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**Intergovernmental negotiating committee to develop
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**Preparation of an international legally binding instrument on
plastic pollution, including in the marine environment**

**Overview of stakeholder engagement frameworks under other
instruments and of potential approaches for the international
legally binding instrument on plastic pollution, including in the
marine environment**

Note by the secretariat

Pursuant to paragraph 5 of United Nations Environment Assembly resolution 5/14, entitled “End plastic pollution: towards an international legally binding instrument”, an ad hoc open-ended working group met in Dakar from 30 May to 1 June 2022 to prepare for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment. The open-ended working group agreed on a list of documents that the secretariat would provide to the intergovernmental negotiating committee at its first session. Among other documents, the secretariat was requested to provide an overview of stakeholder engagement frameworks under other instruments and potential approaches for the new instrument. The annex to the present note responds to that request.

* UNEP/PP/INC.1/1.

Annex

Overview of stakeholder engagement frameworks under other instruments and of potential approaches for the international legally binding instrument on plastic pollution, including in the marine environment

I. Introduction

1. The present note provides an overview of stakeholder engagement frameworks under other instruments, and potential approaches for the international legally binding instrument on plastic pollution, including in the marine environment. It was developed with an emphasis on multilateral environmental agreements and United Nations practice and is divided into five key sections.

II. Key concepts relating to stakeholder engagement frameworks

2. There are many definitions of the term “stakeholders”.¹ Generally, the term is used to identify parties with a legitimate interest in a given project, entity or initiative.² In environmental law and policy, individuals and social groups relevant to the effective design and implementation of given objectives, mechanisms, policies and programmes are frequently referred to as “stakeholders”.³ When accredited to attend specific meetings under multilateral environmental agreements, these stakeholders can also be identified as “observers”. Typically, the following categories of stakeholders can get accreditation as observers to United Nations intergovernmental meetings as well as meetings of the governing bodies of multilateral environmental agreements in accordance with their rules of procedure: United Nations funds and programmes, United Nations specialized agencies and related organizations, international organizations and members of the “major groups” system, which include non-governmental organizations (NGOs).⁴

3. When using the term “stakeholder,” the present note will focus on NGOs, including the major groups and other stakeholders structure that was formalized in Agenda 21,⁵ adopted by the United Nations Conference on Environment and Development, held in 1992. The major groups are the main channels through which broad participation in United Nations sustainable development activities is facilitated, including in activities of the United Nations Environment Programme (UNEP). The nine major groups are: (a) business and industry; (b) farmers; (c) indigenous peoples’ organizations; (d) local government and municipal authorities; (e) women; (f) the scientific and technological community; (g) children and youth; (h) trade union organizations; and (i) NGOs. They are self-coordinated and independent and consist of representatives of autonomous constituencies.

III. Public participation and participation of stakeholders and experts in the work of the United Nations and its subsidiary bodies

4. In 1946, NGOs took a role for the first time in formal United Nations deliberations under the auspices of the Economic and Social Council. Since its inception, the Council has been the main entry point into the United Nations system for NGO participation. Article 71 of the Charter of the United Nations provides for “suitable arrangements for consultation” with relevant NGOs concerned with matters within the Council’s competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the concerned Member States. This consultative relationship, often referred to as “consultative status”, is

¹ See Samantha Miles, “Stakeholder theory classification: a theoretical and empirical evaluation of definitions”, *Journal of Business Ethics*, vol. 142, no. 3 (May 2017), pp. 437–459.

² Mike Brklacich and others, “Stakeholders and global environmental change science”, in *Communicating Global Change Science to Society: An Assessment and Case Studies*, Holm Tiessen and others, eds. (Island Press, 2007).

³ See, for example, <https://www.unep.org/civil-society-engagement/why-civil-society-matters/major-groups-stakeholders>

⁴ For example, art. XI (7) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora refers to the subcategories “international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located”.

⁵ A/CONF.151/26, vol. II.

governed by Council resolution 1996/31, which outlines the eligibility requirements as well as the rights and obligations of NGOs with consultative status.

5. More recently, the concept of “public participation” has been recognized internationally as an important pillar of stakeholder engagement alongside “access to information” and “access to justice”. These three pillars are articulated in principle 10 of the Rio Declaration on Environment and Development⁶, which is an outcome of the United Nations Conference on Environment and Development. The World Summit on Sustainable Development, held in 2002, and the United Nations Conference on Sustainable Development, held in 2012, also refer to good governance and public participation.⁷

6. Public participation in environmental matters refers to the rights and opportunities for members of “the public” to engage in decision-making concerning the environment.⁸ The related right to access to information facilitates meaningful participation in environmental decision-making, enables individuals to understand better the impacts of environmental harm on their rights, and supports their exercise of other rights, including the rights to expression, association and remedy.⁹ Lastly, access to justice refers to the right to have access to judicial and administrative mechanisms to challenge and appeal decisions, acts and omissions made by the public administration and made by private actors for failure to comply with the laws of the State relating to the environment.

7. Various United Nations entities have played key roles in brokering new partnerships to strengthen public participation in the United Nations system. The importance of strengthening relations between the United Nations and NGOs has been underlined in various documents, including the United Nations Millennium Declaration, the 2005 World Summit Outcome and General Assembly resolution 68/1 on the review of the implementation of General Assembly resolution 61/16 on the strengthening of the Economic and Social Council. The relevance of a revitalized Global Partnership for Sustainable Development to implement the internationally agreed development goals was further stressed in the 2030 Agenda for Sustainable Development.

8. Accreditation is the main procedural mechanism that allows stakeholders, especially NGOs, to formally engage in United Nations processes as observers. As far as the United Nations principal organs are concerned, the main body that deals with NGOs is the Economic and Social Council, which has a formal process for NGO participation in which NGOs can apply for consultative status. The Council’s Committee on Non-Governmental Organizations is the intergovernmental body responsible for making recommendations to the Council on granting consultative status. Accreditation with the Economic and Social Council provides NGOs with access to the Council and its many subsidiary bodies, United Nations conferences, various United Nations human rights mechanisms and special events organized by the President of the General Assembly.

9. In line with Economic and Social Council resolution 1996/31, certain principles guide the establishment of consultative relations, including the following: (a) organizations must prove two years’ existence¹⁰ and be concerned with matters falling within the competence of the Council and its subsidiary bodies;¹¹ (b) regional, subregional and national organizations may be admitted provided that they can demonstrate that their programme of work is related to the aims and purposes of the United Nations; (c) organizations shall be of recognized standing within the particular field of their competence or of a representative character; and (d) organizations shall have an established headquarters and a representative structure.¹² The resolution also provides for the withdrawal of consultative status by the Council. The rules of procedure of the Economic and Social Council set out the rights and obligations of NGOs in consultative status.

