birth of UNEP, the above sentiment is shared by an ever-growing number of people all over the world. It was not always so and the environment is still not commonly accepted as the basis for all our development.

History tells us both of periods when people lived in relative harmony with other parts of nature and of catastrophes and the sudden collapse of civilizations arising from environmental failure. During the 20th century more and more people became aware of the importance of a clean and functioning environment. The book “Silent Spring” published by the American scientist Rachel Carson became a turning point and the book is often referred to as the beginning of the environmental movement. Environmental issues inspired people and began to enter politics as a phenomenon. Making serious efforts to understand the intricacies of the environment also inspired new contextual concepts, and we would never have had Sustainable Development as a concept had it not been for work on the environment.

UNEP, FAO and IUCN were the first to use the concept of sustainable development which includes a strong basis in the environment in a publication in 1984, and by 1987 the UN published its well-known report called “Our Common Future”. Both these reports are making efforts to portray our common responsibility to the environment in a society-as-a-whole approach.

Judge Weeramantry in his famous opinion in the International Court of Justice’s *Gabcikovo-Nagymaros* case in 1997 went so far as to say that sustainable development has always been a part of our social fabric and of our struggle to make our institutions work for the long-term survival of our species and our cultures.

In many parts of the world today, with hope and determination Indigenous Peoples are maintaining lifestyles that are dependent on local resources and that require stewardship based on generations of acquired knowledge. While they are under threat from encroachment of the global economy, humanity as a whole is under threat from losing these

important individuals harbouring a unique experience with unique knowledge of how to live in harmony with nature.

The Age of Exploration, the establishment of the international order based on state sovereignty, and the Industrial Revolution combined to transform our planet in unimaginable ways. Step by step a globalized world emerged, fascinated by technology and discounting traditions as primitive, without the wisdom or the ability to maintain nature in the balance, considering Nature as something “other.” People began exploiting nature without much regard for restoration and regeneration of the environment and subsequently this has led to the critical stage of the Anthropocene Epoch.

In our modern world, environmental awareness had to gradually return, facilitated by increased global interconnectivity which also allowed people in general to be aware of “the generation of knowledge and observations of the human impacts on the world” (Grove, 2002). Grove points out that environmental conservation traces back its origin to ancient times when concerns were raised about the management of rivers and forests, including the impacts of trade and markets on the exploitation of resources imported from conquered lands. It took centuries for people to wake up to the fact that the Earth’s sustaining power has absolute limits, and to understand that humanity’s amazing success has had a profound effect on Earth’s richness, to the degree of fundamentally threatening our quality of life, if not our survival as a species (Gaia).

UNEP therefore arose out of necessity. As current UNEP Executive Director Inger Andersson has said, “UNEP was created quite simply to be the environmental conscience of the UN and the world.” UNEP exists because of people power. Governments would not have established UNEP on their own. In 1972, at a time of growing public concern over the state of the environment due to the adverse effects of chronic industrial pollution, the UN Member States *responded* to public pressure to take the political decision to establish a UN Environment Programme. From this strong starting point - the first occasion in which members of the public played a critical role in the establishment of a UN body - great expectations were formed. UNEP, more than any other UN body, belongs to the People.

In our international system, it is very difficult for sovereign states to give up the exclusive claim of authority. UNEP was established to be the leading global authority or anchor institution on environment. It may have a “beautiful mandate” (Kreilhuber) but it still exists within the confines of the international legal order. UNEP has evolved along with the increasing appreciation of the intractability of global environmental challenges. Even before the coalescence of the concept of Sustainable Development in 1987 (Brundtland), Member States expressed the awareness that they cannot solve environmental problems alone. It is especially important to remember this in the current climate where concerns over basic security have given oxygen to the false promises of closed authoritarian systems, which time and time again have proven to be inadequate in the face of the complexity of environmental challenges.

Would UNEP’s mandate be the same if it were established today? Is UNEP still “fit for purpose”? Does UNEP have the reputation needed to give it “real” authority - that is, beyond what its 50-year-old mandate gives it, a reputation that is based on making real change that is needed?

Many observers have noted areas in which UNEP's limitations make it unable to deliver on its original mandate. Professor Maria Ivanova, author of books and articles on UNEP, has said that UNEP does not have the power, the culture and the ethics to enable and catalyse collaboration and cooperation under the UN system and that UNEP's mandate should be more explicit in this regard. John Dryzek, a leading environmental governance scholar, has suggested that we need "to see something much stronger...something that brings all the different aspects together".

UNEP as a popular intervention in the international order had to become a bridge between the people's experience with nature and the halls of power where decisions that determined the future course of development, were made. However, UNEP has not always been adept at facilitating the flow of information and ideas from the ground level to the heights of the international community and vice versa. With its limitations, it cannot effectively carry out its mandate without the help and involvement of stakeholders at all levels.

Because environmental problems require an all-of-society response, UNEP ought to be the shining example in the international community of civil society and stakeholder engagement. Global civil society has been called UNEP's "large natural constituency" (Halle). Some people consider UNEP to have fallen behind development, as other international processes have adopted mechanisms that are more pertinent to the reality of non-state stakeholders, such as FAO's Committee on World Food Security. Others point to UNEP's innovations and its steps to reform the approach of the nine major groups and other stakeholders (MGS)¹, and the efforts of the MGSs themselves to self-organize and constantly upgrade their participation.

Where UNEP could do more is to boost implementation on the ground, where civil society is critical. By UNEP appearing more relevant to those working on the national or grassroots level, UNEP's "imagination network" would develop in turn through feedback loops. Thus, collective vision, collaborative processes and better targeted action come into being.

Some of UNEP's characteristics remain as obstacles but there are other ways in which UNEP's relevance has kept pace with change. The transformation of UNEP's governing body into a universal membership organization and the establishment of the UN Environment Assembly (UNEA) signified a major step towards increasing UNEP's ability to mobilize global support. UNEA has begun to address one of the longstanding wishes of UNEP's supporters - that governments increase their participation and level of representation with UNEP. UNEA also harbours the possibility to be the space for a collective vision to be enabled.

¹ The 9 major groups concept were adopted by the UN Conference on Environment and Development, in Rio in 1992 as part of Agenda 21. The 9 are: Women, Children and Youth, Farmers, Indigenous Peoples, NGOs, Trade Unions, Local Authorities, Science and Technology, Business and Industry, The concept was adopted by UNEP's Governing Council in 1996

But what kind of collective vision can be imagined for a world in which UNEP plays a positive role? Does all-of humanity want “prosperity” or “stability”, harmony with nature or merely “sustainability,” “security” or “stasis”? The one thing that all-of humanity has to avoid is the status quo. Stability, stasis or sustainability, harmony with nature or degraded environment, these are words that only make sense once a universal set of values is in place. Increasingly, a harmonious and balanced state of nature with humans exercising judgment and restraint is emerging at the core of a set of universal values.

“Equity” is another watchword that offers hope. While equitability depends on circumstances - that is, what is equitable among the poor is not the same as what is equitable between the rich and poor, or among the rich alone – equity entails a fair compromise which allows the participants to move on in some form of achievement of social justice.

If this be the case, how can UNEP integrate equity in its environmental efforts? How can UNEP, which is supposed to be an authority but occasionally acts as an advocacy organization, advocating for the environment, for humans who are distressed because of the environment, and for an environmentally sound future, also act as judge and jury?

During its history, UNEP has acted as an incubator for new ideas and cleverly integrated scientific research to underpin these ideas, developed new environmental norms and finally incited to implementation of these ideas. The Montreal Protocol on the Ozone Layer, the Chemical Conventions and a host of the MEAs are proof of this.

UNEP can and should continually work to forcefully bring forward new ideas, new knowledge and inclusive platforms and continue to work towards a global consensus to solve environmental problems and help recreate a nature in harmony with itself. Working with “the Peoples” to find equitable and enduring solutions to the world’s environmental problems will always be possible.

These are some of the issues that this report on “The UNEP We Want” will try to examine.

A Changing Vision: UNEP through the Years

UNEP's history began in the year 1972 in Stockholm, when the UN Conference on the Human Environment took place. Yet it was arguably not the first international conference focused on the environment. Borowy (2019) writes that the 1913 Conference for the International Protection of Nature (*Weltnaturschutzkonferenz*) was “arguably the first sizable [environmental] meeting” in the world. Other activities mentioned by the author are the League of Nations' projects regarding oil pollution, animal protection, pesticide use, and marine wildlife conservation which occurred after the First World War, and the creation in 1948 of the International Union for the Protection of Nature (IUPN) —which eight years later was renamed International Union for the Conservation of Nature and Natural Resources (IUCN). But all of these were conceived primarily in terms of nature protection, and not as initiatives for the development of environmental policies.

In the 1960s dedicated environmentalism emerged in the West and the situation began to change. Rachel Carson's revolutionary book *Silent Spring* published in 1962 is often referred to as the key ingredient for the beginning of the global environmental movement. The book is held to be the transformative work which helped shape the environmental movement (Ivanova, 2021; Borowy, 2019; Johnson, 2012). But just as important were several high-profile environmental scandals that gave rise to the environmental movement: severe smog episodes in the United States in Donora, Pennsylvania (1948) and Los Angeles (1954) and the ones in London (1952) which reportedly killed 4000 people during two smog filled days in December that year. Other incidents were the mercury contamination of Minamata Bay in Japan in the 1950s and 1960s, the Cuyahoga River fire of 1969 (the 13th in a row of river fires since 1868), and the phenomenon of acid rain in northern Europe killing European forests in the late 1950s and 1960s, due to the burning of fossil fuels (Borowy, 2019; Ivanova, 2021).

The preparations leading to the pivotal Stockholm Conference started nearly five years prior to 1972 with the mobilization of a broad array of experts and scientific institutions in a global effort to generate a comprehensive body of knowledge on the human environment. Of special recognition is the lobby work of Swedish diplomacy spearheaded by Sverker Åström, the Swedish Permanent Representative to the United Nations, and Ambassador Lars-Göran Engfeldt, whose work began the development of the domestic capabilities of nations to assess the state of their local environments which resulted in a volume of 20,000 pages of documentations synthesized into 800 pages of official conference materials (Paglia, 2021; Stone, 1973). It also resulted in 80 national reports on their specific environments (Strong, 1972).¹ In 1968 the UN General Assembly launched the formal initiative on the need for a forum where governments and international organizations could probe environmental issues (Ivanova, 2021; Johnson, 2012), which later crystallized into the 1972 UN Conference on the Human Environment (UNCHE).

UNCHE in 1972. the first environmental mega-conference

UNCHE was the first environmental mega-conference. It managed to unite governmental representatives, UN specialized agencies, UN programs and departments, and numerous nongovernmental organizations (NGOs) on a programme for the environment. A total of 114 member states were present despite the controversies surrounding the representation of Germany which led to the absence from socialist States (the Soviet bloc boycotted the conference). There were political instabilities and suspicions from developing countries about the implications of the conference (Ivanova, 2020; Kiss & Sicault, 1972). Still, they came. Over 250 NGOs were represented at the summit (Morphet, 1996; United Nations, General Assembly [UNGA], 10 November 1972).

UNCHE's main deliverables were the flagship Stockholm Declaration on the Human Environment with 26 principles, which provided a landmark for modern international environmental law, an Action Plan with 109 recommendations which represent the Declaration's conceptual and political supplement, and a draft document that a few months later would be finalized as UN General Assembly Resolution 2997, *Institutional and Financial Arrangements for International Environmental Cooperation* (Ivanova, 2020; Handl, 2012; Kiss & Sicault, 1972).

Environment and development – an unsolvable conflict?

However, Stockholm failed to resolve the difficult conceptual relationship between the environment and development. Although many countries took steps to live up to their pledges, the overall follow-up was weak. In 1982, UNEP held a ten-year follow-up meeting which concluded that, in spite of the widespread support for the Stockholm principles, there was little in the way of long-term, integrated environmental thinking and management planning. That meeting did, however, set in motion a process that created the World Commission on Environment and Development, chaired by former Prime Minister of Norway, Ms. Gro Harlem Brundtland. The Brundtland Commission subsequently provided the first coherent justification for treating the environment and development as two intimately interlinked issues in the report named *Our Common Future*, presented to the UN General Assembly in October 1987. Having received the commission's report, in 1989 the UN agreed to convene a global conference to implement sustainable development, which was held at Rio in 1992. (Seyfang, & Jordan, 2002)

As the first Executive Director of UNEP, Maurice Strong maintained good relationships with NGOs and also worked closely with them, both during the planning stage leading up to the 1972 conference, during the conference itself as well as after UNEP had been established. Strong was also made a member of the Brundtland commission and as appointed Secretary General of the UN Conference on Environment and Development, UNCED, the Rio conference in Rio in 1992, he continued to work with NGOs and civil society, and has also been credited with the idea of the nine major groups concept (Professor Peter Willets, 1996).

Willets (1996) relates that in the two years preceding the Stockholm Conference, Maurice Strong mobilized scientific and technical NGOs to generate information and debate on the nature of the world's environmental problems to provide information and expertise to the UN. The chief collaboration was with the International Council of Scientific Unions (ICSU) —now International Science Council— and the International Union for the Conservation of

Nature (IUCN). As a testament of the intense collaboration with NGOs, Willets (1996) highlights Strong's decision to produce *Only One Earth*, an unofficial report that set the scene for the Stockholm Conference coordinated by Barbara Ward and René Dubos in which scientists and intellectual leaders from fifty-eight countries contributed (Ward & Dubos, 1972).

Following Strong's plan to involve scientific and technical NGOs in the preparatory process, and to allay scepticism expressed by developing nations complaining about environmental issues overriding developmental issues, Strong organized a conference in the Swiss village of Founex between 4-21 June 1971. Among the successful elements of the conference was the establishment of a panel of twenty-seven economists and scientists from the global south and from non-aligned countries. This was followed by smaller conferences organized by the UN regional economic commissions in Asia, Africa, Latin America, and the Middle East. These took place in Bangkok (August 17-23), Addis Ababa (August 23-27), Mexico City (September 6-11), and Beirut (September 27 to October 2), respectively (Rowland, 1973, p. 48). The product of these activities was *The Founex Report on Development and Environment*, which elaborated and endorsed the concerns of developing countries, recognised that the environmental degradation in industrialized countries derived from production and consumption patterns, but in the rest of the world were largely a result of underdevelopment and poverty. Simultaneously, it countered the claims that economic development and environment were opposites. It called for the integration of development and environmental strategies and urged the rich nations in their own interests to provide more money and help to enable the poorer nations to achieve the development goal (Johnson, 2012, p. 13; Ivanova, 2021, p. 31; Willetts, 1996; Strong, 1971, n.d.).

There are those that claim that the Founex report in many respects laid the foundation for the concept of sustainable development by affirming that the environment should be viewed as part of development. It further established that environmental concerns had widespread relevance to developing countries' situation, and by and large cemented their role in the preparatory process of the Stockholm Conference. The success of the Founex Conference facilitated the engagement of world thinkers to work for a common agenda, brought them together in agreement, and provided the intellectual foundation for the political negotiations in Stockholm (Johnson, 2012, p. 13; Ivanova, 2021, p. 31; Willetts, 1996; Strong, 1971, n.d.).

Civil society and NGOs on the scene in 1972

Strong's engagement with NGOs persuaded the governments to form, and to take advice from, National Commissions open to all 'national' NGOs. This broadened the recognition of NGOs to a point that some would be considered as experts within their thematic fields. Because of this, several official delegations would include those national NGO experts in their delegations. As many as 47 of the 114 countries that were present in Stockholm heeded Strong's suggestion and included NGOs in their official delegations, and over 15% of the government appointed delegates were from NGOs. The result of Strong's initiatives, combined with the media interest and NGO mobilization, saw an explosion of NGO activity at the Stockholm conference; in addition to those NGOs on delegations, more than 250 NGOs were officially registered as observers. Furthermore, there were 134 NGOs in attendance —of which about a tenth were from developing countries (Seyfang, & Jordan,

2002), the highest number at any conference in the first forty years of the UN (Willetts, 1996).

Anticipating strong public interest in the Stockholm Conference, an adjacent Environment Forum open to the public was set up that could be attended by those who could not officially register for the Conference itself. Willetts (1996) qualified it as “a substantial innovation in the UN system” for it became the first of such parallel conferences at the major UN conferences. The forum exposed Western activists to the concerns of those in developing countries; heightened controversy about warfare as a threat to the environment in the context of the Vietnam War; and forced the question of whaling onto the agenda of the government conference. Despite the radical nature of much of the NGO activity at the Environment Forum, Strong associated himself personally by attending the Hog Farm Commune's teach-in on whaling. The Stockholm Conference generated interaction between governments, well established NGOs and NGOs from the wider environmental movement, although it had not initially been planned that way.

Environmental milestones

Over the years, the international community has marked progress by establishing milestones at regular intervals. As can be seen, these reports often build on each other. In 1982, the World Charter for Nature was adopted. In 1987, the World Commission on Environment and Development issued its report, “Our Common Future” (WCED or the Brundtland Report). In 1992 the world agreed on Agenda 21, the year 2000 saw the Malmoe Report and the Millennium Report, which subsequently inspired the Millennium Development Report. 2002 and the Johannesburg Conference resulted in the Johannesburg Plan of Action, 2005, former UN Secretary General, the late Mr. Kofi Annan organized the UN Summit which gave us the report “In Larger Freedom” and which resulted in the establishment of the Human Rights Council. In 2012 the UN Conference on Sustainable Development or Rio+20 was held which established the UN Environment Assembly and Rio+20 which also resulted in the 2030 Agenda for Sustainable Development including the Sustainable Development Goals, the SDGs adopted by all UN member states at the UN in 2015.

The 1992 Rio milestone conference and Agenda 21

Following on the heels of the publication of the Brundtland report in October 1987, the idea to organize a global conference on the environment and development materialized. The focus was on the year 1992 as this was also the 20th anniversary of the Stockholm conference. The formal resolution to meet in Brazil in Rio in 1992 was agreed to by the UN member states in December 1989 (Willetts, 1996). The Resolution 44/228, which gave the mandate and purpose to the 1992 meeting also established a Preparatory Committee (PrepCom), which would include all UN members and as it stated – NGO where relevant. The PrepCom followed the established processes of the General Assembly at the time, which implied that it would be difficult to involve NGOs. Their involvement was expected to be only at country level (Willetts, 1996). From the description Willetts (1996) provides, the PrepCom was plagued by resistance from governments to include NGOs in the processes.

The process prior to UNCED, was similarly challenged by debates and controversies, especially the ones concerning environment and development. Evidence of that is the fact

that many developing countries were suspicious of the attention that the environment was receiving. As reflected in the final declaration of the Ninth Summit Conference of Heads of State or Government of the Non-Aligned Movement held in September 1989, the members of the movement recognised that environmental problems were global but emphasized that the main responsibility for action was placed on the developed countries. As Willets (1996) puts it “[the movement members] appeared to think Western environmental concerns would, at best, draw attention away from their development concerns and, at worst, impose restrictions on development”. This suspicion appears to have antagonised developing countries, worried environmental NGOs and polarized North-South politics (Willets, 1996; Seyfang & Jordan, 2002).

It was the Brundtland Commission which contributed to bridging the existing North-South gap, due in part to the fact that over half of the commission members were from developing countries, and, perhaps more notably, due to the appealing message of *Our Common Future*, which communicated the interconnection between both hemispheres to transform the world.

Whilst the Commission was expected to cease operations after the UN General Assembly had considered their report, Warren Linder —the Director of Administration for the Commission's secretariat—, managed to establish a charitable foundation called The Centre for Our Common Future. In the subsequent two years, the Centre created close collaborations with some 150 NGOs, held meetings and created the International Facilitating Committee to organise NGO preparatory work for UNCED, mobilised funds, and played a stellar role in organising the NGO Forum in Rio (Willets, 1996).

The first substantive PrepCom session for the 1992 conference took place in August 1990 in Nairobi. Maurice Strong, having been appointed as Secretary General for the 1992 conference, presented his suggestions for NGO participation. These suggestions were prepared based on input from the Centre for Our Common Future which also involved inputs from NGO networks including results from conferences that the NGOs themselves organized. The most controversial proposal from the environmental NGO movement was the question on the right of access to official decision-making. The strongest opposition to granting that right originated in countries under the influence of the Soviet Union and (Linnér & Selin, 2013) among G77 nations. The last opposition was voiced by Tunisia, but all opposition finally subsided when Decision 1/1 of the Preparatory Committee was issued and agreed to. This was the key that opened the participation to NGOs in what was later to be called the Rio process. Albeit the decision came with restricting wording that it “represented a real step-back from what NGOs had gradually been able to do in UN committees and working groups” (Willets, 1996). For instance, NGOs lost the right to issue statements as official conference documents. Notwithstanding the restrictive wording of Decision 1/1, NGOs continued to participate in ever growing numbers of during the remaining PrepComs with a wider type of NGOs becoming involved.

The Rio Summit in 1992 became a watershed event, It also witnessed an explosion of NGO activities with growing political interest. Participation on all levels was impressive: 172 member states participated with 108 sending heads of state (Seyfang & Jordan, 2002). Some 1,400 NGOs were officially registered with 18,000 representatives attending a parallel summit specifically for NGO participants.

Blueprint for implementing sustainable development.

The Rio Summit in 1992 resulted in a number of hugely important decisions: Three conventions, one on climate (UNFCCC), one on Biodiversity (UNCBD) and one on desertification (UNCCD), a framework on sustainable management of forest reserves, the 27 Rio Principles and the plan of action for sustainable development called Agenda 21. Adding to all this, the Commission on Sustainable Development, CSD, was created to maintain peer pressure on states to fulfil their Rio commitments (Seyfang & Jordan, 2002).

The heightened interest in environment and development strengthened the position of civil society and NGOs and contributed to shaping the Rio Earth Summit into a major step forward for civil society engagement. The non-state stakeholder community was brought actively into many of the debates in Rio. In a manner of speaking, this (Linnér & Selin, 2013), contrasted with what took place in 1972 in Stockholm where the engagement was chiefly with scientific and technical NGOs. The prominent NGO presence and participation was recognised in *Agenda 21*, one of the principal documents agreed to in Rio 1 in the section named *Strengthening the Role of Major Groups*, the nine categories of Major Groups that are being used today are identified and recognised. The term “major groups” was chosen by Maurice Strong to indicate a broader coverage than the traditional UN NGOs (Willets, 1996). Agenda 21 introduced the Major Groups approach, which established the dominant framework for stakeholder engagement in international processes related to sustainable development since that time. UNEP’s Governing Council adopted the major groups framework formally in 1996.

Several writers (Linnér & Selin, 2013; Willets, 1996) have maintained that by including civil society and non-state stakeholders in the Rio conference in 1992 made the UN aware of the fact that this inclusion would contribute towards transparency and increased legitimacy within the UN system itself. Societal support for sustainability transitions across governance levels was also made possible by the inclusion of non-state stakeholders.

However, Seyfang & Jordan (2002) recapitulate that despite these impressive Rio achievements, the Summit failed to secure long-term agreement on the need for a more equitable world order which was called for in the Brundtland Report. According to these authors, Rio failed to reconcile the conflicting demands of industrialized and industrializing, developing countries. Although the authors reflect that “it helped to clarify the limits of environmental mega-diplomacy at a time when many assumed that the world’s ills could be solved by holding a big environmental conference”, Rio did create new institutional processes of change that were initiated at national and sub-national tiers of governance. Some prominent examples are the Local Agenda 21 (LA21) and the UNCSD’s benchmarking exercises, which encouraged states to provide a comprehensive account of their own national sustainable development strategies (Seyfang & Jordan, 2002).

From Rio to Johannesburg

The Commission on Sustainable Development (CSD) was established by the UN General Assembly in December 1992 following the Rio Conference. The CSD also followed the Major Groups approach, and its experience was highly relevant to the parallel development of stakeholder engagement within UNEP. Multi-stakeholder dialogues were

introduced in the CSD in 1998 and finally became a regular part of UNEP processes at the first UNEA in 2014.

The Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme of 7 February 1997, adopted by the UNEP Governing Council and endorsed by the UN General Assembly, confirmed the role of UNEP as:

The leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment.

The Declaration further delineated UNEP's mandate as falling into several main areas: assessment and early warning, catalysing international cooperation, furthering the development of international environmental law, monitoring and fostering implementation and compliance with relevant international norms, coordinating the environment within the UN system, promoting awareness and facilitating multi-stakeholder cooperation, and linking the scientific community and policy makers at the national and international levels on environmental issues.

In 2000 the first Global Ministerial Environment Forum was held in Malmö pursuant to UNGA Resolution 53/242, at which a Ministerial Declaration was adopted. In a way the declaration also anticipates an increased focus on the role of the private sector in influencing the course of sustainable development through its investment and technology decisions, a theme that would resonate through the Johannesburg Conference two years later. The Declaration also reaffirmed the role of civil society "at all levels."

