

**“We-the peoples, with the environment,
sustainable development and democracy
for a better world.”**

- a new start for UNEP and civil society.

Written by
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*“I reserve the right to contradict everything, including myself,
except the truth” – Montaigne.*

“Justice is the perfect virtue”, Aristotle

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“Global governance has been defined by one international body as ‘a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements... There is no single model or form of global governance, nor is there a single structure or set of structures. It is a broad, dynamic, complex process of interactive decision making.”¹

It is obvious to me that civil society is an important player today in international governance, but how this body, ostensibly representing ‘We- the peoples’², can function and be both credible, democratic and effective is subject to widespread debate, among civil society, in governmental circles and among civil servants, in academia and in intergovernmental secretariats.

The purpose of this paper is to argue for an unelected civil society unit whose function is to facilitate its own Major Group’s³ input and influence into the policy work of UNEP. The suggested structure, vision, tasks for such a ‘unit’ is outlined at the very end of this paper, (Chapter 8).

Many have tried and many have failed in establishing the near perfect system. But following every effort a bit more experience is available, and can be used to construct a slightly improved system. To be purposeful in efforts at developing such an organizational unit, cognizance needs to be taken of the collective knowledge available today on a number of issues pertaining to civil society coordinating units. If we do this, we may avoid repeating mistakes that are all too well documented.

This document traces some of the formal historical development of the NGOs within the UN, in particular in relationship to ECOSOC, which gives all NGOs their formal position and function within the UN (Chapters 1,2 and 3).

The content also gives a fairly detailed overview of two efforts to create a functional unit for civil society within the environmental work of the UN that both came to naught: The NGO GEF⁴ network (Chapter 4) and the NGO CSD Steering Committee during the first phase of the CSD (Chapter 5). Despite an abundance of formal rules and regulations adopted and

¹ Quoted from p.35 in “International Law and the Environment”, Second Edition, Oxford, UK 2002, editors Patricia Birnie and Alan Boyle, referring to the Commission on Global Governance, Our Global Neighbourhood (Oxford, 1995) p. 2-4, for further arguments on governance see chapters 1 and 2 of “International Law and the Environment”.

² The expression ‘We- the peoples’ is taken from the opening paragraph of the UN Charter.

³ According to agenda 21, the 9 Major Groups are: Women, Youth, Farmers, Indigenous Peoples, NGOs, Local Governments, Trade Unions, Science and Technology and the Private Sector. When the expression Major Groups is used in this paper, it is always in this context.

⁴ The GEF – the Global Environment Facility, established in 1991 as a financing institution for environmental projects, initially financing projects under the Rio Conventions; GEF responds to the World Bank, UNDP and UNEP.

rejected, reinvented and rewritten, all to make performance democratic and efficient, the efforts within the GEF and CSD to develop a perfect civil society system by and large failed to produce the intended results. But the failure may teach us something, as it did for civil society at CSD during the CSD second phase; it certainly has added to the collective knowledge of civil society efforts at influencing international governance (Chapter 6). The document also draws attention to central concepts relevant to this debate, concepts that are often used, and whose real content is often ignored or misunderstood: accountability, legitimacy, representativity, participation, consultation, transparency. To shed light on this discussion, references are made to the ongoing academic discussion whose arguments also may help us reach some clarity (Chapters 1 and 7). Despite the length of the document, many issues are not covered: The document does not dive into the discussion dealing with the different priorities that come up between project-oriented organisations and policy organisations. The document deals primarily with policy oriented issues and organisations. Many examples could be brought into this discussion based on the experiences from civil society working within the COPs⁵. The same could be said about civil society and Human Rights. However, it is my experience that civil society organisations participating in one of the COPs or the UN Human Rights processes, follow a pattern fairly similar to what is taking place at the CSD after the WSSD. And finally, the document does not enter into the discussion of how to finance the suggestions outlined at the end of the paper.

In short, this paper attempts to explore the possibilities offered by an emerging civil society to work with UNEP and to delineate a number of suggestions on how to operationalise these opportunities in a format that would embrace the changing political realities of the 21st century. In a sense we are working on a new and globally accepted culture of civil society that may, if we find a common language, transcend geographical borders and stale political loyalties.

There are four Annexes at the end of the paper:

One is a Chapter from a handbook on CSD and Major Groups I authored to explain the opportunities available to the Major Groups when working the CSD,

Two is about the By-laws that once were unanimously enacted by the GEF NGO Board.

Three is an article outlining some of the challenges the Major Groups are faced with at CSD.

Four is the NGO policy statement for CSD 15 that has consensus support from a large group of global NGO networks working the CSD.

And finally – conclusions and mistakes are of course my own responsibility.

1.0 - Introduction.

Stories need to be told, and history documented. Sometimes stories need to be retold and history reread for it to make an impact.

How many among the active people within the NGO population today (or within the international community for that matter) know or remember the story of Ms. Dora Obi Chizea from Ibadan in Nigeria and what she did at the founding conference of UNEP in Stockholm in June, 1972? Or the popular demonstrations through Stockholm against whale hunting that

⁵ COP, Conference of Parties, the ongoing negotiations relating primarily to the Kyoto protocol on climate, the Cartagena protocol on bio-safety and the process around desertification.

contributed to creating a moratorium on the whale hunt? Or the demonstrations outside the UN conference against the Vietnam War and the use of Agent Orange?

During a discussion at the Environmental Forum during one of those beautiful Scandinavian summer days back in June 1972, when the well known author and demographer Paul Ehrlich was expounding on his theory asserting that the population explosion was the biggest threat to the global environment, Ms Chizea resolutely got to her feet, took the microphone away from the somewhat surprised Ehrlich and said that as this discussion was about the third world, she and her colleagues at the conference would direct the content. She challenged the population bias, and infused into the environmental debate a completely new perspective, that environmental degradation was caused by numerous factors, and economic exploitation was one of them.

Outside the halls of the UN conference in Stockholm, some 7000 people, many of them war veterans, demonstrated against the use of Agent Orange in the warfare in Vietnam. The Swedish Prime Minister at the time, Mr. Olof Palme, took the issue of Agent Orange, a potent pesticide used to de-foil the forests in Vietnam, into the discussion at the UN Conference.

“The demonstration was part of an effort to create people's participation in world environment problems by making a People's Forum and other activities protesting against the UN Conference. Other protests from scientists and popular organisations made the issue intensively debated in spite of protests and many other attempts to stop public discussion from the US. The Swedish Prime Minister Olof Palme addressed it at the official conference and the US stopped using Agent Orange in Vietnam before the war ended. A key factor in the integration of different international alternative activities in the streets and discussion fora was the local social and environment group that both before and since then has maintained a strongly participating and initiating international activities cooperating with many different popular movements.”⁶

The environment, health, democracy, human rights, popular interest, support and activities, together these factors form a potent alliance, a force strong enough and important enough to change the direction of history. 35 years on and UNEP is at a cross roads: a UN reform is suggested to deliver a unified message attached to a strong implementation programme; politicians and people alike seem finally to take the environment seriously, and all seem willing to act to save the world from an impending environmental disaster.

This is some of the backdrop to the discussion, which is at the focus of this paper: to find a credible, relevant, representative and functional tool with enough clout to make a difference, that civil society can make use of to influence environmental policy within UNEP.

Environmental concerns have finally become one of the hot topics on the global agenda. People in general, and an ever-growing group of responsible and influential politicians feel compelled to work on environmental issues. Granted, the global environmental agenda seems at the moment to consist of only climate and energy issues. Still, the fact that so many talk about the environment and the fact that there seems to be a growing understanding that something must be done to protect the environment, are tendencies that may propel UNEP to a new importance in global politics.

⁶ Tord Björk “The emerging global NGO system, Political Globalisation at UNCHE 1972 and UNCED 1992”, Folkrörelsestudiegruppen, Sweden, info@folkrorelser.nu

UNEP is also subject to a reform process that because of the above may have received new energy. The two reform processes, the one originally executed by the Swiss and Mexican ambassadors, and the overarching “Delivering as one” are two processes that should be considered as important when new initiatives are taken in relationship to UNEP. (The two initiatives are technically known as ‘169’ referring to paragraph 169 of the outcome document from the MDG Summit in September 2005.)

My assumption is that UNEP may emerge as an increasingly stronger exponent, or the leading global exponent on developing, coordinating and implementing the environment agenda. Embracing wholeheartedly the potential offered by civil society as well as utilizing the potential alluded to in the reports from the reform-panels will also help UNEP.

I would also propose that finding a functional position for civil society within UNEP is a condition of the above. Such a construct, however, needs to be developed based on a number of conditions and facts that will be presented in this appraisal. Despite a relationship between UNEP and civil society, which is as old as the founding date of the organisation itself, the relationship is at best haphazardly founded, at worst sliding down into a quagmire of conflicting interests.

Unless we find a sensible way out of this, and can establish a functional structure where accountability, governance, participation and representativity are necessary foundations for a wholesome civil society engagement, our efforts may come to naught.

My hypothesis would be to state that unless we find a functional way to integrate civil society into both the policy and programme area within UNEP’s mandate and responsibility, and in so doing show utmost care and respect for minimum governance standards, civil society’s presence may prove to be counterproductive to the cause it is supposed to serve. To understand some of the complexities and problems such a civil society construct may pose, we need to trace a bit of the history of civil society, both within and outside the UN, take a peek at its ideological and philosophical context, view civil society in a political context and finally try to set up a number of recommendations as minimum standards for a civil society construct within UNEP to survive. To do this, it would be necessary to provide some theoretical and contextual background on civil society and international NGO networks as this background may help to shed light on these complexities. But more specifically, examples that may be useful to the discussion we propose, are taken from three efforts or initiatives to make a UN environment and civil society relationship work. These are:

- The GEF NGO committee,
- The now defunct and once elected CSD Steering Committee
- The present system of civil society facilitation functioning at CSD.

1.1 - History in the making: No one owns the process, but it rests on loyalty to decisions taken.

No one owns the process, and the process seems to be ever evolving. But central to improved process, are always key values, represented by simple words such as participation, transparency, accountability, representativity, respect, loyalty. In many ways these words embody a long range of history starting with the works of Hugo Grotius in the 17th century. “His aim was to mitigate the horrors of war by international law, whether it was derived from nature, divine command or custom and compact. Subsequent international lawyers built on

these foundations, and many scholars followed with their learned work.”⁷ Yoder, who is the author of this quote goes on to tell the story of how international law was subsequently developed and shows how important was the continual respect the participants in these developments showed agreed decisions. The same sentiment is expressed in Dorothy Jones’s book “Toward a just world”, where she also tracks the development of decisions and loyalty to decisions. Change can and must of course find its way into these decisions, but only when change improves the conditions the decisions are trying to express. She writes: “In the ongoing search for international justice, there is one constant. Running through all the efforts to define and achieve that elusive goal is a belief in the power of reason.”⁸ Through her book she tracks the development of international law, and says about the founding fathers and mothers of the UN: “They put their faith not in the new initiatives in the field of human rights and international criminal law, but, rather in the structural innovations they had built into the organization.”⁹ And these innovative instruments were the flexibility for new initiatives that could promote democratic process. Jones again: “ These steps (enforcing peace, human rights etc), limited as they were by domestic measures, were far beyond what could have been imagined by the most optimistic in the three year period following World War II. By continuing efforts begun at The Hague in 1899, by forging and strengthening institutional links between justice and peace, justice and rights, justice and law, people in that period contributed more than they knew toward the future. In that future, the concept of justice was to be so elaborated and so often appealed to by so many groups that it outpaced all rivals and became the first, the primary, the universal value in a diverse and fractious world.”¹⁰ But as Jones shows, time and again, the system always rests on decisions and loyalty to decisions taken, until they are improved upon in a rational and convincing way. This is the legacy we all should be carrying, and the legacy with which we should be working.

1.2 - The morals of legitimacy:

As civil society including NGO presence as political and implementing actors have become increasingly visible in the global, public space, they have also become increasingly subject to public scrutiny. Questions relating to their representativity, legitimacy, and accountability are considered the order of the day. NGOs, becoming aware of their vulnerability should they fail being tested against normal standards in relationship to these quality questions, are adamant in proving their genuine solidity precisely in relationship to these questions. The various constructions civil society have developed as working tools to make international processes manageable, often replicate the intergovernmental systems: friends of the chair, contact groups, working groups etc.

But as the overall legitimacy of NGOs needs to be established to be credible, so also do the conference tools we use. It follows therefore that the NGO constructions must be able to pass the litmus test of sound credibility the same way as established NGOs or governments do – or don’t.

1.3 - Historical NGO legitimacy

Historically, NGOs have been subject to and tested and screened by the intergovernmental

⁷ Amos Yoder in “The evolution of the UN system” Taylor and Francis, US and UK, third edition. 1997 p.3

⁸ Dorothy V. Jones “Towards a just world – the critical years in the search for international justice”, The University of Chicago Press. 2002. p. 15

⁹ *ibid.* P. 213.

¹⁰ *Ibid.* P. 224.

system. Steve Charnovitz of the George Washington Law School ¹¹ deals with this at length in his paper on NGO accountability. He traces the legal history of NGO accountability back to a dispute over an NGO representative at an ILO conference in 1921, where the Permanent Court of International Justice, the PCIJ, ruled in favour of accepting oral statements at an ILO conference at that time. Charnovitz writes: “In considering the case before it, the Court welcomed oral statements from the International Labour Office and two international labor union federations.”¹² The openness of the PCIJ to statement by NGOs was an important episode in the history of the development of the NGO role in international law. “The NGO representatives could in various ways prove their legitimate standing as being representative of a large group of workers.

Charnovitz then traces the questions of representativity and legitimacy through the history of the UN as well. He writes: “Typically, the constitutions of international organizations that provide for NGO participation do not call for a representative body or suggest that the role of the NGO is to represent anyone in particular. For example Article 71 of the U.N. Charter states that “The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence.” Thus, the stated rationale for the NGO being consulted ¹³ is the concern of the NGO rather than its membership or representativeness.¹⁴

1.4 - Quality demands on representativity:

Article 17, as quoted above, was a first try by the UN reflecting the political realities of the mid 1940s. As the world grew more complex, it soon became clear to ECOSOC that more clarity was needed vis-à-vis the NGOs. Charnovitz again: “Nevertheless, when it implemented this provision (Article 17) in 1950, the U.N. Economic and Social Council established a set of principles among which was that the consulted organization “shall be of recognized standing and shall represent a substantial portion of the organized persons within the particular field in which it operates.”¹⁵ This requirement, to a large extent, has been carried forward into the current ECOSOC credentialing rules, adopted in 1996. These rules state that the NGO “shall be of recognized standing within the particular field of its competence or of a representative character.”¹⁶ (my underlining) These rules also state that “The organization shall have a representative structure and possess appropriate mechanisms of accountability to its members, who shall exercise effective control over its policies and actions through the exercise of voting rights or other appropriate democratic and transparent decision-making processes.”¹⁷ (my underlining). Thus, the claim that an ideal NGOs is representative was contributed to the United Nations by governments not by overreaching NGOs.”¹⁸

¹¹ Accountability of Nongovernmental Organizations (NGOs) in Global Governance, George Washington University Law School. This paper was prepared for the Conference on Global Administrative Law, to be held at NYU Law School on 22-23 April 2005. ©Steve Charnovitz, 19 April 2005.

¹² World Court Reports, Advisory Opinion No. 1, 113, 115.

¹³ U.N. Charter, art. 71.

¹⁴ Charnovitz, p.3

¹⁵ Review of Consultative Arrangements with Non-Governmental Organizations, Resolution 288(X) 27 February 1950, para. 5.

¹⁶ Consultative Relationship between the United Nations and Non-Governmental Organizations, Resolution 1996/31, para. 9.

¹⁷ Id. para. 12.

¹⁸ Charnovitz, p 4

Charnovitz is at pains to develop an understanding of NGO accountability and takes the reader through a large segment of literature on NGO accountability in his paper. That debate may serve well the development of greater NGO accountability today. As such this debate is of high relevance to explain and understand the opposition the larger NGO community has against so-called representative, elected bodies coordinating NGO input into various segments of the UN..

2.0 - The UN and civil society has a history

The UN formally recognises only a few entities as accepted players; these are the official national delegations, intergovernmental organisations and non-governmental organisations, NGOs.¹⁹ To be accepted as an official UN player, to be accredited as the technical phrase is, a number of minimum criteria will have to be met. It is the NGO committee within ECOSOC²⁰ that sets the rules of accreditation, and it is this body that formally issues the letters of accreditation to NGOs.

NGOs that have been working on the UN scene for ages know and hold these facts to be self-evident: that the UN is an intergovernmental system, that the member states hold the decision making powers, and that any change must take place within the confines of the UN legal and formal framework. If you do not know the system, how to work it and respect it, you will never be successful. This is a basic lesson in politics that every player understands.

2.1 - The formal basis of NGOs at the UN

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

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

During the 1990s, serious efforts to upgrade the relationship between NGOs and the UN were made. Much of this work was developed under the leadership Ms Gillian Sorensen, now Senior Adviser at the United Nations Foundation. She has had a long career working with and for the UN. Since 1993, she served as Special Adviser for Public Policy for Secretary-General

¹⁹ Anita Anand in “Whose world is it anyway?”, John Foster & Anita Anand, editors, The UNA, Ottawa, Canada, 1999, page 67.

²⁰ ECOSOC, The Economic and Social Council, one of the 5 permanent UN bodies.

Boutros Boutros-Ghali, then as Assistant Secretary General, head of the Office of External Relations for Secretary General Kofi Annan. She had a wide mandate and was responsible for outreach to civil society including NGO's and worked closely with diplomats, academics, parliamentarians, religious leaders and others committed to peace, justice, development and human rights.

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

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

Two references to the 1996 ECOSOC resolution should be made and they are of high importance to NGOs as well as worth keeping in mind.

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

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

During this period, the 1990s, various modalities for participation in the General Assembly were also suggested and discussed. However, the ECOSOC resolution of 1996 remains the overarching basis upon which civil society, or more correctly, the Non Governmental Organisations, are allowed into the UN, no matter where in the formal hierarchy NGOs may be.

2.2 - Today's debate on NGO accountability

Before focussing on the present day fate of the NGO coordination units, let us return briefly to the Charnovitz paper and the current debate on NGO accountability. “ A good starting point for jumping into the contemporary debate on NGO accountability is the recent study by Ruth W. Grant and Robert O. Keohane on “Accountability and Abuses in World Politics.”²¹

A bit further down, Charnovitz writes: “Another important conclusion in their study is: “If governance above the level of the nation-state is to be legitimate in a democratic era, mechanisms for appropriate accountability need to be institutionalized.”²²

A major concern for a growing number of NGOs, is however the very substance of the question of ‘representativity’ – the active and vocal constituency. Charnovitz again: “Even

²¹ Chamovitz, p 5.

²² Ibid, p 5

though the debate about NGO participation in global governance is often simplified to the question of the proper and legitimate role of those bodies, one should not forget that the source of legitimacy for an NGO begins with the individual who uses it as an instrument of voluntary association. “²³

The UN itself is of course not oblivious to this debate. Charnovitz, as many others with a keen interest in civil society, the position of civil society within the intergovernmental system as well as its standards of accountability, have taken due notice of the so-called ‘Cardozo-report’. Charnovitz writes:²⁴ “Another expert group that recently gave attention to the issue of NGO accountability was the Panel of Eminent Persons on United Nations–Civil Society Relations, appointed by Secretary- General Kofi Annan. In its report of June 2004, the Panel suggested that in its practices for engaging civil society, the United Nations should work to define “. . . standards of governance, such as those for transparency and accountability.” In particular, according to the Panel, the U.N. Secretariat should discuss with the private groups advising the UN “possible codes of conduct and self-policing mechanisms to heighten disciplines of quality, governance and balance.”²⁵

The following quote from Charnovitz can start the conclusion:

“In summary, there is considerable agreement among commentators that NGOs do exercise power of sorts and that NGO activities in global governance need to be more accountable because the possibility of abuse exists. As Grant and Keohane note, NGO power cannot be justified as being delegated power from the world population or being power transmitted through an election. One reason why the NGO role sometimes elicits hostility is that NGOs may boast more legitimacy and a broader rule than the facts would justify. An NGO may legitimately advocate what it believes would be in the community interest, and as Gary Johns points out, but an NGO should claim no more than to represent a view. What puts NGOs on thin ice, however, is the claim to represent civil society or global public opinion. If NGOs were more careful not to make absurdly broad claims about themselves, their activist role might be less controversial.”²⁶

Referring to the 1996 ECOSOC requirements, including a few of the main points listed above, the following can be extracted as being of importance for the NGO accountability, and as such must also apply to facilitating units. They shall:

- be of recognized standing within the particular field of its competence or of a representative character.
- have a representative structure and possess appropriate mechanisms of accountability to its members,
- have members that shall exercise effective control over its policies and actions through the exercise of voting rights or other appropriate democratic and transparent decision-making processes.
- have mechanisms for appropriate accountability that needs to be institutionalized.
- integrate the fact that the legitimacy for an NGO begins with the individual who uses it as an instrument of voluntary association.

