

Written Statement of UN Environment for the thematic session on promoting the principles of the Aarhus Convention in International Forums

**22th meeting of the Working Group of the Parties to the Aarhus Convention
(19-21 June 2018)**

Prepared by UN Environment, April 16, 2018

1. Status of UN Environment's Access-to-Information Policy

The Governing Council of UN Environment, at its twenty-seventh and first universal session held in February 2013, decided in Paragraph 17 of decision 27/2 to enhance transparency and openness in its work, and in this regard requested the UNEP Executive Director to establish a written Access-to-Information Policy.

On January 28, 2016, the Executive Director of UN Environment established the new policy (see: <https://goo.gl/y5tUhc>).

Subsequently to the establishment of the policy, UN Environment developed standard operating procedures to the policy that further specify the application of the policy and in-house responsibilities.

For the purpose of requesting information from UN Environment, an Access-to-Information Desk was established:

Post Office Mail:
Access-to-Information Desk
United Nations Environment Programme
Address: P.O. Box 30552, Nairobi 00100, Kenya
Phone: +254 20 7621234
Email: unepinfo@un.org

The number of requests received through this desk since it was established remains to be rather modest. A reason for this is that most information held by UN Environment is accessible during the organization's website.

2. Stakeholder Engagement Policy

In response to "The Future We Want" (Paragraph 88h) and decision 27/2 of UN Environment's Governing Council at its first universal session in February 2013, UN Environment had put in place a process of developing a new Stakeholder Engagement Policy, for endorsement by the

United Nations Environment Assembly (UNEA). No conclusion was reached by member states so far, neither during the 2014, nor the 2016 session of the Environment Assembly. During the third session of the Assembly, held in 2017, no new text of the policy was tabled.

While a new Stakeholder Engagement Policy was not formally agreed upon by Member States or adopted by the Executive Director, the United Nations Environment Programme has made significant efforts to reflect in its day to day relationships with Major Groups the spirit of the Rio +20 outcome document and those elements of the draft stakeholder engagement policy that Member States agreed upon during the discussions on a new Stakeholder Engagement Policy.

The United Nations Environment Programme's current Stakeholder Engagement Policy has the following *new* elements that reflect best practices in United Nations inter-governmental bodies:

- While respecting the inter-governmental nature of the process, representatives of Major Groups and Stakeholder accredited to the United Nations Environment Programme may participate in all public meetings of the Committee of Permanent Representatives, including Subcommittee meetings, briefings, etc. In such meetings, they can make oral statements, including via video connection.
- Representatives of Major Groups and Stakeholders accredited to the United Nations Environment Programme can provide written and oral input to all deliberations of the United Nations Environment Assembly and its Subsidiary Organs, including to working groups. These statements are distributed by the Secretariat to Member States and are uploaded on the relevant websites for consideration by other stakeholders.
- Representatives of Major Groups and Stakeholders accredited to the United Nations Environment Programme have access to information relevant to the work of the Governing Bodies. This information is distributed to Member States and at the same time to accredited organizations. Furthermore, they may request access to the Committee of Permanent Representatives website and portals.
- Organizations working in the environment *and/or sustainable development* and that meet the other accreditation criteria will be granted accreditation.
- The granting of consultative status to a non-governmental organization by the United Nations Economic and Social Council (ECOSOC) is considered as evidence of having an international scope of work but does not replace the need to apply for a separate UNEA accreditation as organizations have to work in environment/sustainable development.
- Working with international partners, including from the United Nations, is considered as sufficient international scope of work to meet the related accreditation criteria. NGOs do not necessarily have to prove that they have a physical presence (e.g. an office) in more than one country. In practice, this means that organizations with a mainly national scope of operations can be considered for accreditation.

- Organizations from a country that does not require formal registration to make an organization a *legal entity* within that country are not required to provide a certificate of formal registration to obtain accreditation.

Furthermore, the United Nations Environment Programme continues to have a dedicated unit (Civil Society Unit) within its Governance Affairs Office to facilitate the engagement of Major Groups and Stakeholders, including by providing financial support to participate in meetings and events (see: <http://web.unep.org/about/majorgroups/>). This unit is financed by UN Environment's Environment Fund and the regular budget.

The United Nations Environment Programme recently created the Private Sector Unit within its Governance Affairs Office to enhance the relationship of the organization with the private sector.

In the daily application of the current rules and practices for stakeholder engagement, UN Environment still faces the problem that existing opportunities for participation and engagement are not fully utilized by civil society actors, who seem to mainly focus on major meetings such as the Environment Assembly. For instance, draft working documents of UN Environment's Committee of Permanent Representatives are shared with Major Groups for input, at the same time when Member States receive these documents. Still, response and input from Major Groups on these documents remain the exception.