Ten years after Rio, the international community reconvened for the World Summit on Sustainable Development (WSSD), held in Johannesburg in 2002. Similar to the Rio Summit, the World Summit on Sustainable Development (WSSD) was also preceded by four preparatory meetings. The first one was hosted on April 30th and May 2nd, 2001 and received twenty-two reports from the UN Secretary-General assessing the implementation of Agenda 21 and pointing out the "serious deficiencies in [its] implementation" (Hens & Nath, 2005; Seyfang & Jordan, 2002). Well at the end of the preparatory process, it was clear that the topic of partnerships between governments and major groups was going to get a lengthy and strong coverage on the main summit (Bachus, 2005). These partnerships were classified as "type-2 partnerships" and aimed at contributing to and reinforcing the implementation of the outcomes of the summit as well as aiming to facilitate the further implementation of Agenda 21 and the Millennium Development Goals.

The WSSD also saw strong attendance and media coverage. In Johannesburg between 26 August and 4 September 2002, 9,101 delegates from 191 governments and 8,227 representatives of major groups met to deliberate on how to implement sustainability in more effective ways than during the previous decade. Over 4000 media representatives reported on it (Carr & Norman, 2008; Hens & Nath, 2005).

The Implementation Conference – IC - at Johannesburg, bringing in civil society

In the three days prior to the WSSD, on 24-26 August, 408 representatives from 50 countries gathered at the Stakeholder Forum Implementation Conference (IC), the first civil society forum at a major global summit on environment and poverty. The IC was organized by the Stakeholder Forum for Our Common Future—renamed Stakeholder Forum for a Sustainable Future in 2000—with the belief that partnerships of diverse stakeholders can create solutions, regardless of their level of involvement and commitment of governments in the global sustainability movement. The IC was also organized with the hope of integrating civil society at an international level to help reverse deficits in stakeholder participation and the poor implementation record experienced since UNCED in 1992 (Carr & Norman, 2008). The IC was a novel approach conceived to integrate civil society into global deliberations and action plans on sustainable development and to marshal their forces in the implementation of the WSSD accords. By design the IC was expected to mobilize stakeholder participation and facilitate the implementation of commitments established in Rio as embodied in Agenda 21's Declaration on Sustainable Development (Carr and Norman, 2008). According to Carr and Norman (2008), the uniqueness of the event lay in its ability to provide a forum where a concentrated group of global civil society actors engaged in a process that would directly impact the policies and outcomes of the main global summit.

The IC addressed four key themes: freshwater, energy, health, and food security. These were adapted from the International Development Goals (IDGs) which emerged from a series of agreements and resolutions of UN conferences in the first half of 1990s (OECD, 2000) and the OECD Development Assistance Committee's publication *Shaping the 21st Century: the contribution of Development Co-operation* in 1996. The IDGs later evolved into the Millennium Development Goals (MDGs) at the Millennium Summit where the eighth goal on developing global partnerships emerged (Mc Donnell, 2004).

On each theme, between six to seven sub-committees were created, for a grand total of twenty-five whose work was directed to developing inputs on capacity building, operational development projects, networking and knowledge building, research and policy, and public awareness (Carr & Norman, 2008). The outcome of their work was embodied in the *Plan of Implementation of the World Summit on Sustainable Development* (Carr & Norman, 2008; United Nations [UN], 2002), although not explicitly acknowledged.

Carr & Norman (2008) offer an analysis of the effectiveness of IC's civil society engagement and autonomy from state and institutional agenda. What the authors found is that in the IC, participant representation did not reflect the geographic diversity that was expected at a global civil society event. They observed that so-called 'distance decay' was a major factor in conference participation. Supporting that claim is the observed relation between diminishing participation and distance from the host city: Continental Africa had the largest participation (49% of the total participants), the majority coming from South Africa (31%), with modest participation from West Africa and virtually non-existent from North Africa; followed by Europe (23%), North America (12%), Asia (9%), half of whom came from India, and the areas less represented were Latin America and the Caribbean (4%) and Oceania (3%).

Additionally, countries representation at the IC was lesser in comparison with the WSSD, with the former drawing representatives from 50 countries while the latter drew representation from 180 countries, including representation from Heads of State. The

authors found that inequity in regional representation correlated with the relative cost of transportation to the conference venue in Johannesburg and with a nation's aid allocation. This facilitated attendance to the conference for South Africans and delegates from the world's wealthiest nations for they could most easily afford to travel to the venue. Similarly, delegates from countries influential in global sustainable development projects through high capital investments were also disproportionately represented. And it was these that dominated the IC's deliberative body.

Institutional capacity within underrepresented regions posed challenges for the conference, infringing on the objective of equitable representation. Carr & Norman (2008) conclude that the IC failed to achieve equal stakeholder representation in many ways. The inequity in regional representation, the tendency of economics to partially determine participation, and the effects of distance-decay and international politics all appeared to play a part in undermining the efforts of the IC to achieve an equitably representative civil society.

At the WSSD itself, the different stakeholders met in four different conference sites. The main conference was at *Sandton* —an ultramodern suburb of Johannesburg— which produced the Johannesburg Plan of Implementation and the Political Declaration, two of the most relevant outcomes of the summit. In a thirty minutes' drive from *Sandton*, in *Ubuntu* village was a second site where close to 300 actors met to discuss a wide range of topics aligned with the WSSD Agenda. Water was given a special importance in the conference, and to delve deeper into the discussions, the *Water Dome* was set up, which hosted more than 100 exhibits, as well as over 50 meetings on different aspects of the 'water–environment-sustainability' interface. Finally, Johannesburg hosted the *Global Peoples Forum*, its parallel civil society-organised conference in *Nasrec*, almost a one hour's drive from *Sandton*, under the leading theme of "A sustainable world is possible" (Hens & Nath, 2005; Seyfang, 2003). This last conference site deliberated deeper on the pressing issues of sustainable development, and with a sharper focus on the future, than the official UN conference at *Sandton*.

There were three key outcomes from the WSSD

The first one was the *Johannesburg Declaration on Sustainable Development*, —also known as the Political Declaration— which is a political declaration mirroring the will of the international community to move towards sustainable development. It is chiefly a re-affirmation of previous commitments, and contains minor novel commitments and visions, which was partly to be expected, given that the WSSD aimed to reaffirm the commitments done in Rio. Its emphasis was on implementing and monitoring progress, rather than on defining new sets of principles (Seyfang, 2003 ; Hens & Nath, 2005).

The second outcome and the WSSD's core document was the *Johannesburg Plan of Implementation*. Through its list of recommendations directed to governments, it accelerated and focused the implementation of Agenda 21. The recommendations assisted at defining sustainable development more precisely, for they provided guidelines to show how to make resource use and pollution generation less unsustainable and identified an extended ecosystem of actors and processes by which change should take place (Seyfang, 2003; Hens & Nath, 2005).

Finally, the third outcome was the *Type II partnerships*, which are projects that allow civil society to contribute to the implementation of sustainable development and are meant to supplement but not to supplant actions and commitments by governments. They represent an innovation made at the WSSD; albeit having generated a persisting confusion over their precise nature and *modus operandi* (Hens & Nath, 2005), they were nevertheless promoted as powerful and more democratic instruments for the realisation of Agenda 21 objectives. Bachus (2005) describes that during the summit, around 220 partnerships were launched, although they were not received without criticism from a number of NGOs that shared the worry that they might be an incentive for national governments to refuse to adhere to and commit to international agreements —the so-called Type I outcomes.

The prelude to Rio+20

The Rio Summit in 1992 left two unresolved issues: the first one was the link between environment and development, and the second one the practical interpretation of the rather theoretical concept of sustainable development, pursuing to balance the modalities of environmental protection with social and economic concerns. With that agenda in mind, the WSSD was intended to reaffirm the work previously done, with the highest expectation placed on setting greater and more effective implementation strategies of Agenda 21 to work for sustainable development (Carr & Norman, 2008; Hens & Nath, 2005). It was however not until the Rio+20 conference that this complicated issue reached a better understanding. The issue is complicated and complex as it relates to politics, science and legal matter, all in one. And in solving this complexity, it would have to respect the integrity of the three dimensions of sustainable development – the economy, the social issues and the environment.

Whilst not originally in the long-term conference programme of the United Nations, the idea to hold the 2012 UN Conference on Sustainable Development (UNCSD) (Rio+20) was initiated by Brazil with a speech from its then President Luiz Inácio Lula da Silva before the UN General Assembly in 2007 (Vogtmann & Maier, 2013). A couple of years later the resolution to organize a Rio+20 Conference in Brazil was agreed to by the UN General Assembly. The Rio+20 conference was to focus on two major concerns: (i) a green economy in the context of sustainable development and poverty eradication and (ii) the institutional framework for sustainable development. It was further hoped that UNCSD also would discuss how to secure renewed political commitment for sustainable development, assess progress to date and the remaining implementation gaps of earlier conferences' outcomes, and address new and emerging challenges (UNGA, 2010).

The economic crises of 2008 provided a sinister and alarming background to the Rio+20 process. One of the impacts this crisis had on the international sustainable development agenda was an increased acknowledgment of market failures and a move away from the optimistic views of the WSSD that free trade was the engine of poverty eradication and would inevitably lead to sustainability without the need for strong government intervention.

The first preparatory meeting (UNCSD PREPCOM I) was held from 17-19 May 2010, at UN Headquarters in New York, and several meetings on the road to the UNCSD in 2012 followed. Throughout that process, several submissions from states, UN bodies,

intergovernmental organizations, Major Groups and other relevant stakeholders were received, which provided comments and guidance for the development, structure, and format of the “zero draft” of the outcome document to be adopted at the UNCSO.

The UNCSO itself was hosted between 13-22 June 2012 in Rio de Janeiro. The number of participants was significant, reaching the representation of 191 UN member states and observers, which included 79 Heads of State or Government (Doran, Paul, Ripley, Risse, Van Alstine & Wagner, 2012; Yang, 2012). Approximately 44,000 badges were issued for official meetings, a Rio+20 Partnerships Forum, Sustainable Development Dialogues, SD-Learning, and side events were held at Rio Centro, the venue for the Conference itself. Furthermore, parallel to the official Conference events, approximately 3,000 unofficial events were organized throughout the city.

Doran, Paul, Ripley, Risse, Van Alstine & Wagner (2012) recall in a noteworthy manner some of the various events that took place: the Pavilions showcasing governments’ and the Rio Conventions’ experiences and best practices, the Forum on Science, Technology and Innovation for Sustainable Development, a Global Town Hall, a People’s Summit, the World Congress on Justice, Governance and Law for Environmental Sustainability, many spontaneous street actions. This they assert, is an expression of a growing demand for sustainable development implementation throughout the world.

While the participation of civil society and stakeholders in general had a strong influence on the unofficial events, the presence of the nine Major Groups was conspicuous throughout the official Conference. As recalled by Doran, Paul, Ripley, Risse, Van Alstine & Wagner (2012), each Major Group seized the opportunity to issue their statements during the plenary session. The authors recall that on the outcome document:

Women noted, *inter alia*, lack of: commitment to reproductive rights; a high commissioner for future generations; and recognition of the destruction caused by nuclear energy and mining. Children and Youth noted their “red lines” that were not addressed in the outcome document, including: recognition of planetary boundaries; a high commissioner for future generations; rights to food, water and health; and sexual and reproductive rights. Indigenous Peoples called for the return to dialogue in harmony with Mother Earth, to adopt a new paradigm on living well, and to include culture as a dimension of sustainable development. NGOs said that “we cannot have a document without the mention of planetary boundaries, tipping points and earth’s carrying capacity.” Local Authorities stressed the need for multilevel governance for sustainable development, and a new urban agenda, territorial cohesion and regionalization. Workers and Trade Unions highlighted how the decent work agenda has “built bridges” with environmental policies. Business and Industry said it will continue to bring solutions to the market for inclusive and green growth and that governments should promote enabling policy frameworks for inclusive green growth. The Science and Technological Community underscored that we have entered the Anthropocene and called for Rio+20 to forge a new contract between the science and policy communities. Farmers stressed the need to put food sovereignty at the centre of sustainability and said that it is straightforward: “no farmers, no food, no future.”

Major Groups continued to have a prominent participation throughout the remaining days of the UNCSO. At the round tables held between 20-22 June with the theme “Looking at the way forward in implementing the expected outcomes of the Conference” representatives of the Major Groups highlighted:

[T]he importance of: developing integrated reporting systems; abolishing fossil fuel subsidies; ensuring SDGs are grounded in science, consider targets, and are participatory and human rights-based; ensuring official development assistance (ODA) focuses on good governance in recipient countries; adopting a clear process addressing how SDGs mesh with the Millennium Development Goals (MDGs); accelerating scientific information sharing; ensuring full participation of indigenous people in decision-making processes; and ensuring food sovereignty and more sustainable farming practices.

The final and most important product of the ten-days conference was the outcome document aptly named: *The Future We Want*. It contains 283 paragraphs and a 53 pages-long political declaration which Yang (2012) highlights as “an important shift in emphasis of sustainability policy from international law to the nexus between international and domestic law”. Adding to the relevance and promise of this flagship document, are the 692 voluntary commitments submitted to the UN Secretary-General by governments, businesses, and civil society to advance sustainable development. The total sum of these commitments were estimated to be of a value comparable to the sum of US\$513 billion to advance clean energy projects in Africa, fund developing countries and combat climate change in Africa, least developed countries and small island developing states, fund disaster-risk-reduction programmes and support the development of sustainable transportation (Doran, Paul, Ripley, Risse, Van Alstine & Wagner, 2012; Linnér & Selin, 2013).

UNEP and UNEA – post Rio+20

From the perspective of the long-awaited upgrading of UNEP, the most significant paragraph of *The Future We Want* was paragraph 88, calling for steps to be taken to “enhance” UNEP’s voice, strengthen its position to coordinate within the UN Family on environmental issues, to grant more stable funding *inter alia* so it could be more effective at the national level, to raise public awareness and share information. Following Rio+20, as a result of UNGA Resolution 67/213, UNEP’s governing body became a universal membership body. The last Governing Council meeting was held with universal membership and was soon renamed the UN Environment Assembly in accordance with UNGA Resolution 67/251. At the request of the Governing Council, the Executive Director adopted a new Access to Information Policy in 2014 providing the public broad rights of access to environmental information held by UNEP.

Also significant for the engagement of non-state actors and for the Major Groups and other Stakeholders, Paragraph 88(h) called for strengthening and upgrading UNEP by ensuring “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.” In the margins of the 2013 Governing Council meeting, the MGS agreed upon a set of Principles on Stakeholder Participation in UNEP.

Also in 2013, UNEP formed a Task Force on Stakeholder Engagement and UNEP Executive Director, Achim Steiner, commissioned an Expert Group to undertake a study and make recommendations 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 issued its report in October of the same year, entitled "Report of the Independent Group of Experts on New Mechanisms for Stakeholder Engagement at UNEP." The report served as one of the key background documents for UNEA deliberations on a new Stakeholder Engagement Policy. Up to 2022, no new Stakeholder Policy has been adopted.

UNEP as the anchor institution of the United Nations on the environment has had many illustrious achievements during its first 50 years, realized against the odds of its small size, limited resources, and lack of synergies with other UN bodies. Those most recognized and appreciated by the MGS include, *inter alia*, its key/strategic role as a factfinder, advocate, convenor, collaborator, administrator, communicator, reinforcer and platform for environmental matters.

Before going into more detail about some of these accomplishments, and laying out suggestions for the future, it is important to recall briefly some milestones in MGS engagement in the work of UNEP and of UNEA. Stakeholder engagement in UNEP's first 50 years can be understood by dividing it into three intervals: 1972-92, 1992-2012, and 2012 onward.

For its first twenty years, UNEP evolved and adjusted based upon the expectations created at its founding. Like much else that was going on in this experimental and exploratory period, the engagement of non-state actors was also in flux. Stakeholder engagement during this era was not organized according to the Major Groups approach. Rather, consultative status was conferred onto organizations in two categories - Chambers of Commerce, which later evolved into the Business and Industry Major Group, and environmental NGOs (Gabizon). While these two types of organizations had reasonably good access to UNEP related processes, other constituencies were not specifically represented.

The Brundtland Report included specific recognition of the role of certain constituencies in the achievement of sustainable development, and from this the idea emerged that they should also have "a seat at the table." Consequently, civil society was involved when the conceptual foundations for sustainable development were laid and played an important role in the build-up to the transformative Rio Conference on Environment and Development in 1992.

The Rio Conference adopted Agenda 21, which kicked off the second era in UNEP's stakeholder engagement, through the establishment of the Major Groups approach that still largely governs UNEP's and UNEA's relations with non-state actors to this day. Nevertheless, there was constant pressure to "upgrade" UNEP to make it more responsive to the growing needs of the international community in the field of environment. With the growing realization also that all-of-society responses to current environmental challenges are required, the upgrading of UNEP's stakeholder engagement policy was to be a key element in this movement. With the adoption of paragraph 88 of the

outcome document from the Rio+20 Conference in 2012, the third, and current, era of UNEP's stakeholder engagement began.

While not all of the goals of paragraph 88 have been met in 2022, ten years later, the establishment of UNEA has been a major game changer. If we look at these intervals as occurring every twenty years, then we are midway through the third era, and we should be projecting towards 2032 as being the next important milestone in taking stock of UNEP's and UNEA's successes and failures in their ongoing work for the environment and in particular in the way that they have partnered with global civil society and non-state actors to achieve a clean, healthy and sustainable environment.

UNEP@50 may provide a contribution to the next milestone in UNEP's work to safeguard the environment.

UNEP and UNEA Looking Forward

Introduction

What does it mean for UNEP to be touted as the global “authority” on the environment? The last 50 years and particularly the last 20 years have taught us that, while integrating environmental, economic and social considerations into action is necessary, the UN still needs a distinct and strong environmental advocate in all processes at all levels. The more collaboration between the UNEP Secretariat, UN Member States, Major Groups and other Stakeholders, the stronger UNEP will be. And with this its capacity to bring about global change in harmony with Nature will also be stronger.

Despite a well formulated and aspirational mandate, UNEP has never been afforded the necessary authority to fully implement this mandate. UNEP’s authority, power, resources, and civil society engagement processes, particularly at the national and local levels, are inadequate to meet the goals originally set for it by the international community in 1972. As Maria Ivanova has said, “If UNEP can be the convener, catalyst and the champion of Earth that it was created to be, the planet and its inhabitants will be better off” (Nature 590, 365-2021).

As discussed above, paragraph 88 of the Rio+20 Outcome Document reaffirmed UNEP’s particular position within the UN hierarchy and identified a set of thematic challenges it has to tackle: “We are committed to strengthening the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment.” Add to this the challenges posed by the recent IPBS report¹, the onslaught of the pandemic and a host of other pertinent and enduring environmental challenges, and a proper question to be asked is:

How well equipped is UNEP to respond to these challenging tasks?

UNEP has proven its resilience despite its small size, limited resources, remote location, and competition with other UN agencies (Ivanova 2019). Looking towards the future, it is important to build a solid foundation supported by a strong understanding of UNEP’s past, notable achievements, struggles and choices made over the five decades of its existence. It is also important to ensure that UNEP is able to work towards strengthening the environmental foundation of all development. Without safeguarding the environment, eradicating poverty, ensuring access to nutritious food for everyone, creating safe and decent jobs, and implementing the 2030 agenda on sustainable development become an arduous and near impossible set of tasks.

Given the enormity of these tasks, it is important that UNEP reflects and strengthens its engagement pathway with non-state actors that bring to the fore diverse and rich views. According to Sveinung Rotevatn, President of UNEA and Minister of Environment and Climate of Norway, MGS are integral to the success of UNEP and UNEA, noting that many of UNEP's successes and multilateral environmental agreements (MEAs) are the result of lobbying efforts by civil society, major groups and stakeholders (GMGSF Bulletin, 2021).

Over the last 50 years, UNEP has evolved as a dynamic global environmental lead organization in the UN, acting as a catalyst, advocate and educator in promoting the environmental dimension of sustainable development for people and the planet. Embarking on this route, UNEP has recognised the growing need to ensure effective and balanced participation of MGS, that bring valuable and unique expertise and knowledge to the table. This should be embedded to foster long-term and broad-based support for UNEP's programme of work. On many occasions, these stakeholders have played a significant part in analyzing and debating environmental concerns, helping to devise solutions, and building the necessary momentum for their adoption and implementation. Engagement of civil society has expanded UNEP's reach and impact, despite its limited financial and human resources. By tapping into its rich network of accredited partners, UNEP has cultivated strong linkages with civil society. Beyond increasing the engagement level, it is crucial for UNEP to make civil society engagement more effective in supporting its mandate and objectives. This is necessary in responding to the evolving context of international governance and the formulation and implementation of environmental and sustainable development policy (Osborne and Strandenaes, 2018).

During this same 50-year period, the emergence of environmental issues has become increasingly important and salient in public policy, and scientific discourse. Although interventions to address increasingly volatile conditions of the planet are still relatively nascent, UNEP has been among the most instrumental intergovernmental body in policy and programmatic work to mitigate and adapt to the triple crises of biodiversity loss, toxics and pollution, and the climate change emergency. The following sections comment and assess the efficacy of UNEP in several broad categories, with a particular focus on its perceived successes and failures from the perspective of civil society and non-State actors.

The commemoration of UNEP@50 presents an opportunity to strengthen environmental multilateralism and reinvigorate UNEP's position as the lead environmental organization that addresses the planetary crises of climate change, ecosystem degradation and pollution. This endeavour follows UNEP's original mandate as stated since its foundation at the Stockholm Conference in 1972 and later reinforced in 2012 at Rio+20. Stakeholder expectations are focused on strengthening UNEP's capacity and catalytic role, building on its original core mandates including its strong science-policy interface, international environmental governance, as well as its late comer a post-pandemic Green Recovery.

With a growing emphasis for UNEP to play a strategic role in a green post-pandemic recovery, strengthen the science-policy interface and reinforce civil society and stakeholder engagement, its evolution has not kept pace with the increasing pressures caused by a doubling of world population, a five-fold increase in the global economy, and a ten-fold increase in global trade since 1972. Expert opinion and stakeholder expectations align in the opportunity and urgency for UNEP to evolve into a catalysing organisation that coordinates efforts across environmental programmes. This would foster network organisations and prevent overlapping mandates. Perhaps the most politically feasible and attractive pathway to

achieve this goal might be through empowerment of all the regional offices and their linkage with regional public policy networks and UN centres such as in New York, Washington, Geneva and Vienna and cross integration with the UNDP (Kemp, 2014). The ambition to push forward UNEP into a more operative role would rely on the increased support of all member states as well as strong leadership within UNEP.

This has been reflected as key to improving UNEP's image and policy functions, as it will involve UNEP taking up a more operational role in terms of capacity building, implementation and scientific assessment.

Our civilization is increasingly global, and the challenge of living in harmony with nature is increasingly global as well. The UN family with UNEP represent the best global attempt to embody institutions to respond to these global challenges. But they are only as good as the institutional framework in which they sit. Complex environmental issues can only be addressed through the kind of all-of-society action that tends to fall outside the traditional scope of global and intergovernmental institutions.

Involving non-state actors in decision-making processes is an integral part of legitimate governance. This is also true in the environmental sphere. A testament to that is the close involvement of non-state actors in the environmental governance processes since the establishment of UNEP in 1972. However, there are still many challenges and areas of opportunity ahead in order to truly develop a strong environmental governance mechanisms.

Speaking from a Position of Authority

In all the matters that are discussed below, there is one simple point above all others that will enable UNEP to achieve its goals. Leida Rijnhout, a long-time advocate for environmental governance, said, "The UNEP we want should behave like the authority it is and not think it is too small to say something." To do that, UNEP has to "have the people who can present the organization as the authority." UNEP does have those people, and to present the organization in its best possible form, it needs to do more to be visible and to reach out to all constituencies and all relevant actors at all levels. As we have stated, UNEP has been given the role as the global authority on the environment and to "serve as the authoritative advocate for the environment within the UN family. This requires UNEP to embrace and promote the all-of-society awareness and the all-of-society solutions to the global environmental challenges of biodiversity loss, toxification of the planet, and the climate emergency. Not an easy task with limited resources.

The Science-Policy Interface

"Scientists, policy makers, and society at large need to understand each other's perspectives; they by nature operate from different priorities and are subject to different forms of accountability, This should therefore jointly contribute to an enhanced science-policy-society interface" Adapted from; The Future of Scientific Advice to the United Nations: A summary report to the Secretary General of the United Nations from the Scientific Advisory Board (UNESCO 2016).