⁶ A/CONF.151.26, vol. I

⁷ See chap. 23 of Agenda 21; see also Johannesburg Declaration on Sustainable Development, paras. 26 and 34, and outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, paras. 31, 43-46 and 49-51.

⁸ A/HRC/37/59, commentary on framework principle 9.

⁹ *Ibid.*, commentary on framework principle 7.

¹⁰ Economic and Social Council resolution 1996/31, para. 61 (h).

¹¹ The consultative arrangements are to be made for the purpose of enabling the Council or one of its bodies to secure expert information or advice from organizations having special competence in the subjects for which consultative arrangements are made, and, on the other hand, to enable organizations that represent important elements of public opinion to express their views. Therefore, the arrangements for consultation made with each organization should relate to the subjects for which that organization has a special competence or in which it has a special interest. See Council resolution 1996/31, para. 20.

¹² *Ibid.*, part I.

10. Historically, the General Assembly has also invited NGOs in consultative status with the Economic and Social Council and with relevant expertise to participate in conferences and meetings convened under its auspices.¹³ The Preparatory Committee for the United Nations Conference on Environment and Development, at its first and second sessions, took two decisions concerning the participation of NGOs in the preparatory process for the Conference that have guided stakeholder participation in subsequent United Nations conferences and that, among other things, provide that NGOs would have no role in the negotiating process but may make written presentations and address plenary meetings of the Preparatory Committee.¹⁴

11. As far as United Nations subsidiary bodies are concerned, in section IV, paragraph 5, of General Assembly resolution 2997 (XXVII), the governing resolution of UNEP, other intergovernmental and those non-governmental organizations that have an interest in the field of the environment are invited to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degree of cooperation and coordination. It is provided in rule 70 of the rules of procedure of the United Nations Environment Assembly that international NGOs having an interest in the field of the environment may designate representatives to sit as observers at public meetings of the Environment Assembly and its subsidiary organs. Upon the invitation of the President or Chairperson, they may make oral statements on matters within the scope of their activities and their written statements shall be circulated by the secretariat.

12. Traditionally, UNEP works with the nine major groups. Their engagement with UNEP is supported by the Major Groups Facilitating Committee, which is composed of two elected members per major group and two elected Regional Facilitators per region.¹⁵ UNEP has developed specific policies and guidance for engaging and partnering with relevant major groups and stakeholders, especially in the context of the United Nations Environment Assembly, including the guidelines for participation of major groups and stakeholders in policy design at UNEP, which specifically address cooperation between UNEP and major groups and stakeholders.

13. Regarding the participation of individual experts, human rights treaty bodies¹⁶ comprise independent experts with competence in human rights who are tasked with monitoring the implementation of key treaties. These experts perform several functions, including receiving and considering reports submitted by States parties on the national application of treaty provisions and preparing “concluding observations” with practical advice to reporting States on further steps to implement the rights contained in their respective treaty.¹⁷ There are also the special procedures of the Human Rights Council,¹⁸ who are independent human rights experts that contribute to the monitoring and investigation of the status of human rights nationally or globally. They include the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Recently, the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) elected the world’s first Special Rapporteur on environmental defenders.¹⁹

¹³ See, for example, General Assembly resolution 75/326 on the modalities for the international meeting entitled “Stockholm+50: a healthy planet for the prosperity of all – our responsibility, our opportunity”.

¹⁴ See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 46 (A/45/46)* and *Forty-sixth Session, Supplement No. 48 (A/46/48)*.

¹⁵ See <https://www.unep.org/civil-society-engagement/major-groups-modalities/major-groups-facilitating-committee-mgfc>

¹⁶ Namely, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances. More information is available at <https://www.ohchr.org/en/treaty-bodies>.

¹⁷ For more information, see Office of the United Nations High Commissioner for Human Rights, *The United Nations Human Rights Treaty System: Fact Sheet No. 30/Rev.1* (New York and Geneva, 2012).

¹⁸ See General Assembly resolution 60/251 and Human Rights Council resolution 5/2.

¹⁹ The election of the Special Rapporteur in June 2022 follows the decision by the Meeting of the Parties in October 2021 to establish a rapid response mechanism to address alleged violations of article 3 (8) of the Aarhus Convention.

14. Finally, the Economic and Social Council oversees several subsidiary bodies that provide guidance to the Council, including expert bodies composed of governmental experts²⁰ and expert bodies comprising members serving in their personal capacity.²¹ The expert bodies, among other things, furnish the Council with technical advice and support the establishment of global normative frameworks. The Permanent Forum on Indigenous Issues is an example of an expert body composed of members serving in their personal capacity. It is composed of 16 members, 8 nominated by Governments and elected by the Council, and 8 appointed by the President of the Council following broad consultations, including with indigenous peoples.²²

IV. Overview of stakeholder engagement in the texts of multilateral environmental agreements and regional agreements

15. The texts of multilateral environmental agreements integrate stakeholder engagement considerations in different ways. In general terms, references to stakeholders and stakeholder groups in the texts and annexes of global multilateral environmental agreements can be broadly clustered into the following categories:

(a) **References to specific stakeholder groups in the preamble of the agreement, with emphasis on vulnerable groups.**²³ An example is the Paris Agreement under the United Nations Framework Convention on Climate Change, in the preamble to which it is acknowledged that “climate change is a common concern of humankind”, and that “Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”.

(b) **Provisions relating to the functioning of secretariats of multilateral environmental agreements and their possible cooperation with NGOs, including provisions concerning assistance and information provided by NGOs to those secretariats.**²⁴ Article XII (1) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora is an example of such a provision: “Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.”

²⁰ Namely, the Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals, the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting, the United Nations Group of Experts on Geographical Names and the Committee of Experts on Global Geospatial Information Management. More information is available at <https://www.un.org/ecosoc/en/content/ecosoc-subsidiary-bodies>.

²¹ Namely, the Committee for Development Policy, the Committee of Experts on Public Administration, the Committee of Experts on International Cooperation in Tax Matters, the Committee on Economic, Social and Cultural Rights and the Permanent Forum on Indigenous Issues. More information is available at <https://www.un.org/ecosoc/en/content/ecosoc-subsidiary-bodies>.

²² For more information, see Economic and Social Council resolution 2000/22.

²³ Additional examples include the Convention on Biological Diversity, which refers to the non-governmental sector and indigenous and local communities in its preamble; the United Nations Framework Convention on Climate Change, which refers to the organizations and bodies of the United Nations system in its preamble; the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, which refers to NGOs and other major groups in its preamble; the Stockholm Convention on Persistent Organic Pollutants, which includes a reference to women, future generations, indigenous communities, the private sector, NGOs and manufacturers of persistent organic pollutants in its preamble; and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, which refers to women in its preamble.

