



Distr.: General  
13 June 2014

English only



**United Nations Environment  
Assembly of the United Nations  
Environment Programme**

**Global Major Groups & Stakeholders Meeting Prior to  
the Open Ended Meeting of the Committee of Permanent  
Representatives**  
Nairobi, 23 March 2014

**Report of the Global Major Groups & Stakeholders Meeting  
Prior to the Open Ended Meeting of the Committee of  
Permanent Representatives**

**I. Opening of the meeting**

1. The first Global Major Groups & Stakeholders Meeting Prior to the Open Ended Meeting of the Committee of Permanent Representatives was held at the headquarters of the United Nations Environment Programme in Nairobi on Sunday, 23 March 2014, one day prior to the first open-ended meeting of the Committee of Permanent Representatives to the United Nations Environment Programme (UNEP).
2. The meeting was opened at 10.15 a.m. by Ms. Norine Kennedy, Co-Chair, Major Groups Facilitating Committee of UNEP. Welcoming participants, she thanked UNEP for the opportunity given to major groups and stakeholders to participate in the open-ended meeting of the Committee of Permanent Representatives and to provide comments on the new UNEP stakeholder engagement policy and other issues under consideration by the Committee. Major groups, regional representatives and stakeholders had agreed on core principles to improve stakeholder involvement in UNEP in the belief that good governance required transparency and giving stakeholders the opportunity to inform the work of UNEP at every stage. The history of UNEP had demonstrated that openness and interaction with stakeholders strengthened its intergovernmental nature.
3. Opening remarks were made by Ms. Julia Pataki, Acting Chair of the Committee of Permanent Representatives; Mr. Alexander Juras, Chief, Major Groups and Stakeholders Unit, UNEP; and Ms. Maggie Comstock, regional representative for North America.
4. In her opening remarks, Ms. Pataki said that dialogue with major groups and stakeholders was essential to the work of the Committee of Permanent Representatives and to the development of environmental policies, and she stressed that the Committee looked forward to hearing the views of major groups and stakeholders on the draft stakeholder engagement policy. She extended a warm welcome to participants and wished them fruitful deliberations.
5. Mr. Juras, speaking on behalf of the Executive Director of UNEP, Mr. Achim Steiner, welcomed participants to UNEP headquarters. He said that the current meeting would help major groups and stakeholders to prepare for the open-ended meeting of the Committee, during which they would be able to provide input on the draft stakeholder engagement policy as well as other important substantive issues, including the post-2015 development agenda and sustainable development goals, the state of the environment, chemicals and waste and the illegal trade in timber and wildlife. He expressed the hope that input from major groups on those and other issues would enhance the outcomes of the open-ended meeting.

6. In her remarks, Ms. Comstock said that regional representatives, who were elected each year as a result of stakeholder consultations within each region, added a regional dimension to the UNEP stakeholder consultations. Together with the major groups and stakeholders they offered a wide range of thematic competencies, substantive contributions and regional diversity to UNEP and the Committee of Permanent Representatives.

## **II. Open-ended meeting of the Committee of Permanent Representatives: its role in a strengthened UNEP and opportunities for stakeholder engagement**

7. A presentation was made by Mr. Jiri Hlavacek, Secretary of Governing Bodies, followed by a question and answer session.

8. In his presentation, Mr. Hlavacek stressed the importance of the first session of the United Nations Environment Assembly not only in setting the Assembly's tone and functioning as the governing body of a UNEP strengthened and upgraded to serve as the leading global authority for the environment but also in furthering the integration of the environmental dimension into the negotiations on the post-2015 development agenda under way at the global, regional and national levels, with a particular emphasis on ensuring that sustainable consumption and production were included among the sustainable development goals. Its success in both those regards would, he said, depend on the outcome of the discussions, especially during the high-level ministerial segment, which, unlike the Global Ministerial Environment Forum, would have decision-making powers, enabling the participating environment ministers to send a powerful message to the world. That, in turn, would depend on the quality and relevance of the draft decisions prepared by the Committee of Permanent Representatives, which would meet once every two years to act as a preparatory committee for sessions of the Assembly.

9. Outlining the mandate of the Committee, as set out in paragraph 9 of Governing Council decision 27/2 of 22 February 2013, he said that the key draft decisions for the first session would focus on, among other things, the Assembly's rules of procedure, linked to the UNEP stakeholder engagement policy; the programme of work and budget; a United Nations system-wide strategy on the environment; capacity-building to enforce the environmental rule of law; the science-policy interface; the sound management of chemicals and waste; water guidelines; the promotion of air quality; and ecosystem adaptation.

10. The Committee would benefit from the active participation of all 193 member States of UNEP, of which 34 of the 97 that had registered to date were not resident in Nairobi. Bearing in mind that the work of the Committee remained an intergovernmental process and that Governments were responsible for the outcome, the major groups and stakeholders would have the opportunity to interact with member States, and they could participate most effectively in the work of setting the agenda through sharing their views on the main environmental challenges, the post-2015 development agenda and the sustainable development goals.

11. In the ensuing discussion, one representative expressed concern that the heavy schedule of high-level meetings on climate change and the post-2015 development agenda taking place before and after the first session of the Environment Assembly might deter environment ministers from coming to Nairobi in June and that the Assembly's second session, in 2016, would happen too late to influence the negotiations on the post-2015 development agenda. Collaboration between UNEP and stakeholders to formulate a strategy to prevent that from happening should therefore be considered a priority.

