

Summit tourism or meaningful involvement?



Strengthening civil society participation in UN processes on sustainable development



Forum for Utvikling og Miljø

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Executive summary

The 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro paved the way for increased participation from non-government actors in international efforts to promote sustainable development. 20 years after the first Rio conference, the outcome of the Rio+20 summit in 2012 now opens the door to a new discussion on how civil society participation may be strengthened.

This report aims to provide a starting point for discussions among civil society organizations as well as governments about how the full and effective participation of civil society can be ensured in all international processes related to sustainable development. It contains a summary of experiences and views expressed by representatives of Norwegian civil society organizations, and presents a number of findings and recommendations for the Norwegian government based on these views.

The contents of the report are primarily based on the input provided by the workshop "Conference tourism or real influence?" organized by the Norwegian Forum for Environment and Development (ForUM) on December 13, 2012 in Oslo, in addition to background material prepared for the workshop as well as supplementary interviews.

Civil society participation - why and how?

Civil society is a broad and diverse category, including not only traditional non-governmental organizations (NGOs), but also social movements and trade unions, religious groups and community organizations. Civil society should therefore be seen not as a single actor with a unified set of goals, but as a diverse group of actors with different concerns, goals and strategies. The reason why these actors should be brought into the processes of international efforts for sustainable development is not that they represent particular views, but rather to increase the quality of decision-making and implementation, as well as the transparency and legitimacy of these processes.

The Rio Declaration of Environment and Development, adopted at the 1992 UNCED conference, highlighted the fundamental value of public participation in decisions that affect the environment. The emphasis that the declaration placed on civil society participation followed from a realization that sustainable development was not something that could be achieved through government action alone. All parts of society would have to play its part, and should consequently have the opportunity to participate directly in related policy processes.

20 years after the UNCED conference, the Rio+20 conference was held in Rio de Janeiro, Brazil, last year. The Rio+20 declaration reaffirms the importance of the sustainable development partnership between governments and civil society (as well as the private sector) that was outlined in the original Rio declaration of 1992. The declaration's combination of a strong emphasis of a continued central role for civil society, and its setting up of new processes that will require modalities for civil society participation to be worked out, opens the door to a discussion on how to strengthen the engagement from civil society actors in international sustainable development efforts.

One of the areas in which the Rio+20 declaration explicitly opens up a discussion on increased civil society participation is in the governance processes of the United Nations Environment Programme (UNEP). How this discussion will be taken forward is likely to be addressed at the UNEP Governing Council meeting in Nairobi in February 2013.

Experiences and findings

In the 20 years since the 1992 Rio Summit, Norwegian civil society has been actively participating in a number of UN and other international processes related to sustainable development. During this time, there has been a broad and growing consensus that the full participation of civil so-

ciety is essential to efforts to promote sustainable development. However, UN bodies and processes related to sustainable development do not have a coordinated or unified approach to civil society participation. There are large variations over time and between processes as to how participation is ensured. This poses risks and makes the system less predictable for civil society actors.

"UN bodies and processes related to sustainable development do not have a coordinated or unified approach to civil society participation."

Most if not all organizations participating in the December 13 workshop underlined the importance of being able to be present in as many meetings as possible, in order to get a good picture of government positions and to effectively contribute expertise and influence outcomes. Transparency in the negotiation process is seen as important both for the content and the legitimacy of negotiated outcomes.

For civil society organizations, participation in international processes happens at two levels, an international level, which is regulated by the rules and procedures of the UN body in question, and a national level, which is being controlled by the national government. The terms of engagement at both levels are important to an organization's ability to participate effectively.

In line with this, the ability to interact with government delegations was seen as a very important topic. Most organizations emphasized that the relationship between civil society groups working on a specific international process and their national government (in this case, the Norwegian government) should not be limited to the international meetings, but should span preparations as well as follow-up work. Meaningful involvement should be seen as an ongoing, year-round process, rather than just a "box to be ticked" prior to an international summit.

The Norwegian government is generally seen as being open towards civil society organizations. There is however no unified approach or strategy on civil society participation, and in some processes participation is not encouraged. The way in which the Norwegian government includes civil society in particular processes varies greatly between and even within This report is written on behalf of The Norwegian Forum for and Environment Development (ForUM). It documents the workshop "Conference tourism or real influence?" ("Konferanseturisme eller reell påvirkning?") held 13 December 2012 in Oslo, Norway, as well as information provided through background papers and interviews. The seminar as well as the report aim to elaborate on civil society participation in UNEP and other UN processes related to sustainable development post Rio+20.

The project was funded by the Norwegian Ministry of the Environment.

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CDD	
CBD	UN Convention on Biological Diversity
CFS	Committee on World Food Security
CICERO	Centre for International Cli- mate and Energy Research –
CSD	Oslo UN Commission on Sustain- able Development
CSO	Civil Society Organization
ECOSOC	UN Economic and Social Council
FAO	Food and Agriculture Organi-
ForUM	zation of the UN Forum for Environment and
FOKUS	Development (Forum for Ut- vikling og Miljø). Umbrella organization for 52 environ- ment/development NGOs Forum for Women and Deve- lopment (Forum for Kvin- ner og Utviklingsspørsmål). A knowledge and resource
	centre and umbrella organiza- tion for 74 women and gender NGOs
FOEN	Friends of the Earth Norway (Naturvernforbundet)
IMO	International Maritime Orga-
LMD	nization Norwegian Ministry of Agri- culture and Food (Landbruks-
LNU	og Matdepartementet) Norwegian Youth Coun- cil (Landsrådet for Norske
	Barne- og Ungdomsorganisa- sjoner).Umbrella organization
MD	for 97 children/youth NGOs Norwegian Ministry of the En vironment(Miljøverndeparte
NGO	mentet) Non-Governmental Organi-
NU	zation Young Friends of the Earth
	Norway (Natur og Ungdom), the independent youth branch of FOEN
UD	Norwegian Ministry of For- eign Affairs (Utenriksdeparte- mentet)
UN	United Nations
UNCCD	UN Convention to Combat
UNCED	Desertification UN Conference on Environ- ment and Development (Rio
	1992)
UNEP UNECCC	UN Environment Programme UN Framework Convention
	on Climate Change
UPOV	International Union for the Protection of New Varieties of
WWF	Plants In the context of this report, WWF refers to WWF-Norway

ministries. This includes the terms and expectations related to civil society representatives being part of government delegations.

In order to effectively participate in international conferences, civil society organizations needs opportunities to coordinate with each other ahead of as well as in between meetings. Strong civil society coordination is seen as an advantage, but civil society is by nature diverse, and a requirement that civil society speaks with one voice will therefore not enable their full and effective participation.

Allowing the different segments of civil society to organize autonomously, including setting the terms of their coordination and self-select any representatives that may speak on their behalf, is generally seen as important. Although in some cases business and private sector interest groups are seen as one segment of civil society, in other cases they are treated as distinct from civil society organizations. Maintaining this distinction is preferred by most organizations.

Some ministries and government agencies make funding available for civil society participation in these processes, but the practices vary and the way in which support is being granted is not always transparent. Effectively participating in international processes requires long-term planning and resources. This means that long-term funding should be available for as many processes as possible.

Recommendations

On the level of process, experience indicates that mechanisms for civil society involvement are most effective and legitimate when they are designed in a participatory manner. This leads us to recommend that

- The Norwegian government should establish a working group with broad participation from all segments of civil society as well as relevant ministries, to form Norway's position on how the processes that were initiated by the Rio+20 declaration could be used to improve civil society participation in processes pertaining to environment and sustainable development; and that
- This working group should also be mandated to recommend an overall strategic approach to the Norwegian government's own efforts for civil society participation.

Based on the input received in the preparation of this report, we further outline a number of principles and specific measures that seems to have broad support among civil society actors, and that should therefore be considered through the suggested working group process:

• The Norwegian government's position on civil society participation in UNEP and similar fora should be based on a "pick-and-choose" approach in which best practices from different UN bodies and processes on different issues of participation are combined, in order to set a new standard and bring the issue of civil society participation forward.

- In UNEP and similar fora, Norway should seek to ensure maximum direct participation of civil society in political processes, including presence at meetings and opportunities for participating directly in deliberations. A model for this could be the Civil Society Mechanism of the Committee on World Food Security (CFS).
- The Norwegian government should designate a contact person for civil society engagement with each relevant international process. This would make participation throughout the process easier, and civil society's possibilities for contributing their input and views clearer.
- The terms of participation in government delegations should be made clear, in a way that ensures meaningful participation on all levels for civil society representatives participating in such delegations.

"The terms of participation in government delegations should be made clear, in a way that ensures meaningful participation on all levels for civil society representatives in such delegations."

Civil society participation on the agenda after Rio

The 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro paved the way for increased participation from non-government actors in international efforts to promote sustainable development. One of the most lasting effects of the Rio summit is probably how the idea of including civil society directly in policy development and implementation has gained ground at the international level – in UN and other intergovernmental processes – as well as at the national level in many countries.

20 years after the first Rio conference, the outcome of the Rio+20 summit in 2012 now opens the door to a new discussion on how civil society participation may be strengthened. This report aims to provide a starting point for discussions among civil society organizations as well as governments about how the full and effective participation of civil society can be ensured in all UN processes related to sustainable development. It contains a summary of experiences and views expressed by representatives of Norwegian civil society organizations, and presents a number of findings and recommendations for the Norwegian government based on these views.

