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# **Guidelines for Enhancing Major Groups Participation at UNEP's Governance Level**

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## CHAPTER 1: BACKGROUND

### 1.1. *Purpose and vision*

1. In the forward to Natural Allies: UNEP and Civil Society, Dr. Vandana, Founder of the Research Foundation for Science, Technology and Ecology of India, wrote, “engagement between UNEP and civil society is necessary, both for UNEP and for the protection of the planet’s fragile web of life. In this engagement lies the potential for resurgence of democracy and ecological awareness...”<sup>1</sup> Three years later, amid some definite progress among civil society’s engagement with UNEP and the arrival of a new Executive Director and his vision to deepen this engagement, is an opportunity for civil society to reassess and provide guidance on how to further its effective participation.
2. With the goal of providing a vision for how all nine Major Groups can collaborate in an effective civil society process with common reference points, this document, “Guidelines for Enhancing Major Groups Participation at UNEP’s Governance Level,” is the first contribution to this process.
3. This document begins by recalling the existing framework of decisions within which we operate. This is followed by a summary of the expectations for civil society and UNEP on moving forward with enhancing our engagement. The Guidance concludes with case studies of other international processes involving civil society and proposed options for readjusting the role, representation, and regional engagement of a facilitating unit such as the Global Civil Society Steering Committee.
4. It has been drafted by Thomas Hammond (Senior Programme Advisor, IUCN, Canada), Melanie Nakagawa (Attorney, International Program, Natural Resources Defense Council, USA) and Jan-Gustav Strandenaes (Senior Policy Advisor, ANPED - the Northern Alliance for Sustainability, Norway) and reviewed by Muhammad Al-Sayrafi (Head Environmental Health Unit, Friends of the Environment, Qatar) and Gordon Bispham (Caribbean Development Centre, Barbados).
5. The current consultation will lead to a second draft version to be discussed during the Regional Consultation Meetings of UNEP in October - November 2007 and at the 2008 Global Civil Society Forum and then submitted to the Executive Director of UNEP for his consideration.

### 1.2. *Background*

6. Recalling that after nearly 20 years of encouraging UNEP’s collaboration with civil society through outreach and liaison services, the 1992 United Nations Conference on Environment and Development (“Earth Summit”) declared that the involvement of nine Major Groups was necessary to achieve sustainable development. The nine Major Groups recognized by the Earth Summit agreements are: 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, and local authorities. For the purposes of this paper, the term civil society is used as an umbrella term covering all 9 Major Groups.

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<sup>1</sup> Natural Allies: UNEP and Civil Society, 2004, available on the web at: <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=468&ArticleID=4622&l=en>.

7. Recalling both Governing Council Decision 21/19, adopted in 2001, calling on UNEP to submit a “draft strategy for the active engagement of the civil society, private sector and other major groups in the work of UNEP”; and Governing Council Decision SSVII.5, adopted in 2002, where Governments endorsed the Global Civil Society Forum and requested that the “Executive Director continue the current practice of convening a civil society forum that is regionally balanced and representative in conjunction with the meetings of the Governing Council/Global Ministerial Environment Forum in close consultation with civil society.” It is the latter portion of this statement that this document seeks to implement by providing the Executive Director with recommendations on how to encourage greater regional balance and representation among the nine major groups through their membership to the UNEP Major Groups Facilitating Committee (MGFC), previously called the Global Civil Society Steering Committee.
8. The UNEP strategy paper resulting from the initial call for action in 2001 established principle pillars for engaging with civil society: governance and policy formulation; programme implementation; and an institutional framework. A Draft Implementation Plan to enhance major groups’ engagement in the work of the United Nations Environment Programme was furthermore presented to participants at the 8<sup>th</sup> Global Civil Society Forum (GCSF). By capitalizing on all three of these pillars, this document seeks to create a common reference document and a set of recommendations for how civil society will continue to strengthen its role within UNEP, at the Governing Council meeting, and the Global Ministerial Environment Forum (GC/GMEF). This document also goes one step further, and provides a vision for seeking greater participation among the nine Major Groups, recognizing that each Group has special interests that should be strengthened in a collaborative manner without sacrificing those unique interests within and among the groups.

