

# **CIVIL SOCIETY CONSULTATIONS ON WAYS AND MEANS TO ENHANCE THE ACTIVE ENGAGEMENT AND PARTICIPATION OF CIVIL SOCIETY IN THE WORK OF UNEP**

*Nairobi, 24 and 25 May 2001*

## REPORT

### I. INTRODUCTION

1. At the twenty-first session of the Governing Council of the United Nations Environment Programme (UNEP)/Global Ministerial Environment Forum, held in Nairobi from 5 to 9 February 2001, the Council adopted decision 21/19 entitled "The role of civil society", in which it requested the Executive Director to further consultations with Governments, civil society, the private sector and other major groups on ways and means to enhance the active engagement and participation of civil society in the work of UNEP, and to prepare a report on the outcome of those consultations and a draft strategy on the matter for submission to the Committee of Permanent Representatives and subsequently to the Governing Council at its seventh special session in 2002.
2. In pursuance of the decision, the Civil Society Consultations on Ways and Means to Enhance the Active Engagement and Participation of Civil Society in the Work of UNEP were held on 24 and 25 May 2001 at UNEP headquarters in Nairobi.
3. The consultations featured presentations by UNEP staff, selected government representatives and representatives of civil society, followed by plenary sessions, breaking up into groups to discuss key issues and reporting back to the plenary.

### II. OPENING OF THE MEETING

4. The Consultations were opened by the Chair, Mr. Bakary Kante, Director of the UNEP Division of Policy Development and Law, who invited the Executive Director, Mr. Klaus Töpfer, to address the participants.
5. The Executive Director welcomed the participants to UNEP and told them that he had just returned from a conference for the adoption and signature of the Stockholm Convention on persistent organic pollutants. He was pleased to report that 90 signatures and 1 ratification had already been received, and it was expected that the Convention would be in place before the World Summit on Sustainable Development. While the Convention represented a step forward, it also underlined the need for coordinated action in the field of international environmental

governance. Since seven of the pollutants covered were pesticides, other agencies such as the World Health Organization (WHO) and the International Labour Organization (ILO) would need to be involved if the Convention was to be effective. At the same time, there were many other pollutants, such as mercury, which were non-organic and which would need regulating in the future.

6. Expressing the hope that the World Summit on Sustainable Development would mark the beginning of a “new deal” in which Governments, the business community and other civil society actors would join hands to protect the environment for the good of humanity, he quoted the United Kingdom Minister of International Development, Clare Short, who had said that the protection of the environment was not an end in itself, and that proper management of the environment would reduce poverty.

7. The Executive Director assured the participants that UNEP was genuinely interested in the views of civil society. UNEP had no fixed agenda and all opinions are welcome. In order to facilitate dialogue, he proposed that communication systems should be extended to enable the whole “family” of non-governmental organizations to be linked to UNEP via e-mail. In the meantime, he hoped that the participants would come up with valuable suggestions which could then be submitted to the Governing Council.

### III. ATTENDANCE

8. The consultations were attended by representatives from 56 civil society organizations from all regions around the world, while the representatives of 5 Permanent Missions to UNEP attended as observers. Also present were representatives of the business community, faith-based organizations, research institutes and several other sectors. A full list of the participants is to be found in the annex.

### IV. AGENDA AND ORGANIZATION OF WORK

9. The following agenda was adopted for the meeting:

1. Opening of the meeting.
2. Opening speech by the Executive Director of UNEP.
3. Special message from the Political Adviser to the Minister of the Environment of Norway.

4. Introductory remarks by representatives of non-governmental organizations and civil society.
5. Adoption of the agenda and organization of work.
6. Consideration of the note by the secretariat in promoting the engagement of civil society in the work of UNEP.
7. Remarks on rule 69 of the rules of procedure of the Governing Council by Ms Beverly Miller, Secretary of the UNEP Governing Council.
8. Debate and exchange of views.
9. Other matters.
10. Closure of the meeting.

10. It was agreed that, following a discussion in plenary, the participants would break into four groups to discuss the following issues:

- (a) The process of interaction and the way forward;
- (b) Engagement;
- (c) Cooperation by civil society in UNEP programmes;
- (d) Capacity building and retention.