Overall it can be stated that the United Nations Environment Programme currently has all mechanisms in place that represent a modern, open, transparent and participatory approach towards engagement of Major Groups and Stakeholders, reflecting best practices in multi-lateral institutions. Thus, it can be stated that UN Environment has implemented the Paragraph 88h of the Rio + 20 outcome document to the furthest extent possible.

A detailed report on the status of UN Environment's Stakeholder Engagement Policy will be presented to the 2019 session of the UN Environment Assembly, to be held in March 2019 in Nairobi, Kenya.

3. Participation of Major Groups and Stakeholders in the United Nations Environment Assembly

Participation of Major Groups and Stakeholders on the United Nations Environment Assembly is governed by Rule 70 of the Rules of Procedures of the United Nations Environment Assembly which is operationalized by UN Environment's Stakeholder Engagement Handbook (see: <https://goo.gl/gfrA6y>). An updated version of this Handbook is currently under preparation.

The third session of the United Nations Environment Assembly, held in December 2017, saw the record participation of over 400 representatives of Major Groups and Stakeholders, even though UN Environment was not able to provide financial support for travel, equivalent to previous

sessions of the Assembly. The results of a survey done among Major Groups after the Assembly can be found under: <https://goo.gl/mK41wD>.

Almost 400 representatives from Business and Industry registered for the Assembly. They mostly participated in the events described below. A report on private sector engagement during the 2017 Assembly can be found under: <https://goo.gl/4xuXHK>.

The representatives of accredited organizations participated actively in all segments of the Assembly, by providing written and oral input to the deliberations of member states. A multi-stakeholder dialogue during the high-level segment of the agenda provided a unique opportunity for dialogue between Major Groups and high-level decision makers (for more information see: <https://goo.gl/Zvcq1h>).

In addition to the official sessions of the 2017 Assembly, the following main events took place that provided opportunities for non-governmental stakeholders to engage with decision makers:

- 27-28 November 2017: Global Major Groups and Stakeholders Forum, which facilitated the participation of civil society in the Environment Assembly and associated meetings. For more information see: <https://goo.gl/c5WB2P>
- 29 November - 1 December 2017: The third open-ended meeting of the Committee of Permanent Representatives
- 2 - 3 December 2017: UN Global Science-Policy-Business Forum on the Environment: “Science for Green Solutions”
- 3-6 December 2107: The Sustainable Innovation Expo

4. New UN Environment Policy for Promoting Greater Protection for Environmental Defenders and the Environmental Rights Initiative

UN Environment has issued a new policy that promotes greater protection for individuals and groups who are defending their environmental rights. The policy identifies solutions to mitigate the abuse of environmental rights which affects a growing number of people in many parts of the world, thus contributing to access to justice in environmental matters.

Through this policy, UN Environment will:

Contribute to ending the threats, restrictions and violence against environmental defenders;

Assist States to address crucial issues related to environmental rights, and encourage States to recognize and support the role of ordinary citizens in environmental protection, and indigenous peoples and local communities;

Respond directly to the three pillars of the UN, and the Secretary General’s priorities on peace and security, development, and human rights, as well as the UN System-Wide

Action Plan for coherent implementation of the UN Declaration on the Rights of Indigenous Peoples;

Support the implementation of and adherence to the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

Promote the critical role of the rule of law in environmental matters; and

Encourage initiatives in the public, non-governmental and private sectors with the aim of ensuring greater respect and support for the rights of environmental defenders.

In addition, UN Environment will continue to align itself and work with judges around the world to develop and implement environmental constitutional provisions that will secure environmental rights.

UN Environment is also largely encouraging civil society groups, faith-based organizations, law and policy makers, judges, prosecutors, national human rights institutions, regional human rights organizations, and regular citizens, including women environmental defenders, indigenous and local communities and their leaders, to be at the core of this initiative.

More information and the text of the policy can be found under: <https://goo.gl/Lo4B2c>.

The **Environmental Rights Initiative** was launched by UN Environment on March 6, 2018 and it represents the next phase of UN Environment's work on human rights and the environment. It will build on the outcomes of its past projects as well as key UN Environment Assembly and Human Rights Council resolutions.

Through the Environmental Rights Initiative UN Environment will:

Work with governments to strengthen institutional capacities to develop and implement policy and legal frameworks that protect environmental rights effectively and inclusively;

Engage with businesses to help them to better understand what their environmental rights obligations are, and to provide guidance on how to move from a compliance culture to championing environmental rights;

Support civil society organizations and vulnerable populations in their efforts to access information on their environmental rights and to shine a spotlight on environmental rights violations;

Collaborate with media on the training of journalists on issues related to environmental rights and environmental defenders.

For more information on the Environmental Rights Initiative see:

www.environmentalrightsinitiative.org.

Contact: Alexander Juras, Chief Civil Society Unit, UN Environment, alexander.juras@un.org