

## **Update on the Stakeholder Engagement Policy**

Report to the 3<sup>rd</sup> annual subcommittee meeting of the CPR and the 132<sup>nd</sup> meeting of the CPR

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13 October 2015

### **1. Background**

The Rio+20 outcome document “The Future We Want” in its paragraph 88(h), invited UNEP to review its mechanisms for Major Groups and Stakeholders’ participation. It states:

*“We are committed to strengthening the role of the United Nations Environment Programme (UNEP) as the leading global environmental authority that sets the global environmental agenda (...) (and) (h) Ensure the active participation of all relevant stakeholders drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society.”*

Subsequently, the UNEP Governing Council at its first universal session in February 2013 adopted decision 27/2 on institutional arrangements for UNEP governance which, in its paragraph 7:

*“Decide[d] that the governing body will ensure the active participation of all relevant stakeholders, particularly those from developing countries, drawing on best practices and models from relevant multilateral institutions and will explore new mechanisms to promote transparency and the effective engagement of civil society in its work and that of its subsidiary bodies, inter alia by:*

- (a) Developing by 2014 a process for stakeholder accreditation and participation that builds on the existing rules of procedure and takes into account inclusive modalities of the Commission of Sustainable Development and other relevant United Nations bodies;*
- (b) Establishing by 2014 mechanism and rules for stakeholders expert input and advice;*
- (c) Enhancing by 2014 working methods and processes for informed discussions and contributions by all relevant stakeholders towards the intergovernmental decision making process”*

The draft stakeholder engagement policy (SEP) was discussed at the first session of the United Nations Environment Assembly (UNEA-1) in June 2014. While considerable progress had been made since the policy was debated in the first meeting of the open-ended Committee of

Permanent Representatives to UNEP (24-28 March 2014), UNEA-1 could not conclude with an agreed text of the policy and relevant amendments to the UNEA rules of procedures. Therefore, it is left to the second session of UNEA (UNEA-2) in May 2016 to take a final decision. The text of the policy as left by the end of UNEA-1 (with bracketed text) can be found in the annex of this report.

## **2. The Informal Process**

For the inter-sessional period until OECPR-2 (February 2015 – January 2016) an informal process was put in place by the CPR to discuss open issues with respect to SEP.

As recommended by the CPR Chair at the 2nd annual meeting of CPR subcommittee in October 2014, informal consultations have been taking place with member States, under the leadership of the President of the UNEA Bureau, to come up with new proposals on the outstanding elements of SEP. The UNEP Secretariat of Governing Bodies provided expert support to the informal process.

In leading the informal process, the UNEA President decided to focus mainly on those issues in the SEP that were not agreed upon during UNEA-1.

These include:

### *Definition of Stakeholder (Paragraph 10 bis)*

**Paragraph 10 bis** calls for UNEP to promote the participation of stakeholders such as local communities; volunteer groups and foundations; migrants and families; older persons; and persons with disabilities through the nine major groups.

### *a. Accreditation process and criteria (Paragraph 11 – 16)*

Paragraph 12 still contains bracketed text, with respect to criteria for accreditation. In this context in particular, regional balance of accredited stakeholders as well as the question of whether accreditation should be limited to organizations working in the field of the environment or extended to organizations working in the area of sustainable development was discussed during UNEA-1. Paragraph 14d is related to this. Some member States proposed that legal registration should not be a requirement (12.1.).

**Paragraph 13** still contains bracketed text with respect to providing accreditation to MGS that are already accredited with multilateral agreements.

**Paragraph 15** deals with who approves requests for accreditation – the Secretariat, CPR or UNEA and against which criteria (criteria listed in the policy or “Veto Right” for member States).

*b. Access to pre-session and in-session documents*

**Paragraph 18d** still has bracketed text that relates the paragraph to UNEP's Access to Information Policy.

*c. Meetings of accredited MGS with the UNEA Bureau*

**Paragraph 26** foresees that the UNEA Bureau and its subsidiary organs may hold informal consultations with representatives of accredited stakeholders on specific items of mutual interest. This was objected by some member States on the grounds that the UNEA Bureau is only in charge for procedural matters and not matters relating to substantive issues. Therefore, it was suggested to either delete this paragraph or to limit the scope of such meetings to the Assembly process or procedural matters.