²³ Ibid, p 13.

²⁴ Ibid p. 23

²⁵ We the Peoples: Civil Society, the United Nations and Global Governance, Report of the Panel of Eminent Persons on United Nations–Civil Society Relations, A/58/817, June 2004,

²⁶ Chamovitz, p 27

3.0 - On civil society – a context for UNEP

UNEP was among the first entities of the United Nations system to see the potential in cooperating with civil society. As UNEP found its founding platform during the Stockholm Conference in Sweden in 1972, civil society was present and provided the new and emerging UN unit slated to work on the environment with much of its novelty and infused it at the same time with considerable enthusiasm and energy. 35 years on, with some of this enthusiasm waning, much of this enthusiasm and energy is still a potential for UNEP to utilise, if harnessed prudently.

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

Civil society is by no means a newcomer to politics. In Western thought 'civil society' has been debated, opposed, defined and redefined since the time of Plato. Yet civil society as the sphere between the political authority and the market in a country is not owned by any particular culture, neither does it belong to any particular time or geographical space. It is quite evident however, that the force of civil society has enjoyed unprecedented growth since the last world war ended in 1945, has been propelled into political existence by the advent and development of multilateral institutions and has been given added political significance by events in the world since the beginning of the 1990s. By now, civil society is no longer 'just a Western phenomenon'. In the 21st century it is a global, political force.

3.1 - Which civil society?

But because of its apparent influence, civil society has become subject often to fierce discussions on what it is, and what it is not. Civil society is a somewhat amorphous and perhaps not easily defined concept. Professor Mary Kaldor²⁷ writes: "The term 'civil society' has always been associated with the formation of a particular type of political authority. But the ambiguity of the concept arises from its changing meaning over time. This changing meaning arises from several factors: the changing content or coverage of the term – what it was not; the tension between normative and descriptive, the idealist and empiricist, subjective and objective implications of the concept; the relative emphasis on the private and the public or the individual and the social."²⁸

A number of donor agencies and countries, such as NORAD, SIDA and even OECD are prone to talk about civil society as 'as the sphere between the political authority and the market'.

As such, civil society is not of the political authorities and all that is connected to that sphere: the government and their representatives, including their civil servants. This also includes elected representatives to a country's parliament. Neither is civil society those forces that constitute the market and the private sector.

²⁷ Mary Kaldor is School Professor and Director of Global Civil Society programme, London School of Economic and Political Science.

²⁸ Mary Kaldor in *Global Civil Society*, Polity Blackwells Cambridge, UK 2003, p 16

“Theories are only interesting if they explain something”, writes the Canadian researcher Alison van Rooy, and continues: “A theory on civil society must help us clarify at least the following questions (if not provide answers):

- Who matters in rendering social and political change?
- How is power, political and economic, distributed among the governed and the governors?
- What elements are amenable to outside intervention? What intervention is legitimate? To whom?”²⁹

Most theoreticians, researchers, even official politicians seem to agree that one element seems to be central to civil society: at the core, civil society is all about building and safeguarding democracy and promote the well being of humanity. What follows “are six ways in which civil society can promote democracy:

1. Civil society is a reservoir of political, economic, cultural and moral resources to check the power of the State.
2. The diversity of civil society will ensure that the State is not held captive by a few groups.
3. The growth of associational life will supplement the work of political parties in stimulating political participation, à la Tocqueville’s ‘large free schools’.
4. Civil society will eventually stabilize the State because citizens will have a deeper stake in social order. Furthermore, although civil society may multiply the demands of the State, it may also multiply the capacity of groups to improve their own welfare.
5. Civil society is a locus for recruiting political leadership.
6. Civil society resists authoritarianism.”³⁰

3.2 - Compromising to embrace all?

A strict definition of civil society would for many reasons, exclude a number of players that the UN and the larger part of the global intergovernmental community both need and want to work with. This discussion was felt strongly during the 1992 UNCED³¹ conference, and the invention of the 9 Major Groups can be interpreted as a valiant effort to bridge conceptual and political gaps in the ongoing debate on how to understand and what to do with civil society. Another expression or rather ‘term’ entered the political mainstream vocabulary almost simultaneously: stakeholders. But rather than clearing up the discussion, confusion and disagreement deepened with these added terms.

Of the 9 major groups, 5 obviously belong to the so called NGO group (Women, Youth, Farmers, Indigenous Peoples, NGOs), one represents the authorities – Local Government, the Science and Technology may be NGO related, and may be private sector related, depending on the context. And isn’t Private Sector also synonymous with the market? And finally, in society - who is not a ‘stakeholder’? Even governments are.

A number of people have sought to help the definition along by pointing out that the market is not the same as the private sector, and interest groups within the private sector such as the WBC, the World Business Council, and the ICC, the International Chamber of Commerce are

²⁹ “Civil society and the aid industry” – edited by Alison van Rooy, Earthscan, London, 1998, p.199

³⁰ Larry Diamond, “The democratic revolution: Struggles for freedom and pluralism in the developing world, Freedom House, 1991, as quoted in van Rooy, Civil society and the aid Industry p 44.

³¹ UNCED – the United Nations Conference on Environment and Development, Rio, Brazil, 1992.

non-governmental organisations in their own rights. Also, by allowing ICLEI,³² be accepted as another non-governmental organisation to represent local governments interest, some of the confusion over the local authorities may have been softened in that respect as well. However, accepting the 9 Major Groups as representatives of course only allows for yet more questions: why these major groups and not others?

Let it be remembered that during the heated discussions in Rio in 1992, at UNCED, a tenth group was almost accepted, but lost out perhaps more to chance than to deliberate and savvy political actions: the educational community

The German intellectual Jürgen Habermas working to understand the concept 'public sphere' has traced the development of various initiatives taken by civil society that have materialised into organisational entities:

"Rather, civil society's institutional core comprises those non-governmental and non-economic connections and voluntary associations that anchor the communications structures of the public sphere in the society component of the life-world. Civil society is composed of those more or less spontaneously emergent associations, organisations and movements that, attuned to how societal problems resonate in private life spheres, distil and transmit such relations to the public sphere. The core of civil society comprises a network of associations that institutionalises problem-solving discourses of general interest inside the framework of organised public spheres. These 'discursive designs' have an egalitarian, open form of organisation that mirrors essential features of the kind of communication around which they crystallise and to which they lend continuity and permanence."³³

3.3 - Civil society, UNEP tries to define the concept.

UNEP is not oblivious to the complicated nature of trying to define their partner named "civil society". In a report to UNEP's Executive Director in 2003, we find the following efforts to find a clear path to understanding "civil society"

"b) Overview and definitions

Civil society is a natural ally of UNEP - an ally in working with peoples, governments, and non-state organizations. The role of civil society organizations (CSOs) in the design, implementation and monitoring of a range of projects and programmes is widely recognised. Over the past 30 years, UNEP has established a strong linkage with civil society. Through its support to civil society participation in preparations for UNCED, and during the negotiations for the "Rio Conventions", as well as by recognition of the importance of partnerships with civil society organizations in the Nairobi and Malmö Declarations, these linkages have been clearly established.

Engaging stakeholders as partners is important for the following reasons:

- External stakeholders have many different perspectives to offer in order to foster long-term, broad-based support for UNEP's work.
- Engaging a wide range of stakeholders in addressing environmental issues expands the reach and impact of strategies far beyond the capability of UNEP's own limited financial and human resources.
- Active involvement of stakeholders at the national level, where many environmental problems need to be addressed, and where many of UNEP's programme partners are located, complements UNEP's presence at the regional and global levels.

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

³² ICLEI was founded in 1990 as the International Council for Local Environmental Initiatives.

³³ Habermas, as quoted in Ehrenberg's "Civil Society" pp 222-223

organizations are referred to as non-governmental organizations (NGOs) for the purpose of defining the primary operational target group for the strategy. (my italics and underlining.)

It should also be noted that the primary target of most of the strategy is organizations and their networks working at the national, regional and international level. While groups working at a local level are vital players in the effort for sustainable development, UNEP's institutional structure makes it operationally difficult to reach them directly. Rather, they will be reached through strengthened engagement with civil society networks and other organizations that have the capacity and the mandate to do so.³⁴

What is clear after reading this document is that UNEP embraces the 9 Major Groups concept as defined by Agenda 21. The following paragraph in the same report makes this absolutely clear:

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

It is however evident that this document does not propagate consistency as the term 'stakeholder' reappears time and again, sometimes synonymous with the 9 Major Groups, sometimes synonymous with all stakeholders, including the state and market players. This apparent inconsistency may reflect the reality that no real definition of civil society exists, be that in the academic world, or in the halls of the UN. The term 'stakeholder' is however so diffuse and unclear, that in this paper, and for our purpose, I would recommend using the 9 Major Groups concept as representing civil society, with the added distinction that these 9 Major Groups operate from the 'playing ground' or 'level playing field' of civil society, and working with and towards the market and the state.

3.4 - UN creates legitimacy for NGOs.

Being an accredited UN NGO, awards legitimacy to NGOs in many ways, but how to use this legitimacy and the ensuing influence and credibility it might give, has not been readily understood nor used by NGOs. It was not until the 1990s that the UN letter of accreditation became a coveted instrument in the hands of NGOs. Tracing the number of NGOs being accredited to the UN from the founding of the organisation in 1945, gives credence to this assertion. A total of 4 NGOs had accreditation with the UN in 1945. After another 25 years, by 1970 when the word 'international' started to gain a deeper meaning and the UN membership stood at 140, and some 380 NGOs were accredited to the UN. It would take another 20 years, by the time of the Rio conference in 1992, for his figure to reach 900. But in less than 10 years after the Rio conference, by the turn of the new century, this figure has more than doubled and has reached almost 2000.³⁵ Because of the staggering numbers of NGOs attending the various UN conferences in the 1990s, the UN invented what was termed "a fast track accreditation system" allowing for large number of NGOs to be accredited on a conference-by-conference basis. During the 1990s, the UN thus gave accreditation and political credibility to tens of thousands of NGOs all over the world. With the new millennium, the world of global politics had definitely received another political actor they

³⁴ page 4: Twenty-second session of the Governing Council/ Global Ministerial Environment Forum Nairobi, 3-7 February 2003, Items 4 (c) and (d) of the provisional agenda:

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³⁵ Prof. Peter Willets in "Whose world is it anyway?", Foster & Anand, UNA, Ottawa, Canada, 1999, page 254

had to pay more than lip service to: NGOs had become a political force with an uncharted potential for both good and bad³⁶.

NGLS sums up this almost unprecedented growth of civil society integration into the intergovernmental system from the beginning of the 1990s in the following way:

"...By UN estimates, the number of international NGOs alone has grown forty-fold over the last decade (the 1990s), to over 37 000 in 2000. Countless, thousands – possibly millions – more work regionally, nationally and locally.

NGO involvement in the UN expanded considerably through the series of UN conferences held during the 1990s. These large-scale conferences on key development issues, such as sustainable development and population and women, sometimes drew as many as 40 000 participants. With some exposure to the mechanisms and possibilities of intergovernmental decision-making, many NGOs took a new interest in the UN as an arena for policy dialogue and advocacy. Others came forward through intensive organizing around emerging issues such as the creation of the International Criminal Court, the critical problems of landmines, child soldiers and the devastating worldwide pandemic on HIV/AIDS."³⁷

3.5 - UNEP and its history with civil society

As was stated at the beginning of this paper, UNEP has a long-standing history with civil society. This has also been duly recorded and recognised by UNEP itself. In the earlier mentioned report to the Executive Director in 2003, we find the following paragraph:

"a) Background on UNEP's historical engagement with civil society, private sector and other major groups:

UNEP owes much to civil society for its establishment. The 1972 Stockholm Conference on the Human Environment and the accompanying NGO Forum marked a breakthrough in the way major groups related to and sought to influence intergovernmental decision making processes. The Stockholm Declaration recognised the important role of citizens, communities, enterprises and institutions at every level, in achieving its environmental goal. Thus UNEP, at its creation, was encouraged to work together with civil society.

From its inception, UNEP promoted a policy to invite wide NGO input and collaboration. An NGO Section was set up in 1973. This office was charged with coordinating UNEP's programmatic activities with parallel efforts of NGOs. In 1974, an independent coalition of environmental NGOs was established as the Environment Liaison Centre International to connect groups around the world with the work of UNEP. IUCN and WWF were among the pioneer organizations involved and are supporting UNEP since the seventies, especially in the field of biological diversity. Their work, in partnership with governments and UN agencies, led to the release of the World Conservation Strategy in 1980.

The 1980s saw UNEP forging new links with a wide variety of major groups. These included: women's groups (1985 World Conference on Women in Nairobi); religious groups (1984 launching of "UNEP Environmental Sabbath" initiative); business and industry (1984 "World Industry Conference on Environmental Management"); children and youth (Global Youth Forums and a network of youth advisors for various regions). In 1985, a strategy to set up UNEP national committees began. The UN Conference on Environment and Development (UNCED) in 1992 is often recognized as the point at which civil society truly became a full player in the global decision-making arena. Civil society had, by then, built up its capacity and legitimacy and had grown to become a prominent voice in policy discussions. Agenda 21, Chapter 28, calls on UNEP to raise "general awareness and action in the area of environmental protection through collaboration with the general public, non-governmental entities and intergovernmental institutions."³⁸

³⁶ Michael Edwards and David Hulme parallels this development in "The Earthscan Reader on NGO Management", Edwards & Fowler editors, Earthscan Publication Ltd., London, UK 2003, page 187-198.

³⁷ Intergovernmental Negotiations and Decision making at the United Nations, a guide by UN NGLS and Gretchen Sidhu, UN Geneva, 2003, UNCTAD/NGLS/2003/1, pages 72 and 73.

³⁸ page 3: Twenty-second session of the Governing Council/ Global Ministerial Environment Forum

And since then, as we know, the trade unions have also become major players within UNEP through their recently held conference with UNEP as have the women's organisations.

3.6 - NGO networks – legitimised by the UN

International NGO and civil society networks as we have come to know them today, are a fairly recent political phenomenon. Even though international cooperation among civil society groups is nothing new, a few writers contend that this phenomenon predates the first Peace Conference in the Hague in 1899 - NGO networks as international players or actors came into being with the lead up to and follow up from the UN Conference on Environment and Development in Rio de Janeiro in 1992, the UN WSSD.

Comment [MSOffice1]: Tose of today

Whereas the UN has provided one impetus for the growth of civil society organisations worldwide, the other significant impetus for the unprecedented increase in the size and numbers of these organisations came from a large number of donors with ready money available to fund both the development of these organisations as well as their programmes and projects. The added value of civil society organisations was their assumed and continued close contact with people at grass roots level. However developing civil society networks are in no way unproblematic, and these networks have by no means found a viable format, as the entire network system still is in its infancy and may be said to be striving to find its format with a workable set of modalities. And with the advent of cyberspace, networks have been given new opportunities to cause havoc and inspire to new forms of democratic interchange.

The American researcher R.B.J. Walker argues this point from the point of view of social movements:

"They come and go, rise and decline, provoke a fuss and wither on the vine. They take the familiar path from charisma to regularised routine, from inventiveness and passion to bureaucracy, hierarchy and instrumental reason. Or alternatively, they fracture, mutate, dissipate, gather no moss. To be in motion is to be at odds with many of the criteria on which serious politics has come to be judged."³⁹

Mary Kaldor in her book "Global Civil Society"⁴⁰ referring to studies on global civic networks writes:

"Networks are the new social morphology of the contemporary era. They are flexible, fluid and they provide an opportunity for the voices of the grass roots groups to be heard. They are forms of communication, and information transforms the way issues are understood and the language within which they are expressed. They represent a kind of two way street between southern groups and individuals, or rather the groups and individuals who directly represent victims, whether it be the victims of human rights violations, poverty or environmental degradation, with the so-called northern solidaristic 'outsiders'."

3.7 - The UN, donor agencies and civil society – mutually dependent

The world of civil society is fraught with difficult structural challenges. Still, the international community relies heavily on civil society to be able to implement its global commitment. The UN and the many national aid agencies have unequivocally stated this time and again. UNEP

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³⁹ "Social movements, World Politics?" R.B.J. Walker in Millennium: Journal of International Studies, 1994.

⁴⁰ Mary Kaldor, "Global Civil Society – an answer to war," Polity Press-Blackwell Publishing Ltd. Cambridge, UK, 2003, page 95

is in no way different in this respect. In the introductory paragraph to the 6th Global Civil Society Statement⁴¹ to the 23rd Governing Council/ Global Ministerial Environment Forum, February 20th 2005, representatives of civil society stated that:

"Historically UNEP was among the first UN entities to allow the NGO community to participate in its many proceedings. NGOs were present at the very making of UNEP at the Stockholm conference in 1972. NGOs are and will always be important to UNEP. In the suggested Programme of Work for UNEP for the period 2006 - 2007, there are almost 70 references to NGOs and Civil Society in the implementation of the programme."

UNEP's work programme clearly shows its reliance on civil society in implementing what it sets out to do.

This trend within UNEP is further strengthened by the development and writing of the so-called Bali Strategic Plan for Technology Support and Capacity building. Civil society is even here given a major role to play.

4.0 Three civil society network experiences.

4.1 Introduction – an NGO reawakening.

NGOs experienced a global awakening both in the wake of the fall of the iron curtain symbolized by the 'popular' destruction of the Berlin Wall in 1989 and the wake of the UN Conference on Sustainable Development in Rio in 1992. Perhaps what took place globally was more a reawakening, because slumbering initiatives to bring civil society closer to intergovernmental institutions were reshaped, restructured and as donors expressed more than symbolic interest in these institutions, money started to flow into the coffers of global civil society networks. Civil society networks had recently particularly in Eastern Europe, played significant roles in shaping modern policy based on interactive democracy. Many observers state strongly (Mary Kaldor being one⁴²) that without these networks, the thawing of the cold war would not have happened as rapidly as it did. NGOs were acutely aware the democratic awakening that took place among the grass roots constituencies and brought this political development and interactive awareness with them into the global intergovernmental scene. The time was ripe for experimentation, and creativity and experimentation spawned a variety of civil society constructs. Two major initiatives attracted political significance, financial means and were given global positions. Adorned with the hope of representing something new, and imbued in an aura of optimism, the GEF – the Global Environment Facility, and the CSD, the Commission for Sustainable Development were ready to attack the environmental and sustainable imbalances of the world. Both institutions had within a short time also established serious outreaches to the world of civil society, on two levels: one being on policy the other on programmatic activities. It became quickly clear that the two worlds were difficult to unite, in theory and in deed: policy matters in the halls of intergovernmental politics played out in Washington DC (the GEF) or in New York (the CSD), were entirely different from concrete programme development such as digging latrine ditches in some developing country to safeguard clean water. The former was accompanied by strong governmental behavioural regulation of civil society and their representatives were quickly relegated to the back seats. The latter propelled NGOs in the foreground; NGO hands were eagerly sought out for digging latrine trenches, and there government representatives took a modest spectator role, not

⁴¹ This statement builds on the six regional statements developed during broad consultative meetings facilitated by UNEP during November and December 2004. All six regional statements are annexed to this global statement. This global statement has been drafted in the recognition that business and industry and youth groups have their own processes in place.

⁴² See Mary Kaldor, footnote no 27.

getting their loyalties or shirts – or shoes - soiled by undue interference. How did civil society respond to these challenges?

4.2 - The GEF NGO network.

Established formally in 1995 as a policy unit working to influence the GEF Council Meetings, the GEF network got off to a grand start with reasonably ample funds. Representation was based on geographical regions with one Regional Focal Point, an RFP, being elected from each of the regions.