12. One representative, calling for vigilance to ensure that the major groups and stakeholders had unrestricted access to Committee members, requested clarification on the Environment Assembly's relationships with the Economic and Social Council and the World Trade Organization (WTO), including whether it could override the Council in response to the final report to be submitted to the High-level Political Forum on Sustainable Development and challenge WTO on the issue of illegal trade in wildlife and timber. Another representative asked whether the Environment Assembly could introduce punitive measures against States complicit in that trade and what it could do to promote the environmental rule of law in countries where it was not taken seriously. Another asked whether UNEP had discussed that subject in the context of assisting indigenous peoples in poor countries in the struggle to defend their lands and resources against private-sector corporate interests. One representative asked whether contact groups could be established to work on key items at the open-ended meeting of the Committee, as the major groups and stakeholders might wish to take part in them and in any further discussions during the intersessional period.

13. Mr. Hlavacek, responding to the various questions, said that UNEP was well aware of the busy schedule of high-level meetings in June and July and that it was important to improve coordination with the other processes, and he expressed the hope that environment ministers would respond positively to the Executive Director's letter urging them to prioritize the Assembly's first session so as to allow the ministerial segment to contribute. Meanwhile, member States could consider holding the second session of the Environment Assembly in 2015, which would also bring it into line with United Nations programming and budgeting cycles.

14. On the interlinkages with the Economic and Social Council, he said that the Environment Assembly did indeed have to report to the General Assembly through the Council, but member States would have a chance during the thematic debate at the open-ended Committee meeting to discuss ways of streamlining the relationship and improving cooperation within the United Nations system, including with WTO on the issue of illegal trade in wildlife and timber. Regarding the latter, which was one of the two themes of the ministerial segment, more legally binding measures could be included in the relevant Assembly decision as well as in the session's outcome document, and the secretariat would be ready to assist in an advisory capacity and in organizing discussions on the issue.

15. On the matter of whether UNEP had discussed the concerns of indigenous peoples in the light of the environmental rule of law, he said that those concerns had been addressed in the organization's policy guidance on indigenous peoples, endorsed the previous year,<sup>1</sup> and that ways in which it could reflect them in its activities with other United Nations entities would be considered at two side events during the first session of the Assembly.

16. Regarding the establishment of contact groups at the open-ended meeting of the Committee of Permanent Representatives, he said that it was a matter for the Committee to decide upon, although the Bureau was reluctant to recommend it as the 30 countries with single-member delegations would be excluded from taking part; if it did prove necessary to set up groups to work on items such as the programme of work and budget, however, the secretariat would provide all the support required. The participation of major groups and stakeholders in the groups – as well as in any subsequent intersessional work through to the last Committee meeting before the first session of the Assembly – was also a matter for decision by the member States.

### **III. Stakeholder engagement with UNEP**

#### **A. Draft policy on stakeholder engagement**

17. Ms. Fatou Ndoeye, Major Groups and Stakeholders Unit, presented a draft policy on stakeholder engagement with UNEP, which had been prepared pursuant to UNEP Governing Council decision 27/2 on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development (Rio+20), entitled "The future we want". The draft policy had been developed in consultation with member States with stakeholder input, including through surveys and expert meetings held before the twenty-seventh session of the Governing Council of UNEP. Work conducted since December 2013 included a review and comparison of stakeholder engagement practices and rules of multilateral organizations within the United Nations system and an examination of how UNEP might use them; consultations with stakeholders at the regional level; and a review by the Committee of Permanent Representatives of various draft versions of the policy at three meetings held since January 2014.

18. The mandate to develop a stakeholder engagement policy focused on three issues, namely, a process for the accreditation and participation of stakeholders; mechanisms and rules for expert stakeholder input and advice; and working methods for stakeholder participation in sessions of the United Nations Environment Assembly and its subsidiary organs. Once adopted, the policy was expected to result in an amendment to rule 69 of the UNEP rules of procedure, which enabled international organizations focused on the environment to participate in meetings of the governing bodies of UNEP and left to the discretion of the chairs of those meetings the possibility for them to make oral statements. New features of the draft policy included opening UNEP accreditation to national organizations, which was expected to increase stakeholder ownership and interest in UNEP processes; enabling organizations to propose agenda items; and the possible establishment of a self-organizing stakeholder mechanism to facilitate communication between stakeholders and UNEP, the details of which would be provided in a handbook to be developed by the secretariat in consultation with the major groups and stakeholders.

<sup>1</sup> Available from: [http://www.unep.org/civil-society/Portals/24105/UNEP\\_IPPG\\_Guidance.pdf](http://www.unep.org/civil-society/Portals/24105/UNEP_IPPG_Guidance.pdf).

19. She highlighted a number of issues that remained unresolved owing to a divergence of views among member States, including whether only organizations legally registered at the national level should be accredited to UNEP; whether accreditation should be limited to organizations working on the environment or extended to include those working in the wider field of sustainable development; and whether organizations accredited by multilateral environmental agreements and at Rio+20 should be automatically accredited to UNEP. Also unresolved were whether stakeholders should be able to participate in all meetings or just public meetings and whether categories of meetings where stakeholders could engage should be defined; whether stakeholders should be allowed to submit draft decisions; whether meetings between stakeholders and the bureaux of UNEP governing bodies should be held prior to regular meetings of those bodies; what kinds of documents and information would be shared with stakeholders, which was an issue that an access-to-information policy to be developed by the Executive Director would also address; whether there should be additional categories of stakeholders, for instance those listed in paragraph 43 of “The future we want”; and whether environmental non-governmental organizations should be accorded special status given the nature of UNEP work.

