

REDD+ Partnership

Guidelines to support Modalities for Stakeholders Participation

The Co-Chairs of the REDD+ Partnership have circulated for comments a draft consensus paper on “Modalities for Stakeholder Participation.” This paper was a result of the recently-concluded technical experts meeting in Brasilia, Brazil, 14-15 July 2010. ClientEarth recommends the following guidelines in response to this invitation for input. These guidelines highlight fundamental issues that must be considered when defining modalities for stakeholder participation under the REDD+ Partnership.

Benefits of Stakeholder Participation

Civil society representation and participation in the REDD+ Partnership will not only lead to a more transparent, open and inclusive process, but it will also offer the opportunity to legitimize and improve the quality and implementation of decisions.

Guidelines in support of Modalities for Stakeholders Participation

ClientEarth recommends guidelines in accordance with four set of principles outlines below. These aim to ensure that the Modalities for Stakeholder Participation in the REDD+ Partnership are efficient,² effective³ and equitable⁴. The following guidelines take stock from current practices of other multilateral bodies such as the United Nations Forum on Forests, the Global Environmental Facility (Please see Annex I) and the United Nations Framework Convention on Climate Change. However, our recommendations and do not reflect an endorsement of their rules.

¹ ClientEarth is a public-interest organisation of lawyers creating strategic solutions to key environmental challenges. For more information, please see our website at www.clientearth.org.

² Stakeholder participation drives efficient project design and implementation. The efforts the REDD+ Partnership takes input into making the Partnership participatory will be outweighed by the incremental improvements of the project design and implementation.

³ Decisions within the Partnership taken through participatory processes will be more effective as the Partnership will be more likely to meet its goals due to improved implementation. Please see World Bank Project Sustainability Review (1994), which found that stakeholder participation in 21 development projects reduced staff costs and improved projects effectiveness.

⁴ Decisions within the Partnership taken through a participatory process will be more equitable when they reach out to excluded and disadvantaged groups and effectively include them.

1. Balanced Stakeholder Representation

1.1. Defining Stakeholders

In order to be able to select a balanced stakeholder representation in the REDD+ Partnership, we must first have a clear and common understanding of who is included under the concept of “stakeholders.” The REDD+ Partnership draft consensus paper on “Modalities for Stakeholder Participation” states that all UNFCCC admitted organizations are eligible to participate in the REDD+ Partnership.

However, the REDD+ Partnership should clearly define who should be considered a “stakeholder” within its process, such as:

- general NGOs and interest-group representatives;
- environmental groups;
- farmers and agricultural groups;
- indigenous peoples organizations;
- research and academic institutes;
- workers and trade unions;
- women, gender and youth groups;
- the media;
- business and professional associations;
- local government and municipal authorities;
- scientific and technological communities

Without a clear definition, achieving balanced stakeholder participation will be problematic, even more so when a self-selection process of representation must be undertaken.

1.2. Self Selection

The REDD+ partnership has encouraged a balanced geographic and interest group representation, while also promoting stakeholders to select among themselves their desired representatives in the event of limited venue capacity.

As stated in section 1.1., it is very important to clarify which constituencies within the overall stakeholder groups are meant and expected to be represented. It will also be necessary to determine the number of representatives eligible to participate in the event of limited venue capacity. While the quality of representation by constituency is not necessarily improved by increasing the number of representatives present in a meeting, there is value in ensuring a degree of variation to ensure that representative stakeholders are indeed representative of diverse constituencies and that the interests and interpretation of any single stakeholder are checked.

The REDD+ Partnership should consider that while there will never be a consultative process at the international level in which every stakeholder feels it is adequately represented, ensuring that the **parameters of representation are clear and transparent** can serve to enhance the ability of a selected representative to speak on behalf of his constituency.

A self-selection process cannot be effectively conducted in one or two weeks. Participants require sufficient time to consider all candidates, to decide whether or not to self-nominate, and in some cases to acquire the necessary approval for selection.

Guidelines for Balanced Stakeholder Participation

- The REDD+ Partnership should clearly define/clarify which constituencies should be represented;
- The REDD+ Partnership should define how many representatives per constituency will be allowed to participate in case of limited venue capacity, allowing for equitable and balanced representation that should include gender balance, balance between developing and developed countries and balance between local/national and international constituencies (minimum four per constituency to allow balance);
- Allocating adequate time for a self selection process (minimum of one month);

2. Invitations and Submissions

The REDD+ Partnership draft consensus paper on “Modalities for Stakeholder Participation” recognizes that deadlines for submissions and invitations to stakeholders should be provided in a timely manner.

