UNEP
United Nations Environment Programme

PERSPECTIVES

UNEP AND CIVIL SOCIETY: AN EXCHANGE

A NEW LANDSCAPE FOR STAKEHOLDER ENGAGEMENT IN UNEP?

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1. Introduction

This issue of "Perspectives" presents a discourse between Mark Halle and Felix Dodds on the past and future role of civil society organisations and Major Groups and Stakeholders in the context of the United Nations Environment Programme. It is not meant to give the ultimate answer to how UNEP can best engage with non-state actors but is rather a primer to initiate and enrich a discussion on this topic among interested stakeholders, including in the context of the newly established United Nations Environment Assembly (UNEA). UNEP invites others to comment and to provide further views on this subject by writing to *civil.society@unep.org*.

2. Mark Halle:

When the late Maurice Strong assumed his duties as the first Executive Director of the new United Nations Environment Programme, he had a clear vision for the fledgling organization: one that would break through the confines of traditional bureaucracies and operate in an entirely new manner.

Taking a leaf from John F Kennedy's book, his idea was to gather a small team of "the best and the brightest" to develop bold new ideas and to seed these throughout the UN family, fertilizing these seeds with tactical doses from the Environment Fund[1].

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1   The Environment Fund is the main source of funding for UNEP to implement its Programme of Work and Medium Term Strategy. It leverages Member States' investments into pooled resources to ensure delivery of results of environmental initiatives across national boundaries and specific thematic issues. Contributions are voluntary and all Member States of the United Nations are expected to make adequate and timely payments.

Strong understood that the environment is not a sector of activity, interacting with others such as industry, agriculture, or urban development: it is, instead, an integral part of all of these. As Albert Einstein once said, "the environment is everything that is not me". When environment is viewed as a sector, not only is its reach confined to a limited range, such as pollution or toxic waste, but it becomes the junior partner in relation to all of the other sectors it seeks to influence.

Strong also understood that the environment needs all the friends it can get. He set up an Industry and Environment Office to interact with the private sector and gave space to the Environmental Liaison Centre (ELC) – a mechanism to facilitate the involvement of civil society in UNEP's work – and generally held UNEP open to good ideas wherever they might arise.

Sadly, Strong liked to set things up but not to run them for long and he soon departed in the quest for other creative initiatives. His successor, Mostafa Tolba, took UNEP in a different direction – he focused almost exclusively on governments, orchestrating the creation of a public sector constituency of environmental ministries and agencies. ELC faded and eventually closed down as UNEP fought with its UN sister agencies for influence and funding.

Tolba's successes are undeniable – he can justly be credited with putting in place much of the existing international legal infrastructure on environment, and the growth of UNEP under his 16-year tenure was impressive. However, it is hard not to conclude that he played to a world that has now radically changed, and the hard wall he built between government, business, and the rest of the community has limited UNEP's range ever since.

The Earth Summit in Rio, towards the end of Tolba's tenure, recognized very clearly that integrating environment and development would require the mobilization of the full range of players in government, civil society, and the private sector. Indeed, it cemented in place a very broad definition of who those players were, crystallizing around a set of nine "major groups and stakeholders". Representatives of these nine then reconfigured into an organized movement to interact with UNEP and to channel to it the voice and ideas of civil society. Did this development, now in place for over 20 years, break down the silos and take us back towards Maurice Strong's founding vision?

I will argue that, in its essence, UNEP's current way of engaging with civil society through accredited representatives of the nine Major Groups, and the Global Major Groups and Stakeholders Forum[2] is closer to Tolba's vision and that it is ripe for a reassessment. I will focus principally on the NGO major group, though the comments broadly apply to the others. It is clear that the NGOs wishing to interact with UNEP are self-selecting – they are, overwhelmingly, those whose mandates encompass international cooperation for the environment and address cross-border issues. This is a tiny sub-set of the global NGO community. The vast majority of civil society activity is local or, at most, national, and the vast majority of NGOs have nothing to do with UNEP and do not aspire to, except to the extent that UNEP can give profile to the issues they care about. Only those NGOs seeking to address international environmental issues will have any significant interest in interacting with UNEP especially because, unlike most UN agencies, it is hardly present at the national level.