²⁴ Examples of multilateral environmental agreements that encompass such provisions include the Convention on International Trade in Endangered Species of Wild Fauna and Flora (e.g., art. XII), the Convention on the Conservation of Migratory Species of Wild Animals (e.g., art. IX), the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (e.g., art. 16) and the United Nations Framework Convention on Climate Change (e.g., art. 7 (2) (l)).

(c) **Provisions relating to the governance structure of the conferences of the parties and meetings of the parties and possible cooperation with NGOs, including provisions concerning assistance and information provided by NGOs to conferences of the parties and meetings of the parties.**²⁵ For instance, it is stated in article 26 (4) of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity: “The Conference of the Parties serving as the meeting of the Parties to this Protocol shall keep under regular review the implementation of this Protocol and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Protocol and shall: ... (c) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies.”

(d) **References to indigenous peoples, including in the sections relating to technical cooperation.**²⁶ Relevant examples include the Convention on Biological Diversity and the Nagoya Protocol thereto. For example, article 18 (4) of the Convention states: “The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.”

(e) **References relating to public awareness.**²⁷ An example is article 6 of the United Nations Framework Convention on Climate Change, on education, training and public awareness, in which it is stated that: “In carrying out their commitments under Article 4, paragraph 1(i), the Parties shall: (a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities: (i) The development and implementation of educational and public awareness programmes on climate change and its effects; (ii) Public access to information on climate change and its effects; (iii) Public participation in addressing climate change and its effects and developing adequate responses; and (iv) Training of scientific, technical and managerial personnel.”

(f) **References relating to access to information, including maintaining public registries and providing information to stakeholders.**²⁸ For instance, article 9 (4) of the Stockholm Convention on Persistent Organic Pollutants states that “the Secretariat shall serve as a clearing-house mechanism for information on persistent organic pollutants, including information provided by Parties, intergovernmental organizations and non-governmental organizations”. Similarly, the Aarhus Convention provides for specific obligations of parties regarding access to information, public participation and access to justice. For instance, parties have an obligation to promote the principles of the Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment.²⁹ The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)³⁰ explicitly links the obligations of the parties to the rights of the public.³¹ Article 7 refers to public participation in the environmental decision-making process and establishes the obligation of each party to “promote, where appropriate and in accordance with

²⁵ Examples of multilateral environmental agreements that encompass such provisions include the Convention to Combat Desertification (e.g., art. 22 (2)), the Kyoto Protocol to the United Nations Framework Convention on Climate Change (e.g., art. 13), the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (e.g., art. 18) and the Stockholm Convention.

²⁶ See art. 8 (j) of the Convention on Biological Diversity; arts. 12 (3), 13 (1) (c), 21, 22 and 25 of the Nagoya Protocol; and art. 7 (5) of the Paris Agreement.

²⁷ See the Montreal Protocol on Substances that Deplete the Ozone Layer (e.g., art. 9), the Basel Convention (e.g., art. 10), the Convention on Biological Diversity (e.g., art. 13), the United Nations Framework Convention on Climate Change (e.g., arts. 4 and 6), the Convention to Combat Desertification (e.g., arts. 10 and 19), the Kyoto Protocol (e.g., art. 19), the Stockholm Convention (e.g., art. 10) and the Paris Agreement (e.g., arts. 11 and 12).

²⁸ See the Convention on International Trade in Endangered Species of Wild Fauna and Flora (e.g., art. V (5)), the Basel Convention (e.g., art. 4 (2)), the United Nations Framework Convention on Climate Change (e.g., art. 12), the Kyoto Protocol (e.g., art. 10), the Rotterdam Convention (e.g., arts. 14 (1) (b) and 15 (2), as well as annex VII) and the Stockholm Convention (e.g., art. 9, on the clearing-house mechanism).

²⁹ Art. 3 (7).

³⁰ The Economic Commission for Latin America and the Caribbean (ECLAC) is part of the Economic and Social Council, and its Executive Secretary carries out the secretariat functions of the Escazú Agreement.

³¹ Jonas Ebbesson, “Public Participation”, in *The Oxford Handbook of International Environmental Law*, Lavanya Rajamani and Jacqueline Peel, eds. (Oxford University Press, 2020), pp. 359–360.

domestic legislation, public participation in international forums and negotiations on environmental matters or with an environmental impact”.

(g) **References to mobilizing funding from private-sector sources and mechanisms, including those of NGOs.**³² By way of example, article 6 of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa provides that developed-country parties “undertake to: ... (d) encourage the mobilization of funding from the private sector and other non-governmental sources”.

(h) **Provisions for consultation with stakeholders in the development of implementation plans.** The main examples of such provisions are those contained in the Stockholm Convention (art. 7) and the Minamata Convention on Mercury (art. 20). The latter provides that “Parties should ... consult national stakeholders to facilitate the development, implementation, review and updating of their implementation plans”.

(i) **Provisions for consultation and cooperation with stakeholders more broadly.**³³ For example, it is stated in article 169 (1) of the United Nations Convention on the Law of the Sea that the Secretary-General shall, on matters within the competence of the International Seabed Authority, make suitable arrangements, with the approval of the Council of the Authority, for consultation and cooperation with international and non-governmental organizations recognized by the Economic and Social Council.

16. With regard to provisions for the participation of NGOs as observers in the meetings of multilateral environmental agreements, most multilateral environmental agreements provide in their treaty texts or their rules of procedure³⁴ for the participation of NGOs as observers in their meetings, provided they qualify as competent in the subject matter of the respective agreement and there is no objection from a number of parties (e.g., one third of the parties present at a given session of the conference of the parties or meeting of the parties).³⁵ NGOs must have relevant expertise and inform the respective secretariat of their interest in being represented in relevant meetings.³⁶

17. Subject to the rules and modalities of each multilateral environmental agreement, stakeholders admitted as observers often may: (a) send representatives to attend sessions and meetings; (b) submit written submissions and make verbal statements upon the invitation of the Chair, facilitator or contact group convenor; (c) share relevant information, publications and materials with the secretariat; (d) submit side-event proposals and hold pre-scheduled side events; (e) hold pre-scheduled press conferences; (f) participate and set up pre-scheduled exhibitions; (g) receive information materials and official notifications from the secretariat; and (h) engage in a number of activities promoted by the secretariat or convention, including science-policy platforms and networks.³⁷

18. As a rule, observers participate in proceedings without the right to vote and do not engage in decision-making. An exception is found in the rules of procedure for meetings of the Conference of the Contracting Parties to the Convention on Wetlands of International Importance especially as

³² See the United Nations Convention on the Law of the Sea (e.g., annex VI, arts. 4 and 5), the Convention to Combat Desertification (e.g., arts. 6, 9, 20 and 21) and the Minamata Convention on Mercury (e.g., art. 13).

