

Revised – 31 March 2008

Guidelines for Improving the Global Civil Society Forum Cycle

Table of contents

<i>EXECUTIVE SUMMARY</i>	3
<i>INTRODUCTION</i>	4
<i>CHAPTER 1: BACKGROUND</i>	5
1. Expectations	5
1.1. Major Groups Expectations from UNEP	5
1.2. UNEP Expectations from Major Groups	6
<i>CHAPTER 2: CREATING A BALANCED AND ACTIVELY FACILITATED FRAMEWORK FOR MANAGING MAJOR GROUP INPUT INTO THE UNEP GOVERNANCE PROCESS</i>	8
2.1. The Global Civil Society Forum (GCSF): Engaging with the Governing Council	8
2.2. The UNEP Major Groups Facilitating Committee (MGFC)	8
2.2.1. Background	8
2.2.2. Composition	9
2.2.3. Terms of Reference at Global Level	10
2.2.4. Terms of Reference at Regional Level	11
2.2.5. Development of Policy Statements	11
2.2.3. Sponsoring to the GCSF.....	13
<i>CHAPTER 3: THE WAY FORWARD: POLICY AND PROGRAMME DESIGN AND IMPLEMENTATION</i>	14
3.1. Policy and programme design	14
3.2. Programme Implementation	14
<i>ANNEX I : LIST OF THE CURRENT MEMBERS OF THE CIVIL SOCIETY FACILITATING COMMITTEE</i>	15
<i>ANNEX II: OVERVIEW OF THE LEGAL STATUS OF NGOS IN THE UN SYSTEM - CASE STUDIES</i>	16
1. The UN Commission on Sustainable Development (CSD) – Unique opportunities for governance and sustainable development	17
2. The Global Environment Facility	27
3. The United Nations Framework Convention on Climate Change	31
4. The World Health Organization	32
5. The United Nations Committee against Torture	33
<i>ANNEX III: LIST OF ACRONYMS</i>	34

Executive summary

Cooperation between the United Nations Environment Programme and civil society organizations spans more than three decades on a wide variety of levels, from technical cooperation through to policy development and governance. UNEP has consistently welcomed an ongoing dialogue and frank exchange of views with civil society – as it has long been recognized that civil society organizations can be substantive contributors to improving our understanding of the environment, and in developing innovative solutions to environmental challenges. These organizations, in turn, have become increasingly mobilized to both influence and collaborate with the UNEP decision making process.

This paper specifically addresses cooperation between UNEP and civil society in governance functions and policy formulation during UNEP policy processes. Interaction between civil society and UNEP became more formalized in this context in 2000, in light of the Malmoe Declaration which emphasized the inherent challenges to UNEP and civil society, and has evolved into an annual process, including 6 regional civil society meetings and a global civil society forum. These meetings are designed to air views related to key issues on the UNEP Governing Council agenda – and more importantly to develop coherent civil society responses to these issues. To date, civil society representatives accredited to ECOSOC or UNEP through their organizations are invited to participate in Governing Council discussions as well as similar processes.”

Agenda 21, adopted by the U.N. Conference on Environment and Development (UNCED) in 1992, grants special recognition to nine “major groups”: 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. Several of these constituencies are well organized through representational membership organizations spanning the national and global levels. Some major groups focus on well defined issues, while others address a much broader array of concerns. The challenge for both civil society organizations and for UNEP is to develop a process that respects and gives voice to the diverse views of major group representatives while at the same time structuring major group input in such a way that it can effectively inform the inter-governmental process.

The guidelines described in this document aim to create a balanced and actively facilitated framework for managing major groups input to the UNEP governance process. It is foreseen that the 12 current civil society steering committee members selected through regional UNEP meetings be joined by one representative from each of the nine major groups. Organizations formally accredited with UNEP will be requested to tender their interest in facilitating dialogue within their major group on substantive Governing Council issues. UNEP staff will work closely with each of the major groups to ensure an equitable process of selection. Each organization is expected to commit to this process for a period of 2 years.

Facilitating the development of coherent position papers on substantive Governing Council issues as well as help “coordinating” or “facilitating” major group input and work during the GC/GMEF will be primary tasks for each major group representative. It will also be incumbent upon each major group representative to ensure a clear link in their final position papers to the outcomes of the regional civil society discussions.

Introduction

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...”¹ Three years later, amid some definite progress in strengthening civil society’s engagement with UNEP and the arrival of a new Executive Director with a vision to deepen this engagement, there is now 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. 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. This paper is also aimed at securing a more balanced participation of the 9 major groups. In accordance with the understanding of the Governing Council decisions, civil society should primarily be understood in this context as an umbrella term covering all 9 Major Groups as defined in Chapter 23 of Agenda 21.
4. Civil Society are also implementers and opportunities exist in UNEP for partnerships that can increase the impact or profile of projects that meet shared goals. More specifically, business as well as other Major Groups have important resources and expertise that can contribute to a wide range of programme, policy and implementation activities across UNEP. These implementation aspects are not addressed in the present paper which focuses on Major Groups’ participation at the Governance Level. However, there will likely be important synergies between civil society participation at the governance level and in project implementation, with each having the potential to strengthen the other.
5. 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.
6. This third draft version includes the text as adopted at the 9th Global Civil Society Forum held in February 2008.
7. After adoption by the Executive Director, the present Guidelines will be subject to a review after one year.

¹ 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>.

Chapter 1: Background

8. 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.
9. 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. The name has been changed to underline this greater emphasis on Major groups representation.
10. 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 8th 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), through the GCSF cycle. 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. Expectations

11. 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.

1.1. Major Groups Expectations from UNEP

12. The initial expectations of the Major Groups are to see a continuation of the progress made at the 8th Global Civil Society Forum and the 24th 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 24th Governing Council Ministerial Roundtables for civil society representatives as participants, not observers, providing them direct access to ministers.
13. 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. However, participants stressed the need to improve the GCSF cycle, especially requesting a more balanced composition of this Committee.
 14. 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.
 15. 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 specific themes. 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 itself and its key messages.
 16. 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 mobilise the right level of expertise in time to assist UNEP's endeavors.
 17. 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.
 18. Since information dissemination by Civil Society is also an important asset to UNEP process, enhanced facilitation for the same is duly expected from UNEP
 19. UNEP should ensure quick translation of relevant documents into UN languages to allow regional balance in views and representation.

1.2. UNEP Expectations from Major Groups

20. This section attempts to answer the question, "what is UNEP's interest in strengthened civil society participation in the UNEP policy process?"
21. 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 with wider participation enhance transparency, foster coordination among diverse actors, and strengthen accountability for implementation and results.

22. 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, disseminators of information to communities at the grassroots level, 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.
23. To maximize these important benefits of civil society participation in international environmental governance, 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 to be as representative as possible, taking into account expertise, geographical origin, gender and other relevant criteria.

Chapter 2: Creating a balanced and actively facilitated framework for managing Major Group input to the UNEP governance process

2.1. The Global Civil Society Forum (GCSF): Engaging with the Governing Council

24. The purpose of the Global Civil Society Forum, is to increase Civil Society influence and inputs into decision adopted by the GC/GMEF by informing Major Groups (MGs) and relevant civil society stakeholders about UNEP's procedures and arrangements of the upcoming GC, providing information about the latest developments on substance, allowing the different MGs the opportunity to have an exchange of views, and to facilitate the development of possible common positions of the Major Groups related to the topics discussed at the GC/GMEF.

2.2. The UNEP Major Groups Facilitating Committee (MGFC)

25. This section addresses the functions of the Major Groups Facilitating Committee (MGFC), previously named Global Civil Society Steering Committee. The name was changed to Major Groups Facilitating Committee (MGFC) to underline the higher emphasis on the major groups' criteria. As described in more details in sections 2.2.3 below, the role of the MGFC is to provide guidance and coordinate the engagement of major groups in the GCSF cycle.