For internationally-inclined NGOs, there are broadly three approaches to cooperation with UNEP, although variations are possible. **The first is the utilitarian approach.** NGOs have their own missions and goals and, in pursuing these, they might conclude that UNEP can be helpful to them, for example, by pressing the environment ministry in their home country to join an international initiative, or by giving international profile to an issue that corresponds to their own agenda. This form of relationship is not organic and requires no particular organizational structure. Should WWF, for example, wish to link forces with UNEP for a particular purpose, such as reducing the accumulation of plastics in the oceans, then nothing prevents them from

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2   The Global Major Groups and Stakeholders Forum (GMGSF), a two days meeting prior to UNEA, facilitates Major Groups and Stakeholders' participation in the United Nations Environment Assembly (UNEA) of UNEP and associated meetings.I served as main space for Major Groups to get together before UNEA, exchange views, and consolidate their positions. Participation is mainly limited to Major Groups accredited to UNEP.

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suggesting it. And while accredited Major Groups may help to broker the deal, they play no fundamental role.

Furthermore, any NGO that wishes to partner with UNEP in any way that involves contractual obligations and transfers of funding soon encounters another major obstacle – the mind-bending bureaucracy which, as with Gulliver's giant, ties it down. There can be few if any of UNEP's partners who have not lived through traumatic experiences with its bureaucracy. The more reasonable ones understand that UNEP labours under UN-wide administrative systems and that even the Executive Director is powerless to change these or even to make them markedly better. For those who have made several attempts to work with UNEP, it does not take long to find the prospect of having nothing to do with UNEP's contracting and administrative services increasingly attractive. And if the Executive Director can make no dent on this scandal, it is highly unlikely that Major Groups and Stakeholders and its secretariat support can help.

The **second, increasingly common, approach** is for NGOs to ignore UNEP, for which there are many reasons. Many NGOs have their own strengths, budgets, channels of influence, and reputations and do not sincerely believe that UNEP can add much to their arsenal. The Nature Conservancy[3], for example, deploys a budget and staff much larger than UNEP's and does not, frankly, need UNEP to achieve its purpose. Furthermore, many NGOs believe that the governments that make up UNEP's formal constituency are a significant part of the global environmental problem and that UNEP, in accepting the designated government departments as a given, and following the UN culture of *"omertà"* in refusing to engage in any direct, public criticism of them, thereby amplifies this problem. A government department may be clear-cutting large swaths of forest, turning a blind eye to over-fishing, issuing illegal mining licenses, and blithely ignoring its own laws, regulations and international commitments. However, it can sleep peacefully reassured by one certainty – UNEP will not be among the chorus of critics that point a finger at it.

This emasculation of UNEP and – to a considerable extent – all of its intergovernmental peers sets them apart from the environmental NGOs who, in large part, exist because governments are failing to live up to the public trust. For those NGOs that exist to point out and correct public sector shortcomings, UNEP is not only of no help – it is part of the problem.

We all know, of course, that there is a lot UNEP can do indirectly or behind the scenes, and it does indeed do a great deal. UNEP routinely disseminates public information that is awkward for governments and that NGOs can use to good effect. And what the UNEP Executive Director tells ministers in private is, of course, not known. But the overwhelming assessment of activist NGOs is that UNEP should, if anything, be a target, not a partner.

In respect of this second approach chosen by NGOs, it is unclear whether there is much of a role for the platforms civil society use to engage with UNEP, such as the Major Groups and Stakeholders Forum. As a platform for encouraging and organizing UNEP's interaction with NGOs and others, it appears that the Forum cannot do much in the case of NGOs which choose, by and large, not to work with UNEP or which decide that UNEP is to be classed with the enemy.

There is, of course, **the third way:** the route that takes UNEP seriously and seeks to influence both the secretariat and its governance mechanisms. NGOs that follow this route believe in the importance of UNEP strategies and plans and similarly believe that they must find ways to contribute to and secure a place for their ideas and proposals in the decision making structures of UNEP – principally its Governing Council and presumably, now, the new UN Environment Assembly for which UNEP has responsibility. For these NGOs, it makes sense to seek UNEP accreditation and to engage, for instance, in the Major Groups and Stakeholders Forum.