³³ See the Convention on International Trade in Endangered Species of Wild Fauna and Flora (e.g., art. XV(2)), the United Nations Convention on the Law of the Sea (e.g., arts. 163 and 169), the Convention on Biological Diversity (e.g., arts. 14 and 18), the Convention to Combat Desertification (e.g., arts 14 (2) and 17), the Nagoya Protocol (e.g., arts. 21 and 22) and the Paris Agreement (e.g., art. 6).

³⁴ See rule 7 of the rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury (UNEP/MC/COP.1/Dec.1); see also rule 7 of the rules of procedure for meetings of the Conference of the Contracting Parties to the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention), adopted at the thirteenth meeting of the Conference of the Contracting Parties.

³⁵ See, for example, Minamata Convention on Mercury, art. 23 (6). Older treaties, on the other hand, such as the Ramsar Convention, adopted in 1971, and the International Whaling Commission, in its constitutive document, do not provide for the admission of NGOs as observers.

³⁶ For example, rule 7.1 of the rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury, and rule 18.5 of the rules of procedure for Meetings of States Parties to the United Nations Convention on the Law of the Sea.

³⁷ See, for example, Convention on Biological Diversity “Guidelines for the participation of representatives of observer organizations at meetings of the Conference of the Parties to the Convention on Biological Diversity and its subsidiary bodies”, Aug. 2012; and United Nations Framework Convention on Climate Change, “Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change”, March 2003.

Waterfowl Habitat (Ramsar Convention), in which it is stated that proposals made by observers may be voted on if sponsored by a contracting party.³⁸

19. As far as regional agreements are concerned, the rules of procedure of the Meeting of the Parties to the Aarhus Convention establish that the meetings of the Parties shall be open to all members of the public unless the Meeting of the Parties exceptionally decides otherwise,³⁹ and that the Bureau shall invite a representative of NGOs that work in the field of environmental protection and sustainable development to attend its meetings as an observer.⁴⁰ The rules of procedure of the Conference of the Parties to the Escazú Agreement refer to the meaningful participation of the public in the Conference of the Parties and subsidiary bodies. An important development in this regard is that the rules of procedure mandate the secretariat to maintain a regional public mechanism through which representatives of the public shall be elected to channel contributions, including the submission of proposals on behalf of the public.⁴¹

V. Stakeholder engagement frameworks under multilateral environmental agreements and intergovernmental platforms and in the context of the implementation of the 2030 Agenda

20. In the context of multilateral environmental agreements, there are examples of stakeholder engagement in the work of those agreements that include stakeholder participation as well as frameworks established by those agreements and intergovernmental platforms. These include initiatives mandated by the treaty and/or a decision by the conference of the parties or meeting of the parties to promote stakeholder engagement and informal initiatives that have either been mandated by a conference of the parties or meeting of the parties or exist outside their formal processes, including arrangements made by their secretariats and executive secretaries.

21. Informal initiatives have the following characteristics: they are voluntary, and membership is open to stakeholders from Governments, the United Nations system, intergovernmental organizations, NGOs, the private sector, academia and the scientific community, as well as individuals. There is often a steering committee or advisory group that includes area leads nominated by the members of the platform. In addition, multi-stakeholder partnerships and platforms can have a network of national focal points to promote information-sharing, awareness-raising, capacity-building and the development of environmentally sound management mechanisms that include mechanisms for cooperation and coordination. Sometimes, they can have a constituent or guiding document or framework. The nature of their work can dictate the membership of the platform and can be specialized. For example, the UNEP Finance Initiative is a partnership between UNEP and the global finance sector, including banks, insurers and investors.

22. In the preparation of the present note, the secretariat conducted a review to identify examples of stakeholder engagement frameworks following the categorization of thematic areas in the report of the Secretary-General that addressed gaps in environmental law (subsections A–E below).⁴² In addition, the secretariat reviewed stakeholder engagement frameworks in science-policy platforms (subsection F below), as well as stakeholder engagement in multi-stakeholder partnerships and platforms in the context of the implementation of the 2030 Agenda (subsection G below).

A. Protection of the atmosphere

23. Frameworks under the Paris Agreement include: (a) the Marrakech Partnership for Global Climate Action, which was launched by the high-level champions for climate action in 2016 and seeks to encourage and facilitate collaboration between Governments and cities, regions, businesses and investors to effectively implement the Paris Agreement;⁴³ and (b) the Race to Zero campaign, which is

³⁸ Rules of procedure for meetings of the Conference of the Contracting Parties to the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, Iran, 1971) adopted by the thirteenth meeting of the Conference of the Contracting Parties, rule 7.

³⁹ ECE/MP.PP/2/Add.2, annex, rule 7.

⁴⁰ Ibid., rule 22, para. 2.

⁴¹ Decision 1/1, annex, rule XIV, para. 3.

⁴² Report of the Secretary-General entitled “Gaps in international environmental law and environment-related instruments: towards a global pact for the environment” (A/73/419), prepared pursuant to General Assembly resolution 72/277.

⁴³ FCCC/CP/2016/10, para. 153.

a coalition of net-zero initiatives representing cities, regions, businesses, investors and higher education institutions.⁴⁴

24. Frameworks under the United Nations Framework Convention on Climate Change include:

(a) The Local Communities and Indigenous Peoples Platform, established pursuant to decision 1/CP.21 of the Conference of the Parties to the Framework Convention to promote the exchange of experiences and best practices on mitigation and adaptation. The Platform also aims to build the capacity of local and indigenous communities to enhance their engagement in the Framework Convention process. The Platform is governed by its Facilitative Working Group, half of whose representatives are from indigenous peoples' organizations;

(b) The rules of procedure of the Technology Executive Committee, which state that the Committee should seek input from intergovernmental and international organizations and the private sector and may seek input from civil society in undertaking its work. It may invite advisers drawn from relevant intergovernmental and international organizations as well as the private sector and civil society to participate in its meetings as expert advisers on specific issues as they arise.⁴⁵ Open meetings of the Committee are webcast through the Framework Convention website, and the Committee may decide on additional procedures for the participation of observer organizations other than those accredited to the Framework Convention;⁴⁶

(c) A "one conference, two zones" concept (a "blue zone" and a "green zone") has been developed for meetings of the Conference of the Parties. The blue zone is a United Nations-managed space that hosts the negotiations. It is exclusively limited to accredited government officials and observer organizations. By contrast, the green zone is a platform for the general public, civil society, academia, businesses and others to have their voices heard through events, exhibitions and other activities to promote dialogue, awareness, education and commitments.