UNEP was created as the leading environmental authority with three distinct core functions: setting the global environmental agenda, promoting implementation of environmental goals and agreements, and serving as an authoritative advocate for the global environment. These functions are underpinned by and are dependent on science, whose role in the global environmental governance process has been distilled into five functions: alert function, legitimization function, consolidation of understanding function, reframing of the issues function, and the creation of elements of vision function (Engfeldt, 2009). Since its inception, UNEP has made significant achievements, particularly in the nexus between science and policy.

One of UNEP's core strengths is that it is the world's leading repository of environmental data. UNEP's strengths and successes have often been attributed to its ability to respond to key scientific recommendations on ozone-depleting chemicals, worsening impacts of polluting industries, and loss of biodiversity (Nature, 2021; Mee, 2005). Frequently, warnings from external scientists and scholars have led to UNEP formulating critical protocols and policies to develop interventions to phase out environmentally invasive pollutants and practices (Nature, 2021).

The major functions of the Science-Policy Interface (SPI) include establishing scientific evidence and scale of different environmental problems and calling these to the attention of UN member states and actors in the civil society and private sector (*the alert function*). Examples include climate change, ozone depletion, and pollution (Ivanova, 2021). By setting the foundation for a scientific and evidence-based consensus on the state of the environment, UNEP enables and contributes to the development of robust environmental laws and policies that are enacted at the global level (Nature, 2021). An example is the Regional Seas Conventions and the Convention on Biological Diversity, which developed sound regional agreements and conventions on the protection of specific bodies of threatened waters and biodiversity, respectively (Mee, 2005).

Secondly, by providing information on the state of the global environment, through periodic scientific reports such as the flagship GEO report (the Global Environmental Outlook), the Global Production Gap, and Global Adaptation Reports, and other issue specific reports (e.g. Integrated Assessment of Black Carbon and Tropospheric Ozone [UNEP and WMO 2011], Millennium Ecosystem Assessment [MEA 2015], World Desertification Outlook) (*the consolidation of understanding, and reframing of issues functions*), UNEP has enabled successful actions to address key environmental problems. For instance, UNEP's work has led to the global reduction in Chlorofluorocarbons (CFCs) through years of scientific evidence, which consequently led to UNEP associated States working together to reduce emissions through financial compensation and policy (Armstrong, Lloyd, and Redmond, 2021).

Third, UNEP has catalysed the creation and establishment of SPI boundary institutions that bridge the science-policy interface both within UNEP (e.g. International Resources Panel, the Scientific Advisory Panel of the Climate and Clean Air Coalition (CCAC), World Adaptation Science Programme), and as independent institutions supporting implementation of several multilateral agreements. This is demonstrated, in the climate change arena, where UNEP has been able to support the creation of institutional

mechanisms and bodies that have clear roles in understanding sources of climate change, tracking global and national emissions, and providing mitigating and adaptive climate strategies (Mee, 2005; Perrez, 2020). Most notably, it co-founded the Intergovernmental Panel on Climate Change (IPCC) with the World Meteorological Organization, WMO, in 1988, which set the foundation for critical oversight of global emissions (Nature, 2021). Similarly, in the biodiversity arena, UNEP played a critical role in the establishment of the Intergovernmental Science - Policy Platform on Biodiversity and Ecosystems Service (IPBES). These actions speak to the *legitimation and the creation of the elements of vision functions*. To date, UNEP has administered or provided Secretariat support and function for 15 multilateral environmental agreements (MEAs), from the global level (e.g. Convention on Biological Diversity (CBD)), to the regional level (e.g. Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (UNEP, n.d.)). While the MEAs have been highly successful, they have also necessitated heavy operational work, including the establishment of a Secretariat in support of new conventions and funding associated with the creation of new policy mechanisms (Mee, 2005).

UNEP has also experienced several challenges in the SPI arena since its creation. As Maria Ivanova points out; “UNEP has provided scientific rigor, evidence, and engagement on a number of issues, but has failed to become the main scientific authority for environmental concerns writ large” (Ivanova, 2021).

Even though UNEP is the preeminent environmental organization within the UN family (ref para 88 if the Rio+20 Outcome Document), there is no one unit within the UN to provide a centralized, scientifically unique and collective environmental assessment and monitoring for the entire UN system including the member states. UNESCO, FAO, WMO, WHO, IPCC, IPBES, they all deal with elements of environmental research. The system appears as fragmented and can even be seen as undermining UNEP’s environmental authority and thus weakening its position within the UN family. In addition, environmental assessments by UNEP have also often been hampered by difficulties and sensitivities of national governments (Engfeldt 2009). Unfortunately, due to resource constraints, UNEP has also displayed an inability to provide the support necessary for action at the national level, especially in cases where low-income countries are responding to the growing environmental challenges (Ivanova 2021).

Looking to the future, several opportunities exist to strengthen the SPI work of UNEP. As highlighted by Ivanova, “continuing the core function of environmental assessment and knowledge management will be critical. Releasing a high-quality comprehensive state of the Planet Report every three to five years would provide the analytical basis for the development of policy ideas and recommendations” (Ivanova 2021; 212). Secondly, UNEP needs to increase engagement and strengthen collaboration with scientific communities and bodies. This will enable scientists to engage more systematically in reviewing existing programmes and preparing new initiatives and thus laying the ground for scientifically informed policymaking (UNESCO 2016). This can be achieved for instance, through the establishment of a standing interdisciplinary panel of scientific advisers to complement the work of UNEP Chief Scientist (Ivanova 2021). With respect to the three global crises identified in UNEP’s Medium-Term Strategy (2022-2025)- biodiversity loss, toxification and pollution, and the climate emergency - UNEP can take a leadership role on the first two

issues by acting as the convenor for expert panels that serve the same function as the IPCC in respect of the climate emergency. Such a biodiversity panel is already being formed, while Switzerland has proposed the establishment of one for chemicals and waste.

In his article “The UNEP That We Want”, Halle (2007, 2) propounds that despite UNEP attracting a good deal of controversy on how to conduct its affairs, UNEP should be the source of the best science supporting policy. We also know that the “quality of information” is an essential, if not *the* essential element of a best practice stakeholder engagement model, particularly in the context of wicked problems such as climate change and biodiversity degradation. Indeed, Gupta and Stec (2014, 7) note how this is a “major determining factor as to the quality of the resulting decisions and policies”. However, some have questioned whether the role of scientific knowledge is prominent enough within the existing major groups and stakeholder structure or if it has been crowded out by stakeholders with a much more generalist approach to environmental affairs. This pertinent dilemma is best surmised by Gupta and Stec’s quote (2013, 3): “Is the scientific community providing the best state-of- the-art evidence for action, or is the scientific community just a stakeholder?”

The Scientific and Technological Community Major Group serves as only one of nine stakeholder groups within MGS. There is indeed a potential danger that “non-scientific actors may... diminish scientific credibility” (Garard and Kowarsch 2016, 2). However, as one interviewee pointed out, the NGO grouping (and other stakeholder groups) may also have access to and lead with the best evidence within their given fields of expertise. Nonetheless prior expert reports on stakeholder engagement within UNEP have called for the separation of the advisory and representative functions in line with best international practice (UNEP 2013).

Yet, such a system would not be without its perils. For instance, Wong (2016, 146) highlights the dangers of an “eco-technocratic” stakeholder approach which he argues is “insensitive to pluralistic environmental values and opinions”, perpetuates a cost-benefit analysis of problems and thus may exclude alternative courses of action. However, this pitfall could possibly be overcome by broadening a separate advisory role or function to include non-technical expertise, while also recognising and appropriately including other stakeholders and knowledge forms in an advisory capacity where relevant. Either way, the importance of a strong evidence basis within UNEP stakeholder engagement processes should not be understated. Over two-thirds of respondents to the survey accompanying this report cited that UNEP could achieve most in the future by improving “stakeholder engagement (75%)”, “evidence-based assessments and outlooks” (73%) and by “strengthening the science-policy interface and policy guidance (67%)”.

The MGS have brought attention to developments in the Science-Business-Policy Forum. Originally designated as the Science-Policy Forum, it was first held in conjunction with UNEA2, where the science-policy interface was the main topic discussed. UNEA3 marked a significant shift in subject matter, also in the title of the forum to Science-Business-Policy Forum. Unfortunately, the business presence in the Forum overwhelmed the discussion of important issues such as the science-policy interface. There was in fact very little substantive discussion. The MGS have repeatedly expressed concern about this development, for example during the Regional Consultation Meeting for the European

Region, held in Tallinn, Estonia, 3-4 September 2018, in which they agreed on the following statement:

“The increasing focus on business at UNEA and the change from a Science Policy Forum to a Science Policy Business Forum should be reversed to ensure that the forum prioritises public, rather than private interests. [UNEP] is uniquely positioned to promote the science-policy interface and the Forum is one of the mechanisms through which [it] can be a driving force in ensuring that the science-policy interface is strengthened globally for public interest.”

Environmental Law, Governance and the right to participate

As Marcos Orellana, UN Special Rapporteur on Toxics and Human Rights, has said:

“Environmental law has been criticized as allowing the slow destruction of the planet. The human rights approach brings in a change of paradigm. Respect for the right of everyone to a clean, healthy and sustainable environment changes our direction: from law being just a management issue for legalized pollution and destruction, towards a clean, healthy planet.”

The MGS have been deeply involved in the conceptual shaping and in advocating for a Global Framework on strengthening environmental governance and law, which the international community took up in UNGA Resolution 73/333. As set forth by the MGS representatives involved, it is important for the Framework to have the five important elements: objectives, targets, indicators, means of implementation and review mechanisms. With these elements, societies will have the necessary tools to measure progress and hold governments and the private sector to account (Leida Rijnhout). UNEP has to step up to the plate to ensure that this international governance architecture is enforced. If this resolution is given teeth, it may contribute to strengthening the many MEAs and conventions and provide them with more tools to produce tangible results (Yayha Msunga). The Global Framework could form the backbone of UNEP’s environmental performance review procedures which are discussed below.

Inspired by Principle 10 of the Rio Principles (1992), paragraph 16 of the Malmoe Declaration adopted in 2000, states that “[t]he role of civil society at all levels should be strengthened through freedom of access to environmental information to all, broad participation in environmental decision-making, as well as access to justice on environmental issues”. Importantly, the Malmoe declaration also calls on member states’ to “promote conditions to facilitate the ability of all parts of society to have a voice and to play an active role in creating a sustainable future”.

Major Groups were for years impatiently advocating for the total inclusion of Principle 10 into UNEP’s mandate. Since its adoption by the UN Economic Commission for Europe in 1988, MGs have pointed frequently to the Aarhus convention. The correct name for this convention is “the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.” Together with its Protocol on Pollutant Release and Transfer Registers, it protects every person’s right to live in an environment adequate to his or her health and well-being. They are the only global legally binding global

instruments on environmental democracy that put Principle 10 of the Rio Declaration on Environment and Development in practice.

The subject of the Aarhus Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement, it is also a Convention about government accountability, transparency and responsiveness. It grants the public rights and imposes on Parties and public authority's obligations regarding access to information and public participation and access to justice. Moreover, the Convention is also forging a new process for public participation in the negotiation and implementation of international agreements. When it was adopted, it was hailed as a new kind of environmental agreement.(UN ECE/Aarhus Convention.)

The consistent advocacy work from major groups with the support of an ever-growing group of member states, resulted in the adoption of the Bali Guidelines by the Governing Council of UNEP in February 2010. They are a set of 26 voluntary guidelines that aim to provide general guidance to States on promoting "the effective implementation of their commitments to Principle 10 of the 1992 Rio Declaration on Environment and Development within the framework of their national legislation and processes." According to UNEP, the Bali Guidelines "underline recognition of the need to fill gaps in legal norms and practices so as to encourage broad access to information, public participation and access to justice in environmental matters within the framework of national legislation and processes." (UNEP/ environmental rights database)

It was only after this adoption that the Environmental Law Division began working on this issue in earnest, and then primarily in the field of guidance to national governments. A publication spearheaded by the Civil Society Unit, called "*Putting Rio Principle 10 Into Action: A Guide to the Bali Guidelines*", provided an important resource for non-state actors and governments as well. Beyond guidance and experience sharing, structural inequalities that prevent the attainment of this right, particularly for marginalized actors, groups and regions, must also be addressed through providing additional resources and capacity-building. Working with UNITAR and the World Resources Institute, UNEP has developed guidelines and capacity building programmes, but many feel, and particularly non-state stakeholders, that UNEP ought to provide increased programmatic support and outreach to Member States in this area.

Besides talking the talk, UNEP has to walk the walk. In the past, Transparency International recommended that UNEP should make information accessible to all stakeholders as well as publicly available in a timely manner, while also citing the need for information to be accessible to civil society and project affected groups in a form and language that is understandable to them. Following upon Paragraph 88(h) of the Rio+20 Outcome Document, *The Future We Want*, the Governing Council of UNEP requested UNEP's Executive Director to adopt a new access to information policy. The report of the Expert Group for New Mechanisms for Stakeholder Engagement at UNEP (2013) noted, UNEP must "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". Indeed, indicating that access to information is a fundamental human right and in its environmental context is elaborated by Rio Principle 10, UNEP subsequently adopted a new Access to Information Policy in

2014. Within the next few years, UNEP should assess the application of this policy and make suggestions for the improvement of relevant practices, perhaps aimed at the tenth anniversary of the adoption of the policy in 2024.

Since 1982, UNEP has conducted its environmental law activities on the basis of sequential ten-year Montevideo Programmes for the Development and Periodic Review of Environmental Law. In March 2019, the UN Environment Assembly adopted the Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo Environmental Law Programme). It is a ten-year intergovernmental programme on promoting and implementing environmental rule of law, running from January 2020 to December 2029. UNEP is the Secretariat of the programme (UNEP 2021)

The work of UNEP in support of the judiciary began in 1996 with the convening of a series of regional judges symposiums on environmental law, sustainable development and the role of the judiciary in several regions of the world. In August 2002, UNEP convened the Global Judges Symposium on Sustainable Development and the Role of Law in parallel with the World Summit on Sustainable Development. The symposium, hosted and chaired by Chief Justice Arthur Chaskalson of South Africa, brought together more than 120 Chief Justices and senior judges from over 60 countries including several judges from international courts and tribunals (UNEP 2005). Such an initiative shows what UNEP can do within its existing mandate.

UNEP has continued to increase its support on access to justice in environmental matters over the last decades, and UNEP's work on "Environmental Rule of Law" is progressing steadily and increasing. The Environmental Rule of Law Report has emerged as one of UNEP's flagship publications.

Recent years have seen increasing recognition of the rights of Indigenous Peoples and their role as stewards of the environment. The 2007 UN Declaration on the Rights of Indigenous Peoples establishes a foundation for UN bodies to take the special status and characteristics of Indigenous Peoples into account. Given the benefits that can arise from greater respect and a sense of partnership in protecting the environment through cooperation with those who live closest to nature, UNEP's unique role within the UN system could help realize the potential in this field. The area of environmental law is particularly important in this respect. Calls have been made for the study and promotion of international indigenous environmental law, which should be led by Indigenous Peoples themselves as a movement towards an International Indigenous Law Task Force and Programme. UNEP could be a catalyst and provide key support to this initiative (DOCIP, 2021).

UNEP has also recently shown strong leadership in an area which is crucial in the fight against corruption and the diversion of the planet's precious resources for short-term personal gain. That is in regard to its policy on Environmental Defenders adopted in 2018. Some governments have hampered the further development of this policy, and have even questioned whether UNEP should play a role in this area. UNEP's position is that it is an internal policy necessary for its mandate. The history of internal policies within UNEP as a means for progressive development is a long one; UNEP's Safeguards Policy was developed this way as a requirement of the Global Environment Facility. The Defenders Policy is the basis for an agreement signed between UNEP and the Office of the United

Nations High Commissioner for the Human Rights (OHCHR), which is seen to be a mechanism for other UN bodies to adopt policies similar to UNEP's (Kreilhuber).

The OHCHR resolution on the right to a clean, healthy and sustainable environment is just another stage in the march towards universal recognition of this right. Yet, UNEA has not yet contributed much to progress in this area. UNEA would be the logical universal body to recognize the right, and Inge Anderson has promoted this idea. The triple crisis of biodiversity loss, toxification, and climate emergency have to come together under the right to a healthy environment. The rights-based approach is still missing from the core of UNEP's operations. Access to information and public participation in UNEP's activities at all levels is needed, together with meaningful stakeholder engagement.

Member States need to provide space and resources for UNEP to fully engage in the protection of this right, which should entail its recognition, together with an appreciation of the values, knowledge, capabilities and skills that Indigenous Peoples, Local Communities, faith-based groups, and others defending the environment, bring to the table. The fact that some Member States resist referring to Indigenous Peoples, environmental defenders, and other specific groups in UNEA and UNEP contexts is indefensible, and the fact that environmental rights cannot be properly considered in the most appropriate intergovernmental setting is shameful. UNEA should not shirk its responsibility on this issue.

The reluctance of the Member States to affirmatively embrace the connection between human rights and the environment has had an impact on UNEP's cooperation with the UN Special Rapporteurs (see Box)

The UN Special Rapporteurs

Special Rapporteurs are a form of special procedure of the Human Rights Council as a monitoring and reporting mechanism -- the "eyes and ears" of the Human Rights Council to connect with reality and to provide a platform for voices to be heard. The Office of the High Commissioner on Human Rights has created three special procedures with an environmental focus -- toxics and human rights, environment and human rights, and climate change and human rights. The MGS are especially interested in the Special Rapporteurs as they have the ability to channel information from non-state actors into international processes in unique ways. The Women's MG, in particular, has called it a "great mechanism" that gives visibility to civil society organizations (Sascha Gabizon).

UNEP, according to Arnold Kreilhuber, is available as a partner but cannot be an anchor for the Special Rapporteurs. Cooperation is based on the discussion of work programmes. Special Rapporteurs are in an excellent position to evaluate UNEP's ability to reach the national level in comparison with other UN bodies.

Marcos Orellana, UN Special Rapporteur on Toxics and Human Rights, noted that the ability to fulfil the role rests on the mandate holder who needs to navigate the diplomatic currents in order to be able to carry out fact-finding on the national level and have a

dialogue with civil society. Each of the Special Rapporteurs brings an interface that can only make UNEP stronger. For example, the MGS have an additional mechanism for engagement through the UNEA resolution on a global science-policy interface platform for toxics and pollution. But the opportunity for Special Rapporteurs to have a stronger role in UNEA and UNEP is hampered because they are independent and are not recognized as having a specific role, for example by not having accreditation *per se*. Moreover, Special Rapporteurs have very limited resources.

UNEA could do more to establish formal terms for engagement between Special Rapporteurs and UNEP, and also the MGS, which currently depend on ad hoc demands. In the case of the first Special Rapporteur on human rights and the environment, UNEP played to its strength as a convenor, according to Arnold Kreilhuber. Special Rapporteur John Knox stated that UNEP embraced his work and was a proactive partner. The early stages of collaboration explored linkages and did work on best practices. UNEP had a significant role in report-writing and contribution of resources. More recently, the focus has shifted towards operationalization, including recognition at the intergovernmental level.

While appreciative of UNEP's support, Knox warned against using victimization language regarding environmental defenders. Human rights advocates are careful to focus on the issue of avoiding harm to those who are at risk because they are trying to exercise a broad range of rights without characterizing them as vulnerable. He also put forward the idea that UNEP could establish its own Special Rapporteurs who could assess, evaluate and provide advice. The independence that this position entails could be useful, for example in reviewing performance.

The MGS frequently laud UNEP for its role in the progressive development of international environmental law, predominantly through the support to the development of multilateral environmental agreements, or MEAs. UNEA is now the main "multilateral space in the world where governments can come together and agree on a global environmental treaty," even if it is always "too late and never enough" (Sascha Gabizon). A recurring theme is that the governance mechanisms or institutional arrangements for MEAs are often inadequate, that progress in implementation is slow and that the State Parties are not delivering on their commitments under the conventions. UNEP could play a stronger role in facilitating implementation through compliance and implementation manuals. In addition, UNEP should take the position that all MEAs should have effective compliance mechanisms, in which members of the public have the right to participate and to submit communications (Ana Barreira). Ms. Barreira also notes that if UNEP were upgraded to a specialized agency, there would be less need for individualized, scattered and inconsistent compliance mechanisms as UNEP could take over that function. Non-state actors would have more confidence in a single organization tasked with compliance rather than the confusing patchwork that is currently in place.

The Montevideo Programme and environmental law

With emerging challenges, it is inevitable that UNEP strengthens its governance role to ensure environmental stewardship as this issue is pivotal towards managing global public goods. The MEAs certainly contribute to this and it is crucial for UNEP to take the lead in

streamlining the over 500 multilateral environmental agreements which have mushroomed over the years, and as some feel, fragmented global environmental actions. UNEA has provided a strategic platform to encourage discussion of growing environmental concerns, in a holistic manner and could empower UNEP to have an increasingly stronger environmental governance profile. Implementation of agreements in this context should be prioritized (Yahya Msunga).

The Montevideo Programme has been one of UNEP's flagship successes. However, its implementation and progressive development exemplify many typical problems encountered in intergovernmental processes. While ambitious goals are agreed upon, implementation "hangs in the air" (Arnold Kreilhuber). The programme lacks funding, strategy and direction. In addition, the programming done by partners has been spotty. By opening up room for greater MGS engagement, the Montevideo Programme has a better chance of achieving real progress on the ground. But the first meeting of the National Focal Points did not include any channel for discussion with MGS. Going forward, UNEP has committed to provide greater opportunities for the MGS.

Implementation of the Montevideo Programme is one of the areas where the lack of national offices and a strong presence on the national level are particularly inhibiting. UN development reform has helped. UNEP does not have an ideal space in which to operate on the country level, but the level of interaction with the UN system has increased, and the Montevideo Programme is one of the most high-profile and visible initiatives upon which this greater integration can be based. Furthermore, the UN system as a whole has moved away from the approach which considered UNDP as the primary authority on development activities. With the agreement in 2015 of the 2030 Agenda for sustainable development where the SDGs play an integral role, it has opened up the global field to a wider range of approaches towards implementing sustainable development. UNEP has been given the primary role to deal with the environmental segment of the SDGs (paras 87 – 90 of the Rio Outcome Document). However, this widened mandate has so far been followed up with inadequate resources, leaving UNEP to continue its way of improvisation to be able to implement its additional tasks. Such resource allocation by member states will always deprive UNEP of its proper authority.

UNEP faces the same dilemmas in terms of environmental rights. UNEP can only provide legal assistance to countries that request it. Still, UNEP has to make strategic choices concerning which countries to engage with, based in part on an assessment of where it is most possible to extract best practices. And despite scant resources, an array of best practices can be demonstrated, and this is clearly one measure of the success of the Montevideo Programme (Kreilhuber and Korvenoja).

Governance is a core mandate of UNEP, and a foundational sub-programme, but it is often thought of as being distinct from environmental law, and so is not fully integrated into the Montevideo Programme. Environmental law and governance will be a key element in the future developments related to the periodic environmental performance review mechanism discussed below.

Even at the national level, the formation of UNEP and its programmatic work beginning back in 1972 accelerated the urgency of national governments to develop Ministries of Environments (Nature, 2021). The existence and work of UNEP have also supported the

capacities of nations that are involved in monitoring environmental crises, such as flooding, acid deposition, and air pollution to mention a few. UNEP has also over the years, supplied national governments that established environment ministries with access to first rate environmental knowledge. It also allowed government officers at the national and lower levels to operationalize UNEP commissioned policies through awareness-raising activities and projects (UNEP, 2021; Nature, 2021).

Finally, recognition of the rights of nature is slowly gaining momentum in many parts of the world. UNEP has not been very active in this area, but it would be important for UNEP to study this development and to develop relevant approaches, outlooks, positions and policies.

Assessments - the example of the Global Environment Outlook

The MGS strongly supported in their Joint Statement the establishment of an environmental performance review mechanism to strengthen UNEP and the relationship between its Member States. This mechanism, similar to the Human Rights Council's Universal Periodic Review, or the OECD's Environmental Performance Review should, as stated, "embrace efforts by both governments at all levels and civil society of each Member State, to assess the progress of Member States in implementing their environmental objectives, international environmental law and the environmental dimension of Agenda 2030 at the national level, while ensuring complementarity with the work of treaty bodies." A key element of this review should be an open and honest dialogue that engages with all relevant stakeholders. It is impossible to overestimate the impact that the implementation of an EPR-type mechanism on the global level would have on achieving environmental stability. The process would establish benchmarks and would be a platform for differentiation of strategies as well as sharing of lessons learned. Most importantly, it would greatly enhance the ability to monitor progress on the national level and to take stock of whether Member States are meeting their I commitments.

UNEP's assessment function also relates to the proposal that UNEP assume a leadership role by acting as the convenor for expert panels that serve the same function that the IPCC does in respect of the climate emergency, in areas including biodiversity loss, chemicals and waste and other pollution-related topics, mentioned above under the "Science-Policy Interface."