20. At its forthcoming meeting, the open-ended Committee was expected to discuss the rules of procedure of UNEP and to review a proposal by the Group of 77 and China regarding stakeholder accreditation and participation rules. Major groups and stakeholders were therefore encouraged to engage with the Committee during the meeting on both the draft stakeholder engagement policy and the proposed changes to the rules of procedure.

## **B. Open dialogue on stakeholder engagement: common principles and next steps by major groups and stakeholders**

21. In the ensuing discussion, many representatives welcomed the draft policy as a positive step forward for stakeholder participation and offered comments on how to improve or clarify it. One representative said that it tended to mix the rules of procedure with modalities determining how meetings should operate and that the latter should be the prerogative of the secretariat. He cautioned against attempts to define categories of meetings and suggested that a reference be made instead to the progressive rules contained in General Assembly resolution 67/290, on the format and organizational aspects of the high-level political forum on sustainable development.

22. One representative said that the UNEP stakeholder engagement practices were relatively conservative compared to those followed by the United Nations in New York or Geneva and that the reform process should be revolutionary if UNEP was to engage effectively at the global level. He also said that the draft policy no longer made reference to the Commission on Sustainable Development or to the High-level Political Forum into which the Commission had evolved.

23. One representative expressed regret that issues such as participation in agenda setting or stakeholder engagement principles had been removed from the draft policy. She welcomed a shift in the policy’s focus from environment to sustainable development, suggesting that this would be beneficial to both UNEP and stakeholders and make it easier for them to jointly address issues of importance to them.

24. One representative said that the policy should follow applicable United Nations rules on the participation of civil society, including those contained in the United Nations Declaration on the Rights of Indigenous Peoples and applicable under the United Nations Framework Convention on Climate Change, as well as the practices of the Policy Board of the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD) and the Participants Committee of the World Bank’s Forest Carbon Partnership Facility.

25. On the issue of new categories of stakeholders, one representative said that the list of stakeholders referred to in paragraph 43 of “The future we want” was not comprehensive and that creating new groups might lead to future problems. Another said that there was a need to conduct a survey of major groups before creating any new categories and said that it was essential to integrate sustainable development issues into the activities of organizations working on the environment. One representative noted that the non-governmental organizations major group was the largest existing stakeholder group.

26. One representative said that it had been a mistake not to create a major group for environmental non-governmental organizations at the outset, given the nature of UNEP work. Another, noting that the draft policy contained inconsistent definitions of environmental non-governmental organizations, said that it was difficult to define such organizations since many of them worked on the environmental dimension of sustainable development. He urged that reference be made to the “dimensions” rather

than the “pillars” of sustainable development in the draft policy. Another suggested making reference to “environmentally sustainable development”.

27. Regarding accreditation, one representative said that the draft policy should require stakeholder organizations to be not only non-profit but also non-governmental entities in order to be accredited to UNEP. He expressed support for requiring organizations to be legally registered and enabling the participation of stakeholders at all meetings unless otherwise decided. Another representative said that limiting stakeholders to non-governmental organizations would limit the participation of local and subnational authorities. One representative said that no Government could overrule the accreditation rules of the United Nations Economic and Social Council.

28. One representative asked whether rule 69 of the rules of procedure implied that national-level non-governmental organizations, which tended to be smaller and lack a voice, could not participate as observers during UNEP meetings. Another asked whether the rule that enabled Economic and Social Council accredited organizations to obtain immediate UNEP accreditation was reciprocal.

29. Issues raised by individual representatives included the need to address regional-level arrangements in the proposed implementation handbook; the importance of considering the issue of funding for stakeholder engagement; and the need for major groups and stakeholders to coordinate with each other beyond the framework of UNEP.

30. One representative sought clarification on the proposed stakeholder mechanism, while another asked whether accredited organizations could access UNEP project funding. Another said that young people and children were not receiving enough attention or Government support even though they made up the largest part of the global population and were the future handlers of the Earth’s natural resources. He suggested the development of a mechanism through which accredited organizations could create links with young people in schools and universities.

31. Regarding process, one representative said that there was a need to discuss unresolved questions related to the policy and to establish a clear and common position prior to engaging with Governments at the open-ended meeting of the Committee. Another sought clarification regarding the organization of work of the upcoming open-ended meeting and whether separate decisions on the rules of procedure and the draft stakeholder engagement policy would be adopted. One representative suggested that participants in the current meeting agree to request the establishment of a working group during the open-ended Committee meeting to discuss the draft stakeholder engagement policy.

32. Responding to comments, Mr. Juras expressed appreciation for the reminder that UNEP should not fall behind the progressive mechanisms applied in the United Nations, especially given that “The future we want” had called on UNEP to draw on best practices from relevant multilateral institutions. He suggested that UNEP accreditation practices were actually superior to those of the Economic and Social Council, as accreditation to the Economic and Social Council could take up to six years. Ms. Ndoye added that while the UNEP accreditation process built on the Economic and Social Council criteria, the review and approval process at UNEP was managed by the secretariat, whereas at the Economic and Social Council it was in the hands of a committee. One representative said that dealings with the Economic and Social Council were often cumbersome and he clarified that his earlier suggestion had been that paragraph 49 of Economic and Social Council resolution 1996/31 (on the consultative relationship between the United Nations and non-governmental organizations), which did not differentiate between different types of meetings, should represent a minimum standard for UNEP.