The following chapter is intended to provide the context of the report, by way of a brief background on civil society participation in sustainable development related processes, the Norwegian government's approach to the issue, and a more detailed description of the report's mandate and methodology. First of all, however, it is necessary with an attempt to clarify the meaning of the term 'civil society'.

What is civil society?

By definition, civil society is a broad and diverse category, encompassing much more than traditional non-governmental organizations (NGOs). Social movements, trade unions, religious groups and community organizations all form part of civil society in the broad sense. The UNCED conference in 1992 recognized nine 'major groups' as important constituencies of civil society (Otto 1996):

- Business and industry
- Children and youth
- Farmers

- Indigenous Peoples and their communities
- Local authorities
- Non-governmental organizations
- The scientific community
- Women
- Workers and trade unions

Other UN fora and processes may differ in the way they distinguish between different segments of civil society. One aspect where variations exist is the delineation between business and private-sector interest groups on the one hand, and not-for-profit civil society organizations (CSOs) on the other. UNCED treated business and industry as one of the major groups within civil society. The civil society mechanism of the Commission on World Food Security (CFS), on the other hand, defines civil society as something which does not include business associations or for-profit actors (FAO 2010). The latter seems to be more in line with how civil society is traditionally conceptualized from the twentieth century onward (Kaldor 2003). Another aspect where practices might vary is related to the fact that some constituencies might not be easily placed within any of the nine major groups as defined by UNCED, such as people with disabilities or religious communities (McKeon 2012).

Regardless of the precise categorization of segments within civil society, it is important to see civil society not as a single actor with a unified set of goals, but rather as a diverse group of actors with different concerns, goals and strategies. The reason why these social groups should be (and has been) brought into the deliberative and decision-making processes of international efforts for sustainable development is not that they represent one particular point of view, but rather to increase the quality of decision-making and implementation by informing the discussion and increasing the pool of available knowledge.

Civil society from Rio 1992 until today

The Rio Declaration of Environment and Development, adopted at the 1992 UNCED conference, highlighted the fundamental value of public participation in decisions that affect the environment. Principle 10 of the declaration states that "all concerned citizens" should have appropriate access to information as well as the opportunity to participate in decision-making processes on all relevant levels (UN 1992).

The emphasis that the declaration placed on civil society participation followed from a realization that sustainable development was not something that could be achieved through government action alone. All parts of society would have to play its part, and should consequently have the opportunity to participate directly in related policy processes. It also followed from a growing sense of an already existing and actively participating global civil society, which was in particular visible in the process towards the 1992 UNCED conference itself (Lipschutz 1992).

There are many reasons why the active participation of civil society has been considered particularly crucial to efforts to promote sustainable development by national and international authorities alike. Issues of environment and development are of a global nature, and will therefore to a large extent have to be addressed through international processes prone to deficiencies in legitimacy and democratic oversight. Broad participation by non-state actors offers a potential remedy to these deficiencies by acting as a 'two-way transmission belt' (Steffek and Nanz 2007) – giving voice to citizens' concerns and channelling them into the multilateral process, as well as making the processes more transparent and bringing the results back to the citizens.

The UNCED process paved the way for increased civil society participation on many levels. Civil society organizations accredited to participate in Rio were later granted access to other UN fora such as ECOSOC and the newly established Commision on Sustainable Development (CSD). Civil society was also made an 'indispensable' part of the national implementation of the Agenda 21 programme, adopted at UNCED, in many countries (Otto 1996). Overall, it could be said that one of the most lasting contributions of the UNCED summit in Rio 1992 has been the way it contributed to mainstreaming civil society participation in decision-making processes over the following decades (Strandenæs 2012b).

After Rio+20 - now what?

20 years after the UNCED conference, the Rio+20 conference was held in Rio de Janeiro, Brazil, last year. Building on the practices of civil society participation pioneered by the original Rio conference in 1992, the outcome document of the conference was prepared in a process open to input from all civil society organizations. More than 6,000 pages of text proposals and input was received in the process, most of which came from civil society groups (Strandenæs 2012b).

The participatory process did however not result in strong civil society support for the outcome of the conference, a declaration named "The Future We Want" (the NGO network Climate Action Network International, for example, labelled the outcome of Rio+20 an "epic failure"; see CAN 2012). The declaration does however reaffirm the importance of the sustainable development partnership between governments and civil society (as well as the private sector) that was outlined in the original Rio declaration of 1992. Reference is made to civil society in the chapters on Green Economy, on the new Sustainable Development Goals, and the chapters on implementation, among others.

A number of new processes to strengthen international efforts toward sustainable development were launched as part of the Rio+20 declaration. Notably, a new 'high-level political forum' is to be established, to replace the existing Commission on Sustainable Development (CSD). The United Nations Environment Programme (UNEP) is also to be strengthened (see the next section for further information). The establishment of new institutional arrangements is likely to lead to discussions on how civil society involvement may best be ensured within the new structures.

In this way, the Rio+20 declaration opens the door to a discussion on how to strengthen the engagement from civil society actors in international sustainable development efforts. The declaration's combination of a strong emphasis of a continued central role for civil society, and its setting up of new processes that will require modalities for civil society participation to be worked out, makes such a discussion all but inevitable. As a representative of the Norwegian Ministry of the Environment put it during ForUM's December 13 workshop: "After Rio+20, we are at a crossroads when it comes to shaping how civil society will be able to engage in international processes on sustainable development." The question is if civil society organizations themselves will be able to contribute in shaping their future role and possibilities for participation.

UNEP and civil society

One of the areas in which the Rio+20 declaration explicitly opens up a discussion on increased civil society participation is in the governance processes of the United Nations Environment Programme (UNEP). Paragraph 88 of the declaration describes a number of measures to be taken in order to give UNEP a global agenda-setting role as well as a stronger role in other UN processes. In this context, the participation of civil society is of particular importance.

Current civil society participation in UNEP processes is guided by rule 69 of the UNEP rules of procedure. The written rules are however of a general nature, and the practice that has evolved over time differs somewhat from this formal basis (Juras 2012). This also means that for new processes set up within UNEP, modalities for participation will have to

"A number of new processes to strengthen international efforts toward sustainable development were launched as part of the Rio+20 declaration." be negotiated on a case-by-case basis. Participation in UNEP's Governing Council is organized around the nine Major Groups that were defined in the 1992 UNCED declaration, but civil society is defined as "Major Groups *and stakeholders*" in order to avoid closing the door to groups who may not be well represented by the nine defined groups. Major Groups have observer status, and organizations within the different groups may be accredited to take part in Governing Council meetings on a permanent or one-time basis – if they meet certain criteria, such as that of being an "international NGO" (Juras 2012).

The Rio+20 declaration decides that the current system should be expanded and improved. Paragraph 88 (h) of the declaration states that UNEP should:

"Ensure the active participation of all relevant stakeholders drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society."

A process to explore «new mechanisms» for transparency and engagement, as stated in paragraph 88 (h), is yet to be established. This is likely to be one of the issues relating to the implementation of the Rio+20 declaration that would need to be addressed at the UNEP Governing Council meeting in Nairobi in February 2013. The upcoming Governing Council meeting thus provides global civil society with a valuable opportunity to ensure that broad and effective civil society participation is placed at the heart of the process to build a stronger UNEP, as envisioned in the Rio+20 outcome.

Norway's policy towards civil society participation

Ever since former Prime Minister Gro Harlem Brundtland's work on the report "Our Common Future", which provided the basis for the 1992 UNCED conference in Rio, Norway has been an active player in shaping the world's efforts towards sustainable development. An important part of Norway's contribution has been a consistent strong emphasis on the need for broad participation from civil society in all aspects of these efforts.

The Norwegian government sees the role of civil society as a 'watchdog' and driving force for political change, as well as a 'service provider' with the possibility to reach segments of the population that governments cannot effectively reach (Meld.St. 13 (2008-2009)). It also distinguishes between civil society and other actors 'such as philantropies and the private sector' (Meld.St. 33 (2011-2012)), thus affirming that private sector participation, while important, is to be understood distinct from that of civil society.

In its recent White Paper on Norway's UN policy, the Norwegian government 'emphasizes that civil society should be ensured continued access to discussion fora where policy is developed'. It further announces that Norway will start working 'more systematically' to make sure that Norwegian CSOs and academia is consulted on relevant issues (Meld.St. 33 (2011-2012)). It therefore seems that, in parallel with the opportunities provided by the Rio+20 declaration, there is also a possibility to open up a discussion with the Norwegian government on how to improve civil society participation both on the national and international level. This impression was reinforced by representatives of the Ministry of the Environment participating in the December 13, 2012, workshop organized by ForUM, who explained that Norway has also been raising these issues within the Nordic Council of Ministers's fora for discussing environmental issues.

About this report

Mandate

This report aims to provide a starting point for discussions among civil society organizations and governments about how the full and effective participation of civil society can be ensured in all UN processes related to sustainable development. Although the scope of the report is not limited to this, special attention will be given to the question of how paragraph 88 (h) of the Rio+20 outcome document should be operationalized - i.e. how to ensure active participation of all relevant stakeholders and explore new mechanisms to promote this engagement. The report is thus intended to provide input to the position-forming processes of governments and civil society in the run-up to the UNEP Governing Council meeting in February 2013, but also to serve as a background document for broader discussions on civil society participation across a broad range of sustainable development related institutions and processes.