### **1.3. *Expectations***

9. This section briefly addresses civil society and UNEP’s expectations for engaging in UNEP processes and with delegates during the Governing Council and Global Ministerial Environment Forum.

#### **1.3.1. Major Groups Expectations from UNEP**

10. Civil society can be an asset to the UNEP process on a variety of levels including, but not limited to being, providers of substantive knowledge, drafters of creative solutions, and advocates for specific issues. It is in these roles that civil society stands to have a significant impact—as an outside voice working with UNEP to help strengthen the role of the environment within the United Nations system. Civil society also has greater capacity to draw on expertise from within the Major Groups delineations to provide representative perspectives potentially leading to a fuller contribution to international processes.
11. The initial expectations of the Major Groups are to see a continuation of the progress made at the 8<sup>th</sup> Global Civil Society Forum and the 24<sup>th</sup> GC/GMEF held in Nairobi (2007). For the first time direct access to key decision makers on policy and substantive issues was provided. Three methods of engaging with UNEP and delegates were introduced or strengthened:

- a. An open exchange of information and viewpoints with UNEP's Executive Director;
  - b. A dialogue with UNEP policy staff which served as an opportunity for civil society to meet the authors of key UNEP proposals and share concerns; and
  - c. Designation of twelve seats at the 24<sup>th</sup> Governing Council Ministerial Roundtables for civil society representatives as participants, not observers, providing them direct access to ministers.
12. This was also the pilot year for the Global Civil Society Steering Committee comprised of representatives from the six UNEP regions to facilitate civil society engagement with UNEP. Forum participants were supportive of the concept for such a Committee, noting that the primary role for such a Committee is to be a facilitator between UNEP and civil society, not a decision making body. This Committee was also seen as a useful contact point for civil society organizations wanting to learn more about engaging in UNEP processes, particularly because this year civil society participants had access to the floor in the plenary sessions during both the Global Ministerial Environment Forum (GMEF) and the Committee of the Whole.
13. It is therefore expected that these levels of engagement continue and that further adjustments be made to the composition, definition, and role of the Global Civil Society Steering Committee.
14. Similarly, it is also expected that in addition to dialogue with UNEP policy staff responsible for drafting various policy frameworks, this process will include civil society in policy implementation (and drafting) on a particular theme. Enhanced ability to allow civil society to interact with UNEP policy formulation, speaking as Major Groups, would be useful as civil society tries to organize themselves and their key messages.
15. As previously mentioned, civil society has the capacity to draw on expertise from within the Major Groups, but without a focus from UNEP on a narrower set of issues and clarity on what UNEP's priority areas are several months prior to each Governing Council/ GMEF, it becomes more difficult for civil society to provide the right level of expertise in time to assist UNEP's endeavors.
16. It is therefore expected that notice of the themes for each Governing Council/GMEF will be available sufficiently in advance, allowing civil society timely and increased interaction with UNEP policy staff responsible for drafting and implementing specific policy themes and frameworks.

### **1.3.2. UNEP Expectations from Major Groups**

17. This section attempts to answer the question, "what is UNEP's objective interest in strengthened civil society participation in the UNEP policy process?"
18. Both UNEP and civil society organizations share an interest in stronger and better international environmental policies, and are thus natural allies in working together to strengthen the environmental pillar of the United Nations. In addition to substantial political clout, civil society organizations possess information, technical expertise, and practical experience that governments can benefit from in their deliberations and decision making at the UNEP Governing Council and Global Ministerial Environment Forum (GC/GMEF) and in other policy forums. The decisions that result from these processes will enjoy greater support from civil society and the public if civil society views are taken into account from the beginning. Furthermore, open processes of political decision-making enhance transparency, foster coordination among diverse actors, and strengthen accountability for implementation and results.

19. To maximize these important benefits of civil society participation in international environmental governance, UNEP's objective interest is that civil society organizations must dedicate their most skilled and knowledgeable experts to participate in the UNEP policy processes based on the particular issues under discussion at any given time. Civil society should also organize its participation in the GC/GMEF in a representative manner that minimizes possible concerns about civil society's own accountability and legitimacy.

