

The United Nations Environment Programme and the Nine Major Groups

**“How to understand and use
the ‘Guidelines for Improving the Global Civil Society Forum Cycle’,
unanimously adopted at the Global civil Society Forum, 2008”**

**‘International Environmental Governance at Operational level
- A possible interpretation and user guide.’**

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Disclaimer

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UNEP – the United Nations Environment Programme and the Nine Major Groups

“How to understand and use the ‘Guidelines for Improving the Global Civil Society Forum Cycle’, unanimously adopted at the Global Civil Society Forum, 2008”

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1.0 – Introduction

1.1 – Process unanimously agreed

Since the turn of this century UNEP has strengthened its engagement with civil society. This has found an expression through the ‘Guidelines for Improving the Global Civil Society Forum Cycle’ which were unanimously adopted at the Global Civil Society Forum (GCSF) in Monaco in February, 2008. The guidelines contain a number of challenges and policy directives for UNEP as well as for civil society, some of which need to be contextualized and further interpreted in a structured setting. This document attempts to do precisely that.

Abiding by rules, regulations, procedure and decisions taken is a necessity to make an intergovernmental system function. This may be perceived as an impediment to initiatives and a disincentive to immediate actions, but as long as the process is rationally perceived, practicably applied and mutually respected all with the caveat that it may be improved or reworked should circumstances so demand, the process should be viewed as functional and seen as the foundation upon which should rest accountability, transparency and participation.

1.2 – The guidelines understood

UNEP has had no problem in cooperating with civil society in the field. Delegates also have not voiced any opposition to partnerships being formed and joint projects executed out there. Many within civil society have pointed to the discrepancy existing between obstacles to civil society participation in the Governing Council/Global Ministerial Environment Forum (GC/GMEF) and to the openness and full integration of civil society in the field by UNEP. UNEP’s ‘Major Groups and Stakeholders Branch Division of Regional Cooperation’ started in 2003 to work on a document that was designated to deal with this problem. The development of the document was done in close cooperation with representatives from civil society from all over the world. These representatives were selected from UNEP’s six regions and the outcome of their work would suggest how to design rules and regulations that would assign roles to the Major Groups², as civil society now was going to be called within the context of UNEP. It was hoped that in the final instance these rules and regulations might contribute to bridging the gap that this discrepancy represented.

After two intensive years of work and close consultation with the Major Groups both at global level and in the six UNEP regions, the final document was presented to the Global Civil Society Forum preceding the GMEF in Monaco in February 2008 where it was unanimously accepted. The document is called: “Guidelines for Improving the Global Civil Society Forum Cycle”.

Any guideline needs an interpretation and also an organizational choreography. Using the guidelines as the basic sheet for a conductor, we may broadly outline the organizational choreography of the relationship between UNEP and its accredited Major Groups in the following way. We will through the following paragraphs outline and describe this choreography.

1.3 – UNEP, the Major Groups and a bit of history

In 1995, the Governing Council (GC) called upon UNEP to develop a framework for working more closely with NGOs. Consequently, UNEP agreed to support NGO and Major Group input into project design, implementation and evaluation, policy development as well as environmental governance. These decisions were formalised in UNEP’s Manual on Project Formulation, Approval, Monitoring and Evaluation.³

² The 9 Major Groups are: women, children and youth, workers and trade unions, indigenous people and their communities, NGOs, local authorities, scientific and technological community, business and industry, and farmers.

³ Discussed and used at the Twenty-second session of the Governing Council/ Global Ministerial Environment Forum, Nairobi, 3-7 February 2003, Items 4 (c) and (d) of the provisional agenda: Policy issues: Coordination and cooperation within and outside the United Nations, including non-governmental organizations: The role of civil society “Enhancing civil society engagement in the work of the United Nations Environment Programme: Strategy Paper.”

UNEP was among the first entities of the United Nations system to see the potential in cooperating with civil society. As UNEP found its founding platform during the Stockholm Conference in Sweden in 1972, civil society was present and provided the new and emerging UN unit slated to work on the environment with much of its novelty and infused it at the same time with considerable enthusiasm and energy. Soon 40 years on, with some of this momentum waning, much of this enthusiasm and energy is still a potential for UNEP to utilise, if harnessed prudently.

Civil society has for the past decade or so become an increasingly accepted player with influence on the local, national regional and international scene. As more and more people in the West leave the organised political parties, and an increasing number of people in other parts of the world are on the lookout for organisational instruments that can represent and channel their views, various organisational structures within the so-called civil society segment of society seem ready to absorb these people and spearhead their views.

The UNEP 1995 report referred to above, states:

“For the purpose of this strategy, civil society encompasses major groups, that is: farmers, women, the scientific and technological community, children and youth, indigenous peoples and their communities, workers and trade unions, business and industry, non-governmental organizations as well as local authorities. The strategy focuses on engagement with the organizations established by each of these major groups in so far as they are involved in public interest activities. The majority of these organizations are referred to as non-governmental organizations (NGOs) for the purpose of defining the primary operational target group for the strategy.