It is not the intention of this report to present a unified, comprehensive «civil society position» on participation in UNEP or UN processes relating to sustainable development in general. Rather, the report aims to catalogue a broad range of issues pertaining to civil society participation, based on civil society organizations' own experiences of engaging with existing UN processes. Through summarizing different experiences, best practices and lessons learned from various UN fora, the report presents some broad findings as well as a set of recommendations that civil society organizations as well as governments may choose to take forward.

The report is not a stand-alone product, but part of a broader project undertaken by the Norwegian Forum

for Environment and Development (ForUM) with the support of the Norwegian Ministry of the Environment (MD). Other important parts of the project has been a workshop/seminar organized by ForUM in Oslo, Norway, on December 13, 2012, entitled "Conference tourism or real influence?" ("Konferanseturisme eller reell påvirkning?"), and a background paper and several presentations commissioned for this seminar (see the appendixes to this report).

Methodology

The contents of the report are primarily based on the input provided by the December 13 workshop in Oslo. A background paper for the workshop (Strandenæs 2012a) and the presentations given at the workshop (see, in particular, Juras 2012; McKeon 2012; Strandenæs 2012b) have all been considered important sources of information. The sections on civil society experiences with participation in sustainable development processes, and the section on findings and recommendations derived from these experiences, are to a large extent based on the contributions of civil society representatives participating in the workshop discussions.

Efforts were made to ensure as broad participation from all major groups of civil society as possible at the December 13 workshop. This included reaching out to labour unions, Indigenous Peoples' organizations, children and youth groups, the scientific community, and others. The workshop eventually was attended by a number of NGOs as well as networks and umbrella organizations representing an even more substantial number of civil society organizations, providing the discussions with a wealth of experience and views. Among others, FOKUS (representing 74 women's organizations), LNU (representing 97 organizations for children and youth) and ForUM (representing 52 NGOs working on environment and development issues) were present.

In order to capture an even wider array of views and other input for the production of this report, the input received through the workshop has been supplemented with interviews. Selected civil society actors within the area of environment and development who were not able to attend the workshop were interviewed about their experiences and views, and their input thus also form part of the basis for the findings and recommendations presented in the report's last chapter. A full list of participants and interviewees are attached as an appendix to the report.

Experiences from civil society participation

For civil society organisations reliant on limited or shortterm funding, investing valuable time and resources in sometimes glacially paced intergovernmental negotiating processes may seem like a gamble. In the 20 years since the 1992 Rio Summit, Norwegian civil society has nevertheless been actively participating in a number of UN and other international processes related to sustainable development. The workshop, interviews and other input which forms the basis of this report provides a snapshot of the experiences gained in interacting with some of these processes.

This chapter first gives an overview of some processes with which Norwegian civil society has recent experience. The overview is not meant to be a comprehensive list. It is based on the input received in the preparation of this report. Secondly, the chapter conveys the experiences that civil society representatives contributing to the work on this report have made in dealing with these processes. The experiences are not grouped according to the various UN processes, but rather according to what is identified as a limited number of over-arching issues that seem to apply across different institutional set-ups and political contexts.

In which processes does Norwegian civil society take part?

Norwegian civil society organizations have to a varying degree been involved in sustainable development related processes at the international level. Paradoxically, however, the processes that have had the most direct links to the 1992 UN Conference on Environment and Development (UNCED) have not necessarily been those in which most time and energy has been invested. A number of Norwegian NGOs participated in the Rio+20 conference, including Forum for Women and Development (FOKUS), Forum for Environment and Development (FOKUS), Forum for Environment and Development (FOrUM), The Development Fund, Bellona and others. But even though some organizations were present, and some even were actively suggesting text for the 'zero draft' of the conference outcome document, most groups report that their participation was at a minimum.

The Commission on Sustainable Development (CSD), which is also a direct result of the 1992 UNCED conference, has been followed to some extent by ForUM and a few other groups. But as noted by WWF, the perceived significance of the CSD has varied, and more effort was made to participate when the process was seen to carry a larger political potential, for example in the run-up to the Rio+10 conference in Johannesburg in 2002.

The picture is somewhat different when it comes to the negotiating processes under more issue-specific bodies such as the so-called Rio conventions - the UN Framework Convention on Climate Change (UNFCCC) the Convention on Biological Diversity (CBD) and the UN Convention to Combat Desertification (UNCCD). Some Norwegian NGOs have invested significant resources in these processes over time, including participating in Norway's official delegations to the CBD and the UNFCCC, and following separate sub-processes of these conventions such as the Cartagena Protocol and the Kyoto Protocol. The workshop providing input to this report was organized only days after a number of the workshop participants had returned from the UNFCCC Conference of Parties in Doha, Qatar. Recent experiences from this meeting therefore feature particularly frequently in the input received.

Some Norwegian civil society organizations are also involved in processes under specialized UN or other agencies or treaties, such as the International Maritime Organization (IMO), the Food and Agriculture Organization of the UN (FAO), the Committee on World Food Security (CFS), or the International Union for the Protection of New Varieties of Plants (UPOV). UNEP is not among the UN bodies that receive the most attention, even though ForUM has been participating at recent Governing Council meetings, and Bellona is directly accredited to participate.

In addition to participation in these bodies and processes, which often have the most direct links to issues of sustainable development, Norwegian civil society takes part in a number of other international arenas related to trade, international financial institutions and higher-level UN bodies. The Norwegian Children and Youth Council (LNU), for example, organizes youth participation at the UN General Assembly.

Issues in civil society participation

There are many reasons why civil society organizations may choose to engage in international processes on sustainable development – ranging from a desire to shape agendas, help negotiate outcomes or influence text to be negotiated or connect with governments, to showcasing their own work, building capacity or networking with partners, to name but a few (for a more comprehensive list, see Strandenæs 2012a). The reason for choosing to engage with a specific process will in many cases determine which issues that will seem most pressing when it comes to the terms of engagement. In this section, a number of issues are discussed that have been raised by organizations contributing to the input for this report. While some may be specific for one particular process, many seem to be of general relevance.

Several speakers at the December workshop, as well as individual interviewees, noted that for civil society organizations, participation in international processes happens at two levels, an international level, "We do not go to meetings just to attend side-events – we want to be part of the policy proces"

which is regulated by the rules and procedures of the UN body in question, and a national level, which is being controlled by the national (in this case, the Norwegian) government. In most cases, the terms of engagement at both levels will be of importance to an organization's ability to participate effectively. Therefore, the paragraphs below seek to address both levels where relevant.

Access to meetings

In UN fora, access to meetings is usually restricted for participants registered as observers or civil society representatives. The UNFCCC may serve as a typical example, where plenary meetings and some larger negotiating sessions are open to observers, while smaller, informal meetings, drafting sessions and other fora where the "real negotiations" take place are closed and restricted to government representatives only. Interventions and statements are usually limited to a few prearranged speaking slots for civil society, and it is expected that civil society coordinate and make joint statements on behalf of major groups (in UNEP) or constituencies.

One notable exception to this practice is the CFS, where all meetings are open to civil society and a smaller number of self-selected civil society representatives are able to freely participate in the discussion (McKeon 2012). Bellona also reports that civil society participating in IMO meetings are usually allowed to attend all meetings, take part in drafting groups and engage directly in discussions.

Most if not all organizations underlined the importance

of being able to be present in as many meetings as possible, in order to get a good picture of government positions and tactics, and to be able to effectively contribute expertise and influence outcomes. "We do not go to meetings just to attend side-events – we want to be part of the policy process", as LNU put it. It was highlighted that there should be clarity as to the rights of participation so that civil society's ability to attend meetings is not restricted as soon as critical voices are raised. A representative of ForUM stated that rights of participation must be maintained also "when we move from being lapdogs to being watchdogs".

> Transparency in the negotiation process is seen as important both for the content and the legitimacy of negotiated outcomes. Friends of the Earth Norway (FOEN), Nature and Youth (NU) and others described a worry-

ing trend in the UNFCCC where it seems that more and more of the negotiations are being moved into closed sessions, making it more difficult for civil society to directly observe negotiations.

Engagement with national government before meetings

The way in which the Norwegian government includes civil society in the preparations for an international meeting seems to vary greatly between and even within ministries. WWF felt that the Ministry of the Environment (MD) overall sought to involve civil society in the preparation for meetings and international processes to a greater extent than, for example, the Ministry of Foreign Affairs (UD). However it was noted that the extent and fashion in which this is done seems to depend on the individuals within the ministry responsible for the different processes.

MD routinely invites organizations following the processes under the CBD and the UNFCCC to pre-meetings before each upcoming conference. However, some organizations noted that these meetings are not always timed so as to allow for NGOs to provide input into the ministry's position-forming processes. LNU explained that short timelines had made it impossible for them to organize effective youth participation in one recent international conference. In contrast, the Ministry of Food and Agriculture (LMD) has been open to involving NGOs such as the Development Fund extensively in preparations for meetings where they possess particular expertise, like UPOV, including drafting government positions.

Participating in national delegations

Civil society may take part in international meetings as outside observers, for example when an organization like Bellona is directly accredited to participate in UNEP Governing Council meetings, or FOEN is accredited to be present at CBD negotiations. They may also take part through direct participation in its country's official delegation. The Norwegian government sometimes allows civil society to be part of their official delegation, but as FOKUS and others pointed out, this practice varies greatly between processes.