33. He said that the proposal to create a new major group for environmental non-governmental organizations had come from civil society and sought to address a current imbalance among major groups. In practice, any organization that did not fit into one of the other major groups fell into the non-governmental organizations category and even though 80 per cent of major groups fell into that category they did not have a stronger voice than groups with considerably fewer members. Regarding apparent inconsistencies in the definition of environmental non-governmental organizations, he said that a reference in the draft policy to a proven track record in environmental issues did not define environmental non-governmental organizations but applied to all organizations.

34. On the stakeholder mechanism, he said that stakeholders should organize themselves and find ways to improve regional-level mechanisms. This could be addressed in the implementation handbook to be developed by the secretariat in consultation with the major groups and stakeholders. Regarding rule 69, even though it had not been amended UNEP participation practices had evolved considerably since its adoption, as demonstrated at the current meeting.

35. With respect to funding, the draft policy stated that a portion of the UNEP budget should be earmarked to support stakeholder participation. The provision was relatively small, however, because some member States were of the view that priority should be accorded to assisting developing

countries given the intergovernmental nature of UNEP. He suggested that stakeholders engage with member States on this issue in the runup to the first session of the Environment Assembly.

36. Concerning the proposal to limit stakeholder participation to public meetings, Ms. Ndoye explained that some member States wanted to maintain the right to convene at very short notice meetings that might or might not be closed.

37. She said that the secretariat had sought to examine best practices for stakeholder engagement in relation to agenda-setting, decision-making and implementation, which were the three issues around which the policy had initially been structured. The secretariat had planned to examine safeguards on the participation of civil society and indigenous peoples in implementation processes such as for the UN-REDD programme, but implementation aspects had since been removed from the draft policy. UNEP was, however, working on its own environmental, social and economic safeguards.

38. Noting that the reference in the policy to the Commission on Sustainable Development had been deleted at the request of some member States, she suggested that it was the collective responsibility of stakeholders and member States to develop innovative approaches not currently reflected in the policy to ensure more active stakeholder engagement with UNEP. In that context, the major groups could engage with the Committee to examine whether a provision similar to that set out in paragraph 15 of General Assembly resolution 67/290, which provided for stakeholder participation in all official meetings of the high-level forum on sustainable development, might be useful.

39. On proposals to request the Committee to establish a working group, Mr. Juras said that some member States would be represented in the open-ended meeting by a single representative and might therefore oppose the convening of parallel sessions. In order to prepare for that eventuality, the major groups might want to draft a statement containing their key messages for the consideration of member States. Ms. Ndoye said that a working group or process might be established to deal with stakeholder participation during the intersessional period and major groups could seek opportunities to participate therein. As for the expected outcomes regarding the rules of procedure and the stakeholder engagement policy, it was envisioned that two draft decisions might be approved for the consideration of the United Nations Environment Assembly at its first session and that, if so, the draft decision on the rules of procedure would make reference to the policy.

#### **IV. Key issues on the agenda of the open-ended meeting of the Committee of Permanent Representatives**

40. The session was facilitated by Mr. Marcos Orellana, co-chair of the Major Groups Facilitating Committee. Presentations were made by Ms. Maryam Niamir-Fuller, Special Advisor to the Executive Director on the post-2015 development agenda and sustainable development goals, and Mr. Arnold Kreilhuber, Legal Officer, Division of Environmental Law and Conventions, UNEP.

##### **A. Sustainable development goals and the post-2015 framework**

41. Ms. Niamir-Fuller gave a presentation on developments relating to the Open Working Group on Sustainable Development Goals of the General Assembly and the ways in which UNEP was supporting the Group's work. She said that the Open Working Group was driven by States Members of the United Nations and was composed of their representatives. As at February 2014, the Group had held eight meetings, in New York, focusing on the development of a set of sustainable development goals, following the agreement in that regard reached at the United Nations Conference on Sustainable Development (Rio+20). Environmental issues had been dealt with at some of the meetings, refocusing the attention of the Group on planetary boundaries, and there had been a strong focus by most Member States on the post-2015 development agenda as a sustainable agenda and on the integration of the economic, social and environmental dimensions of that agenda. Different definitions had emerged, however, of what constituted integration. The ninth meeting of the Group had taken place from 3 to 5 March 2014 and four more meetings were planned with the aim of elaborating the "architecture" of the sustainable development goals, including the number of goals and their targets and indicators.

42. She explained that several key issues remained unresolved. The first was the specific number of focus areas, specifically whether there should be 19, as proposed by the co-chairs of the Open Working Group, and whether the top 10 or 12 should be prioritized. Various views had been expressed on the second unresolved issue: how to address the rule of law, governance, and peace and security. Many Member States saw security as the prime concern of the United Nations Security Council and wanted to separate the objectives of the sustainable development goals from those of the Security Council. The third issue was that of the universality of the sustainable development goals. Some Member States favoured the application of common but differentiated responsibilities, whereas others said that

although the concept was relevant to areas like the environment it was not relevant in areas such as human rights. The final issue that remained unresolved and required further consideration was the means of implementation, including aspects such as finance, technology transfer, capacity-building, access to information, partnerships and institutional reforms.