B. Conservation of biological diversity and protection of soils

25. Frameworks under the Cartagena Protocol on Biosafety to the Convention on Biological Diversity include a programme of work on public awareness, education and participation. Pursuant to article 23 of the Protocol and decision BS-V/13 of the Conference of the Parties serving as the meeting of the Parties to the Protocol, parties adopted a comprehensive programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms. Parties also invited the secretariat to establish an online forum to facilitate the exchange of information and experiences on the implementation of the programme of work. A portal on public awareness, education and participation was established to host online discussions and make resources available.⁴⁷

26. Frameworks under the Convention on Biological Diversity include: (a) a voluntary funding mechanism that facilitates the participation of indigenous peoples and local communities in meetings under the Convention;⁴⁸ and (b) the Global Partnership for Business and Biodiversity, which is a forum for 21 national and regional initiatives working towards greater business engagement on biodiversity-related issues that was established further to the business engagement decisions taken at the tenth meeting of the Conference of the Parties to the Convention.⁴⁹

27. Frameworks under the Nagoya Protocol to the Convention on Biological Diversity include the Access and Benefit-sharing Clearing-House, a platform for exchanging information on access and benefit-sharing established by article 14 of the Protocol, as part of the clearing-house mechanism under article 18 of the Convention on Biological Diversity. Parties are required to use the platform to share information. Indigenous peoples and local communities are encouraged to use the platform to share their knowledge and customary laws and awareness-raising and capacity-building materials. Other stakeholders are also encouraged to make use of the platform to promote the ratification and implementation of the Protocol.⁵⁰

⁴⁴ The minimum criteria required for participation in the campaign are available at <https://racezero.unfccc.int/wp-content/uploads/2021/04/Race-to-Zero-Criteria-2.0.pdf>.

⁴⁵ FCCC/CP/2011/9/Add.1, decision 4/CP.17, annex II, para. 46.

⁴⁶ *Ibid.*, paras. 49 and 50.

⁴⁷ See https://bch.cbd.int/onlineconferences/portal_art23/pa_main.shtml.

⁴⁸ Conference of the Parties to the Convention on Biological Diversity, decision VII/16 G.

⁴⁹ Conference of the Parties, decision X/21, paras. 1 (d) and 3 (a); see also decision XI/7, paras. 1 and 5 (a).

⁵⁰ Draft modalities of operation of the Access and Benefit-sharing Clearing-House (UNEP/CBD/NP/COP-MOP/1/2/Add.1, annex), paras. 4 (o)-(p) and 5 (c)-(d); see also decision 3/3 of the Conference of the Parties

28. Frameworks under the Ramsar Convention include: (a) the principles for partnerships between the Ramsar Convention and the business sector, adopted pursuant to resolution X.12 of the Conference of the Parties to the Convention, in which parties encouraged the business sector to assess the status and trends of wetlands conservation, calculate its water footprint and develop alliances with relevant stakeholders to implement economic incentives; and (b) rule 7 (5) of the rules of procedure for meetings of the Conference of the Contracting Parties to the Ramsar Convention, by which draft resolutions made by observers may be put to the vote if sponsored by a contracting party.

29. Frameworks under the Convention to Combat Desertification include: (a) open dialogue sessions with civil society, which the Conference of the Parties to the Convention requested the Executive Secretary, in consultation with the Bureau of the Conference of the Parties, to include in the first week of meetings of the Conference of the Parties;⁵¹ (b) a civil-society panel comprising two representatives of the secretariat and one representative of civil society from each of the five United Nations regional groups,⁵² who are elected by observer organizations for a two-year mandate and whose roles include liaising with their constituencies, facilitating the coordination of policy positions and interventions among accredited civil-society organizations and improving communication;⁵³ and (c) a supplementary fund, which was established under the Convention and aimed at, among other things, supporting the participation of NGOs from affected developing-country parties in meetings of the Conference of the Parties.⁵⁴

30. Frameworks under the Convention concerning the Protection of the World Cultural and Natural Heritage: several partnerships and relevant private-sector entities have been established through the Partnerships for Conservation Initiative. These partnerships entail developing knowledge products and/or disseminating information on the Convention and its purpose, as well as mobilizing financial support from private entities on specific elements of projects related to the Convention. The consent of States parties is necessary to build a partnership, and different types of partnerships exist.⁵⁵ In addition, the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage cooperates with international and national governmental and non-governmental organizations having similar objectives to the Convention in the implementation of its programmes and objectives,⁵⁶ and the meetings of the Committee can be attended by representatives of international organizations in an advisory capacity.⁵⁷ Moreover, the Committee may at any time invite public or private organizations or individuals to participate in its sessions for consultation on particular problems.⁵⁸

C. Protection of freshwater resources

31. Frameworks under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes include:

(a) Stakeholder participation in the nomination process for the Implementation Committee. The members of the Committee are elected by the Meeting of the Parties to the Convention among candidates nominated by the parties. To that end, parties may consider any proposal for candidates made by signatories to the Convention or qualified NGOs.⁵⁹ In the performance of its functions, the Committee shall take into account all relevant information made available to it, including from the public;⁶⁰

(b) The Task Force on the Water-Food-Energy-Ecosystems Nexus, which was established by the parties and gathers interested policymakers, practitioners and experts to oversee activities

serving as the meeting of the Parties to the Nagoya Protocol (CBD/NP/MOP/DEC/3/3), annex, goal 1 (c) (Outreach and engagement).

⁵¹ See Conference of the Parties to the Convention to Combat Desertification, decision 5/COP.9.

⁵² See Conference of the Parties, decisions 3/COP.8, 5/COP.9 and 5/COP.10.

⁵³ More information is available at <https://csopanel.org/about-us/>.

⁵⁴ See Conference of the Parties, decision 2/COP.1

⁵⁵ See the revised strategy of the Partnerships for Conservation Initiative, adopted by the Intergovernmental Committee for the Protection of the World Cultural Natural Heritage in its decision 37 COM 5D (WHC-13/37.COM/20).

⁵⁶ Convention concerning the Protection of the World Cultural and Natural Heritage, art. 8.

⁵⁷ *Ibid.*, art. 8.

⁵⁸ *Ibid.*, art. 10.2.

⁵⁹ Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, decision VI/1 on support to implementation and compliance, annex I, para. 5.

⁶⁰ *Ibid.*, para. 31.

related to the water–food–energy–ecosystems nexus and water allocation. The Task Force also serves as a platform to exchange knowledge and experiences on transboundary nexus issues and solutions.⁶¹

D. Protection of oceans and seas

32. Under the regional Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and its seven protocols adopted within the framework of the Mediterranean Action Plan, the following initiatives can be highlighted:

(a) Under the Mediterranean Action Plan, partnerships, international and national NGOs are invited to apply for partner status, which allows NGOs to participate in the implementation of the Action Plan's programme of work through specific agreements between the organization and the Action Plan secretariat or subsidiary bodies.⁶²

(b) The Mediterranean Commission on Sustainable Development⁶³ is a multi-stakeholder advisory body to the contracting parties established in line with article 4 of the Convention and the main organ for implementing the Mediterranean Strategy for Sustainable Development 2016–2025. The Commission includes not only government representatives but also local authorities, socioeconomic actors, NGOs, intergovernmental organizations, the scientific community and parliamentarians, who participate in the deliberations on an equal footing.