Global civil society considers UNEP's work in the area of Early Warning and Assessments as being among its most consequential outputs. The Global Environment Outlook process was launched in response to the adoption of Agenda 21 in 1992 and six GEO reports have been produced to date (2022). According to the original framework, GEO reports were produced in an open, collaborative fashion with regional participation through institutional partners known as "Collaborating Centres." To some extent, the GEO approach was bottom-up, and included elements of long-term capacity-building as well as ensuring the inclusion of different voices from the Global South and from various regions. The quality of inputs was inconsistent, but this was accepted and was seen as a challenge aimed at developing capacity through the logic of "learning by doing."

A group of scholars recently completed an analysis of the GEO process aimed at making recommendations for the future, to be published in 2022 in a book on the future of GEO. Many interviews were conducted in preparation of the book, and the prevailing view was that the manner in which GEO brought its global partners along through the capacity-building component in the early days, was exemplary. One of the effects of the approach was to gain buy-in from the regions where the Collaborating Centres operated. The association with UNEP also gave legitimacy to the Collaborating Centres. One person interviewed for this report stated that the Collaborating Centre approach was quite popular in the way that it brought people from all over the world together in high-level exchanges, and it was about the process as much as it was about the results (Jerome Simpson).

The Collaborating Centres differed from each other, and included universities, think tanks, networks in their own right, and regional organizations. They varied in the degree to which they were civil society-oriented, but in many cases, they had an operational model of creating and managing their own networks. Some Collaborating Centres were even selected for that very reason and became hubs of regional networks that extended the reach of the GEO process. One such example was the Regional Environmental Centre for Central and Eastern Europe (REC) (see Box, below), with an unparalleled network in a region that was particularly interesting due to its history and its transitional status.

Following GEO4, the model for collaboration was changed, based upon the experience of the Intergovernmental Panel on Climate Change. Instead of institutional partners, the new approach involved partnership with individual expert contributors, in an attempt to engage the “best and the brightest.” Cost may have played a role, but another argument was that thematic work always comes down to the individuals. One consideration was that affiliation with institutions did not always guarantee that the right researchers would be engaged. In institutions with lower capacities, the top experts tend to be overburdened, and in some cases at least it seems there was a failure in UNEP competing with other demands. Also, some institutions were lacking in the required scientific and technical capacity in the first place, which would require a long-term commitment to overcome. It was not clear that UNEP could effectively play such a role either.

Yet the new approach has noted shortcomings. If one views UNEP’s activities as necessarily including a networking element and not aimed simply at producing high-quality research, then engaging individual experts, no matter how qualified they are, does not contribute to such an outcome. Rather than increasing efficiency, moreover, the resources dedicated to coordination of individual experts, often working alone or in small teams, presents its own challenges. Under the present system, there is virtually no way to engage CSOs through networking. The shift also goes hand in hand with a perceived shift towards viewing Member States as the main target audience for GEO rather than a broader range of stakeholders. Finally, the IPCC model is not necessarily replicable in the GEO context as it is unique; thus, the benefits of an IPCC approach may not be achieved (Jerome Simpson).

The pendulum may be swinging back. A clear majority of people involved in the process think that the change from the Collaborating Centre system was not properly consulted and was botched. Still, those who have studied the problem acknowledge there is no going back to the Collaborating Centres approach but are proposing that a hybrid model would be best, involving a combined perspective of institutional partners but with

commitment on the side of partners to ensure a proper level of engagement of key experts and other contributors.

Environmental education and youth

The magazine *Tunza* has been considered as UNEP's flagship product in the field of environmental education. Published from the mid-1990s to 2015, *Tunza* presented a science-based approach to environmental issues which reached out to younger audiences. The magazine was started by UNEP staffer Wondwosen Asnake as a response to the Aarhus Convention in the European region with a one-off flashy pamphlet called *Knowing Your Rights*. This was so successful that the Swedish Minister of Environment picked up on it and provided funding. After the second publication it was picked up by UNEP Headquarters, which globalized it and made it available in four languages (Spanish, Russian, French and English). UNESCO associated its networks with it for distribution in a 167-country network.

Pachamama was a GEO-type product looking at the state of the environment from the eyes of young people. Funded from UNEP HQ, it was developed in the Geneva office in parallel with GEO2000. "GEO for Youth" followed up based on the flagship reports. Later, *Tunza* was supported by private sector funding, in particular the Bayer Company. However, after the Bayer Company funding ended after ten years, *Tunza* ended too. UNEP now has a small Youth Programme in Nairobi without substantial products or tailor-made information, and without a flagship to reach out to younger audiences.

What could UNEP do more to build up a network of experienced young practitioners? One key message from the experience with *Tunza* was that UNEP should look at different ways to engage young people and develop a comprehensive youth strategy. Such a Youth Strategy was adopted by UNEA, with some funding, but there has been little follow up so far

Why should this be done? Youth outreach needs champions. Klaus Topfer was a champion of engaging youth. He helped secure the Bayer sponsorship. Frits Schlingeman, many years Director for UNEP's European Office, (And also once Asnake's boss) supported a youth orientation at an early stage. Achim Steiner, UNEP's ED from 2006 to 2016, also supported it. As can be seen the success of the youth programmes depended on a few individuals. When these individuals changed their positions, continuity was broken because programme was not anchored institutionally. The responsibility for youth outreach has since been moved around to different offices within the organization. It was in Communications for a while, which is misplaced because it should be a programme rather than a "publicity gimmick."

Policy network – a difficult equation

Envisioned to serve the world as an environmental authority which monitors national and regional efforts towards a planet in harmony with its environment, the MGS want to see a UNEP that has greater capacity to influence countries and grassroots levels in the next 50 years. UNEP should do this by providing technical, logistic and strategic support to all stakeholders towards building an environmentally sound planet.

As mentioned above in connection with the Montevideo Programme, a recurring theme that came out of the survey results and in numerous interviews, was UNEP's lack of influence at the national level. The fate of the GEO Collaborating Centres was another example of this frequently cited major shortcoming. Often a lack of resources is mentioned, together with UNEP's mandate as a "small" programme in the UN family. UNEP is often compared to UNDP, which typically has a strong and well-resourced national presence in many countries around the world.

UNEP also has to contend with the national and local attitudes towards the UN in general. The UN sometimes is criticized and attacked, and UNEP can be found guilty by association. If the UN as a whole cannot respond to global challenges and begins to lose ground, then UNEP will become more marginalized too; on the other hand, UNEP's constant review can expose shortcomings in the UN as a whole which can generate positive lessons (Sascha Gabizon). UNEP's regional and sub-regional offices must work in cooperation with other, better-resourced agencies and partner organizations, in order to become engaged with stakeholders on the ground.

One of the obstacles to greater cooperation on the national level that is often overlooked is governmental reorganization following elections that can sharply restructure UNEP cooperation. The natural counterpart for UNEP has often been a ministry of environment, particularly in the 1990s and 2000s when many governments had established such ministries. In recent years, ministries of environment as separate authorities have been curtailed or eliminated in some places, often being combined with other ministries in which the environmental protection function becomes inferior to other considerations. This is a concern, not only because of the lost continuity but also because such changes have an influence on the use of funding and resources. There should be continuity in the scope of bodies that collaborate (Sascha Gabizon).

During UNEP's first 50 years, political changes has occurred in many parts of the world, which provided opportunities for international assistance through repositories of know-how to be made available, particularly where such assistance could be provided in the context of "transition." In 1992, at the Rio Conference, the category of "countries in transition" was a topic of conversation, considering that an entire region of Europe was then in the early stages of a major political transformation following the collapse of the Soviet Union. This East-West special context had an influence on how UNEP interacted with the UN Economic Commission for Europe (Sascha Gabizon). Other regions of the world experienced similar shifts at various times. (See box).

Regional Partnerships and Networking: The RECs

In 1990, the United States, the European Commission and Hungary established the Regional Environmental Centre (REC) for Central and Eastern Europe as an organization of special status in recognition of the important role that popular concern over environmental protection played in the revolutions that took place in the countries of the former Eastern Bloc. Other regional environmental centres were established in

succession in Central Asia and the Caucasus, with similar organizations on the country level in Russia, Moldova, and eventually Ukraine. Within each of the regions mentioned above, the RECs also had country offices.

The original REC mission was to assist in solving environmental problems by promoting cooperation among governments, non-governmental organizations, businesses and other environmental stakeholders, and by supporting the free exchange of information and public participation in environmental decision making. It thus had a specific mission with its roots in the concepts later elucidated in Principle 10 of the Rio Declaration, which was in fact adopted two years after the founding of the first REC.

“Regional environmental centres” for a time were designated as a special category of organization between intergovernmental organizations and non-governmental organizations in official UN documentation in the region of the UN Economic Commission for Europe. The unusual hybrid status of the RECs was sometimes problematic. There were certainly rivalries between the REC and certain other international bodies, particularly as the REC format offered a certain degree of flexibility due to its independent Board of Directors chosen by the signatory states, and therefore often attracted the attention of donors.

But due to its key role in building the capacity of civil society in a region that was transitioning from one-party centrally planned economies to market-oriented pluralistic democracies, the REC was uniquely positioned as a partner with an unparalleled network of civil society organizations in a multi-country region. Although UNEP did not often take advantage of the possibility, in certain areas REC served as an amplifier of UNEP’s presence in the region (Jerome Simpson). In a region where the UNECE was a leader on regional MEAs, the REC assisted in building capacity for implementation of UNEP-related MEAs. REC was also a partner in the Environment and Security initiative spearheaded by UNEP’s regional office for Europe.

In other areas, contrasting priorities between the two organizations resulted in disagreements and competition. UNEP’s primary constituencies were the national governments, whereas REC was the embodiment of the multi-stakeholder approach. REC’s work on environmental peacebuilding began in Bosnia-Herzegovina in 1998. REC was asked to produce an independent assessment of the environmental impacts of the NATO bombing in Serbia the following year, but its conclusions were different from those of UNEP’s experts who later were formed into the Post-Conflict Assessments group. According to Jernej Stritih, former Executive Director of REC, REC’s local experts focused on issues that were priorities for the local population, primarily the impacts of the conflict on waste, air and water pollution, whereas the UNEP focus was on recovery and rehabilitation focusing on issues such as depleted uranium ordnance.

As the transition process in the REC’s region began to focus on European Union accession, the paths of the two organizations, UNEP and REC, diverged further. While a success in the countries that became EU Member States in 2005, this was a lost opportunity in South Eastern Europe, according to Stritih. He said that the legalistic approach to EU accession was a mistake, as the Balkan countries are still running in

circles focused on legal harmonization while the real problems relating to pollution are not being addressed and people's lives are not changing for the better. Even the infrastructure that has been developed in water and wastewater hasn't had a great impact because of its poor quality (OECD Study on Competitiveness in South Eastern Europe, 2016).

Stritih notes that UNEP could have had a greater impact in the region if it had more of a needs-focused approach, but that would require UNEP to be more critical of the EU accession process. UNEP could have benefited from REC's connections with stakeholders, civil society, and even with governments, which at the time were often made up of former opposition figures with grassroots credentials who were in tune with their NGO contemporaries. As Stritih said, "UNEP will never have the same kind of regional presence as a REC." At the same time, he advises UNEP to base its strategy going forward on meeting the needs of the people on the ground in the countries and to focus less on the "fashions of the international community." For that, UNEP would need to build up a network of intermediaries so that it has genuine access to what's going on on the ground.

In terms of an intermediary organization, the lesson of the REC is that it is important to have a degree of independence so that governments cannot veto its work. By establishing platforms for dialogue, moreover, governments are often in a position where they are persuaded to permit the work to go forward and even to participate in it and support it to varying degrees. The challenge, however, is for governments to see powerful stories, even if not always positive outcomes, so that they see the value and tolerate the intermediaries. In places rife with corruption, that may be difficult, as what the intermediaries can offer in terms of rewards cannot compare. But the regional approach of an organization like the REC actually helps to circumvent national corruption because individual national syndicates have far less control and influence over a regional platform.

The REC "did its job," according to Stritih, by strengthening civil society and governments. It set the stage for further developments, and it was the context and the market that changed with EU membership. The kinds of services that were relevant in the 1990s were no longer required. REC was a victim of its own success. What Stritih thought might have happened to keep the organization relevant was for it to become a globally relevant think tank providing the unique Central and East European perspective of transition and of a political crossroads to the global dialogue.

Eventually the REC fell into a familiar trap. During a restructuring in 2008, which Stritih called the greatest mistake the REC ever made, the organization abandoned its approach of developing centres of excellence built upon the grassroots capacities of the region and shifted more towards an intergovernmental organization model with secure funding. The secure funding never materialized; meanwhile, the REC had lost its expert capacities and leadership; for example, according to Stritih, the REC had "gold" in its expertise related to the Aarhus Convention, and through the restructuring, that was thrown away. As a weaker player in the region, the REC struggled for a number of years until finally dissolving at the beginning of 2022.

Could the REC model be used again? Can there be a common “transition” in other regions, or should there even be this regional organizational approach? The REC was in the middle of one of the most rapid transitions in recent history where one region of the world underwent political change with common objectives, where environmental concern played a key role. Its political foundation was the first visit of an American president to the region after free and fair elections. It is hard to imagine such a scenario today, nor is it the kind of thing that could be organized through the UN. Throughout the 1990s there was a clear consensus in the Pan-European region, but the character of the transition actually changed in 2001 when the Environment for Europe process lost its common objective. This period was the beginning of the fossil fuel resistors. As one casualty, the REC Caucasus dissolved against the challenge of balancing the politics of the region, while the environment became captive. Some of the other RECs do continue to operate, however, and all of them were instrumental in fulfilling one of their purposes, which was to develop viable and well-functioning networks of environmental citizen organizations in their territories. A multi-stakeholder, regional platform still has potential uses, for example in implementation of the SDGs or transition to low carbon, but only in connection with a societal and political consensus. Can a shared concern for the environment be the solution to bridge our current political divide? According to conventional studies, political divisiveness is now irreconcilable (Macy et al., 2021).

UNEP’s internal governance structure

The main challenge impeding the full potential of UNEP is funding. Echoing the words of Yahya Msangi, “We have given UNEP the biggest challenge in the world – the environment which should be equated with proper funding. In the next 50 years, funding of UNEP should be taken seriously.” With adequate funding, UNEP should be able to act as the world’s leading repository of environmental data, develop cutting edge science and research, identify emerging issues and contribute to building country capacity to implement environmental laws.

In a broader discussion of UNEP’s efforts to reform its current environmental governance structure, the agency has undergone various processes to include greater participation in the governance process, including the role of global civil society. For instance, the 2012 UN Conference on Sustainable Development, or Rio+20, which celebrated the 40th anniversary of the Stockholm Conference, aimed to refocus UNEP as the “leading global environmental authority that sets the global environmental agenda” (Ivanova, 2012).

Throughout the years, multi-stakeholders, like Member States at international intergovernmental consultations have vied for a more cohesive, participatory and specialized agency for the environment, including a stronger science-policy interface, authoritative and global voice for environmental sustainability, and a responsive approach to meeting national needs. This push has not only been limited to government efforts, as global civil society members also have demanded a stake at the table in political environmental decision-making. Civil society advocated for universal membership and expansion of UNEP’s governing council, which they contended would allow a more inclusive approach to reviewing global environmental issues, conducting needs assessment of multi stakeholders working on environmental issues, and developing binding strategies and laws to address climate change and other environmental issues (Ivanova, 2012).

The question of UNEP becoming a specialized agency has generated a lot of debate in the MGS community. While this was frequently advocated prior to the Rio+20 Conference, many MGS organizations consider that the establishment of UNEA has sufficiently upgraded UNEP's profile and capabilities, and no longer call for it to become a specialized agency. Hiermeier (2001) states that upgrading UNEP into a specialized agency will not necessarily lead to greater material resources or strength and "will not automatically make it a more effective institution", as it will not solve deeper organisational issues. In support of this, Ivanova (2012) suggests that there is no clear link between status and increased funding and authority, and UNEP would be better served by improving its organisational culture, capacity and credibility. In discussions on the Joint Statement on The UNEP We Want, consensus was not reached on this subject.

At the same time, UNEP's authority to steer political decisions and provide guidance is weakened by the fact that not all governments directly engage in UNEP's work and membership (Perrez, 2020). Another problem that Ivanova (2020) points out is the duplication of efforts in environmental assessments developed by agencies and international bodies like UNEP, several other entities of the UN-family, and iNGOs. This points to the lack of coordination between the groups wherein Ivanova states that "the flourishing of new international institutions poses problems of coordination, eroding responsibilities and resulting in duplication of work as well as increased demand upon ministries and government." (Ivanova, 2020). This reflects that while UNEP has been highly successful in the establishment of working groups and convening spaces for multi-stakeholders, the lack of communication between these actors and rising demand to address environmental issues has put extra burden on the agency.

Moreover, regarding the governance structure of UNEP, the way its rules of procedure have been interpreted by member states and hence the secretariat, have limited the ability for global civil society to participate as active agents in their specialties and to advance their interests in environmental policy and law shaping arenas (Socio-Ecological Union, n.d.). While there has been an increasingly positive and frequent representation of global civil society organisations on dialogue and decision-making processes on environmental matters, there are still many calls for environmental governance and law-making bodies to create channels that improve communication and participation between UN and civil society, particularly to represent the diversity of the hundreds of thousands of CSOs mobilizing around the environment (Ivanova, 2007).

Leadership influence and UNEP as the central authority in the environment

It would be remiss to examine UNEP's successes without looking at the pertinent contributions of UNEP's leadership in setting the foundations for its work. The first Executive Director, Maurice Strong, set up several internal bodies to interact with stakeholders such as the Industry and Environment Office and the Environment Liaison Centre, (ELC) the latter to involve civil society (Halle and Dodds, 2016). Meanwhile, his successor, Mostafa Tolba, steered UNEP in a different direction, instead focusing on UNEP's formalization of relationships with governments, and the formation of a public sector constituency of Ministries of Environment and agencies. Tolba's contributions were fundamentally important in setting up the legal framework and infrastructure on which UNEP operates today. While the leadership change ultimately led to the demise and the closure of the ELC, this spoke to

the difficulties in sustaining initiatives developed under previous leadership persons (Halle and Dodds, 2016). Following leaderships, leading up to UNEP's current (2022) Executive Director, Inger Andersen, have increasingly enabled greater presence of MGS views and voices. The openness experienced at present (2022) may well be due to EDs' past experiences working at the grassroots level, and incorporating local views into negotiation processes (UNEP, 2021).

However, UNEP's inability to establish itself as the centralized institute for the environment could be the reason behind some of its failures. For instance, "UNEP has not succeeded in becoming the central forum for debate and deliberation in the environmental field, like the WTO for trade or the WHO for health" (Ivanova, 2020), and instead has devolved its responsibilities in addressing environmental issues amongst a myriad of other stakeholders and agencies. Other challenges of UNEP have often been attributed to the managerial processes of the organization itself. Many still contend that UNEP does not have the ability or institutional mechanisms to function as a fully operational agency (Ivanova, 2020). Although UNEP has a mandate to play an instrumental role in resolving environmental issues at the global level, heavy bureaucracy within the organization's management has led to criticisms over the effectiveness of UNEP's work.

In particular, there has been significant criticism over UNEP's lack of enforcement in ensuring that the organizational body of UNEP fully complies with managerial processes and uses the resources in line with UNEP's mission (Roy-Lemieux and Kuszla, 2018). Some of the failures of UNEP are out of the scope of the organization and its management itself. For instance, the mounting call to address critical environmental concerns have resulted in a multitude of international forums and organizations to inform and shape environmental policy and work (Perrez, 2020), which require greater funding. Yet, UNEP has received significantly less money from the General Assembly vis-à-vis other UN agencies focused on development and environmental issues, such as the UNDP (Mee, 2005). This indicates that its failures are perhaps more a product of increasingly demanding necessities to respond to a worsening climate and environment, with a meagre budget and political organization (Mee, 2005). This has been similarly criticized by many scholars, who have noted that UNEP's budget is not where it needs to be to successfully coordinate projects, with most of the money being allocated towards UNEP personnel and staff, with little left over for projects (Ivanova, 2020).

Funding – UNEP's Achilles heel

There are three primary sources of funding for UNEP, which comprise the regular budget, environment fund, and earmarked contributions. The regular budget, which accounts for about 5% of the total funding, is the only consistent form of funding, which enables and sustains the operation of UNEP Secretariat, coordination between agencies and stakeholders within the UN system, and collaboration with scientific communities (UNEP, 2021). Secondly, UNEP's Environment Fund, which accounts for 15% of the total funding, covers the operations of UNEP's programmatic work, which is approved by Member States. This not only is responsible for the operationalization of UNEP's work under the various

Medium Terms Strategies , but also ensures action-based programming based on relevant and available scientific knowledge research. Furthermore, this fund is critical for platforms that convene scientists, policymakers, governments, international organizations, industries, and civil societies working on addressing environmental challenges through science-policy interaction (UNEP, 2021).

Moreover, earmarked contributions account for 80% of total funding, which are targeted towards specific initiatives and projects that allow for greater partner collaboration outside the general scope of UNEP's work (UNEP, 2021). In this fund, which is enabled through financial providers like the Green Climate Fund, allow for greater partnership between UNEP, governments, private sectors, and civil society, that convene at central dialogues such as at the UNEA (UNEP, 2021). Thus, these targeted contributions are fundamental in ensuring multi-stakeholder dialogue between global civil society and high level political bodies and UN agencies through formalized channels. Among all contributions donated to UNEP, 95% of them are contingent upon voluntary contributions made by Member States and partners; without this, or any changes in contributions based on political leadership or capacities, heavily impact the ability for civil societies to engage with UNEP processes and practices and the degree to which they can authentically participate (UNEP, 2021). This speaks to the importance of sustainable funding and backstop support to UNEP's work to enable civil society engagement and local programming.

The challenges related to UNEP's headquarters being located in Nairobi are frequently a topic for discussion, but the MGS are strongly supportive of the Nairobi headquarters. In the first place, the symbolism of the global environmental authority being located on the continent where humanity began and in the Global South never fades. From the point of view of MGS, moreover, this symbolism translates into a strength, in that Nairobi can be somewhat removed from the political winds that affect UN activities elsewhere. While UNEP may not have the visibility of other programmes, it should never leave Nairobi (Sascha Gabizon). At the same time, Leida Rijnhout noted that Nairobi should be thought of as "the place to be" on the environment, which requires "more NGOs, trade unionists and other groups around the headquarters that are experiencing that something is actually happening that they want to know about and influence." The MGS leadership is divided on the question of whether UNEP should support the establishment of a fully-funded MGS Liaison Office in Nairobi, however.

Harnessing the Digital Revolution

Moving forward, hybrid, blended and remote approaches offer significant opportunities to enhance the depth and breadth of stakeholder participation, while also allowing new avenues for horizontal inputs from relevant stakeholders and traditionally under-represented groups across the UNEP and UNEA cycle. Adams and Lou Pingeot (2013, p. 41) and UNEP (2013) note how "[r]espondents to UNEP/NGLS survey on Major Groups often mentioned better use of online tools as one way to allow participation by a wider range of groups". For instance, they cite survey feedback which suggests that online participation could enhance inclusivity and stakeholder participation, while also limiting the dependency on in-person meetings, which may come at a significant expense for local and national stakeholders. Likewise, the Expert Group for New Mechanisms for Stakeholder Engagement at UNEP (2013) noted the failure of the organization to take adequate

advantage of technological advancements and to provide the necessary resources to build capacity and enhance avenues for stakeholder participation. That situation has improved rather automatically as a result of the 2020 global pandemic.

However, technological advancement should not be regarded as a silver bullet, but instead an additional tool to foster stakeholder engagement. Indeed, it should not seek to replace face-to-face meeting, with Fraussen et al. (2020, p. 473-493) for instance noting that “implementing different consultation approaches affects stakeholder diversity” and may even exacerbate self-selection biases. For example, they found that hybrid approaches which combine “open and targeted consultation tools” led to an increased dominance of business interests among participants, something worth noting given the controversial role of business and industry groups within current MGS engagement processes (Gupta and Stec 2014). Consequently, more experiential learning and empirical research will be required to truly assess the potential of hybrid approaches for inclusive, transparent and coherent engagement with relevant stakeholders at the local, national and international levels.

As a final note on the topic, the surveys and interviewees that participated in the creation of this report share the opinion that digitalisation offers a great opportunity for UNEP to increase its impact via capacity-building, education, participation and finance. But it is worth noting that while digitalisation opens up opportunities for the global community, some communities still have challenges to make the best use of it due to their limited resources. UNEP should identify these at-risk communities to support them directly and allow them to participate in high-level decision-making.