It should also be noted that the primary target of most of the strategy is organizations and their networks working at the national, regional and international level. While groups working at a local level are vital players in the effort for sustainable development, UNEP’s institutional structure makes it operationally difficult to reach them directly. Rather, they will be reached through strengthened engagement with civil society networks and other organizations that have the capacity and the mandate to do so.”⁴

1.4 – Why rules and process matter

The Canadian philosopher-parliamentarian Michael Ignatieff reminds us of the reality behind rules, processes and choices:

“Life’s toughest choices are not between good and bad but between bad and worse. We call these choices lesser evils. We know that whatever we do, something important will be sacrificed. Whatever we do, someone will get hurt. Worst of all we have to choose ... In choosing lesser evils in order to avoid greater ones, rules matter, ... but process matters more. Where mistakes are inevitable and we need to correct them quickly, it is vital that those who make the choices are forced, as often as possible, to justify their decisions and account for their mistakes ... Even extreme necessity cannot override democratic processes and the obligation to balance strong measures with basic commitments to full public justification.”⁵

2.0 – The broader structure of UNEP

2.1 – The GC and the GMEF

The Governing Council (GC) is the highest decision-making political authority of UNEP. In a sense, this is where the political decisions concerning global environmental issues, development and challenges are taken. This is also where programme priorities are made, work-programmes are decided, and where budgetary discussions take place; to sum up, decisions taken here should reflect the sum total of the priorities of all member states that belong to UNEP. Civil society has for a long time wanted to become a party to these discussions, and have pointed to such practice existing in other segments of the UN. Reference to the UN Commission on Sustainable Development (UN CSD) has frequently been made in this connection, not the least because to a large extent the participating delegations both at UNEP and at CSD are often one and the same. It is worth remembering that a generous interactive process between delegations, the UN CSD secretariat and the Major Groups is accepted and practiced at CSD. (For further details see ANNEX I of the Guidelines.)

At the turn of this century a new practice was added to the annual UNEP meetings, and it was decided that UNEP should travel abroad from Nairobi to a country which would host a ‘Global Ministerial Environment Forum’(GMEF) every other year. The first such forum took place in Malmoe, Sweden in 2000, and the Malmoe Declaration issued by the participating environmental ministers strongly advocated for the inclusion of civil society into the broader context of UNEP policy work. (See ANNEX I – for the Declaration).

⁴ Ibid, page 4

⁵ From Michael Ignatieff: ‘The lesser evil’ Edinburgh University Press, 2005.

2.2 – The formal dilemma of the GMEF and the GC

The annual meeting of UNEP (GC/GMEF) is actually divided into two segments, a ministerial forum segment and a governing council segment. Whereas many of the participating delegations had little or no opposition to civil society participating in the Forum, they voiced substantiated concern about allowing civil society representatives into the Governing Council part of the Forum as this is where policy decisions are taken by government delegations.

Many delegates at the UNEP GC/GMEF feel that civil society, no matter how good it is, cannot be included into the larger body of the intergovernmental decision making process. They cite many of the concerns expressed in paragraph 1.2 above. And as much as civil society may refer to precedents concerning their total participation in other UN foras and decision making bodies, the delegates can cite precedents within the UN body of organisational units which excludes civil society. The overall and deciding paragraph that has caused much consternation from civil society is the so-called Paragraph 69 of the UNEP Rules and Procedure.

2.3 – The formalities of UNEP

The UNEP GC reports to the UN General Assembly (UNGA), through the Economic and Social Council (ECOSOC), one of UN's Permanent Bodies. The GC consists of 58 members that are elected by the UNGA for four-year terms, taking into account the principles of equitable representation:

- 16 seats for Africa States
- 13 seats for Asian States
- 6 seats for Eastern European States
- 10 seats for Latin American and Caribbean States
- 13 seats for Western European and other States.

The UNGA endorsed in 1999 a proposal to institute an annual ministerial level global environmental forum in which participants would be allowed to review important and emerging policy issues in the field of the environment. The Global Ministerial Environment Forum met for the first time in 2000 in Malmoe, Sweden. The GMEF now meets annually as part of the regular and special sessions of the Governing Council.

There are a number of elements to the GC/GMEF sessions. The entire session lasts usually five days, Monday through Friday, and deliberations take place in different contexts:

- The Committee of the Whole (COW), which may be looked upon as the large plenary of the GC. The COW can decide to have various committees and or break-out groups in session;
- The Ministerial Plenaries, which are high level plenaries, often with some restriction as to attendance; and
- Since 2007, the Ministerial Roundtables, which are closed session, and only those invited may attend. The outcomes from all these elements are brought together in the Committee of the Whole, which in the end decides on the final outcome of the G/GMEF.

3.0 – The organizational choreography

3.1 – It is all in the guidelines

Let us now return to civil society and to the Major Groups, and find out how they can interact with the formal section of the GC/GMEF. As has been stated earlier in this document, a set of guidelines called “Guidelines for Improving the Global Civil Society Forum Cycle” were unanimously adopted in 2008 in Monaco at the UNEP Global Civil Society Forum.

Reading the guidelines closely will provide an answer to almost all questions regarding the obligations, rights, work responsibilities etc that pertains to the various civil society actors, or Major Groups as they are properly called. However, parts of the process are not written, and are subject to practical interpretation and developed over time through precedents.

What is of interest is also which principles the Guidelines have incorporated. The following paragraphs will hopefully elucidate the interested reader, and throw some light upon the seemingly inscrutable world of rules, regulations and process.

3.2 – The Nine Major Groups

The guidelines emphasises the fact that civil society is to be considered through the Nine Major Groups (MGs) (women, children and youth, workers and trade unions, indigenous people and their communities, NGOs, local authorities, the scientific and technological community, business and industry, and farmers) see (§ 3 and §12 and otherwise throughout the document).

The nine MGs are to be respected as individual and separate organizational entities, and treated as such, and in no way can or should UNEP or delegates or delegations expect that civil society through the nine MGs work out or come up with statements that represent all the nine.