## V. PRESENTATIONS

11. Mr. Jo Stein Moen, Political Adviser to the Minister of the Environment of Norway, noted that the Århus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters which had been signed in 1998 could be a prototype for conventions in other regions, and said he hoped one day to see a globalized version of the Århus Convention being enforced around the world. Describing the relationship existing in his country between non-governmental organizations and the Government, he said that non-governmental organizations were included in negotiations and formed part of Norway's official delegations to international forums. Many of them were financed by the Government, yet they remained fiercely independent and in many cases critical of the Government. They were "watchdogs", he explained, "not lapdogs." His party, the Social Democratic Party of Norway, had long since made protection of the environment one of its major policies, and it was because of that fact that its leader, Ms Gro Harlem Brundtland, had been asked to head the World Commission on Environment and Development.

12. Ms Amy Hindman of the Federal Ministry of Nature Conservation of Germany said that in accordance with the Århus Convention, non-governmental organizations and other civil society organizations were moving from being observers to being partners in government, and civil society organizations in Germany were now taking up seats on various official bodies. That change in their status had both positive and negative implications. While civil society organizations would now be able to participate in the decision-making process, they would also lose some of their ability to criticize, since they would now bear partial responsibility for the decisions taken. The citizens of the countries which had ratified the Convention stood to benefit greatly. Either as individuals or working through non-governmental organizations, they would have access to information and to justice on environmental issues. One could even imagine a scenario where a member of the public pursued an environmental case in court right up to the international level.

13. Ms Rosalie Gardiner of the UNED Forum described the multistakeholder process, a new approach to decision-making. The core principles of the multistakeholder process included accountability, flexibility and inclusiveness. Some examples of areas in which the process had been used were the Århus Convention, the World Commission on Dams and the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century". Currently more than 20 multistakeholder processes were under way. A successful multistakeholder process would include the following steps: consulting at the outset; providing enough time and resources; identifying stakeholders through a transparent and legitimate process; building stakeholders' capacity; setting goals for the process; communicating with the public; and building on the step-by-step approach.

14. Mr Tariq Banuri of TELLUS/SEI identified some of the major issues currently being discussed in the area of international environmental governance. One was the relationship between multilateral environmental agreements and UNEP. He pointed out that the much-discussed fragmentation could also be viewed as diversity. He suggested that the Global Reporting Initiative should serve to improve the participation of civil society in addressing environmental issues. As far as formal links between non-governmental organizations and UNEP were concerned, there was a need to resolve such issues as accreditation and screening. Generally, civil society organizations could benefit from Web sites, databases, newsletters, etc. Civil society organizations should keep in touch with UNEP and with one another through regional or thematic links. In the future it was expected that networks such as global public policy networks or the various global issues networks devoted to subjects such as climate, biodiversity or water would play an increasingly important role in determining public policy.

15. Annabella Waititu of Environment Liaison Centre International, an international non-governmental organization based in Nairobi which had been set up 27 years previously as a civil society link to UNEP, explained that non-governmental organizations had multiple roles. They were agenda setters, watchdogs, brokers across national borders, disseminators of information, visionaries, providers of a voice to the voiceless, experts, lobbyists, implementers and educators. On behalf of its member non-governmental organizations, ELCI had the following recommendations to make to UNEP:

- (a) UNEP should institutionalize major group participation in project design, implementation and evaluation;
- (b) UNEP should continually review mechanisms for cooperation with non-governmental organizations and major groups;
- (c) UNEP should encourage and support participation by non-governmental organizations and major groups in policy development and governance of the organization;
- (d) UNEP should raise funds jointly with civil society organizations to finance agreed projects and programmes. Since UNEP did not have an implementing role, it could facilitate implementation by those organizations.

16. She also drew attention to the status of groups accredited to UNEP. The previous criteria had become anachronistic and should be revised. Global public policy networks were innovative organizational and social mechanisms which facilitated collective action. One such network, the World Commission on Dams, was recently awarded the highest environmental recognition, the Zayed International Prize for the Environment, for effectively addressing the environmental impacts of large dams. She noted that UNEP possessed good information but that much of it was not “packaged” for use by civil society, and recommended that the organization should select one issue on which user-friendly information could be prepared. Concerning capacity-building for civil society, she suggested that UNEP should devise general guidelines for organizations and also for target communities (who should be in a position to know what to expect from organizations).