2.2.1. Background

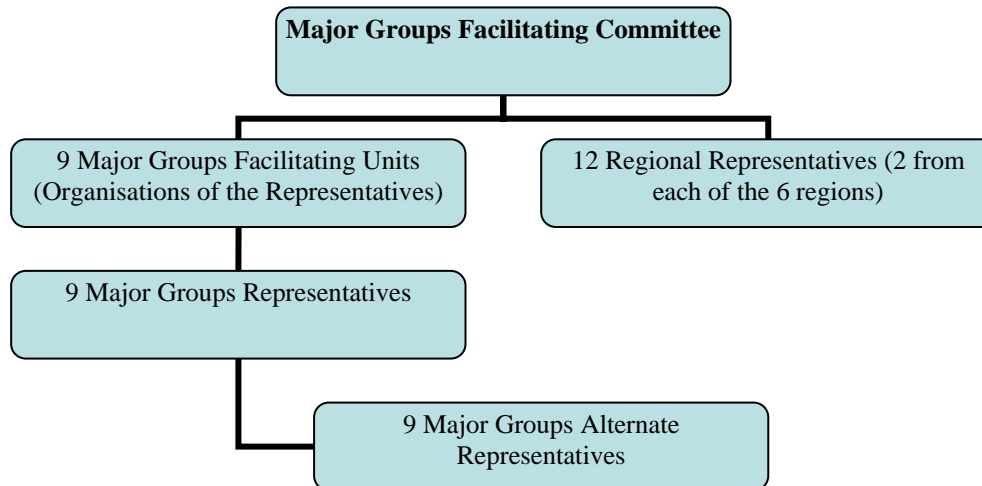
26. Effective preparation for and management of the GCSF requires the dedicated work of a committee composed of representatives of the 9 Major Groups and the 6 UNEP Regions (Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, North America, West Asia). A number of fundamental principles of engagement shared between civil society organizations and UNEP must be at the basis of the work of this committee.² 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 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 strive for collaborative approaches for civil society engagement, individual Major Group organizations and UNEP reserve the right of bilateral engagement;

² 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: (i) Results of the 2006 round of regional civil society meetings; (ii) Background research, including a review of similar UN processes (e.g. CSD); (iii) Suggestions from the floor during the February 2007 GCSF plenary; (iv) Discussions among GCSC members during the February 2007 GCSF; (v) A round of discussions among GCSC members via e-mail and conference call, April – June, 2007; (vi) Input and guidance from UNEP Major Groups and Stakeholders Branch staff.

- Balance – to the extent feasible, all efforts will be made to ensure regional, gender, and major groups balance in the composition of the MGFC.
- Transparency of work and methodology –UNEP will seek to provide translation of documents in UN languages.

2.2.2. Composition: Nine + Twelve model



Organogram : Nine+ Twelve Representation Model

- Each accredited organization or grouping of accredited organizations to UNEP is called to make a bid to become the UNEP Major Groups Facilitating Unit (MGFU) of its Major Group³. The UNEP Secretariat will work with major groups to reach a consensus on the nine MGFUs.
- In accordance with paragraph 24 and its expressed principles, such as democratic values, freedom of expression, freedom of engagement as well as geographical and 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 along with the person's home organization to function for a two year period to represent that major group on the MGFC (for a total of nine representatives). Taking into account the particular circumstances of the different Major Groups, the maximum number of consecutive terms will normally be two.
- This individual, with the support of that person's home organization, would be expected to facilitate engagement of organizations within that Major Group in the GCSF and in other UNEP fora as appropriate.
- Each major group will nominate an alternate in case the main representative is unavailable
- 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;
 - Selection of the nine major groups representatives will respect the principle of self organisation.

³ This could be modelled on the experiences from the CSD the second phase.

32. 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.
- Ensuring gender balance among the 9 Major Groups Representatives could be difficult.

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

33. Having established 9 MGFC in accordance with paragraph 25, 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 Focal Point and alternate responsible for this work within the home organization of each of the Major Groups representatives, including securing the resources for this person and reasonable operating costs (along with the necessary fundraising for this).
34. Pending the available human and financial resources the work of the 9 persons responsible for the 9 MGFC 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. 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.
35. More specifically, and while this might be a challenge for the Major groups with a very large number of participating organizations, each of the Major Groups representatives must work to:
- Maximise participation of representatives of its Major Group worldwide in the UNEP GC and its related meetings;
 - Promote a good representation of the major group at the regional meeting, and ensure that the participants have received the necessary information relating to the agenda beforehand.
 - Facilitate the involvement of Major Groups members with specific issue knowledge⁴ in UNEP related work, both in the local, national and regional contexts as well as at UNEP GC and the UNEP GMEF;

⁴ 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

- Foster balanced representation on the basis of gender, focus and region.
- Mobilise knowledgeable representatives of the Major Groups to participate in the UNEP GC and/or UNEP GMEF;
- Assist participating Major Group members in having access to information related to the agenda for the UNEP meetings and in participating fully in the UNEP GC/GMEF and its related meetings, and in having 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.

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

36. 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 help the UNEP Secretariat to:
- Foster the participation of regional representatives of their major group at the 6 regional meetings
 - In regions where their major group is under-represented, help in identifying 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 major groups policy statements
37. The regional particularities will be further taken care of by the input of the 12 Regional representatives.

2.2.5. Development of Policy Statements

38. 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, and depending on the subject, national, subregional and regional concerns often constitute a key element of policy statements. These concerns must be brought to the GC or GMEF in a succinct and representative form.⁵
39. The following scenarios can be envisaged in order to produce these statements.

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).

⁵ Each of the 9 Major Groups are given the opportunity 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.

Scenario 1 – Each of the Major Groups representatives coordinates all, and consults a global electronic constituency to help make the text final. The Major Group representatives may decide to join forces with other major group representatives to produce joint statements.

40. 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.

41. 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.
- Option for producing joint statements among various Major Groups has the potential to streamline the process, producing a clearer and more powerful message to the GC/GMEF.

42. Disadvantages:

- The regional concerns will be less visible, as someone who is not close to these concerns will execute the final writing.
- Increased translation/publication costs
- Time constraint of delegates to the GC/GMEF to read all the papers from the 9 major groups

Scenario 2 – Each of the Major Groups representatives prepares background positions, but allows various major group constituencies at the regional meetings to produce a final statement if they so choose either as a distinct Major Group or in collaboration with other Major Groups.

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

44. Advantages:

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

45. 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.
- Increased translation/publication costs
- Time constraint of delegates to the GC/GMEF to read all the papers from the 9 major groups.
- Fragmented process.
- Not all major groups participate in all Regional meetings.

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. The Major Group representatives may choose to join forces with other major group representatives to produce joint statements.

46. 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.

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

48. 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.
- Option for producing joint statements among Major Groups has the potential to streamline the process, producing a clearer and more powerful message to the GC/GMEF.

49. Disadvantages:

- As with scenario 2, this will not be a formally agreed text, and the regional concerns would be less represented.
- Increased translation/publication costs
- Time constraint of delegates to the GC/GMEF to read all the papers from the 9 major groups

50. Scenario 1, 2 or 3 are adopted according to each Major Group's preference, as these scenarios constitute a good transition from a purely regional model towards a model where the Major Groups play a more significant role. At the same time, it should be recognized that there may be substantial commonality in views between many if not all Major Groups. Joint statements among multiple major groups may thus be possible and should be encouraged.

2.2.3. Sponsoring to the GCSF

51. Sponsorship to GCSF: UNEP will ensure up to 33 sponsored participants with gender, major groups and geographical balance, plus possibly additional sponsored participants from the host region, among which the 24 representatives chosen during the regional meetings as indicated below. Participants to the GCSF are invited as observers to the GC/GMEF according to UNEP's rules and procedures.

52. During the Regional civil society meetings those present elect two regional representatives to the MGFC (for a mandate of two years) and two (for a mandate of one year) who are substantively expert on the forthcoming GC/GMEF themes (for a total of 24 representatives among which 12 regional representatives to the MGFC).