Collaboration is encouraged between the nine major groups, as stated in the guidelines, but only if they so choose. For any civil society organisation to be of relevance to UNEP at the GC/GMEF, the organisation must be accredited to UNEP and naturally meet all the accreditation criteria that pertains to UNEP.

3.3 – What can be expected from UNEP and vice versa?

Chapter 1 deals in a somewhat perfunctory manner what may be termed as the mutual expectations between UNEP and the MGs in the context of the GC and GMEF. We find what UNEP through its administration will do to accommodate the MGs, and the chapter also deals with the mutual benefits on an overarching manner of working together to improve the environmental plight of this world.

4.0 – The structure of Major Groups in UNEP

4.1 – Major Groups and UNEP

Chapter 2 of the guidelines deals with how the MGs are organised, what their obligations are, and how they are supposed to interact with UNEP prior to, during and after the GC/GMEF.

There are a number of elements in this chapter that is important to understand, contextualise realise and implement.

In addition to its many global responsibilities through various convention secretariats and global programmes, UNEP is one of the few UN entities that operates through six regions. (The UN itself is for instance organised through five regional commissions). Because of the work done by the Major Groups and Stakeholders Branch in UNEP, civil society organisations within each of the regions within the Major Group constellation and accredited to UNEP may have some say in the policy deliberations of UNEP. As stated in Chapter 1 of the Guidelines, UNEP's regional and global civil society meetings dealing with the GC/GMEF preparations shall have an agenda that reflects what is going to be dealt with at policy level. As soon as the agenda and documents concerning the GC/GMEF are available for delegations, they shall also be made available for all UNEP accredited MGs.

Documentation and papers including general information about the forthcoming UNEP GC/GMEF meetings shall be distributed, and Major Group organisations accredited to UNEP be alerted to the political importance of the meeting beforehand. This is not only the responsibility of UNEP, but also of the Major Group organisation which has been given that responsibility as the Major Group Facilitating Unit (MGFU).

4.2 – The Major Group Facilitating Unit (MGFU)

Each of the 9 MGs shall have one organisation that facilitates and coordinates this interest and engagement. The selection of such a focal organisation is done according to a bidding process. Representative networks or international organisations accredited to UNEP can make a bid for the role as the MGFU. To be awarded such a position, the organisation, which must operate on a global level, must also be able to work consistently for minimum period of two years. The final selection of this bidding process is done by the UNEP Major Groups and Stakeholders Branch in Nairobi. The terms of reference, qualifications, obligations and responsibilities for the focal organisation are specified quite clearly. Unless these qualifications are met, an organisation should not be awarded the responsibility of facilitating its constituency into the UNEP GC/GMEF process.

To fulfil these qualifications properly, the designated Focal Organisation would have to appoint one person to be its responsible 'UNEP person'. It would be wise for a bidding organisation to plan for at least one person working continually on a yearly basis, perhaps as much as full time - with complete support from his/her organisation to be successful as a Major Group Focal Organisation. To be considered of interest in the bidding process, each of the bidding organisations must present the Major Groups and Stakeholders Branch at UNEP with a plan outlining how they intend to carry out their role as the MGFU, respecting, incorporation and implementing the terms of reference, obligations etc outlined in the Guidelines.

It is important however, to understand that the focal organisation does not necessarily speak on behalf of its constituency at international conferences. Facilitation and representation are two very different issues. Representative statements are usually a result of deliberations at meetings where all present have agreed on the wording and content of a statement. Such 'on site deliberations' are elements in well used and well known modalities.

However, statements from Major Groups may also be based on prior consultation over the internet, as is the established case with the so-called major group's papers at for instance CSD. It is also well worth noting that the different Major Groups have adopted modalities that are internally agreed upon, and that mandates that particular Major Group to arrive at representative statements without the use of 'on site meetings'. These particular modalities may vary between the Major Groups.

Having a focal organisation functioning as an MGFU does not exclude other organisations belonging to the same Major Group from participating in UNEP deliberations and lobby for their causes. It is the job of the focal organisation to function as a service provider for its constituency.

4.3 – Access to meetings, information and proceedings

Access to information when it is delivered and access to the delegates and their work at UN conferences are deemed crucial for civil society in their work. The Major Group organisations bring their expertise and knowledge to the conference stage, but also the concerns of their some times large constituencies. Bringing this knowledge to the delegates and to the UN people during conferences and having a substantive discourse and dialogue on issues at hand at these times are crucial elements of the work of civil society.

Being able to approach delegates in a proper manner at these conferences and sitting in the room and listening to the debate, allows civil society to understand the debate on par with delegates. Being allowed to do so, also feeds into another of the assignments that civil society has at the UN: bringing the seriousness and content of the debate back to their constituencies. The information dissemination and work following up the results of the UN conferences that is carried out by civil society cannot be overestimated and helps build a larger and more educated population attuned to the needs of this century.

An often recurring issue at many UN meetings is the question of civil society and its access to the 'rooms'. Experience has show that many delegates confuse this issue and misunderstand the interest of civil society. Rule 69 of the UNEP proceedings, allows the Chair of the GC/GMEF to decide to what extent civil society will be allowed to participate in meetings at UNEP governing bodies.

Paragraph 7 of this document talks at some length about the overarching rules and regulations dealing with civil society. Reference is here not made to Rule 69 of UNEP, but to an ECOSOC document which has overarching status within the UN. One quote from this document may go a long way to untangle what is often an unfortunate misunderstanding: access is often confused with the right to speak.