## CHAPTER 2: RECOMMENDATIONS

20. This section suggests new guidelines for enhancing Major Groups participation at UNEP's governance level.

### **2.1. *The Global Major Groups Environment Forum (GMGEF): Engaging with the Governing Council***

21. Preamble: "Recalling Governing Council Decision 21/19, adopted in 2001 and Governing Council Decision SSVII.5, adopted in 2002, the vision of the following guidelines should be to work for an integrated approach between UNEP and civil society where both can play significant roles in shaping modern environmental policy. This approach should be regionally and gender balanced, based on an interactive democracy and to work to get the best-qualified organisations to participate actively in the policy processes at UNEP; to bring the goals and visions of UNEP out to the general public's awareness and understanding; to enhance proficiency, the scientific base and promote capacity building; to solicit a wider public participation in the development and adoption of appropriate strategies for civil society in the work for the environment in all its aspects. In accordance with the understanding of the Governing Council decisions, civil society should primarily be understood as the 9 Major Groups as defined by Chapter 23 in Agenda 21. "

22. The purpose of the Global Major Groups Environment Forum (GMGEF), previously called Global Civil Society Forum, is to inform Major Groups (MGs) and relevant civil society stakeholders about the UNEP procedures and arrangements of the upcoming GC, to provide information about the latest developments on substance, allow the different MGs the opportunity to have an exchange of views, and to explore/facilitate possible common positions of the Major Groups related to the topics discussed at the GC/GMEF.

23. **Recommendation:** It is recommended that paragraphs 21 and 22 be adopted.

### **2.2. *The UNEP Major Groups Facilitating Committee (MGFC)***

#### **2.2.1. Background**

24. Effective preparation for and management of the GMGEF requires the dedicated work of a committee composed of representatives of the 9 Major Groups and the 6 UNEP Regions. A number of fundamental principles of engagement shared between civil society organizations and UNEP must be at the basis of the work of this<sup>1</sup> committee. These are:

- Democratic values – the selection of civil society representatives will be founded on shared democratic values as expressed by the United Nations Charter;
- Freedom of expression – while the MGFC will (wherever possible) strive for consensus, individual Major Groups organizations reserve the right to express their own positions and issue their own statements;

- Freedom of engagement – while the MGFC and UNEP will (wherever possible) strive for collaborative approaches for civil society engagement, individual Major Group organizations and UNEP reserve the right of bilateral engagement;
- Balance – to the extent feasible, all efforts will be made to ensure regional, gender, and major groups balance in the composition of the MGFC.

25. **Recommendation:** It is recommended that the above listed fundamental principles are adopted.

### 2.2.2. Composition

26. Sponsorship to GMGEF: UNEP will ensure up to 33 sponsored participants with gender, major groups and geographical balance, plus possibly additional sponsored participants from the host region. Participants to the GMGEF are invited as observers to the GC/GMEF according to UNEP's rules and procedures.

#### Scenario 1: Regional Elections Model

27. Beginning in 2003, the UNEP Major Groups Branch has organized a series of 6 regional civil society meetings (Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, North America, West Asia) taking place in the lead up to the meeting of the Governing Council. These meetings allow UNEP to brief civil society on key issues to be addressed by the Governing Council, provide an opportunity for civil society to comment on these issues and develop regional statements in response for consideration by the GC, and elect up to two representatives to represent regional civil society participants on the Global Civil Society Committee. Once formed, the GCSC works collaboratively to develop a joint civil society statement, based on the six regional statements, for distribution during the Governing Council meeting or GMEF. The regional elections model may perhaps best be described as “business as usual”.

28. Advantages:

- Most reflective of democratic principles of the three scenarios proposed;
- Ensures regional balance;

29. Disadvantages:

- Difficult to ensure balance in other areas – particularly across major groups;
- Elected representatives based solely on the composition of attendees at regional meetings.

#### Scenario 2: Nine + Twelve + Twelve Model

30. This scenario calls on each of the Major Groups to organize an internal selection process based on a system appropriate to that group, in order to nominate an individual to represent that major group on the MGFC (for a total of nine Major Group representatives to the MGFC).

31. To this end, each accredited organization to UNEP is called to make a bid to become the UNEP Major Groups Facilitating Unit (MGFU) of its Major Group<sup>2</sup>. The UNEP Secretariat will select the 9 MGFU based on criteria elaborated on below (see paragraphs 42 and 44).