53. These meetings are open to organizations that are not being mobilized by the committee.

Chapter 3: The Way Forward: Policy and Programme Design and Implementation

3.1. Policy and programme design

54. Further involvement of various major groups when UNEP develops internal policies, strategies, guidelines or standards would be beneficial to both UNEP and civil society.
55. 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. Greater use of multi-stakeholder dialogues and consultations could thus be useful. The Strategic Approach to International Chemicals Management (SAICM) represents a best practice in this regard in terms of environmental policy development. Indeed, for the purpose of the rules of procedures of SAICM (SAICM/ICCM.1/6), a "participant" means any governmental, intergovernmental or non-governmental participant. All participants have the same rights concerning the participation in the sessions of the Preparatory Committee and any open-ended subsidiary body, the inclusion of specific items in the provisional agenda, the right to speak, the raising of a point of order, and the introduction of proposals and amendments. The regional meetings of the Marrakesh Process and the annual UNEP Business and Industry Global Dialogue are also good examples of stakeholders engagement. 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. In particular, there may be opportunities to convene multi-stakeholder dialogues sessions alongside the GC/GMEF.
56. Involving various major groups in a more systematic way on specific issues would bring a number of advantages to UNEP and civil society. It would allow UNEP to integrate Major Groups' views and expertise, on specific thematic areas (e.g. water, energy, etc.) from the beginning, hence improving the quality of the policies, strategies, guidelines or standards developed, and eventually facilitating their implementation. Based on specific issues, the approach would improve the quality of UNEP's interaction with major groups, and make the results of the consultations more tangible both for UNEP and for civil society.

3.2. Programme Implementation

57. As highlighted in the Explanatory Note, civil Society are also implementers and opportunities exist in UNEP for partnerships that can increase the impact or profile of projects that meet shared goals. These implementation aspects are not addressed in the present paper which focuses on enhancing the engagement of Major Group with UNEP at the Governance Level. However, it is our expectation that greater involvement of Major Groups in UNEP's policy process will also help to facilitate fuller involvement with programme implementation.

Annex I: List of Current Members of the Civil Society Facilitating Committee

The MGFC replaces the Global Civil Society Steering Committee. The name was changed to Major Groups Facilitating Committee (MGFC) to underline the higher emphasis on the major groups' Criteria.

The following 12 Regional Representatives were elected during the Regional Meetings to be members of the Global Steering Committee/ MGFC:

1. Dr. Muhammad Al-Sayrafi, Member of the Board of Directors, Friends of the Environment Center. Non-Governmental Organisation. Qatar.
2. Mr. Gordon Bispham, SIDS Expert, Caribbean Policy Development Center, Non-Governmental Organisation. Barbados.
3. Mr. Carlos Gomez Flores, Director General, Fundacion Mundo Sustentable, Non-Governmental Organisation. Mexico.
4. Ms. Violet Ford, Inuit Circumpolar Council, Indigenous People. Canada
5. Mr. David Foster, Blue-Green Alliance, Trade Union. USA.
6. Ms Judith Carreras Garcia, Sustainlabour Foundation, Workers and Trade Unions. Spain.
7. Mrs. Mildred Mkandla, External Relations Director, EarthCare Africa. Non-Governmental Organisation. Ethiopia.
8. Mr. Masonara Kobayashi, Program Manager Institute for Global Environmental Strategies, Japan
9. Prof. Deo Prasad, Professor, University of New South Wales. Scientific and Technological Community. Australia.
10. Mrs. Anas Saket, President, General Federation of Jordanian Women. Women's Group. Jordan.
11. Mr. Jan-Gustav Strandenaes, Senior Policy Adviser, The Northern Alliance for Sustainability (ANPED), Non-Governmental Organisation. Norway.
12. Mr. Mensah Todzoro, Friends of the Earth Togo, Non-Governmental Organisation. Togo.

The following 9 representatives were nominated from Major Groups:

1. Mr. Lucien Royer, ITUC, OECD (TUAC), Workers and Trade Unions. Chair of the Committee.
2. Ms. Nyurguyana Dordina, RAIPON, Indigenous People. Russian Federation
3. Konrad Otto-Zimmerman ,Secretary General ICLEI - Local Governments for Sustainability. Local Authorities.
4. Sascha Garbizon, Director, Women in Europe for a Common Future. Women's Group.
5. Birgit Engelhardt, International Council of Chemicals Associations (ICCA) Business and Industry.
6. Daniel B Magraw Jr. President, Center for International Environmental Law (CIEL). NGOs.
7. Thomas Christian, 2007-2009. 2020 Vision - UNEP Tunza Youth Advisory Council: North America Youth Advisor. Youth.
8. Daniëlle Aletta de Man, Policy Officer, International Federation of Agricultural Producers (IFAP). Farmers (tbc)
9. Thomas Rosswall, Executive Director, International Council for Science, Scientific Community.

Annex II: Overview of the Legal Status of NGOs in the UN System - Case studies

58. 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/.
59. 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.”¹ In 1996, pursuant to Article 71, ECOSOC adopted Resolution 1996/31, which governs “consultative relations” between NGOs and ECOSOC.¹ 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.
60. Case Studies Reviewed: World Health Organization, United Nations Framework Convention on Climate Change, United Nations Committee against Torture, Global Environment Facility (GEF), and the Commission on Sustainable Development (CSD).

1. The UN Commission on Sustainable Development (CSD) – Unique opportunities for governance and sustainable development⁶

61. Below is a detailed case study of the United Nations Commission on Sustainable Development (CSD) process of engaging civil society written by a member of the Global Civil Society Steering Committee with years of expertise in this area, Jan-Gustav Strandenaes, Policy Adviser for the Northern Alliance for Sustainability (ANPED). This case study is included to respond to questions posed to the Global Civil Society Steering Committee, by interested stakeholders in UNEP's engagement with civil society, seeking more information about the civil society process in the CSD given several similarities in both fora.

CSD – an organisational structure

62. The UN CSD - the UN Commission for Sustainable Development⁷ - offers the world one of the most open and participatory intergovernmental processes on sustainability issues. With a renewed mandate from the JPOI⁸, CSD started work with its new organisational mandate focussing on the sets of cluster themes known as the thematic clusters. The themes are found within two-year cycles complete with its organisational choreography as decided by CSD 11 (for all themes see Annex I). Broadly outlined the organizational choreography is as follows:

63. First year:

- Developing the Secretary General's report – governments and civil society are all invited to contribute to the content; governments are invited to send, on a voluntary basis, a country report on the cluster issues.
- The 9 Major Groups⁹ compose an 8000-review document, which is subsequently translated into all official UN languages; it is imperative that this document does not deal with policy issues (see annex II); the documents are sent the CSD delegations as part of the official background documents.
- Each of the UN economic commission regions organise regional meetings, a so-called RIM, Regional Implementation Meeting, to discuss the cluster themes from a regional perspective. These meetings are supposed to come up with a non negotiated statement; civil society through their Major Groups are all invited to participate;
- Towards the end of the first year of the two-year CSD cycle, governments and civil society participate in the two-week review session held in April/May at UN headquarters in New York to finalise the identification of success stories and obstacles to progress; these meetings also have their set choreography.

64. Second year:

- Based on the outcome of the Review Session, policy documents are developed by the Secretary General and by each of the 9 Major Groups. The Major Group policy statements, based on the outcome of the Review Process, not exceeding 1000 words per major groups'

⁶ Written and researched by Jan-Gustav Strandenaes, Policy Adviser, ANPED. Conclusions and opinions are his only, and do not necessarily express the views of the UN or his organisation.

⁷ CSD, the Commission on Sustainable Development, a standing committee under the Economic and Social Council, charged with following up work on Agenda 21 and the Johannesburg Plan of Implementation, both dealing with global sustainable development.

⁸ Johannesburg Plan of Implementation, decided on at the UN Summit on Sustainability, the WSSD in Johannesburg 2002.