Paragraph 19 of the ECOSOC document spells out clearly what is meant in general by NGO presence at UN meetings "*19. The arrangements should not be such as to overburden the Council or transform it from a body for coordination of policy and action, as contemplated in the Charter, into a general forum for discussion.*"

The reference to the Council means the Economic and Social Council, ECOSOC, one of the Primary Organs of the UN. The full text of the ECOSOC document deals however with all types of UN meetings, and it is well worth noting the text above stating "*The arrangements should not be such as to overburden the Council...*" In other words, physical access that is allowing civil society to present in the room at 'floor level' and listen in on the debate should be at a minimum granted. But, allowance can and should be made for civil society also to be heard at UN meetings. Such arrangements have been referred to earlier in this document by pointing out that such a system is widely used and practiced at the UN CSD.

The accredited Major Group representatives have enjoyed good access to the 'rooms', and unless the negotiations are decided to be closed for strategic reasons, as so-called break out groups may be, it is hoped that the 'open door' policy is continued and strengthened.

It is hoped that Rule 69 be of the formal UNEP rules of procedure always be given a generous interpretation by the leadership of the GC/GMEF, in line with thoughts and visions expressed in most documents dealing with the international environmental architecture and give maximum access to accredited members of civil society. Rule 69 also allows members of civil society to: 'make oral statements on matters within the scope of their activities.'

Lobbying for maximum space and access for civil society and securing good and functioning modalities within the intergovernmental processes are often key issues for representatives of civil society. Doing the same at the UNEP GC/GMEF should therefore be a major objective for the Major Group Facilitating Units, the MGFU, in conjunction with the Major Group Facilitating Committee, the MGFC.

4.4 – The modalities available to accredited Major Group organisations at the UNEP GC/GMEF

Since civil society became engaged in the UNEP proceedings at policy level, certain rules of engagement and rules of performance have been developed.

From a technical point of view, these rules and modalities contain, among others, the following elements:

- The civil society organisation must have relevant accreditation, according to rules by UNEP.
- Access is given to all meetings during negotiations, unless certain committee meetings or breakout groups are described as ‘closed’. Open access is normally granted to the Committee of the Whole, and to other meetings designated plenary, and also break out groups if the delegates so permit. Restricted access is granted to Ministerial Panels and the Ministerial Roundtables.
- Access to all documents is provided on a continuous basis prior to as well as throughout the negotiations.
- The Major Groups are further provided ample opportunities to participate through
 - Organising side events;
 - Participating in ‘official’ side events;
 - Participating in the morning meeting at the green room;
 - Participating in the special policy sessions for each major group;
- Regional groups (governments) may select a number of key representatives from the Major Groups and have meetings with them. This is a practice often employed, when requested by the EU, the US and USCANZ/ JUSSCANNZ⁶;
- It is also understood that the MGFC (see paragraph 6.0 below) can approach the informal official groups and request information meetings on par with practice from other UN meetings and conferences.
- Major Group representatives may be asked to address a plenary meeting such as the COW. The Committee of the Whole, following certain procedures if the Chair so permits. It is important to note that practice now means calling a representative from each of the nine major groups to speak.
- Major Group representatives appointed or recognised by that specific Major Group at their coordination meeting may ask for the floor during the debate in the COW. Major Groups are frequently allowed to address official meetings. They may however not necessarily be given the floor, some times due to time constraints, but also because of the formal nature of intergovernmental negotiations

5.0 – Major Group activities and meetings

5.1 – Green room activities

UNEP has reserved a room for civil society meetings aptly called the Green Room. This room is set aside for activities for the Major Groups, and the various activities are coordinated by a representative from the UNEP major Group’s Office.

5.2 – The morning meeting

Various ways of communicating what takes place at a UN conference to civil society have been tried of the years. Perhaps the most successful system is the one employed at CSD where every day starts with a morning information meeting run by the NGO co-organising partner at CSD, but which is open to all major groups. A similar practice was tried at the UNEP GMEF/GC in Monaco in 2008, and a morning information meeting should be instituted.

The Major Group Morning Meeting must be open to all major groups, and is an exclusive civil society event. It must be emphasised that this meeting is on information only. Each of the Major Groups should discuss their political issues at a specific meeting later in the day, where only members of that particular Major Group should be invited.

Representatives from the UNEP Major Groups Office should also be present at the morning meeting. A sensible agenda for this meeting would be the following:

- An overview of the official agenda for that day ;
- Appointing volunteers to follow the important issues on the agenda.
- Report back to the morning meeting from the discussions the preceding day.
- Important messages or concerns raised from any of the Major Groups.
- Assigning Major Group representatives to the Round Tables
- Announcements
- Any other business

⁶ USCANZ: USA, Canada, Australia and New Zealand; JUSSCANNZ: Japan, USA, Switzerland, Canada, Australia, Norway and New Zealand

A morning information meeting may serve many functions, some which may not be immediately obvious to the untrained eye. At any UN conference many participants are new to the intergovernmental process, which to some may appear as a verbal circus with no real direction. A morning meeting may help to provide their participants with a sense of continuity and may provide people with background information, thus rendering the participation from civil society more efficient and building a common understanding of the issues at stake.

The 'report backs' are from members of the Major Groups' community who take an active interest in following the negotiations in the different meetings and report back to the morning meetings on what are the essential and which are the contentious issues. UN conferences often have many parallel meetings; break out groups are formed to solve negotiating challenges etc. It is impossible for one single individual to cover all this. One of the many strengths of the country delegations is that they consist of several people with capacity to cover all these meetings. Thus despite many meetings often running parallel to each other, members of the Major Group community will be given an opportunity to follow what is going on by getting the larger picture from the 'report backs' at the morning meetings. As that agenda indicates, this reporting is done on a voluntary basis and the rapporteurs are selected on a daily basis during the morning meetings.