The UNEA We Want

Described as the world’s highest level decision-making body on the environment, the United Nations Environmental Assembly (UNEA) prides itself with a universal membership, which includes 193 UN Member States. As the governing body of UNEP, UNEA sets the priorities for global environmental policy, advises the UN system on environmental policy issues, provides recommendations on new environmental challenges, examines existing practices and encourages the exchange of experience. Furthermore, it creates a space to foster dialogue with industry and all civil society and other non-state stakeholders, while promoting sustainable partnerships. The successful deliverance of the UNEA agenda depends to a larger degree than is commonly understood on the active role played by civil society, international organizations and the private sector that all contribute to a large degree to the implementation of the outcomes from the UNEAs, often with the support of member states.

The outputs achieved at UNEA should also be tailored towards the groups working at the local level, namely civil society, local authorities, and grassroots organizations, for these smaller organizations are a vital component to bring into reality the resolutions, yet oftentimes are the ones experiencing greater difficulty in engaging. Stakeholders at the local level provide a strong foundation to build and sustain upon the societal change required by people and the planet, but arguably UNEA has been less successful in influencing, translating and communicating its resolutions and decisions to a broader target audience that is working on the frontlines.

Over the years, the public character of UNEA meetings and its subsidiary organs including the CPR, its subcommittees and CPR briefings have allowed the active participation of accredited Major Groups and Stakeholders unless a different decision is made. [citation] Upholding such openness has been fundamental to ensure transparency while creating a level playing field, where civil society can add their voices to ongoing negotiations.

Building capacity and providing advice to national policies is also resource dependent. UNEP's response to the pandemic shows how the organization can respond with analysis based on science, demonstrating, and illustrating the root causes of the disease. The global corona pandemic has in many ways served as a wakeup-call to the world. Building back greener and better once the pandemic is over, has become a dictum for all stakeholders. UNEP established in 2020 its own Covid 19 webpage and began collaborating with the UN Office for Humanitarian Affairs, UNOCHA and the World Health Organization, WHO. UNEP was quick to note the interlinked nature of the pandemic and was quick to demonstrate how the causes of the pandemic could be traced back to irresponsible development without regard for the environment, Wrote UNEP: "The transmission of diseases, like the Coronavirus Covid 19 between animals and humans (zoonoses) threatens economic development, animal and human well-being, and ecosystem integrity. UNEP supports global efforts to protect biodiversity, to put an end to the illegal trade in wildlife, to safeguard the handling of chemicals and waste and to promote economic recovery plans that take nature and the climate emergency into account" (UNEP, Covid page.) The race to develop a vaccine demonstrated another key point which we find at the basis of UN values – collaboration across borders. Scientists all over the world exchanged information in a way never done before to be able to develop a vaccine against the virus. This shows how important a science-policy interface is, but whether nations will heed the analysis coming from UNEP and integrate this in national policies is a completely different matter,

During the preparatory sessions leading up to the UNEA including its subsidiary organs, MGS have the opportunity to contribute to the practical governance of UNEP by participating at two general levels: on agenda-setting processes, and on policy-making and decision-making processes. At the regional level, Major Groups and Stakeholders are able to contribute to agenda-setting and decision-making processes during the Regional Consultative Meetings as well as through their Regional Representatives.

While influencing and contributing to the agenda tend to pave the way to ensure that the resolutions can be fully implemented, their implementation should not be the sole responsibility of UNEP but the main task of its member states and to a lesser but equally relevant extent, of the MGS. To achieve this, there is great need for a transparent monitoring framework of the adopted UNEA resolutions, coupled with monitoring methods of the legal implementation of existing multilateral environmental agreements.

Subsequently towards the UNEP we want, it is imperative to work for a shared commitment and ownership of the adopted resolutions by member states and non-state stakeholders. Member states should demonstrate leadership particularly with regard to decisions where public and private stakeholders are expected to play their part. As UNEP's credibility is hinged on proper funding and effective deliverance of quality, commitments such collaborative efforts can never be underestimated.

When it comes to UNEA's ambitious scope, some MGS voices strike a note of caution. Too often the Member States make a resolution but fail to provide for the means to carry it into effect. As one interviewee said, "having a resolution that disappears on the shelf is not efficient." That person proposed that resolutions should have financial analysis attached to them, including budget considerations, and also that the governing bodies of UNEP should keep implementation under better review so as to better handle the outcome of the resolutions (Leida Rijnhout).

Despite the major step forward in governance that UNEA represents, there is still a lack of understanding and uncertainty about UNEA's standing. UNEP is still a programme under the UN General Assembly, and as such, any decision made by UNEA is subject to approval by the appropriate GA committee. In theory, the UNGA, driven by ministries of foreign affairs could overturn decisions made by the UN Environment Assembly, driven by Ministries of Environment. To what extent might this make environmental decisions difficult to have in the future? Are there any ways to get past this structural hurdle?

As one interviewee said:

UNEP faces the situation that it is expected to be the seed bed for new initiatives, and most crucially for initiating the preparation of legally binding instruments which is the clearest indication that governments are treating an environmental problem seriously, but once the legally binding instrument has been developed, it establishes its own governing body made up only of the member states that have become parties to the instrument. So, UNEP ends up being like the parent whose children go off and do the really interesting stuff. Thus, the biggest environmental problems like climate change and biodiversity loss have their own treaties and if UNEP is successful, there will soon be another one on plastics. So paradoxically, the more successful UNEP is in seeding legal instruments, the more the focus of environmental action moves away from UNEP. Of course, UNEP has done some great work in cooperation with or complementary to the treaty bodies, e.g. UNEP Emissions Gap report. And legally binding instruments are not the only way to address issues. And the importance of a soft coordination role should not be underestimated.

UNEP with UNEA continue to play a strategic role in addressing emerging environmental issues as it shapes policy by influencing the further development of key international environmental law principles in the negotiations of new environmental norms. Described as a relatively young and dynamic area of international law, driving towards an international environmental law is fundamental to the success of UNEA. (Sands et al., 2018) Playing a critical role towards facilitating the convening and engagement of all UN members, while providing a forum for concrete decision making on environmental coordination, cooperation and policy, UNEA has potential to directly contribute not only to the identification of emerging international environmental concerns but also to the emergence of international environmental law. (Perez, 2020) As the backbone of UNEP, by leveraging on UNEA catalysing national government to attain positive outcomes, this political forum should open the space for discussion on achievements and challenges.

The Stakeholder Engagement We Want

The Diversity of Major Groups and Other Stakeholders

A term which captures all of the MGS is “non-state actors.” Whether all the Major Groups represent a part of “civil society” is a matter of debate. Civil society has been described as a dynamic group at the frontlines of tackling global environmental issues through local and grassroots solutions. Importantly, non-state actors also channel the voices of those directly impacted by environmental problems and related policies, calling for transformative change towards emerging issues. According to Hillary French (presenting the work of UNEP’s Major Groups and Stakeholders branch towards GC23, quoted in NACSF Moderators Summary) UNEP’s strategy towards civil society is founded on three pillars:

1. Strengthening institutional management,
2. Promoting fuller civil society engagement at the policy level, and
3. Engaging civil society at the programmatic level.

There is a growing need to recognise the strategic thrust for closer cooperation with MGS, so that these processes can build a global framework for strong environmental governance and law. The MGS are fully in support of paragraph 88 of the Rio+20 outcome document with its strong mandate for UNEP to explore new mechanisms to ensure transparency and the effective engagement of civil society. There is a growing call for more support to be extended by governments to engage with non-state actors through open doors, willingness to engage in dialogue, utilization of knowledge and expertise, as well as providing funding so that MGS can engage in a meaningful way.

Partnerships with an array of stakeholders has been at the heart of the work of UNEP towards ensuring that all voices are integrated towards the environment we need. Its recognition of parties as stakeholders who have valuable expertise to contribute has been fundamental, but it has been largely echoed how the relationship between UNEP and MGS should move beyond attending meetings and go towards the implementation of projects. The Civil Society Unit currently does a very good job, in the eyes of many MGS, but its effectiveness could be greatly increased if it could visit more countries to demonstrate what UNEP is and what it can do for their civil society. It should be facilitated to mobilise resources for CSO targeted projects on the ground. By leveraging on partnerships especially with CSOs, UNEP has the potential to become an implementation monitoring mechanism, tapping into this valuable resource pool (Ana Barreira).

According to an independent expert report on stakeholder engagement at UNEP, “(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” (ED Expert Group, 2013). However, it is important to note that stakeholders are only “a subset of the public and stakeholder engagement may not adequately reflect public or citizen views” (Gupta and Stec, 2014). In practice, there may be significant self-selection bias and further “shortcomings and distortions” associated with open and closed calls for participation (OECD 2020).

It has also been argued that stakeholders are more often than not those with power and representative capacity rather than affected communities and actual rights holders (Gupta and Stec 2014). Consequently, this may impede *relevant* stakeholders from effectively contributing to engagement processes and undermine the “the first objective” of stakeholder engagement, mainly to consider the input of individuals or groups with diverse viewpoints, along with different knowledge systems, scientific domains and the perspectives of decision-makers and others (Garard and Kowarsch 2016, 1).

UNEP, along with the rest of the entire UN family, has the mandate to convene multi-stakeholders in the process of global decision-making. UNEP and its Assembly (UNEA) have been successful in shaping new policies around environmental safeguarding and restoration. In particular, these institutions have managed to assemble researchers, policymakers, political leadership across thematic sectors to strategize and develop platforms, protocols, legal frameworks, and forums in response to scientific warnings and suggestions through a multistakeholder process (Nature, 2021). In fact, it is for its successful ability to catalyse multilateral environmental agreements (MEAs) and initiating significant thematic processes resulting in global conventions at the international and regional level that UNEP enjoys significant political clout (Mee, 2005). It is well worth remembering that UNEP with the World Meteorological Organization began focusing on global warming and the ozone layer as early as in the 1970s, resulting in global conventions years later.

Yet, there have been some concerns and questions surrounding the efficacy of UNEP to serve as a centralized space to create cooperative frameworks and legally and politically binding commitments for governments addressing environmental issues (Perrez, 2020). To exemplify, while there has been great investment in creating a centralized space wherein countries have been able to pursue pathways to decarbonization, cleaner and renewable energy, and a just transition, UNEP has been criticized for its inability to hold governments accountable with their climate ambitions, despite robust climate data and reporting (Nature, 2021). MGS engagement has provided a space for information sharing and deliberation, yet it has done little to radically transform the shifting and sharing of power away from Nation States and to the communities themselves. Furthermore, while UNEP has successfully solicited data for environmental reporting and monitoring, globally, UNEP has failed to uniformly collect and compare transnational data from member states (Ivanova, 2020). This in part is attributable to reasons beyond UNEP’s control, such as limited domestic capabilities by several governments to provide reliable data, but has regardless created barriers for UNEP to effectively portray national-level environmental realities.

Despite the role of member states in UNEP’s decision-making process, global civil society leaders and those of relevant stakeholders have often alluded to the importance of the Earth Summit in Rio, which invigorated and furthered multi-stakeholder participation. The NGO community became involved from the very beginning of UNEP in 1972. However, the run up to the Rio Summit in 1992 saw an increasing participation of non-state actors resulting in the creation of the Nine Major Groups. UNEP formalized the inclusion of the Major Groups concept in 1996 which became the backbone of the Non-State Actor engagement in UNEP processes. Major Group involvement in UNEP and their ability to link their mission and goals to the environment ministry in their respective countries has successfully given international profile and political clout to the issues on which they work. In these cases, the Major Groups have often contributed to brokering deals between the

member states and non-state stakeholders without formally institutionalizing the process, which can be useful since working with UNEP has often been described as bureaucratic and difficult to formalize (Halle and Dodds, 2016).

The nine Major Groups with other non-state stakeholders contribute to UNEP's governing structure and decision-making processes including the development of UNEP's policies. This informs global responses to environmental problems including the climate crisis. The stakeholders are central in providing their expertise, localized knowledge, and scientific knowledge on the on-the-ground realities of policy actions and impact. The successes of integrating MGS in UNEP's programmatic and policy processes have been both praised and criticized. On the one hand, MGS representatives are able to participate in formal UNEP and UNEA processes, such as UNEA plenaries, Ministerial roundtables, UNEP side events, among others (UN NGLS, 2020). This grants direct access to public documents of UNEP and gives MGS representatives the space to organize side events to advocate for their respective interests.

For instance, while UNEP and IUCN have brought together CEOs of international NGOs for collaboration, the MGS conversely offers a strong counterpart to what has often been perceived by smaller NGOs as having an elitist nature. MGS representatives can represent people in general from the Global South including organisations that have very little public and international recognition and coverage. This is beneficial in that they are able to understand local realities and feed this knowledge into greater policy discussion (Halle and Dodds, 2016). Alternatively, UNEP also provides space for MGS to highlight failures and shortcomings in integrating local perspectives and knowledge at international conferences. (IISD, 2021).

Perspectives from Two Different Types of Environmental NGOs

Viewpoint of an unaccredited grassroots environmental NGO

Green Africa Youth Organization (GAYO) is a youth-led environmental advocacy group based in Ghana that focuses on environmental sustainability and public health. Founded in the year 2014 by climate advocates Desmond Alugnoa and Joshua Amponsem, its work exists to create a balanced relationship between humans and the various natural systems that humans depend on. The vision of GAYO is to “create a world whereby conserving the natural environment will be a number one priority of the masses.”

Operationally, GAYO has piloted, developed, and upscaled several programs in the realm of climate action, waste management, disaster risk reduction, sustainable agriculture, and renewable energy. For instance, the Sustainability Community Project (SCP) in Adansi South District of Ghana is the first-led circular economy waste management project in the country, where they are currently building a local circular economy model as a pilot that will hopefully be replicated in other communities. Specifically, GAYO's work informs community members of robust waste management practices to curb practices of open-burning of unsegregated waste by training community members to produce charcoal briquettes from agricultural waste, organic waste from markets for compost, and durable bags and clothing from single-use plastic.

One of the pivotal enabling conditions that has allowed for GAYO's immense success is

their ability to partner and work with several local and international organizations and agencies to lead climate and sustainable events and campaigns. This speaks to their success in engaging multi-stakeholders in supporting and upscaling their work, having been promoted by the UK High Commission in Ghana, Global Landscapes Forum, and the UN. As young climate advocates, Alugnoa emphasized the necessity for not only seeing as part of the affected group, both as someone who identifies as a young person and from the Global South, but also as a solution provider and agent of change. Reflecting on UNEP's integration of work, he reflected "Most of the time, marginalized groups are viewed to be less technical, as the people who are affected, but not the people who hold solutions to the issues, which limits how much UNEP engages them." To mitigate this, he suggested that UNEP sets up advisory boards or year long consultations with accredited and unaccredited groups advocating for marginalized communities who can provide strategic input to the activities or the governance structure of the UN Environment.

Moreover, part of the success of GAYO's model of work is also attributable to their ability to work at various advocacy and policy scales. Amponsem and Alugnoa frequently engage in high-level environmental forums and dialogues such as COP26 in Glasgow, 2019 UN Climate Action Summit in New York, and the Global Centre for Adaptation, among others, and serve on the advisory board of international environmental organizations, which ensures the sustained presence of youth in climate policy spaces. Alugnoa noted that there are several unaccredited youth-led organizations, some of which are directly working to solve problems that are of relevant interest to UNEA. This disconnectedness leads to a widening of a gap between those who are mobilizing on the grassroots with projects that have the potential to be upscaled and those who are finalizing resolutions and policy outcomes on matters in closed environments without integrating the knowledge of impacted stakeholders.

While GAYO has yet to become accredited as a UNEP major group member, Alugnoa discussed many barriers that prevent youth-led organizations like his from achieving meaningful and equitable engagement with UNEP and UNEA processes. Alugnoa emphasized the importance of diversifying not only the organizations who are part of the MGS and attend the UNEA, but also the agents who participate in the policy formation and knowledge production process. Alugnoa reflected:

"UNEP is a bit disconnected from society in the sense that there are a lot of researchers within that space, who are not young, a lot of them are also very academically influential. But then the gap is that if there is no integrated form of research, the outcome will always leave some gaps. We should have some sort of way that people who are less advanced in the academic sector are still consulted for the production of knowledge in thematic areas. For example, young people who have not advanced or have not published a lot, can still be integrated to work under these processes with scientists and researchers who are working on chemicals and waste. So you can have a hub that is serving the private sector, one for civil society, one serving young people, one for gender."

In doing so, Alugnoa noted that UNEP will have an easier time dismantling the intergenerational gap between how different climate-vulnerable populations like young people face issues on the ground.

GAYO's success reached international acclaim due to their ability to take a holistic organization and work to diversify not only the makeup of their own organizational demographic but also the types of relationships they build across sectors in their programmatic work. Alugnoa reflected on his successes and barriers overcome through GAYO and noted that UNEP's work would be strengthened by "seeing more diversity and a decentralization of UNEP's activities, with more representation of the informal sector

represented.” Given the administrative processes demanded of MGS to undergo in order to receive accreditation, this point seems pertinent to understanding some reasons behind why some organizations shy away from deeper engagement with UNEP and its processes. Attending these points would help organizations like GAYO get involved in understanding what is happening at a high-level policy standing, while also integrating their own knowledge that can potentially inform UNEP’s work.

Lastly, one central point that was reiterated by Alugnoa was the notion of visibility. A dominant problem that lies between grassroots organizations who would potentially affiliate themselves or align with UNEP’s political and policy processes is that they are unable to do so given the lack of transparency and available information around UNEP and UNEA’s functions and responsibilities. Alugnoa noted, “Those that are unaccredited, they are disconnected in knowing what is happening, who is what, who is doing what, and which place is the best in doing it. These people also do not know how to even integrate their work into the objective of the UN Environment. It should be in the interest of the UN Environment to fish these people out and try to create connections and build alliances at regional level” Alugnoa concluded. Gaining greater visibility and information on what happens at the UNEA, similarly to the mass and increasingly public awareness surrounding the Conference of the Parties (COP), would allow for greater incentive for greater MGS participation and interest.

*Interview with Desmond Alugnoa, November 2021.

Viewpoint of a former representative of the national office of a major global environmental NGO network

The experiences of a former representative of a national office of a major global environmental NGO network may illustrate the difficulties in collaborating with UNEP. Campaign organizations have limited capacities and must focus their efforts where they will get the biggest results, in this case with the MEA Secretariats. When the idea of a global treaty on Rio Principle 10 was on the table for the Rio+20 Conference, her organization tried to engage with UNEP. In this situation, even with limited capacities, the potential for success justified the use of their resources. However, the effort to adopt a global convention was not successful and her engagement with UNEP ended. Her image of UNEP is “nebulous,” it covers an enormous range of topics, and it is not clear to her what change it could effect. In terms of direct engagement with UNEP processes, like the time and expense of going to Nairobi, it was not cost-effective.

On the other hand, she considered UNEP to be a resource itself for really useful policy documents and reports. Emissions gaps and production gaps reports appeared to be very useful. Policy support documents like on Principle 10 would be used.

But UNEP “never appeared” on the national level in her country, which is an OECD member state. Her work at the international level was totally oriented towards platforms such as the UNFCCC and the Aarhus Convention. She acknowledged that it might be different for others, or it could also be due to a lack of awareness. In a post-pandemic world, it might also be easier to engage with UNEP due to online possibilities. Some organizations might rethink their engagement, and this might open more doors.

Analysis

Organizations such as IUCN, WWF and others have direct channels to various UN bodies and may not have an interest in going through the MGS process. Others have moved forcefully into focussed processes such as the UN FCCC. Some of these organizations find it fruitful to engage with the UN Environmental Management Group (EMG), which is an internal convening space for UN agencies to work together on core environmental issues, established as a system-wide coordination body in 2001. The EMG works by consensus of its 51 member agencies, and in practical terms on the level of Issue Management Groups (IMGs) with terms of reference, which produce a range of outputs including reports on priority issues such as environment and human rights, future generations and climate justice, and marine plastics. The EMG has an annual review process with a Meeting of Senior Officials. NGOs have been involved in “nexus dialogues” that set up the TOR for some of the IMGs. The first steps of an MGS-type of engagement took place in 2021 with the participation of the Children and Youth Major Group of UNEP in the Technical Segment and their engagement in the Senior Officials Meeting in 2021. While this was a step in the right direction, the role of observers is not clearly established. Even the Special Rapporteurs are not directly a part of the group, but appear as resource persons for training and other activities.

A few organizations find it worthwhile to be deeply involved in the MGS processes, those which have a broad view of the importance of engagement with UNEP. The larger environmental CSOs and the issue-oriented ones come and go. The former NGO representative in the interview said that a clearer process of agenda-setting might be one way for them to be more interested in becoming engaged.

It has been suggested that the UNEP Civil Society Unit should have a budget to do personal outreach to major environmental NGOs, whose experience and clout could greatly benefit other MGS. This should happen without neglecting the vast majority of MGS, in conjunction with an annual visit to the regions to meet with the leaders of civil society organizations (Strandenaes).

To exemplify, earlier in 2021, the MGS convened virtually to solicit inputs for UNEA-5. This meeting discussed the Stockholm+50 conference and specific opportunities for the MGS to build and outline a robust path towards sustainable and inclusive recovery from COVID-19. MGS representatives convened in a 250-person meeting, which concluded in the joint global statement, “Building Forward Better: Action is Urgently Needed,” which proposed a strategy focusing on three areas: the climate, biodiversity, and pollution (IISD, 2021). This demonstrates the increased approaches for UNEP to integrate MGS representation and incorporate space for them to make a declaration on climate action.

Opportunities to convene MGS representatives serve two important functions in revealing the successes and failures of UNEP. For instance, at the UNEP Global MGS Forum (GMGSF) prior to UNEA 5.1, participants discussed the necessity for governments to

launch negotiations to tackle plastic pollution through legal frameworks, adopt a mechanism to phase out pesticides by 2030, and to adopt and institutionalize global frameworks and innovative approaches on biodiversity (IISD, 2021). However, this space has also given the MGS an opportunity to express their frustrations and criticisms of UNEP's work. MGS representatives criticized the transformation of the Science-Policy Forum into a Science-Business-Policy Forum with insufficient MGS involvement. While the Defenders Policy is highly supported, UNEP can do more in safeguarding and clear acknowledgement of the role of Indigenous Peoples and environmental defenders working to protect the people and planet. The MGS also took issue with the failure to recognize the clear contributions and roles that the MGS has played in UNEP's programmatic work and implementation (IISD, 2021).

Perspectives from UNEP Civil Society Unit: Alexander Juras*

Alexander Juras serves as the Chief of the Civil Society Unit, previously the Major Groups and Stakeholders Branch, in Nairobi, Kenya. For the past 13 years, he has worked to facilitate the engagement of non-governmental organizations, particularly in inter-governmental decision making processes. Throughout the development of his work, his position has remained fundamental to the operational integration of non-state actors in UNEP, which has had major successes and difficulties over the past few decades.

When speaking of successes, Juras discussed how the deep engagement of civil society with governing bodies and UNEA is often dependent on the theme of the UNEAs themselves. If the theme speaks to people or to NGOs rather than an abstract idea, then there is a higher likelihood of stakeholder engagement through civil societies. Juras spoke of the robust participation of Children and Youth in UNEP's process vis-a-vis other MGS. He reflected that when he first started over 12 years ago, "Children and youth engagement was often very much facilitated by adults, sometimes even the representatives of children and youth organizations were adults. That has really changed, today there is more self-organization, more self-confidence, and more active engagement of young people and this is a good and important development." Speaking of other MGS groups, it was noted that the relative integration and active participation of stakeholders, particularly from the Global South, heavily fluctuated throughout his tenure. With business and industry, Juras discussed that they have channels where they are able to engage and operate outside of the MGS arena, through formal and informal ways.

However, despite the varying levels of engagement, the most salient achievement of Juras' time at UNEP regarding civil society engagement was notably the formation of a space during UNEA and UNEP processes that enable relevant stakeholders to discuss interventions. Compared to other UN agencies, UNEP's doors in principle are open for civil society engagement, where organizations of the MGS who want to be involved can give written and spoken interventions at meetings such as the Committee of Permanent Representatives, which was not a possibility 15 years ago.

In contrast to this, the difficulties of other MGS participation was attributed to varied reasons, from a lack of interest of grassroots organizations operating in political processes to a lack of access to Internet connection. Moreover, the physical distance between grassroots

organizations' headquarters and Nairobi was addressed as a point of concern pre-COVID. Even when civil societies wanting to organize in UNEP and UNEA's political processes address their concerns, it was noted that it does not mandate governments to take action based on MGS recommendations. Furthermore, Juras noted, "that many NGOs follow UN-type negotiations but are not interested or able to participate themselves actively, e.g., by providing written or oral input to draft texts formulated by governments. This is in particular the case for the many grassroots types of organizations whose focus is more towards local or national environmental issues, rather than engaging in international negotiations." Oftentimes, governments will not be effectively lobbied because written inputs can be overlooked or not taken seriously when the political statements and outcome statements have largely been decided before the meetings take place. This speaks to the disjuncture between providing a platform and a space for the MGS to engage and the true representative nature of the MGS who do engage with UNEP's political processes.