Participating in a delegation offers two kinds of advantages to civil society organizations: First, being accredited as a government representative rather than an NGO could increase access to meetings and information. Several organizations pointed to this being an important benefit of being part of Norway's delegations to recent UNFCCC meetings, as it allowed access to meetings that would otherwise have been closed. This was the case, for example, during the last days of the UNFCCC Conference of Parties in Copenhagen, 2009.

Second, being part of a delegation could open up for a much more direct relationship with the government officials representing Norway, thus allowing for better information sharing, possibilities for conveying views and proposals, and even participating directly in position forming and negotiations. The Development Fund reports being invited into this kind of active role during its participation in Norway's delegation to meetings under the Cartagena Protocol. In the UNFCCC, ForUM's representative in Norway's delegation has sometimes been given a similar role, while other civil society representatives have been made part of an "extended delegation" with less direct access to internal meetings of government officials.

Being part of a government delegation may also place restrictions or burdens on civil society organizations. Some groups noted that they were asked when being part of Norway's delegation to conform to guidelines that would restrict their ability to speak to media or to government representatives from outside Norway. In order to decide whether to be outside or inside a country delegation, these factors would have to be weighed against the potential benefits.

There were different views on the value of participating

in official government delegations. FOKUS maintained that it was essential for civil society organisations to be on the "inside" and play an active role in Norway's official delegation. In fora such as the CFS, however, where civil society is allowed to play a more direct and independent role in the process, the need to participate in government delegations is likely to be smaller. The nature of involvement in government delegations is also a matter of importance. Bellona pointed to recent experiences with being part of the "extended delegation" to the UNFCCC, concluding that this in sum placed more restrictions on participation than it helped enhance it.

General relationship with national delegations

Regardless of whether one or more civil society representatives are participating in its country delegation, maintaining a close relationship with the government officials who are representing its country during meetings was seen as essential by most workshop participants and interviewees. This could be done through regular meetings and other forms of communication.

CICERO shared its experience as an academic institution observing processes that are often highly political. Its representative stated that scientists need to make their findings known and accessible, so that relevant information is available to decision-makers. However, there is a line that should not be crossed between communicating scientific findings and pushing specific views. The scientific community needs to be able to participate in international processes, but the timing of their possibilities to communicate their findings to national government delegations is very important.

A number of ways to ensure efficient communication between civil society and government delegations were suggested. Some organizations highlighted the need for a designated contact person within the government delegation, who would have a special responsibility to ensure close contact between civil society organizations and government representatives during meetings. ForUM also suggested a calendar of events, including meetings, timeframes for the forming of government positions etc., to clarify expectations and possibilities for civil society engagement.

Most organizations emphasized that the relationship between governments and civil society working on a specific international process should not be limited to the international meetings, but should span preparations as well as follow-up work. FOKUS gave examples from the Rio+20 process and the recent 4th High-Level Forum on Aid Effectiveness in Busan, Korea, to illustrate that even though the Norwegian government's involvement of civil society during the conferences had been good, little to no information was available about the government's follow-up work and opportunities for involvement in these efforts.

Most organizations said that timely and extensive involvement before, during as well as after international meetings is of paramount importance to effective civil society engagement. Meaningful involvement should be seen as an ongoing, year-round process, rather than just a "box to be ticked" prior to an international summit. Many workshop participants

and interviewees noted that the Norwegian government is generally open towards civil society organizations, and that individuals within the ministries are usually forthcoming and helpful. A systematic approach to involving civil society throughout the international processes of which conferences and summits only form one part, seems however to be lacking.

Access to information

Timely access to information vital to the negotiation processes is another topic that many organizations highlighted. Documents and proposals forming the basis for discussion are sometimes restricted to governments, or might otherwise not be easily obtained. This makes it difficult for civil society representatives to fully participate and to be as useful in providing input and assistance to government delegations as possible.

The Development Fund and Bellona noted that even the Norwegian government restricts the flow of information in a way that might sometimes create difficulties for civil society. NGOs being part of the Norwegian delegation, for example, might not always be granted access to the Norwegian government's position documents for a given meeting, making full participation in the delegation less effective.

Coordination within and among segments of civil society

In order to effectively participate in international conferences, civil society organizations needs opportunities to coordinate with each other ahead of as well as in between meetings. For some groups, networking with like-minded organizations is also partly the objective of participating in international processes.

Different possibilities and structures for coordination within and among segments of civil society exist in different UN processes. In UNEP, possibilities for groups within each of the nine Major Groups to coordinate and receive information about the upcoming issues are ensured ahead of each Governing Council meeting. In the CFS, the Civil Society Mechanism provides a system for information sharing and coordination within civil society throughout the CFS process. The UNFCCC expects civil society to coordinate through a number of "constituencies" more or less similar to the Major Groups, but without providing particular facilities for their coordination.

Some organizations explained that they see strong civil society coordination as an advantage. ForUM said that coordinating organizations such as itself were necessary to ensure institutional memory in processes where

"... timely and extensive involvement before, during as well as after international meetings is of paramount importance..." the time and resources invested from individual NGOs may vary greatly over time. The Development Fund emphasized the need for close coordination and shared strategies between civil society groups who choose to work on the "inside" and on the "outside" of official delegations in order to maximise their impact. Many organizations

however also pointed out that civil society by nature is diverse, and that a "streamlining" or, for example, a requirement that each segment

"... civil society by nature is diverse...

of civil society speaks with one voice, might not be the best way of enabling their full and effective participation.

Allowing civil society groups to organize autonomously, including setting the terms of their coordination and selfselect any representatives that may speak on their behalf, was seen by many as particularly important. Here, too, the Civil Society Mechanism of the CFS may provide a model. The mechanism was designed through an inclusive, civil society-led process before being proposed to the CFS and subsequently adopted. It does not distinguish between major groups or constituencies within civil society, but lets all groups operate in the same space and thus "draw on each other's strengths" (McKeon 2012). The mechanism does however exclude private sector and for-profit actors, who are given separate opportunities for participation in the CFS process. The importance of this was also highlighted by others: "The private sector may be full participants at the table just like civil society, but they should be given a separate space rather than bundled together with everybody else", as a representative of ForUM put it.

In some cases, conferences have been located in countries where organizing coordination and joint activities has proven difficult because of costs or government restrictions. FOEN reported a recent example from the UNFCCC conference in Doha, Qatar, where the civil society newsletter was not allowed normal distribution to delegates and demonstrations on conference premises were mostly restricted. It is important to ensure freedom of expression and the possibility of free flow of information in order for civil society to work efficiently together.

Funding for participation

Norwegian civil society organizations are often dependent on public funding for many of their activities. This will also apply to participation in international processes related to sustainable development. Some ministries and government agencies make funding available for civil society participation in these processes, but the practices vary and the way in which support is being granted is not always transparent.

Many organizations pointed out that effectively participating in international processes requires long-term plan-

ning and resources. ForUM said that this also means long-term funding should be available for as many processes as possible. Bellona suggested

that possibilities for funding are announced publicly as early as possible, with no restrictions in eligibility to apply and no indirect distribution (i.e. channelled through umbrella organizations).

FOKUS said that in particular civil society participation in government delegations should be fully funded. The costs related to staying at the hotels used by government representatives and working closely with a country's official delegation often exceed normal operating budgets of civil society organizations, and should therefore be covered in full.

Conclusion

Based on the experiences and information presented in the previous chapters, this section draws out some important issues for further work. It first presents a set of findings that could be described as commonly held views among the organizations participating, or interpretations of the points where consensus seemed to emerge during discussions. From these findings we present a set of recommendations to the Norwegian government on how to take the issues discussed in this report forward.

The recommendations presented in this chapter are not necessarily endorsed by all groups and individuals who contributed their experiences and views in the preparation of this report. Nor are the recommendations formally endorsed by ForUM's membership, but they nonetheless represent a synthesis of views that were presented at the workshop and on which there was a degree of consensus, and, as such, form a solid basis for further discussion.

To underscore the last point, the report provides recommendations on two different levels: First a set of recommendations on a process for defining the terms of civil society participation, and second some recommendations on substance – that is, on the potential outcome of such a process.

Findings

Since 1992, there has been a broad and growing consensus that the full participation of civil society is essential to efforts to promote sustainable development. The Rio Declaration of 1992 highlights the role that all parts of civil society must play in order to achieve environmentally sound development, and the Norwegian government has been among the leading governments in recognizing and implementing this part of the 1992 Rio outcome.

UN bodies and processes related to sustainable development do not have a coordinated or unified approach to civil society participation. There are large variations over time and between processes as to how participation is ensured. In many cases, participation is determined on an ad-hoc basis. This makes the system for participation dynamic in a way that allows for improvement over time, but it also poses risks and makes the system less predictable for civil society actors.

The Norwegian government is often inclusive towards civil society, but there is no unified approach or comprehensive strategy on civil society participation. The Norwegian government is recognized as being broadly open to input from civil society. However, to what extent civil society is being involved in international processes often depends on which ministry or even which individuals within a ministry who oversees the process. This could make it difficult for Norwegian civil society organizations to plan their involvement, and may be a source of unnecessary conflict between the government and civil society.

Civil society is by nature diverse. Civil society organizations have different positions, strategies and ways of engaging with international processes. This makes it difficult to divide civil society into segments or choose representatives to speak on their behalf, unless this is done through autonomous processes that are perceived to be legitimate by the civil society actors themselves. Civil society is however clearly differentiated from private-sector actors and for-profit interest groups, and should for most purposes be treated separately from such groups.