A person is elected among the members of the Major Groups Facilitating Committee (see paragraph 6.0 below) to function as a chair for this committee. This person would be the natural person to chair the first morning meeting, irrespective of that person's Major Group affiliation.

This person would also hold a major responsibility for making sure the morning meeting run smoothly and with relevant content. It would be advisable that the chairing of the morning meeting would rotate, among the 9 Major Groups' representative ensuring a maximum gender balance over the five work days that the GC/GMEF lasts.

5.3 – Speaking for the Major Groups, making policy

Speaking on behalf of and having a mandate to represent a Major Group can only come from the Major Group itself. Finding a representative voice is a sensitive matter, and cannot be decided at the morning meetings.

As the morning meetings will take on the nature of an open meeting, were all the 9 major groups are welcome, and as these meetings will concentrate on being morning information meetings on the politics of the day, the MGs will need a different session for their policy discussions.

Developing, writing and agreeing on statements or finding a person to deliver that statement has always been a cumbersome and at times painful process in the world of Major Groups. The variety of interests, attitudes, approaches, the level of knowledge and experience, the right to participate and contribute in a participatory way, it often has added up to a process more categorised by disorderly conduct than an orderly 'delegates way of doing things'. Yet, this seemingly disorganised way of doing business, reflects in many ways the nature of "we the peoples". At the very bottom of any facilitation lies the challenge of bringing an MG process into an orderly event with an outcome that everybody can at least agree to as being part of and with an outcome that matters in content as well.

Many have tried, and many have failed at this. Thus, a separate MG meeting for each of the MGs where only people belonging to that MG are present will have an opportunity to decide on what is best for that MG.

These policy meetings will decide on who sits behind the designated sign in the official meeting rooms at the GC/GMEF (NGO, Business, Women etc), and if called upon, that person will speak for his or her Major Group. It is of vital importance that this process be respected as much of the 'official' accountability of civil society presence hinges on this system.

5.4 – The round tables and the plenary seating

The Round Table is a novelty that was introduced into the GC process in 2007. The outcome of these meeting was deemed a success, and from the point of view of civil society, the Round Table process offers a unique way of interacting with global politicians at a high level. The round table sessions are closed sessions, and minutes are taken in such a way that the content of the discussion is shown, not who said what.

Civil society is given a fixed number of seats at these Round Tables. Agreements must be reached on who will go where, and this may pose a challenge.

The Round Tables are set up to exchange views on complex issues, and the Major Groups are expected to bring only top level people with expert knowledge on the topics into these round tables.

A process was devised a few years back to guarantee transparency and participation in the selection process of the Round Table candidates. The final decision on who will participate in the Round Tables rests with the Major Groups Facilitation Committee.

The process is as follows:

- The Round Table topics are posted in the Green Room.
- Each MG will agree on two candidates for the various Round Tables.
 - The nomination of each candidate will take place during the MG policy meeting, and NOT during the morning meeting.
 - The nomination process must be finalised on Monday, as the Round Tables start up immediately.

With 2 people nominated from each of the nine major groups, this may yield 18 candidates. If there are less seats than candidates, the final selection will be taken by the MGFC at a closed session of this committee.

6.0 – The Major Groups Facilitating Committee, the MGFC

The composition of the MGFC is outlined in Chapter 2 of the Guidelines for Improving the Global Civil Society Forum Cycle:

- 12 people are elected from the 6 UNEP regions, 1 person to serve for two years, and one person to serve for one year.
- The person elected by the regional meeting for a two year period should also have a responsibility to ensure due process according to the guidelines and as such be a help to the MGFC.
- The person elected for a one year period should be elected on his/her merits and expert knowledge on the agenda issues for the GC/GMEF.
- 9 persons are appointed as a representative for each of the 9 Major Group focal units. This person is appointed by his or her organisation appointed as the focal unit in accordance with what is found in the guidelines.

One person among the 21 members of the MGFC is elected as chair, one is elected as vice chair. Two rapporteurs are also preferably elected among the 21 persons with one alternate. These five persons may be called an executive unit of the MGFC. The person elected from the regions to the MGFC on a one year basis cannot be elected among the officers of the MGFC.

In addition to the terms of reference for the MGFC found in subchapters 2.2.3 and 2.2.4, the function of this committee is primarily in existence during the Global Civil Society Forum, preceding the GMEF/GC as well as throughout the year on phone conferences. It is the responsibility of the MGFC to disseminate important information from the ongoing work of the MGFC to its global constituency.

This committee will function as a peer group, and should also lobby to widen the opportunities for civil society to interact with UNEP's GMEF/GC process at all levels.

It is suggested that the MGFC meetings be held under the so-called Chatam Rules, meaning. Among others, that minutes are taken on content, and reference is not made to who said what and when.

7.0 – Rules and procedure at the UN, general information

7.1 – Participation by NGOs (and Major Groups) in UN Meetings

Participating in international intergovernmental meetings through the United Nations family is a privilege regardless of the status of the participating unit. Such privilege comes necessarily with a number of obligations, and demands from the participating unit an understanding for the rules and its context. However reading these rules may yield one segment of the truth. The other element that will elucidate and broaden the understanding are how these rules have been applied and how they have been interpreted over the years. As this is a background paper and a recipe for understanding various bits and pieces of the rules and procedures pertaining to the UN, we would like to offer the following interpretation and excerpts from a most important ECOSOC document that holds an overarching understanding to participation by civil society, or the Non Governmental Organisations in UN meetings which is the correct terminology according to the UN Charter.