Originally the regions were: West Europe, East Europe, Russia, East Africa, West Africa, North Africa, South Africa, Asia West, Asia Central, the Pacific, Latin America, North America – in all 12 regions. One of these persons was elected as (or appointed or selected as) The Central Focal Point, the CFP. (Incidentally, the first CFP was Achim Steiner.)

Each of the RFPs with the exception of the RFPs from North America and West Europe were given World Bank per diems for Washington DC, and cheapest possible air fare covered as well. No funding was given above and beyond these means. The CFP had to find his/her own funds to finance servicing the at the time expanding NGO GEF network

The GEF NGOs met during two days prior to the GEF Council, to discuss matters of interest to them, and also to the agenda that the Council itself was going to work on. The NGO meeting was chaired by the Director of the GEF. The Council itself met behind closed doors, but a few designated NGOs were allowed into the Council room. These ‘designated’ NGOs were given a special pass, and the amount of passes was restricted to a maximum of 8. The NGOs were allowed to speak if and when time allowed provided they were in the room and carried a pass.

4.3 - What happened to the network?

What follows is a brief description of the development of a network that had huge potential, was viewed with much interest when initiated, but is today considered rather insignificant among NGOs in general. The GEF NGO network has been the subject of appraisals, and themes for dissertations.

The first five years of the networks existence, the NGO pre-meetings were well attended, with up towards a hundred participants. Many of those participating came with field experience. However, the pre-meeting experienced a rapidly dwindling number of participants, and subsequently the NGO GEF pre-meetings were removed from the larger conference rooms and relegated to a much smaller meeting room.

Parallel to the decrease of NGO participants, were a lack of quality performance of the GEF NGO committee. The committee tried to reinvent itself through developing a more formal structure, into which accountability, transparency and participation were fused. There was also an ongoing discussion about the overarching mandate of the network, and several definitions were made to come up with a viable one.

The GEF NGO Committee finally succumbed to bitter infighting and ceased to have any real influence over the NGO hearings. Even though the network still operates, and has had a presence at the GEF general assembly, it follows that the NGO committee did not manage to represent the voice of civil society into the GEF council at all.

4.4 - What went wrong?

This question represents no preconceived conclusion, but expresses an honest understanding of the sad state of affairs of this network. Having been intensely involved in the network at one time, and also seen the appraisals/ dissertations, there are a number of features that stand out to explain the failure of the GEF NGO Network:

Lack of ownership and of mandate/ purpose.

The decision to have this network seem to have sprung out of the enthusiastic and benevolent embrace of civil society by governments following in the wake - in the inspired wake – of the UNCED conference, and the reawakening of the civil society arena. The initiative was spearheaded by governments, and the GEF network established without proper prior consultation with the NGO world. This may be, and often is, a misunderstanding on the part of the donors – those with money – and that would like to do the right things ‘for’ and not ‘with’ civil society. In well-intended decisions donors/governments often only refer to earlier statements emanating from NGO debates with demands indicating their need for having a proper and functional position within the overall structure. But providing a ‘fait accompli’ and handing over ‘something’ on a silver platter is quite different than developing the same ‘something’ in close consultation with the recipient of such an initiative. In establishing the GEF NGO network the founders failed to:

- Recognise the ongoing debate on the position of civil society in the aftermath of UNCED;
- Recognise the new civil society construct of the 9 major groups;
- Recognise the apparent jealousies existing between the NGOs, those with money and those without; those with influence and those without;
- Recognise the ideology of equality and fair representation by introducing the pass system as a guarantor to have only the ‘qualified’ representatives in the GEF Council and thus creating a privileged class of NGO representatives.
- Recognise the need to involve the NGOs in the field, thus establishing a proper constituency for the budding network.
- Recognise to involve the NGOs working on the COP⁴³s.

Lack of a proper constituency.

Decisions need to be validated by legitimacy. Legitimate decisions carry political weight and speak to accountability. Where legitimacy does not exist, it needs to be created. Legitimacy is often created through the creation of an election process, and by having or creating a constituency that gives the semblance of a proper elections. With elections come the establishment of a board, and the board then has, almost a priori, a mandate to speak on behalf of its constituency. It is assumed – either by the board itself, or by people outside the board that the board is representative. This reality did not exist in the GEF NGO network.

The creation of the network was based on the so-called geographical units into which the world had been subdivided by the GEF Council. Each of the regions was supposed

⁴³ COPs, - Conference of Parties, following and developing the Rio Conventions

to elect a regional focal point from the world of involved NGOs; NGOs that, inspired by a commitment to an ideal cause, would work for the betterment of the planet through this network. In theory, governments had given the people a gift, the opportunity to use a democratic tool. The only requirement was that the involved NGOs be accredited to the GEF.

Even though the GEF office in Washington DC established the position of a NGO person in their own administration, this person was only supposed to guide or facilitate the NGOs. This person was supposed to follow up the NGOs in the field with possible help when these NGOs sought financial support through the cumbersome and often frustrating finance system of the GEF. In theory only bona fide NGOs with a commitment to either of the Rio conventions could be accredited; in practice this GEF NGO person had no means or possibilities to check this properly, and many free riders were accredited. It was expected that the RFPs would help to oversee the quality of the newly accredited NGOs, and subsequently be elected in a democratic manner in each of the geographic areas. And it was – and is – assumed that civil society representatives are by nature superbly democratic.

In an intergovernmental system, a subdivision of the world would function, and a selection of responsible persons from governments to fulfil functions would also function reasonably well. Transferring this model indiscriminately to the world of civil society will not necessarily work. In the case of the GEF, it failed miserably.

As there was no proper system to guide, check or oversee the election of RFPs, the election was haphazard, and many of those who ended up on the NGO board came there by default. Many also carried out their mission in the same manner. The problem of misrepresentation was augmented by what I would label ‘vip treatment’ of the board members. GEF officials, ambassadors and governments representatives, or merely civil servants, assumed the RFPs represented the best and the brightest from the NGOs, and treated them as such: special invitations to closed meetings, panel discussions representing the NGO voice etc. This was further exacerbated by an attractively high per diem that was paid without questions of performance.

The fact that the board appeared to have been properly elected, caused a lot of the problems. Being elected gives you the right to speak with some authority, but that again must be based on a proper set up of the election, and real representativity. As we have seen, the election process was shoddy in execution. Besides the board had no strict guidelines, no reporting requirements, no strict mandate, and no by-laws, or other regulatory systems that would prevent irregular behaviour, such as permanent re-election, abuse of position etc.

Failed attempts to improve performance.

There was some turn-over of a few of the representatives, mainly because some of the more serious minded NGOs felt this was a waste of time, and gave no real influence in the GEF itself. Various boards made some memorable efforts to rectify some of the above problems, the mandate and mission statement were changed at times. The final grand effort to insert accountability in the organisation were made in 2001 when the board actually developed and enacted a set of by-laws, an absolute necessity if one wants to appear credible. The text is attached as ANNEX II.

The by-laws were first adopted unanimously by the board, and the following year revoked, because most of the people in the board then realised they would have to

leave due to the rotation rule. These people had the numerical majority at the time (2001), and many of them are still in the board (in 2007) and the By-Laws relegated to an archive.

Other failures.

- **No understanding of or outreach to the constituency**
In addition a number of other factors also contributed to the failure of the NGO GEF Network and much of this failure consisted of a non-existent or poorly understood constituency and an equally poorly understood relationship between the elected persons and their constituency. Even if the board time and again had discussions as to what to do with information dissemination and serious outreach to their constituencies, no action was taken, nothing happened. One reason for this may be the fact that no money was available for a secretariat to maintain a functioning NGO GEF Network.
- **No major groups inclusion**
The board ignored or failed to include the major groups as defined by Agenda 21, When the Indigenous Peoples came and demanded to be part of the network, not the least because of the extensive work done in their biodiversity areas funded by GEF money, their inclusion was bitterly resisted by a majority in the NGO board. Indigenous peoples were granted entrance with speaking rights to the Council by the intervention of the Executive Director of the GEF.
- **No cooperation with the other ‘convention NGOs’.**
A primary area of work for the GEF was and is around the Rio conventions. The board showed neither interest nor understanding in working with those NGOs interested in and working on the conventions and the COPs. Again this can be attributed to a lack of understanding and appreciation of the NGO GEF constituency.
- **No challenge to the GEF Council.**
Probably because of a loyalty to the hand that feeds the moth, a majority of the board, being happy recipients of the rich per diem, did not see it in their mandate to challenge or oppose the GEF Council in any way. Having also the monopoly over the entrance passes, the majority of the board made sure no NGO representative critical to the Council was let in and given an opportunity to speak. Despite having been given an explicit role of facilitating NGOs and their relationship with the Council, the majority of the board took decisions to quell critical approaches. Because of this approach, the NGO board was unable to and had no desire to attract NGOs with competence into the various areas the GEF was working on. As a result, serious minded NGOs stopped altogether to come to the NGO pre meetings.
- **No credibility.**
As such, the NGO GEF Board, established with all sorts of good intentions, lost credibility among the larger and competent groups of civil society, that all have found ways to circumvent the NGO Board in order to influence the political processes in and around the GEF in a proper manner.

5.0 - CSD- an experiment in intergovernmental participatory democracy.

5.1 - The claim to fame: the need to own the process.

Many have referred to the CSD⁴⁴ process as one of the more intriguing and interesting processes for testing innovative ways to involve civil society in intergovernmental processes. Some have hailed it as a success in international democratic development bringing the voices of the peoples in direct interactive roles with representatives of governments, others maintain that the CSD amounts to little less than a talk show under the aegis of good governance. The sheer numbers of representatives that find their ways to and participate in the CSD processes, may be indicative of the importance these representatives attach to this political process: The WSSD, the pinnacle of the CSD process in 2002, had more than 8 000 civil society persons attend, and CSD 13 in 2005 had above 1000 pre-registered with well over 500 participating from all over the world.

With growing importance attached to the process through which the voices of civil society are being heard and listened to, comes also claims to interpret historic evolution correctly and claim to ownership of the process having lead civil society to its present prominent position.

5.2 - The obvious in an evolving process.

No one owns the obvious, but a quick and eclectic mind may see opportunities that arise from a series of developments. No one person, entity or organisation owns the processes at the UN. But the evolution of these processes may be changed in a pro-participatory manner by one or several eclectic persons and thus promulgated into an accepted way of working within the system. This is a general manner in which to describe what took place during those years during the 1990s when many persons and a myriad of organisations worked together and processed the so-called multi-stakeholder dialogue.

5.3 - The historical facts behind NGO involvement in the CSD

Far from trying to dissect a well-researched paper, excerpts from Tom Bigg's analysis and description of NGO interaction in the CSD will serve as laying the facts behind the establishment of the CSD Steering Committee:⁴⁵

“One of the principal sources of impetus for change was the CSD Secretariat. Two documents produced in preparation for the 1994 CSD session illustrate the extent to which improved co-ordination among NGOs was seen as a necessary element in the overall success of the organisation. The first, titled ‘Frameworks for the Long, Medium and Short-Term on Major Groups Related Activities of the CSD Secretariat’, was produced following the first meeting of the Major Groups Focal Points (the points of contact in the various secretariats for non-governmental organisations in all relevant parts of the UN system).⁴⁶ The second,

⁴⁴ CSD – the Commission on Sustainable Development, a standing committee under ECOSOC charged to follow up and monitor the decisions taken at Rio, UNCED in 1992 and at the WSSD, in Johannesburg 2002.

⁴⁵ Quoted from Chapter 4 “The impact of civil society networks on the global politics of sustainable development” by Tom Bigg PhD Doctoral Thesis City University, Department of Sociology September 2001

⁴⁶ ‘Frameworks for the Long, Medium and Short-Term on Major Groups Related Activities of the CSD Secretariat - Draft’ UN Department for Policy Co-ordination and Sustainable Development, New York November 1993. Reproduced in Appendix 9. A shorter version of this paper was printed in Network, the newsletter of the Centre for Our Common Future, with a request for comments to be sent to the CSD Secretariat. *Network* No.30, *op. cit.* September 1993.

'Commission on Sustainable Development Consultation with Non-Governmental Organisations / Major Groups' is a report disseminated to NGOs and Major Groups on relations with the CSD which 'proposes some modalities for making this important partnership work'.⁴⁷

The 'Frameworks' document argues that UNCED achieved two results beyond the official agreements: unprecedented involvement by non-governmental actors; and raised expectations of the global community regarding the UN's ability to 'maintain and foster the sustainable development momentum achieved at Rio'. To build upon these two achievements required the creation of a 'truly international partnership' between the UN and Major Groups;

While the first Secretariat document was never formally released to a general audience, the second paper mentioned above was widely circulated and was intended to promote dialogue with NGOs about the role of the CSD and ways in which NGO participation in its future work could best be realised. Again, it emphasises the central importance of non-governmental organisations in 'facilitating the global transition to sustainability' and the need to develop working relations between the CSD and Major Groups. It outlines the guidelines for NGO involvement in the CSD, as set out in ECOSOC decision 1993/215, and stresses the principle of 'equitable representation of all NGOs / Major Groups' in the CSD's work. What is noteworthy about this paper is the extent to which it implies that the strengthening of co-ordinating mechanisms for NGOs is desirable for the Commission as a whole, and that as a result it is appropriate for the CSD Secretariat to exert pressure on NGOs to comply with a model for interaction which is not necessarily self-generated:

NGOs / major groups are encouraged to coordinate inputs among themselves – either related to substantive issues or regionally. NGOs are encouraged to establish advisory committees constituted on a regional or constituency basis to facilitate their communication with the Secretariat and the CSD during sessions and intersessionally.⁴⁸

Advocacy of such advisory committees was very much the initiative of the Secretariat, with no evident support from existing NGO coalitions, yet their putative role in this paper is clearly influential. Among their proposed responsibilities are:

- determining who will speak on behalf of constituencies
- enabling the CSD Secretariat to establish contact with NGOs / major groups and distributing material on the work of the CSD
- taking part in pre-session consultations with the CSD Bureau, and meeting with the Bureau during CSD sessions to assess the relationship and explore ways to make it more productive for both sides.

.....

At the second CSD session in May 1994, participating NGOs agreed to creation of a new mechanism to regularise the work of NGOs and other Major Groups in the CSD context. The extent to which the CSD Secretariat's pre-emptive strikes foreshadowed the responsibilities and the remit of the CSD NGO Steering Committee is significant. The terms of reference

⁴⁷ 'Commission on Sustainable Development Consultation with Non-Governmental Organisations / Major Groups - Non-Paper' UN Department for Policy Co-ordination and Sustainable Development, New York February 1994. Reproduced in Appendix 10.

⁴⁸ *Ibid.*

adopted by the new body in May 1994 emphasise the importance of information dissemination to constituent groups and provision of information from NGOs to the CSD. Steering Committee members are elected to 'serve as focal points to ensure participation of issue and regional networks within the NGO community through their ability to disseminate information'.⁴⁹ Particular responsibilities include disseminating UN reports; supporting capacity building and regional consultative meetings; and promoting preparations for and participation at future CSD sessions.

The Terms of Reference for the Steering Committee also rule out any use of the new body as a vehicle for advancing fundamental alternatives to existing models for global governance: 'The activity of this committee would in no sense be one of political or policy representativeness for the NGO community'.⁵⁰ Rather, its role was to be procedural, acting as the apolitical conduit for relations between the CSD and NGOs envisaged by the CSD Secretariat. Thus the NGO Steering Committee's responsibilities included:

- Arranging meetings – evening NGO-Government dialogues; morning strategy sessions; and so on;
- Negotiating with the CSD Secretariat, ECOSOC NGO Unit etc. on procedural matters, including rights to speak and participate in meetings
- Ensuring that facilities for NGO representatives are adequate
- Undertaking to disseminate information through existing networks and to relevant contact points”

So far – history told through the pen of Tom Bigg

5.4 - The NGO process at CSD – 1997 – 2001, The historical background to the Steering Committee.

It seems that all this is related to the Rio process, the lead up to and the follow up from. Megan Howell worked as Director for the Northern Clearing House, the NGO Steering Committee for the CSD in 1998 and 1999. In 1999 she was asked by FIM, Forum International de Montreal, a Canadian NGO/ Think Tank to present a paper on the works of the Steering Committee to an international body of experts. The conference in Montreal was, among others, preparing input into the upcoming Millennium Summit at the UN the following year in 2000. Ms. Howell, who would later develop her paper into a PhD dissertation at the University of Auckland, New Zealand,⁵¹ starts her presentation in Montreal by tracing the history of the Steering Committee. She writes:

“...An International Facilitating Committee [IFC] was established by NGOs and other major group participants in the lead-up to the Earth Summit (Rio 1992). It provided non-political organisational support, including organising the Global Forum. An International Non-Governmental Organisations Forum [INGOF] was established by NGOs, creating an international 'space' to develop common political positions (thereby excluding other stakeholders such as industry).

49 'NGO Steering Committee to the UN Commission on Sustainable Development Terms of Reference' agreed at an NGO Plenary Meeting during CSD 2, New York, 26 May 1994. Available online at: <http://www.csdngo.org/csdngo/>. Accessed on 1 September 2001. Reproduced in Appendix 11.

50 *Ibid.*

51 Howell: Talking our way into sustainable development: An Analysis of the United Nations Commission on Sustainable Development Multi-stakeholder Dialogues, University of Auckland, New Zealand., PhD dissertation.

INGOF organised the Alternative Treaties, which were completed at the Global Forum. The Treaties were intended as an alternative to Agenda 21 and a tool for collective NGO action. They had no influence over intergovernmental negotiations. Both bodies worked successfully before and during the Rio meeting and were dissolved once they completed their work. INGOF continued until late 1995, organising a final meeting in Manila.....

...At the CSD's first session in 1993 [CSD-1] it became clear that a facilitation mechanism was needed to assist NGOs and major groups in maximising their participation. A meeting of the NGO working groups from Rio – who had already naturally formed again - was convened to discuss how NGOs might best organise themselves. The UN Non- Governmental Liaison Service facilitated a series of follow-up regional telephone conferences and a meeting for NGOs attending the Down to Earth conference in Copenhagen. The results of these discussions were brought to CSD-2 in 1994, where NGOs and major group representatives established the NGO Steering Committee to the UN Commission on Sustainable Development.”⁵²

5.5 - The uneasy existence of the Steering Committee.

With the enthusiasm from the Rio Summit waning in proportion to the ever increasing years distancing current events from the Rio process, the Steering Committee found it difficult to exist, let alone find money to comply with the many tasks given the Steering Committee in 1992. The Steering Committee was now also chaired by two co-chairs, one southern and one northern. Half of the Steering Committee, the Northern Part, soon found a temporary residence in a small US based NGO, Citizens Network for Sustainable Development. The other half, the Southern Part, was housed in an organisation called Service for Peace and Justice in Latin America. Both offices were in New York, in Manhattan. Interest in the intergovernmental sustainability process was revived by the advent of the Rio +5 process, that took place at the UN in 1997, and an increased number of NGOs started to participate in the prep coms leading up to the +5 event in 1997. With the renewed interest expressed by governments, came also their willingness to fund civil society participation in the Rio process. And with more activities and available money, comes greater challenges and more often than not, unexpected difficulties.

5.6 - Agreements may be revoked at any time.

Megan Howell addresses the difficulties facing the Steering Committee in the following way under the heading: Overcoming the Obstacles to Success

“In order to maintain its credibility, the Steering Committee must achieve high standards of performance in terms of outcomes and open, transparent and participatory processes. Some of the obstacles to this are inherent to the UN system; others have arisen due to differences between major groups. Perhaps the most difficult challenges have come from within the Steering Committee itself.”⁵³

Without any trace of righteousness usually applied by clarity of hindsight, Howell flatly states that:

“Institutional obstacles (at the UN) were a major reason for forming the Steering Committee. Speaking for a coalition of NGOs and major groups, the Steering Committee is positioned to

⁵² M. Howell: The NGO Steering Committee and Multi-stakeholder Participation at the UN Commission on Sustainable Development, FIM Montreal, Canada, 1999

⁵³ *ibid*, p 2.

highlight any access difficulties and to work towards their resolution with the secretariat and bureau. Consequently, it has been possible to achieve far greater levels of access and participation on an informal basis than would be allowed officially. NGOs are afforded access to, and have even been able to speak in 'informal' and 'informal informal' intergovernmental sessions. The informality of arrangements at the CSD allows for greater advancements in practice, but also brings the risk that these advancements may be revoked at any time."⁵⁴ "Revoked at any time" – not only by the governments or by the UN, but also by the major groups and by NGOs. Howell may not at the time of writing, have been aware of her clairvoyance, but revoking and rewriting rules at will became the downfall of the frail unity among the NGOs in the NGO Steering Committee.