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<sup>2</sup> This could be modelled on the experiences from the CSD the second phase

32. In accordance with paragraph 24 and its expressed principles, such as democratic values, freedom of expression, freedom of engagement as well as gender balance, each of the 9 Major Group Facilitating Units will be responsible for organizing an internal selection process based on a system appropriate to that major group, in order to nominate an individual to function for a two year period to represent that major group on the MGFC (for a total of nine representatives).
33. This individual, along with that person's home organization, would be expected to facilitate engagement of organizations within that Major Group in the GMGEF, and other UNEP fora as required.
34. Regional civil society meetings would also be held, where those present elect two regional representatives to the MGFC and two who are substantively expert on the forthcoming GC/GMEF themes (for a total of 24 representatives among which 12 regional representatives to the MGFC).
35. Advantages:
- Strikes a balance between regional and major group representation;
  - Allows major groups to identify individuals best able to represent the views/positions of that group;
  - Incorporates jointly appointed ex-officio members, to improve technical expertise of the Committee and address unresolved issues of balance.
36. Disadvantages:
- Assumes that all major groups have sufficient internal cohesion at both global and regional levels to undertake an internal selection process;
  - Selection of the nine major group representatives may not be based on democratic principles.

### **Scenario 3: Appointed Committee Model**

37. This scenario calls for the UNEP Major Groups Branch to identify and appoint recognized technical experts to a committee which would provide advice to UNEP regarding specific policy/thematic issues to be addressed by the Governing Council or the Global Ministerial Environmental Forum. This process is similar to ad hoc technical advisory or experts groups formed, for instance, under the Convention on Biological Diversity.
38. Advantages:
- Ensures access to the best available technical/policy advice with respect to the issues at hand;
  - Can be structured to ensure balance in all areas;
  - Potentially high profile (e.g. IPCC);
  - Comparatively easy to administer.
39. Disadvantages:
- The least democratic of the scenarios proposed;
  - Likely would not be recognized as a legitimate coordinating body by civil society organizations during the GMGEF.
40. **Recommendation:** It is recommended that the “Nine + 12 + 12 Model” be adopted.

### 2.2.3. Major Groups Facilitation Committee (MGFC): Terms of Reference at Global Level

41. Having established 9 MGFU in accordance with paragraphs 30 to 33, commitment to the process must be made at a minimum over a two-year period to ensure consistency, along with development of a detailed plan on how to work to integrate each major group into the UNEP GC and GMEF, encompassing the vision for the civil society-facilitating unit. Consistent with paragraph 33, this entails having at least one person responsible for this work on a full time basis within the home organization of each of the Major Groups representatives, including securing the resources for this person and reasonable running costs (along with the necessary fundraising for this).
42. It must be understood that the work of the 9 persons responsible for the 9 MGFU within each of the Major groups will fall under the following main categories:
  1. Provide and develop logistics and process understanding so the Major Groups will be able to maximise its presence under the aegis of the rules of engagement and procedure that the UN and UNEP have set up.
  2. Provide guidance and find expertise to develop policy positions representing the best from the major group constituencies relevant to the agenda points of the UNEP GC and GMEF.
  3. It must also be understood, that as UNEP GC and GMEF are policy meetings, and that the work of the Major Groups in this context is of that nature, the agendas of all the meetings, regional and central, will be that of the UNEP GC or GMEF.
  4. Any civil society organisation accredited to UNEP regardless of where it is headquartered can make a bid for hosting the secretariat of the facilitating body provided they meet the following formal requirements, on an overarching level:
    - Governance and multi-stakeholder processes;
    - Issues development, policy work, capacity building and lobbying;
    - Information dissemination;
    - Implementation and follow up; and
    - Preparation, participation, timing, travel and related logistical concerns.
43. **Recommendation:** It is recommended that paragraph 41 and 42 be adopted in their entirety.
44. **More specifically, each of the Major Groups representatives must work to:**
  - Maximise participation of representatives of its Major Group from across the planet in the UNEP GC and its related meetings;
  - Make sure the major group is well represented at the regional meeting, and that the participants have received the necessary information relating to the agenda beforehand.
  - Facilitate and see that Major Group's members with specific issue knowledge<sup>3</sup> are brought into the focus of UNEP related work, both in the local, national and regional contexts as well as at UNEP GC and the UNEP GMEF;
  - Ensure balanced representation on the basis of gender, focus and region.
  - Ensure the issues that are relevant to UNEP and its related meetings as expressed through the agenda points at the UNEP GC and/ or UNEP GMEF are dealt with by knowledgeable representatives of the Major Groups;