Moving forward, Juras alluded to the potential of creating new modalities for stakeholder engagement that allow for greater implementation and upscaling of the impact of MGS' contributions and voices. He reiterated that over the next 50 years, he "wants UNEP to develop into an organization that has an even more measurable impact on improving the state of our environment and which achieves this by honest partnerships among all parts of society. Only if we achieve that will we be able to address the triple environmental crisis we are facing." Ultimately the agenda of the issues that are brought to UNEA, he explained, are up to the member states. Yet, Juras mentioned that there is hopeful space for UNEA to be urged to advance the importance of non-state actors, and in particular the MGS who have been left behind throughout the process.

*Interview with Alexander Juras, October 2021.

While the MGS have been pivotal in increasing the engagement of formerly excluded and underrepresented populations, the testimonials of GAYO and the UNEP Civil Society Unit indicate that there is still progress to be made in engaging stakeholders through an inclusive and equitable process. While the MGS process enables the participation of diverse stakeholders and the knowledge they carry, the tendency of Member States to ignore recommendations of the MGS based on this knowledge reflects the gap between the purpose and true impact of MGS.

As Gupta and Stec (2014, 3) note, it is necessary to reflect on the rise of stakeholder participation and the subsequent pros and cons of various engagement processes "before delving into the details of UNEP's options". Two contradictory ideological positions explain the "genesis" of stakeholder engagement since the 1950s according to the authors, mainly a call for "deeper democracy" and smaller government respectively. Together, this has reinforced the call for stakeholder participation at the "national and increasingly at international level". Consequently, in the environmental field, due to the need for all-of-society responses, there has been a greater sharing of power and responsibility with non-state actors over the past 50 years. While a positive development on one hand, this has sometimes contributed to ad hoc, sporadic and disjointed attempts at addressing environmental problems, as an often under-resourced civil society has been left to address shortfalls in the capacities of authorities.

Here, UNEP has a crucial role to play in acting as “a collaborator, a catalyst, and a coordinator” in line with Strong’s founding vision (Ivanova 2021, 218). Through providing increased capacity and opportunities for engagement, it can help civil society and relevant stakeholders to effectively collaborate on common environmental concerns and support “coherent implementation” between state and non-state actors. This will be particularly important at the local and national level, where stakeholders are currently less likely to engage with UNEP according to Dodds and Halle (2016). Indeed, the survey findings accompanying this report suggest a greater appetite for more continuous engagement at devolved levels (i.e. beyond higher level events such as UNEA), something which may be supported through additional hybrid approaches to stakeholder engagement.

Pros and Cons of the Major Groups Approach

On one hand, the development of the MGS approach has made significant progress in deepening the recognition of civil society and non-state actors and broadening the avenues for an all-out stakeholder participation within UNEP. For instance, prior to the UN Conference on Environment and Development, in Rio in 1992, all stakeholders were lumped together under the “non-state actor” heading NGOs, with an interpreted differentiation only possible between the private sector NGO and “other” NGOs (Gupta and Stec 2014; Dodds and Halle 2016). However, this approach failed to recognise the reality of a broad range of different stakeholders with a diverse set of perspectives. Hence, the Rio 1992 paradigm shift to a major groups approach offered “a great opportunity...to engage these other *sectors* of society as a catalyst for implementing Agenda 21” (emphasis added), an analysis which arguably also applies to the current Major Groups & Stakeholders (MGS) approach (Dodds and Halle 2016, 5). For example, Felix Dodds noted that “(t)he voice of women and youth is critical, especially if you want a gender perspective and if you’re looking at future generations and generational-inequity”.

On the other hand, Halle (in Dodds and Halle 2016, 2) argues that the MG(S) approach seemingly moved away from Strong’s all-encompassing and holistic perspective of the environment as an “integral part” of everything, rather relegating it to a mere “junior partner in relation to all of the other *sectors* it seeks to influence” (emphasis added). Indeed, in this light, MG(S) mirrored the broader fragmentation and division which has emerged within civil society and other stakeholders since the 1960s, with a subsequent decline in the power of large broad-based (albeit insufficiently inclusive) umbrella groups such as trade unions. These pillar institutions, despite their failings, arguably fostered a greater sense of common purpose and collective strength, as opposed to the current plurality and particularisation of interests which perhaps has weakened the pursuit of shared (existential) goals and co-ordination of overarching strategies (Dalton 2009).

Consequently, there is a danger that within a diversified and possibly divided MGS stakeholder engagement structure, narrow group interests may take precedence over collective environmental concerns. Specifically, in a draft “Proposal for increased recognition of the role of environmental NGOs in the new UNEP” (2013), Wates notes a prevailing paradox whereby nature has no voice in stakeholder processes despite it being the *raison d’être* of UNEP. Indeed, the paper highlights “how within the current ‘nine major

groups' configuration, environmental NGOs are not even recognized as a key partner, being just a subset of the NGOs major group", with the majority of major groups and NGOs representing a sector of human society. Hence, environmental protection is, to a greater or lesser extent, just one of a number of objectives such stakeholders might have.

With such a sectoral and interest group-approach increasingly coming to the fore - arguably at the expense of an expertise led issue-based approach to improving environmental outcomes - it could be therefore argued that the MGS approach "has stood as a barrier to effective participation" rather than a cohesive enabler of effective civil society engagement and subsequent environmental protection (Gupta and Stec 2014, 7). Specifically, it is clear that the current MGS approach has inevitably created certain "imbalances and a 'silo' approach to engagement", one which is by no means natural or inevitable (ED Expert Report 2013, 4). As Gupta and Stec (2014, 3) observe, the nine major groups approach consists of "somewhat random categories of society in general, and also includes large overlaps". For instance, Dryzek commented: "On the one hand civil society is represented which is good that (they) are recognised" but he also wondered "if the formalisation of Major Groups means a distinction between insider groups and outsider groups, who are actually excluded by that structure".

Similarly, it raises the question of where, when and how one can draw the line when it comes to including various *sectors*, interest-groups and individual categories that are affected by environmental concerns, and if common environmental concerns are consequently neglected in the process. As Dryzek remarked, "(t)here is a danger (to bring more groups in), just bringing more groups in, it looks like democracy, but I think you have to do democracy right. And just bringing in more actors or groups is not necessarily going to help."

In short, additional stakeholders should not be included simply to make up the numbers. As is stands, Strandenaes² notes that "the entire activity" of stakeholders "has never been properly counted in such a way that the entire number of NGOs involved globally for UNEP is displayed." Rather than focusing on the sheer quantity of stakeholders as a metric of success, meaningful stakeholder engagement among relevant stakeholders must also be assessed in order to further strengthen civil societies engagement within UNEP and UNEA processes. To this end, UNEP stakeholder engagement processes should aim to bring about the biggest diversity of voices and perspectives possible with respect to the theme being dealt with (i.e. inclusion of relevant stakeholders'). However, in addition to bringing different voices to the table, stakeholder engagement processes and mechanisms must also ensure a cohesive and coherent focus on improving environmental outcomes. As noted in the Geneva Report³, "(w)ith an emerging organisational system pointing to 2022 and beyond, integrating major groups, civil society and relevant stakeholders and strengthening their position in the system would add value and credibility to UNEP."

² In his paper "*Quo Vadis UNEP, UNEA, major groups and civil society organisations - Will we participate to work - or work to participate?*"

³ https://wedocs.unep.org/bitstream/handle/20.500.11822/13474/the_geneva_report_a_new_unep.pdf?sequence=1&isAllowed=

Major Group Imbalances: Business Cohesion vs. NGO Confliction?

Not surprisingly, there is seemingly little uniformity or common structure between or within these existing broad MG categories. For instance, the category “farmers” alone includes “small-scale farmers, fisherfolk, pastoralists, and foresters” (UNEP 2013)⁴, not to mention what could be described as “large agricultural interests” which often promote the use of practices (e.g., fertiliser and pesticide-use) that lead to environmental degradation. As Gupta and Stec (2014, 3) allude to, “there are farmers and farmers – and their interests in the environment may also be extremely diverse.” But evidently, not all “farmers” or indeed relevant stakeholders or broader members of civil society are equally resourced, nor do they have an equal voice.

Similarly, the somewhat controversial role of “business and industry” within the MGS tent has been previously raised by expert reports, academics and is also one such finding repeated in the civil society survey accompanying this report. For instance, Gupta and Stec (2014, 7) note how “one major impediment” of the current MGS approach “has been the lumping of business and industry together with civil society groups.” Consequently, it could be argued that business and industry invariably crowd out the participation of other relevant civil society stakeholders whose voice may already be marginalized. However, as some interviewees have noted,⁵ business representatives have channels where they are able to engage and operate outside of the MGS arena, through formal and informal ways. Yet another interviewee noted that prior to the adoption of the MG approach, business and industry, represented by Chambers of Commerce, was one of only two stakeholder groups, the other being NGOs, and that the addition of more Major Groups has therefore improved balance (Sascha Gabizon). A thoroughly researched scholarly assessment of the ways in which business and industry engage with UNEP both inside and outside the MGS context would be a valuable contribution to the debate, with an aim towards proposing recommendations for adoption by UNEA.

Additionally, there are also many NGOs - particularly those at the national and local level - that lack a voice at the table, something which in itself is worthy of further research. Some of this may be due to the cumbersome accreditation process and accompanying criteria which may act as a potential barrier to local actors while inadvertently benefiting those stakeholders with the deepest pockets, resources and institutional “know-how”. However, this is a view contested by one interviewee⁶ who stated that the process “is pretty simple, it’s not a difficult thing to do”. Moreover, the participant noted how the current accreditation process is preferable to a more “fluid” (and perhaps less bureaucratic system), when noting that “ultimately it’s about security, and whether the organisations are real organisations, you want organisations that have been in existence for a respectable period of time, that show you are a real organisation”. Nonetheless, some relevant stakeholder expertise and input pertaining to specific environmental issues may be excluded from current

⁴ https://wedocs.unep.org/bitstream/handle/20.500.11822/14610/Stakeholder_Engagement_at_UNEP.pdf?sequence=1&isAllowed=y

⁵ John Dryzek (approve comment) and Juras

⁶ Felix Dodds.

engagement processes, particularly at national and local levels where UNEP's presence may be weak.

Rather than being excluded, some stakeholders are voluntarily choosing not to engage with current UNEP stakeholder processes. For instance, Halle (in Dodds and Halle 2016, 3) suggests that some NGOs critical of Member State inaction on the environment may see UNEP as "part of the problem". While others with their own *raison d'être*s, resources and reputation may justifiably feel that UNEP has little to offer. While these arguments made by Halle (2016, 2) evidently require further empirical research, his suggestion that "the NGOs wishing to interact with UNEP are self-selecting" is in line with the well-researched "shortcomings and distortions of 'open' and 'closed' calls for participation" (OECD 2020, 82⁷). Consequently, it has been argued that NGOs that do engage with UNEP processes tend to be those organisations with an international mandate whose focus is on cross-border (as opposed to local) issues (Dodds and Halle 2016). However, this should not be seen as inevitable, as one interviewee⁸ noted that UNEP does indeed benefit "small and medium sized organizations" more so than international organisations like WWF or Greenpeace, but that the former (which generally don't have the knowledge, understanding or appreciation of UNEP) need tailored support and capacity building to enable them to effectively participate.

Nevertheless, many have perceived that the Major Groups system functions as a subset of non-state actors and is given a mandate to speak for all within a given major group or sector, which perhaps lends itself to representative and legitimacy problems, also an issue that warrants further study. If the organizational and formal issues pertaining to the major groups system including formalities governing UNEP are not known and understood, it may invariably lead to important national and local voices of relevant stakeholders working on serious environmental issues being absent from UNEP's work. This viewpoint chimes with the conclusions of previous expert reports which called on UNEP to ensure "fair treatment" of civil society and stakeholders at the national level (ED Expert Group, 2013), and was a key finding from the consultation sessions and accompanying survey conducted as part of this report. Specifically, survey respondents called on UNEP to be "more active at national and regional levels" and to also "(e)ngage local and national levels to allow a diversity of voices to be engaged in UNEP stakeholder engagement mechanism."

The Means Vs Ends Debate

Several reports have argued that the present MGS system is unbalanced. These reports often conclude by asserting that there is a potential for relevant stakeholders - particularly those at local and national levels - to be crowded out due in part to the attributes of the accreditation system. There are also issues surrounding the representativeness and legitimacy of existing stakeholders. For instance, one interviewee commented that "(m)y

⁷ <https://www.oecd-ilibrary.org/docserver/339306da-en.pdf?expires=1632578872&id=id&accname=oid006516&checksum=F68F27F0E155A98B8C0BE74BA5FB1F4A>

⁸ Felix Dodds

sense is that with the Major Groups, in terms of who is active in those groups, it's those people who are very much at home in the system" (Dryzek) while another referred to them as "groupies". Similarly, Gupta and Stec (2014, 3) question whether some MSGs really have "the interests of the environment at heart." This is not to in any way disparage the passion, commitment and expertise that the vast majority of representatives of these groups bring to the table, but more so to critique whether the "environment" is perhaps but one of many competing, insular and indeed often conflicting concerns and goals of MGS interests.

However, two counter-arguments are offered by Felix Dodds in this context. Regarding the issue of representativeness, he notes that "there is a democracy element", and while "(s)ome of them (MGS representatives) are very good a servicing (the needs of) their members, some are less so...and if they are less so, chances are they'll get replaced when the election comes up next time". Moreover, he importantly states that "the elected representatives *aren't* meant to sit at the table, they are meant to facilitate finding the experts to sit at the table". Hence, rather than crowding out relevant stakeholders, from this perspective, MGS should "act as interlocutors and facilitators." However, within this context, it is important to note nine major groups are not intended to be "gatekeepers" nor exclude any non-state actors or stakeholders.⁹

Secondly, despite the perceived faults of the current MGS structure, Felix Dodds (in Dodds and Halle 2016, 5) notes how the environment simply did not register as a significant "interest" of many groups prior to Rio 1992. However, since then the MGS approach has offered the opportunity to constructively collaborate with a variety of partners, build coalitions and ultimately "engage these other sectors of society as a catalyst for implementing" positive environmental change has occurred. Nevertheless, Halle's (in Dodds and Halle 2016, 9), rebuttal of Dodds's point is worth reflecting upon:

"The questions remain: in terms of advancing sustainable development over this period, has the approach favoured for engaging with UNEP worked better than the traditional approaches used by the different stakeholder groups? Are our successes the result of this form of investment? And are we confident that this form of engagement paid more dividends than other approaches might have?"

In short, Halle argues that environmental outcomes have regressed (further) since Rio in 1992. This is despite the augmented environmental awareness over the past three decades, arguably one of the undoubted successes of UNEP, and the subsequent "(p)aper promises we have by the ship-load" in terms of appropriate policy and political action (Ibid). Indeed, the most recent IPCC report undoubtedly reaffirms this view that where it matters most, we have mostly failed (in spite of many good intentions). In the words of the current UNEP Executive Director, Inger Andersen: "The world *listened*, but it didn't *hear*. The world *listened*, but it didn't act strongly enough".

The question is firstly why we have collectively not heard - and why does this "knowledge-action gap" (Knutti 2019; also see Garschagen et al. 2020) between

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https://wedocs.unep.org/bitstream/handle/20.500.11822/13474/the_geneva_report_a_new_unep.pdf?sequence=1&%3BisAllowed=

environmental science and subsequent environmental action still remain when it comes to existential problems such as climate change, loss of biodiversity, destruction of the ecosystem services and increasing pollution to mention a few of UNEP's key concerns. The second question is how can we capitalize on the energy, experience and expertise of civil society through engagement processes which work for - not aside from or against - our environment. By all accounts, we cannot fail. The stakes are too high and now there is no longer time to pretend and extend. We therefore must be brutally honest in our assessments and unrelenting in our quest to put environment protection first - not as an after-thought, but as the integral part of everything we do - over the next 50 years.

From Better Processes to Better Outcomes?

The debate between Halle and Dodds perhaps encapsulates the classic dilemma of green theory, one best surmised by Goodin's (1992, 160) statement that *"to advocate democracy is to advocate procedure, to advocate environmentalism is to advocate substantive outcomes: what guarantee can we have that the former procedures will yield the latter outcome?"*

Putting aside for the moment that Wong (2016) and others have argued that this dilemma can be overcome, through this lens we can make the paradoxical statement that the current UNEP stakeholder process is both succeeding and failing at the same time. Dodds (2016) and others are right to celebrate the success and solidification of an inclusive, albeit imperfect, stakeholder engagement model. As earlier alluded to, in that sense we have seen significant progress. Yet, taking Halle's viewpoint, this has not been enough to stem the tide of environmental destruction over the past three decades.

When we note the success and failures of UNEP over the past fifty years, outlined in this report and in the accompanying survey of civil society, we must do so with the intention of learning and evolving our knowledge over the next half century. As UNEP turns fifty, "this anniversary provides an opportunity to reflect and rethink, to forge a renewed identity for the United Nations Environment Programme" (Ivanova 2021, 53). As previous independent reports into UNEP stakeholder engagement have surmised, we are "not bound to follow a historical approach based on Agenda 21" and therefore we must be clear-eyed in our analysis, learning from both our achievements and shortcomings (ED Expert Report 2013, 3).

Moreover, we must do so with two primary questions in mind if we are to critically learn and evolve over the next half century. *Firstly, how well has UNEP's civil society engagement worked? And secondly, how has UNEP's civil society engagement worked for the environment?* To use Peter Drucker adage, "you manage what you measure" - and thus these two questions - the former one regarding the democratic process and the latter one of environmental outcomes - should not be separated, but viewed as part of achieving one and the same end (i.e. better democratic processes and better environmental outcomes). To achieve this end, then the successful "scientific consensus that UNEP can help draw out around key issues" must be likewise "matched by a serious attempt to reach a policy

consensus on the appropriate response” (Halle 2007, 2). It must also aim to translate both aspirational and concrete policy (recommendations) into implementable actions at the global, national, regional and local levels.

We cannot settle for anything less than the boldest of ambitions, no matter how long or hard the journey may be. To simply seek a (slightly) “better” UNEP stakeholder engagement process in isolation, with more bells and whistles added, will be akin to seeking extra space on a sinking ship - if it does not seek to address the fundamental issues at hand relating to rapid environment degradation as outlined in the most recent report from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). As stated by one interviewee, we need “to see something much stronger – what we need is something that brings all the different aspects together (of the environment), and it seems to me we need something to do that, whether it’s a strengthened UNEP or a World Environmental Organisation, somebody should do it!” (John Dryzek). Likewise, Halle (in Dodds and Halle, 2016, 4) concludes that this “*implies a fresh approach both by UNEP and by the NGOs. It is also, interestingly, a “back to the future” return to the original vision for UNEP crafted by its founder Maurice Strong...*”.

However, as the 2013 draft “Proposal for increased recognition of the role of environmental NGOs in the new UNEP” states: “Strengthening the recognition of environmental NGOs in the new UNEP would not be a radical step”. Specifically, the paper proffers one simple solution to address the aforementioned imbalance within the MGS structure. In short, it recommends “that UNEP recognize environmental NGOs as an additional distinct major group with a guaranteed seat and voice in UNEP processes.” Moreover, it proposes that where time is limited (for example, within a given UNEP or UNEA process), “priority should be given to including a MGS representative speaking on behalf of the environment itself”, although this does not necessarily entail a specific speaker from an environmental NGO, but instead a conscious environmental focus from a given speaker. Consequently, it argues that other major groups “need not lose out in any significant way from such recognition being accorded to environmental NGOs”. Overall, the paper highlights how it has been three decades since the introduction of the nine major groups approach under the framework of a sustainable development forum, with little if any adjustments made since to account for the fact that UNEP, as “the leading global environmental authority”, should ultimately be an environmental forum. In short, it concludes: “It is time to change this.”

As UNEP continues harnessing strong ties with the MGS and being an effective environmental champion, it is fundamental that it identifies dynamic and innovative ways to reach out to the growing civil society and broadening stakeholder spectrum.¹⁰ By building on this, it is crucial to create relevant contexts where such fresh and forward thinking can be powerfully expressed, while being transmitted to a wider audience. This will address the underrepresentation of indigenous groups and people from the global south who oftentimes have greater difficulty accessing UNEP spaces.

¹⁰ While UNEP has enjoyed an overall satisfactory engagement with MGS, stakeholders from the global south and especially indigenous peoples continue experiencing underrepresentation and engagement. For more on this refer to Annex 2.

A precedent of the latter exists at least since Resolution 2.5 adopted at UNEA 2 on Delivering the 2030 Agenda for Sustainable Development which specifically requests the Executive Director:

[T]o initiate new multi-stakeholder partnerships, where appropriate, and within available resources, and strengthen existing ones, including with the private sector, civil society and other relevant stakeholders, to promote activities that contribute to delivering the environmental dimension of the 2030 Agenda for Sustainable Development.

It is thus fundamental to ensure that while UNEP continues working towards the achievement of the SDGs, it simultaneously strengthens its stakeholder engagement policy to effectively reach a geographically diverse and equitable MGS representation. Yet, there are many barriers to be overcome before completely fulfilling this goal. For instance, a little over half (54%) of survey respondents consider the current UNEP stakeholder engagement system as adequate for the future. This figure is worrying in its own right, but to contextualize, since the majority of surveyees (65%) are accredited by UNEP, we could expect a certain self-selection bias regarding survey respondents who are most aware and entwined in the existing MSG process. Specifically, since “[t]he vast majority of civil society activity is local or, at most, national and the vast majority of NGOs have nothing to do with UNEP” (Halle 2016, p. 2), we might expect to find, upon a full engagement of global civil society views, which was not within the scope of this report but should be subject to further research, that these relative “outsiders” have an even more negative perception, even if this differs from the reality, of the current model.

Furthermore, it is worth remembering that Paragraph 88(h) directly requests UNEP to “[e]nsure 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”. In the framing of the quote above, Strandenaes et al. (2013) highlight the definitive involvement of Major Groups and Stakeholders at a high and influential level in the formulation of the contents of *The Future We Want*.

Involving all stakeholders in UNEP and UNEA

Stakeholder engagement in UNEP and UNEA processes is an absolute necessity to maintain the credibility and legitimacy of this intergovernmental organization. Whereas there was a noticeable and significant increase in the number of non-state stakeholder participation in all UN affairs up until the turn of the century, there seems to be a guarded reluctance among many stakeholders to embrace participation opportunities in intergovernmental organizations today. Noted Marcus Orellana in an interview with the authors of this report: “Public participation is a key element of strengthening the environmental dimension, yet we don’t see progress in this area. UNEA is created, there is some increase in budget, but where is the public?” Orellana continued: “The current MGS process runs the risk of token participation. Filling slots of each MG becomes a priority rather than a broader tent of environmental voices. Allocation of slots by MG is not really useful.

UNEP needs a broader tent model that would not exclude other voices. In the UNEP context, COW (Committee of the Whole) and CPR participation is more important than UNEA itself. The contact groups and other mechanisms need to be the focus of civil society engagement, and that needs to be confirmed in the rules.”

With regard to improving stakeholder engagement at UNEA, Strandenaes et al. (2017,9-10) notes the shortcomings of the “Global Major Groups and Stakeholders Forum” (GMGSF). The GMGSF side-event, which precedes the main UNEA session, provides stakeholders with a rare opportunity to integrate their positions and promote their agenda(s) within the context of the previous and forthcoming UNEA cycle. However, the authors note how the absence of key stakeholders, inadequate preparation and the overall lack of “a well-briefed strategic drive” has served to frustrate the potential of the forum. Yet, their empirical evidence also detected some support for changing the format of the three-day GMGSF event amongst stakeholders.

Consequently, under a proposed revised format, Strandenaes et al. (2017,9) suggest time for “orientation and finalizing stakeholders’ positions” on Day 1 in order to ensure “an integrated approach can be developed regarding a chosen theme”. This could then be followed by the “promotion of roles and activities...(and) opportunities for collaboration” on Day 2 of the forum, with the final Day 3 reserved for “horizon-scanning and forming views on the priorities for UNEP/UNEA work and engagement over the following two-year cycle, and for discussing possible implementation partnerships”. However, such a restructuring of GMGSF would ultimately require adequate support, resources and capacity-building by UNEP, something which should be considered.

In addition, the authors note that UNEA’s “rules of procedure should allow voices of stakeholders to be heard” to ensure the importance of their role is adequately recognised. This may be difficult to achieve given the existing time pressures of UNEA. Yet, interestingly, Strandenaes et al. (2017, 10) suggest “a system for writing some speeches by all types of speaker into the record without delivering them orally...(as is permitted in the American Congress)” as one way to overcome this problem. This may also help to alleviate the concerns of critics such as Halle who have expressed doubts regarding the very efficacy of such speeches and questioned why NGOs (would) put so much effort into these contributions which are ultimately for the record.