43. Turning to the contribution of UNEP to the meetings of the Open Working Group, she said that UNEP had been working as part of an inter-agency technical support team and had co-led discussions on five of the focus areas while contributing to discussions on other focus areas. UNEP had recently been working with other United Nations entities on the identification of goals and targets to match the 19 potential focus areas. She urged participants to get involved in a series of e-consultations on the focus areas that had been launched on the UNEP website. She suggested that although the focus areas were comprehensive, their structure did not lend itself to an integrated viewpoint; the achievements of one focus area could contradict those of another, so more work was needed to enhance coherence. Further work was also required on the convergence of the Rio+20 process and the Millennium Development Goals, which should involve discussions with civil society. UNEP had identified around 20 top environmental challenges – directly linked to the social and economic agendas – and had also collaborated with multilateral environmental agreements, in particular in order to ensure that the sustainable development goals did not contradict or duplicate the Millennium Development Goals. She stressed the importance of participation by major groups and stakeholders in the many environmental conferences of the United Nations in 2014, describing the various events as a series of building blocks that could culminate in a change of mindset at the sixty-ninth session of the General Assembly of the United Nations, to be held in September 2014. She underlined the particular significance of the first session of the United Nations Environment Assembly of UNEP, to be held in Nairobi in June 2014, and of the second meeting of the High-level Political Forum on Sustainable Development, to be held in New York from 30 June to 9 July 2014.

44. In the ensuing discussion, several representatives said that UNEP should provide stronger input to the Open Working Group on Sustainable Development Goals. One representative asked whether UNEP would become more involved in the framing of environmental objectives and targets so as to aid the delivery of results in addition to its involvement in the thematic areas being focused on by the Open Working Group. Another representative suggested that too great an emphasis was being placed on economic growth in the work on the sustainable development goals and that UNEP should play a more active role in order to increase the emphasis on environmental issues. She said that she would welcome the engagement of UNEP with different partners, involving a range of expertise and avoiding reliance on the private sector.

45. Another area of interest was the timing of the meetings of the Open Working Group and the first session of the United Nations Environment Assembly of UNEP. One representative suggested that any discussion on the Open Working Group should take place in the following week at the open-ended meeting of the Committee of Permanent Representatives rather than at the first session of the United Nations Environment Assembly. Another representative said that reference to the sustainable development goals should be made in declarations emanating from the first session of the United Nations Environment Assembly of UNEP in June. Lastly, one representative asked how UNEP was linking the climate change agenda to the sustainable development goals.

46. Responding to comments, Ms. Niamir-Fuller elaborated on the role of UNEP in the evolution of the sustainable development goals. She said that UNEP could best contribute by facilitating greater coherence in the ongoing discussions, which were currently taking place in “silos”. The inter-agency technical support team had consolidated all the existing global environmental goals and had submitted them to the Open Working Group, and had also worked on possible targets and indicators pertaining to the sustainable development goals. Referring to the apparent emphasis on economic growth, she stressed that UNEP was focusing on areas such as green employment, natural capital, and sustainable consumption and production, in an effort to demonstrate the linkages between environmental and economic issues. Addressing comments on the timing of the Open Working Group and the first session of the United Nations Environment Assembly, she said that the Group was expected to have elaborated goals and targets as well as information on key controversial areas by June 2014, in time for consideration at the first session of the Environment Assembly. She expressed the hope that the Environment Assembly would be supportive of the Group’s work and suggested that it could focus on the means of implementation of the goals. She acknowledged that the linkage between the climate change agenda and the sustainable development goals needed to be made more apparent; the two processes should, however, be kept separate and have different targets, and if the sustainable development goals were to focus on solutions rather than problems the two processes could be complementary.

47. Two representatives said that although the sustainable development goals should be on the agenda for the first session of the United Nations Environment Assembly of UNEP it would be impracticable to deal with them definitively in any declarations emanating from that session because the negotiations on the goals would not be completed until 2015. Turning to the second meeting of the High-level Political Forum, one representative asked about the degree of UNEP involvement in the review mechanisms of the Forum. He expressed the view that the rule of law extended to human rights and should therefore be incorporated into the sustainable development goals. Another representative said that UNEP needed to build stronger partnerships with a range of organizations, developing policies that were both environmentally and socially sustainable. One representative stressed that in the discussions on the sustainable development goals the fourth pillar – culture – was being overlooked. He asked how sustainable development for indigenous peoples could be promoted without their cultural rights being overlooked.

48. Responding to the comments, Ms. Niamir-Fuller said that both the United Nations Environment Assembly and the High-level Political Forum were at an early stage of their development and needed to be nurtured. She stressed that discussions on the review mechanisms of both forums were continuing and she referred to the possibility, in that context, of developing an “SDG Live”, similar to the “UNEP Live” platform. UNEP was doing as much as it could to integrate the rule of law into the focus areas for the goals as the principles underpinning them could not be achieved without justice. She acknowledged that the cultural dimension of sustainable development was of great importance and that neither culture nor governance had been accorded sufficient attention by the Open Working Group until recently. Cultural issues were relevant to every focus area and she encouraged participants to consider how best to address indigenous peoples’ issues at the indicator level and possibly the target level under every goal, adding that the same approach could be applied to gender issues.

## **B. Environmental rule of law with special focus on illegal trade in wildlife and timber**

49. Introducing his presentation, Mr. Kreilhuber said that the environmental rule of law was important in terms of justice, human rights and sustainable development. Addressing the special focus on illegal trade in wildlife and timber, he said that trade in wildlife had reached crisis levels in many parts of the world, being worth between \$15 and \$20 billion (excluding timber) annually; illegal trade in wildlife and timber was the fourth largest form of transnational organized crime behind trafficking in drugs, humans and arms, and there was increased anecdotal evidence that its revenue was being used by terrorist groups and was fuelling many conflicts. The illegal trade in timber had created a huge loss of revenue for Governments and communities and had huge implications for economic and social well-being; between \$30 million and \$100 billion was lost each year through illegal logging, and organized crime was estimated to be responsible for between 50 and 90 per cent of deforestation in tropical countries. Referring to the scope of UNEP work on illegal trade in wildlife and timber, he outlined three major areas of concern: maintaining and strengthening political momentum; strengthening the environmental rule of law; and awareness-raising and communication. In this context, he anticipated that the forthcoming open-ended meeting of the Committee of Permanent Representatives would result in recommendations to the Environment Assembly on how to deal with the illegal trade in wildlife and timber, which was expected to be the subject of a ministerial dialogue during the Assembly’s first session. A review of the Fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV) would also be considered by the Assembly.