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<sup>3</sup> UNEP is no stranger to these ideas. UNEP some years ago started an initiative, based on several Governing Council decisions, aimed at "strengthening the scientific base of UNEP". ICSU (International Council for Science) was invited to advise UNEP on this initiative. The GC decision read: "Further consideration should be given to strengthening UNEP's scientific base by improving further its ability to monitor and assess global environmental change i.a. through the establishment of an intergovernmental panel on environmental change." (UNEP/GCSSVII/Appendix 1, para 11 (h) – See <http://science/unep.org> for more information).

- Ensure that participating Major Group members have access to information related to the agenda points for the UNEP meetings and are able to, in an informed manner, participate in the UNEP GC and UNEP GMEF and its related meetings, and have free and *unfettered access to delegates*.
- Provide general information, training and capacity building on UNEP process in line with the expressed visions, goals and targets as found in the Bali Plan of Action;
- Generate broad media-interest, as well as on-going educational programmes around the world;
- Maintain a web-based information hub, issue based list-serves, as well as general informational sites;
- Disseminate issue-based information from the civil society groups focussing on these issues, to others not directly involved in those issue-networks.

45. **Recommendation:** It is recommended that this paragraph be adopted in its entirety.

#### **2.2.4. Major Groups Facilitation Committee (MGFC): Terms of Reference at Regional Level**

46. The Major Group Facilitation Committee shall also be responsible for coordinating their activities with the regional level in cooperation with their regional networks and with UNEP's secretariat. In particular, each of the 9 major groups' representatives will be responsible for:

- Fostering the participation of regional representatives of their major group at the 6 regional meetings
- In regions where their major group is under-represented, help identifying, developing further and involving emerging or newly-established major groups organizations in the regional meetings
- Promoting inter-regional exchange and coordination of inputs within their major group
- Facilitating the integration of regional concerns into the global major groups policy statements

47. The regional particularities will be further taken care of by the input of the 12 Regional representatives.

48. **Recommendation:** It is recommended that paragraph 46 and 47 be adopted in their entirety.

#### **2.2.5. Development of Policy Statements**

49. Developing an understanding of agenda points and key policy positions are of paramount interest and importance to the various Major Groups and relevant civil society stakeholders. Producing position papers on the agenda points is therefore a primary task for the Major Groups representatives. In line with decisions taken throughout the UN system, regional concerns must constitute a key element of policy statements. These concerns must be brought to the GC or GMEF in a succinct and representative form.<sup>4</sup>

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<sup>4</sup> Each of the 9 Major Groups are allowed to produce a 8000 word document on the review session at CSD, and a 1000 word action oriented policy statement the following year during the policy session. These documents are all translated into all the official UN documents, and sent delegates as part of the official documents. As such there are 9 review session papers, and 9 policy session papers.

50. The following scenarios can be envisaged in order to produce these statements.

**Scenario 1 – Each of the Major Groups representatives coordinates all, and consults a global electronic constituency to help make the text final.**

51. The Major Group representative writes, or assigns the writing of the paper to experts, and solicits support or critical comments from UNEP accredited organisations belonging to his/her constituency. The solicitation is done through the use of Internet through the methodology of ‘electronic’ hearings, and the Major Group representative brings in, at its own discretion, arguments that have come in through the hearing, and finalises the paper. This is then the global paper representing the major group.

52. Advantages:

- Each of the 6 regional meetings will feed in their discussion points to the Major Groups representative who will edit and write the final paper. Thus the end result is 9 global papers.

53. Disadvantages:

- The regional concerns will be less visible, as someone who is not close to these concerns will execute the final writing.