17. Mr Halifa Drammeh, Deputy Director of the UNEP Division of Policy Development and Law, presented a note prepared by the secretariat entitled "Engagement of civil society in the work of the United Nations Environment Programme". He explained that, following the emphasis given to the critically important role of civil society in the Malmö Ministerial Declaration, UNEP had, in 2000, established a Civil Society and NGO Unit aimed at strengthening its cooperation with civil society. UNEP also planned to mainstream civil society involvement in its activities and to promote the participation of civil society organizations in environmental decision-making. In pursuit of those ends, UNEP had so far carried out the following activities:

- (a) Consultations with development institutions, scientific and policy research institutions, non-governmental organizations and the private sector during the year 2000;
- (b) Conclusion of a memorandum of understanding with the Global Legislators Organization for a Balanced Environment;
- (c) Strengthened partnerships with major African non-governmental organizations;
- (d) Organization of a series of partnership meetings;

(e) Holding of a forum for non-governmental organizations in conjunction with the sixth special session of the Governing Council/Global Ministerial Environment Forum which took place in Malmö in May 2000;

(f) Holding of a similar forum in Nairobi in February 2001 in conjunction with the twenty-first session of the Governing Council/Global Ministerial Environment Forum.

18. In its decision 21/19, the Governing Council had requested the Executive Director to further the consultative process with civil society and to submit, before the end of 2001, a report on the outcome of those consultations, as well as a draft strategy aimed at the active engagement of civil society, the private sector and other major groups in the work of UNEP, to the Committee of Permanent Representatives for its consideration. The report and the draft strategy would be submitted to the Governing Council/Global Ministerial Environment Forum at its seventh special session in February 2002.

19. Ms Beverly Miller, Secretary of the Governing Council, provided participants with further information about the criteria for accreditation of non-governmental organizations as observers to the Council and its subsidiary bodies. Under rule 69 of the rules of procedure of the Governing Council, "International non-governmental organizations having an interest in the field of the environment ... may designate representatives to sit as observers at public meetings of the Governing Council ...". Proof of interest in the environment could be provided in the form of conference or seminar reports, newsletters, etc. In addition, non-governmental organizations applying for observer status with the Council were asked whether they enjoyed consultative status with the Economic and Social Council.

## VI. DISCUSSION

20. A representative of the Global Environment Action Group in Japan cited climate change as the most serious threat to the environment. Japan was facing up to this problem, and by cutting its greenhouse gases, would improve not only the environment but also its economy. He called on the Government of the United States of America, which emits more greenhouse gases than any other country, to resume participation in the climate change negotiations. Ways must be sought, he said, to effectively manage mass production, mass consumption and mass disposal.

21. The representative of the Commonwealth Environmental Journalists Association suggested that all political parties should outline their stand on the environment in their party manifestos. In response, Mr. Moen said that his party had done just that ever since the 1980s, and also appealed to non-governmental organizations to operate as strong pressure groups within the political arena so as to effectively counter the influence of pressure groups representing other interests.

22. Ms Afifa Raihana made the following statement on behalf of the youth of Bangladesh: "We, the youth of this world, we dream of living in an environment that brings us joy, not anxiety. We dream of having clean, fresh water and not turning our rivers into sewers.

Above all, we dream of living, not existing. Teach us, involve us, use us.” She called for more funds to be allocated to youth projects.

23. The representative of Pro Naturaleza in Cuba, Ms María Elena Ibarra, said that despite a 40-year blockade imposed by the most powerful country on the planet, the people of Cuba had striven continually to protect the environment. It was because of their efforts that Cuba had been nominated by UNEP as one of the venues for the celebration of World Environment Day on 5 June 2001.

24. The Executive Director appealed to people around the world, particularly in Europe, to show the same concern for their own flora and fauna as they had recently displayed for the African elephant. Biodiversity was the wealth of developing countries, yet it was being exploited by others. He considered that lovers of the environment should join hands with private industry in a quest for “responsible prosperity”. He hoped that the forthcoming World Summit on Sustainable Development would be able to create a “new deal” in the environmental field.