For these NGOs, the central question becomes this: in their effort to reach their goals and fulfil their missions, what is the trade-off between the effort and expense of influencing UNEP and the reward measured in progress towards that mission? NGOs that actively engage with UNEP, seek election to seats in the Major Groups and Stakeholders Facilitating Committee (MGFC),

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3   TNC's expenditures in 2014 were over $800 million, while UNEP's were around $630 million. TNC's staff is many times larger than UNEP's.

and devote days to meeting in conclave prior to major UNEP governing sessions demonstrably believe that there is a reward commensurate with their investment of time and money in the process.

Seen from the outside (and this may well be a partial view), such NGOs aim at influencing UNEP in two ways: seeking space to present their views in the plenary of UNEP's governing bodies; and influencing the language of outcome documents by adding, eliminating, or amending text that would otherwise be adopted. The former – NGO statements – are usually added near to the bottom of formal statements by delegations in plenary or its equivalent (the Committee of the Whole) and, though they may have symbolic value, they have no more significance than the formal statements of minor delegations. These plenary bodies almost never vote because decisions are taken by consensus that is hammered out in group meetings from which NGOs are often excluded. Furthermore, the lobbying of individual delegations by NGOs usually has little practical effect.

As to influencing the language of the outcome documents of the governing bodies, the question is whether such documents carry much weight in terms of what UNEP actually does. It might be convincingly argued that UNEP's impact comes more from the Executive Director's political skills and the projects for which he or she is able to raise funding. In any event, it is likely that the small changes secured by NGOs have little more than symbolic importance.

The question must be asked: "if the stakeholders who collaborate most closely with UNEP are having little influence on the course of UNEP's affairs, how might things be different?"

NGOs represent a veritable force for environmental action, a fact demonstrated repeatedly in many fields, from divestment movements to green trade and the treaty on anti-personnel mines. What we should all, surely, be aiming for is the optimal way for UNEP's impressive force and influence to be combined with the equally impressive force and influence of the NGOs in order genuinely to change reality for the better. In other words, we should be looking to forge partnerships that genuinely represent the optimal combination of forces to reach a given end.

UNEP has, over almost all NGOs, formal access to governments at the highest levels. Furthermore, it represents a gravity and authority to which most NGOs can only aspire. NGOs, in turn, have flexibility and a freedom to tell things as they are, move quickly, and adapt, unencumbered by the deadening weight of the UN's bureaucracy or the political constraints imposed on intergovernmental organizations. They are not obliged to maintain the polite fiction that it is the governments that take all the decisions that count, that allocate priority and funding to global action, or that in some way represent what is acceptable. In important ways, this is no longer the whole truth: in many cases, it is not the truth at all.

In late June 2015, UNEP and IUCN convened the CEOs of major environmental NGOs to discuss new forms of partnership. Interestingly, virtually none of those present places much weight on the Major Groups approach employed by UNEP, nor in general do they devote time or resources to UNEP governance structures. The main question asked at this convening was about imagining what sort of partnership might be of interest, and how it might play out.

What resulted was a clear interest in new partnerships, articulated around clear, time-bound, and specific change targets where a combination of UNEP and NGO partners could achieve what neither could achieve on its own. Examples could include the elimination of subsidies to fossil fuels, a campaign against illegal fishing, or even divestment of coal-related investments. A clear sign of this could be opening up the UNEA to sessions organized jointly by UNEP and its NGO partners.

Evidently, this approach is very far from the "fan club" behaviour of UNEP's Major Groups and Stakeholders. It implies a fresh approach both by UNEP and by the NGOs. It is also, interestingly, a "back to the future" return to the original vision for UNEP crafted by its founder, Maurice Strong, and a recognition that, for all his success, Mostafa Tolba was wedded to a "governments first" vision that has lost its meaning in the 21st century.

Can the NGOs make the change?

3. Felix Dodds:

It is a pleasure to have the opportunity to exchange views on the engagement of stakeholders with UNEP and on what might be a path for the future.

