

FUTURE ROLE AND FUNCTION OF MGS IN UNEP INCREASED PARTICIPATION IN THE CPR

A presentation by
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THE INTRODUCTION

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Good governance

- ▣ “Good governance at the local, national and international levels is perhaps the single most important factor in promoting development and advancing the cause of peace”, Kofi Annan, former Secretary General of the UN

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A few dilemmas

- ▣ A weak governance structure will yield weak results:
 - Using principles of justice and rights based approaches as a yard stick
- ▣ Governments must own an intergovernmental process
- ▣ The people must own an implementation process

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UNEP is

- ▣ “the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and serve as an authoritative advocate for the global environment,”

UNGA resolution S/19-2, Programme for the Further Implementation of Agenda 21

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“The future we want”

- ▣ With the agreement of The Rio Outcome Document, “the Future We Want,” the UN decided on and started 15 processes, of which the HLPF, the post 2015 agenda and the upgrade of UNEP are but three.

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The 15 processes

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| <ul style="list-style-type: none"> ▣ The green economy process, § 56 -71 ▣ The high level forum on SD, § 86 ▣ Intergenerational solidarity, the ombudsperson for future generations, § 86 ▣ Strengthening UNEP, § 88 ▣ integration of the three dimensions of SD, § 93 ▣ Outcome of Delivering as One Process, strengthening operational activities, § 95 ▣ Sustainable Energy for All (SG initiative), § 129 | <ul style="list-style-type: none"> ▣ GA process on the maritime jurisdiction beyond national boundaries, conservation and resource use of marine resources, §161, 162 ▣ Challenges facing Small Island States, § 180 ▣ 10 Year Programme on Sustainable Consumption and Production, § 226 ▣ The Sustainable Development Goals – through to 2015 § 248, 249 ▣ Assess financing needs, § 255, 257 ▣ Clean environmentally friendly easily adaptable and usable technologies, § 273 ▣ The registry of commitments, § 283 ▣ Sustainable agriculture – end hunger (Secretary General initiative), announced in Rio |
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Major Groups and sustainable development processes

- ▣ 1992 was about major groups giving advice to governments and the multilateral system
- ▣ 2002 was about major groups and stakeholders being part of the implementation process
- ▣ 2012 was about major groups and stakeholders being part of the agenda-setting process

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▣ **What then is tomorrow about?**

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To answer that ...

▣ ... must UNEP be seen in the context of HLPF and the SDGs?

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THE FORMALITIES

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Post 2015 and the HLPF process open and accessible

- ▣ On July 9, 2013, during its 91st Plenary Meeting, (UNGA), in resolution 67/290 (A/67/L.72) formally adopted by consensus the format and the organizational aspects of the high level political forum (HLPF).
- ▣ The resolution also recommended to the Economic and Social Council to abolish the CSD effective from the conclusion of its 20th and last session, to be held prior to the first meeting of the forum.

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The HLPF is tasked with a heavy agenda:

- ▣ Providing leadership, guidance and recommendations for sustainable development,
- ▣ Identifying emerging issues, reviewing progress in the implementation of related commitments and continually enhancing integration of the three dimensions of sustainable development – economic, social and environmental
- ▣ In addition, every four years the HLPF will be held under the auspices of the GA at the level of Heads of State and Governments for two days, “resulting in a concise negotiated political declaration to be submitted to the Assembly for its consideration”

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Major Groups and civil society in the HLPF

- ▣ Major groups, civil society and stakeholders enjoyed an unprecedented number of participatory privileges through working with and at the CSD.
- ▣ These participatory rights are now inscribed into the HLPF mandate and procedure
- ▣ A precedent at this high level of a global intergovernmental context
- ▣ This will greatly contribute to the potential relevance of the HLPF and its legitimacy

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Granting rights

- ▣ ... in an intergovernmental process, is a question of formalities, procedure and process – whether we like it or not -

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Rights for civil society/major groups are now accepted

- ▣ by the UN General Assembly in resolution 67/290 (A/67/L.72), 9 July, 2013
- ▣ Can/should they set a precedent for the new UNEP?

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Which privileges are given MGs and civil society?

- ▣ Major Groups and relevant stakeholders are referred to in 7 paragraphs:
- ▣ Paragraphs 8c; 13; 14; 15; 16; 22 and 24.

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Paragraph 15 is the key

While retaining the intergovernmental character of the forum, major groups and other relevant stakeholders will be allowed:

- (a) To attend all official meetings of the forum;
- (b) To have access to all official information and documents;
- (c) To intervene in official meetings;
- (d) To submit documents and present written and oral contributions;
- (e) To make recommendations;
- (f) To organize side events and round tables, in cooperation with Member States and the Secretariat of the United Nations;

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Paragraph 8

The forum, under the auspices of ECOSOC will conduct regular reviews, (specifies content) that:

- (a) Will be voluntary, will include developed and developing countries, relevant United Nations entities;
- (b) Will be State-led, involving ministerial and other relevant high-level participants;
- (c) Will provide a platform for partnerships, including through the participation of major groups and other relevant stakeholders;
- (d) Will replace the national voluntary presentations held in the context of the annual ministerial-level substantive reviews of the Economic and Social Council, building upon the relevant provisions of General Assembly resolution 61/16 as well as experiences and lessons learned in this context;

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Paragraphs 13 and 14

- ▣ Paragraph 13 is on regional commissions and regional meetings with the involvement of Major Groups
- ▣ Paragraph 14: ... while retaining the *intergovernmental nature* of discussions, and in this regard decides that the forum will be open to the major groups, other relevant stakeholders and entities having received a standing invitation to participate as observers in the General Assembly, building on ... CSD

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Paragraphs 16 and 24

- ▣ Paragraph 16 is about the right to self-organise and include other groups
- ▣ Paragraph 24 is about helping to fund representatives from major groups irrespective of their country

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Agenda setting, paragraph 22

“Requests the President of the General Assembly and the President of the Economic and Social Council to coordinate with the Bureau of the Council and with the bureaux of the relevant committees of the General Assembly to organize the activities of the forum so as to benefit from - *the inputs and advice of the United Nations system, the major groups and other relevant stakeholders, as appropriate;*”

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ABOUT UNEP

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How does all this this comply with existing formalities?

And how does it apply to UNEP?

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Faced with formalities

- ▣ § 71 of the Charter
- ▣ How does ECOSOC influence us
- ▣ What is actually the major groups?
- ▣ Single issue processes vs multiple issues
- ▣ The demand for quality and innovation
- ▣ Specialised Agencies and their precedents
- ▣ Accountability, representativity, facilitation

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Article 71 of the Charter

- ▣ Allows NGOs only!
- ▣ Given an interpretative context in 1950 and further updated in 1968 by ECOSOC and finally in 1996;
- ▣ ECOSOC Res. 1996/31, 25th of July 1996, stating: §16. The provisions of the present resolution shall apply to the United Nations regional commissions and their subsidiary bodies *mutatis mutandis*.

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ECOSOC rules ...

- ▣ 18. A clear distinction is drawn in the Charter of the United Nations *between participation without vote in the deliberations of ECOSOC and the arrangements for consultation*. Under Articles 69 and 70, participation is provided for only in the case of States not members of the

1996 ECOSOC requirements for NGOs

- ▣ 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,

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