7.2 – Helping to fulfil the intention of the UN Charter

The General Assembly of the UN represents the highest level of intergovernmental democratic governmental processes, developed and refined to promote possible ways to actively involve and interact with “We, the peoples”.

The question we NGOs should ask and is constantly asking, is: How can we work in consort with all stakeholders, governments, civil society and private sector and stimulate them through critical assessment and creative cooperation to fulfil the basic intention of the UN Charter: “...to promote social progress and better

standards of life in larger freedom”... and “to employ international machinery for the promotion of the economic and social advancement of all peoples.”⁷

Making efforts at understanding civil society and discussing its relationships with the UN is nothing new. The fact that this debate is kept alive is encouraging. Even though the UN and civil society in general and NGOs in particular have enjoyed a more than 60-year coexistence, there exists to date no real definitive operative framework to integrate NGOs into the works at the highest level of ‘the international machinery’, the highest body of the UN, the UN General Assembly or governing bodies of specialised agencies and programmes.

7.3 – NGO’s legal basis at the UN

The overarching legal basis for NGO participation at the United Nations is Article 71 of the UN Charter. This allows ECOSOC, the Economic and social Council, to entertain consultative relationships with NGOs. The details of the currently valid participation rights are set out in an ECOSOC resolution passed in 1996. The resolution envisages far-reaching participatory opportunities for national and international NGOs within ECOSOC and its Functional Commissions, such as the (formerly) Human Rights Commission and the Commission on Sustainable Development (CSD). The resolution also details the participation of NGOs at international UN conferences, (ECOSOC Res. 1996/31, 25th of July 1996 on Consultative relations between the United Nations and nongovernmental organizations).

The General Assembly and the Security Council, have no direct formal or legal framework for NGO participation. In practice, however, the General Assembly has opened up to NGOs in recent years, for example with the “+5 Special Sessions” and the informal Civil Society Hearings in the run-up to the 2005 World Summit and beyond. Even in the Security Council, a protocol trick (the so-called Arria Formula) enables individual consultations with NGOs to take place. These have taken place outside Security Council premises and do not appear on the official Council agenda.

7.4 – Upgrading rules and procedure

During the 1990s, serious efforts to upgrade the relationship between NGOs and the UN were made. Much of this work was developed under the leadership Ms Gillian Sorensen, now Senior Adviser at the United Nations Foundation. She has had a long career working with and for the UN. Since 1993, she served as Special Adviser for Public Policy for Secretary-General Boutros Boutros-Ghali, then as Assistant Secretary General, head of the Office of External Relations for Secretary General Kofi Annan. She had a wide mandate and was responsible for outreach to civil society including NGO’s and worked closely with diplomats, academics, parliamentarians, religious leaders and others committed to peace, justice, development and human rights.

7.5 – ECOSOC Res. 1996/31, 25th of July 1996

CONGO – The UN Conference of NGOs at the UN worked closely with Sorensen and the UN at the time to help further develop access opportunities for NGOs at the UN. Much work was done in relationship to ECOSOC Res. 1996/31, 25th of July 1996, which superseded the old resolution regulating relationships between NGOs and the UN, ECOSOC Resolution 1296 of 1968.

The 1996/31 resolution has a detailed approach and one might be tempted to say, recipe for interaction between the UN, the member states and NGOs.

What follows are extracts and direct quotes from this most readable and important document. We also offer a few perhaps self-evident interpretations.

16. The provisions of the present resolution shall apply to the United Nations regional commissions and their subsidiary bodies mutatis mutandis.

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

During this period, the 1990s, various modalities for participation in the General Assembly were also suggested and discussed.

⁷ From the preamble to the Charter of the United Nations

Paragraph 18 quoted above quietly states the right of accredited NGOs to participate in UN affairs. In the same section we find paragraph 19, which is fully understood and respected by NGOs:

19. The arrangements should not be such as to overburden the Council or transform it from a body for coordination of policy and action, as contemplated in the Charter, into a general forum for discussion.

Having established the general right to participate in paragraph 18 quoted above, the resolution further spells out attendance rights:

Attendance at meetings

29. Organizations in general consultative status and special consultative status may designate authorized representatives to sit as observers at public meetings of the Council (ECOSOC, our addition) and its subsidiary bodies. Those on the Roster may have representatives present at such meetings concerned with matters within their field of competence. These attendance arrangements may be supplemented to include other modalities of participation.

It is quite clear that the right and prerogative to accredit NGOs belongs to member nations (see below paragraph 41), through the appropriate UN channels, (a committee in New York at UN Headquarters has the responsibility to deal with ECOSOC accreditation, all levels). But after accreditation has been granted, further formal relationship between the UN and NGOs is no longer the prerogative of member states.

Paragraph 29 makes it clear that NGOs choose their own representatives, 42 and 43 turn the NGO relationship into a formal process question between themselves and the UN. Paragraph 49 (also below) gives bona fide NGOs the right of future participation without undue interference by member states.

Part VII - PARTICIPATION OF NON-GOVERNMENTAL ORGANIZATIONS IN INTERNATIONAL CONFERENCES CONVENED BY THE UNITED NATIONS AND THEIR PREPARATORY PROCESS

41. Where non-governmental organizations have been invited to participate in an international conference convened by the United Nations, their accreditation is the prerogative of Member States, exercised through the respective preparatory committee. Such accreditation should be preceded by an appropriate process to determine their eligibility.