**Scenario 2 – Each of the Major Groups representatives prepares background positions, but allows various major group constituencies at the regional meetings to negotiate the final text.**

54. The Major Groups representative prepares, through various ways, background position papers, and allows each of the regional meetings to negotiate the final text during the regional meetings.

55. Advantages:

- The regional concerns will be visible, and truly represent the regions concerns as they have been negotiated with regard to regional priorities.

56. Disadvantages:

- The math will work in disfavour of this method: there are 6 regions and each region has 9 major groups, thus the GC or GMEF might be presented with 54 papers.

**Scenario 3 – Each of the Major Groups representatives invites a peer group from within their own Major Group to write the policy positions based on the discussion at the regional meeting, and the peer group finalizes the text.**

57. The Major Groups representative will seek out the best possible persons from the organisational unit within its constituency to write the final policy paper based on detailed reports from each of the 6 regions. This entails the following: that each region makes sure that solid and succinctly written reports come out of each of the regions, and also that the various items are prioritised. The peer group then edits and combines each of these reports into one global report representing that particular major group.

58. Regional policy statements will still be included as official documents if deemed appropriate by the regions.

59. Advantages:

- This is somewhat similar to scenario one, but relies on the outcome of the discussions from each of the regions. As such, the regional concerns may be adequately represented.
- This also allows for only 9 papers.

60. Disadvantages:

- Again, this will not be a negotiated text, as was the case under scenario 2, and the regional concerns less represented.

61. **Recommendation:** It is recommended that the Scenario 3 be adopted.

### **2.3. Development of Specific Policies and Strategies**

62. Further involvement of various major groups when UNEP develops internal policies, strategies, guidelines or standards would be beneficial to both UNEP and civil society.

63. Although UNEP regularly involve major groups in this type of work, the engagement tends to focus mainly on one or a few major groups at a time and the exchange among them seems limited. To this end, consultations and multi-stakeholder dialogues would be instrumental. The Strategic Approach to International Chemicals Management (SAICM) represents a best practice in this regard in terms of environmental policy development. Building on similar experiences, UNEP should consider engaging further in multi-stakeholder dialogues, capitalizing on its unique position in the environmental arena and its relations with various major groups.

64. Involving various major groups in a more systematic way on a specific issue would bring a number of advantages to UNEP and civil society. This would allow UNEP to integrate in specific thematic areas (E.g. water, energy, etc.) major groups' views, needs, expertise, dynamics, etc from the beginning, hence improving the quality of the policies, strategies, guidelines or standards developed, and eventually facilitating their implementation. Based on a specific issue, the approach would furthermore improve the quality of the interaction with major groups, and make the results of the consultations more tangible both for UNEP and civil society.

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#### End Notes:

<sup>i</sup> The following discussion and proposals to guide the organization of this committee and support/guide major group engagement in the work of the UNEP Governing Council (GC) and the Global Ministerial Environmental Forum (GMEF) is based on input from the following sources and resulted in the identification of the bullet pointed guidelines:

- Results of the 2006 round of regional civil society meetings;
- Background research, including a review of similar UN processes (e.g. CSD)<sup>i</sup>;
- Suggestions from the floor during the February 2007 GCSF plenary;
- Discussions among GCSC members during the February 2007 GCSF (re-named GMGEF);
- A round of discussions among GCSC members via e-mail and conference call, April – June, 2007;
- Input and guidance from UNEP Major Groups and Stakeholders Branch staff.

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## **ANNEX I: REVIEW OF CURRENT PRACTICES**

### **Overview: The Legal Status of NGOs in the UN System**

1. This section provides an analysis of a limited number of international practices regarding how selected institutions engage with civil society, with a view to identifying lessons from this experience. Further background information can be found on [www.unep.org/civil\\_society/](http://www.unep.org/civil_society/).
2. Article 71 of the UN Charter empowers the Economic and Social Council (ECOSOC) to “make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence.”<sup>i</sup> In 1996, pursuant to Article 71, ECOSOC adopted Resolution 1996/31, which governs “consultative relations” between NGOs and ECOSOC.<sup>i</sup> Resolution 1996/31 is written in broad language, however, and has been implemented in a variety of ways by different UN bodies. This chapter will provide five brief case studies of the mechanisms developed by different bodies to facilitate engagement with various non-governmental stakeholders and how they interpret the 1996 ECOSOC rules in terms of engagement differently.
3. Case Studies Reviewed: World Health Organization, United Nations Framework Convention on Climate Change, United Nations Committee against Torture, Global Environment Facility (forthcoming), and the Commission on Sustainable Development (forthcoming).