To ensure high-quality contributions and increase representativity, official announcements and invitations of forthcoming meetings and submissions must provide stakeholders with sufficient time to consult with their constituencies plan their contribution and ensure their participation.

Guidelines for Invitations and Submissions

- Official announcement of meetings and invitations are delivered in a timely manner (no less than 4 weeks in advance);
- All meeting documentation should be made available jointly with official announcement and invitations (at least 4 weeks);
- Background documentation for consultations and submissions should be provided within a sensible and fit timeframe (at least 4 weeks in advance of end of comment period);
- Comments by both Partners and stakeholders should be made publicly available at all times;
- Ensure that stakeholder’s focal points or liaisons be designated and have direct contact with the Partnership’s secretariat.

3. Recognition, Participation and Interventions of Stakeholders

The REDD+ Partnership draft consensus paper on “Modalities for Stakeholder Participation” asserts that stakeholders are recognized as “observers” to the meetings of the Partners. It additionally affirms that meetings of the Partnership will be open to stakeholders, and only exceptionally limited to the Partners.

However, these statements do not clarify the scope of participation and consultation that stakeholders will have under the Partnership. Stakeholders can make an important and useful contribution to decision making; and in order to uphold the Partnership’s principles of transparency, openness and inclusiveness, Partners must take specific steps to ensure their realistic implementation.

The power to intervene at the appropriate moment in the discussions is a minimum requirement for inclusiveness and open engagement. Contributing agenda items is an additional important element to enable stakeholder “observers” to engage in an active dialogue, while inviting stakeholders’ representatives to speak on established agenda items brings new voices to the table and enhances the effectiveness of the REDD+ Partnership.

Finally, participatory decision making enhances the ability of the Partners to respond to public concerns and demands and to build consensus. In order to uphold the principle of transparency, effective implementation of stakeholders’ participation will require that Partners take public input into account and give reasons as to why they have or have not addressed relevant concerns. Linked with the principles discussed in section 2, Partners must ensure that public comments be circulated and made publicly available, and addressed in a transparent manner.

Guidelines for Recognition, Participation and Interventions of Stakeholders

It is recommended as a first step that:

- Stakeholders should be able to request the floor to make verbal interventions;
- Stakeholders should be able to request the Co-Chairs to add agenda items to the provisional agenda,;
- Stakeholders should be able to recommend to the Co-Chairs external experts to speak on specific agenda items;
- Submissions (comments/concerns) by both Partners and stakeholders should be analyzed and addressed through a fully transparent decision-making process;

4. Specific Measures to ensure Transparency and Effectiveness of Stakeholder engagement in the REDD+ Partnership

4.1. Timely Dissemination of Information

Making relevant information (agenda, minutes, participants’ lists, reports, background documents, etc.) available in a timely manner is essential to ensure adequate and meaningful participation of stakeholders, and increase openness and transparency.

The preparation and distribution of relevant materials to stakeholders should be carried out in a timely manner (2-4 weeks in advance of a meeting) and allowing sufficient time for submissions of comments from stakeholders (2-3 weeks before deadline for submissions).

4.2. Early/Preparatory Contributions

Beyond making relevant materials/information available, additional measures such as providing side/preparatory meetings would allow a broader range of constituencies/stakeholders, having already reviewed the materials and background information on the issues, to prepare and present

comprehensive contributions which represent the views of a range of stakeholders and as concisely as possible. An example is the Preparatory Meeting for NGOs that is part of the GEF system, which has enabled NGOs in advance of Council Meetings to identify key issues.

The REDD+ Partnership should consider the implementation of such side/preparatory meetings.

4.3. Direct Access/Availability of Information

Most multilateral bodies and global funding programs have a web page within their website dedicated to information intended for and of primary interest to stakeholders.

The REDD+ Partnership should take urgent steps to have relevant information available through this channel of communication.

4.4. Making Information available in local languages

Making information available in local languages dramatically increases the understanding and effective participation of stakeholders. It also increases the efficiency of representation by reducing the workload of a representative who otherwise would need to find a way to communicate information in local or national language on his own.

What needs to be translated and into which languages needs to be determined on a case by case basis. However, a minimum translation into the three widely recognized UN languages (English, Spanish and French) should be undertaken by the REDD+ Partnership with regard to all of its materials.

4.5. Secretariat support

Given the challenges stakeholders and the Partners might face to ensure effective, efficient and equitable participation of stakeholders, a REDD+ partnership staff person should be designated as the focal point for stakeholder's relations.

4.6. Travel costs

Even stakeholder constituencies in developed countries often have limited funds and can be disadvantaged if funding is made available solely to developing-country stakeholder constituencies.