I concur with your initial statements regarding Maurice Strong's vision. Here I underscore what Mark says about UNEP "to develop bold new ideas and to seed them throughout the UN family, fertilizing these seeds with tactical doses from the Environment Fund." I also agree that Mostafa Tolba took UNEP down a different paths where the Environment Fund no longer funded other and programmes to mainstream environment but brought it all under UNEP Agencies and Programmes. It is also interesting, although perhaps not surprising, that Maurice Strong's Deputy for the Earth Summit in 1992, Nitin Desai, who became the Under-Secretary-General for the newly established UN Department of Policy Coordination and Sustainable Development (1993)[4], took a very similar position to Maurice in 1972 when the UN Division for Sustainable Development was set up in 1992: namely, it should be a small division of highly competent people led by the wonderful Joke Waller Hunter in its first few years. The approach to the UN system was also to mainstream the delivery of Agenda 21. This was through assigning responsibilities for different chapters of Agenda 21 to the different UN Agencies and Programmes and then meeting together under the Inter-Agency Committee for Sustainable Development (IACSD). The IACSD's mandate was to identify major policy issues and follow-up to the Earth Summit to ensure effective co-operation and coordination of the UN system in the implementation of Agenda 21.[5]

There is a kind of symmetry with UNEP in that: within 10 years, the IACSD was shut down in the UN reforms of the 1990s; and in the second 10 years of the UN Commission on Sustainable Development (CSD), the UN system reduced its engagement with the body set up to review Agenda 21 implementation and sustainable development like environment became siloes.

But let's return to the main issue here which is what is and should be the engagement strategy of "stakeholders" with UNEP. To answer this, I am going to return to the logic that Maurice had in 1992 for the Major Groups. Prior to 1992, all stakeholders were grouped under the term "NGOs" by the UN system, and if they wanted to differentiate, then it tended to be between the "private sector" and the "others" (now often termed "civil society"). What Maurice and his team very clearly recognised was something that did not speak to the reality of how organizations saw themselves. Not only was that the case, but there was also a great opportunity through Agenda 21 to engage these other sectors of society as a catalyst for implementing Agenda 21. Therefore, similar to empowering different parts of the UN system to help implement Agenda 21, the nine chapters of Agenda 21 could do the same with what we now know to be the Major Groups. What was the result?

Local authorities: Maurice recognised that local and sub-national government could play a significant role. He encouraged local governments to establish ICLEI (Local Governments for Sustainability) in 1990 with 200 local governments convening for the 1st World Congress of Local Governments for a Sustainable Future at the UN headquarters in New York. The first programme of ICLEI, Local Agenda 21, promoted participatory governance and local sustainable development planning[6]. By 2002, there were well over 6,000 local authorities who had developed their own 'local agenda 21s' with the engagement of their local communities.

Workers and trade unions: The trade union movement changed, in many cases, from opposing sustainable development issues to becoming a partner at the workplace and helping companies introduce environmental issues initially through the health and safety lens.

Indigenous Peoples: The Earth Summit significantly increased the space for Indigenous Peoples to engage in the UN. It paved the way for the role they have played – especially in the

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4   In 1997, this was merged with the Department for Development Support and Management Services and the Department for Economic and Social Information and Policy Analysis to form the Department of Economic and Social Affairs.

5   United Nations (2012) Mandate of the Inter-Agency Committee for Sustainable Development. Available online at: https://www.unsceb.org/content/inter-agency-committee-sustainable-development-iacsd.

6   ICLEI (2015) Who is ICLEI? Available online at: http://www.iclei.org/about/who-is-iclei.html.

Convention on Biological Diversity and in the creation of the United Nations Permanent Forum on Indigenous Issues (UNPFII) which is an advisory body to the Economic and Social Council (ECOSOC).

Science and Technology Community: The science community was engaged in the writing of the first Intergovernmental Panel on Climate Change Report (1990). At the same time, it also supported UN preparation for the Earth Summit through the International Council for Scientific Union (ICSU) by helping to write some of the original drafts of the Agenda 21 chapters.

Children and Youth: Designating space for children and youth increased opportunities for the next generation has the chance to challenge the current generation on their pace and perspectives as we move toward a more sustainable way of living on this planet.

Women: In 1991, the Women's Environment and Development Organization (WEDO) was established in preparation for the 1992 Earth Summit, thereby ensuring that a gender perspective was reflected in Agenda 21.

Farmers: A voice for farmers – small farmers, in particular – to ensure that policies on agriculture are in line with a move to sustainable production and finally industry.