50. He emphasized that the environmental rule of law had a key role to play in sustainable development and drew attention to decision 27/9, in which the Governing Council of UNEP had recognized that the violation of environmental law had the potential to undermine sustainable development and the implementation of agreed environmental goals and objectives at all levels and that the rule of law and effective governance played an essential role in reducing such violations.

51. He noted that decision 27/9 had been the first internationally agreed document establishing the term “environmental rule of law”. The UNEP World Congress on Justice, Governance and Law for Environmental Sustainability, held in June 2012, had highlighted a critical nexus between the rule of law and environmental sustainability in the context of sustainable development and, similarly, participants at Rio+20 had concluded that democracy, good governance and the rule of law were essential for sustainable development. He referred to the constituent elements of the environmental rule of law and gave a brief explanation of each element: adequate and implementable laws; access to justice and information; public participation; accountability; transparency; liability for environmental damage; fair and just enforcement; and human rights. He stressed that the rule of law must always be linked to the three pillars of the United Nations so as to have meaningful content. He expressed the view that public participation, accountability, and using a rights-based approach to decision-making,



would lead to better results in implementing development objectives; in addressing the impact of environmental degradation, in particular for the world's poorest and most vulnerable populations; and in encouraging a green economy and healthy ecosystems as preconditions for poverty reduction.

52. In the ensuing discussion, one representative stressed the importance of the effective implementation of the environmental rule of law to halt the destruction of the environment for the sake of future generations and several representatives drew attention to the lack of enforcement of the environmental rule of law. One representative asked whether UNEP could be accorded police powers to apprehend those violating the human rights of indigenous peoples in particular. Another representative asked if an international decision would support effective enforcement and, in that context, if legislators from all levels of Government could be invited to a symposium on the issue at the first session of the United Nations Environment Assembly of UNEP. Another representative asked for more information on Montevideo Programme IV.

53. Responding to comments, Mr. Kreilhuber recalled that, at its twenty-seventh session, the UNEP Governing Council had requested the Executive Director of UNEP to lead the United Nations system and support national Governments upon their request in the development and implementation of the environmental rule of law. Highlighting the commitment of Governments to the implementation of the environmental rule of law, he said that a report on the implementation of decision 27/9, which had established the environmental rule of law and linked it to the Montevideo Programme IV, would be presented to the Committee of Permanent Representatives at its forthcoming open-ended meeting. A review of the Montevideo Programme IV would engage stakeholders in a year-long process and could also provide an opportunity to develop a fifth Montevideo Programme. Stressing the crucial importance of the right to information, he said that the protection of human rights was linked to access to information; in the face of environmental impacts, the opportunity for legal recourse was key. In this context, he noted that many judges had adopted a progressive stance on the environment and took into account the rights of future generations. Referring to a comment on the possible establishment of a global environmental police force, he said that such an initiative would not fall within the mandate of UNEP; he stressed instead the importance for UNEP of establishing linkages between the environmental rule of law and areas such as social and economic justice.

## V. Open dialogue with the Deputy Executive Director

54. Introducing the dialogue, the Deputy Executive Director of UNEP, Mr. Ibrahim Thiaw, said that the States Members of the United Nations were committed to strengthening the participation of major groups and stakeholders in the United Nations in general and UNEP in particular. He suggested a number of ways in which the latter might best be achieved. First, he said, representatives of major groups and stakeholders should participate actively – in a well-prepared and coordinated manner – in meetings of the Committee of Permanent Representatives and sessions of the United Nations Environment Assembly of UNEP. Second, an intelligent partnership between UNEP and major groups would be beneficial, especially when tackling outreach campaigns. Civil society had greater freedom in terms of what it could say and had access to places that UNEP could not always reach at the grass-roots level of society. Third, with regard to the science-policy interface: once policymakers had identified the areas they needed scientists to address, the major groups could contribute to policy shaping on the basis of the available science. He noted that many of the major groups held a great deal of scientific knowledge and that this should be made available, including to UNEP and through the online platform UNEP Live, whose major function was to collect information and filter it for the use of decision makers. Civil society also had an important role to play in terms of lobbying for and supporting policy implementation.

55. He drew attention to the value of the forums that the United Nations provided, and in particular to the new inclusive United Nations Environment Assembly and its capacity to bring the various sectors concerned with the environment together. Civil society should use the opportunity afforded by its engagement in sessions of the Assembly to take part in constructive dialogue and work towards a shared global outlook. He cautioned against underestimating the key role of civil society in regional environmental forums, in particular given that decisions taken at the regional level were often adopted at the national level. He emphasized that active engagement on the part of civil society would require a great deal of coordination and organization, including to identify how best to engage effectively with the United Nations, and with UNEP in particular, recognizing that major groups comprised diverse bodies that needed to speak with one strong coordinated voice for maximum impact. He urged major groups to contribute in a positive and meaningful way to the challenges posed by the environment and assured them of the support of the secretariat in that regard.