Civil society engaging in international processes expects to be able to influence political decisions – "not just attend side-events". Effective participation should therefore entail more than the possibility to show up. This includes real opportunities for giving input in the process of forming national positions, taking part as directly as possible in meetings, and regularly discussing issues with government representatives. In cases where the political significance of a forum is seen as small, civil society organizations usually give little priority to participation.

Participation throughout the entire process – i.e. before, during and after international meetings – is seen as essential for real involvement. The possibilities for participation should be communicated early enough to enable influence over government position-forming processes, and should include follow-up work after the international conference is over. Opportunities for funding to follow costly and time-consuming international processes should be long-term and clearly communicated in order for civil society organizations to plan their work on long timescales.

Recommendations

A number of suggestions for improved civil society participation in processes relating to sustainable development came up during the preparation of this report. Most of them are reflected in some form in the chapter on experiences and views from civil society organizations. The recommendations that are drawn out and given special attention in this section are those that seemed to enjoy some level of consensus, and that are also well suited for follow-up from the Norwegian government.

On the level of process, experience indicates that mechanisms for civil society involvement are most effective and legitimate when they are designed in a participatory manner. This leads us to the following recommendations for a process to take the issue of civil society participation forward:

The Norwegian government, led by the Minister of the Environment, should establish a working group with broad participation from all segments of civil society as well as relevant ministries, to form Norway's position on how the processes that were initiated by the Rio+20 declaration could be used to improve civil society participation in processes pertaining to environment and sustainable development. This would allow Norway to "practice what you preach", by inviting civil society to participate directly in the work to ensure civil society participation in the strengthening of UNEP, in establishing the new high-level forum on sustainable development, etc.

- The working group should also be mandated to recommend an overall strategic approach to the Norwegian government's own efforts for civil society participation. How to ensure opportunities for improved civil society participation in government preparation and follow-up work, modalities for participation in government delegations, measures to secure information sharing etc. will be important issues to clarify in such a strategy.
- Establishing a broad, participatory working group to take this work forward would ensure that this report, and the workshop that provided the basis for it, is only the beginning of a more thorough discussion within civil society and between CSOs and the government. Based on the input received in the preparation of this report, it is however already possible to outline a number of principles and specific measures that seems to have broad support among civil society actors. On the level of content, therefore, we believe the working group process suggested above should

give the following recommendations special consideration:

- When working to ensure that UNEP and other relevant UN fora related to environment and sustainable development follow best practice for civil society participation in the UN system, it must be recognized that there is no existing process or forum that provides a complete model to be replicated. The Norwegian government's position should therefore be based on a "pick-and-choose" approach in which best practices from different UN bodies and processes on different issues of participation are combined. This is the only approach that may contribute to setting a new standard and bringing the issue of civil society participation forward.
- In UNEP and similar fora, Norway should seek to ensure maximum direct participation of civil society in political processes, including presence at meetings and opportunities for participating directly in deliberations. A model for this could be the Civil Society Mechanism of the Committee on World Food Security (CFS). This does not necessarily mean that the CFS provides a complete model. The case of the CFS does however exemplify the advantages of developing the specific modalities for participation with the direct involvement representatives of civil society.
- The Norwegian government should designate a contact person for civil society engagement with each of the relevant international processes pertaining to environment and sustainable development. This would make participation throughout the process easier, and civil society's possibilities for contributing their input and views clearer.
- The terms of participation in government delegations should be made clear, in a way that ensures meaningful participation on all levels for civil society representatives participating in such delegations. This includes processes for selection of representatives, terms for participation in preparatory and follow-up work, clarifying the role of civil society representatives in government delegations in a way that makes expectations from both sides clearer across processes, and clarity on funding for such participation.

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Presentations from the workshop 13. december 2012

The following presentations are available electronically for download from the webpage of the Norwegian Forum for Environment and Development (www.forumfor.no):

Alexander Juras: Mechanisms for Stakeholder Engagement with UNEP in Light of the Rio+20 Outcome

Jan Gustav Strandenæs: Environmental politics in the UN – wasted time or unused potential?

Nora McKeon: WindowDressing or Political Process? Lessons from the Committee on World Food Security (CFS)

Trude Rauken: Academia–objective producer of knowledge, or activist?

Appendix 1: Workshop programme

08:30 – 09:00: 09:00 – 09:05:	Registration and morning coffee. Chair of ForUM and moderator:
09:05 – 09:15:	Mr Andrew Kroglund: Welcome. Political Advisor to the Minister of the Environment, Mr Audun Garberg: Introduction on behalf of the Norwe-
09:15 – 09:30:	gian Government. Independent international affairs pro- fessional Mr Jan Gustav Strandenæs: Environmental politics in UN – waste
09:30 - 09:45:	of time or unused potential? Chief, Major Group and Stakeholder Branch UNEP, Mr Alexander Juras: Mechanism for stakeholder engage- ment with UNEP in light of Rio+20.
09:45 -10:00:	International expert on civil society and food security, Ms Nora McKeon: Window dressing or political process,
	lessons from the Committee on Food Security (CSF) and FAO.
10:00 - 10:15:	Question and comments.
10:15 - 10:30:	Coffee break
10:30 - 10:35:	Advisor at Friends of The Earth Nor-
	way, Ms Johanne Sæther Houge:
	Returning from Doha, civil Society in-
	teraction with UNFCCC.
10:35 - 10:40:	Secretary General at the Norwegian
	Children and Youth Council (LNU),
	Mr Martin Østerdal:
	Youth and meaning full participation in
	UN processes.
10:40 - 10:45:	Director, Forum for Women and De-
	velopment, Ms Gro Lindstad:
	Gender equality, fighting for the future
	or the past?
10:45 - 10:50:	Director, Spire, Mr Harald Sakarias B.
	Hansen:
	Lessons from Rio and the climate nego-
	tiations.
10:50 - 11:00:	Research Fellow, CICERO, Ms Trude Rauken:
	Academia – objective producer of
	knowledge, or activist?
11:00 - 12:15:	
	and comments.
12: 15 – 12:30:	Summing up, key note speakers and
	moderator.

Appendix 2: Workshop participants

Invited presenters

Organizations of other participants

CARE Norway Changemaker Drylands Coordination Group ICAN Norway KFUK-KFUM Global Nature and Youth (Natur og Ungdom) Norwegian Forum for Environment and Development Norwegian Ministry of Envrionment Norwegian Ministry of Foreign Affairs Norwegian People's Aid (Norsk Folkehjelp) The Norwegian Support Committee for Western Sahara Plan Norway Save The Children Norway (Redd Barna) The Development Fund United Nations Association of Norway (FN-sambandet) Women4NonViolence Women's International League for Peace & Freedom -Norway (IKFF)

Interviewed organizations

Bellona Foundation WWF-Norway

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What opportunities do the intergovernmental system in general and the UN in particular offer civil society?	25
This background paper was prepa for the FORUM December 13, 2 workshop Oslo, Norway Author: Jan-Gustav Strandenaes, Senior Adviser on Governance	012

Senior Adviser on Governance Stakeholder Forum

Jan-Gustav Strandenaes had his debut with the UN and the environment at the Stockholm Conference for Environment in 1972 and has stayed with this arena ever since. He has extensive NGO experience developed through three decades working in a large number of countries and processes. For ten years (2001 - 2011) he served as the UN CSD NGO Co-Organising Partner coordinating for UN DESA (New York) while simultaneously working in the global civil society committee for UNEP on environmental governance and civil society policy issues. He was very active in the preparations for the Rio+20 summit.. He is presently involved with Stakeholder Forum in developing the new organisational mechanisms at the UN's sustainable development policies.

Appendix 3: Background paper

Implementing decisions from Rio+20 outcome document to build a better future

The future challenge of major groups and civil society how do we implement the Rio+20 decisions and build the "Future we want"?

The Rio+20 Outcome Document, aptly named "The Future We Want" has given us a challenge - to build a better future. This is no small challenge. In a complex and interdependent world, as the world today is, we can only do this in cooperation. Formidable forces oppose change and are adamant at preserving status quo. Still, a better world is constantly being created. Taking the decisions from the drawing board to the status of implementation is what we will be faced with in years to come. The relationship between ideas, knowledge and action is always a complex one. Bridging this gap will be of paramount importance to civil society. Bridging this gap will have to be done at all levels. Participating on the global arena is often being subject to a frustrating and slow-moving process. Results seem often to be few and far between, and when they come, they may appear to be of a piecemeal kind, and lagging far behind the more ambitious goals of civil society. But the intergovernmental processes do yield results. The global normative system having grown out of sixty years of intergovernmental collaboration, the more than seven hundred bi- and multilateral environment conventions, the many decisions on governance, on development on social issues are all tangible results from these processes. Civil society has a role in making these decisions better. It is fair to posit that without the adamant positions of civil society, all of these decisions would have been of a lesser quality. The UN is after Rio+20 is again inviting civil society to collaborate, be creative, help develop, analyse, criticise, lobby and negotiate within the formal processes. If we walk away from these processes, their outcome will be weakened and ultimately of a lesser quality, and we would be contributing to excluding civil society from participating in similar processes in the future. We have a responsibility to fight the good fight for good governance and justice. Forgetting or ignoring the global arena is tantamount to wilful negligence of hard won democratic victories.