Another proposal in regards to the GMGSF that has been discussed at various fora, including the GMGSF itself, has been to increase the profile of the GMGSF separate from the UNEAs to which it is a preparatory process. The GMGSF could still be held in close proximity to a given UNEA, but there could also be an additional GMGSF on off years which would be a standalone event and produce outputs that would challenge the international community on issues and give time and scope for greater influence on the setting of future UNEA agendas.

Opportunities for Continuous Engagement

Furthermore, Strandenaes et al. (2017, 10) also note the need for “Governments, UNEP and stakeholders to hold “genuinely interactive meetings” at UNEA to find common

solutions to critical environmental problems. Importantly however, UNEA cannot be seen as a stand-alone event for such meetings. On the contrary, effective outcomes can only be achieved through “well-informed and adequately resourced interaction” between actors throughout the proceeding two-year cycle. This view has been echoed within the feedback from consultation sessions and surveys which accompanied this report, as stakeholders have clearly sought more opportunities and resources for continuous engagement within a given UNEA cycle, particularly at the local and national levels.

“So, it is timely to review what could be done to reinvigorate the stakeholder engagement processes of UNEP and UNEA, and thereby to help stimulate higher levels of engagement and political commitment to international action on the environment” (Strandenaes et al 2017, 13).

As it stands, UNEP and its Member States “do not achieve enough engagement in depth and breadth with stakeholders (and between stakeholders)” between UNEA sessions (Strandenaes et al. 2017). Although additional resources and capacity-building is clearly required, this alone will not be enough to enhance stakeholder engagement processes. Instead, there is a need to further “improve and diversify” the mechanics of engagement processes to attract a wider and more relevant pool of stakeholders. Consequently, Strandenaes et al. (2017, 6) cite the need for “an inclusive, transparent and well-organised plan or system for engaging stakeholders of all kinds in a continuous way throughout the work of UNEP and UNEA” (emphasis added). Herein, there is potential for new mechanisms, such as enhanced hybrid approaches and deliberative processes, to foster continuous stakeholder engagement and strengthen environmental outcomes.

However, there should be no “one-size-fits all” approach to the stakeholder engagement processes. Instead, engagement processes should be flexible and responsive to both the given issue and the (varying) needs of relevant stakeholders (Gupta and Stec 2014; Strandenaes et al. 2017). Additionally, multi-stakeholder engagement processes should allow space for the perspectives of different stakeholders, from scientists to NGOs and business groups, to be adequately deliberated upon (Strandenaes et al. 2017, 6-8). Overall, Strandenaes et al. (2017, 6) conclude that “careful planning and sequencing of activities, meetings and other contacts over the whole biennial UNEA cycle, and the whole of UNEP’s Programme of Work” is required to ensure effective and continuous stakeholder engagement processes.

Accreditation:

The report of the UNEP Executive Director’s independent expert group on stakeholder engagement processes at UNEP (2013, 17) cited numerous issues with the accreditation criteria. Specifically, the report concluded that the criteria presented “challenges to the inclusion of important groups and organizations within civil society”. Consequently, the report concluded the process “should be changed” in order to improve the representative function of UNEP stakeholder engagement processes, with subsequent academic papers mirroring this finding (e.g. Krug et al. 2020). For instance, the report recommended that the requirement for an organization to be active in more than one country

(i.e. international) be removed, as this may restrict the participation of relevant local and national groups, while serving as a potential barrier to peoples' organizations, membership based organizations, and social movements.

Likewise, the requirement for an accredited organization to be "in existence for at least two years" (Gupta and Stec 2014, 2) may also act as a significant barrier for social movements. Herein, the expert group (ED Expert Group 2013, 17) concluded that the burden should be on a proposed Environmental Civil Society Mechanism (ECSM) to decide how to include social movements and non-registered organizations, learning from relevant international experience. The ECSM would aim to involve groups most affected by policies under discussion, including social movements and non-registered organizations, following the model of the civil society mechanism of the FAO's Committee on World Food Security. Deliberative processes (discussed below) also have the potential to allow for participation of a representative subset of the public affected by policies under discussion and relevant stakeholders selected through an open consultation process, as well as inputs from an advisory body of independent experts and affected citizens' feedback on speaker selection.

However, this viewpoint is not shared by Dodds, who notes that the current accreditation process "is pretty simple, it's not a difficult thing to do", while also warning against a more fluid system when stating:

"Ultimately it's about security, and whether the organizations are real organizations, you want organisations that have been in existence for a respectable period of time, that show you they are real".

Nevertheless, given the apparent lack of regional, national and local stakeholders, the expert report calls for the establishment of "a focal point system". The report suggests this could include "both constituency focal points and regional or sub-regional ones" which would have responsibility for "accreditation, procedures (filling seats etc.), budgets and allocations, (and) managing a trust fund" (ED Expert Report 2013, 18). This is particularly important given Krug et al's (2020, 208) assessment that "(m)arginal participation from different regions of the world should be addressed by including financial support as well as better and transparent accreditation criteria, to properly address the underrepresentation of groups". Additionally, the ED Expert Report (2013, 18) recommends that thematic working groups "open to all constituencies and all organizations in the different regions" be established through the focal point system "to prepare civil society input to UNEP deliberations and activities". Importantly, the report (2013, 18) posits that such restructuring 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".

Regarding the fate of the Major Groups Facilitating Committee (MGFC), the ED Expert Report (2013, 15) proposed that the current major groups system be replaced by the ECSM. Likewise, Gupta and Stec (2014, 7-8) propounded that it could be abandoned or at least revised in order to take out business and industry, science and technology, and local government; however, as the ED Expert Report alludes to, even if only some of the groups

are delisted, this would inevitably result in the remaining groups losing “their justification conferred upon them under Agenda 21”, with a consequent “need to establish criteria and to start again”. Overall, the expert report notes the importance of entering into direct dialogue with those representing “the 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” (ED Expert Report 2013, 4).

Nonetheless, Gupta and Stec (2014, 8) state that this would not necessarily mean the exclusion of the aforementioned major groups (specifically business and industry, science and technology, and local government); on the contrary, they argue that “(r)ather than limiting their participation...separating them from the other groups would in fact allow each to stand on its own in an appropriate relationship towards UNEP bodies and processes”. Specifically, they posit that this may mean “an enhanced level of engagement, for example in an advisory capacity in the case of science and technology, and in strategic planning and implementation of programs and projects in the case of local government” - something which will be further illuminated in the following section. The establishment of a panel of global, transdisciplinary science advisors has also been proposed by Ivanova to build its authority towards a dynamic platform for sharing best practices and coalition-building (Nature 590, 365-2021).

The Rio+20 conference in 2012, 40 years after the establishment of UNEP, called on all UN member states and all non-state stakeholders to upgrade their work and commitment to safeguard the environment. Paragraphs 87 to 90 of the Rio+20 Outcome Document dealt with strengthening UNEP’s role and its position within the UN system including establishing what became the UN Environment Assembly (UNEA). Paragraph 88(h) states that it is important to “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”. This subparagraph was widely interpreted as a call for the stakeholder engagement policy to be upgraded. Efforts to improve the accreditation process in UNEP following the 2012 Rio+20 decision proved difficult. The most complete accreditation procedures under the aegis of the UN are those found in ECOSOC resolution 1996/31. The present system at UNEP has obviously been inspired by this resolution, but as several observers have pointed out, despite the fact that the resolution allows for protection of organizations seeking accreditation, following the ECOSOC resolution might make accreditation to UNEP more complicated. The current system in place is considered by some Member States and stakeholders to be adequate, in that it leaves accreditation decisions to the experienced and professional competence of UNEP’s Civil Society Unit.

Information, Expert Input & Decision Making

Beyond the cited accreditation issues, the calls for accessible, transparent and open information, mechanisms for expert input and advice, and working methods and processes for stakeholder contributions towards intergovernmental decision-making processes may be considered together with respect to the “advisory” function of stakeholder engagement. Specifically, Gupta and Stec (2014, 7) state that this “relates to the quality of information that

is available to the responsible authority, which in turn is a major determining factor as to the quality of the resulting decisions and policies". However, it is questionable whether quality information - whether it is best-practice "science" (i.e. used broadly to include citizen, social and political sciences), indigenous and local knowledge systems, the advice of relevant lay persons, practitioners or stakeholders - is advanced within current stakeholder processes (ED Expert Group 2013; Gupta and Stec 2014). This is despite the fact that Halle (2007, 2) propounds that "UNEP should be the source of the best science supporting policy", a viewpoint that he contests should be relatively "free from controversy" and one which is broadly reflected within the results of the survey accompanying this report.

In order to address this issue (i.e. ensure start of the art: 'evidence informs policy'), a strong case has been made for separating certain major groups from the existing "representative" function of the major groups mechanism and instead incorporating them within a new "advisory capacity", which is regarded by some as best international practice (ED Expert Group 2013; Gupta and Stec 2014; Garard and Kowarsch 2016). Specifically, Gupta and Stec (2014, 7) cite how an advisory function could be "carried out through an Advisory Body (AB) with a permanent status whose membership may fluctuate, and which may be called upon from time to time to provide expert input and advice". Importantly, they also note that "not only technical expertise...should be included in an advisory role", but also other forms of relevant knowledge relating to a given theme, geographical or specific issue. Likewise, the ED (2013, 5) expert report envisages that "(s)cience, business, local governments and the ECSM would all play a role in the Advisory Body and a potential High Level Panel of Experts".

Regarding a potential ABs structure, the (2013, 5) expert report states that it "could consist of 10-12 seats with members from science and technology, business, the ECSM, local governments, and intergovernmental organizations, selected through self-organizing caucuses". Importantly, such ABs should seek "a broad diversity of actors inter alia representing different scientific disciplines, governments and other institutional affiliations" (Garard and Kowarsch 2016, 7), while also striving to maintain a gender and geographical balance where appropriate. As envisaged, an AB could help with the ECSM to "prepare and identify issues that should be on the UNEA agenda" (ED Expert Group 2013, 18) which would allow for better coordination, collaboration and catalysation in line with Strong's founding vision of UNEP (Ivanova 2021). Specifically, the ED (2013, 18) expert report states that the ABs themes of work "could change based on UNEP's themes, and therefore would not be based on the MGs anymore", with the argument advanced that this approach "would be less complicated, and would eliminate the "silent voice" problem" (i.e. the adequate representation of the environment which is questionable within the existing MGS structure).

In addition, Garard and Kowarsch (2016, 7) cite the potential for a convened "Multi-Stakeholder Advisory Body"...to oversee and organize stakeholder engagement without overly controlling it". Specifically, they note that such bodies "could define the objectives for engagement in a systematic and transparent manner, and ensure they are consistently communicated". Additionally, the authors suggest that such a Multi-Stakeholder Advisory Body could help to determine the criteria for stakeholders according to a given environmental problem, despite appropriate engagement processes tailored to those relevant stakeholders and issues, and work to ensure that "the outcomes of engagement activities are actually taken seriously and used appropriately", including through overseeing

“ongoing evaluation of stakeholder engagement methods”. In short, such ABs - particularly thematic and regional advisory bodies - offer potentially new and exciting avenues for the involvement of centers of excellence and experts.

Checks and Balances on an Advisory Function

Nevertheless, advisory bodies must avoid becoming politicized and be held to the highest ethical standards in terms of transparency, openness and accountability. In addition, while the “science” (in the broadest sense) must lead, it should not dominate nor exclude “other values and principles in assessing decision alternatives” (Wong 2016, 146). Ivanova (2021,19) has propounded that UNEP achieve most when “(i)t resolved problems and launched important processes when it had the means to provide scientific evidence”. However, on the other hand, “(s)uccess eluded UNEP when it competed with other institutions and failed to renew its commitment, sustain its engagement, and provide continuity to projects, programs, and initiatives”. This latter point points to the inability of UNEP (and indeed the community of environmental scientists, experts and practitioners more generally) to overcome the prevailing “knowledge-action gap” (Knutti 2019) between environmental science and environmental policy. In this regard, the remarks of Gus Speth, a former US Presidential advisor,¹¹ and Executive Director of UNDP, are worth reflecting here:

“I used to think that top environmental problems were biodiversity loss, ecosystem collapse and climate change. I thought that thirty years of good science could address these problems. I was wrong. The top environmental problems are selfishness, greed and apathy, and to deal with these we need a cultural and spiritual transformation. And we scientists don’t know how to do that.”

Herein, according to Halle’s (2007, 2) earlier reflection on “The UNEP We Want”, the organization's achievement with regards to shaping a scientific consensus “must be matched by a serious attempt to reach a policy consensus on the appropriate response”. Specifically, Halle states that “(i)f the best science is to lead to the best policy, then science people have to be mixed with policy people”. In short, this highlights the importance of ensuring a diversity of epistemological traditions, disciplines and skill sets within any advisory body format (something already acknowledged, given the increased emphasis on enhancing scientific communication and engagement, for instance via the evolution of civic and citizens’ science in recent years) in order to maintain a balance in “the type of evidence the experts choose to provide and the manner in which they present this” (Roberts et al. 2020, 6). It also reiterates the requirement for a strong and relevant representative function - with the involvement of “actual rights holders – i.e. the affected communities!” (Gupta and Stec 2014, 4) - that is separated and independent from the advisory function; thus, fostering a balance of power and ensuring a plurality of values are included in recommendation, decision-making and implementation processes.

¹¹ [Gus Speth - Earth Charter](#)

Overcoming the Representative Dilemma

As is evident from the previous section, Strandenaes et al. (2017, 12-13) note there are “many positive synergies between the work of UNEP and UNEA and that of many different stakeholders”. Relevant stakeholders can provide valuable knowledge and insights into specific issues while helping with “monitoring and assessment” of environmental concerns at the local, national and international level. They can also play a crucial catalytic role in drawing “attention to problems” and “building political pressure for ambitious and effective action”. Moreover, relevant stakeholders can assist with “capacity and institution building and in implementation”, while conversely, their engagement with UNEP and UNEA processes may provide additional perspectives, expertise and tools “to act locally with more insight into the implications of the cumulative impact of local actions for global outcomes”. Overall, it is clear that effective inclusion and engagement of civil society “is an essential ingredient for policy development and implementation and is a true test of effective multilateralism” (Adams and Pinget 2013, 42).

Yet, the question remains as to how this potential for synergies, collaboration, and more effective coordination with regard to achieving environmental outcomes can be best harnessed, especially when we consider the representative paradox or dilemma. Specifically, while the positives of stakeholder engagement under certain conditions and within certain circumstances are clearly noted, it is also apparent that outcomes from such processes may not be “perceived as fair or legitimate since everyone does not have an equal opportunity to be selected” (Chwalisz and Česnulaitytė (OECD) 2020, 87). However, on the other hand, it is neither practical nor possibly advisable “to invite non-organized segments of society” (Gupta and Stec 2013, 3).

Adams and Pinget (2013, 42-43; also see Mert 2019) note how “the opportunities to provide input have generally grown in recent years and constitute a valuable space that must be enhanced, certainly not reduced”. In addition, concerns regarding the professionalization of multi-stakeholder dialogues (which may limit the engagement of relevant actors) and a growing objection expressed by several governments to include non-state actors in decision-making processes have contributed to a decline in opportunities for them to engage over the past two decades. Overall, there is an apparent need for a genuinely “active participation in the deliberative process” which must go beyond a mere box ticking exercise, sentiments echoed by Strandenaes et al. (2017). This must be addressed. Harnessing the digital revolution (discussed above) is one answer to how this can be done.

Indeed, since Adams and Pinget “Study for UN DESA / DSD Major Groups Programme” in 2013, participatory processes have experienced a “surge of popularity” (Horan 2019, 16; also see Dryzek et al 2019¹²; Walsh et al. 2019¹³). Indeed, “amid the pressure for climate action”, Devaney et al. (2020, 1) note how deliberative processes are increasingly “being called upon to address public policy complexities, include citizens in

¹² Dryzek, J.S.; Bachtiger, A.; Chambers, S.; Cohen, J.; Druckman, J.N.; Felicetti, A.; Fishkin, J.S.; Farrell, D.M.; Fung, A.; Gutmann, A.; et al. The Crisis of Democracy and Science of Deliberation. *Science* 2019, 363, 1144–1146

¹³ Walsh, P.P.; Murphy, E.; Horan, D.; Banerjee, A. The UN High-Level Political Forum and Parliamentary Governance for Sustainable Development; SPIRE Working Paper WP14; School of Politics & International Relations, UCD: Dublin, Ireland, 2019.

decision-making, restore faith in public institutions & enhance governance processes". For instance, within the UN system, the Open Working Group (OWG) which negotiated the SDGs is one clear example of a well-designed deliberative process "involving delegates and UN staff informed by stakeholders and expert inputs". Overall, proponents have suggested that deliberative democracy "offers the best chance of finding effective and legitimate climate policies" (Lenzi 2019, 313), which help to overcome the earlier cited "Green Dilemma" (i.e. the trade-off between democratic means and environmental outcomes). Additionally, deliberative processes also have the potential to foster greater coordination between relevant civil society actors pertaining to a given environmental problem and address existing the earlier cited representative paradox.

Chwalisz and Česnulaitytė (2020, 87) have contributed to the OECD's report called "Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave". They deal with the representative paradox in this report and state that "(r)andom selection attempts to overcome the shortcomings and distortions of "open" and "closed" calls for participation" might lend itself to self-selection biases, imbalances and the possible exclusion of relevant stakeholders. Specifically, the authors note how random selection, one of the key tenets of deliberative processes, ensures "that nearly every person has an equal chance of being invited to participate in a deliberative process and that the final group is a microcosm of society". Consequently, it has been argued that such processes ensure both a diversity of participants and thus greater levels of legitimacy (crucial for effective implementation) which the authors argue "are not achievable to the same extent through other recruitment mechanisms". Importantly, this approach may overcome two of the aforementioned failures of the current MGS model.

Firstly, by engaging in a (continually) random selection of a representative sample of participants (i.e. stakeholders and/or broader civil society), deliberative processes dealing with defined issues can ensure that relevant and legitimate actors are included. UNEP and potential advisory bodies would have a key role to play in supporting such appropriate forms of engagement and facilitating the selection of relevant stakeholders. Specifically, Strandenaes et al. (2017, 5; also see Gupta and Stec 2014) note that "(d)ifferent modalities of engagement will be appropriate for different topics" and state the need for UNEP to be conscious of stakeholders logistical and resource constraints, while striving to "make their arrangements for consultation, participation and engagement as transparent and user-friendly as possible". Additionally, they must consider how to identify and engage with relevant stakeholders pertaining to a given topic at the appropriate time (Ibid). For instance, Gupta and Stec (2014, 8) note how a proposed new ECSM based on the principle of self-organization could "allow for civil society to organize itself on a case-by-case basis to ensure that the most affected groups are present and represented in each individual decision-making or policymaking process".

Secondly, unlike the current MGS model, such deliberative processes - even at the national and local levels - would provide opportunities to engage "the public beyond providing information" and in a way that reduces the propensity for erratic responses (Gupta and Stec 2014, 4-5). As it stands, Gupta and Stec (2014, 4) note that "stakeholders are only a subset of the public and stakeholder engagement" and consequently they may not be fully representative or reflective of public perspectives, including relevant stakeholders and affected communities. However, representative mini-publics have the potential to enhance

the legitimacy of (deliberative) process outcomes and therefore increase the likelihood of effective implementation. Nonetheless, there is a key caveat which also overcomes another existing problem regarding the “quality of information”. Specifically, Chwalisz and Česnulaitytė (2020, 88) state that:

“it is important to emphasise that stakeholders and experts play a key role in deliberative processes. They are offered an opportunity to make their case and have a fair hearing by a randomly selected group of participants who are broadly representative of the wider population. As a result, such processes can empower elected representatives and civil servants to put forward solutions to complex public problems that have received citizen input, informed by stakeholders and experts. It complements their role in representative democratic institutions to improve the democratic process more broadly”.

In short, deliberative processes offer the potential to overcome the current “knowledge-action gap” (Knutti 2019); to strengthen the science-policy interface by allowing scientific (and other relevant) expertise to play an advisory role in selecting salient environmental topics, relevant stakeholders and quality information; to coordinate relevant stakeholders and a representative sample of civil society to address a specific environmental issue (e.g. thematic or regional); to promote collaboration in finding effective outcomes informed by quality information and mitigated by representative values and experiences; and finally to legitimize (policy) recommendation for action on specific-issues across relevant stakeholders and a representative sample of civil society (i.e. consensus building). The versatility of deliberative processes also means these can be adapted to context with multiple settings (e.g. local, national, international) across a variation of topics, although this is not to suggest every issue requires such extensive engagement Gupta and Stec 2014).

Herein, the UN has the reach and potential to “as a neutral convener” according to Horan (2019, 17 also see Dodds 2015; Beisheim and Ellersiek 2017) given its substantial experience “facilitating deliberative processes and working with partnerships/partnership frameworks than national governments” . Importantly, in light of Halle’s (in Dodds and Halle, 2016) criticism regarding NGOs that see UNEP as part of their problem due to their perceptible failure to “call out” Member States, Horan (2019, 17) also notes that “(i)f an intergovernmental process is initiated, member states involved generally have a vested interest in delivering an outcome”. Indeed, it may also serve as an additional catalyst for environmental action given that not all national governments’ will have the same capacity or motivation to act (Strandenaes et al. 2017).

Nonetheless, such processes should not be considered as “the be-all and end-all for non-Member States” (Adams and Pingeot 2013, 42), while the outcomes of deliberative processes may often differ from ways expected at the outset (Horan 2019). For example, Mert (2019, 112), in noting the work of the deliberative scholar Karin Bäckstrand, warns that:

“Karin Bäckstrand has argued that new modes of governance in transnational sustainability governance could become ‘viable forms of deliberative democracy [in the absence of] supranational authority’ (Bäckstrand 2006a: 293), and made suggestions for the development of this potential (also see Bäckstrand 2006b, 2010,

2012). In a later publication, how-ever, Bäckstrand and Kylsäter (2014) conclude that the UN used deliberative and participatory promises to legitimate partnerships while these principles were not practiced, and powerful actors kept dominating the platforms”.

Conclusion

In conclusion, the above outlined promises offer potential pathways responding to the challenges identified in paragraph 88h of the Rio+20 outcome document. Together, they provide a vision of a The UNEP We Want, one which opens the door to true synergies between member states and relevant stakeholders - mediated via UNEP’s crucial role as a collaborator, catalyst, and coordinator (Ivanova 2021, 218) - where global civil society (with all its fluid diversity) has actualised power as both a negotiator and collaborator. Herein, the Arendtian conceptualisation of “power” is particularly apt and worth recalling: *“Power is actualised only where word and deed have not parted company, where words are not empty and deeds not brutal, where words are not used to veil intentions but to disclose realities, and deeds are not used to violate and destroy but to establish relations and create new realities.”* (Arendt 1958: 200 IN Mert 2019)

In terms of operationalizing this right to full and active participation, there is an expressed need from civil society for i) access to all processes at all levels; ii) equal rights to submit documents and speak in all meetings equivalent to member states iii) participation in agenda-setting and planning processes and iv) timely access to information.¹⁴ In short, to borrow the phrase cited by Strandenaes (2014, 1¹⁵) and “heard often at the Rio+20 Conference on Sustainable Development in 2012”, civil society should be empowered through effective and constantly evolving stakeholder engagement processes to achieve a dual mandate wherein: *“We participate to decide and we decide when we participate.”*

The UNEP We Want is the UNEP we need - that is, a global environmental authority that puts people and the environment at heart. A UNEP which provides leadership and encourages partnership in caring for our common home by inspiring, involving and enabling governments and people towards improving the quality of life. Strengthening its authoritative standing with an inspirational and focused vision, capable management and a clear, confident voice is crucial to the transformative success towards the UNEP we want and need.

¹⁴https://wedocs.unep.org/bitstream/handle/20.500.11822/13474/the_geneva_report_a_new_unep.pdf?sequence=1&%3BisAllowed=

¹⁵<https://www.civicus.org/documents/reports-and-publications/SOCS/2014/The%20New%20Reality%20of%20Governance%20Post%20Rio20.pdf>

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Annexes

Annex 1

Survey Results

SEE separate file

Annex 2

Joint MGS Statement on “The UNEP We Want”

A note about the Joint Statement on The UNEP We Want

The Joint Statement on The UNEP We Want was developed through an open, transparent participatory process in which any member of the public could provide suggestions for inclusion of elements in the text. The proposals were considered through a series of open-ended drafting sessions, beginning with the MGS Preparatory Meeting in September 2021 and continuing through global and regional consultations organized by the Children and Youth Major Group. An open-ended drafting group was formed that took up the revision of the statement between 20-22 January 2022. The Global Major Groups and Stakeholders Forum debated the text between 7-10 February and the Joint Statement was provisionally adopted with a mandate to small drafting groups to continue work on certain passages related to Indigenous Peoples, the Global Framework and the Science-Policy Interface, and to generally edit the text to make it more consistent and cohesive and to correct any errors. The small group and editorial team submitted their revisions by 17 February, and the final text was reviewed and approved by the Major Groups Facilitating Committee on 18 February. The Joint Statement was presented by Djatougbe Aziaka at the UNEA Special Session on UNEP@50 on March 3, 2022

Who are the Major Groups and Stakeholders?