5.7 - The Steering Committee – too diverse?

Whereas the NGO Steering Committee tried to accommodate everything and everybody, and allowed for as great a variety and diversity as possible, the Steering Committee was perceived as speaking for all the NGOs at CSD and thus representing one voice. Howell keeps a numerical tally on the diversity in 1998-99:

"The Steering Committee has over 80 representatives, with two from each of the identified regional caucuses, issue-based caucuses and major groups. The representatives, two Co-Chairs and an eight-person Management Committee are elected annually and serve from the end of one CSD to the next. The Steering Committee is committed to equitable regional and gender representation. Approximately 65% of current Steering Committee representation (1999-2000) is from the South. Women hold 50% of the positions. Organisational and administrative support is provided by two Clearinghouses, accountable to the Northern and Southern Regional Caucuses respectively."⁵⁵

5.8 - Internal strife

Loyalty and respect for decisions taken, adherence to the best values inherent in the principles of good governance, these could have been the guarantors for keeping the NGO coalition at CSD intact. Alas, by 1999, the coalition had already suffered a number of internal setbacks. Howell, in an effort to be Solomonic and sober concerning these problems states in her paper: "*Internal Obstacles The Steering Committee's Role, Responsibilities and Accountability*" A number of issues have led to misunderstandings about the role and responsibility of the Steering Committee:

- a) Steering Committee members, who facilitate participation, are also participants in their own right, lobbying on behalf of their NGOs. This is sometimes misunderstood as meaning the Steering Committee influences NGO positions more than it really does.
- b) The language developed around the Steering Committee may create confusion. There is very little reference to an NGO coalition or community, and often the Steering Committee is referred to as though it were the coalition, rather than a facilitating body. For example, the issue caucuses, where NGOs prepare position papers and pool their lobbying efforts, are referred to as caucuses of the Steering Committee, rather than of the coalition.
- c) The terms of reference developed in 1994 did not clearly define Steering Committee members' responsibilities. With only vague written requirements, the Steering

⁵⁴ Ibid.p 2

⁵⁵ ibid.p 2

Committee has not held its members accountable for ensuring widespread participation of NGOs and major groups on a regional and issue-focused basis. Consequently, the involvement and effectiveness of caucuses has varied widely.

- d) Steering Committee responsibilities have not been evenly allocated across the membership. A number of very committed people have carried the work, but this has perhaps allowed for a perception that the Steering Committee is controlled by a small number of interests. As a self-organised body which has evolved in response to the needs of its members, it is not surprising that some aspects of the Steering Committee's role have developed more effectively than others. After Earth Summit II, the Steering Committee spent time reflecting on improvements, and has begun to address internal obstacles, primarily through improving information, communications and transparency.”⁵⁶

5.8 - Power politics in the making and guidelines in an effort to avoid disaster

Having worked with the different elements of the Steering Committee for a year in New York, Howell was in a good position to judge its inherent difficulties, both from a personnel and a structural point of view. Yet, Howell remains loyal to the cause, and presents these problems in a matter of fact way during her presentation, problems that many of us knew to be caused by growing internal personal and power related politics.

Efforts were made to deal with these problems in a neutral and matter of fact way. The Management Committee tried through a number of meetings, to develop a system whereby differences of personality and efforts to usurp power could be regulated. A regiment of Guidelines were developed in an effort to maintain all the elements found in good governance. Howell again:

“ A series of Guidelines was agreed in 1998, covering such issues as the function of the Co-Chairs and the Management Committee, and communication procedures. The Guidelines have been published and widely distributed to ensure better understanding of the Steering Committee's commitments and responsibilities, and have improved the flow and efficiency of Steering Committee meetings and activities. After considerable consultation with members, the Steering Committee agreed a guideline making issue caucuses more accountable. Caucuses must now provide a brief statement of purpose and a membership list. To ensure caucuses have a voice at the CSD, at least ten member organisations must have UN accreditation. This information, published in a directory, demonstrates the legitimacy and range of membership in the caucuses and allows NGOs to identify caucuses of interest. Some caucuses, such as the Sustainable Agriculture and Food Systems Caucus, are now creating their own sub-structure based on regional and issue-based focal points. Provision of sufficient administrative and organisational support by the Clearinghouses has been a critical success factor in overcoming the Steering Committee's internal obstacles. The Guidelines and the Issue Caucus Directory begin to provide a written record of institutional history.”⁵⁷

5.9 - Escalating problems

But history never taught people anything, did it? Serious tensions had started to develop within elements of the Steering Committee already during the aftermath of the +5 session in 1997, and these tensions were never fully resolved. These tensions centred around irregularities in accounting, and the feeling that the finances were not handled as they should

⁵⁶ *ibid.* p 3

⁵⁷ *ibid.* p 4

have been. In addition to this, friction developed between some of the New York based NGOs and the NGOs who had their residence out of the US, but travelled to the UN headquarters to participate in the CSD process held at the UN Headquarters in New York. Both had in principle equal rights to the CSD process, but some of the NGOs permanently based in New York expressed increasing turf-ownership to the exclusion of the visiting NGOs. On top of this came conscious efforts to place this schism in a North South dilemma, or in a rich-poor NGO context.

Howell's vantage point for observing this could not possibly be better. Yet, her reporting on the difficulties within the Steering Committee carries the hall-mark of objectivity: "The diversity of NGO perspectives can be challenging. The Steering Committee has often found it difficult to manage discussion in a way that recognises and accepts differences constructively. In some instances, a small number of NGOs have used conflict as a strategy to promote their own interests. For example, attempts were made by some participants to create a division between the Southern and Northern NGOs (replicating the lamentable example of Southern and Northern states), to the cost of the whole group. Often, the conflicts between NGOs are related to perceptions of power and position. The most commonly cited (if oversimplified) example is between Northern and Southern NGOs. Equally relevant was the conflict between international NGOs, with their long-standing consultative status, and regional and national NGOs, who were newly accredited to the UN via the Rio process. Both of these situations arose early in the Rio process, and, while not necessarily resolved, have been addressed sufficiently to avoid significant fracturing within the NGO community. Conflicts arising out of substantive issue-based differences have been resolved by allowing for NGO position papers to reflect majority and minority positions, an approach that was adopted by the intergovernmental negotiations in 1998. Development of the Guidelines allowed participants to identify how Steering Committee processes could best meet their diverse needs. With the Guidelines now in place, the Steering Committee is able to respond to potential conflicts more confidently. This could be enhanced by further developing the Steering Committee's conflict resolution skills."⁵⁸

5.10 - A final lament

And finally, before concluding her presentation in Montreal in 1999 with a number of points where the Steering Committee can improve its collective performance, Howell adds a small paragraph, that those of us who often were caught in the line of fire in the many verbal volleys that had become commonplace within the Steering Committee, understood as a sigh of lament.

Howell again:

"Refining the Steering Committee's Structure and Performance
Significant areas of focus for the Steering Committee's continued development include creating a broader sense of responsibility and more collective leadership. Work with the issue caucuses should continue. The role of the regional networks should be similarly examined. Continuing development of the Clearinghouses will aid communications and information distribution throughout the year and assist smooth facilitation at CSD meetings."⁵⁹
But this would never happen. Less than a year after this presentation had been made, the Steering Committee was in total disarray, most of the issue based caucuses had left the uneasy

⁵⁸ *ibid* p 5

⁵⁹ *ibid* p 6

coalition, and the many talented efforts to combine the NGO diversity into a strong negotiation tool, had stranded.

5.11 - Tracking major conflicts

As can be seen, opportunities for conflict presented themselves in an abundant way. In a convoluted way, it may be noted that the nearly four-year existence of the committee was in itself a success. The odds were really against such longevity. And the fact that the issues caucuses maintained some sort of existence for a number of years, haphazard and beleaguered as they were, is another mark of relative success. That aside, knowing the people involved, the interests, the challenges, the various cultures and the difficulties in operating a global network of NGOs, it would not have been possible to run the Steering Committee the way it was set up in 1997.

Two major problems had, by the end of 1997 manifested itself as almost insoluble: one was about fundraising and accounting for the finances and the other was about understanding election-procedures, representativity and participation: who were to be the central officers of the Steering Committee, election accountability, tenure etc.

5.12 - Differences in perceiving democracy

In an effort to avoid confusion and chaos within the Steering Committee, and trying to alleviate the differences, while at the same time catering to the difference in culture expressed by the many-variegated constituency, a set of guidelines were drawn up, as Howell demonstrated in her Montreal paper, all reflecting well tried democratic principles. Even though these principles were accepted at first, they were never really respected by all, and some of them caused serious disagreement between the South and the North, as the two sides were called in the steering committee context.

The Southern Clearinghouse was by this time (1998 and onwards) housed in the Church Centre, and the Northern Clearinghouse housed in DC2 through the graceful assistance of the CSD secretariat. Both entities had by now a small, paid staff. Everything seemed to be made for success.

However, rules of procedure that involved the larger NGO community, should be worked out in unison, with similar interpretation and understanding. In most cases this functioned, but a major dispute erupted time and again on how to understand these rules and how to interpret them.

The Steering Committee was established to coordinate and facilitate the NGO input into the CSD through the issue based caucuses. Ideally the structure seemed practicable – at least on paper. And perhaps most important, the Steering Committee would take its mandate and legitimacy from the participating NGOs through the issue based caucuses. But fewer and fewer NGOs paid attention to these issue caucuses. All Major Groups were also supposed to be in the issue caucuses, something to which they objected, their policies too diverse. And as none of the Major Groups and their member organisations felt the need to support them or use them, the legitimacy of the Steering committee was formally eroded.

NGOs came to the CSD because of their commitment to and interest in sustainability issues. They still come to lobby for the issues their constituencies are concerned about and they have been given a mandate to do so by their constituencies. When forced into a structure, such as the caucuses and the Steering Committee, that neither added competence nor strength to their lobby points, and when realising that nobody owns the process in the UN, except perhaps,

“we the peoples”, and the visiting NGOs could do just as well both without the support of and without the endless and wasteful discussion in the confines of the Steering Committee, the visiting NGOs rebelled against the Steering Committee or as most did, chose to ignore its existence.

5.13 - The Steering Committee concept – an impossible and dying concept.

One of the biggest strategic errors in the caucus/steering committee construct, was that the structure forced the NGOs to speak with only one voice. Whereas the UN throughout its now 60-year existence has recognised the many-varied voices of civil society, the CSD NGO Steering Committee structure would not allow such a variety. This enforced ‘one voice representativity’ became a straight jacket to the critical views of NGOs, and resulted in many NGO statement being watered down to such an extent that governments often had by far stronger and more critical views. By the year 2000, most NGOs had lost faith in the caucus/steering committee construct, and shied away from it. Many observers of the NGO activities at the CSD have noticed however, that elements of the Steering Committee and from caucuses try to force its existence, but without a credible mandate.

The NGO world outside the Manhattan based NGO caucuses question the credibility, representativity and accountability of the caucuses and, consequently they also question the existence of the Steering Committee. For without credible caucuses there should not be a Steering Committee.

Tom Bigg describes and analyses the inherent problems in considering the many-voiced NGO community as “one”, and that the wish of using the approach in no way emanated from the NGOs themselves. This is not to say that these views originated from a desire to control the NGOs. After outlining the development that lead up to the establishment of the Steering Committee, Bigg writes: ⁶⁰

” Concurrently, the work of the International Facilitating Committee and the UNCED NGO Strategy Group introduced greater coherence into efforts by NGOs to influence the decisions being negotiated by governments. By encouraging or facilitating informal alliances between organisations to present joint positions to governments, these processes often privileged a particular viewpoint or perspective, which could be understood as coming from the main body of NGOs and would have widespread credence as a result. While comparable alliances had functioned in previous UN Conference processes, and in numerous other international contexts, these were qualitatively different in two respects: first, the UNCED agenda, which combined environmental concerns with development priorities; and second, the new electronic means for communication and information sharing which were becoming available and were widely used by UNCED NGOs.⁶¹

The presumption that networks should attempt to achieve consensus among their members conforms closely to the understanding of the functions performed by NGOs and their relations

⁶⁰ Quoted from Chapter 4 “The impact of civil society networks on the global politics of sustainable development” by Tom Bigg PhD Doctoral Thesis City University, Department of Sociology September 2001

⁶¹ Shelly Preston notes the initiative of IBASE (the Brazilian Institute for Social and Economic Analyses) and the Association for Progressive Communications in devising and managing the UNCED Information Strategy Project in 1992, which enabled NGOs around the world to strategise and exchange information. The Earth Summit Bulletin, initiated at the Fourth UNCED PrepCom, was also principally disseminated in electronic form. Preston, Shelley ‘Electronic Global Networking and the NGO Movement: the 1992 Rio Summit and Beyond’ in *Swords and Ploughshares: A Chronicle of International Affairs* vol.3, no.2, Washington D.C. Spring 1994. Available online at <http://stile.lboro.ac.uk/~gyedb/STILE/Email0002089/m12.html>. Visited on 1 September 2001.

with each other presented in Agenda 21 (particularly in chapter 27, which focuses specifically on the role of NGOs):

To ensure that the full potential contribution of non-governmental organizations is realized, the fullest possible communication and cooperation between international organizations, national and local governments and non-governmental organizations should be promoted in institutions mandated, and programmes designed to carry out Agenda 21. Non-governmental organizations will also need to foster cooperation and communication among themselves to reinforce their effectiveness as actors in the implementation of sustainable development.⁶²

This notion of social partnership, initiated at the international level but pertaining to decision-making processes in national and local contexts, constitutes a significant departure from established UN attitudes towards NGOs. As we shall see, attempts to translate the Agenda 21 perspective into the regulations governing access and relations with NGOs proved to be problematic and ultimately unsuccessful. The perspective adopted in Agenda 21 also provoked negative reactions from those whose interpretation of international NGO networking was informed by different understandings of the nature of NGOs, and the purpose of networking. In her analysis of Agenda 21, Theodora Carroll-Foster outlines these criticisms:

It treats NGOs in a monolithic way. It thereby makes the mistake of assuming that the variegated NGOs will have common cause or agenda and will be amenable to being treated in the same way by international organisations or governments. It fails to incorporate any analysis about NGOs, whether Northern or Southern, and therefore does not appear to understand how NGOs work; how they relate to communities and societies; how they network locally and internationally; and develop momentum, action, and change.⁶³ “ (end quote Bigg, from Chapter 4)

6.0 - NGO Facilitation – a useful tool.

When the preparatory work for the WSSD started, the CSD Steering Committee had by and large collapsed and was almost totally defunct. Many civil society organisations were however still concerned with the fate of CSD and civil society input into work on sustainable development within the UN.

Most of the Major Groups had either retracted their energies to their main coordinating bodies (ICLEI, WBCSD, ICFTU (trade unions), but no functional facilitating system were operating.

6.1 - The SDIN vision

After a number of meetings and consultations, a group of NGOs agreed on a number of important decisions. The group called themselves The Sustainable Development Issues Network, the SDIN. The vision that would be guiding the work of these NGOs into the CSD process, was one such decision.

“The SDIN consists of a large coalition of NGOs made up of issue oriented and project based organisations. It is our intention to inspire, urge and utilize the collective and combined capacity of this large group of interested, committed and knowledgeable individuals that make up the human collateral of this global association to make the WSSD and hence the CSD and

⁶² *Agenda 21* para. 27.4, *op. cit.*

⁶³ Carroll-Foster, Theodora ‘Commentary on Agenda 21 Chapter 27’ in Carroll-Foster, Theodora ed. *Action 21, Abstract Reviews and Commentaries* IDRC Books, Ottawa Canada 1993 p.191.

its ensuing results into a worthy and strong statement on behalf of governance and sustainable development that will initiate a new and energized era in the work to promote these issues. We will work to use the concept of “sustainable development” in its original meaning, by emphasising a genuine integration of economic development, social development and environmental protection.

To do this, the SDIN defined a number of ambitious issues emanating from the work of its many members and from the outcome documents produced by the NGOs at the preparatory regional meetings that took place during the fall of 2001 in the five UN economic regions”⁶⁴

The overarching goals and vision decided upon were:

“To bring the goals and ambitions of sustainable development out to the general public’s awareness and understanding, and to solicit a wider public participation in the development and adoption of appropriate strategies.”

This vision would find its expression in many ways. But areas of concerns were listed in the following way:

“We (the SDIN Group) have focussed on five areas of concern. They are:

- Governance and multi-stakeholder processes
- Issues development, policy work, capacity building and lobby
- Information dissemination
- Implementation and follow up
- Preparation, participation, travel and related logistical concerns”⁶⁵

More specifically:

- To maximise participation of non-governmental organisations from across the planet in the CSD and its related meetings;
- To facilitate and see that NGOs with specific issue knowledge are brought into the focus of the CSD related work, both in the local national and regional contexts as well as at CSD.
- To ensure balanced representation of NGOs on the basis of gender, focus and region.
- To ensure an adequate coverage of the issues that are relevant for the CSD and its related meetings;
- To ensure that participating NGOs have access to information and are able to, in an informed manner, participate in the CSD and its related meetings, and have free and *unfettered access to delegates*.

This entails also the following:

- Establish a truly “north-south” secretariat reaching out to the global NGO community, with an emphasis on the South and Central and Eastern Europe/ the Newly Independent States, but also not forgetting those grassroots NGOs from the “North” who will not have the means to travel to all the UN meetings;

⁶⁴ First SDIN analysis to funders in 2001, awarded with support from a number of European governments: Sweden, Germany, Belgium, as well as Canada, p 3

⁶⁵ *ibid* p. 2

- Work to help provide finance and facilitation for those groups who will travel to the CSD and its related meetings;
- Provide general information, training and capacity building on the CSD process;
- 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 ones; uphold dissemination of issue-based information from the issue groups to others not directly involved in those issue-networks.

6.2 - This time, only NGOs, servicing one constituency.

Whereas the old Steering Committee had brought with them a cluster of stakeholders, issue caucuses, regional representatives, even most of the 9 major groups, the SDIN group was only catering to NGOs. SDIN would seek cooperation with all major groups, and keep their meetings totally open for everybody to sit in on. But when decisions were to be made on statements and such policy decisions demanded unity, those decisions would only be taken among representative NGO groupings. Whereas the Steering Committee every year had to labour to develop the semblance of a 'legal' constituency, the SDIN group actually brought with them a large constituency – in 2005 close to 4000 national NGO members in over 170 countries.

However, it must be noted that the constituency of the SDIN group was not one that was important in an election process. The larger NGO constituency was to be serviced by the SDIN group, and the task of the SDIN group centred around three key words: facilitation, coordination and service.