56. In the ensuing discussion, one representative thanked the Executive Director for the excellent support given to the Major Groups Facilitating Committee. She said that the participation in the

United Nations of representatives of business had been extremely worthwhile and their contribution had elicited genuine interest. She highlighted the importance of the design of the science-policy interface to avoid UNEP being overwhelmed with input and said that a focus on specific questions was therefore advisable. Another representative asked how students could play a greater role in increasing awareness of the importance of a sustainable lifestyle. One representative, complimenting the Deputy Executive Director on his eloquent description of civil society, said, however, that civil society should speak with many voices in the light of the many groups it represented.

57. Responding to comments, the Deputy Executive Director agreed that it was helpful to ask specific questions, for example in terms of UNEP engagement with hundreds of partners on the seventh Global Environmental Outlook report. The science-policy interface was a major challenge that would involve not merely the production of one report or process, but the achievement of an integrated global impact assessment involving many partners at every stage. He noted that many of the major challenges facing the world, such as food security and world peace, could be linked to sustainable production and consumption. In the case of food security, close to one billion people went to bed hungry every night despite sufficient food being produced to feed the global population; up to 40 per cent of all food produced in developing countries was lost before it reached the plate; up to one third of the food produced in the world was wasted; and only 40 per cent of the cereals produced globally were consumed by human beings. Food security could be improved if food losses were reduced and some food production was diverted for human consumption. It was important to integrate such issues into education; UNEP was supporting their introduction into the curriculums of universities in particular. He stressed that the civil society should play an enhanced role in encouraging behaviour change to ensure a more sustainable future. He clarified that civil society should not be forced to speak with one voice, but said that unless it presented a coherent view, it would be difficult to communicate its messages to member States; speaking with one voice would make the major groups stronger. He expressed the hope that UNEP could work collectively with the major groups and stakeholders to enhance understanding of environmental issues.

58. One representative, noting that an intelligent partnership between civil society and UNEP would help to multiply their effects, said that many regional offices could benefit from more direction from UNEP. On UNEP Live, he said that he had been searching for timely data that students could incorporate into assignments. Another representative said that on the issue of climate change, developing countries were being asked to change their development model to incorporate renewable sources of energy when their overwhelming priority was to combat poverty, nevertheless, he sought clarification on the optimal development model to follow. It should be borne in mind, he said, that the developed world was largely responsible for climate change. Issues raised by individual representatives included the lack of provision in the UNEP budget for civil society participation, despite the important contribution it had to make and resource constraints it faced; the need for UNEP to focus more on indigenous knowledge and the positive emphasis placed by UNEP on the importance of local government and of robust interactions with different organizations.

59. In response, the Deputy Executive Director said that the capacity of the UNEP regional offices was being strengthened, the UNEP Live platform was intended to provide timely data, and the green economy was an important new development model for developing countries. He said that while economic growth was sound in parts of Africa at present, thanks to a wealth of natural resources on the continent, this growth was not sustainable. Very little processing took place on the continent and so limited economic revenue was generated. The next phase for Africa was industrialization; the question remained as to how to avoid the pollution that had characterized industrialization in others parts of the world. He said that the issue of finance often constrained UNEP efforts in working with developing countries. Some 1,400 partnerships were involved in the implementation of the UNEP programme of work and this would be a good area to focus on. On the question of indigenous knowledge, a critical discussion was required on its link with the science-policy interface. Two issues were of particular relevance: how a scientific peer review of indigenous knowledge could be carried out and how to assure indigenous peoples that their knowledge would not be appropriated by scientists. In closing, he stressed the importance of good coordination with local authorities and underlined the open and inclusive nature of the new United Nations Environment Assembly.

## **VI. Interactive dialogue: stakeholder engagement with Government representatives**

60. The session was facilitated by Ms. Norine Kennedy and comprised presentations by panellists followed by a discussion.

61. The facilitator, introducing the panel of Government representatives from Belgium, speaking on behalf of the European Union, Brazil, Egypt, Kenya, Norway, Romania, Thailand, Uganda and the United States of America, invited them to share their views on how the major groups and stakeholders could enhance and inform the work of the Committee of Permanent Representatives and the United Nations Environment Assembly. The outcome of the present discussion, she said, should be reflected in the new policy on stakeholder engagement at UNEP.

62. Every panellist taking the podium expressed appreciation for the contribution of members of civil society to environmental protection, especially at the grass-roots level where their unique expertise and insight into emerging issues yet to come to the attention of Governments, together with their experience in service delivery and advocacy, were crucial to relevant policymaking and implementation. Two panellists pointed out that civil society participation in those processes had been written into their national constitutions, while another said that it was routinely consulted in her country, at every level of government. One panellist pointed out that the major groups and stakeholders had also helped to render the decisions of UNEP stronger and more legitimate, and another added that their input should be sought not only at sessions of the Environment Assembly and subsidiary body meetings but throughout the intersessional period.

63. At the same time, many panellists stressed that decision-making in UNEP and in the wider United Nations system must ultimately remain an intergovernmental process. One said that some areas were the preserve of Governments, just as government representatives were excluded from some of the discussions at a major stakeholder conference. Another, underscoring the importance of a balanced framework for Government interactions with civil society, said that the process was characterized by transparency and accountability, and that stakeholder participation must not be allowed to erode it. Another panellist urged civil society representatives to recognize that UNEP technical decisions played into a wider geopolitical context in which a democratically elected Government was best placed to represent the interests of its people.