### **3. Meetings Held**

During the informal process, meetings were organized at UNEP offices in Nairobi, Beijing, Brussels and in the margins of various events in New York and in Bangkok

During these meetings, representatives of the following countries participated:

-Argentina, Brazil, China, Egypt, Norway, Russia, USA, Zimbabwe, and the European Union as well as Ambassador Julia Pataki, Chair of the Working Party on SEP during UNEA-1.

Furthermore, a meeting with the representative of the UNEP's Major Groups Facilitating Committee, took place.

A briefing on the SEP consultation process was given to representatives of Major Groups and Stakeholders during the High-level Political Forum on Sustainable Development held in July 2015 in New York.

### **4. Key Issues and the Way Forward**

During the above mentioned meetings, discussions focused mainly on accreditation criteria and process.

Currently UNEP adheres to the following accreditation process:

#### **4.1. Current Practices at UNEP**

The UNEP secretariat reviews accreditation requests against the following criteria:

- The organization must be legally registered in a UN member State.
- The organization needs to have been in place, registered and operational for at least two years.

- The organization must demonstrate an interest in the environment (e.g. through annual reports, articles, work programmes, project reports, press releases, etc.).
- The organization must demonstrate an international scope of work (location of headquarters, regional and other national offices, programmes, international activities, etc.).
- The organization must have a not-for-profit status.

Applications from interested organizations that include legally certified documents to prove that the organizations meet the criteria above, are reviewed by the Secretariat of Governing Bodies and Stakeholders for final approval or rejection under the authority of the Secretary of the Governing Bodies.

Accreditation is given for unlimited time, and organizations are required to send in quadrennial reports to prove that they still meet the above-mentioned criteria. In case they do not, accreditation may be withdrawn by the Secretariat.

According to current practices, accreditation is not endorsed by UNEP governing bodies, e.g. UNEA, but all parties concerned – CPR member, individuals, government, etc. – may challenge the decision of the Secretary of Governing Bodies by providing proof that an organization does not meet the accreditation criteria.

## **4.2. Key Issues with Respect to the New SEP**

### *4.2.1. Option 1: continue current practices*

Continuing current practices would include:

- only organizations working in the field of environment will be allowed to get accreditation
- legal registration is a requirement
- only organizations working internationally (in more than one country) would get accreditation
- accreditation requests will be approved or rejected by the Secretary of Governing Bodies
- ECOSOC-accredited organizations are not treated preferentially.<sup>1</sup>

### *4.2.2. Option 2: Partly change current practices*

Such changes could include *one or more* of the following

- Allow accreditation also for organizations that work in the field of sustainable development

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<sup>1</sup> If there is no agreement on the Stakeholder Engagement Policy at UNEA 2, current practices as described will continue to be applied.

- Allow accreditation for organization that are not legally registered
- Allow accreditation for organizations that are working on the national level
- Involve member States in reviewing and approving accreditation requests
- Give UNEP accreditation to ECOSOC-accredited organizations on request

#### **4.3. Proposed Way Forward**

Taking into account the Rio + 20 Outcome Document that called on UNEP to “ensure the active participation of all relevant stakeholders drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society” (paragraph 88h) and UNEA-1 deliberations, the following approach with respect to accreditation modalities is proposed.

While many countries support the continuation of the above mentioned current practice with eventually changed criteria (interest in environment and/or sustainable development; international and/or national scope of work), some countries requested a stronger role of member States in approving accreditation requests, including applying the non-objection principle.