After having consulted widely over a two year period among NGOs from all continents working on the environment, and sustainable development, the SDIN group summed up their findings in the following way:

6.3 - “Regional Concerns- a bottom-up approach, a must for SDIN

Of equal importance is the presentation of and working for the regional concerns of all the network members. Each network has its special strength within its own specific region. This experience is essential to respect and to develop. Rather than making an all-out effort to construct a steering committee speaking for all, each network will retain its identity and closely work with its many national and sub-regional members to ensure a bottom-up approach. Rather than making efforts to produce statements catering to all needs, often resulting in generalized and watered down language, efforts will be made to present each region's concerns with equal strength and respect. This must be in conjunction with what has been the nature and idea behind the organization of the five regional prepcoms (in the run up to the WSSD) under the auspices of the five economic commissions of the UN carried out during the autumn of 2001. To make sustainable development issues viable future options for overall development goals to further the improvement of mankind's living conditions, the regional concerns are important to heed as well as to integrate into the final outcome documents of the WSSD.”⁶⁶

And to ensure global participation, the SDIN Group boldly stated that:

“People from all walks of life are expected to participate in the international process, representing diverse, yet committed views on sustainable development. Their voice may

⁶⁶ ibid p. 3

easily be drowned in the clamour to be heard and seen. Participation, transparency, accountability are all part and parcel of the UN's value basis. They are also the mainstay of Good Governance, perhaps the most challenging overarching issue the world faces as democratic principles and human rights have been challenged in an unprecedented and terrifying way at the dawn of this century.”⁶⁷

6.4 - SDIN catering to the needs of NGOs

From its inception at CSD 9, the SDIN group started to provide what was deemed quality service for the NGOs participating at the CSD process. The service was upgraded through CSD 10 and the following prep coms leading up to the WSSD in Johannesburg. Acknowledging the fact that many of the participating NGOs persons at the CSD often lacked the basic understanding of the process itself including the many issues dealt with in the run up to the WSSD, the SDIN started to use their morning meetings as small capacity building works shops. In addition to this, SDIN provided detailed and well founded analysis from the ongoing discussions in every official UN negotiating group, be they plenary or contact groups, where NGOs were allowed in. As such, the morning meetings came to serve as an information hub from which information was disseminated to build capacity among NGOs; During these morning meetings, people were given opportunities to ask questions to informed representatives that SDIN brought to these meetings; delegates were brought in to meet the NGOs and NGOs were allowed to vent their frustrations and ask for help in all kinds of matter pertaining to the ongoing discussion at CSD or in more general at the UN itself. The official documents were all brought into the SDIN room, and NGOs started to look at these morning meetings as a reliable source of information. Other ‘experts’ brought in to the morning meeting either from the UN secretariats or key delegations also provided valuable information to the larger NGO community. On an average basis, around 100 NGO persons have attended these morning meetings at the regular CSD meetings. (At the WSSD, well over 500 persons attended these morning meetings.)

6.5 - Modalities to ensure participation

Developing, writing and agreeing on statements have always been a cumbersome and at times painful process both in the NGO world as well as for all the Major Groups. 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 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 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 chaotic experiences emerges a system that for some time may provide answers to the need to participate in an accountable manner, at first allowing the untraditional to be tried. The Arrias Formula 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 and 13 in developing statements in a

⁶⁷ ibid p. 2

participatory and interactive way, is another such procedure. In some ways, the same or similar procedures are followed by all major groups.

6.6 - Involving NGOs in various processes: One set of modalities

During CSD 13, it became imperative a number of times to develop an agreed statement delivered on behalf of the Major Groups in the official plenary meetings. The way this was developed by the SDIN facilitation efforts, merits mentioning and can do well in being replicated:

The statement to be delivered in plenary relates of course always to an issue, and this time the issues were those of the CSD 13 thematic clusters: water, sanitation and human settlements. By using the morning meetings, we (meaning here the SDIN facilitators) notified the NGO community that we 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: 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, an average of more than 100 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.

A core group of a representative minimum of people, (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 unanimously accepted by NGOs at the morning meeting.

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 put into 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 deadline again and again and defeated the very purpose of the time framework. After the deadline had passed 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.

Strict discipline and adherence to plenary decisions taken were 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 speaking 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.

This open and highly participatory process actually allowed more than 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.

The above process has since been the basis for developing policy statements and selecting speakers delivering on behalf of the NGOs at CSD.

6.7 - Logistical opportunities at CSD – the case of the NGOs.

The morning meeting at 09:00

Every morning Monday through Friday both weeks, between 09:00 and 10:00, a morning meeting for NGOs and likeminded persons will take place in Conference Room B. The meeting is organised for participating NGOs and likeminded persons to make sense of the ongoing sessions. There will be opportunities to ask questions, and to meet some of the key players, also from governments. Documents central to the day's deliberations as well as key documents important to the ongoing negotiation will be distributed.

A representative from the CSD secretariat will meet with us every day, and take us through the logistics of the day.

These morning sessions have almost a set agenda – basically looking like this:

- Opening of the morning meeting

- Report-back from the ongoing negotiations on the cluster issues, including, when possible meeting various people central to ongoing negotiations

- Report-back on the proceedings, including from other meetings of the previous day, side events etc.

Appointing the persons to follow the proceedings and report back to the morning meeting, based on voluntary commitment and interest
Contentious issues to focus on during the present day
What to look out for concerning the following day
Any other business
Announcements

These are almost 10 agenda points, we have maximum 60 minutes at our disposal, thus this gives us roughly 6 minutes per point.

NGO policy meetings, daily at 19:00 hrs, - mapping and monitoring the lobby efforts, developing statements etc.

During CSD 12, NGO people concerned with policy statements met at 19:00 hrs and discussed contents and input into the various statements. This proved to be a functional practice, and it seems only sensible to repeat this. These meetings are chaired by the recognized lead NGOs or groups of NGOs with insight into the cluster issues. The meetings are open to any other participating NGO with an interest in the subjects at hand, though closed to other Major Groups, as they are conducting similar meetings.

The NGO room: Conference room B

The SDIN Group approached the CSD secretariat with a request for a major groups room. Conference room B has been set aside for this purpose. The room will allow for impromptu meetings when no other meeting is scheduled to take place. Conference room B also comes equipped with four or five computers, including printers and a copying machine. Participants must however bring their own copy or print papers. To quote the note from the CSD Secretariat:

“Conference Room B (located in the 1st basement of the Secretariat building) is reserved for all major groups representatives to use throughout CSD-13 for caucus and other coordination meetings. It is equipped with four computers that allow Internet access, printers, and copiers. Major groups are asked to supply their own paper, as it is not provided by the Secretariat.”

7.0 - The UNEP Civil Society Steering Committee.

In trying to make an operational system for civil society within UNEP, we seem at present to be in the middle of a rejuvenating period. This is not only borne out by the present UN reforming processes and the fact that we have entered a new century, but also by a new paradigm slowly emerging within the civil society discourse, its contours not yet fully discernible. A plethora of research papers, academic studies and analysis exist, some of which might be helpful in guiding our present efforts, and at best give us an inspiring insight, at worst reminding us that we are not really original thinkers and doers.

7.1 - The Legitimacy of International Organizations – a word from academia.

Veijo Heiskanen, prolific writer, international lawyer, professor and specialist in international law and arbitration traces some of the historic elements of this discord:

“Over the past fifty years, fundamental changes have taken place in the operating environment of these international organisations (IOs), (here referring to the UN family, the Bretton Woods institutions and GATT/ WTO, my addition.) These changes, many of which have of late, been lumped together under the term “globalization”, include: decolonization; growing awareness of the global nature of many social, environmental, and public health problems; multiplication of non-governmental organizations; globalization of mass media and the economy; the end of the Cold War; rapid developments in the field of biotechnology; and the emergence of the Internet. As a result of these changes, many international organizations, in particular the United Nations, have been struggling to maintain or re-establish the role that they once were perceived, or expected, to have in international relations. On the other hand, new international organizations have been created, while the structures of certain existing organizations (such as the WTO) have been upgraded, and their functions enhanced and redirected. These ambivalent developments, which involve both a sense of a “legitimate deficit” as well as one of opportunity and momentum, along with the magnitude of changes in the operating environment of the international system, suggest that the time has come to take a fresh look at the philosophy of international organization.”⁶⁸

I have so far in this document traced the development of two unsuccessful efforts at integrating civil society into this ‘new philosophy of international organisations’ both efforts adding to rather than detracting from the “legitimacy deficit”. I will now make a bold attempt at outlining a suggestion whereby a credible system of integrating civil society into the works of UNEP can be made. I will draw on the positive lessons from the second decade of the CSD working with civil society, as well as respecting the formal framework of UNEP and civil society; the latter being the 6 geographical regions, and the complete – and not symbolic – integration of the 9 Major Groups. I will also seek support in the writings of Heiskanen, not the least because his book was part of a UN project titled ‘the Legitimacy of International organisations’.

7.2 – Form follows function or the other way around?

There are probably several ways in which such an attempt may be made, two may appear more easily discernible in light of the discussion I have had until now:

- 1 – we can let formalities, (a strictly observed election process, mandate development etc) decide the structure, with a view to the tasks ahead, or
- 2 – we can let the tasks ahead decide the structure, with a view to and a respect to formalities.

I have chosen the latter of the two options, and will give reasonable arguments for this choice in the following paragraphs. In so doing, I will strongly argue for

- 1 - establishing a facilitation/ coordination system within each of the 9 Major Groups and
- 2 - abandoning the election procedure attempted last year that was constructed to allow for the establishment of a legitimate ‘steering committee’.
- 3 – suggest a reasonable way to integrate and keep the unique UNEP system of the 6 geographic civil society areas.
- 4 – let the tasks decide the structure, and seek to identify a few basic tasks for the facilitating unit to perform.

⁶⁸ From “The Legitimacy of International Organizations, editors: Jean-Marc Coicaud and Veijo Heiskanen, United Nations University Press, 2001, pp 1 and 2.

There are both theoretical and practical arguments for such an approach. Allow me to draw upon both some of the theoretical exercises available as well as the experiences listed earlier in this document (ref the NGO GEF and the first CSD NGO experience.)

7.3 - Legitimacy again

Before I venture further into this discussion, just let me for the sake of a simple reference use the Wikipedia definition or explanation of 'legitimacy'. This might be a useful reminder, because the initial discussions around the Steering Committee held in Nairobi in February 2007 often focussed on the need to appear as legitimate.

Wikipedia:

“The word legitimacy is often interpreted in a normative or a positive way. In a normative sense, legitimacy gets greater attention as a part of moral philosophy. Legitimacy is the foundation of such governmental power as is exercised both with a consciousness on the government's part that it has a right to govern and with some recognition by the governed of that right.

Something becomes "legitimate" when one approves of it. In a positive sense, legitimacy gets greater attention in political science. For example, an institution is perceived as legitimate, if approval for that institution is general among those people subject to its authority. According to John Locke, the British social contractualist, issues of legitimacy are linked to those of consent, both explicit and tacit.

Legitimacy in political science, is the popular acceptance of a governing regime or law as an authority. Whereas authority refers to a specific position in an established government, the term legitimacy is used when describing a system of government itself —where "government may be generalized to mean the wider "sphere of influence." According to Robert Dahl, legitimacy is considered a basic condition for rule: without at least a minimal amount of legitimacy, a government will lead to frequent deadlocks or collapse in the long run.”

As we all know, in a functioning democracy, if the electorate refuses the government, the government will have to resign. Such a government has in a sense lost its legitimate right to govern on behalf of.

Often in civil society lore, election processes have been used to establish the semblance of a high degree of legitimacy. May it also be said that – because the present members of the UNEP Steering Committee were elected, it could be argued that this Steering Committee constituted an acceptable body with the right to decide and act on behalf of a larger civil society constituency. However, the entire discussion around the election process obfuscates the real debate we need to have: how to establish a functional civil society unit, equipped with necessary tools to bring forward in a transparent, participatory and accountable way representatives from the 9 Major Groups into the UNEP GC and GMEF⁶⁹ policy discussions.

7.4 - Election obfuscates legitimacy and representativity

Polemically, I would start by saying: an election of representatives does not necessarily create a higher degree of legitimacy nor is it a guarantor for a wider and better representativity.

To follow this line of reasoning a bit further: the framework in which we have to work is decided by earlier UNEP GCs and makes the election equation even more difficult, as well as

⁶⁹ UNEP GC, United Nations Environment Programme Governing Council, UNEP GMEF, UNEP Global Ministerial Environment Forum.

allowing for a deepening of the polemics: The equation must heed: the 9 Major Groups, gender balance, and as has become practice in the civil society context of UNEP: 6 regions. To have an elected body representing these demands, will make any facilitation into an absurd exercise: 9 Major Groups x 6 regions x 2 persons (gender balance) = 108 persons.

Having such an elected body with the semblance of all out representativity in a UNEP Steering Committee will probably make the work of such a body almost undemocratic. I am tempted to use Orwell's reaction to the blessings of democracy, as expressed by him in a much referred to 1946 observation. Susan Marks says the following about this:⁷⁰ "Writing in 1946, Orwell was evidently responding to two changes affecting democracy. One was that, after centuries of service as a subversive, factional, and frequently pejorative term, democracy had decisively shed those earlier connotations and emerged as the byword for legitimate authority we now recognize. The other was that democracy appeared in danger of becoming a victim of its own success."

We have finally been successful, after 3 decades, in being integrated into the policy proceedings of UNEP, let us now proceed to safeguard this success, and without victimizing ourselves, civil society or democracy.

7.5 - Theories of legitimacy.

"There are different theories of legitimacy and compliance pull. Noll-Kaemper explains that there are three approaches to explaining the effectiveness of international rules: the structural approach, the institutional approach and the internal legal approach. While proponents of the structural approach argue that rules are effective when they conform to the structure of power in the system to which they are applicable, those from the institutional school counter that rules may be effective even when they do not conform to power structures, since international institutions also have an important effect on the definition of national interests. According to the internal (legal) approach, the normative force and legitimacy of a set of rules determines its effectiveness.

The author's own conviction is that all these theories shed light on how the rules are implemented, and that there is a struggle between on the one hand, powerful governments who want to arrange international policies to favour their own interests, and, on the other, the slow but inexorable development of common principles of international law that serve to balance the power of countries. Furthermore, the author believes that countries are not only motivated by their narrow national interests, but also by their role as members of the international community.⁷¹"

Substitute in the above quote 'governments' and 'countries' with 'international civil society organisations', - and the relevance to our discussion appears.

Heiskanen⁷² states that there appears to be a broad consensus among political and social philosophers that the concept of legitimacy relates to the ways and means of organizing the

⁷⁰ Susan Marks: Democracy and International Governance in "The Legitimacy of International Organisations", United Nations University Press, 2001, p 47.

⁷¹ Joyeeta Gupta: "Legitimacy in the real world: A cas-study of developing countries, non-governmental organizations, and climate change." In "The Legitimacy of International Organisations", United Nations University Press, 2001, p 488.

⁷² From Introduction to "The Legitimacy of International Organizations, editors: Jean-Marc Coicaud and Veijo Heiskanen, United Nations University Press, 2001,

relationship between the state and the government on one hand, and the people or the individual citizens on the other.

We can actually apply the same reasoning to the case of civil society, and say that the regulation referred to above is between the Major Group organisations and their constituencies and such regulation may provide legitimacy for a major group facilitation unit. It is possible to assume from this conceptual discussion that legitimacy has something to do with regulating relationships, and not necessarily with being elected with a mandate.

Heiskanen also claims that to establish global legitimacy in the old sense of the world, there needs to exist a global public sphere or polity. He further claims that it is “arguable that international organizations are not effectively engaged in governing, but rather in the administration of functions delegated to them by states and governments.”⁷³ The same could be said of international civil society network organisations and their relationship to their grass root members.

Whereas the NGO GEF network relied solely on an exclusive election platform in a loosely defined geographic area without any regulation, the CSD civil society relationship during its first phase tried, as Howell shows, to be overregulated and over-defined but with no common agreement on basic standards. Both failed to establish a basis of credible legitimacy outside their own world, and neither of the two had a real constituency that had any legitimacy attached to it, and none of the two could refer to a real global public sphere or polity.

7.6 - Representativity

According to Wikipedia, “**Representative democracy** is a form of government founded on the exercise of popular sovereignty by the people's representatives. The representatives are charged with the responsibility of acting in the people's interest, but *not* as their proxy representatives—i.e., not necessarily always according to their wishes, but with enough authority to exercise swift and resolute initiative in the face of changing circumstances.”

For all its lack of theoretical and academic precision, the Wikipedia explanation covers what civil society often is concerned with: what or whom does civil society represent when its representatives speak at international conferences? A question that directly concerns a possible UNEP Steering Committee is: how can we *represent* the 9 major groups in 6 regions and include the gender balance when the Steering Committee has been given 12 positions? The simple, straightforward and honest answer to this question is: We cannot!

Still, the task we have been charged with is precisely this: to find a civil society body that is acceptable to all players in UNEP and is also representative.

Allow for a polemic observation first: A common demand from delegations is that civil society should speak with one voice. Unless it does, it is too confusing and gives a too fragmented picture of the issues at hand and delegates cannot and will not take civil society seriously. Such an opinion may of course have influenced both civil society units within the UN system as well as various peoples in the civil society world. It actually led to a disastrous compromise position during civil society negotiations at the UNEP GMEF in Cartagena, Colombia in 2001, where the 9 Major Groups accepted to deliver one statement, and NGOs gave up their sacred fight for the ‘precautionary principle’.

⁷³ *ibid* p 7.

As pointed out earlier in this document, the ‘speak with one-voice philosophy’ was one of the serious factors leading to the demise of the CSD Steering Committee. Most serious civil society representatives scoff today at this ‘one-voice’ demand for a number of reasons: one is, as civil society would claim, to speak for ‘we-the peoples’ it is supposed to represent a variety of views and approaches. Succumbing to the ‘one-voice’ philosophy would render the demand to respect the many variegated cultures of the world into a travesty, a demand incidentally, voiced strongly time and again by a majority of delegations. A second reason is that it would be tantamount to a dictator’s view of the world, because the peoples of the world can never be expected to speak with only one voice; and thirdly, such a demand shows an uncanny disrespect for various political sensitivities within the world of civil society, and finally if delegates cannot deal with many voices from civil society, how then can they be expected in a responsible way to deal with 192 different countries within the UN family?

Let us however leave polemics behind. Representativity must be understood in different contexts. If duly elected, a person obviously represents his or her electorate. But, many also claim that if an organisation or a person deals with the same issues over time, studies it and works with it, those issue may be well represented by that person or organisation. Such representativity carries with it a historical knowledge as well as a deeper insight into the development of that particular issue. If a person or an organisation works on an issue over time, and that issue is dealt with in the context of international politics, that person within an organisation may have developed a network of knowledge and of organisations working on the issue, and may be representative of this network as well. Edwards and Fowler deal with this kind of representativity and its obvious merits in their book on NGO Management⁷⁴.

Let us then return for a moment to Heiskanen to borrow a few more arguments from academia. “However, although the debate about the governmental nature of intergovernmental organizations’ powers seems to be structured like the underlying political-philosophical debate, it remains only a projection of it – people and citizens have no direct role in, nor direct access to, this debate, which is conducted at a high diplomatic, political, and legal level. The lingering question thus remains as to whether this debate can be appropriately approached, or framed in terms of legitimacy;”⁷⁵

International civil society representatives participate at this level, often in complicated negotiations with as much insight into the politics and the issues as the savvy official negotiators. And these civil society representatives are more often than not accepted as players because they represent networks, knowledge, historical insight and have often consulted with their specific constituencies. Civil society players at the various COPs are examples of this. What must be remembered though is that these players are accepted because they also represent specific insights and views and not consensus opinions spread thin over the battlefield of compromises. It would follow that when each of the 9 Major Groups can consult within their own group and cultivate their own unique statements, they are true to their own constituencies and much more successful in negotiations than if their arguments and statements were herded into one consensus mould representing the 9 Major Groups.

⁷⁴ “NGO Management” edit: Michael Edwards and Alan Fowler, Earthscan, London 2002/03; see the introduction and Chapters 1 and 2.

⁷⁵ From Introduction to “The Legitimacy of International Organizations, editors: Jean-Marc Coicaud and Veijo Heiskanen, United Nations University Press, 2001, p 8.

7.7 - Consultation with their own kind, and not with all nine.

So far I have tried to show that establishing an elected Steering Committee befuddles the purpose and modus operandi of integrating civil society into the policy arena of UNEP. Being coerced into working together further exacerbates the frustrations felt among the various Major Groups. Avoiding an election process would create a better working environment for a civil society-facilitating unit in terms of responding to its own constituency. Parallel to this argument is the realisation that working at the top of international policy development, preconditions expert knowledge and scrupulous preparation, and as such, the intergovernmental playing ground is not one for the peoples at large. Will this then contribute to one of the many paradoxes that civil society has to face: working for the peoples but without consulting them on each and every item?

