

Annex 1: Main recommendations of the independent group of experts

1. UNEP is not bound by the current 9 Major Groups approach based on Agenda 21 and other sources; in fact, para. 88 of the Rio+20 Outcome Document encouraged UNEP to take a new approach to stakeholder engagement. UNEP policy should ensure meaningful participation in various processes, including agenda setting, decision making/shaping, and implementation. Recent international experiences provide several examples of modern approaches that could increase effectiveness and address some of the systemic flaws in the current practice, such as bias and underrepresentation of some sectors of society.
2. Progressive examples in the UN system focus their stakeholder engagement on affected groups. Civil society engagement is a way to hold governments to account as civil society plays a watchdog role and exercises lobbying power. A third role is technical expertise that governments and UNEP may not have. All three roles have to be acknowledged in any policy to be developed. UNEP is also a special case due to its status as the authority for the global environment. The special status of environmental civil society organizations in this field should be acknowledged as a “fourth role.”
3. A new stakeholder engagement policy has to take into account the reality of UNEP processes and of the situation in Nairobi. The UNEA agenda needs to be focused more on issues likely to attract participants. UNEP can generate strong interest from civil society if civil society can actually shape UNEP’s agenda and be part of global environmental agenda-setting through UNEP. UNEP could hold informal discussions with leaders of the main organizations to see what would help them get more engaged.
4. Experts suggested to adopt the current model of the Committee for World Food Security (CFS), with its Civil Society Mechanism (CSM), taking into account UNEP’s specificities. This model includes two separate mechanisms – one for civil society engagement and one for advisory services; which would respectively correspond to decision-making and expert input and advice in the context of UNEP. UNEP should keep the two bodies/processes separate given the differentiated levels and contexts. There need to be safeguards to prevent politicization of expert input.
5. A new Civil Society Mechanism (CSM) with increased powers of self-organization would be a more effective way of organizing civil society engagement and would replace existing mechanisms including the MGFC. The CSM would remain accountable towards UNEP. The CSM would include representatives of some of the existing major groups system, but would not include business and industry, local governments, or science and technology, which would instead be included in a new and separate Advisory Body (see below). By abandoning the Major Groups system, the remaining “groups” lose their justification, so there is a need to establish

abstract criteria and to start again on what is workable taking into account costs. The inclusion of additional constituencies (such as consumers, elderly, disabled, religious societies, etc.) should be left up to civil society.

6. Constituencies should be chosen on the basis of certain criteria, based on principles and criteria for self-organization:
 - a. Adequate regional representation;
 - b. Space for representations of constituencies;
 - c. Space for local government and business to organize their own space (science TBD);
 - d. Members of the committee should reflect plurality, gender, age etc. geographical balance.
7. The principles should first and foremost include attention to constituencies of people most affected, as well as the non-regression principle.
8. The UNEP CSM at first would not be entirely self-organizing as in the case of the CSM under the CFS. This is due to the fact that the CFS CSM was self-driven by civil society, while the UNEP CSM will be driven by UNEP at least at the outset. Consequently, some accreditation standards will continue to be applied by UNEP as a means of exercising due diligence and ensuring that the interests of those most affected are well catered for. It remained an open question whether UNEP should write rules of procedure for these processes or whether it should be left up to the autonomy of civil society.
9. However, current accreditation criteria present challenges to the inclusion of important groups and organizations within civil society and should be changed. The requirement that an organization be international (i.e., active in more than one country) should be eliminated. The requirement that an organization be legally registered should be eliminated. Accreditation should not be a barrier to inclusion of peoples' organizations and social movements.
10. On the other hand, interest in the environment could be a criterion that UNEP employs, after further definition, to identify Environmental Civil Society Organizations (ECSOs). In accordance with UNEP's mandate as the UN body with authority over the global environment, ECSOs should have a higher status within the CSM. One of the roles of ECSOs could be to carry out the self-organizing components of the CSM.
11. Civil society will likely have more impact on UNEP through an open-ended CPR than through UNEA. The CSM should be engaged through CPR as well as through UNEA. It is necessary to institutionalize expert input into agenda-setting. Civil society needs opportunities to have access to draft decisions and to comment on them. Participation and access to information are required in drafting processes, including small, informal meetings but more is needed to be done to open the structures to peoples organizations and social movements to bring info on the

ground about how UNEP's work affects local communities. The practice to give civil society a brief opportunity to speak at the end of the discussion should be changed. UNEP should adopt guidance for chairs for the inclusion of civil society and the associated speaking rights.

12. Within a new CSM, the regional focal point system should be revised to include both thematic focal points as well as regional ones. Dealing with different levels (national, regional, local) would not be necessary when talking about affected people, because those issues would come together. The focus should be on sub-regional levels and on diversity. A set of regional FPs and constituent FPs in one body would be responsible for rules of accreditation, procedures (filling seats etc.), budgets and allocations, managing a trust fund, and establishing thematic working groups for preparation. This structure should "flatten the layers" and be facilitated via email and social media to determine what the groups/organizations want. The ROP should cater for a regional structure with an appropriate regional representation and participation.
13. The themes could change based on UNEP's 7 themes, such as biodiversity, and therefore would not be based on the MGs anymore. This approach would be less complex, and would eliminate the "silent voice" problem. A CSM would work together with the Advisory Body to prepare and identify issues that should be on the UNEA agenda.
14. In UNEA, CPR etc. the number of seats allocated to the CSM to fill could vary, within the three main areas of decision making, agenda setting, and implementation. The Expert Group considered a good model would be to allocate seats at a ratio of 1-5-1 for business – CSM – local governments. Science would not be included in this model but would provide input through the new advisory mechanism outside of political discussions. Science would have this differentiated treatment because it has already several channels for scientific input and advice, e.g. Foresight process, GEO process, International Resource Panel, etc. For implementation, local governments are a major partner and therefore might have an enhanced presence.
15. The Advisory Body (AB) will be a complementary institution giving advice and technical expertise in the form of recommendations to UN processes. AB members would be chosen by self-organizing caucuses. Research institutes will also have a seat there. 10-12 seats will be distributed among all stakeholders including other UN agencies as a way to increase cooperation within the UN and avoid fragmentation. Stakeholder input could be handled as special expertise, e.g., local knowledge, NGO expertise (public involvement expertise), etc.
16. UNEP's rules of procedure should be amended to correspond to the new stakeholder engagement mechanisms.

A copy of the expert group report is attached to this document. On November 11, on occasion of an informal meeting, the main findings of the report will be communicated to the CPR by the rapporteur to the expert group.