Embracing democracy and good governance

IFSD – the Institutional Framework for Sustainable Development - and good governance came out of Rio strengthened. Whereas section IV of the Rio outcome document is the primary IFSD section with paragraphs 75 to 103 detailing governance issues, there are many references to governance elements interspersed throughout the document. Already in the first section aptly called 'Our Common Vision' we read in paragraph 10 of the document:

"We acknowledge that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. We reaffirm that to achieve our sustainable development goals we need institutions at all levels that are effective, transparent, accountable and democratic."

Will we build a better future?

Former Secretary General of the UN, Kofi Anan was behind many challenging and illustrative reports, one of which is called "In larger Freedom". Paragraph 57 of this report reads: "We fundamentally depend on natural systems and resources for our existence and development. Our efforts to defeat poverty and pursue sustainable development will be in vain if environmental degradation and natural resource depletion continue unabated." Anan also stated that: "Good governance at the local, national and international levels is perhaps the single most important factor in promoting development and advancing the cause of peace." The content of both these quotes are relevant to all levels of work – locally, nationally, regionally and globally that we must perform today.

What do we do with the Rio processes?

The Rio outcome document has through its decisions started fifteen processes. They are all listed and referenced in paragraph 2.13 in this paper. Each of these processes warrants its own background paper. Several stand out the SDGs process, dealing with a set of Sustainable Development Goals that are to be universal in nature and be functional by 2015, and the Open Working Group, the OWG – to deal with the SDGs and the integration of the dimensions of sustainable development are processes that need the ever vigilant, active and creative eye and participation of civil society. Already there are disturbing signs of governments trying to bury these important processes in a quagmire of bureaucratic dilettantism simply because these processes speak of a different and perhaps a more just future. Only a sustained, informed and active participation from a global civil society can help bring the processes to attain the goals that even governments expressed during the UN Summit days in Rio in June 2012. And when governments chose to forget, civil society must remember. That is an integral element of holding governments accountable. And only thus can we honestly say we promote "We, the peoples".

Do we hold the future of the world in our hands?

NGOs and other relevant stakeholders working on environment, health, democracy, human rights, just economy, fair distribution and creating popular interest with strong support and ensuing activities in their constituencies, form a potent alliance, a force strong enough and important enough to change the direction of history. 40 years on and the UN in general and UNEP in particular is again at a cross roads: a UN reform is actually suggested by the Rio Outcome document to deliver a unified message attached to a strong implementation programme. But do decision makers, civil servants, politicians, NGOs and other relevant stakeholders take the challenges from Rio+20 seriously? In other words, do these actors and players seem willing to act to save the world from an impending social, environmental and financial disaster?

This paper is divided into four sections.

You have almost completed reading the short two- page introduction called **Section 1**, which covers a small overview of some of the outcome challenges found in the Rio+20 Outcome Document. Each of these four sections in this paper can be read as separate entities. However, all four do belong organically to what I would call the general challenge of implementing the Rio plus 20 outcome decisions and building a better future. The key focus of the entire paper is the institutional challenge of building better global governance systems and focuses on UNEP and the organisational mechanism which is to follow the present Commission on Sustainable Development.

Section 2 is a more detailed analysis and overview of what happened to one of the two main agenda points from the Rio+20 Conference – the IFSD – the Intergovernmental Framework on Sustainable Development. This section covers the new mechanism to be developed at the UN to deal with sustainable development, it covers UNEP and the key paragraphs dealing with this UN institution and it gives a general overview of the role that civil society is given by the Rio Outcome Document.

Section 3 gives a few, brief historical facts to the UN and civil society, to UNEP and its founding days and brings a sketchy overview of CSD – the Commission on Sustainable Development.

Section 4 contains a bullet point overview of what the UN in particular can offer civil society/NGOs if they choose to participate in UN processes. It closes with a number of key questions that an NGO should ask itself or at least consider when getting involved in an intergovernmental UN process.

Governance came out of Rio plus 20 strengthened with new opportunities to influence global politics

IFSD is dealt with in many different paragraphs throughout the outcome document, but this paper will primarily concentrate on the paragraphs that attempts to upgrade and strengthen governance on sustainable development within the UN, and review what happened to the efforts at strengthening UNEP

It is also worth noting that the Rio outcome document consistently refers to the three dimensions on sustainable development, and not the three pillars as has been the accepted 'jargon 'since the formal introduction of the concept in 1987.¹ Using 'dimensions' rather than 'pillars' also expresses a widening and deepening understanding of the SD issue.

A compromise institution on sustainable development

During the negotiating process leading up to the Summit, three options were discussed as possible mechanisms to upgrade the present Commission on Sustainable Development, CSD. And as often is the case in multilateral negotiations, the compromise wins out in the end.

The compromise was called a high-level political forum² and the Summit agreed to establish a process to develop this forum further. As paragraph 84 states:

"We decide to establish a universal intergovernmental high-level political forum, building on the strengths, experiences, resources and inclusive participation modalities of the Commission on Sustainable Development, and subsequently replacing the Commission. The high-level political forum shall follow up on the implementation of sustainable development and should avoid overlap with existing structures, bodies and entities in a cost-effective manner."

Which functions in the new institution?

A tacit agreement among a majority of nations had been reached before Rio 20 opened on a number of functions which the new mechanism could perform. These functions are listed in paragraph 85, and proposes that the new mechanism could: provide political leadership, make sure the integration of the three dimensions of sustainable development is carried out throughout the UN system, carry out regular dialogues, develop an action oriented agenda, follow up decisions stated in Agenda 21 and the JPOI and implement these, emphasise and use science and evidence based decisions and develop mechanisms that will allow for 'appropriate consideration of new and emerging sustainable development challenges'.

What does §84 promise - if anything?

First - §84 seeks to establish a mechanism that would elevate the importance of sustainable development within the UN and subsequently also within the multilateral world. The mechanism is loosely named a forum, but written with lower-case letters, indicating that the mechanism is yet neither placed in the political hierarchy of the UN nor is it given a political designation with a mandate.

Should the resulting outcome from the process dealing with the high level political forum be to establish a Forum, such as the UN Forum on Forests, it is of utmost importance to understand that a Forum within the UN system is treated like a subsidiary, functional committee of ECOSOC. This is the exact same position that CSD enjoyed in the intergovernmental hierarchy between 1992 and 2011. CSD was (and still is) a subsidiary body with subsidiary importance at the UN. Establishing a sustainable development forum along these lines would accordingly not be a move that would strengthen IFSD.

What will replace the Commission on Sustainable Development?

Paragraph 84 gives indications of the political importance of the new mechanism. The proposed high level political forum will be as it signifies at a "high level position" as well as being 'universal' and 'intergovernmental'. This indicates much more than a subsidiary level mechanism.

However, it is of utmost importance that the new mechanism stays true to the content of paragraphs 84 and 85, including the governance and sustainable development messages as well as the integration of the major groups/civil society found throughout the Rio+20 Outcome Document. Paragraphs 84 and 85 outline in broad strokes the functions the new mechanism needs to perform. The normative content of the entire outcome document points to the political importance the high level political forum should have in the future. It would be important to understand and develop the new mechanism with an all-out operational mandate. As it is now, the reference to 'operational' is only found in §85d - where an 'action oriented agenda' should be seen in relation to 'emerging issues'. Developing an operational mandate is no small task as many CSD member nations were often quick to denounce CSD for not being operational after the review that took place at WSSD and CSD 11(2003).

IEG and ISDG - an important conceptual and political difference

Over the past ten years a growing understanding of the differences between the two concepts – International Environmental Governance and International Sustainable

¹ The term sustainable development is usually associated with the so-called Brundtland commission and their report titled 'Our Common Future', where the three pillars of sustainable development is referred to: the economic, social and environmental pillar.

² As is explained later in this paper, the high level political forum is written in lower case letters. This is extremely important Changing this writing to higher case letters, or abbreviating it to HLPF, may be seen as prescriptive and set precedence in naming the forum a Forum, which in the UN is a mechanism with low political priority. To be consistent, I have therefore chosen to write the mechanism in full every time – the high level political forum, and not be tempted to use any other designation at this juncture in time.

Development Governance has taken place. The two concepts were often mixed and sometimes used as synonyms in the lead of to WSSD in 2002. This resulted in creating confusion over how governance and implementation of governance in relation to the environment and to sustainable development were to be handled, not the least institutionally. The Rio Outcome Document reflects this deepening of understanding. To clearly differentiate between the two governance concepts, Chapter C deals with IEG, International Environmental Governance.

UNEP - in better shape than ever?

High hopes and high ambitions described the initial attempts to upgrade UNEP as the primary global institution on environment with a powerful mandate in the Rio process. Again two camps developed and again a compromise won out. Efforts were made at an early stage in the preparatory work to upgrade UNEP to a specialized agency. The EU seemed uncompromising in its effort to create such a unit and referred to their proposal as the World Environment Organisation. But even if that proposition received staunch support from most African nations lead by Kenya, the necessary unanimous consensus was never reached. Paradoxically, those who opted for a specialised agency as well as those who struggled against it, all claimed to have UNEP's and global environment's best interest at hand.

Even though only four paragraphs in the Rio Outcome Document (87 - 90) deal with UNEP, the organisation came out of the process strengthened. And in some ways this also reflects the growing understanding of environment among the nations of the world. Environmental protection and healthy ecosystems are strongly linked to the well-being of people and of the planet, as well as to poverty eradication and such language is not always seen in documents at GA level receiving wholehearted support from G77 plus China.