To compensate for this perceived discrepancy, and without adding to the legitimacy deficit mentioned earlier, close consultation with grass roots organisations belonging to each of the Major Groups may compensate for some of this. May, yes, but not necessarily without running into a number of practical and conceptual problems. Heiskanen and his cohorts in writing, present a complicated picture in relationship to consultations:

“At the same time, the consultation process also opens up, importantly, the possibility of mobilizing “popular” stakeholders’ support for the policies promoted by the organization, which once secured, would tend to increase the likelihood of approval of such policies by government representatives. But if consultative procedures evolve into a modus operandi of international organizations, whatever the underlying motivation for the deployment of such procedures, the consequence will be that they tend to strengthen the organizations functional independence from states and governments, on whose political will and formal consent they are based.”⁷⁶

This quote serves to illustrate an interesting dichotomy:

Civil society may function as the consultants, acting with the approval of governments, claiming they represent ‘we the peoples’ and as such strengthen the intergovernmental organisations through this process, but possibly against the intention of governments, that prefer the intergovernmental organisations to be subservient to governments. It is also possible to interpret the quote in such a way that it is precisely the international civil society organisations that make use of the consultative process, presenting issues that are often complicated and demands deep insight, in a general way to receive support for overarching policies. In effect this may contribute to ‘removing’ their expert staff and the works of the organisation from the grass roots constituency creating a gap based on expert understanding of policies. Many working for international civil society organisations realise this dilemma, consciously or unconsciously. These two possible interpretations take on a new life and strength when juxtaposing this with one more observation from the Heiskanen-team that refers to the opportunities given by Internet:

“While it may be premature to argue that the Internet already serves as a technological platform of an emerging trans-national, if not global civil society and consumer market, the Internet community’s reliance on self-government certainly provides a philosophical basis for

⁷⁶ From Introduction to “The Legitimacy of International Organizations, editors: Jean-Marc Coicaud and Veijo Heiskanen, United Nations University Press, 2001, p 11.

further efforts to sever Internet administration⁷⁷ from national and international governmental authority.....Moreover, as a global, non-territorial medium of communication, the Internet seems to provide, in theory at least, an alternative platform for the development of a public sphere policy that, unlike the modern concept of the nation state, is not based on territory..... The consultative process approach, in particular, reflects and embodies this emerging concept (of 'corporate democracy' or in more individualistic terms, 'cosmopolitan democracy'), because the international organization's request to participate in the consultative process is not addressed to the people, nor to the collectivity of universal citizens, but rather to those that are likely, for *professional* rather than for ideological or personal reasons, to be interested in the subject or issue covered by the process – in other words, the stakeholders."⁷⁸

The policy coordinating or facilitating units of civil society have to function in this world of paradoxes and conflicting interests while at the same time adhere to what has been stated as the hallmarks of good governance among civil society: working for participation, transparency, representativity and accountability. It is possible to function in this world if each of the 9 Major Groups will try to facilitate work within their own group. If an election process is brought into this world of paradoxes, the paradoxes will be accentuated, most probably become unmanageable and the process be bereft of credibility.

There is still one more issue that needs to be addressed, ie the issue that concerns policy vs programme organisations, or issue based vs generalist organisations. This very concern permeates international conferences, yet no one seems willing to address this head on.

7.8 - Policy vs programme organisations, Issue oriented vs generalist oriented organisations.

During the last UNEP GC (February 2007), an old friend and a representative of one of the largest NGOs in the world casually observed over a cup of coffee that the NGOs seemed to be running around in the same old fashion, not really sure of where they were going. I naturally objected to the description of the seeming aimlessness, but said we all were a lot closer to a coordinated NGO input in the GC than had been the case a few years earlier. After a studious moment of silence, apparently scrutinising the texture of the latté, my friend said: We (meaning the NGO my friend was working for) really do not need a civil society coordinating committee nor do we need to meet up with you guys at your rumbustious meetings. We are so big and well respected that whenever we want to speak to either delegates or UN official, they open their doors for us when we ask them to. And I had to acknowledge that my friend's observation was right: Whenever the large organisations want to speak with delegates or UN officials, they will do so, with or without a coordinating or facilitating committee. Is this perhaps a problem that only pertains to NGOs, whereas the other Major Group representatives are much more disciplined? Are NGOs less disciplined or perhaps more diverse than the other Major Groups? Or perhaps all the Major groups face the same problem? Be that as it may – we are in any case back asking the same question: is it possible to develop a functional facilitating unit for all Major Groups?

⁷⁷ Many global civil society networks use internet consultation to receive support for their proosed policy initiatives or receive mandates for their actions.

⁷⁸ From Introduction to "The Legitimacy of International Organizations, editors: Jean-Marc Coicaud and Veijo Heiskanen, United Nations University Press, 2001, pp 11 and 12

The above example illustrates a recurring problem, a problem civil society has to grapple with in almost all international constellations, and not in connection with UNEP or CSD. Let us be slightly more specific:

Parallel to the civil society meetings during the last two UNEP GCs, have run the negotiations on the mercury issue. The issue attracted NGO, private sector and trade union attention of a special kind: those organisations that had special expert knowledge on the mercury issue attended the UNEP GCs and participated strongly in the negotiations. These organisations followed a closely-knit strategy and executed professional lobby work, but did so without being integrated or seeming to be interested in being integrated into the larger civil society group working at UNEP.

After having talked to these people, it was quite clear to me that they were extremely well prepared. Work had gone on in relation to the Mercury issue over more than a year prior to the first UNEP GC dealing with the issue; coordination was definitely global, and many of the organisations had participated in regional meetings to develop their strategy. The NGOs had identified supporters, opponents, had scientific statements, had in short a bona fide lobby strategy.

Once the Mercury issue is taken off the UNEP agenda, these organisation will cease to come, but will be substituted by other organisations having expert knowledge on other issues on the UNEP agenda.

The pattern would however repeat itself: the expert organisations would coalesce, and do their thing, without being integrated or having the need to integrated into the larger civil society group present at UNEP.

This pattern is not unique to UNEP, it is found and will be found at all UN meetings; it is definitely present at the CSD. The question is of course: is this good or bad?

7.9 - The need for relevance.

It is good that there are representatives present with expert knowledge, people who can address the issues in a solid and representative way. It is not good that there are people present without the necessary expert knowledge, but who would do anything to get at the microphone and address an audience of delegates that possibly includes donors simply because being present and making a technical appearance seems to be good pr in front of donors. Such a performance may not speak to the agenda issue at hand. The fact that there are two factions present have not always been positive and serious struggles have ensued. It is not good that there are competing factions within the 9 major groups, and that struggles may be fought out in the open.

An elected body, ostensibly with a mandate from 6 regions, may have the self imposed impression that this is the body that should speak on behalf of civil society, irrespective of their expert knowledge in the issues on the agenda. This has certainly been the case both at CSD during the first phase as well as at the GEF NGO network. The fact that there was a huge discrepancy in understanding between those who represented the issues in an informed way, and this who represented themselves in an exuberant way, was one of the strong contributing factors to the demise of the CSD NGO cooperative efforts during the first phase. The large civil society organisations stopped engaging in this waste of time, and those organisation with real issue knowledge felt frustrated and alienated by what had taken place.

Commenting on what had taken place during the CSD, I wrote the following in a report to donors and to the CSD secretariat in 2005:

“Over the years, a great number of highly respected civil society representatives have turned their backs on a number of UN processes asserting that these processes amount to little less than a “great heap of talk”. CSD has been criticized, discarded and ridiculed as the biggest talk show on earth dealing with sustainability. This criticism is of course not without its merits. But by leaving these processes, space has been left open to itinerant global conference participants, often poor on representation and issue knowledge, but good at process deliberations. And because for some reason, there will always be one or several civil society representatives present at international meetings, the UN and governments may claim after each conference, that civil society has been consulted. And we have seen that too often, what these so-called civil society representatives have said, does not mirror or reflect the views of civil society. This trend should and must be changed.”

I would therefore strongly advocate for a coordinating or facilitating unit, but not a unit given an elected mandate that may tempt the less modest and wise representative of such a body to claim directive powers.

The UN is an open forum for those that are accredited. As such, there will always be those organisations attending for their own specific purposes. And that is as it should be. Forcing organisations with an interest in the agenda issues to be subject to decisions coming from one facilitating unit would be contrary to the transparency we all want to have. Still, having a system for civil society that invites all to participate in an organised manner, will lead to greater strength for civil society, and encourage larger cross fertilisation during discussions. Saying that we have one such facilitating unit representing all 9 Major Groups, will be contrary to a facilitating purpose (ref the experience from CSD, the first phase.) Having a facilitating unit for each and every 9 Major Group, may be conducive to developing a transparent and efficient system.

If we are to integrate the large global civil society organisations, with those with expert knowledge as well as those with a deeper interest in the process issues, the process of integration must speak to one basic value of common interest for all parties involved: *relevance*.

8.0 - Facilitation/ coordination: The task ahead for civil society at UNEP:

In the following, I draw on the experience and work done so far by the 9 Major Groups at the CSD. Having talked at length with all of those given the task to facilitate and coordinate their ‘flock’s’ input, and asked them how they see their tasks, they seem to agree to the vision and task agenda drawn up below. To make a suggestion, the civil society facilitating or coordinating group at UNEP could also abide by the following where form follows function: (For suggestions as to how the facilitation meetings can be structured at the UNEP major Groups meetings, see paragraphs 6.6 and 6.7 for ideas; see also ANNEX I to see how the Major Groups meetings at CSD is structured to maximise the use of formal opportunities drawn up by CSD itself, form follows function in this case.)

8.1 – Function: The overarching goals and vision of a UNEP Facilitating Unit could be:

“To work to get the best qualified organisations to participate actively in the policy processes at UNEP and bring the goals and visions of UNEP out to the general public’s awareness and understanding, and 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 vision would find its expression in many ways. But areas of concerns could be listed in the following way:

“The civil society facilitating group working to enhance the participation of all 9 Major Groups⁷⁹ in UNEPs ongoing work, will focus on five areas of concern. They are:

- Governance and multi-stakeholder processes
- Issues development, policy work, capacity building and lobby
- Information dissemination
- Implementation and follow up
- Preparation, participation, travel and related logistical concerns

More specifically:

- To maximise participation of representatives of the 9 Major Groups from across the planet in the UNEP GC and its related meetings;
- To facilitate and see that Major Group’s members with specific issue knowledge are brought into the focus of UNEP related work, both in the local, national and regional contexts as well as at UNEP GC and the UNEP GMEF;
- To ensure balanced representation on the basis of gender, focus and region.
- To ensure the issues that are relevant to UNEP and its related meetings as expressed through the agenda points at the UNEP GC and/ or UNEP GMEF are dealt with by knowledgeable representatives of the Major Groups ;
- To ensure that participating Major Group members have access to information and are able to, in an informed manner, participate in the UNEP GC and UNEP GMEF and its related meetings, and have free and *unfettered access to delegates*.

This entails also the following:

- Establish facilitating bodies within each of the 9 Major Groups that really integrate “north-south” issues that reach out to the global civil society community, with an emphasis on the South and Central and Eastern Europe/ the Newly Independent States, but also not forgetting those grassroots organisations belonging to the various 9 Major Groups that will not have the means to travel to all the UN meetings, irrespective of their origin (north-South, developed or developing nations);
- Work to help provide finance and facilitation for those groups who will travel to UNEP GC and the GMEF and its related meetings;
- 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 ones; uphold dissemination of issue-based information from the civil society groups focussing on these issues, to others not directly involved in those issue-networks.

The above vision followed by the bullet points all speak to establishing a body that facilitates work rather than makes a number of decisions after a voting procedure.

⁷⁹ As specified in Agenda 21.

Form: Modelled on the experiences from the CSD the second phase, a facilitating unit could look like the following:

Establish a facilitating group within each of the 9 major groups, each of them headed by a Co-organising partner and catering only to their own major group. That facilitating body should be appointed by the UNEP Civil Society Unit, and have a two year mandate, working through both one GC and one GMEF, preferably when there is consistency in the agenda items between the two conferences.

The facilitating body can be similar to those at the CSD; (WBCSD for private sector, ICSU for science and technology, TUAC for Trade Unions etc.) As with the CSD, the facilitating body can be given a timeframe for its work – as suggested above: Two years.

It would be wrong to assume that the head or headquarter of the facilitation unit has to reside in the country where the UNEP GC or GMEF takes place. As the CSD has shown, the headquarters of the facilitation unit can reside anywhere in the world. As the GMEF is hosted by various countries, a civil society host committee may be asked to work to set up the logistics, but not to do policy facilitation.

Any organisation regardless of where its main activities are can make a bid for hosting the secretariat of the facilitating body provide they meet the formal requirements as specified by UNEP. The civil society unit at UNEP must decide the minimum criteria such an organisation must meet, but excellent understanding of process, lobby understanding, and above all a willingness to do this **full time for two years** should be an integral part of these requirements. If its performance is outstanding, and it has the confidence of its own major group, the facilitating body can be given another or several 'two-year-periods' to function. The facilitating body needs to make a detailed plan for how that body aims to work to integrate its major group into the ongoing work at the UNEP GC and GMEF, and this plan needs to work around the above stated vision and operative outline (the above bullet points). This plan must be presented to UNEP and not subject to a civil society scrutiny. This is in line with the requirements drawn up by ECOSOC (see Chapters 1 and 2). A priority for the facilitating body must be to identify and find among its Major Group constituency the organisations that have expert knowledge on the issues within the proposed agenda.

On an administrative and logistical level, the facilitating unit must answer to the civil society unit at UNEP, on policy coordination and facilitation, it must answer to its own major group present at the conference.

The major tasks of each of the facilitating groups would be the same irrespective of the major group, and geographic regions.

8.2 - International meetings.

There are two meetings per year that would be of primary importance to the Civil Society Facilitating Unit – the regional meeting (every year), and the international UNEP meeting, either the UNEP GC or the GMEF (alternate years.)

The overall purpose of the civil society unit (see the visions and bullet points listed above) would be to work with their own Major Group to influence the content of the outcome of the UNEP meetings, whether this outcome is concerned with the work programme of UNEP or specific policy issues, such as was the case with the mercury issue or the development of

SAICEM. If relevance between the civil society participants and the agenda points can be created, participants at these meetings would then be interested in lobbying on issues and negotiating text that pertains to the upcoming agendas of the larger UNEP meetings. One important requirements that must be fulfilled, is that the Facilitating Unit understands the agenda points, and know their flock: when issues of water are on the agenda, the facilitating unit must make all efforts to involve as a minimum these organisations working on this issue; when climate is on the agenda, climate organisations must be involved, and so on. Developing lobby and policy strategy would be an important segment of all Major Group meetings, but it must be noted that such a strategy should be developed in and among each of the 9 major groups, much as is the case at CSD.

8.3 – Regional meetings for civil society at UNEP.

Even though the desired policy outcome may differ between the 9, the issues and structure of the meetings will tie the 9 together.

Keeping the regional meetings is a must, as they allow for regional input into the global polity. As such, the 6 regional regions, is a construct that really answers to decisions made at WSSD to upgrade the importance of the regions.

The regional meetings seem to have found their format already –

- Agenda mimics that of UNEP GCs and GMEFs;
- Factual intro and info to the various agenda points by UNEP's experts;
- Plenary discussion among all major groups;
- Meeting broken down into group work, divided according to thematic interest and major groups;
- Final policy statements, - each of the major groups must make their own!

8.4 - The civil society policy statement(s).

It seems to me that one of the primary tasks of the global steering committee has been that of developing a global civil society statement. As this refers to a statement for civil society, it does not reflect the special interests or sensitivities of each of the Major Groups. It is also fair to say that the private sector has not been satisfied with the content of this statement so far, but has tacitly accepted its content. Given this 'enforced unity' it is probably only a question of time before one of the 9 Major Groups will voice their protest vocally, thus contributing to the break-up of this enforced unity.

Again I will suggest we follow the process now well developed – and even refined to a large extent – by the CSD policy statement writing process.

Because of the two-year functionality of CSD, each of the Major Groups produce two different papers, with varying length: the review year has a 'review paper' – some 8000 words long; the policy year has a 1000 word policy/implementation priority statement. As such there are 9 review papers and 9 policy statements. Each of these are translated into all UN languages and sent to all CSD delegations as part of the UN background papers. An editorial group selected among each of the Major Groups representing expert knowledge, develops the content. Once the draft is written, it is circulated widely using the Internet through established list-servers.

A somewhat similar process may be developed within UNEP, however, we have to take into consideration the 6 geographical regions – and this must be heeded, as it is the only segment of the UN that has been able to make sense of the regional priorities.

Based on this rather successful experience, I would suggest that each of the 9 Major Groups develop during each of the 6 regional meetings one policy statement of maximum 1500 words, (as with CSD, excessive words will be brutally deleted!) With 6 regions, a total of 9000 words will be produced by each of the 9 major groups, slightly in excess of the ‘review paper’ at CSD (see ANNEX IV for an example of the agreed NGO policy statement for CSD this year.)

I think it is important to have these statements as intact and unedited as possible, because they indeed should reflect regional priorities, - discreet editing may be allowed, to eliminate the too obvious overlapping that may occur. If we follow this procedure, we will accomplish the following:

Develop regional statements that express the regional priorities and concerns that are expressions of each of the 9 Major Groups. As such these documents may be quite unique and be of political interest to the delegates.

8.5 - The civil society forum at the GC and GMEF.

Many feel that the Civil Society Forums at UNEP have been mere window dressings, allowing civil society to feel that delegates and the UN might take them seriously, at least for two days. Perhaps out of respect for the uniqueness of civil society, or because it is seen as a dire waste of time, no delegates ever venture into these meetings. Not much has come out of these meetings, as they have been dominated by too many formalities and too many formalistic interventions by UNEP itself. Herding all Major Groups into one ‘civil society group’ also adds to lack of interactive discussions. These meetings have often been a presentation of already accepted and agreed statement, much as is the case at the official opening of a UN conference. Another problem with these meetings is also that many of those who participate do not continue to participate in the rest of the UNEP meeting, thus adding to its irrelevance.

Addressing the issue of relevance should not be too difficult: the agenda for the Civil Society Forum should be that of UNEP. However, the major question concerning this meeting should be: What is the overall purpose for having the meeting?

The CSD Major Groups have separate meetings prior to the opening of the CSD session, and they use these meetings to refine their policy statements, as well as upgrading their strategy for the coming CSD meeting. As the CSD process now has set entry points for civil society statements, these statements are discussed at these pre-meetings, as is the appointment of the people that are to sit in the chair and represent each of the major groups on the opening day.

In line with the expressed philosophy of UNEP, the civil Society Forum could be used as a capacity building meeting, (ref the Bali strategy) upgrading lobby techniques, or give further background to the policy issues that would be discussed during the coming week, (such as for instances Remi Parmantiers analysis of UNEP’s work programme given a few year’s back) or analysing the contentious issues that are to come up during the GC or GMEF. This approach has been frequently used at the CSD capacity building meeting, inviting the expert people from the more issue-based organisations to come and give these presentations. Thus the large and issue oriented organisations may see the relevance of these meetings. Also, if these meetings are used to select the speakers for the interventions, the relevance to all participants is heightened. With the new, and much appreciated ‘invention’ of the round tables at the last

UNEP GC such a selection process will take on real importance and have relevance for all participating members of civil society. But in all this it is important to keep the 9 Major Groups as separate identities.

8.6 - A few further thoughts on performance by civil society to heighten the quality of its work.

The success of the performance of civil society at the UNEP GC and GMEFs relies on many factors. To promote good performance, five strategic aims should be present in the planning of a facilitating unit:

- a) Ensure presence of competent, global civil society networks at the UNEP GCs and GMEFs.
- b) Make sure civil society present are prepared with updated knowledge of the UNEP agenda, and have a thorough understanding of their own regions priorities and concern on the UNEP agenda issues.
- c) Identify possibilities for coherence between ongoing UNEP
- d) Contribute to the UNEP process relevant, new and cutting edge knowledge
- e) Initiate a global awareness and information campaign on the UNEP agenda themes.

8.7 - Central questions to be asked in preparing for the UNEP facilitation work.

In preparing members of civil society for the UNEP GCs and GMEFs, a number of questions should be asked of civil society for them to at least think about. These questions can be summarised in the following way:

Are we willing to:

- Be present at the sessions, every day and full time;
- Defend language and hard won victories;
- Bring forth substantive knowledge and coherence;
- Involve organisations at all levels, from local to global.