E. Regulation of hazardous substances, wastes and activities

33. Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, several global partnerships have been created by the Conference of the Parties to the Convention, promoting collaboration between stakeholders. The Basel Convention Partnership on Plastic Waste was launched in 2020⁶⁴ and has four project groups, for which membership is open to parties to the Basel Convention and other stakeholders specialized in the different aspects of prevention, minimization and management of plastic waste. Observer status to the Basel Convention is offered to, among others, non-party States and any agency or body, national or international, governmental or non-governmental, which is qualified in matters covered by the Convention.⁶⁵ Four other technical partnerships have been created: the Mobile Phone Partnership Initiative, the Partnership for Action on Computing Equipment, the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic and the Household Waste Partnership. These partnerships all promote the broad participation of relevant stakeholders in creating knowledge products or implementing pilot projects.

F. Science-policy platforms and frameworks

34. Science-policy interfaces are intergovernmental processes that include the relations between scientists and other stakeholders and “allow for exchanges, co-evolution, and joint construction of knowledge with the aim of enriching decision-making”.⁶⁶ Key examples include the following:

(a) **Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES).** IPBES is an independent intergovernmental body established to strengthen the science-policy interface in the context of the conservation, restoration and sustainable use of biodiversity.⁶⁷ In decision IPBES/1/2, the Plenary of IPBES invited the International Union for

⁶¹ Discussion paper on a proposed approach to assessing the water-food-energy-ecosystems nexus under the Convention, adopted at the first meeting of the Task Force.

⁶² Sixteenth Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, decision IG.19/6 entitled “MAP/Civil society cooperation and partnership”.

⁶³ Nineteenth Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, decision IG.22/17, entitled “Reform of the Mediterranean Commission on Sustainable Development (MCSD) and Updated MCSD Constitutive Documents”.

⁶⁴ Conference of the Parties to the Basel Convention, decision BC-14/13 on further actions to address plastic waste under the Basel Convention, para. 23.

⁶⁵ Terms of reference for the Basel Convention Partnership on Plastic Waste and workplan for the working group of the Partnership on Plastic Waste for the biennium 2020–2021, sect. VII B.

⁶⁶ Sybille van den Hove, “A rationale for science-policy interfaces”, *Futures*, vol. 39, no.7 (2007), pp. 807–826.

⁶⁷ See resolution on the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, adopted by the second session of the Plenary meeting to determine the modalities and institutional arrangements for IPBES, held from 16 to 21 April 2012 in Panama City.

Conservation of Nature and the International Council for Science to work with relevant stakeholders, including indigenous peoples and local communities and the private sector, and with the secretariat, to prepare a draft stakeholder engagement strategy that was subsequently adopted by the Platform.⁶⁸ In addition, stakeholder days have traditionally been organized in advance of IPBES Plenary sessions, offering an opportunity for IPBES members, observers and stakeholders to receive updates on the IPBES processes and to discuss their engagement with the Platform. Moreover, IPBES keeps a registry of stakeholders and encourages the self-organization of stakeholder networks, two of which are currently active.⁶⁹ One of the subsidiary bodies of IPBES is the Multidisciplinary Expert Panel, which consists of scientific experts nominated by Governments but who conduct their work in their individual capacity and, among other things, provide advice to the Plenary on scientific and technical aspects of the IPBES programme of work.

(b) **Intergovernmental Panel on Climate Change.** The Intergovernmental Panel assesses the science related to climate change. Its reports go through several drafts and reviews by Governments and experts. Stakeholders with relevant expertise to the work of the Panel can register to become expert reviewers of Panel reports and are acknowledged for their contribution.⁷⁰

(c) **Strategic Approach to International Chemicals Management.** The Strategic Approach is a policy framework aimed at promoting chemical safety. It was adopted by the International Conference on Chemicals Management at its first session and developed through a multi-stakeholder and multisectoral preparatory committee. Participants in the Strategic Approach include Governments, intergovernmental organizations, NGOs and individuals involved in the management of chemicals throughout their life cycles.⁷¹ The global plan of action of the Strategic Approach identifies possible work areas and their associated activities, actors (stakeholders), targets/time frames, indicators of progress and implementation aspects.⁷²

(d) **International Resource Panel.** The Panel was launched by UNEP in 2007 to build and share the knowledge needed to improve the use of resources worldwide. The Panel consists of eminent scientists and provides advice and connections between policymakers, industry and the scientific community on ways to improve global and local resource management. The Panel includes scientists and Governments from both developed and developing regions and civil society, industrial and international organizations.⁷³

(e) **High-level Panel of Experts on Food Security and Nutrition.** The High-level Panel is the science-policy interface of the Committee on World Food Security⁷⁴ and is responsible for assessing the science relating to food security and nutrition. It comprises a steering committee, formed by 15 scientists from academia, the public and private sectors and other constituencies, ad hoc project teams and a network of more than 2,000 experts.⁷⁵ The Panel has produced, among other things, scientific reports on multi-stakeholder partnerships⁷⁶ and youth engagement.⁷⁷

⁶⁸ Decision IPBES-3/4, annex II.

⁶⁹ Namely, the Open-Ended Network of IPBES Stakeholders and the International Indigenous Forum on Biodiversity and Ecosystem Services. More information is available at <https://ipbes.net/networks>.

⁷⁰ More information is available at <https://www.ipcc.ch/2020/12/04/what-is-an-expert-reviewer-of-ipcc-reports/>.

⁷¹ It is also worth noting that, in the light of the multi-stakeholder character of the Strategic Approach, the President of the Bureau of the International Conference on Chemicals Management shall invite four representatives of non-governmental participants (representing health, industry, trade unions and public interest groups) and the Chair of the Inter-Organization Programme for the Sound Management of Chemicals to participate in Bureau meetings, unless the Bureau decides that part or all of its meeting shall be limited to governmental participants. See rule 15 of the rules of procedure of the International Conference on Chemicals Management.

⁷² Global plan of action, table B, “List of possible work areas and their associate activities, actors, targets/time frames, indicators of progress and implementation aspects”.

⁷³ See <https://www.resourcepanel.org/about-us>.

⁷⁴ The Committee on World Food Security is an international and intergovernmental multi-stakeholder platform that develops and endorses policy guidance and recommendations in the field of food security and nutrition. More information is available at <https://www.fao.org/cfs/en/>.

⁷⁵ More information is available at <https://www.fao.org/cfs/cfs-hlpe/about/mission/en>.