### **Case Study #1: The World Health Organization**

#### **1.1. Organizational Overview**

4. The goal of the World Health Organization (WHO) is to “promote the highest possible level of health” for all people.”<sup>i</sup> WHO’s activities in pursuit of this goal include:

“acting as the directing and coordinating authority on international health work; establishing and maintaining effective collaboration with the UN specialized agencies, governmental health administrations, professional groups and other organizations as may be deemed appropriate; assisting governments to strengthen their health services; furnishing appropriate technical assistance and, in emergencies, necessary aid; and proposing conventions, agreements and regulations, as well as making recommendations with respect to international health matters.”<sup>i</sup>

5. The WHO Secretariat maintains a staff of 3,800 and has a biannual budget of \$3.3 billion U.S.<sup>i</sup>

#### **1.2. Current Practices for Civil Society Engagement**

6. WHO has established a set of “Principles Governing Relations with Nongovernmental Organizations”<sup>i</sup> (“the Principles”). Principle 2.1 explains that, “WHO recognizes only one category of formal relations, known as official relations, with those NGOs which meet the criteria described in these Principles.” Once admitted to this category, an NGO gains “(i) the right to appoint a representative to participate, without right of vote, in WHO’s meetings or in those of the committees and conferences convened under its authority, on the following conditions... (ii) access to non-confidential documentation and such other documentation ... [and] (iii) the right to submit a

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memorandum to the Director-General ....”<sup>i</sup> In addition, the Principles allow for “informal relations” between NGOs and WHO, which “frequently take the form of exchanges of information and reciprocal participation in technical meetings.”<sup>i</sup>

### 1.3. Commentary

7. In 2001, WHO launched a Civil Society Initiative (CSI), to “foster[] relations between WHO and nongovernmental and civil society organizations.” To this end, the CSI has published a series of reports addressing the relations between civil society organizations (CSOs) and WHO.<sup>i</sup> The Review Report of CSI recommended that the *Principles* be replaced by a new structure, consisting of an accreditation policy and a collaboration policy that would “distinguish between different kinds of NGOs and their related interests.”<sup>i</sup>

## Case Study #2: The United Nations Framework Convention on Climate Change

### 2.1. Overview of the UNFCCC

8. The United Nations Framework Convention on Climate Change (UNFCCC) establishes the ground rules for intergovernmental cooperation to address climate change.<sup>i</sup> The Parties to the UNFCCC collect and share information on greenhouse gas emissions, national policies and best practices; and cooperate in preparing for adaptation to the impacts of climate change. Building on the UNFCCC, the Kyoto Protocol, which entered into force on 16 February 2005, places binding emission caps on Annex I Parties.

### 2.2. Engagement with Civil Society

9. Article 7, paragraph 6, of the UNFCCC provides that “any body or agency, whether national or international, governmental or nongovernmental, which is qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object.”<sup>i</sup> Over time NGOs admitted as observers at UNFCCC sessions have formed themselves into five broad “constituencies”: business and industry NGOs (BINGO), environmental NGOs (ENGO), local government and municipal authorities (LGMA), indigenous people’s organizations (IPO), and research and independent NGOs (RINGO).<sup>i</sup> The constituencies interact with the secretariat through focal points that:

- provide a conduit for the exchange of official information between their constituents and the secretariat;
- assist the secretariat in ensuring effective participation appropriate to an intergovernmental meeting;
- coordinate observer interaction at sessions including convening constituency meetings, organizing meetings with officials, providing names for the speakers list and representation at official functions;
- provide logistical support to their constituents during sessions;
- assist the secretariat in realizing representative observer participation at workshops and other limited-access meetings.<sup>i</sup>

10. In addition, the Convention’s Subsidiary Body for Implementation, has “agreed that requests for submission of information and views could be extended to NGOs where appropriate and on the understanding that such submissions would not be issued as official documents, in order not to expand the volume of documentation, but would be made available on the secretariat web site.”<sup>i</sup>