Are we willing to

- Stay the full two years and plan for that;
- Understand what it implies for the organisation to do precisely that in terms of input, work-hours, strategy, finances etc, and take the practical consequences of such an understanding;
- Legitimise for our organisation that working on this rather 'expensive' process for a two-year period is within our expressed mandate;

Are we willing to consider the following:

- Make sure that we all bring relevant and well thought out positions to the table;
- Make sure the people we bring to the conferences have first hand knowledge of the issues at stake and have good contacts with the constituency;
- Make sure we are accountable to a constituency and have consulted as much as is practicable, with that constituency

Finally, the following should be addressed:

- How would you develop a two-year strategy to be involved in the next two year UNEP cycle (GC - GMEF);

- Which of the agenda points will you choose to concentrate on;
- How do you plan to integrate the various segments of the UNEP process into your organization's work programme;
- What would your needs be to fulfil your designed strategies;
- How could the various major-group focal points serve you best to become an influential stakeholder;
- How do you plan to involve your stakeholder constituency and explain the relationship between the grass roots and the intergovernmental level;
- How will you utilise the fact that your government is already working on the UNEP issues, have made reports on this (a public document) and probably sent it to the UN?
- How do you plan to make this into a national campaign to make other organisations, your media and people in general aware of what's going on?
- Your country has probably written a national strategy on the environment and sustainability – provided you know of it, how will you use it in this context?

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 Primo April, 2007

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He has lectured regularly at the University of Oslo, and given workshops and guest lectures all over the world on governance and sustainability issues, evaluated projects and organisations, chaired UN meetings and facilitated UN processes and authored two books and numerous articles on the environment. He lives and works out of Oslo, Norway.

ANNEX I

CHAPTER THREE:

Making sense of CSD - a recipe for efficiency and influence for NGOs and civil society

What does the CSD really look like from a procedural point of view?

How can we find and understand how to use opportunities and Interaction during the CSD sessions in New York,

This chapter is subdivided into two parts:

Part 1 - The two-year cycle:

Part 2 – The modalities of the CSD

1.0 Introduction:

1.1 Towards uncharted waters

Into the second new CSD cycle after the Johannesburg Summit, a number of actors working the global sustainability agenda are anxious to push it forward. Even though there seem to be a development and growing understanding and process maturity of how to work the new process, there is still not complete convergence on how to push it forward. Many still seem to be caught up in the dominant proceedings and modalities of the first decade of the CSD where negotiated outcomes were the expected results. A two-year CSD cycle, with one review year and one policy year offers a number of opportunities, yet judging from the informal discussions among delegates and civil society stakeholders at different venues over the past few years, many of these opportunities are yet to be identified. Governments also seem to be looking for guidance, and many seem willing to trying to lead the discussion on sustainability issues through uncharted waters.

1.2 The two-year cycle as one entity

One of the many challenges is to see the two-year cycle as one entity. The optimal strategy is to identify what the preferred policy outcome should be at the end of the policy session at the very end of the two year cycle, and then work backwards from there. In other words, at the very beginning of a two-year cycle the various stakeholders should develop and define an optimum strategic outcome for the policy session. Then they should sit down and decide on what they would need to focus on and highlight during national lobbying, during the various Regional Implementations Meetings (held during the first year of the new CSD two-year cycle) and bring the same priorities with them to the CSD Review session. There these issues should be brought into focus, but within the context of a review session and not within the context of a negotiated policy outcome. This does indeed represent a new mind-set for most of the players, be they from civil society, from the intergovernmental systems or from national delegations. Based on the experience from the first CSD cycle – CSD 12 and 13 – many observers seem to agree: too many of the players negotiated texts in a traditional

manner during the CSD 12 Review Session, and missed opportunities to strengthen the policy outcome a year later.

The first half of the second cycle, fared seemingly much better. The stakeholders did indeed review the issues. The CSD Bureau under the guidance of the CSD Secretariat seemed to have made this case quite clear this time around: policy statement will not be heeded and taken into consideration during a review session.

The simple question is then: how do we as NGOs capitalise on the opportunities that the CSD offers us in terms of making sustainable development an inherent segment of national policies and programmes? Which are our tools?

A condition for answering that question, is what may be termed basic knowledge and understanding of how the CSD operates, its two year frame and its modalities.

Part 1 - The two-year cycle:

First year: the Review year,

May/ June/ July/ August

Start of the cycle: approximately June, or shortly after the previous CSD is over by mid May. Secretariat starts composing the so-called SG's report, which should give the direction of the discussion the first review year. Basis for the report is found in Agenda 21, the outcome of the 5-year review (Earth Summit +5) and the Johannesburg Plan of Implementation, the JPOI.

Interested major groups' organisations are invited to comment on the SG's report. Their comments are to be sent to the CSD secretariat in New York, and the deadline for these comments and inputs are usually set at some time in August. This process is repeated for each SG report every year.

The CSD secretariat assigns 'facilitation responsibility' to an organisation or a unit, which is representative of the Major Group it proposes to represent. This group should know well the UN CSD system, possess knowledge over the various networks belonging to this Major Group working on the cluster themes, and have experience in global networking and international facilitation skills.

The various nations should start writing their national CSD reports, and some do, but as this is a voluntary exercise, many nations do not put together a report at all. There are opportunities for the thrifty and enterprising civil society group to interact with their government already at this stage in inputting in the national report.

The major groups should start initiating the Major Group paper, a paper that gives an indication of their analysis of the themes of the CSD, obstacles, success stories, challenges and concerns. The length of the paper is 8000 words, and the paper should reflect the views of the larger global constituency belonging to the Major Group. Deadline for the paper is set around December 1st of the first year.

Each of these papers are translated into the official UN languages, posted on the web, and sent to all delegations as part of the official documents for them to read.

October/ November/ December

Each of the UN regions is preparing their RIM, the Regional Implementation Meeting. The RIMs have developed into two-day events, and are held late autumn the first year, between end of October and middle of December.

All the RIMs should preferably be organised over the same template, but practice has shown that they are very different in scope and execution. The outcome report from CSD 11 suggested each RIM should arrive at a consensus text which is non negotiated and that civil society should be given ample space to interact with the regional delegations present at the RIM.

To date only the UN ECE has fulfilled these requirements.

Ongoing

The secretariat is constantly updating its web-site and developing the Matrix, a tool developed to allow potential and active participants in the CSD issues to get a comprehensive understanding of the development of the cluster themes as well as showcasing replicable projects within the cluster themes.

The CSD Bureau meets and gives the Review Session its final profile.

January to April

Most of the national delegates assemble their so-called inter ministerial CSD groups to strategise nationally for the review session.

The EU presidency convenes a meeting with a large group of NGOs to have a mutual exchange of views and information.

April/ May

The CSD review session convenes, and develops an understanding of the thematic clusters in the course of two weeks.

For the modalities of the CSD – see part 2.

June/ July/ August

Shortly after the review session is over in May, the secretariat finalises the Chair's report, updates the Matrix, and posts these on the web.

September/ November

The Major Groups facilitation units are given a renewed mandate on the recommendation of the secretariat and formally by the Bureau, (on the condition that they have performed well) and they should start working on the composition of the major group policy statement.

This statement should be action oriented, and must be based on the outcome documents from the review sessions. The deadline for this document is around November 1, and the statement is 1000 words long. As with the Review Session Major Group Discussion Paper, this statement will be translated into all the UN languages and sent to the official participants as part of the official documentation of the coming CSD policy session.

Last year of the CSD two-year cycle.

February/ March

Last week of February into the first week of March, the UN CSD organises the IPM, the International Preparatory Meeting. The purpose is to start preparing for the last CSD session, which is negotiating a policy document on the cluster themes. The IPM lasts for 5 days – Monday through Friday.

End of April beginning of May

The CSD negotiating segment starts, and last two weeks. The end result is a negotiated document on the thematic cluster issues.

Modalities for the CSD see Part 2.

Part 2 - Modalities

2.1 CSD 11 created the modalities for Stakeholder involvement

The following extracts from the final CSD 11 outcome document ⁸¹ (This document is also in Russian, see the CSD Website: http://www.un.org/esa/sustdev/documents/docs_csd11.htm) outlines the official thinking on the modalities for the involvement of all civil society stakeholders. By reading this document, the rules of procedures and opportunities for engagement should become relatively clear. But, like any rules and guidelines, they are subject to interpretation. Allow us to give a few interpretations:

The modalities also seem to make the roles of the various stakeholders reasonably clear: The **bolding of words and sections** have been deliberately made to draw your attention to key elements in the rules of engagement as drawn up by CSD 11.

2.2 First – a few extracts from the official CSD 11 Outcome Document:

§ 2...

(d) **The Review Session evaluation should enable 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** in the course of the Policy Year, with a view to **strengthening implementation in these areas;**

(e) **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** for implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation.

(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**

⁸¹ Commission on Sustainable Development: Report on the eleventh session (27 January 2003 and 28 April – 9 May 2003) Economic and Social Council, Official Records, 2003, Supplement No.9

Johannesburg Plan of Implementation, **and address new challenges and opportunities, and share lessons learned and best practice.**

§ 3....

(iii) **Provide input** to the Secretary-General's reports and the Sessions of the Commission on Sustainable Development. **These inputs may include identification of obstacles and constraints, new challenges and opportunities related to the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation, and sharing of lessons learned and best practices.**

(iv) Provide for contributions from major groups, taking into account paragraphs 139(g) and 149(c) and (d) of the Johannesburg Plan of Implementation.

§ 5.

Invites governments, as well as **organizations at all levels and major groups, to undertake results-oriented initiatives and activities that support the Commission's programme of work and promote and facilitate the implementation of Agenda 21**, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation. The results of such initiatives and activities should be an input to the Commission, as appropriate.

§ 12.

Encourages countries to present, on a voluntary basis, national reports, in particular to the Commission's Review Session, focusing on concrete progress in implementation, including achievements, constraints, challenges and opportunities.

.....

The following paragraph allows for a further understanding of how the reporting may be executed:

§ 14

Underscores that reporting to the Commission on Sustainable Development should be guided by the following considerations:

(a) Reporting should reflect the overall progress made on the three dimensions of sustainable development, focusing on the thematic cluster of issues for the cycle, and include inputs from all levels, as appropriate, including national, sub-regional, regional and global levels, and drawing on those sources listed in paragraph 2(c)(ii- iv).

(b) The existing reporting systems should be used to the fullest extent possible and are expected to provide the bulk of information required;

(c) Reporting should focus on concrete progress in implementation, taking into account the three dimensions of sustainable development and their integration, including information sharing, lessons learned, progress made and best practices, identifying actions taken, constraints, challenges and opportunities.

(d) The effective use of indicators, as described in paragraph 13.

(e) Country reporting should provide information on the status of national strategies for sustainable development.

§ 15.

Requests the Secretariat of the Commission, working in close cooperation with other organisations of the United Nations system, to:

- (a) Take measures to streamline reporting in order to avoid duplication and unnecessary burden on states including in accordance with the Secretary General's report on United Nations reform;
- (b) Provide focused information that highlights relevant trends, constraints, challenges and emerging issues;
- (c) Provide technical assistance to countries, upon their request, in national reporting through regular and extra-budgetary sources.

(extract ends).....

2.3 The CSD Reporting System.

Inspiration for developing a programme with relevance for each country and each region can be taken from the so-called 'official CSD reporting system'. It states:

“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:

- 1. reflect the overall progress in all three dimensions of sustainable development, focussing on the thematic cluster of issues for the cycle;*
- 2. focus on concrete progress in implementation;*
- 3. include lessons learned and best practices;*
- 4. identify actions taken*
- 5. highlight relevant trends, constraints, challenges and emerging issues*
- 6. incorporate, where relevant, the effective use of indicators for sustainable development.*

The present Guidelines request information for the second implementation cycle of the CSD, that is, for sessions 14 and 15 (2006-2007), where the focus will be on the following: atmosphere, climate change, energy, and industry development, in addition to the cross-cutting issues.”⁸²

(See the end of the article for a more complete excerpt of the CSD 11 decisions)

2.4 The ‘Buzz’ words.

So, what does all this mean in practical terms? Which are the key words, and how can they be interpreted? Although the interaction between the various elements within the CSD is still an evolving process, the key words and their contexts can probably not be interpreted in too many and diverging ways. Let’s gather up and focus on a few 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;

⁸² (Quoted from the CSD demands on national reporting)

- mobilise further action;
- address new challenges and opportunities, and share lessons learned and best practice;

and the important §14 a indicates which direction this might take:

“(a) Reporting should reflect the overall progress made on the three dimensions of sustainable development, focusing on the thematic cluster of issues for the cycle, and include inputs from all levels, as appropriate, including national, sub-regional, regional and global levels, and drawing on those sources listed in paragraph 2(c)(ii- iv)”.

If the Chair’s report does not reflect § 14 a, there is high time to comment on the lack of such performance. If on the other hand, civil society seems satisfied with the outcome, it would be high time for civil society to express that feeling as well.

When we, the civil society stakeholders, have taken our identified and well analysed understanding of the challenges within the scope of the CSD thematic clusters, and we have chosen our words reflecting a scientific and political understanding of the meaning of the “CSD buzz words” (referred to in the above), - what then?

3.0 Influencing the process.

3.1 The primary tool at CSD – a report.

Paragraph 2e gives the answer to “what then”:

“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.”
And a bit further down in the same paragraph:

“(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.

The outcome of the Review Session including, we would say, the Regional Implementation Meetings, is a Report, upon which the negotiated policy outcome (to be discussed during the IPM, February next year) will rest. Paragraph 2 (i) gives the desired outcome of this report: “..... The Review Sessions and the Policy Sessions should mobilise further action by all implementation actors to overcome obstacles and constraints in the implementation....”

The importance of the Review Session becomes clear as we take the content of these paragraphs to heart.

The question we need to ask us then, is the following:

- Have we been able through the Review Session and the RIMs to identify the obstacles and constraints, and shown through our good practices what we think the possibilities and options are to move forward in a sustainable manner?
- Have we been able to convince delegations that these are the constraints, that these are the obvious obstacles?

Outside the plenaries and the panel discussions, in the corridors and at coffee tables our approach will be much the same as before: lobbying to convince. But the result of the lobby endeavours this time should be a result of several endeavours:

- A national NGO concern for the (CSD) issues – as a result of the regional workshops we are to organise.
- A common strategy for the involved NGOs bringing the messages from our concerted efforts to the delegations.
- How do we bring these messages into the official thinking, the final policy document?
- How can we ensure a continued work-programme on these issues over and above the end of May 2007? And at the same time engender interest for the next cycle of events in the CSD process?
- Can we use the old and common NGO devise: Shaming and blaming?

Being traditional is probably not surprising or offending anyone. But if we chose this approach – only, we will probably miss out a number of opportunities that the CSD has created, opportunities not properly tried out, because perhaps to use them requires a slightly different mindset from stakeholders within civil society. Are we ready for that!? Can we develop ‘new tools’ at our Geneva workshop?

3.2 The Matrix and the Chair’s Report – essential tools for successful lobbying!

It is important to be aware of the nature of the Chair’s Report from the Review Session – it is **not a negotiated report**, as all reports were in the old days. A negotiated report is the prerogative of the policy year. The content of the report of the review session, was the prerogative of the chair. And to allow for maximum flexibility, the Chair’s report should be ‘an organic report’, to quote the Chair from CSD 13, Minister John Ashe, who fully introduced the concept into the new CSD and managed to utilise even a new tool to add to his report – the Matrix! “The Matrix is” as John Ashe said to the Nine O’clock Meeting where all civil society was represented, “an evolving process, an organic report gaining substance as the CSD proceeds”.

The Matrix for CSD 14 is on the web site for the CSD. In the introduction to this cycle’s Matrix, the CSD Secretariat stated:

“The Matrix, prepared by the Secretariat at the request of the Bureau, is **an information tool** aimed at facilitating thematic discussions during CSD-14. It is based on information submitted by Governments, UN agencies, Major Groups, and on Secretary-General’s reports, Partnerships for Sustainable Development registered with the CSD Secretariat, as well as on information emerging from the regional implementation meetings. It is a work in progress and will be updated to reflect discussions during CSD-14. It is not an official draft outcome document for CSD-14.”

The 5 footnotes to the Matrix further explains how the content has found its way into the Matrix:

1 -

This Matrix is a background document prepared as an informational tool for participants at CSD14. (The same will apply for CSD 15)

2 -

Column 1 is based on the Secretary-General's Reports, national reports, reports of Regional Implementation Meetings, and inputs from Major Groups and CSD Partnerships

3 -

Column 2: These selected examples are for illustrative purposes only and were drawn from the Secretary-General's Reports, national reports, Reports from Regional Implementation Meetings, and inputs from Major Groups and CSD Partnerships

4 -

Column 3 describes the lessons learned, best practices or results of the adjacent Case Study in Column 2.

5 -

Column 4: Key implementation actors are identified in the broadest terms, i.e., Governments UN system (agencies, funds and programmes), intergovernmental organizations (IGOs), donors, international financial institutions (IFIs), local authorities, other Major Groups (MGs).

There are four columns under which information has been collected and synthesised:

- Barriers/ Constraints
- Case Studies
- Lessons Learned, Best Practices, Results
- Key Implementation Actors

The Matrix has been further subdivided into a number of chapters, to further deepen the discussion pertaining to the cluster themes. They are:

ENERGY

- Energy access
- Renewable energy
- Advanced and cleaner technologies
- Energy efficiency

INDUSTRIAL DEVELOPMENT

- Strengthen domestic capabilities
- Enabling environment
- Cleaner industrial production
- Corporate social responsibility

AIR POLLUTION/ ATMOSPHERE

- Promoting environmental controls
- Urban and indoor air pollution
- Capacity building for improved monitoring and management

CLIMATE CHANGE

- Mitigation efforts
- Adaptation efforts
- Regional/ Global market based

Looking at these headlines, subtitles, themes and footnotes we can have a fair opinion of which thematic approaches will be included in the final matrix.

3.3 The output of the Review Session.

The Chair of the Bureau for CSD 14 wrote the following about the outputs:

“The outputs of CSD-14⁸³ will include:

- A Chairman’s summary comprised of:
 - (i) the Opening and General Statements focused on overview of progress in the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation, as well as the Mauritius Strategy; the Thematic and Regional discussions; the SIDS day; and
 - (ii) the High-level Segment, which will address barriers and constraints and provide guidance on priority areas to be focused on during the Intergovernmental Preparatory Meeting (IPM) and the policy session;
- Record of the Partnerships Fair, the Learning Centre, and the Multi-stakeholder dialogue session.

The Matrix

- A tool prepared by the Secretariat, based on case studies and lessons learned, to be posted on the CSD Secretariat’s website. The Matrix will be **a work in progress** and will be continuously refined and updated throughout the two-year cycle as information from national reports/case studies becomes available. During the Policy Year, the Matrix will be updated on the basis of interventions and panel discussions on policy options (during the IPM) and practical measures and success stories (during CSD 15). The Matrix will be prepared in the overall context of Agenda 21 and the Johannesburg Plan of Implementation”.
- The Matrix is as said above ‘a work in progress’ and offers as such interested stakeholders (intergovernmental, national delegations, civil society) to input examples into the Matrix on an ongoing basis. The contributions are sent via the CSD Secretariat.

3.4 Do side events and NGO input matter?

On the side-events, such a common and integral element of CSD, the Bureau writes:

“Side events, sponsored by Governments, UN organizations, IGOs and Major Groups, will be organized as a complementary part of CSD to generate informal opportunities for exchange of experience and lessons learned.”

⁸³ from “Organization of Work for CSD-14 (Revised Draft) Introductory Note, from the Chairman” UN CSD Secretariat, April 2006

Reflecting the plethora of views in the final outcome reports, within bounds of reason, has been the ambition of previous CSD Chairs and their Bureaus. To a large extent they have succeeded. Still, there are no easy solutions as to how the views of civil society may be 'transported' across and into the final report.

Reading the above information from the Bureau, the quick conclusion might be that the side events do not matter except for being interesting foras to exchange all sorts of ideas. Still judging from the last few years of CSD, a surprising amount of issues and elements from side events ended up both in the matrix as well as being referred to in the final reports. Consequently – paying attention to the outcome of the side-events is worthwhile.

During the past CSDs (12,13 and 14), members of civil society were called upon a number of times during the official plenaries to speak and respond to the discussion in addition to the panellists and the delegations. We would be justified in thinking that this would be the case this time as well. Consequently – paying close attention to the agenda of the different days is of high importance.

How do we make the input from NGOs and civil society practicable for the final report and the Matrix? Having a one-page sum up of the main points being discussed or highlighted during the side-event, or coming out of the plenary discussion is a start. But the one page'er should perhaps have no more than four or five bullets; they should also be written in such a way that they could be easily incorporated into the Matrix under one of the existing headings. And if a new heading is warranted, that should be argued well, and items under this new heading summed up, succinctly and in a condensed format, always paying attention to the usability in relationship to the Matrix.