64. Several panellists called for clear accreditation criteria. One, speaking on behalf of a group of countries, cautioned against their politicization, saying that they should be of a strictly technical order and should ensure security at meetings without being overly exclusive. Another said that, in the light of the conclusions of the draft policy on stakeholder engagement at UNEP, appropriate mechanisms for the accreditation and participation – seat allocation, submissions to meetings, funding – of major groups and stakeholders would need to be incorporated into the rules of procedure of both the Assembly and the Committee of Permanent Representatives. Another, however, expressed a reluctance to change the rules, saying that the current system worked well and that the possible introduction of a heavy, politicized, procedure was to be avoided; any improvements to current practices should allow the major groups and stakeholders themselves to decide on their seats and representation at sessions of the Assembly.

65. Several panellists welcomed the draft policy on stakeholder engagement at UNEP, most noting that it remained to be finalized while one said that it was ready to be adopted as it stood. One panellist said that in order to secure broader participation, the final version of the policy should be open enough to include all forms of interaction and dialogue with major groups and stakeholders; in that regard, timely access to relevant information was crucial. Another, speaking on behalf of a group of countries, emphasized the need for meaningful dialogue on the draft policy before it was adopted.

66. In the ensuing discussion, general appreciation was expressed for the panellists' presentations. One representative, supported by another, called for the present dialogue to continue in a contact group the following week, saying that his group was ready to share its experience in grass-roots engagement in the discussions at the United Nations Environment Assembly. Another representative urged the panellists to share their experience of dialogue with the major groups and stakeholders at UNEP with colleagues involved in other intergovernmental environmental processes. Another called for the participation of all the major groups and stakeholders in as many high-level meetings as possible so as to enable them to inform the discussions, inviting Governments, for their part, to attend their meetings in return. One representative, stressing that democratic inclusiveness was crucial to informed participation on the issues under discussion, said that the panel had not properly addressed the global dimensions of threats to the environment and human well-being stemming from, inter alia, economic globalization, the emergence of a global civil society with global public interests to be promoted, and globalized pollution; such issues could not be tackled effectively by a single Government or United Nations entity.

67. Further to the comment that democratically elected Governments were representing – and accountable to – civil society in intergovernmental negotiations, one representative said that the major groups and stakeholders were doing likewise in the current discussions as they, too, had their own

constituencies; they and the Governments both had a moral responsibility to resolve their differences and move forward, working together as a global community. Another representative, in the light of the emphasis placed on the intergovernmental nature of the decision-making process, recalled that neither the principles on stakeholder participation in UNEP presented to the Governing Council at its twenty-seventh session or the Major Groups Facilitating Committee and regional representatives' common statement on the draft policy on stakeholder engagement at UNEP had suggested that non-governmental organizations could replace Governments in that process: the former sought to give civil society a role as partners in the strengthening of UNEP while the latter set out to inform the process so that the resulting decisions were more likely to provide real solutions to the real problems facing humankind.

68. On the question of accreditation, one representative said that indiscriminately accepting the participation of one and all would lead to chaos. Another asked the panellists whether they envisaged a single set of criteria applicable all civil society representatives anywhere in the world or whether they recognized the diversity of different groups in different places at varying levels of development. Another solicited the panel's views as to whether, in the light of migration trends, the criteria should be based not on nationality but on place of domicile.

69. Referring to the draft policy on stakeholder engagement at UNEP, one representative asked whether member States would consider a role for the private sector and another two drew attention to the need to enforce the environment rule of law, especially in regard to natural resources; one stressed that UNEP and member States could and should ensure the full participation of the major groups and stakeholders in ensuring that it was transparent, accessible and inclusive to promote cooperation in implementing the outcome document of the United Nations Conference on Sustainable Development.

70. Responding to the various comments and questions, one panellist expressed appreciation for the complementary nature of the present dialogue, with the Government representatives focusing on the macro level and their civil society counterparts on the micro. Capacity-building to empower the latter in their work on the ground, not least in enforcing the environmental rule of law, would, he said, make a significant difference. Another panellist, while agreeing that civil society's input helped to provide real solutions to real problems, rejected the suggestion that Governments did not see the problems, that they were unrepresentative or that civil society participation was the only way to render the intergovernmental process democratic; the two sides had to work in partnership with, rather than in opposition to, each other. One panellist said that Governments should interact with the major groups at the national level before attending meetings at UNEP, as at that point the perspectives would shift to the global level. Another said that the policy on stakeholder engagement at UNEP, once finalized, would provide a body of acceptable, universal rules for fruitful cooperation.

71. On the question of accreditation criteria, one panellist, speaking on behalf of a group of countries and supported by another, said that it was crucial to bear in mind that different stakeholders faced different challenges when developing a generally applicable rule so as to ensure a meaningful contribution and avoid uneven participation. Another panellist said that the contribution of the private sector in particular, whose representatives were included among the stakeholders identified in paragraph 10.1 of the draft policy document, should also be considered. One panellist said that it was important, in the interest of the broadest participation, for the criteria to be minimal, for non-accredited representatives to have a chance to attend some meetings and for access to the proceedings to be enhanced by means of new mechanisms such as webcasts. Another said that registration was nonetheless a prerequisite for record-keeping and ensuring that national regulations were respected.

## **VII. Closure of the meeting**

72. Ms. Mullenkei said that fruitful discussions held during the current session had prepared major groups and stakeholders for the upcoming open-ended meeting of the Committee. She expressed appreciation for the widespread recognition of the vital role of civil society in the work of UNEP and environmental policy-making and said it was essential for member States and civil society to work as partners to promote sustainable development.

73. Wishing participants successful deliberations at the open-ended meeting of the Committee, she declared the meeting closed at 6.31 p.m.

---