Business and Industry: Again, Maurice helped establish what was to become the World Business Council for Sustainable Development (WBCSD) when he invited the Swiss business man Mr. Stephan Schmidheiny to coordinate the participation of the business sector. The Council now represents a constructive business voice in the UN and has developed tools and policies within the business community to address sustainable development.

NGOs: Regarding organizations that Mark focused on above, NGOs are a mixed bag, but the Major Group process has led to some simplification. The process has removed the above sectors, leaving perhaps three groups in its place: advocacy and monitoring NGOs, the implementation NGOs, and think-tank NGOs.

The Major Group approach, having been successful for the United Nations Commission on Sustainable Development (CSD), has also now been applied to the Rio Conventions, the Food and Agriculture Organization (FAO) through the Food Security Committee, and UNEP, to mention a few.

UNEP and Major Groups and Stakeholders (MGS): In 2004, UNEP changed the name of its unit dealing with non-state actors (NGOs and civil society) to Major Groups and Stakeholders, recognising that UNEP may want to engage with a group of stakeholders wider than those covered under Agenda 21. One of the clear advantages of such a "stakeholder approach" is the ability to target work with different stakeholder groups. Toward this end, UNEP has been very successful in organizing targeted events and publications:

Trade Unions: Following the successful organisation of the Trade Union Assembly in 2006, UNEP and the International Labour Foundation for Sustainable Development, in partnership with the International Trade Union Confederation (ITUC), and its affiliates, the International Labour Organization (ILO), and the World Health Organization (WHO), launched a two-year project on "Strengthening trade union participation in international environmental processes". It aimed to improve engagement of workers and trade unions in the development and implementation of environmental policy and was implemented in four regions, namely Africa, Asia and the Pacific, Eastern Europe and Central Asia, and Latin America and the Caribbean. It focuses on topics such as Climate change mitigation and adaptation, and the need for alternative methods of production and just transition; Sound and sustainable management of chemicals and how to integrate just employment into environmental policy design. There have been a number of publications as well as training materials produced with Trade Unions to increase understanding of the role they can play in the workplace including: *Green Jobs: Towards Decent Work in a Sustainable, Low-Carbon World* and the important publication *Labour and the Environment: A Natural Synergy.*

Women: UNEP supported a number of initiatives for female ministers and organizations. For example, the *Women and the Environment* publication exposed gender-related aspects of land, water, and biodiversity conservation and management. UNEP hopes that *Women and the Environment* will inspire the environmental and sustainable development community to better understand the importance of gender and to integrate a gender perspective across all of its work. Meanwhile UNEP has a Gender and Environment mainstreaming programme which is being implemented across all divisions and offices.

Indigenous Peoples: UNEP has a dedicated part-time Focal Point on indigenous issues since 2004 who is the main liaison officer for Indigenous Peoples and on indigenous issues. A specific poliy of engagement with indigenous peoples was endorsed in 2012 by UNEP to guide UNEP's work by supporting staff to understand the synergies and linkages between Indigenous Peoples and the environment, informing decisions in policy development and implementation as well as inspiring potential partnerships. This was followed by the Environmental, Social and Economic Safeguards framework 3 years later introducing a dedicated approach on Indigenous Issues in project related work. The systematic training of staff and application of the policies is yet to be fully implemented though.

UNEP produced *African Indigenous Peoples and the UNEP Green Economy Initiative,* a publication developed through a workshop with African indigenous leaders from nine countries. The workshop goals were to: study the content of the Green Economy Initiative; develop a critical understanding of its recommendations, assumptions, and purpose; articulate a response; and issue a formal statement and response document for submission to UNEP. UNEP in collaboration with IUCN prepared a publication entitled "Pastoralism and the Green Economy: a natural nexus?". The study focuses on pastoralism's current and future potential for securing sustainable management and green economy outcomes from the world's rangelands. The report gives practical examples from different regions and shows the system's inherent characteristics for adaptive sustainability and some of the key opportunities and challenges for promoting development in rangelands.