⁹ women, youth, trade unions, farmers, Indigenous Peoples, NGOs, local authorities, science and technology, business and industry

sector, are translated into all UN languages and distributed to all governments as part of the background documents.

- The second year of the CSD cycle deals with policy outcomes, through two sessions: The first, the IPM, the Intergovernmental Preparatory Meeting, which then prepares the discussion for what has been called:
- CSD proper, the final two-week meeting in May at the UN headquarters in New York mandated to hammer out policy directives on the two-year process for the success of the themes dealt with.

65. The CSD cycles present governments and civil society with a most poignant set of sustainability issues to work with and with this an opportunity to raise global awareness and renewed interest in some of the basic issues that relate to sustainable development.

Coordinating with the other Major Groups

66. The UN CSD secretariat works closely with representatives of the 9 Major Groups, through designated partners known as the organising partners. The partners are sought from within the constituencies of the 9 Major Groups.

67. Representative networks from within these constituencies make a bid for the role as the coordinating partner; the bid is discussed by the CSD secretariat, coordinating partners are nominated, recommendations on the nominated candidates are given from the secretariat to the CSD Bureau, which then assigns the task to a representative group from within the Major Groups. The task of coordinating partner is one year long, with a natural carry over to complete the two-year period; functioning as the organisational partner or facilitator, with no funds from the UN, involves a large amount of work, working among other things to make the modalities of the CSD work as far as possible to the benefit of the major group, on logistics and process, capacity building and coordination to prepare the constituency for the UN based CSD meetings as well as providing coordination at the CSD meetings themselves. It is a full time job for at least one person. The various tasks are discussed below; as such, WEDO, Women in Development has been the coordinator for the women, ICSU for the scientists, ITUC for the Trade Unions, WBCSD for business and industry etc. SDIN¹⁰ the organising partner for the NGOs and so on.

A small recap concerning the struggle for civil society's space

68. To elucidate the reader concerned with civil society's participation in intergovernmental matters, it might be of interest to learn about the seriousness of the debate that took place on this theme during CSD 11.

69. According to the Johannesburg Plan of Implementation, the CSD was thoroughly revised during CSD 11. A two-year cycle was adopted as were a number of new modalities. Concern had been raised during the CSD 11 negotiations over the future participation of Major Groups. NGOs followed this discussion closely, and lobbied governments actively to arrive at as open and participatory approach as possible. Rolling back systems and process of accreditation and participation as well as opportunities for engagement with delegates to what they had been prior to 1992 was not seen as acceptable, yet some of the official delegates were openly talking about this as an option. Whereas most delegations welcomed the presence of civil society, a number of countries, particularly from the G-77, wanted a stricter system of participation observed. The issue

¹⁰ The Sustainable Development Issues Network was established in 2001 through an agreement between ANPED, the Alliance of Northern Peoples, Amsterdam, the Netherlands, ELCI, the Environment Liaison Centre International, Nairobi, Kenya and TWN, Third World Network, Kuala Lumpur, Malaysia to help facilitate NGO input into the CSD process, including their own networks, which covers some 3 500 NGOs in more than 170 countries. SDIN has been the organising partner for NGOs working for the UN CSD secretariat in this capacity every year since 2002.

of enhancing the contribution made by Major Groups was taken up by Working Group II at CSD 11. Following protracted negotiations, the group finally came up with what they thought was agreed language on Major Groups. This debate, however, took much time during the plenaries at CSD 11. As ENB reported in their Summary Issue, on May 12, 2003:¹¹

70. “During the working group’s discussions, a number of areas of disagreement arose. These related to a variety of issues, including references to stakeholders and other constituencies, and to the “level” of Major Groups’ participation in the high-level segment. Proposed references to “stakeholders,” “civil society” and other constituencies, such as scientists and educators, resulted in prolonged debate that was only finally resolved during the closing Plenary. In the working group, the EU, US and a number of other countries expressed a preference for text that allowed for the engagement of a broader input to the CSD process. However, the G 77/China argued that it was inappropriate in some cases to go beyond the original formulation, which generally referred just to Major Groups.
71. On Thursday evening, during the last week of CSD 11, following extensive discussions, a subparagraph promoting enhanced participation of “civil society and other relevant stakeholders” in implementation was approved. However, as part of the agreement on this text, the EU, US, Australia and others agreed in turn to a request by the G-77/China to delete a paragraph listing various constituencies/stakeholders, such as disabled persons, consumer groups, educators, parliamentarians, media, and the elderly.
72. A reference to the scientific community and educators was included elsewhere in the text, however. In spite of lengthy negotiations, the working group was unable to reach a consensus on two additional references to “other relevant stakeholders” proposed in the section. These were referred back to the Plenary, which approved a Canadian-brokered compromise to replace this specific reference with text using language from the JPOI....
73. ‘Another area of dispute was how the text should guide Major Groups in determining their representation in the high-level segment. The G-77/China, Brazil and Saudi Arabia preferred using a reference to the participation of “high level Major Groups representatives”, arguing that this was appropriate in order to have an interaction with ministers. However, Canada, Mexico, Switzerland and several others preferred a less prescriptive formulation, noting that, in some cases, the most senior Major Groups representatives are not those that ministers would benefit most from speaking with. The discussion resulted in compromise language calling for participation “at the appropriate level.”
74. As negotiations at CSD 11 ended a set of modalities was developed and appeared acceptable to the Major groups:
75. “**Final Text:** The decision states that contributions to the CSD from Major Groups, including the scientific community and educators, should be further enhanced through measures such as:
 - strengthening Major Group participation in CSD activities, including through the interactive dialogue during the high level segment;
 - making multi-stakeholder dialogues more action and implementation oriented;
 - enhancing participation and effective involvement of civil society and other relevant stakeholders in implementation, as well as promoting transparency and broad public participation;
 - striving for a better balance and better representation of Major Groups from all regions; and
 - supporting active involvement in partnership-related and capacity-building activities at all levels, including the Partnership Fairs and Learning Centre.”¹²

¹¹ Earth Negotiations Bulletin, Monday, 12 May 2003; Vol 5 no 193, page 10

¹² ibid page 10

76. Lobbying for maximum space for civil society at CSD has been a major objective for the Major Group coordinators. Even though CSD 11 seemed to set the rules of process and modalities with new rules of engagements for the Major Group community, this by no means ended the process debate at the conclusion of that CSD. The issue of allowing Major Groups space at CSD re-emerged strongly during CSD 13, and again at CSD 14 and will warrant vigilant supervision from civil society to keep the present transparent and participative civil society process at CSD alive.

The modalities available to civil society at CSD

77. Civil society is according to decisions taken at CSD 11, granted extensive participation at CSD, and to ascertain some efficiency and relevance, both concerning civil society and the delegations, a number of modalities have been developed. They can be described as rules of engagement and rules of performance.

78. From a technical point of view, these rules and modalities are the following:

- The civil society organisation must have relevant accreditation, according to rules by the CSD.
- Access is given to all meetings during negotiations, unless certain committee meetings or breakout groups are described as ‘closed’.
- Access to all documents is provided on a continuous basis prior to as well as throughout the CSD negotiations.
- Civil society is further provided ample opportunities to participate in negotiations through
 - Organising side events;
 - Participating in ‘official’ side events;
 - Participating and presenting at the learner centre;
 - Participating in the NGO morning meeting;
 - Participating in the special policy sessions for each major group;
- CSD secretariat organises regular meetings with the Bureau for the 9 co-organising partners;
- The Chair of the Bureau may, if invited by civil society, address the NGO morning meeting;
- Regional groups (governments) may select a number of key representatives from the Major Groups and have meetings with them (often a practice used by the EU, the US and USCANZ/ JUSSCANNZ)¹³;
- The dialogue sessions: 3 hours are set aside for the official plenary to have a dialogue with all the 9 Major Groups on the cluster themes. After having listened to short interventions by representatives of each of the 9 major groups, the plenary discusses the statements, in what should be an interactive exchange of ideas and concerns. There is a similar dialogue session during the High Level segment as well.
- Civil society has a right to address the plenary following certain procedures:
 - There are formally designated spaces, so-called entry points, for a representative of the 9 Major Groups to address the plenary – at the opening of CSD, through the dialogue sessions, at the closing of the formal session, and, opportunity provided, commenting on the chairs text; this last is usually at the discretion of the chair.
 - Participation in the plenary negotiations, asking questions etc according to a selection process handled by members of the CSD secretariat during the ongoing plenaries: statements or questions are written down on a designated form, and brought to the chair during the meetings who may or may not bring civil society into the discussion.
 - The chair may ask civil society to address a segment in the official plenary with a prepared statement.
 - During the review session, when many of the sessions are based on panel discussions, members from the 9 major groups are asked to be part of the panels.