UNEP - in command of the environmental pillar

Chapter C of the IFSD section is called "Environmental pillar in the context of sustainable development". This establishes beyond doubt the fact that the environment is the responsibility of UNEP, also in the work mandated to integrate the three dimensions of sustainable development by focusing on incorporating environmental concerns across the UN System. Paragraph 87 gives UNEP the mandate to work on International Environmental Governance (IEG). This must be seen as an acknowledgement and an expression that there is indeed a difference between ISDG – International Sustainable Development Governance – and IEG, with sustainable development governance and the integration of the three dimensions of sustainable development, environment, social and economic, given to the proposed high level political forum.

UNEP strengthened

The new and strengthened UNEP will have universal membership, possibly better funding, strengthen its capacity to pursue and develop its science base, proved capacity building to all nations and help develop environmentally sound technology. Rio+20 also decided to adopt the 10-year framework programme (10YFP) on sustainable consumption and production. Paragraph 226 states that: "We adopt the 10-year framework of programmes on sustainable consumption and production patterns, as contained in document A/CONF.216/5, and highlight that the programmes included in the 10-year framework are voluntary." UNEP will again focus on these issues.

Rio+20 mandated UNEP to strengthen its regional presence and be the environment coordinator of the UN. As paragraph 88 C states: "Enhance the voice of UNEP and its ability to fulfil its coordination mandate within the United Nations system by strengthening UNEP engagement in key United Nations coordination bodies and empowering UNEP to lead efforts to formulate United Nations system-wide strategies on the environment;" This last sentence may create many interesting debates within the UN family as almost all UN bodies have assumed their own responsibility and interpretation of how the environment should be dealt with.

UNEP and civil society

Paragraph 88 h states: "Ensure the active participation of all relevant stakeholders drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society."

With the strong reference to the Malmoe Declaration from 2000, UNEP has been given a mandate to upgrade civil society and other stakeholders. Paragraph 14 from that Declaration states: (the Declaration contains only 25 paragraphs of which 7 are devoted to civil society) "Civil society plays a critically important role in addressing environmental issues. The role, capabilities and involvement of civil society organizations has seen a substantial increase over recent years, which highlights the need for national Governments and for UNEP and international organizations to enhance the engagement of these organizations in their work on environmental matters."

As the major groups and civil society with relevant stakeholders have been given prominent roles throughout the document, it would be logical to strengthen the institutional and operational system around the major groups and other stakeholders at UNEP, at headquarters as well as throughout UNEPs six regional offices.

UNEP has also been asked through the Rio +20 Outcome Document to explore new mechanisms to promote transparency and engagement with civil society and other stakeholders and increase its effort to disseminate information.

Positioning the major groups and civil society

The importance of civil society and the major groups is integrated and emphasised throughout the Rio+20 Outcome Document. In the opening paragraph of the document, in the first sentence, we read "... with the full participation of civil society". Referring to the General Assembly resolution calling for Rio+20, and with the subsequent modalities developed by the Bureau specifically involving civil society, this quote is to be understood as 'we will <u>all</u> renew and ensure our commitments to promote sustainable development'.

Chapter C under Section II, Renewing Political Commitments is all about civil society, the major groups and other relevant stakeholders. Although other stakeholders are mentioned, there is little specificity as to which stakeholders the document addresses. This should be revisited. The section reiterates unequivocally what was initially stated already in paragraph 13 that sustainable development can only be achieved through a working alliance with governments, business and civil society and other stakeholders. Reference is made to civil society in the chapters on Green Economy, the Sustainable Development Goals (the most innovative outcome from the Rio process) and in the chapters on implementation. There are also direct references to civil society/ the Major Groups in the paragraphs on IFSD and UNEP (§ 85 and § 88).

Governance - gaps to be filled, but there is hope

The biggest gaps are still found in the areas of economic development and trade. A few paragraphs are all the same worth noting and remembering. Chapter D under the section on IFSD called "International financial institutions and United Nations operational activities" does talk about the need to govern these institutions. §92 has the following language: "...and reiterate the importance of the reform of the governance of those institutions in order to deliver more effective, credible, accountable and legitimate institutions." And in the section on "Means of implementation" § 252 states that: "We acknowledge that good governance and the rule of law at the national and international levels are essential for sustained, inclusive and equitable economic growth, sustainable development and the eradication of poverty and hunger."

Almost reminiscent of the discussions in Johannesburg on trade, the paragraphs in the Rio Outcome Document deals with trade issues in a rather bland and docile manner. It is as if trade is still the powerful force in the world that nature and humans need to bow down to and respect no matter what. Another weak point is the lack of governance issues and subsequent language in relation to the green economy discourse and the Sustainable Development Goals. The fact that the struggle to have an ombudsperson for future generation did not generate enough political support is also a weak point in the Outcome Document. It is to be hoped that good governance, as the underlying principle and overarching goal of the Rio+20 Process, will continue to play an increasingly important role in the sustainable future we want to have and develop.

Conclusion

The Rio Outcome Document, aptly named "The Future We Want" is a pragmatic and a paradigmatic outcome document. As has been pointed out through this document, new issues have been identified and recognised in the discussion relating to the institutional framework on sustainable development and environment at the UN.

Summing up a few general impressions, it is fair to state that:

- Sustainable development and the environment came out of Rio strengthened as did IFSD and good governance
- There is consistent reference to the three dimensions of sustainable development and their integration; there are no longer 'the three pillars' of sustainable development, metaphorically and practically impossible to integrate
- With major groups and civil society referred to and given a position in the process through 8 of the 29 paragraphs in the UN GA resolution calling for the Rio+20Conference, it is fair to state that such a process has never taken place before in the history of humanity
- With the Bureau's decision to invite all stakeholders in the world to contribute to the zero draft document, the outcome document is, despite a few setbacks, the result of an open and interactive process where civil society played a not insignificant role.

The Rio Outcome Document has started 15 processes (annexed), and again these processes rest on the value basis of the spirit of Rio which is permeated by the principles of good governance – open, transparent, interactive, accountable, accessible and participatory.

The 15 processes

The fifteen processes to be initiated by the Rio 20 work and anchored in the Rio Outcome Document, chrono-

logically listed as they appear by the numbering of the paragraphs and not as an attempt to prioritise according to relevance or importance.

- The green economy process,§ 56 -71
- The high level forum on SD, § 86
- Intergenerational solidarity, the ombudsperson for future generations, § 86
- Strengthening UNEP, § 88
- Integration of the three dimensions of SD, § 93
- Outcome of Delivering as One Process, strengthening operational activities, § 95
- Sustainable Energy for All (SG initiative), § 129
- GA process on the maritime jurisdiction beyond national boundaries, conservation and resource use of marine resources, §161, 162
- Challenges facing Small Island States, § 180
- 10 Year Programme on Sustainable Consumption and Production, § 226
- The Sustainable Development Goals through to 2015 § 248,249
- Assess financing needs, § 255, 257
- Clean environmentally friendly easily adaptable and usable technologies, § 273
- The registry of commitments, § 283
- Sustainable agriculture end hunger (Secretary General initiative), announced in Rio

The UN and civil society has a history

According to its Charter, the UN formally recognises only three entities as accepted players; these are the official national delegations, intergovernmental organisations and non-governmental organisations, NGOs.³ The latter is recognised through paragraph 71 of the UN Charter. To be accepted as an official UN player, to be accredited as the technical phrase is, and to be heard and be influential, a number of minimum criteria will have to be met. It is the NGO committee within ECOSOC⁴ that sets the formal rules of accreditation, and it is this body that formally issues the letters of accreditation to NGOs, but it is the behaviour, input and work and its quality or lack thereof that decides the impact and efficiency of NGOs.

NGOs have been working the UN scene for ages know and hold these facts to be self-evident: that the UN is an intergovernmental system, that the member states hold the decision making powers, and that any change must take place within the confines of the UN legal and formal framework. If you do not know the system, how to work it and respect it, you will never be successful. This is a basic lesson in politics that every player understands.

Stories need to be told – from UNEP in 1972

Stories need to be told, and history documented. Sometimes stories need to be retold and history reread for it to make an impact.

How many among the active people within the NGO population today (or within the international community for that matter) know or remember the story of Ms. Dora Obi Chizea from Ibadan in Nigeria and what she did at the founding conference of UNEP in Stockholm in June, 1972? Or the popular demonstrations through Stockholm against whale hunting that contributed to creating a moratorium on the whale hunt? Or the demonstrations outside the UN conference against the Vietnam War and the use of Agent Orange?

During a discussion at the Environmental Forum during one of those beautiful Scandinavian summer days back in June 1972, when the well-known author and demographer Paul Ehrlich was expounding on his theory asserting that the population explosion was the biggest threat to the global environment, Ms Chizea resolutely got to her feet, took the microphone away from the somewhat surprised Ehrlich and said that as this discussion was about the third world, she and her colleagues at the conference would direct the content. She challenged the population bias, and infused into the environmental debate a completely new perspective, that environmental degradation was cause by numerous factors, and economic exploitation was one of them.

Outside the halls of the UN conference in Stockholm in 1972, some 7000 people, many of them war veterans, demonstrated against the use of Agent Orange in the warfare in Vietnam. The Swedish Prime Minister at the time, Mr. Olof Palme, took the issue of Agent Orange, a potent pesticide used to de-foil the forests in Vietnam, into the discussion at the UN Conference.