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Finally, the secretariat has prepared guidelines for appropriate conduct by NGO representatives during attendance at UNFCCC meetings.<sup>i</sup>

### **2.3. Commentary**

11. At least one commentator has criticized the extent of NGO participation in the UNFCCC, arguing that state delegations have been “captured” by NGO interests, which is “problematic because NGOs have very different agendas than states. NGOs are single issue-oriented, while states have to take many diverse viewpoints and the national interest into consideration.”<sup>ii</sup> Others, however, have applauded this development arguing that NGO participation has strengthened the positions of some states in the negotiations.<sup>i</sup>

## **Case Study # 3: The United Nations Committee against Torture**

### **3.1. Overview**

12. The United Nations Committee against Torture (“UN CAT” or “the Committee”) was established by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force 26 June 1987.<sup>i</sup> The Committee consists of “ten experts of high moral standing and recognized competence in the field of human rights...elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.”<sup>ii</sup> Article 19, para. 1 of the Convention requires States Parties to submit reports every four years “on the measures they have taken to give effect to their undertakings under this Convention... and such other reports as the Committee may request.”

### **3.2. NGO Engagement**

13. Rule 62, para. 1 of the Rules of Procedure of UN CAT allows the Committee to “invite ... non-governmental organizations in consultative status with the Economic and Social Council to submit to it information, documentation and written statements, as appropriate, relevant to the Committee’s activities...” Under UN CAT’s traditional practices, the information is submitted in writing and a copy is provided to the State concerned.<sup>i</sup> In addition, NGOs may brief Committee members orally during the session. Such briefings, devoted to one country at the time, are organized outside the formal meetings of the Committee and are limited to the attendance of Committee members only.<sup>i</sup> Over the last number of years, the committee has formalized this process, giving NGOs the:

“... opportunity to brief the committee members on a country’s compliance with the Convention against Torture. The NGO sessions last no more than an hour and typically take place the day before the country is scheduled to present its report. This enables the committee members to receive additional information before the committee questions the country delegation. While the consideration of countries occurs in public, the NGO sessions are private, ensuring that NGO representatives have the freedom to speak openly about issues of concern without fear of reprisal.”<sup>ii</sup>

### **3.3. Commentary**

14. Observers of UN CAT proceedings have noted that, while formal incorporation of NGO briefings has been “a positive step”, the short time frame allotted to such briefings (typically one hour per country) is insufficient “to carefully address issues in any depth.”<sup>ii</sup> An expansion of these formal briefing procedures has therefore been recommended.<sup>i</sup>

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**Case Study # 4: The Global Environment Facility (forthcoming)**

**Case Study # 5: Commission on Sustainable Development (forthcoming)**

***ANNEX II: LIST OF CURRENT MEMBERS OF THE GLOBAL CIVIL SOCIETY COMMITTEE***

1. **Pr. Michael Koech**, Sustainable Development and Environment Network of Kenya (SENKE), Kenya (Chair)
2. **Ms. Dorcas Otieno**, Kenya Organization of Environmental Education (KOEE), Kenya
3. **Dr. Mahmood A. Khwaja**, Sustainable Development Policy Institute (SDPI), Pakistan
4. **Ms. Zhang Hehe**, Friends of Nature, China
5. **Ms. Sascha Gabizon**, Women in Europe for a Common Future (WECF), Germany
6. **Mr. Jan-Gustav Strandenaes**, ANPED - the Northern Alliance for Sustainability, Norway
7. **Ms. Esther Marianne Neuhaus**, Brazilian Forum of NGOs and Social Movements for Sustainable Development (FBMOS), Brazil
8. **Mr. Gordon Bispham**, Caribbean Policy Development Centre, Barbados
9. **Mr Tom Hammond**, IUCN, Canada
10. **Ms Melanie Nakagawa**, Natural Resources Defense Council, USA
11. **Ms. Alia El-Husseini**, Palestinian Arab Women League, Lebanon
12. **Mr Mohamed Al-Sayrafi**, Friends of the Environment Center, Qatar

***ANNEX III: LIST OF ACRONYMS (forthcoming)***