42. Non-governmental organizations in general consultative status, special consultative status and on the Roster, that express their wish to attend the relevant international conferences convened by the United Nations and the meetings of the preparatory bodies of the said conferences shall as a rule be accredited for participation. Other non-governmental organizations wishing to be accredited may apply to the secretariat of the conference for this purpose in accordance with the following requirements.

43. The secretariat of the conference shall be responsible for the receipt and preliminary evaluation of requests from non-governmental organizations for accreditation to the conference and its preparatory process. In the discharge of its functions, the secretariat of the conference shall work in close cooperation and coordination with the Non-Governmental Organizations Section of the Secretariat, and shall be guided by the relevant provisions of Council resolution 1296 (XLIV) as updated.

49. A non-governmental organization that has been granted accreditation to attend a session of the preparatory committee, including related preparatory meetings of regional commissions, may attend all its future sessions, as well as the conference itself.

End quote.

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ANNEX I

The Malmö Ministerial Declaration

We, Ministers of Environment and heads of delegation meeting in Malmö, Sweden from 29 to 31 May 2000, on the occasion of the First Global Ministerial Environment Forum, held in pursuance of United Nations General Assembly resolution 53/242 of 28 July 1999 to enable the world's environment ministers to gather to review important and emerging environmental issues and to chart the course for the future,

Recalling the Stockholm Declaration of the United Nations Conference on the Human Environment and the Rio Declaration of the United Nations Conference on Environment and Development, the Barbados Declaration on the Sustainable Development of Small Island Developing States as well as the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme,

Deeply concerned that, despite the many successful and continuing efforts of the international community since the Stockholm Conference, and some progress having been achieved, the environment and the natural resource base that supports life on Earth continue to deteriorate at an alarming rate,

Reaffirming the importance of the speedy implementation of the political and legal commitments entered into by the international community, in particular at the Rio Conference,

Convinced that urgent and renewed efforts are required to be undertaken by all countries in a spirit of international solidarity, and recognizing, inter alia, the principle of common but differentiated responsibility as contained in the Rio Principles to manage the environment so as to promote sustainable development for the benefit of present and future generations,

Conscious that the root causes of global environmental degradation are embedded in social and economic problems such as pervasive poverty, unsustainable production and consumption patterns, inequity in distribution of wealth, and the debt burden,

Also conscious that success in combating environmental degradation is dependent on the full participation of all actors in society, an aware and educated population, respect for ethical and spiritual values and cultural diversity, and protection of indigenous knowledge

Aware that the 10-year review and appraisal of the implementation of Agenda 21 to be conducted in 2002 will provide a further opportunity for the international community to take action to implement its commitments and to strengthen international cooperation urgently required to address the challenges of sustainable development in the twenty-first century,

Convinced that the Millennium Summit of the fifty-fifth session of the United Nations General Assembly provides a unique opportunity to address at the highest level the role of the United Nations in the field of sustainable development, and noting in this regard the proposals of the Secretary-General of the United Nations as contained in his report "We the peoples: the role of the United Nations in the twenty-first century", which will serve as the basis of discussion at the Summit,

Determined to contribute to this historic endeavour from an environmental perspective, and having requested the President of the Governing Council to bring the following matters to the attention of the fifty-fifth session of the General Assembly, the Millennium Assembly,

Declare that:

Major environmental challenges of the twenty-first century

1. The year 2000 marks a defining moment in the efforts of the international community to ensure that the growing trends of environmental degradation that threaten the sustainability of the planet are arrested and reversed. Hence there is an urgent need for reinvigorated international cooperation based on common concerns and a spirit of international partnership and solidarity.
2. There is an alarming discrepancy between commitments and action. Goals and targets agreed by the international community in relation to sustainable development, such as the adoption of national sustainable development strategies and increased support to developing countries, must be implemented in a timely fashion. The mobilization of domestic and international resources, including development assistance, far beyond current levels is vital to the success of this endeavour.
3. The evolving framework of international environmental law and the development of national law provide a sound basis for addressing the major environmental threats of the day. It must be underpinned by a more coherent and coordinated approach among international environmental instruments. We must also recognize the central importance of environmental compliance, enforcement and liability, and promote the observation of the precautionary approach as contained in the Rio Principles, and other important policy tools, as well as capacity-building.
4. The Global Environment Outlook 2000 of the United Nations Environment Programme provides a compelling assessment of the serious nature of the environmental threats faced by the international community. Special attention should be paid to unsustainable consumption patterns among the richer segments in all countries, particularly developed countries. Environmental stewardship is lagging behind economic and social development, and a rapidly growing population is placing increased pressures on the environment.

5. Environmental threats resulting from the accelerating trends of urbanization and the development of megacities, the tremendous risk of climate change, the freshwater crisis and its consequences for food security and the environment, the unsustainable exploitation and depletion of biological resources, drought and desertification, and uncontrolled deforestation, increasing environmental emergencies, the risk to human health and the environment from hazardous chemicals, and land-based sources of pollution, are all issues that need to be addressed.
6. Opportunities however exist that can redress this situation. Technological innovation and the emergence of new resource-efficient technologies, in which the private sector plays a major role, provide a source of great hope and increased opportunities to avoid the environmentally destructive practices of the past including through clean technologies.
7. To confront the underlying causes of environmental degradation and poverty, we must integrate environmental considerations in the mainstream of decision-making. We must also intensify our efforts in developing preventive action and a concerted response, including national environmental governance and the international rule of law, awareness-raising and education, and harness the power of information technology to this end. All actors involved must work together in the interest of a sustainable future.
8. It is necessary that the environmental perspective is taken into account in both the design and the assessment of macro-economic policy-making, as well as practices of government and multilateral lending and credit institutions such as export credit agencies.
9. The trends of globalization in the world economy, with the attendant environmental risks and opportunities, require international institutions to adopt new approaches and to engage the major actors involved in globalization in new ways. We should encourage a balanced and integrated approach to trade and environment policies in pursuit of sustainable development, in accordance with the decision of the Commission on Sustainable Development at its eighth session.
10. The role and responsibility of nations based on the Rio Principles, as well as the role and responsibility of the main actors including Governments, the private sector and civil society, must be emphasized in addressing the environmental challenges of the twenty-first century. Governments are the primary agents in this process, whose actions are vital in implementing United Nations environment-related instruments since Stockholm, institutional capacity-building and strengthened international cooperation.