4.0 On to CSD 15 and policy

4.1 After CSD 14 – then what?

As soon as the final report was out, the 9 major group's focal point started their work in disseminating the results. It is now up to various NGOs and other members of civil society/ major groups to take the content back and interpret this in a local, national or regional context. Formally, CSD has now asked the various major groups to come up with a short, but agreed policy statement, which will serve as the starting point for the Major Groups for the overall discussions during the International Preparatory Meeting towards the end of February/ beginning of March 2007.

The major groups will use the autumn of 2006 to develop, consult with and develop this statement.

The IPM will then use the Outcome report from the Review Session, and hopefully the Matrix to develop the policy platform to be discussed at the policy session in April May at CSD 15.

4.2 We can make a difference.

Being prepared, being present, playing by procedure and rules, being awake, being alert and aware of the agenda, and understanding the implications of the agenda upon the final outcome report and the Matrix may make all the difference for NGOs and civil society.

Then making the outcome relevant for our constituencies will eventually make all the difference.

For more detailed information about the CSD, background papers, organization of work etc,
please look up the official CSD web-site, at:

<http://www.un.org/esa/sustdev/csd/review.htm>

ANNEX II

By-laws for the Board of
GEF NGO Network

Worked out unanimously by the Board of the GEF-NGO Network
May 5 and May 6, 2001,
Washington DC

§ 1 – Purpose, aim and philosophy

The Global Environment Facility's Non Governmental Organization Network, hereafter referred to as the GEF NGO Network, was established in 1995 by decision xx (to be filled in)

Recalling Agenda 21, the Rio Declaration as well as the Rio conventions, all emphasising the need to meet the challenges of a deteriorating environment by committing stakeholders in a joint effort to safeguard global environment and development, the GEF-NGO Network is established to help meet these challenges.

Its purpose is to strengthen and influence the work of the GEF at all levels, its ideals, philosophy, as well as values and goals embedded in the Environment Conventions* (to be annexed) that are at the basis of the GEF, with an aim to integrate NGOs at all levels of decision-making and implementation of programmes and projects in an accountable, transparent and participatory way to ensure a maximum degree of good governance.

§2 – Regions and Board

The GEF-NGO Network is divided into regions, the number to be determined by the Board** (to be annexed).

Each region elects a representative, called a Regional Focal Point, hereafter referred to as an RFP, to be an elected member of the Board of the GEF-NGO Network, hereafter referred to as the Board. The Board has at all times as many elected members as there are regions in the Network not counting the Central Focal Point.

The RFPs represent their regions in the Board, and are as such to be considered the formal representative of the GEF-NGO Network. All business to and from the Board, or from the officers of the Board to the regions, must be conducted with the respective RFPs.

§3 – The overall structure and function of the Board

A-General

The Board is the highest organ of the GEF-NGO Network. It meets twice a year in conjunction with the GEF Council meeting or as and when required and conducts its meeting in an orderly manner according to accepted rules of procedure in addition to the ones mentioned here.

The Board meetings are divided into two separate, but interlinked parts:

Part I – Formalities and business pertaining to the function of the Board and to the GEF NGO Network

Part II – Policy, programme and project matters in relation to the work-plan of the Board, the GEF Council as well as its NGO consultation and other GEF-related meetings and events.

Part I shall always have a set agenda as drawn up in these By-laws.

Part II has an agenda in relation to current policy, programme and projects that is of importance to the network as well as to GEF itself and may differ from meeting to meeting.

In addition to the set agenda of Part I, the Spring Meeting shall always review the current work plan of the Board, discuss and adopt the Annual Report covering last year's activities as well as last year's financial statement; the Autumn Meeting shall always discuss and adopt next year's budget, monitor the regional elections of the RFPs every two years as well as review fund-raising activities.

The Board members must receive an invitation to the Board meeting from the Central Focal Point a minimum of 6 weeks prior to each meeting, and receive the agenda for the Part II of the meeting with relevant documents preferably no later than 6 weeks prior to the meeting.

A quorum is established when at least half of the elected RFPs, are present of which one RFP must represent the donor constituencies

The Board consists of as many RFPs as there are regions. Each representative is elected for a 4 year period, and may be re-elected once. 25% of the Board is elected every 2 years.

The Board elects 1 person from an accredited NGO to function as a Central Focal Point, hereafter referred to as CFP. The CFP is also a full-fledged member of the Board.

In addition the Board selects 4 persons among its members to serve with the CFP as a Management Committee hereafter referred to as MC. All persons selected may serve for 2 years, with a maximum of 3 terms. At least 1 member of the MC must come from a donor constituency.

1 of the 4 MC members will be elected by the Board as a Co-Chair, also serving for 2 years with a maximum of 3 terms. Due consideration should be taken to the issue of gender balance in the election process.

The MC is to function in an advisory capacity, and to help expedite the functions of the CFP and the network.

Only the Board may make decisions that can commit the GEF-NGO Network. Decisions taken by the Board, and that are considered binding, must be based on consensus within the Board.

B - The Agendas

The Part I agenda for the Spring Meeting shall be:

- Item 1 – Constituting the meeting
- 2 – Election of officers
- 3 - Final adoption of minutes from last official Board meeting
- 4 – Activity Report from the CFP
- 5 – Financial statement
 - a – endorsing previous years financial report
 - b – review current finances
- 6 – Adoption of Annual Report from previous year
- 7 – Regional Priorities
 - a – The RFPs report on activities

- b – the concerns of the regions
- 8 – Review and adopt current work plan
 - a – Overall priorities for the next 3 years
 - b – work plan for the next half year
- 9 – Agenda point by any Board member, presented a month prior to the meeting

The Part I agenda for the Autumn Meeting shall be:

- Item
- 1 – Constituting the meeting
 - 2 – Election of officers
 - 3 - Final adoption of minutes from last official Board meeting
 - 4 – Monitor elections and endorse results, conduct Board selections.
 - 5 – Financial statement
 - a –discuss and adopt next years budget
 - b – review current finances
 - 6 – Review and adopt fundraising plans
 - 7 – Regional Priorities
 - a – The RFPs report on activities
 - b – the concerns of the regions
 - 8 – Review and adopt current work plan
 - a – Overall priorities for the next 3 years
 - b – work plan for the next half year
 - 9 – Agenda point by any Board member, presented a month prior to the meeting

C - The officer of the Board

It is the responsibility of the Central Focal Point, the CFP, inter alia, with the approval of the MC, to call, set up and help prepare the Board Meetings of the GEF-NGO Network, be responsible for keeping the minutes of the Board Meetings, circulating them, as well as acquiring information and other documents that are of importance to the Board and the GEF NGO Network and disseminate this to the relevant parties.

The CFP shall carry out the decisions of the Board, function as a secretary to the Board, and as a daily link between the GEF Secretariat, the Implementing Agencies and the Board members, in accordance with § 2 in these by-laws; see to it, whenever necessary, together with the MC, that the work programme decided by the Board, is carried out and fundraise for strengthening the GEF NGO Network as directed by the Board.

The CFP shall, in conjunction with the MC and the RFPs and their constituencies, set up the agenda for the work on the GEF Council, including the NGO Consultation, circulate it to the Board which makes the final decision on the agenda.

The CFP is also charged with the responsibility of disseminating relevant information to the GEF NGO Network on an ongoing basis through, inter alia, a GEF NGO Internet service with a home page being continually updated. An important part of this service to the network is keeping an updated record of all GEF accredited NGOs.

D – the Management Committee

In addition to function in an advisory capacity, and help expedite the functions of the CFP and the network, the MC may, inter alia, take decisions on behalf of the board, if mandated to do so, may work in a capacity to carry out work on behalf of the Board. The MC should be mandated to help and advice the CFP to negotiate contracts for and on behalf of the Board. The MC shall at all times, inform the RFPs of their work.

§ 4 Election procedures.

A-general

It is the responsibility of the Board to see that elections are conducted in a transparent, participatory and accountable manner. In accordance with §3, it is the Board that is the guarantor for democratic elections. The Board may annul an election if rightfully contested.

B – standard procedure

Each region conducts its own election. Only GEF accredited NGOs may nominate candidates and participate in the election within each region. A candidate representing one of the GEF accredited NGOs with good knowledge of the GEF system as expressed in §1, may be chosen as a candidate. The candidate needs to be endorsed and seconded by at least two more GEF accredited NGOs within the said region. The candidate's name is then circulated to all the above mentioned NGOs. The election process is set to last a total of 5 weeks. If the candidate is uncontested after 5 weeks, the candidate is elected as the RFP. In case of more than one candidate contesting, whoever has received most votes after the 5 week period, is declared elected to serve for a 4 year period.

C – Change of the RFP organizational status

Should the elected RFP leave the organization that nominated him/ her as an RFP, and move to another GEF accredited NGO within the same region, the person retains his/her status as elected RFP within the Board.

Should the elected RFP leave the GEF accredited organizations, and move to take up other positions, or the elected RFP moves to another region but continues to work with GEF related organizations or tasks, or totally changes occupation, the position is then turned over to the Board. The Board may appoint an interim representative to function until the first regular meeting of the Board. The Board then organizes regular elections within the region in accordance with §4 section A and B.

§5 Representation

Meetings with relevance to the GEF NGO Network organized within a region, and where the Board's presence is asked, representation on behalf of the Board should be carried out by the region's RFP. In a case where the said RFP is unable to participate, that RFP may nominate a replacement.

Several RFPs from the Board may participate in the same global conferences or meetings. However, if the Board is asked to be represented in an official capacity at such a meeting, one person from the Board should be selected. The nomination and selection of such a representative should take place within the Board, with the CFP facilitating the selection. Candidates should be selected with a view to their knowledge, specialty and region.

§6 Code of Conduct

A - General

By accepting the position as an elected RFP to be part of the GEF NGO Board, its members have accepted to work for the ideas embedded in the foundation of the United Nations, and more explicitly, as stated in § 1 of these By-laws, the ideas and values embedded in the foundations of the GEF.

The Board members shall, in representing the Network, abide by the rules and regulations for NGOs drawn up by the UN bodies relevant to the work of the GEF. However, as the Board forms an integral part of an international NGO entity, it is natural that the Board and its members, are concerned with the advancement of a flourishing NGO in their constituencies. The strengthening of people's organizations, voluntary agencies and other socially and environmentally beneficial institutions is integral to the practice of our work.

However, as working for the global environment and promoting sustainable development, is the primary *raison d'être* for the GEF, the Board should always strive to work for an effective global governance structure. Such a structure should enable, encourage and support policy and decision-making leading to an effective response to environmental management needs requiring a response at the global level.

Another prerequisite, essential for effective global environmental governance is global dialogue, leading to action taking into account the needs of both developing and developed countries. This must also guide the Board's actions.

B – Specific

The Regional Focal Points, the RFPs

The RFPs are charged with a number of responsibilities on behalf of the GEF NGO Network.

- Representing their region within the broader sense of the GEF NGO Network
- Working to promote the concerns of the Regions
- Attendance at the Board meetings of the network
- Attendance at the GEF Council meetings
- Participating in other GEF related meetings
- A willingness to lobby for the policies decided by the Network and the Board

This requires the RFPs, *inter alia*, to be

- Present at the Council meetings
- Present at the NGO consultations
- Be prepared and have read the documents
- Report back to the Board and the Network from all above meetings

An RFP could be revoked on the following conditions;

- Failure to comply with the general responsibilities mentioned above, without clear and valid reasons.
- Absence from two consecutive regular Board Meetings without valid reasons.
- Complaints against the RFP will be thoroughly investigated by the Board.
- Revocation of an RFP will only happen if 3/5th of the Board approves the motion to that affect.

The Central Focal Point, the CFP

The CFP is also charged with a number of responsibilities on behalf of the GEF NGO Network. They are similar in nature to those of the RFPs.

The interest of the GEF NGO Network should be the prime responsibility of the CFP. The CFP must work for the GEF NGO Network on a daily basis.

In addition the CFP must, *inter alia*, comply with these tasks as minimum requirements:

- Attendance at the Board meetings of the network
- Attendance at the GEF Council meetings
- Participating in other GEF related meetings

- A willingness to lobby for the policies decided by the Network and the Board
- Interact with the GEF Secretariat on a regular basis

This requires the CFP, inter alia, to be

- Present at the Council meetings
- Present at the NGO consultations
- Be prepared and have read the documents
- Report back to the Board and the Network from all above meetings

The CFP could be revoked on the following conditions;

- Failure to comply with the general responsibilities mentioned above, without clear and valid reasons.
- Absence from two consecutive Board Meetings without valid reasons.
- If the actions of the CFP display or constitute serious conflict of interest with the NGO-GEF Network.
- Failure to meet the duties listed under §3 C.
- Complaints against the CFP will be thoroughly investigated by the Board.
- Revocation of the CFP will only happen if 3/5th of the Board approves the motion to that effect.

§7 Changing the By-laws

Any GEF accredited NGO and the Board itself may propose to alter, delete, add to the paragraphs or write additional paragraphs within the bylaws. Such a proposal must be introduced to the Board in writing, a minimum of 6 weeks prior to a regular Board meeting, explicitly noted under § 3, Section B, Agenda Point 9 under Part I of the Board Meeting. After approval at this meeting, all accredited GEF NGO members of the Network must be informed. The following regular Board meeting must review responses from the Network members before deciding on the alteration. The alteration becomes valid only when the decision by the Board is unanimous.

The updated By-laws should be sent to the GEF Secretariat.

§8 Dissolving the Board

The Board stands dissolved:

- In case more than 3/5th of the regions request the dissolution of the board for valid reasons of serious misconduct.
- In case 3/5th of the Board Members ask for dissolution with valid reasons after consultation with their respective regions.
- In case the Board has been unable to meet for three regular and consecutive meetings.

Procedure:

- Notification of motion of dissolution from the regions must be submitted in writing to the CFP with full details at least 3 months prior to the first regular board meeting.

- Final decision on the motion of dissolution will be taken at the second consecutive regular meeting of the Board following the motion.
- Should the Board be dissolved, all equipments and other items purchased or produced in the name of the GEF-NGO Network should be handed over to the GEF-Secretariat for disposal.
- Due notification of any of the above processes must be sent to the GEF Secretariat and the GEF-NGO Network by the CFP.

ANNEX III

According to the Johannesburg Plan of Action, the CSD was thoroughly revised during CSD 11. A two year cycle was adopted as was a number of new modalities. Concern had been raised as to the future participation of Major Groups. Representatives of SDIN 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 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 group wanted a stricter system of participation observed. The issue 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. The debate, however, would go on for quite a while during CSD 11. As ENB reported in their Summary Issue, on May 12, 2003:⁸⁴

“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.

On Thursday evening, 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.

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 elsewhere in the section. These were referred to the Plenary, which approved a Canadian-brokered compromise to replace this specific reference with text noting the relevant section of the JPOI.

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 urged a reference to the participation of “high level” Major Groups representatives, arguing that this was appropriate for 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.”

⁸⁴ Earth Negotiations Bulletin, Monday , 12 May 2003; Vol 5 no 193, page 10

At the close of CSD 11 appeared a set of modalities that for the time being appeared acceptable to the Major groups. To quote ENB again:⁸⁵

“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 Center.”

⁸⁵ ibid page 10

ANNEX IV

NGO Policy Statement for CSD 15: a new paradigm

Because of unabated global reliance on fossil fuels and unsustainable patterns of consumption and production, progress in promoting sustainable development will be rendered impossible within this CSD cycle's four themes: energy for sustainable development, climate change, atmospheric pollution and industrial development. The combustion of fossil fuels is a key driver for climate change and atmospheric pollution. Fossil fuel reliance is also causing increased external indebtedness for the least developed countries. Lack of access to decentralised modern energy services, favouring renewables is a key obstacle to a just and sustainable development, including industrial development. Based on the precautionary principle, promoting sustainable development safeguarding the environment and promoting social equity we need:

...in energy for sustainable development –

1. a just transition from fossil fuels and nuclear energy towards accessible and affordable energy alternatives including energy efficiency and energy savings to achieve real sustainable development.
2. an equitable and just access to energy services to fulfil basic needs and develop energy policies with time bound targets and commitments, as an integrated element of the PRSPs and/or NSSD, focusing on the poor to ensure greatest impacts and institutionalising citizen involvement to meet citizen and business needs in a sustainable fashion.
3. a transfer of existing and new energy technologies, excluding harmful nuclear ones, to those countries in need, while respecting and/or strengthening local and regional capacities and culture.
4. an immediate shift in energy funding and investment to phasing out subsidies to fossil fuel and nuclear industries in order to "level the playing field". These subsidies dramatically hamper sustainable development and therefore should be redirected to renewable energy and energy efficiency funding, including access to energy for the poor.
5. to develop a comprehensive strategy on finance, redirecting the International Financial Institutions (IFIs) and their funds to sustainable energy including the introduction of strengthened micro-financing for new Renewables and energy efficiency.
6. to recognize and phase out Export Credit Agencies support by 2008 for funding promoting fossil, nuclear and hydro energy production that do not, inter alia, comply with recommendations of the World Commission on Dams and instruct all IFIs to do likewise.
7. to halt the development of nuclear facilities as they are neither safe, nor environmentally and economically sound and sustainable.
8. to set sustainability criteria for energy production and consumption, including the use of bioenergy to avoid negative effects on food security, livelihood, biodiversity and the widening of the gap between the haves and have-nots .

...in industrial development

9. to emphasise that industrial development does NOT automatically lead to sustainable development and poverty reduction, but standards of sustainable production and consumption must be the basis upon which all industries are based. They must be set within the limits of the earth's carrying capacity, sharing equitably the burdens of the ecological footprint and internalising the external costs, respecting the polluter pays principle.
10. to stimulate sustainability reporting within the private sector, by developing clear indicators to monitor and guide sustainable industrial development. All large enterprises should utilize principles of corporate responsibility and accountability to ensure open communication and transparency, also with respect to ownership and decision making.

11. to develop short production and consumption chains to avoid unnecessary transport, with added value to manufacturer.
12. to implement the Millennium Development Goals and the goals of the JPOI by ensuring that benefits from industrial development in the South remain in the South, and by avoiding at all costs, negative consequences such as pollution, waste dumping, low salaries, bad working circumstances. Industrial development in richer countries cannot be based on the exploitation of the poorer ones.

...in air pollution and atmosphere

13. to promote clean public transport alternatives. Vehicles, particularly those driven by diesel engines, are the main cause of urban air pollution. Cities that have taken decisive steps to curb transport-related air pollution have introduced innovative measures such as mandatory replacement of diesel with CNG or congestion fees and public transport alternatives.
14. to develop an 'indoor clean-air' health/environment policy. These policies must include access to affordable, cleaner and environment-friendly cooking and heating facilities. such as efficient, smokeless and cleaner-burning biomass stoves, biogas and solar cookers. Policies should include the promotion of simple technologies to allow for greater ventilation of smoke from indoor fires. Environmental and social impact assessments should also be used when promoting such technologies.
15. to make available an adequate technology to curb burning of garbage from local heaps and national land fills and outlaw incineration of garbage emitting toxic fumes.

...in climate change

16. to hold all member countries accountable to the commitments in the Kyoto Protocol and not allow non-members to direct progress. It is essential to promote early benefits implicit in the protocol concerning transformation of global energy systems in areas such as: job generation, market opportunities, reduced emissions and greater energy self-reliance.
17. to stabilize the climate by keeping man-made climate change well below 2°C as a global average. Hence no country can claim post 2012 Kyoto negotiation privileges, but allocation of emission rights should be based on equitable principles. Action is needed immediately to reduce emissions of greenhouse gases while simultaneously meet the demands of the MDGs.
18. to support most vulnerable and poor communities in their efforts to adapt to climate change.
19. to prevent the transfer of costs for mitigation to developing countries through the Clean Development Mechanisms, supporting the development of socially and environmentally sound CDM projects that respect the 'gold standard'.

...in interlinkages

20. to achieve Good Governance, including respect for social justice, human rights, gender equality, democratic institutions and sustainable policies.
21. to make financial instruments of governments more effective in promoting sustainable policies and inter alia, implement Environmental Fiscal Reforms (EFR), as suggested by OECD guidelines.
22. to improve system-wide coherence (within and outside the UN system) and achieve compatibility within international institutions in line with Agenda 21 and JPOI.
23. to include education for sustainable development in all curricula, as sustainable development is not possible without awareness and contribution of current and future generations.