The President is committed to present a full proposal that accommodates positions of member States on the basis of the text of the SEP as left at the end of UNEA-1<sup>2</sup>. On the basis of the wide consensus on the General Principles<sup>3</sup> applied in implementing the SEP, the President proposes the following:

- continued informal consultations, in an enhanced manner until the Open Ended Meeting of the CPR in February 2016, to reach consensus on accreditation criteria<sup>4</sup> and process<sup>5</sup>;
- adherence to the strict application all relevant UN General Assembly resolutions;

This approach entails bilateral meetings and informal technical consultations convened by the President or her designated representative, with the support of the secretariat, in Nairobi, open to all member States. Such consultations should assist the President in identifying points of consensus for a proposal of the SEP to be presented in advance of the OECPR.

**Annex:** draft SEP as left by the end of UNEA-1

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<sup>2</sup> UNEP/EA.1/L.1/Add.1

<sup>3</sup> 2.A. of UNEP/EA.1/L.1/Add.1

<sup>4</sup> C.12. of UNEP/EA.1/L.1/Add.1

<sup>5</sup> C.14 – 15. of UNEP/EA.1/L.1/Add.1



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**United Nations Environment Assembly of the  
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**First session**

Nairobi, 23–27 June 2014

Items 5, 6, 7 of the provisional agenda\*

**Policy issues**

**Follow-up to and implementation of the outcomes of  
United Nations summits, in particular the United Nations  
Conference on Sustainable Development, and major  
intergovernmental meetings of relevance to the United  
Nations Environment Assembly**

**Budget and programme of work for the biennium  
2016-2017 and the Environment Fund and other  
budgetary matters**

**Draft resolutions/decisions prepared by the Committee of  
Permanent Representatives to the United Nations Environment  
Programme for consideration by the first session of the  
United Nations Environment Assembly**

**Addendum**

**Policy on stakeholder engagement in the United Nations Environment  
Programme**

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\* UNEP/EA.1/1.

## **Policy on stakeholder engagement in the United Nations Environment Programme**

(Working draft as at 19 June 2014)

### *Note*

This policy was prepared by the secretariat of the United Nations Environment Programme (UNEP) pursuant to Governing Council decision 27/2 on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, adopted by the Governing Council of UNEP at its first universal session, held in Nairobi from 18 to 22 February 2013. That decision called for the active participation of all relevant stakeholders, particularly those from developing countries, to be ensured, drawing on best practices and models from relevant multilateral institutions, and for new mechanisms to be explored to promote transparency and the effective engagement of civil society in the work of the governing body of the United Nations Environment Programme and that of its subsidiary organs, building on best practices in multilateral organizations.\*

This policy therefore sets forth the proposed new mechanisms for the promotion of transparency and the effective engagement of civil society with the Assembly and its subsidiary organs, to be submitted to the Assembly at its first session, to be held in Nairobi from 23 to 27 June 2014.

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\* This policy builds on best practices of stakeholder engagement in multilateral organizations. The secretariat of UNEP prepared a *Review of Current Practices of Stakeholder Engagement in Multilateral Organizations*, released in July 2013, as called for by Governing Council decision 27/2 ([http://www.unep.org/civil-society/Portals/24105/documents/resources/stakeholder\\_engagement/Review\\_of\\_current\\_practices\\_of\\_stakeholder\\_engagement\\_in\\_multilateral\\_organisations\\_30July\\_2013.pdf](http://www.unep.org/civil-society/Portals/24105/documents/resources/stakeholder_engagement/Review_of_current_practices_of_stakeholder_engagement_in_multilateral_organisations_30July_2013.pdf)).

## Contents

1.	Background .....	4
	Purpose of the policy .....	5
2.	The policy .....	5
A.	Guiding principles .....	5
B.	Definition of stakeholders.....	6
C.	Accreditation criteria and process.....	6
D.	Privileges of accredited stakeholders.....	7
E.	Responsibilities and obligations of accredited stakeholders .....	8
3.	Other matters.....	8
A.	Major Groups and Stakeholders Forum .....	8
B.	Major Groups and Stakeholders Mechanism .....	8
C.	Use of information and communications technology to enhance effective participation .	8
D.	Participation of non-accredited stakeholders .....	8
E.	Consultations with the bureaux of the United Nations Environment Assembly and its subsidiary organs .....	9
F.	Funding.....	9

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