Creating space for civil society, points of entry and engagement

¹³ USCANZ The USA, Canada, Australia and New Zealand; JUSSCANNZ Japan, the USA, Switzerland, Canada, Australia, Norway and New Zealand

79. NGOs in particular, and civil society representatives at the CSD in general often has a long way to go to bring the procedural context to their constituencies and make use of it to maximise their opportunities in interacting with CSD in a constructive and meaningful way. Obtaining as many entry points during the official negotiations and discussions as possible has been a goal civil society always has been striving for. Making these entry points visible for civil society is imperative. Thus ongoing information services throughout the year on the CSD cluster themes, and a well-organised training session prior to CSD have been deemed crucial for the success of civil society participation at CSD. The training session prior to the CSD opening is to familiarise civil society participants with procedure, lobby techniques, the agenda, the contentious issues, services available to the civil society participants etc. This training session is also to some extent, kept up during the work carried out at the NGO morning meetings, partly by devoting these meetings to content and reporting, as well as explaining difficult issues pertaining to political positions etc, and partly by having an open agenda so people can ask questions and understand the difficulties embedded in intergovernmental processes and intricate UN policy matters. Major Group policy discussion is discussed at special meetings designated to deal with just policy.
80. Another success element for effective civil society participation is the daily news service. The NGOs publish a daily newsletter, an 8 to 10 pager, commenting on the policy development during the CSD sessions and allowing the various NGO participants to come with their own views and statements. The newsletter is read by most delegates, and gives them an opportunity to see what the NGOs are thinking as well. This has been an information service carried out every year at CSD since 1997.

Safeguarding space for civil society in the official process

81. A minor dispute emerged during CSD 13 (2005) concerning the dialogue session. According to the schedule, the first section of the chairs report would be released during the evening of the Wednesday of the first week. Thus G-77 had asked the chair to postpone all negotiations on the following Thursday, and be allowed to use this day for reading the report and if needed, to consult their capitals for further advice. This happened to be the day that was designated for the dialogue session with the Major Groups. A debate ensued – whether or not the major groups should accept the suggestion, or simply lobby governments for their support and try to stop the suggestion from G-77. A few NGOs had on their own initiative asked the EU to lobby against G-77, but both governments and Major Groups were divided over the issue. The US interestingly enough took the position of fighting G-77, ostensibly working to safeguard the position of Major Groups within the CSD. The NGOs after having consulted with other Major Groups and with a number of NGOs took a different position.
82. Arguing and lobbying to get the maximum out of what was obviously a *fait accompli*, the NGO position was the following:

It was evident that the Chair would rule in favour of G-77 and grant them this day as a ‘study’ day. If the decision by the NGOs had been to keep the dialogue session intact on that day, something the NGOs definitely could have opted for, and would indeed have had the rooms complete with interpreters, chair etc, the Major Groups would most probably have talked to themselves, the delegates being back at their missions working out their responses to the Chair’s text. Such a practice would definitely have been against the intention expressed in the outcome result of CSD-11. If on the other hand, civil society had chosen to go along with the Chair’s suggestion, and lose the day, they needed to be compensated for the loss of the ‘dialogue opportunity’. The loss was expressed by the NGO coordinator, SDIN, as a unique opportunity to address delegations during the official plenary commenting on the Chair’s text. SDIN therefore argued that Major Groups should be compensated with an opportunity that would be equal to the loss of the dialogue session in stature and possibilities of influence. SDIN therefore suggested that the Major Groups be given an opportunity to comment on the Chair’s text in plenary, and to do that with the plenary in official session. The request was met

by the Bureau's argument that civil society could not actively participate in an official session and push their arguments in debate form. The sessions were for representatives of the elected governments and civil society could not participate as such in an intergovernmental negotiation. SDIN countered the argument and suggested the following: That the Major Groups would be allowed a three minute statement directed to the chair's text, and that these comments would come at the very beginning of the plenary session, thus they would be statements from civil society, and not arguments in a governmental debate. The preferred outcome would also be that these comments be annexed to the final text of the CSD. With the exception of the Major Groups' statements annexed, the suggestion was adopted by the CSD.

83. This was considered as a major victory for civil society. No other time in the history of CSD had the Major Groups been asked to or been allowed to comment in an official capacity in an official plenary on the Chair's text.

Civil society statistics, from the IPM and CSD proper

84. The official world, represented by government delegations has never been totally intransigent in allowing civil society to speak to delegates during official meetings. An article published at CSD (13) in the daily SDIN newsletter "Taking Issue", summed up the interactive way in which the major groups in general and the NGOs in particular, had been taken into the official negotiations:
85. The first two-year CSD cycle (CSD 12 and 13) has had close to 190 interventions during the official sessions from the Major Groups. Using an average of 2 ½ minutes per intervention, and adding the Interactive Sessions from the Review Session during CSD 12 as well as for the two High Level Segments, Major Groups have talked to delegates for close to 15 hours during these official sessions.
86. The NGO strategy session between 9 and 10 every morning has been well attended. An average of 112 persons have attended daily. A much valued information tool has been the 'report backs' from the many sessions with the delegates. During the first week there were 26 report backs, during the second week, 32. Representatives from all continents carried out these report backs.'¹⁴
87. The 'report backs' are from members of the NGO community who follow the negotiations and report back to the morning meetings on what are the essential and which are the contentious issues. Thus despite many meetings often running parallel to each other, members of the Major Group community are able to follow what is going on by getting the larger picture from the 'report backs'. This reporting is done on a voluntary basis and the rapporteurs are selected on a daily basis during the NGO morning meetings.

Major Group policy meetings

88. As the morning meetings have taken on the nature of an open meeting, were all the 9 major groups are welcome, and as these meetings have been slowly turned into morning information meetings on the politics of the day, NGOs needed a new session for their policy discussions. Such a meeting was organised during the late afternoon, early evening. These meetings were held daily, and close to 45 policy meetings were organised during CSD 12 and 13 with at total of almost 400 persons attended these meetings at one time or another.

Modalities to ensure participation

89. Developing, writing and agreeing on statements have always been a cumbersome and at times painful process in the NGO world. The variety of interests, attitudes, approaches, the level of knowledge and experience, the right to participate in a participatory way, it all adds up to a process more categorised by discombobulation than an orderly 'delegates way of doing things'. Yet, this

¹⁴ Taking Issue no 15, ANPED/ SDIN 2005.

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 NGOs 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. Yet out of these past experiences, some chaotic, and allowing the untraditional to be tried, a system has emerged at CSD that for some time may provide answers to the need of participating in an accountable manner. The Arrias system at the Security Council is such an innovation, now being used so many times, that it has found its way into the world of accepted procedure. And though not entirely new, and embodying the eclectic nature of processes at the UN, maybe the participatory modalities that were used by the NGO major group both at CSD 12/13 and CSD-14/15 in developing statements in interactive ways, is another such procedure.

90. CSD 12 was the first CSD to have an all out review session based on an interactive participation from all the 9 major groups. Coordinating the input posed new challenges for the major groups community, and as all 9 major groups were in many ways considered equal to the delegations and international intergovernmental groups. They were also called by the Bureau to participate directly in the ongoing discussions. Thus higher performance demands were put on NGOs. This involved being prepared with statements, being present at the “table” at any given time during the sessions, and being able to report back with high quality statements to the larger NGO community.