## VII. WORK OF THE BREAKOUT GROUPS

25. The four breakout groups met in the afternoon of 24 May. On the morning of 25 May, the Chair requested representatives of the four groups to make their presentations.

The process of interaction and the way forward

26. The breakout group on the process of interaction and the way forward focused its report on a proposed strategy for UNEP’s engagement with civil society, which would be presented to the Governing Council in line with decision 21/19. The group felt that the strategy should include the following:

- (a) Development of options for the establishment of a steering or advisory committee for non-governmental organizations and civil society organizations ;
- (b) Modalities on how to strengthen the UNEP national committees;
- (c) Full participation of non-governmental organizations and civil society.

27. In order to formulate the strategy effectively, it was suggested that:

- (a) A consolidated list of non-governmental organizations and civil society organizations should be drawn up;
- (b) Civil society should be provided with feedback from UNEP;
- (c) There should be continuity in the process from the national to the regional to the international levels;
- (d) Draft recommendations should be circularized to civil society;
- (e) The recommendations should be finalized through an open consultative process.

#### Engagement

28. The breakout group on engagement recommended that rule 69 of the rules of procedure of the Governing Council should be amended to read: "The Governing Council may grant consultative status to any non-governmental organization having an interest in the field of the environment which is able to make a substantial contribution to the work of UNEP. A non-governmental organization with consultative status may designate representatives to participate in public meetings of the Governing Council, the Committee of Permanent Representatives and any subsidiary bodies. The Governing Council shall from time to time review the consultative status of non-governmental organizations".

29. Other critical issues raised by this group were the following:

- (a) The need to lay down criteria by which applications for consultative status would be assessed;
- (b) The need to establish an advisory body between UNEP and civil society organizations, which should be diverse and representative and should have a rotating membership.

#### Cooperation by civil society in UNEP programmes

30. The breakout group on cooperation by civil society in UNEP programmes noted that UNEP's programmatic structure had evolved from one previously based on sectoral issues such as biodiversity or freshwater to the current six functional divisions. While the change had brought about more integration on issues, it had made access to UNEP for civil society more difficult. The following recommendations were put forward by the group:

- (a) Access to information should be improved, both via the Web and via traditional means of communication (the latter being often the only ones available to many in the developing world);

- (b) Since non-governmental organizations were typically issue-focused, clear mechanisms for communicating with particular divisions of UNEP were required;
- (c) In order to facilitate communication, there should be specific liaison officers for non-governmental organizations within UNEP, possibly one in each division;
- (d) An inventory of programmes and projects should be drawn up. That would facilitate collaboration as well as help to identify imbalances and best practices. The information should be made available on-line. Given that plans for setting up unep.net were under way, civil society should participate fully in the project;
- (e) There should be more capacity-building for project initiation and implementation;
- (f) A civil society trust fund should be set up;
- (g) Civil society organizations should do more to inform their constituencies about UNEP's existing and proposed initiatives;
- (h) Regional and international resource centres should be set up to provide training and access to information and other resources;
- (i) An advisory body for non-governmental organizations and civil society organizations should be set up;
- (j) There should be effective and equitable multistakeholder input from all major groups, as well as the faith and education communities, in all of UNEP's activities.

#### Capacity-building and retention

31. The breakout group on capacity-building and retention, while appreciating the role of UNEP, noted that the participation of civil society organizations had to date been negligible at the level of policy formulation and policy development. That can be attributed on the one hand to the exclusion of civil society organizations from the membership of the Governing Council, and on the other to the lack of adequate capacity within the civil society sector, particularly in the developing countries. To ensure the effective participation of civil society, it would be necessary to amend rule 69 of the rules of procedure of the Governing Council and also to equip civil society organizations with the skills necessary to enable them to contribute more effectively to UNEP.