The private sector and the environment

11. The private sector has emerged as a global actor that has a significant impact on environmental trends through its investment and technology decisions. In this regard, Governments have a crucial role in creating an enabling environment. The institutional and regulatory capacities of Governments to interact with the private sector should be enhanced. A greater commitment by the private sector should be pursued to engender a new culture of environmental accountability through the application of the polluter-pays principle, environmental performance indicators and reporting, and the establishment of a precautionary approach in investment and technology decisions. This approach must be linked to the development of cleaner and more resource efficient technologies for a life-cycle economy and efforts to facilitate the transfer of environmentally sound technologies.
12. The potential of the new economy to contribute to sustainable development should be further pursued, particularly in the areas of information technology, biology and biotechnology. The ethical and social implications must be carefully considered. There must be recognition of the public interest in knowledge related to biodiversity, including the interest of indigenous and local communities. A corporate ethic guided by public interest should be promoted.
13. The Global Compact established by the Secretary-General of the United Nations with the private sector provides an excellent vehicle for the development of a constructive engagement with the private sector. UNEP should continue to enhance its engagement and collaboration with the private sector and consider the relation between foreign direct investment and the environment, with a view to minimizing negative environmental implications.

Civil society and the environment

14. Civil society plays a critically important role in addressing environmental issues. The role, capabilities and involvement of civil society organizations has seen a substantial increase over recent years, which highlights the need for national Governments and for UNEP and international organizations to enhance the engagement of these organizations in their work on environmental matters.
15. Civil society has found new and effective modes of expression of popular sentiments and concerns. It provides a powerful agent for promoting shared environmental purpose and values. Civil society plays an important role in bringing emerging environmental issues to the attention of policy makers, raising public awareness, promoting innovative ideas and approaches, and promoting transparency as well as non-corrupt activities in environmental decision-making.
16. The 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. Governments should 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.

17. Science provides the basis for environmental decision-making. There is a need for intensified research, fuller engagement of the scientific community and increased scientific cooperation on emerging environmental issues, as well as improved avenues for communication between the scientific community, decision makers and other stakeholders.
18. We must pay special attention to threats to cultural diversity and traditional knowledge, in particular of indigenous and local communities, which may be posed by globalization. In this context we welcome the proclamation by the United Nations General Assembly of the year 2001 as the International Year of Dialogue among Civilizations.
19. Greater emphasis must be given to the gender perspective in decision-making concerning the management of the environment and natural resources
20. There is a need for independent and objective media at all levels in enhancing awareness and developing shared environmental values in global society. The media can serve the cause of sustainable development by identifying emerging issues, awareness-raising and promoting appropriate action.

The 2002 review of UNCED

21. The 2002 review of the implementation of the outcome of the United Nations Conference on Environment and Development (UNCED) should be undertaken by an international conference at the summit level. The objective should not be to renegotiate Agenda 21, which remains valid, but to inject a new spirit of cooperation and urgency based on agreed actions in the common quest for sustainable development. In this regard, the ratification of all environmental conventions and protocols, in particular those related to climate, desertification, biosafety and chemicals, should be urgently pursued by Governments.
22. Governments and UNEP have to play a major role in the preparation for the 2002 review of UNCED at the regional and global levels and ensure that the environmental dimension of sustainable development is fully considered on the basis of a broad assessment of the state of the global environment. The preparations for the conference should be accelerated.
23. The 2002 conference should aim at addressing the major challenges to sustainable development, and in particular the pervasive effects of the burden of poverty on a large proportion of the Earth's inhabitants, counterposed against excessive and wasteful consumption and inefficient resource use that perpetuate the vicious circle of environmental degradation and increasing poverty.
24. The 2002 conference should review the requirements for a greatly strengthened institutional structure for international environmental governance based on an assessment of future needs for an institutional architecture that has the capacity to effectively address wide-ranging environmental threats in a globalizing world. UNEP's role in this regard should be strengthened and its financial base broadened and made more predictable.

Conclusion

25. At the dawn of this new century, we have at our disposal the human and material resources to achieve sustainable development, not as an abstract concept but as a concrete reality. The unprecedented developments in production and information technologies, the emergence of a younger generation with a clear sense of optimism, solidarity and values, women increasingly aware and with an enhanced and active role in society - all point to the emergence of a new consciousness. We can decrease poverty by half by 2015 without degrading the environment, we can ensure environmental security through early warning, we can better integrate environmental consideration in economic policy, we can better coordinate legal instruments and we can realize a vision of a world without slums. We commit ourselves to realizing this common vision.

*Adopted by the Global Ministerial Environment Forum -
Sixth Special Session of the Governing Council of the
United Nations Environment Programme
Fifth plenary meeting
31 May 2000*