Involving NGOs in various processes

91. During CSD 13, it became imperative a number of times to develop an agreed statement to be delivered on behalf of the Major Groups in the official plenary meetings. The way this was developed by the NGO coordination and facilitation efforts¹⁵, merits mentioning and can do well in being replicated:
92. The statement to be delivered in plenary relates of course always to an issue, and this time at the CSD the issues were those of the CSD thematic clusters: water, sanitation and human settlements.
93. By using the morning meetings, where on an average 90 to 100 persons usually participated, the NGO coordinators (we) notified the NGO community that they had been given an opportunity to speak during the plenary sessions. Then we explained a process through which we all could participate and agree to the contents of a statement, and asked the morning NGO meeting for approval or rejection of the process:
94. The process we explained and devised was first tried out during CSD 12, and was later amended and somewhat perfected during CSD 13:

As has been noted above, an average of 112 persons participated in the morning meetings during CSD 13. From talking to this group and from listening diligently to the discussions and statements made during the morning meetings, we had identified 8 major groupings within the NGO community: 4 geographical groups, an African, a South American, an Asian and a North-American/ European group. In addition we had identified 4 active issue caucuses: the Freshwater caucus, the Human Settlements caucus, the Water Consortium (consisting of large international NGOs working on water issues: WWF, Freshwater Action Network, Tearfund etc.) and a group that referred to themselves as The Environment Consortium; we asked the morning audience if people present felt they could belong to one of these groupings. They all acquiesced.

¹⁵ Carried out by ANPED for the SDIN group

95. A core group representing the 8 identified groupings, (2 per identified group was suggested), was needed to handle the development of the statement, and deal with disagreements or any other problem that might arise in relation to this very process. We therefore asked each of these groups to identify two persons, thus forming a 16 people body. After having been set up, this group carried on the work that lead to the final formulation of the content of the statement. In addition, this core group would also choose among themselves a speaker that would deliver the statement on behalf of the NGO community, as well as one assistant/secondment/back-up person to the speaker. In addition to the 16-group body we had also identified 3 persons who had already said they would be willing to function as an editorial board. This editorial board would be charged with writing the statement and be responsible to the larger 16 group body. The editorial group consisted of one African, one Asian and one European. These persons were already known to the morning meeting as capable and knowledgeable people. This entire set-up and process was subsequently presented to and unanimously accepted by the morning meeting.
96. Then we said that everybody present, including those NGOs who participated in the CSD proceedings, but for some reasons had failed to show up, could come back to the room we were in (Conference room B) at 2 in the afternoon. Between 2 and 3:30 pm they could all present ideas and issues they felt should be reflected in the NGO statement. (The only condition was that the issues presented had to have relevance to the CSD 13 cluster themes). The 16-person group, representing the 8-issue/geography caucuses, including the editorial committee, then received the ideas and wrote them down in an organised manner. The time used for this had to be exactly within the time allotted, and was punctually terminated at 3:30 pm. Had you not registered an idea before that time, your idea would not be included in the statement. And no latecomers were admitted. That would have involved extending the time again and again and defeated the very purpose of the time framework. After time was up at 3:30 pm, the working group put the statement together; the editorial committee finalised the statement, and we made sure it was copied and printed and handed out for each and every person present at the morning meeting the following day.
97. Strict discipline to decisions taken was kept at all times during this process. The proposed statement handed out at the morning meeting was not to be discussed there. The more than one hundred participants were told that they should read the statement, and come back to the same room at 2 pm to go through it, but that in accordance with the unanimous decisions taken yesterday at the morning meeting, no new ideas would be allowed to be added to the statement. That sequence was over the previous day. The following afternoon session was only to be about the language: making sure the statement was within the three minute slot the NGOs were given, and making sure the language was strong, succinct, challenging. The afternoon session allowed for a through reading of the statement paragraph by paragraph. This process started exactly at 2 pm and was also terminated at exactly 3:30 pm, as was also unanimously agreed at the morning meeting. The editorial group was then given the final mandate to look over the statement once more, and come up with the final text within the confines of the afternoon discussion on language, after which we had the finalised NGO document printed and made available for all NGO participants the following morning.
98. This open and highly participatory process actually allowed more that 100 people to interact and participate in the writing of the first statement, and some 80 persons to interact in the writing of the second statement (there were one such statement each of the two weeks.)

The reality of the new CSD

99. In many ways, the new CSD decided on at WSSD presented the players of the sustainability world with a new reality and with this, new challenges on how to understand and use the CSD reality. The UN Secretary General, Mr. Kofi Anan, expressed the hope that the new CSD could indeed be a watch dog over sustainability issues.

100. Working with the new reality of CSD while at the same time safeguarding the role of major groups and in particular the NGOs became an important task for the NGO coordinator. As was to have been expected, few really paid attention to the process between the meetings. Thus the ongoing work of the co-organising partner has become an integral part of a successful civil society participation, a practice in good governance that may be replicated, imitated or inspire other processes within the UN and intergovernmental system.

ANNEX I: The CSD themes are:

2004-2005 Water Sanitation Human Settlements SIDS, Regional Focus	2005-2006 Energy for sustainable development Industrial Development Air Pollution / Atmosphere Climate Change	2008-2009 Agriculture Rural Development Land Drought Desertification Africa, Regional Focus.
2010-2011* Transport Chemicals Waste Management Mining A Ten-Year Framework of Programmes on Sustainable Consumption and Production Patterns	2012-2013* Forests Biodiversity Biotechnology Tourism Mountains	2014-2015* Oceans and Seas Marine Resources Small island developing States Disaster Management and Vulnerability
2016 – 2017* Overall appraisal of implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation		

*needs to be reconfirmed in 2008.

<p>Overarching themes:</p> <ul style="list-style-type: none"> •Poverty eradication, Changing unsustainable patterns of consumption and production, •Protecting and managing the natural resource base of economic and social development, •Sustainable development in a globalizing world Health and sustainable development, •Sustainable development for Africa •Sustainable development of SIDS, •Other regional initiatives, •Means of implementation, •Institutional framework for sustainable development, •Gender equality, •Education

ANNEX II: (excerpts from guidelines, CSD secretariat, see the UN DESA/ CSD website for exact information.)

“The Commission on Sustainable Development, at its eleventh session, encouraged countries to provide national reports, on a voluntary basis, in particular to the Commission’s review sessions. In doing so, the Commission underscored that the reporting should:

- *reflect the overall progress in all three dimensions of sustainable development, focussing on the thematic cluster of issues for the cycle;*

- *focus on concrete progress in implementation;*
- *include lessons learned and best practices;*
- *identify actions taken*
- *highlight relevant trends, constraints, challenges and emerging issues*
- *incorporate, where relevant, the effective use of indicators for sustainable development.*

The chair's report follows a few basic elements from the rules of procedure. They are:

- an improved understanding of priority concerns in the implementation of the selected thematic cluster of issues and pave the way for an effective policy discussion;
- strengthening implementation in these areas;
- to address the constraints and obstacles in the process of implementation identified during the Review Year;
- mobilise further action;
- address new challenges and opportunities, and share lessons learned and best practice;

The outcome of the Review Session will be a report including a Chairperson's Summary containing identified constraints and obstacles and possible approaches and best practices....

(f) In the Policy Year the Commission will convene an Intergovernmental Preparatory Meeting, for one week in New York in February/March to discuss policy options and possible actions to address the constraints and obstacles in the process of implementation identified during the Review Year.”

(g) The discussions of the Intergovernmental Preparatory Meeting will be based on the outcome of the Review Session, SGs reports as well as other relevant inputs. Based on these discussions the Chair will prepare a draft negotiating document for consideration at the Policy Session.