"The demonstration was part of an effort to create people's participation in world environment problems by making a People's Forum and other activities protesting against the UN Conference. Other protests from scientists and popular organisations made the issue intensively debated in spite of protests and many other attempts to stop public discussion from the US. The Swedish Prime Minister Olof Palme addressed it at the official conference and the US stopped using Agent Orange in Vietnam before the war ended. A key factor in the integration of different international alternative activities in the streets and discussion fora was the local social and environment group that both before and since then has

³ Anita Anand in "Whose world is it anyway?", John Foster & Anita Anand, editors, The UNA, Ottawa, Canada, 1999, page 67.

⁴ ECOSOC, The Economic and Social Council, one of the 5 permanent UN bodies.

maintained a strongly participating and initiating international activities cooperating with many different popular movements."⁵

That was 1972 - this is 2012

Sustainable development concerns have finally become hot topics on the global agenda. People in general, and an ever-growing group of responsible and influential politicians feel compelled to work on these issues. Granted, the global sustainable development agenda seems at the moment to consist of only climate and energy issues. Still, the fact that so many talk about environmental issues, social rights and even just economic growth and the fact that there seems to be a growing understanding that something must be done to these issues may propel key institutions of the UN including UNEP to a new importance in global politics.

The Commission on Sustainable Development (CSD) - an experiment in intergovernmental participatory democracy

Many have referred to the CSD⁶ process as one of the more intriguing and interesting processes for testing innovative ways to involve civil society in intergovernmental processes. Begun after Rio in 1992, some have hailed it as a success in international democratic development bringing the voices of the peoples in direct interactive roles with representatives of governments, others maintain that the CSD amounted to little less than a talk-show under the aegis of good governance. It is however fair to state that CSD did not fail sustainable development, neither did sustainable development fail CSD. Governments failed sustainable development and as a consequence also failed CSD.

The sheer numbers of representatives from civil society that over the years found their ways to and participated in the CSD processes, may be indicative of the importance these representatives attached to this political process: The WSSD, the pinnacle of the CSD process in 2002, had more than 8 000 civil society persons attend, close to 10 000 participated in Rio plus 20. By CSD 13 in 2005 the number of civil society representatives had climbed to above 1000 pre-registered with well over 800 participating from all over the world, figures that would be fairly stable until the last of the CSDs before the Rio 20 process started in earnest in 2011.

What opportunities do the intergovernmental system in general and the UN in particular offer civil society?

A bullet point overview of some of the opportunities

The UN is little used by civil society, many opportunities to work successfully for policy and implementation outcomes are missed because civil society fails to understand the intergovernmental system and the many opportunities if offers civil society to work successfully.

In general the UN and the intergovernmental system offer civil society opportunities to:

- Setting agendas
- Negotiating outcomes
- Conferring legitimacy
- Implementing solutions
- Influencing the text that will be negotiated;
- Building and cultivating alliances for future work;
- Showcasing studies of successes that your organization has achieved;
- Learning about how intergovernmental negotiations work;
- Raising funds for your work
- A forum for a broad discussion
- On overarching or cross cutting issues
- On normative issues,
- On issues that have direct relevance for work on local, national and regional level
- Access to the outcome document as it is being developed
- Allowed your organisation to have written comments to the outcome document
- To bring the result of the negotiations home, and follow up the decisions and see how they are being implemented
- To disseminate information about decisions taken
- To see if decisions taken at UN level should be brought to other sectors of the decision making process in your country, in addition to the participating ministry
- Connect with governments
- Provoke governments
- Criticise with a friendly attitude
- Offer new insights
- Showcase major group benchmarks
- Network with other NGOs, major groups
- Ask questions
- Discuss what can make a successful partnership, keep-

⁵ Tord Björk "The emerging global NGO system, Political Globalisation at UNCHE 1972 and UNCED 1992", Folkrørelsesstudiegruppen, Sweden, <u>info@folkrorelser.nu</u>

⁶ CSD – the Commission on Sustainable Development, a standing committee under ECOSOC charged to follow up and monitor the decisions taken at Rio, UNCED in 1992 and at the WSSD, in Johannesburg 2002.

ing the integrity of various stakeholders intact

- Identify good practices that could be replicated
- Identify policy practices impairing partnerships and processes from being developed
- Identify a framework for developing partnerships and processes
- Raise issues and bring them to the table, and thus help influence the agenda
- Keep the issues of participation, accountability and transparency alive and relevant
- Political leadership and agenda setting
- Ensuring implementation
- Offer periodic review mechanism
- Monitor progress
- Transfer of environmentally and sustainably sound technologies
- Capacity building and know-how
- Analyse relevant input from NGOs
- Integrated the scientific and the private sector
- ... and so on

Overarching goals and vision for Major Group participation at the UN

The strength of civil society will of necessity grow when various organisations can work together. Networks have proved highly influential in a number of policy contexts at intergovernmental levels. To help facilitate such networks, common goals and visions need to be had.

Collaboration among NGOs could rest on a common vision with a common set of goals. The following could serve as a point of departure and inspire to a discussion on overarching goals:

"To work for an integrated approach between UN and civil society where both can play significant roles in shaping modern policy based on interactive democracy; to work to get the best-qualified organisations to participate actively in the policy processes at various mechanisms and bodies of the UN; to bring the goals and visions of these entities to the general public to create awareness and understanding; to enhance proficiency and promote capacity building; to solicit a wider public participation in the development and adoption of appropriate strategies for civil society in the work for sustainable development, its three dimensions as well as the environment in all its aspects."

Concerns to be address for a successful civil society participation

The above outlined vision could find its expression in

many ways. But areas of concerns to be resolved and understood by civil society could also be listed in the following way:

"To enhance participation for all 9 Major Groups⁷ and other relevant stakeholders in the follow up to Rio, they should focus on five overarching areas of concern. They are:

- Governance and multi-stakeholder processes, such as access, legitimacy, transparency etc.
- Issues development, policy work, capacity building and lobby
- Information dissemination
- Lobby, Implementation and follow up
- Preparation, participation, travel and related logistical concerns

More specifically:

- To maximise participation of representatives of the 9 Major Groups from across the planet in the various relevant UN for a, UNEP Governing Council (UNEP GC) and the Global Ministerial Environment Forum (UNEP GMEF), CSD and its successor, and other relevant UN for a;
- To facilitate and see that Major Group's members with specific issue knowledge are brought into the focus at these UN meetings, both in the local, national and regional contexts;
- To ensure balanced representation on the basis of gender, focus and region.
- To ensure the issues that are relevant to UNEP, CSD, the COPs etc and their related meetings as expressed through the agenda points at the meetings are dealt with by knowledgeable representatives of the Major Groups;
- To ensure that participating Major Group members have access to information and are able to, in an informed manner, participate at all levels and at all times including informal meetings and have free and *unfettered access to delegates*.

Central questions to be asked to members of the civil society community in preparing for intergovernmental work

In preparing members of civil society to participate in intergovernmental processes, a number of questions should be asked of civil society for them to at least think about. These questions can be summarised in the following way:

Are we willing to:

- Be present at the sessions, every day and full time;
- 7 As specified in Agenda 21.

- Defend language and hard won victories;
- Bring forth substantive knowledge and coherence;
- Involve organisations at all levels, from local to global.

Are we willing to

- Stay the full time sequence and plan for that;
- Understand what it implies for the organisation to do precisely that in terms of input, work-hours, strategy, finances etc, and take the practical consequences of such an understanding;
- Legitimise to our organisation that working on this rather 'expensive' and time consuming processes for several years period is within our expressed mandate;

Are we willing to consider the following:

- Make sure that we all bring relevant and well thought out positions to the table;
- Make sure the people we bring to the conferences have first-hand knowledge of the issues at stake and have good contacts with their constituency;
- Make sure we are accountable to a constituency and have consulted as much as is practicable, with that constituency

Finally, the following should be addressed:

- How would you develop a two-year (several years) strategy to be involved in the Rio plus 20 follow-up (one or several of the 15 identified processes?);
- Which of the processes will you choose to concentrate on?
- How do you plan to integrate the various segments of the identified process (processes) into your organization's work programme?
- What would your needs be to fulfil your designed strategies?
- How could the various major-group focal points serve you best to become an influential stakeholder?
- How do you plan to involve your stakeholder constituency and explain the relationship between the grass roots and the intergovernmental level?
- How will you utilise the fact that your government is already working on these issues, have made reports on this (a public document) and probably sent it to the UN?
- How do you plan to make this into a national campaign to make other organisations, your media and people in general aware of what's going on?
- Your country has probably written a national strategy on environment/ sustainability/ governance issues – provided you know of it, how will you use it in this context?

Report and findings of the Forum for Environment and Development project and workshop on civil society participation

Coverphoto: Ingvild Wollstad/ Miljømagasinet Putsj

"International civil society networks come and go, rise and decline, provoke a fuss and wither on the vine. They take the familiar path from charisma to regularised routine, from inventiveness and passion to bureaucracy, hierarchy and instrumental reason. Or alternatively, they fracture, mutate, dissipate, gather no moss. To be in motion is to be at odds with many of the criteria on which serious politics has come to be judged."

> "Social movements, World Politics?" R.B.J. Walker in Millennium: Journal of International Studies, 1994.



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