The Major Groups and Stakeholders (MGS) system is the means for representation, participation and engagement of non-state actors in order to increase transparency and inclusiveness in UNEP’s work and UNEA’s proceedings. Organizations accredited through the MGS system gain the status and rights of observers in UNEA deliberations and processes. MGS membership also facilitates cooperation with UNEP in implementation of its work programme. The nine Major Groups identified in Section III of Agenda 21 are:

- Women
- Children and youth
- Indigenous People and their communities

- Non-Governmental Organizations
- Local Authorities
- Workers and Trade Unions
- Business and Industry
- The scientific and technological community
- Farmers

From an early period, organizations that did not neatly fall within any of the Major Group categories sought their own status with UNEP. Subsequently, UNEP adopted the designation of “other Stakeholders.” As set forth in the Rio+20 outcome document, “The Future We Want,” 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).

In some international processes, such as the High Level Political Forum, the Major Groups approach has been expanded through the inclusion of a number of specific additional stakeholder groups. UNEP has not followed this trend so far, and for accreditation purposes organizations still must fall under one of the nine Major Groups. The NGO Major Group is by far the largest and tends to include those stakeholder organizations that do not fall within any of the other Major Groups. In comparison, the UN FCCC context includes separate designations for environmental NGOs (ENGOs) and other NGO groups, including “research and independent NGOs” or RINGOs.

In recognition of the organizational structure of UNEP with its regional offices, Regional Facilitators became an important part of UNEP’s civil society engagement modalities. UNEP organizes its engagement processes through regional consultations as well as through the self-organization of the Major Groups themselves.

Each Major Group and each Region elects two facilitators to serve on the MGS self-organization body, the Major Group Facilitation Committee (MGFC). UNEP’s Civil Society Unit supports the engagement of Major Groups and Stakeholders through various processes and the development of guidance materials, including UNEP’s *Stakeholder Engagement Handbook*. The MGS preparation process for UNEA includes Regional Consultations and the Global Major Groups and Stakeholders Forum, held shortly before each regular UNEA session.

Joint Statement
by Major Groups and Stakeholders
Adopted at the Global Major Groups and Stakeholders
Forum on February 10, 2022

The UNEP We Want

We, The Global Major Groups and Stakeholders of UNEP and other representatives of global environmental civil society;

Celebrating the commemoration of the 50th anniversary of the founding of the United Nations Environment Programme;

Recalling that, in 1972, it was the People of the Planet that organized global civil society to encourage the international community to establish an institution that would stand as the global environmental authority and push Member States to address crucial environmental challenges;

Recognizing the crucial role that UNEP has played in addressing environmental challenges around the globe together with the Member States, which could not have been possible without the effective engagement of global civil society; and that global civil society is the *sine qua non* behind all that the international community has achieved through UNEP over the last 50 years;

Appreciating the steps that the international community has taken through UNEP to engage with global environmental civil society in our joint efforts to solve pressing environmental problems;

Noting that Major Groups are recognized in Agenda 21 as partners in implementation;

Noting that the Rio+20 Outcome Document “The Future We Want” resulted in the establishment of UNEA, open to all UN Member States;

Noting also the provisions on stakeholder engagement in paragraph 88 of “The Future We Want”;

Concerned that, despite 50 years of success through UNEP, the world still faces enormously complex and daunting environmental crises and emergencies that require all-of-society responses and are now undermining all of life on our shared planetary home;

Noting that Principle 1 of the 1972 Stockholm Declaration first gave expression to a “fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being”;

Welcoming that in October 2021 the Human Rights Council acknowledged the Human Right to a clean, healthy and sustainable environment;

Taking into account the outcomes of the Survey and Report entitled “The UNEP We Want” aimed at assessing UNEP’s first 50 years and proposing further steps towards a more effective, inclusive and engaged UNEP and UNEA, and the other outcomes of the Major Groups and Stakeholders process on “The UNEP We Want”;

have adopted the following statement:

Looking back at 50 years of UNEP

1. The last 50 years and particularly the last 20 years have taught us that, while integrating environmental, economic and social considerations into action is necessary, the UN still needs a distinct and strong advocate for the environment as such in all processes at all levels. The more UNEP Secretariat, UN Member States, Major Groups and other Stakeholders (MGS) collaborate, the stronger UNEP will be and so too, its capacity to bring about global change in harmony with Nature.

2. UNEP as the anchor institution of the United Nations on the environment has had many illustrious achievements in its first 50 years, realized against the odds of its small size, limited resources, and competition with other UN bodies. Those most recognized and appreciated by global civil society include, *inter alia*, its key/strategic role as a factfinder, advocate, convenor, collaborator, administrator, communicator, reinforcer and platform for environmental matters (see Annex).

UNEP/UNEA looking forward

3. Still, UNEP’s mandate, authority, power, resources, and non-state actor engagement processes, particularly at the national and local levels, are inadequate to meet the goals originally set for it by the international community in 1972.

4. We believe that UNEP could achieve most in the future through education and public awareness; stakeholder engagement; evidence-based assessments and outlooks; strengthening multilateral environmental law and governance; strengthening the science-policy interface; capacity building of environmental policy implementation on the national level; supporting the development of open source citizen science platforms including funding and capacity building; and developing policy guidance and global standards, all in collaboration and cooperation with the MGS.

5. Among the areas that MGS see as critical to the achievement of sustainability, in which UNEP, the Member States and non-state actors should work together to make UNEP a more effective anchor institution on the environment, are the following:

- Certain thematic areas including climate change, citizen science, environmental education, the ecosystem based approach, green fiscal policies, blue economy, sustainable consumption and production, the circular economy, the sound management of chemicals, waste and plastics, environmentally motivated subsidies, COVID recovery and development finance, natural resource depletion; the environment, peace and security nexus; and the ongoing strengthening of national and international environmental governance, legislation, law and policy;
- Research and analysis on the systemic root causes and drivers of anthropogenic environmental challenges in order to influence and spark action to tackle these across the UN system;
- Coordination of advocacy and coherent action addressing environmental issues across the UN system, member states and civil society. This includes supporting member states to implement national and international environmental governance and laws and full participation of civil society, including Indigenous Peoples;
- Championing action on the Rio Declaration, essential for international environmental law, particularly the implementation of Rio Principle 10 which is of critical importance to civil society;
- Establishing monitoring and accountability schemes to measure progress in enforcing environmental law and governance at all levels and using this to support member states, with civil society, to implement environmental law (Montevideo);
- Supporting and funding civil society organizations and other non-state actors to participate actively in implementing international goals and agreements, especially Indigenous Peoples, Farmers, Women, and Youth;
- Implementing the policy on "Promoting Greater Protection for Environmental Defenders" especially for Indigenous Peoples;
- Strengthening capacities especially in the Global South to gather and use environmental data, and to effectively develop and implement environmental policies and laws, including relevant criminal laws;
- Recognising the contributions that Indigenous Peoples and faith-based organizations make to the transformation of the current global paradigm into a model that gives future generations fresh hope.

6. We call for UNEP to promote the worldwide dedication of the month of June to diverse activities for restoring ecosystems and biodiversity, such as tree planting and wetland restoration, and for teaching in schools, public lectures, and a marathon for the environment in the spirit of the UN Decade on Ecosystem Restoration. The first week of every June should be dedicated to an in-depth follow-up of the environmental dimension of the SDGs.

7. UNEP should recognize the fundamental rights of Nature as a primary underlying principle of environmental law.

Strengthening and upgrading UNEP

8. The UNEP we want in the next 50 years is the one which will be able to enshrine environmental governance in its work and MEAs. Without a globally accepted governance structure and procedures that allow those affected to access justice, our major environmental problems of climate change, loss of biodiversity and pollution will persist for many years. It is the lack of governance and access to justice that is driving these problems.

9. UNEP should be strengthened through a more effective mandate. UNEP should have greater authority and autonomy within the UN system, a stronger voice in consulting, encouraging and working with other UN agencies, funds and programmes in order to coordinate the further development and alignment of environmental programmes, proactively tackle systemic issues of shared concern, and reduce overlapping mandates and duplication of activities. Better WHO/UNEP coordination on prevention and management of pandemics is a good example.

10. UNEP should have stable trust fund support and sufficient funding to have the ability to carry out its mandates to serve as a global authoritative voice on the environment. Countries earmarking their voluntary contributions may weaken the overall strategic and normative focus of the organization.

11. Full transparency should be required on corporate funding of policies and programs by UNEA and UNEP to prevent risks of exposure to conflicts of interest and interference with the intergovernmental processes in advancing the SDGs.

12. To strengthen national capacities, UNEP needs to continue to help strengthen national environment ministries and authorities to enable them to more effectively carry out their work. Practically more consideration (and resources) need to be dedicated to how compliance and capacity to implement MEAs can be aided by UNEP at national and local levels. This support must include civil society to harness its potential role in delivery, monitoring and reporting.

13. UNEP should build on its progress by strengthening representation in New York, and by strengthening country-level presence. UNEP should further ensure development of other UN entities by mainstreaming environmental sustainability priorities. In addition, UNEP also needs to ensure that its own Medium Term Strategies (MTS) are shared system-wide, rather than just being an internal strategic instrument.

14. Indigenous Peoples are crucial for the conservation of biodiversity and their knowledge and livelihood should not be undermined. We cannot put the burden of being the “conservationist of biodiversity” on them as that role may come in conflict with self determination. Therefore UNEP has to recognize the rights of Indigenous People and their contributions on ancestral knowledge, practices and culture. The role of Indigenous Peoples in the conservation effort must be expanded to include other activities like land restoration and land reclamation to accelerate meaningful impacts on ecosystems. Indigenous Peoples’ knowledge, innovations, and practices should be fully recognized. Any bias in favor of corporate science or data should be rebalanced.

15. Indigenous Peoples are one of the groups that suffers the most in terms of discrimination and socioenvironmental impacts, where projects like mega dams, mining and roads are implemented without taking into account prior and informed consultation as stated in ILO 169.

Member States should focus more on recognizing not only indigenous rights, but also the importance and the contributions of Indigenous Peoples. It is important to recognize Local Communities by underlining their tendency to keep natural environments healthy and supportive of small-scale non-destructive farming.

16. Member States should commit to strengthen conservation measures that include the maintenance and management of protected areas as a measure of in situ conservation, especially those megadiverse countries where extractivism is reaching the core of preserved ecosystems, species and genetic materials. Unfortunately many protected areas around the world, and especially in developing countries, are being turned into sacrifice zones due to activities like mining, logging, building mega dams, and poaching, resulting in losing not only the beauty of the place but also their genetic resources affecting indigenous and local communities. Furthermore, ecological interests should always be given priority over economic interests.

17. UNEP should strengthen the science-policy interface, while leading on the use of scientific indicators, in order to trigger and accelerate action towards achieving internationally agreed multilateral environmental agreements (MEAs), UN 2030 Agenda, and its 17 Sustainable Development Goals, through:

- Better communication: promoting and supporting sound science advice for environmental decision-making; as well as facilitating access to environmental data and information;
- Capacity building by supporting governments to increase their ability to use environmental information in decision-making and action;
- Funding for open source citizen science initiatives;
- Employing a regional approach to the Science-Policy interface which could lead to better results given that the context is key for policy implementation;
- Establishment of structures for regular science-policy dialogues to promote better interaction and coordination between the two communities which could lead to stronger partnerships;
- Resource mobilization aimed at implementing evidence-informed environmental policies;
- Avoidance of conflicts of interest;
- Encouraging, assessing and evaluating the sustainability of innovations;
- Promoting synergies between climate change actions and biodiversity conservation;
- Businesses should promote the reuse, repair and recycle approach of the circular economy;
- Safeguard principles and mechanisms for human rights in general and rights of Indigenous Peoples and their communities in particular; environmental human rights should guide business participation.

18. There is a need to assess UNEP's impact in terms of fostering resilience, in line with the SDGs and the MEAs and long-term and multi-dimensional results and identify additional structures needed to strengthen this at all levels, especially the local one.

19. UNEP should address the environmental impacts and human rights aspects related to supply chains in a transparent manner that champions the scale up of sustainable consumption and production, and guides MSs towards national legislation and international cooperation promoting cradle-to-cradle sustainability.

20. There is scientific proof that rewilding terrestrial and aquatic ecosystems is much more effective in restoring carbon sinks than creation of non-natural tree plantations. UNEP must promote and support only those ecosystem based approaches that retain and promote ecosystem integrity.

21. UNEP should put more resources into supporting the application of Principle 10 of the Rio Declaration on access to information, public participation in decision making and access to justice in environmental matters on the national level around the world. Application of Principle 10 is one of the best ways to support and protect environmental defenders.

22. UNEP should address all aspects of environmental equity and justice, including women, youth, and persons who are disproportionately affected by climate change, and those displaced due to decarbonization, and cases where Indigenous Peoples are removed from protected areas without their consent, nor social and ecological justification.

23. UNEP's post-conflict environmental assessments conducted by the Disasters and Conflicts Unit have been transformative in understanding the environmental dimensions of armed conflicts. Disasters and Conflicts has been removed as one of the 7 pillars and now is cross-cutting, which presents a danger of mainstreaming it out of existence. UNEP's work should expand beyond assessments; it could do more on analyzing and mitigating environmental security risks.

The "UNEA We Want"

24. We call upon the international community to build UNEA further into a convening forum that links all major international environment-related processes and initiatives having significant positive or negative environmental impacts including MEAs.

25. We call upon UNEA to do more to support the human right to a clean, healthy and sustainable environment on global and national levels. We call upon UNEA to take action to support environmental human rights, the rights established by UNDRIP and UNDROP, and Principle 10 of the Rio Declaration, on the rights of access to information, public participation, and access to justice in environmental matters.

26. UNEA should take a leadership role in being a principal authority in establishing UN environmental governance and legal frameworks - while respecting indigenous rights and autonomy.

27. We call for a Framework to be developed to strengthen and enforce environmental governance and law, in the spirit of the outcome document of the UNEA Special Session on UNEP@50, which includes goals, targets, indicators, means of implementation and monitoring schemes. The Framework, based on existing policies and law while integrating the recognition of the Human Right to a clean, healthy and sustainable environment, would support the coordination, implementation and enforcement of international governance and law on the national level.

28. The Framework should engage all relevant stakeholders at all levels, Member States, the governing and scientific bodies and secretariats of the MEAs, and members of specialized agencies to help in implementing the MEAs and environmental law in an efficient, cooperative and collaborative manner. UNEA should promote the spread of successful MEA mechanisms in which the public has a right to submit communications as a means of supporting compliance.

29. UNEA should recommend how GEO could be used to support the development and application of such a Framework. UNEP's impact in terms of fostering resilience could be considered as a part of developing the Framework and be based on a Director General's report and/or a special task group established under and by UNEA. We call on UNEA to establish a Working Group to follow up and give recommendations on these matters.

30. To strengthen UNEP and the relationship between its Member States, we call on UNEA to mandate UNEP to develop a United Nations periodic environmental performance review mechanism, similar in nature to the HRC's UPR or OECD's EPR, which embraces efforts by both governments at all levels and civil society of each Member State, to assess the progress of Member States in implementing their environmental objectives, international environmental law and the environmental dimension of Agenda 2030 at the national level, while ensuring complementarity with the work of treaty bodies.

31. We call for the formulation of modalities to promote engagement in the quest for a new ecological civilisation.

32. We call for the establishment of a framework for a new environmental pedagogy that will inform educational curriculum at all levels.

33. UNEA resolutions could be made more effective and implementable if budgetary analysis could be done in appropriate cases.

UNEP/UNEA Collaborative Participation of Major Groups and other Stakeholders

34. Non-state actors are among the international community's partners (*sine qua non*) in solving environmental challenges. Major Groups are recognized in Agenda 21 as partners in implementation, with a stake across a broad range of issues pertaining to sustainable development. As highlighted throughout the Rio+20 Outcome Document, *The Future We Want*, we see the value of a distinctive role for MGS across UNEP's entire work program in agenda setting, policy formulation and implementation, while respecting the inter-governmental character of UNEP. The MGS find it very important to work together with UNEP to influence UNEA's and UNEP's agenda and implement UNEA's outcomes through advocacy at all levels, and to strengthen civil society collaborative participation. Though UNEP has continuously upgraded stakeholder engagement throughout the 50 years of its existence there are still challenges that need to be addressed as we move forward.

35. Given the continued daunting challenges requiring an all-of-society response, we believe that MGS engagement needs to be broadened and deepened, including to provide specialized knowledge in informing policy deliberation and assisting implementation.

36. We appreciate UNEP's dedication to increase inclusive engagement with MGS and its continuity in improving transparency and governance. However, in the survey mentioned above, it was found that many MGS organizations find it difficult to get involved in UNEP's activities and their input is not adequately considered and included.

37. We have strongly supported UNEP's efforts to enhance MGS engagement in all its work over time, and we renew our call for UNEP to move towards a forward-looking Policy on Stakeholder Engagement, on the basis of Para. 88 of "The Future We Want" and the Principles on Stakeholder Participation in UNEP agreed by MGS at the 2013 Governing Council meeting.

38. We note that the multistakeholder governance framework is informed by three components: (a) assessment of Innovation according to sustainability criteria, (b) decentralised governance institution and (c) open, accountable and inclusive processes. Grassroots organizations, with their great importance for local sustainable development, will need special support mechanisms.

39. In line with Para 88. of *The Future We Want*, we believe that UNEP's stakeholder engagement processes should evolve "best practice" approaches and "new mechanisms" to ensure equitable, active and ongoing engagement (beyond high-level engagements) with all relevant stakeholders. Deliberative processes within both democratic and environmental contexts should be further explored to enhance civil society engagement, particularly at local, national and regional levels, to achieve effective and coherent environmental outcomes. We recognise that such ongoing processes may enable a more representative sample of relevant stakeholders relating to a given environmental problem, such as affected citizens, experts and lay people with pertinent knowledge, and/or non-accredited organizations with intimate understanding of a specific issue. We acknowledge that this in turn has the potential to enhance the legitimacy, accountability and transparency crucial to effective implementation of environmental recommendations or policy outcomes, which will enable UNEP to serve as a collaborator, a catalyst and a coordinator of stakeholder engagement to achieve a broad consensus and subsequent implementation at these levels. UNEP should also build capacity for stakeholder engagement through the development of guidelines for meaningful and equitable participation.

40. Our experiences with virtual meetings during the pandemic have convinced many of us that it is desirable for the MGS to institute a regular virtual preparatory process, taking into account the severe limitations of internet access in some geographical areas and due to emergencies, disasters and conflicts, and also to avoid conference-related emissions. We concur with previous expert reports that urgent human, technological and participatory capacity-building will be required if we are to successfully harness the digital revolution as a strategic asset for more inclusive, transparent and innovative stakeholder engagement.

41. However, UNEP should take into account the digital divide, so that the digital revolution helps deliver, not hinder effective environmental action. We request UNEP to work with UN Country Offices to help provide stakeholders at the local level with space/equipment/stable

wifi to access UNEP meetings. It is thus essential that the international community provides and ensures equitable and universal access to electricity and the internet in order to ensure adequate participation in governance decision making processes at all levels of governance and to uphold Rio Principle 10 instruments, such as the Aarhus Convention and the Escazú Agreement.

42. UNEP should establish a fair and balanced mechanism as a stipulation for the timing of its virtual events. It is key that speaking slots for MGS are planned into the digital meeting format in between Member State statements, and that informal spaces for dialogue among Member States, UNEP and MGS, including individual participants, are facilitated.

43. As MGS we are of the view that by not having permanent representatives in Nairobi our participation through online platforms, while still appreciated and needed, has not been as effective as it should be. Some of these challenges are related to physical presence in Nairobi where meetings of the CPR are taking place on a regular basis. While some MGS representatives have the financial and human resources to participate in Nairobi, many MGS representatives do not, which contributes to imbalance.

44. It is critical to ensure that UNEP's Programme of Work secures appropriate resources for UNEP and its regional offices to professionally facilitate the continued engagement of MGS. UNEP should conduct an assessment of its experiences in capacity-building for constructive and equitable engagement of the diversity of stakeholders, and develop recommendations on how it can be strengthened, particularly in the implementation of UNEP programmes.

45. We acknowledge and appreciate UNEP's movement towards self-organization of the Global Major Groups and Stakeholders Forum, whilst still providing organizational support when requested, taking into account imbalances in capacities and resources. The task of addressing imbalances across the MGS is crucial.

46. MGS strive to improve their self-organization as well. UNEP should facilitate this by providing support to national, subnational and/or subregional coalitions of environmental NGOs, including through establishment of funded UNEP and MGS Liaison Offices at these levels. This could inter alia raise national-level NGO awareness of the MGSs processes in UNEP and UNEA. UNEP should support small grants programs with monitoring and follow up to build capacity of environmental civil society in countries where it is needed.

47. The GMGSF in particular should be strengthened as a stand-alone event far in advance of UNEA, in order to be able to strengthen its contribution to the UNEA agenda and for MGS to be better prepared to participate and advocate in UNEA processes.

48. MGS should not be expected to always develop joint positions through GMGSF with the danger of coming up with the least common denominator position, but UNEA and UNEP should invite the chance to hear more specific MG interventions.

49. UNEP and UNEA should support language solutions through interpretation at meetings and translation of documents, for a broader range of non-state actors, as well as the deaf and hearing impaired.

50. The mainstreaming of MGS suggestions and recommendations into official negotiating documents is a serious challenge. Other challenges of concern include access to documents and participation in closed sessions. UNEA should follow the example of SAICM and include MGS representation in the Bureau.

51. Reading statements and making interventions will become meaningful only when our recommendations or proposals are taken into consideration during the decision-making process.

Annex

Selected UNEP achievements most recognized and appreciated by global civil society

- Increasing awareness of the critical role of the environment for human survival, well-being and development as well as of the impact of anthropogenic activities on the environment which led to progress at national and global levels in tackling environmental challenges.
- Convening power and ability to bring together interested parties to address environmental challenges in a coordinated manner.
- Collaborating with the UN Human Rights Council and the Office of the High Commissioner on Human Rights in further developing the relationship between the environment and human rights, including the link between women's rights and environmental protection, including the recent resolution recognizing the universal human right to a clean, healthy and sustainable environment.
- Capacity to inform and influence policy which led to the raising of environmental issues on the global policy agenda.
- Contributions to building and strengthening the capacity of stakeholders willing to engage in UNEP processes.
- Leading on addressing the environmental impact of armed conflicts through various post-conflict environmental assessments as well as being on the forefront of strengthening the legal protection of the environment in relation to armed conflicts, as currently discussed by the International Law Committee's Draft Principles.
- Strengthening global environmental governance through the adoption and implementation of Multilateral Environmental Agreements (MEAs).
- Generating data, knowledge, and expert reports in close collaboration with academic and research institutions on important matters essential to preserving and restoring a healthy state of the environment, such as GEO assessments .
- Its strong role in the establishment of the Intergovernmental Panel on Climate Change (IPCC) and Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem

Services (IPBES); the 1985 Vienna Convention and its 1987 Montreal Protocol; the 2012 Minamata Convention.

- Providing secretariat services to coordinate and lead, while welcoming and supporting the participation of civil society, international initiatives organized by the international community including the UN Decade on Ecosystem Restoration, the One Planet Network on Sustainable Consumption and Production, the International Resource Panel, the Partnership for Action on Green Economy, the Blue Economy Partnership, and other initiatives and campaigns, such as “One Health,” and fighting plastic pollution.
- Achieving a presence around the world, despite its small budget and often irregular funding, through development of its capacities and its sphere of influence by sharing resources and closely collaborating with other UN Programmes and Specialized Agencies.
- Setting an example of interagency cooperation and chairing the UN Environment Management Group (EMG) providing United Nations system-wide inter-agency coordination related to specific issues in the field of environment and human settlements.
- Enabling the participation of citizens and their organizations in seeking solutions to global environmental challenges within UN - led processes and initiatives.
- Recalling the UNEA resolution, 'Innovation on biodiversity and land degradation', and other resolutions combating land degradation, collaboration with IPCC, UNCCD and FAO to end land degradation through legal standards informed by science.
- Establishing the Faith for Earth initiative which encourages the promotion of dialogue among all cultures for promoting interreligious and intercultural dialogue, tolerance and understanding.