(i) The Review Sessions and the Policy Sessions should mobilise further action by all implementation actors to overcome obstacles and constraints in the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation, and address new challenges and opportunities, and share lessons learned and best practice.

2. **The Global Environment Facility and Civil Society Participation**¹⁶

*“As informed and effective advocates, nongovernmental organizations (NGOs) have had a role in shaping the GEF and its agenda from the beginning. Today, participation by NGOs, both local and international, is crucial, not only at the project level but also in GEF policy dimensions. Village organizations and other community-based groups, academic institutions, and foundations are among the NGO partners integral to GEF's efforts.”*¹⁷

—Website, Global Environment Facility

1. Overview

101. GEF pursues partnership-building with the non-governmental community. The NGO community participates at the international and national levels in (1) GEF projects and (2) in GEF policies. The latter will be discussed in detail in this case study since strengthening the policy dialogue with UNEP is a primary focus of the Guidelines draft rather than engaging with UNEP on project-based activities

2. NGO Involvement at the Policy Level and in Decision-making Processes

102. At the international policy level, NGOs contribute as advocates to the GEF through:
- Policy working groups convened by the GEF Secretariat, e.g., in the design and development of the Medium-Sized Projects initiative.
 - Lobbying for donor contributions;
 - Providing inputs to other activities initiated by the GEF, such as monitoring and evaluation;
 - GEF-NGO consultations prior to each biannual Council meeting; and
 - As observers at the Council meetings.

3. NGOs Participation at GEF Council Meetings

103. There are three opportunities for NGOs to interact with the GEF and its' Implementing Agencies that occur around the time of GEF Council meetings: (1) the NGO Preparatory meeting, (2) the GEF-NGO Consultation meeting, and (3) the GEF Council meeting.
1. NGO Preparatory Meeting: This one day meeting is for NGOs to prepare their views and positions for the GEF-NGO Consultation and the Council meetings. The purpose of this meeting is to discuss the agenda items to be presented at the Consultation and Council meetings, including specific regional interests, harmonizing positions and outlining NGO statements. This meeting is also used to select the NGO Co-chair for the GEF-NGO consultation and the list of 5 observers in the Council meeting per agenda item.
 2. GEF-NGO Consultation Meeting: This meeting is jointly organized and co-chaired by NGOs and the GEF Secretariat. NGOs draft the agenda for this meeting based on the agenda for the Council meeting. Approximately two weeks before this meeting, the Council meeting agenda is circulated to each NGO regional constituency for comments and suggestions of topics to be addressed, the Consultation agenda is sent back to the Secretariat. This meeting is attended by NGOs, the GEF

¹⁶ This document was prepared by Melanie Nakagawa of the U.S.-based Natural Resources Defense Council (NRDC), in her capacity as a member of the UNEP Global Civil Society Steering Committee (2006-2007) and is intended to provide a general overview of NGO's engagement with the GEF.

¹⁷ Global Environment Facility webpage, “Nongovernmental Organizations,” http://www.gefweb.org/interior.aspx?id=114&ekmensel=c580fa7b_48_50_114_5 (last accessed September 25, 2007).

Secretariat, and the implementing and executing agencies. Council members are also invited to attend. The Consultation meeting is the opportunity to raise NGOs concerns, comment on policies and projects, present positions on substantive issues and case studies.

3. **GEF Council Meeting:** The Council meeting is a formal biannual meeting of government representatives that participate in the GEF. As observers, NGOs can make interventions during this meeting. NGOs also share their passes to attend the Council meeting to allow everyone the opportunity to be in the room to make interventions and follow the discussions. The rest of the NGOs are allowed to follow the discussions through TV circuit in the observer's room.

2. Overview of the GEF-NGO Network¹⁸

104. The GEF-NGO Network is comprised of all accredited NGOs to the GEF (approximately 500 accredited NGOs). For representation at the Council meetings, the Network is divided into geographic regions. The regional representatives form the **Coordination Committee** of the GEF-NGO Network. Each region elects a representative NGO, which nominates an individual to be a **Regional Focal Point (RFP)**.¹⁹ The RFPs represent their regions, and are considered the formal representative of the GEF-NGO Network and all business to and from the Network must be conducted with the respective RFPs. The Coordination Committee²⁰ elects one person from acting RFPs to function as a Central Focal Point (CFP).
105. The GEF also provides travel grants to some NGOs. Depending on the available funding through the grant, NGOs may be invited by the GEF-NGO Network to present a case study at the GEF-NGO Consultation meeting. Groups can also contact their corresponding RFP and make a case to be invited to one of the meetings. The GEF Secretariat has used NGOs to manage the travel grant. This allows NGOs to maximize the use of these funds, allowing more representatives to participate. Although the travel grant is meant to cover the participation of 16 NGOs from developing countries per meeting, with coordinated efforts, the GEF-NGO Network has managed to invite up to 18 NGOs per meeting.
106. The purpose of the GEF-NGO Network is to: (1) strengthen and influence the work of the GEF at all levels; (2) integrate NGOs at appropriate levels of decision-making and implementation of programs and projects in an accountable, transparent and participatory way to ensure a maximum degree of good governance; and (3) integrate NGOs interests in GEF

¹⁸ This section draws from the "The A-Z Guide of the GEF," [http://www.gefweb.org/uploadedFiles/NGO_Guide\(1\).pdf](http://www.gefweb.org/uploadedFiles/NGO_Guide(1).pdf) (last accessed September 25, 2007).

¹⁹ The RFP is elected from among all accredited NGOs in a region to take on the day-to-day responsibility of carrying out the duties assumed as RFP. Each region conducts its own election. A candidate representing one of the GEF accredited NGOs with good knowledge of the GEF, may be chosen. The candidate needs to be endorsed by at least two more GEF accredited NGOs within the said region. To be nominated as RFP, he/she should have the individual capacity to develop the responsibility, as well as the institutional commitment from his/her organization. Any candidate submits a formal document attesting to this, including a plan on how the candidate and the respective organization intend to meet the responsibility of an RFP given the regional situation and priorities. This plan should be distributed to accredited NGOs in the region and to the Coordination Committee prior to the regional election. The candidate's name is then circulated by the concerned RFP to all the accredited NGOs in the region and the CFP. The election process is set to last a total of five weeks. If the candidate is uncontested after five weeks, the candidate is elected as the RFP. In case of more than one candidate, whoever receives the most votes after the five week period is declared elected to serve for a four year period.

²⁰ The purpose of the Coordination Committee is to coordinate policy and project specific inputs to the GEF Council and facilitate information dissemination and dialogue about the GEF with NGOs in the regions. The Coordination Committee meets twice a year in conjunction with the GEF Council meeting, or as required. Only the Coordination Committee may make decisions that can commit the GEF-NGO Network. Decisions taken by the Coordination Committee, and that are considered binding, must be based on consensus during Coordination Committee meetings. The current structure of the Coordination Committee of the GEF-NGO Network consists of Regional Focal Points and a Central Focal Point.

operation and to influence and monitor GEF operations in general to be more effective and efficient to achieve the global environmental goals.