32. The group noted that, given the great disparity between civil society organizations in the developed and the developing countries, most of the capacity-building should be concentrated on the latter. It was therefore resolved that:

- (a) South-South cooperation should be promoted in the areas of contacts between civil society organizations, internships and the exchange of experts, know-how, etc.;
- (b) Southern civil society organizations should be equipped with negotiating skills;

- (c) Area-specific and sector-specific needs assessments should be facilitated for Southern civil society organizations;
- (d) Participation by Northern civil society organizations willing to train and equip their Southern counterparts should be encouraged;
- (e) Capacity-building for Southern civil society organizations should be focused on young people;
- (f) Seed funding should be provided for innovative projects initiated by Southern civil society organizations;
- (g) A UNEP capacity-building and retention fund should be established to support the above-mentioned activities;
- (h) Essential provisions in contracts and memoranda of understanding between UNEP and Southern civil society organizations should be reviewed since the latter needed sustainable core funding to enable them to retain qualified personnel.

33. In addition, the group made the following recommendations:

- (a) UNEP should work more closely with faith-based organizations;
- (b) The exchange of information between UNEP and local communities should be facilitated. It was suggested that essential environmental materials should be simplified and translated. Non-literary means of disseminating information (e.g. theatre) should also be developed;
- (c) UNEP should promote training in the area of information technology.

34. Following the presentation of the reports of the breakout groups, a wide variety of opinions were expressed on the issue of accreditation. Some participants felt that criteria should be laid down for accreditation. Others said that such criteria might constitute bureaucratic bottlenecks and that the process should instead be as simple as possible. There were also differences of opinion about whether non-governmental organizations applying for accreditation should be asked to supply audited accounts.

35. While most speakers agreed that there should be some sort of body to oversee the collaboration between UNEP and civil society, opinions differed on what form that body should take. Various names were put forward: advisory council, steering committee, liaison group, etc. Whatever the name and functions of the body would be, participants agreed that the issue of rotation was very important to avoid the entity becoming a club.

36. Another issue raised was that of what participation by civil society in the work of UNEP would really mean. Would civil society really influence the decision-making

process? Would accreditation mean that civil society organizations would be coming to Nairobi for meetings, or would it be possible to participate in UNEP's work through other means (videoconferences, etc.)? Participants also mentioned the possibility of organizations working with UNEP at the regional and sub-regional levels.

37. It was strongly felt that the financial arrangements regulating UNEP's assistance to projects and organizations should be more flexible. Cases where equipment given to an organization by UNEP had to be returned at the end of the project were cited. The view was expressed that the equipment should be retained so that the organization could be strengthened.

38. The Chair invited participants to select through a secret ballot five persons to represent them at the forthcoming intergovernmental consultation on governance scheduled to take place in Bonn, Germany, in July 2001. Those persons would present the report of the consultations to that forum. Those selected were as follows:

Ms Grace Akumu – Climate Network Africa

Ms Afifa Raihana – UNEP Associate Youth Adviser for Asia and the Pacific

Ms Simone Lovera, Friends of the Earth, Paraguay

Ms Lorraine Lotter, Chemical and Allied Industries Association, South Africa

Mr Tariq Banuri, Tellus/SEI - Boston.

39. Revised versions of three of the breakout group reports prepared during the Civil Society Consultations on International Environmental Governance held on 22 and 23 May 2001, immediately before the present consultations, were presented by representatives of each of the groups. The reports dealt with multilateral environmental agreements, financing and compliance. The fourth report, on "Visions for UNEP and its mandate" was not available in final form. The report on multilateral environmental agreements was adopted. The reports on financing and on compliance were adopted with minor changes.

40. Concerning the dissemination of the recommendations drawn up by the breakout groups during the two sets of consultations, it was agreed that a consolidated report should be posted on the UNEP Web site, and participants were requested to send in their comments. Ms Lotter undertook to be in charge of the process. Mr Banuri, Ms Gemmil Herren and Mr Strandenaes were selected to assist her in that task.

41. Mr Leo Heileman, Programme Officer in the UNEP Division of Regional Cooperation, briefed participants on the intergovernmental regional process which was under way in preparation for the World Summit on Sustainable Development. The Chair assured them that the inputs from the present consultations would form part of the Summit preparation process. He added that the Stockholm Environment Institute and the UNED Forum were also working with non-governmental organizations to facilitate that process.

## VIII. CLOSURE OF THE MEETING

42. The Chair thanked the participants for their contributions, and assured them that UNEP highly appreciated the views expressed during the meeting. He hoped that the links between civil society and UNEP would become closer and closer in future. He then declared the meeting closed at 4.45 p.m. on 25 May 2001.