⁷⁶ High-level Panel of Experts on Food Security and Nutrition, *Multi-Stakeholder Partnerships to Finance and Improve Food Security and Nutrition in the Framework of the 2030 Agenda* (Rome, Committee on World Food Security, 2018).

⁷⁷ High-level Panel of Experts on Food Security and Nutrition, *Promoting Youth Engagement and Employment in Agriculture and Food Systems* (Rome, Committee on World Food Security, 2021).

G. Stakeholder engagement in multi-stakeholder partnerships and platforms within the context of the implementation of the 2030 Agenda

35. Multi-stakeholder partnerships and platforms have been key in accelerating action for the implementation of the 2030 Agenda. The following partnerships and platforms are informal initiatives that have catalysed action around pressing environmental issues: (a) the Global Mercury Partnership;⁷⁸ (b) the Global Partnership on Marine Litter;⁷⁹ (c) the Global Partnership on Nutrient Management;⁸⁰ (d) the Global Soil Partnership for Food Security and Climate Change Adaptation and Mitigation;⁸¹ (e) the United Nations Global Compact;⁸² and (f) the UNEP Finance Initiative.⁸³

VI. Potential approaches for the instrument

36. On the basis of the information contained in the present note, the secretariat has identified 11 possible approaches for engaging stakeholders in the instrument and related work. These approaches are summarized in the table below. They should not be seen as alternatives or mutually exclusive but rather as possible approaches that can be cumulative.

37. Provisions for one or a combination of these approaches could either be: (a) integrated into the body of the instrument; (b) presented as a draft decision to the diplomatic conference of plenipotentiaries to be convened for the purpose of adopting the instrument; (c) taken forward by the governing body under the instrument at a later stage; (d) contained in the rules of procedure of the instrument or its subsidiary bodies; or (e) be a voluntary approach among Governments, international organizations, NGOs and stakeholders.

Overview of approaches to stakeholder engagement

	<i>Stakeholder engagement modality</i>	<i>Traditional approaches</i>	<i>Specific frameworks</i>	<i>Possible elements to consider</i>
1.	References to stakeholders and stakeholder groups in the treaty text of the instrument	(a) References in the preamble; (b) provisions relating to the functioning of the secretariat and cooperation with NGOs; (c) Provisions relating to the governance structure of the conference of the parties/meeting of the parties and cooperation with NGOs; (d) references to indigenous peoples; (e) reference to public awareness and NGOs; (f) granting of access to information; (g) references to mobilizing funding from the private sector and NGOs; (h) consultation with stakeholders; and (i) participation of NGOs as observers in the meetings of multilateral environmental agreements	Current multilateral environmental agreements, including the Paris Agreement, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Nagoya Protocol, the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the Stockholm Convention, the Convention to Combat Desertification, the United Nations Convention on the Law of the Sea and the Minamata Convention	Include the traditional approaches – as outlined – in the text of the instrument
2.	Accreditation of stakeholders as observers in United Nations processes with the right to speak, circulate documents and organize side events and briefings	Accreditation with the Economic and Social Council follows a series of guiding principles. NGOs with consultative status often can access other processes such as United Nations conferences	Economic and Social Council resolution 1996/31, the Council's Committee on Non-Governmental Organizations and United Nations conferences	Granting of automatic accreditation to those NGOs that have consultative status with the Economic and Social Council and the United Nations Environment Assembly

⁷⁸ See <https://www.unep.org/globalmercurypartnership/>.

⁷⁹ See <https://www.gpmarinelitter.org/>.

⁸⁰ See <http://www.nutrientchallenge.org/>.

⁸¹ See <https://www.fao.org/global-soil-partnership/en/>.

⁸² See <https://www.unglobalcompact.org/>.

⁸³ See <https://www.unepfi.org/>.

	<i>Stakeholder engagement modality</i>	<i>Traditional approaches</i>	<i>Specific frameworks</i>	<i>Possible elements to consider</i>
3.	Accreditation of stakeholders as observers in multilateral environmental agreements with the right to speak, circulate documents and organize side events and briefings	Accreditation would be in accordance with the provisions of a specific treaty and the rules of procedure of a conference of the parties/meeting of the parties and be based on the major groups system	Current multilateral environmental agreements, such as the Minamata Convention and the Convention on Biological Diversity	Review of NGOs/stakeholders not accredited by the Economic and Social Council based on specific criteria and their relevance to the work of the instrument
4.	Funding for accredited stakeholders to attend meetings and follow processes	Certain United Nations bodies and multilateral environmental agreements provide funding for accredited stakeholders to attend meetings	Convention on Biological Diversity: a voluntary funding mechanism facilitates the participation of indigenous peoples and local communities in meetings Convention to Combat Desertification: a supplementary fund established under the Convention is aimed at supporting the participation of NGOs from affected developing-country parties in meetings of the Conference of the Parties	A voluntary funding mechanism that facilitates the participation of stakeholders
5.	The principle of public participation in environmental matters, as well as public awareness and access to information	Principle 10 of the Rio Declaration refers to the three pillars of civic engagement Multilateral environmental agreements often include a reference to principle 10	Aarhus Convention: clear and objective criteria for the accreditation and participation of stakeholders in all relevant stages of the decision-making process Escazú Agreement: guarantees minimum rights for the public	<ul style="list-style-type: none"> • Inclusion of particularly vulnerable groups in stakeholder mapping exercises • In line with the principle of inclusivity and public participation, Member States may wish to include the following social groups and individuals in relevant stakeholder mapping exercises: (a) NGOs, such as waste pickers' associations; (b) business and industries, including plastic raw material producers, monomer/polymer producers, plastic converters, packaging producers and users, suppliers to the plastics industry, waste management companies, financial institutions (including banks, insurers and investors) and other plastics users; and (c) the scientific community, including representatives from research centres and academia. There should also be a focus on vulnerable groups (e.g., children, youth, indigenous peoples and their communities,