107. In 2001, the NGO Focal Points began discussions to formalize the Network's structure and responsibilities. In 2003, the "Guidelines for the Coordination Committee of the GEF-NGO Network" were adopted.²¹

3. NGO Definition within GEF

108. The GEF definition for the term NGOs is broad and includes various types of organizations.
109. In February 1995, the Council approved the "Criteria for Selection of NGOs to Attend/Observe Council Meetings and Information on NGO Consultation" (GEF/C.3/5 - February 1995) and it sets the basic rules for NGO attendance to Council meetings and accreditation of NGOs to the GEF. These are:
- For the purpose of representation at GEF Council meetings and participation in related GEF consultations, NGOs are defined as non-profit organizations whose mandate, experience, expertise and capacity are relevant to the work of the GEF. These include: community groups; local, national, regional and international organizations, including NGO networks, dedicated to preserving the environment or promoting sustainable development; indigenous people's organizations; and academic and research institutions.
 - NGO representatives responsible for communicating with the wider NGO community, including reporting on, the Council meeting and NGO Consultations, should be determined by NGOs.
110. The criteria for selecting NGOs to be invited to attend/observe the Council meetings include:
- NGOs should be accredited to the GEF.
 - A broad based geographic representation should be ensured.
 - The agenda for the Council meeting should be taken into account and organizations with relevant competence should be selected.
 - A wide representation of views and expertise should be reflected, a balance among international, national and local representation.
 - Past attendance of NGOs at Council meetings should be considered, and rotation among NGOs should be sought.
111. Of significance is that the private sector is not included in the definition of NGOs within the context of the GEF and instead they engage with GEF through a separate process than NGOs.²² Also, the GEF has not adopted the Major Groups approach used in other international processes such as UNEP and the Commission on Sustainable Development. In the context of the GEF, the private sector can operate both within and outside the GEF in a variety of roles, including but not limited to partnering with the GEF in activities such as public-private partnerships²³, as stakeholders, or as entities that carry out GEF projects.

²¹ Process for Changing the Guidelines: Any GEF accredited NGO and the Coordination Committee itself may propose to alter, delete, add to the paragraphs or write additional paragraphs within the Guidelines. Such a proposal must be introduced to the committee in writing, a minimum of six weeks prior to a regular committee meeting. After approval at this meeting all accredited GEF-NGO members of the network must be informed. The following regular Committee meeting must review responses from the Network members before deciding on the amendment(s). The amendment(s) becomes valid only when the decision by the Coordination Committee is unanimous.

²² Global Environment Facility webpage, "The A-Z Guide of the GEF," [http://www.gefweb.org/uploadedFiles/NGO_Guide\(1\).pdf](http://www.gefweb.org/uploadedFiles/NGO_Guide(1).pdf) (last accessed September 25, 2007).

²³ Most recently, a new initiative approved by the Council at their last meeting is the "PPP", a Public-Private Partnership which "engages the private sector in investments to generate global environmental benefits, buying in at the leading edge of financial instruments and environmental technological innovation for developing

4. Challenges for NGOs

112. NGOs also face challenges to engaging in GEF processes. The GEF-NGO Network has faced several which are highlighted briefly below. These issues are taken from a review of the NGO process commissioned by the GEF a few years ago.²⁴ These include:

- Need for accountability of members in the Network, particularly the RFPs, to carry out basic duties.²⁵
- Insufficient financial resources devoted to the Network and its operation.²⁶
- Need for enhanced capacity building among the Network and between the Network and the GEF.
- Lack of a long-term vision for NGO Network and for the GEF Secretariat and Council regarding their engagement with this Network.
- Ineffectiveness of the GEF model for NGO engagement through a network which is supposed to engage in the decision-making aspects and GEF's activities on the regional and country-levels.
- The minimal to nonexistent ability for the Network to strengthen the role of NGOs in local GEF-sponsored activities through monitoring and/or active involvement. But rather their role has been mostly to engage the Council and Secretariat twice a year.²⁷

Sources and Links for More Information:

- Global Environment Facility webpage, "Nongovernmental Organizations," http://www.gefweb.org/interior.aspx?id=114&ekmense=c580fa7b_48_50_114_5
- Global Environment Facility webpage, "The A-Z Guide of the GEF," [http://www.gefweb.org/uploadedFiles/NGO_Guide\(1\).pdf](http://www.gefweb.org/uploadedFiles/NGO_Guide(1).pdf)
- Independent Review of NGO Network: http://thegef.org/Documents/Council_Documents/GEF_C27/documents/C.27.Inf.5ReviewoftheNGONetworkoftheGEF.pdf
- Response of NGO Network to the Review: http://www.gefweb.org/Documents/Council_Documents/GEF_C27/documents/C.27.Inf.13GEF-NGOResponsetotheIndependentReviewoftheGEF-NGONetwork.pdf

countries." For more information see Global Environment Facility Brochure, "Investing in the Environmental Forefront: PPP- Public Private Partnership."

²⁴ "Review of the Non-Governmental Organization Network of the GEF," (Oct. 24, 2005), prepared for GEF Council, November 8-10, 2005, pg. 22,

http://thegef.org/Documents/Council_Documents/GEF_C27/documents/C.27.Inf.5ReviewoftheNGONetworkoftheGEF.pdf

²⁵ See id, pg. 22 stating "There are clearly some competent and active RFPs and NGOs in the Network, but apparently not in sufficient numbers to affect the overall poor performance between RFPs and their NGO constituencies. There is a serious lack of adherence to the Network's Guidelines by RFPs, including carrying out basic duties. The elected members of the Network lack a long-term vision in implementing their general goals as stated in the Guidelines. Also, no mechanism exists by which strategies are devised and carried out to realize these goals."

²⁶ See id, stating "The Secretariat, apart from its logistical help of travel grants and assistance in preparation for the Council sessions, has largely left the Network to its own devices. It has consistently discouraged or rejected any additional funding. It has chosen to not engage the Network to examine more fully and to resolve the factors underlining the latter's chronic requests for more funding."

²⁷ See id, pg. 22.

3. The United Nations Framework Convention on Climate Change

2.1. Overview of the UNFCCC

113. The United Nations Framework Convention on Climate Change (UNFCCC) establishes the ground rules for intergovernmental cooperation to address climate change.¹ 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

114. 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.”¹ 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).¹ 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.¹

115. 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.”¹ Finally, the secretariat has prepared guidelines for appropriate conduct by NGO representatives during attendance at UNFCCC meetings.¹

2.3. Commentary

116. 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.”¹ Others, however, have applauded this development arguing that NGO participation has strengthened the positions of some states in the negotiations.¹

4. The World Health Organization

1.1. Organizational Overview

117. The goal of the World Health Organization (WHO) is to “promote the highest possible level of health” for all people.”¹ 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.”¹

118. The WHO Secretariat maintains a staff of 3,800 and has a biannual budget of \$3.3 billion U.S. ¹

1.2. Current Practices for Civil Society Engagement

119. WHO has established a set of “Principles Governing Relations with Nongovernmental Organizations”¹ (“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 memorandum to the Director-General ...”¹ 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.”¹

1.3. Commentary

120. 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.¹ 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.”¹

5. The United Nations Committee against Torture

3.1. Overview

121. 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 1987.¹ 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.”¹ 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

122. 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.¹ 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.¹ 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.¹”

3.3. Commentary

123. 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.”¹ An expansion of these formal briefing procedures has therefore been recommended.¹

Annex III: List of acronyms

ANPED	The Northern Alliance for Sustainability
BINGO	Business and Industry NGOs
CPDC	Caribbean Policy Development Centre
CSD	Commission on Sustainable Development
CSOs	Civil Society Organizations
ECOSOC	Economic and Social Council
ENGO	Environmental NGOs
FoEC	Friends of the Environment Centre
FoN	Friends of Nature
GC	UNEP Governing Council
GEF	Global Environment Facility
GCSF	Global Civil Society Forum
GMEF	Global Ministerial Environmental Forum
ICSU	International Council for Science
IUCN	The World Conservation Union
IPCC	Intergovernmental Panel on Climate Change
IPO	Indigenous People's Organizations
KOEE	Kenya Organization of Environmental Education
LGMA	Local Government and Municipal Authorities
MGFC	Major Groups Facilitating Committee
MGs	Major Groups
MGFC	Major Groups Facilitating Committee
NGO	Non Governmental Organization
NRDC	Natural Resources Defense Council
PAWL	Palestinian Arab Women League
RINGO	Research and Independent NGOs
SAICM	Strategic Approach to International Chemical Management
SDPI	Sustainable Development Policy Institute
SENKE	Sustainable Development and Environment Network of Kenya
UN CAT	United Nations Committee against Torture
UNEP	United Nations Environment Program
UNFCCC	United Nations Framework Convention on Climate Change
WHO	World Health Organization
WECF	Women in Europe for a Common Future (WECF), Germany