Children and Youth: For over 10 years, UNEP's support for children and youth was the Tunza programme which developed activities in the areas of capacity building, environmental awareness, and information exchange with a vision to foster a generation of environmentally-conscious citizens who are capable of positive action. Important by-products of this strategy included the annual Tunza International Youth Conference. In the last year, UNEP has evaluated this work in order to take stock of the achievements and challenges and to consider new steps towards adding unique value to the global youth environmental movement, supporting but hopefully not duplicating the efforts of others.

Business and Industry: The Division of Technology, Industry and Economics is the main office that works with business and industry. It also coordinates the work of the Ten-Year Programme on Sustainable Consumption and Production which engages relevant stakeholders.

NGOs: As noted above, there are three groups of NGOs engaged in different ways with UNEP. Many of the think-tanks and more academic NGOs engage with UNEP through the Global Environmental Outlook Reports, UNEP's Division for Early Warning and Assessment (DEWA), or the Major Groups and Stakeholders Branch. Implementing NGOs, such as IUCN and WWF, have projects with different sections of UNEP. Advocacy NGOs will engage with UNEP when they believe UNEP has a focus on their advocacy work: recent examples here include the Super Cop in chemicals in Bali in 2007, the Mercury negotiations which started in 2009, and the Rio+20 process (2009-2012). Around Rio+20, UNEP meetings played a significant role in both of the major areas under negotiations: (a) a green economy in the context of sustainable development poverty eradication; and (b) the institutional framework for sustainable development. For the Sustainable Development Goals, UNEP did not play a significant role nor did it seek to engage stakeholders in the process to the extent it had done for Rio+20: a mistake, I think.

UNEP's mistake to be elitist: As you point out, UNEP and IUCN convened the CEOs of major international NGOs to discuss new forms of partnership. This kind of elitism is not a good way for any UN body to go forward. One of the strengths of a Major Groups and Stakeholders (MGS)

approach is that it enables smaller and, in particular, developing country NGOs and other stakeholders to have a structure they can engage in. If there is a policy discussion, then they do not have to travel to Nairobi, but can engage with it through social media. An approach limited to talking to major international NGOs excludes many organizations and predominately supports northern-based organizations. I was therefore somewhat shocked that this meeting, mentioned by you, happened at all. UNEP does not engage with a larger stakeholder constituency by focusing on big NGOs. It also does not recognise that other stakeholders, as mentioned above, have a vital role to play for UNEP.

The Way Forward: I wanted to comment on the Global Major Groups and Stakeholders Forum (GMGSF) and also add some recommendations from my previous organization, the Stakeholder Forum, which produced a very good report which, unfortunately, was not significantly followed by action.

The **first** suggestion was in the area of Knowledge Management and Internal Communication. We suggested that, for implementation of projects and other activities with partners to be relevant with lasting impacts, UNEP must prioritize and invest in internal knowledge management systems that allow for communication, lesson-learning, and the exchange of best practices among staff and between UNEP divisions. This would enhance the coherence of working with partners across UNEP.

The **second** was that MGS are well-placed to communicate UNEP's valuable work to wider audiences. Too often, UNEP produces high-quality and useful work which lacks a concomitant communication strategy to ensure wide impact. Communication strategies should be drawn up and relevant partners identified at the programmatic concept stage. Emphasis should be placed on tailoring messages to relevant MGS, establishing partnerships with educational institutions to access children and youth, and exploring the role of UNEP National Committees in disseminating information.

The **third** was the critical area of UNEP forming Strategic Partnerships with MGS. Here strategic partnerships should be established at a sub-programmatic level which can then form the over-arching direction for projects and activities. This will avoid the fragmentation inherent in the establishment of hundreds of uncoordinated partnerships across UNEP, and enhance UNEP's impact through aligning partnerships to a clear vision. Strategic implementing partners should further contribute to policy and governance discussions based on their experience and lessons learned.

The **fourth** was enhancing MGS involvement in project preparation at the Country Level. Strategic partners at the country level should be identified through robust stakeholder mapping exercises that consider the role of each of the Major Groups. While the relevance of Major Groups will necessarily vary according to context, it is important for UNEP that a Major Groups "framework" is mainstreamed into the development of strategic and country-level partnerships.

The **fifth,** particularly in light of the SDGs, is for UNEP to develop partnerships with a diverse range of MGS. If an MGS approach is to be mainstreamed into UNEP it is important that there