	<i>Stakeholder engagement modality</i>	<i>Traditional approaches</i>	<i>Specific frameworks</i>	<i>Possible elements to consider</i>
				<p>local communities, women and environmental human rights defenders)</p> <ul style="list-style-type: none"> • Reference to public participation, access to information and access to justice (principle 10)
6.	<p>In line with the principle of public participation, encouragement and facilitation of open dialogue with civil society through formal and informal mechanisms</p>	<p>Texts of multilateral environmental agreements sometimes include a reference to cooperation with NGOs and consultation with stakeholders in developing implementation plans</p> <p>Multilateral environmental agreements and the decisions of their governing bodies often encourage open dialogue with civil society, including through formal and informal processes and platforms</p>	<p>United Nations Framework Convention on Climate Change: the Local Communities and Indigenous Peoples Platform</p> <p>Nagoya Protocol: the Access and Benefit-sharing Clearing-House, which is a platform for exchanging information on access and benefit-sharing established by article 14 of the Protocol, as part of the clearing-house mechanism under article 18 of the Convention on Biological Diversity</p> <p>Convention to Combat Desertification: open dialogue sessions with civil society in the first week of meetings of the Conference of the Parties. In addition, the Convention has a civil-society panel comprising two representatives of the secretariat and one civil-society representative from each of the five United Nations regional groups. These representatives are elected by observer organizations for a two-year mandate and their roles include liaising with their constituencies, facilitating the coordination of policy positions and interventions among accredited civil-society organizations and improving communication</p> <p>IPBES: stakeholder days have traditionally been organized in advance of IPBES Plenary sessions</p>	<ul style="list-style-type: none"> • Reference to cooperation and consultation with stakeholders in the treaty text • Through its decisions, the governing body of the instrument could establish stakeholder platforms that promote consultation with parties and the exchange of experiences. These platforms could be general in nature or could address specific stakeholders • There could be open dialogue sessions immediately prior to a governing body meeting with stakeholders and parties • There could also be specific stakeholder days to offer an opportunity for members and stakeholders to receive updates on the activities under the treaty • A civil-society panel, elected by observer organizations, could liaise with its constituencies, facilitating the coordination of policy positions and interventions among accredited civil-society organizations
7.	<p>Enhanced participation of stakeholders, but without the right to vote</p>	<p>As a general rule, NGO observers are not allowed to negotiate text and can only make oral interventions and circulate documents</p>	<p>Rules of procedure of the Economic and Social Council: the right of NGOs to make proposals on the provisional agenda;</p> <p>Ramsar Convention: proposals made by observers may be put to the vote if sponsored by a contracting party</p>	<p>Options to improve access to the proceedings of governing body meetings</p> <ul style="list-style-type: none"> • Reference to “the public” in the treaty/instrument and rules of procedure • The Bureau can invite NGO/stakeholder representatives to its meetings

	<i>Stakeholder engagement modality</i>	<i>Traditional approaches</i>	<i>Specific frameworks</i>	<i>Possible elements to consider</i>
			<p>Aarhus Convention: (a) The Bureau can invite an NGO representative that shall be appointed by those organizations at sessions of the Meeting of the Parties; (b) Video recordings of the proceedings to be made available if feasible</p> <p>Escazú Agreement: presiding officers of the Conference of the Parties shall maintain a continuous dialogue with the public. The only limitation to public participation should be the space available in the room</p>	<ul style="list-style-type: none"> • Continuous dialogue by the President with civil society • Allow the rules to provide that: (a) NGOs can make proposals for the provisional agenda; and (b) proposals made by observers, including NGOs, can be put to the vote if sponsored by a contracting party
8.	Role of high-level independent individuals, such as Special Rapporteurs and special procedures mechanisms	As a general rule, multilateral environmental agreements do not provide for the appointment by their governing bodies, such as conferences of the parties and meetings of the parties, of high-level independent experts, such as Special Rapporteurs or special procedures mechanisms	<p>Aarhus Convention: the Meeting of the Parties elected a Special Rapporteur on environmental defenders</p> <p>Human Rights Council: Special Rapporteurs are appointed by the Council to conduct inquiries into specific situations. The special procedures are independent, volunteer human rights experts that contribute to the monitoring and investigation of the status of a series of human rights nationally or globally</p>	<ul style="list-style-type: none"> • Opportunity for the governing body of the instrument to appoint a Special Rapporteur to address a specific situation involving plastic pollution and report back to the governing body • The governing body could also have a special procedures mechanism to monitor specific questions related to the convention and report back
9.	Appointment of stakeholders to technical/expert bodies as advisers	Multilateral environmental agreements and intergovernmental platforms have technical bodies that operate as subsidiary bodies to the conference of the parties/meeting of the parties and provide expert advice back to the it. In certain cases, these technical bodies include representatives from the stakeholder community who serve as advisers, or there is a provision for a consultation mechanism with stakeholders	<p>United Nations Framework Convention on Climate Change: engagement of stakeholders, including NGOs and experts, in the meetings and procedures of the Technology Executive Committee</p> <p>Barcelona Convention: Mediterranean Commission on Sustainable Development (multi-stakeholder advisory body)</p> <p>Convention on the Protection and use of Transboundary Watercourses and International Lakes: stakeholder participation in the nomination process for the Implementation Committee</p>	<ul style="list-style-type: none"> • Subsidiary bodies of the instrument could have, as a part of their mandate, the responsibility to consult with stakeholders and seek their input to decisions of those bodies • The subsidiary bodies may invite advisers drawn from relevant intergovernmental and international organizations, as well as the private sector and civil society, to participate in its meetings as expert advisers on specific issues as they arise • Members of the subsidiary body can be elected by the governing body among candidates nominated by the parties, who may consider any proposal for candidates made by signatories to the

	<i>Stakeholder engagement modality</i>	<i>Traditional approaches</i>	<i>Specific frameworks</i>	<i>Possible elements to consider</i>
				<p>convention or qualified NGOs</p> <ul style="list-style-type: none"> Members of the subsidiary body can consist of parties, international organizations and NGOs, participating on an equal basis Alternatively, parties may participate as members with the right to vote while international organizations and NGOs do not have the right to vote
10.	Multi-stakeholder partnerships and platforms	<p>Within the context of the United Nations and multilateral environmental agreements, there are many multi-stakeholder partnerships and platforms. They have been key in accelerating action for the implementation of the 2030 Agenda. Membership is generally open to stakeholders from governments, intergovernmental organizations, NGOs, the private sector, academia and the scientific community, as well as individuals</p>	<p>Global Mercury Partnership</p> <p>Global Partnership on Marine Litter</p> <p>Global Partnership on Nutrient Management</p> <p>Global Soil Partnership; United Nations Global Compact</p> <p>UNEP Finance Initiative</p>	<ul style="list-style-type: none"> The governing body of the instrument could provide the mandate for a multi-stakeholder partnership/platform. Alternatively, such a platform could be created outside the framework of the governing body and be a voluntary association of representatives from governments, intergovernmental organizations, NGOs, the private sector, academia and the scientific community, as well as individuals Such a partnership or platform could be general and relate to all the activities covered by the instrument, or could be thematic by addressing, for example, indigenous peoples, waste management or business and industry A platform could provide a mechanism for cooperation and coordination between stakeholders and parties and enable knowledge and best practices to be shared
11.	Adoption of guidelines for partnerships	<p>Within the context of the United Nations, guidelines for partnerships have been adopted</p>	<p>Ramsar Convention: principles for partnerships between the Ramsar Convention and the business sector under the Convention.</p>	<p>The instrument could adopt principles for partnerships with a specific sector, for example, the business sector</p>