We recommend that all travel costs for representatives of stakeholder constituencies should be covered and a small budget for information sharing and consultation activities be allocated.

Conclusion

We believe the REDD+ Partnership must take into consideration the above mentioned guidelines in order to ensure that the participation of stakeholders is efficient, effective and equitable.

If the REDD+ Partnership chooses to not consider essential guidelines such as these, it may generate the perception that it is just providing a token of public participation without complying with the principles of inclusion, openness and transparency that are fundamental to genuine, meaningful, and effective stakeholder participation in decision making.

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For further information please contact:

Daniela Rey

t +44 (0) 2030305962
m +44 (0) 7939219926
drey@clientearth.org

Janet Meissner Pritchard

t +44 (0) 20 7749 59709
m +44 (0) 7588 543 803
jpritchard@clientearth.org

www.clientearth.org

Brussels

Avenue de Tervuren 36 274
Bruxelles 1040

London

Richmond Road 50
London E8 3QW

Paris

196 rue de Belleville
Paris, 75020

ClientEarth is a company limited by guarantee, registered in England and Wales, company number 02863827, registered charity number 1053988, registered office 2-6 Cannon Street, London EC4M 6YH. www.clientearth.org

Annex I

Rules, Practices and Procedures of the GEF and the UNFF

The following information is taken from the “Review of Practices on NGO/CSO Participation and Recommended Measures for NGO representation at Meetings of the CIF Trust Funds Committees” commissioned by the Climate Investment Funds to IUCN in January 2009.

Global Environment Facility (GEF)

The Global Environment Facility (GEF) is a global partnership among 178 countries, international institutions, non-governmental organizations (NGOs), and the private sector to address global environmental issues while supporting national sustainable development initiatives. The United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the World Bank are the Implementing Agencies. The GEF is the largest global funder of environmental projects. It is also the designated funding mechanism for a number of Multilateral Environmental Agreements (MEAs) and conventions.⁵

The GEF structure includes an Assembly, a Council and a Secretariat. A Scientific and Technical Advisory Panel (STAP) established by the United Nations Environment Programme (UNEP) acts as an advisory body to the Facility.

The GEF Council is the main governing body of the GEF. All decisions are made by consensus.

Among other things, the Council reviews and approves the GEF work program and directs the utilization of GEF funds. The Council is composed of 32 State members, including 16 from developed countries or “non-recipient constituencies” and 18 representing “recipient constituencies” composed of 14 Members from developing countries and 2 Members from the countries of Central and Eastern Europe and the former Soviet Union.⁶

The 18 recipient constituencies are distributed among the geographic regions as follows:

- 6 representatives from Africa
- 6 representatives from Asia and the Pacific
- 4 representatives from Latin America and the Caribbean
- 2 representatives from Central, Eastern Europe and the Former Soviet Union

For each geographic region recipient constituencies are formed through a process of consultation among the GEF recipient country Participants⁷ in the region in accordance with their own criteria. Amongst other criteria, it is expected that “equitable and balanced representation from within the geographic region” is taken into account in this consultation. The non-recipient constituencies are formed through a process of consultation among interested Participants. It is expected that grouping of non-recipient countries will be primarily guided by total contributions to the GEF Trust Fund.

Five seats at Council meetings are reserved for NGO representatives to attend as observers⁸. As observers, NGO representatives do not have decision-making power. NGOs present in the meeting

⁵ Global Environment Facility (GEF), Web site, <http://www.gefweb.org/interior.aspx?id=50> (accessed December 3, 2008).

⁶ Global Environment Facility (GEF), “Instrument for the Establishment of the Restructured Global Environment Facility,” March 2008, http://thegef.org/uploadedFiles/GEF_Instrument_March08.pdf (accessed December 10, 2008).

⁷ The Assembly consists of representatives of all GEF Participants. Any State member of the United Nations or of any of its specialized agencies may become a Participant in the GEF

⁸ No definition of the term ‘observer’ is provided

may make interventions on a specific agenda item when invited to do so by the Chair. The extent to which NGOs are able to intervene can thus vary depending on the Chair. To improve their likelihood of being invited to speak, NGO representatives can arrange to meet with the Chair beforehand to let him/her know that they would like to speak on a particular item. NGOs may also do the same with Council members who can make a request to the Chair to hear from NGOs on an issue. All together ten NGO representatives are given access to attend Council meetings, though only five seats are reserved for NGOs to sit in on a session of the Council meeting at any one time. Over the course of the three-day Council meeting, these ten NGOs may alternate between sitting in the meeting and watching the proceedings on a closed circuit television.⁹

Criteria and rules for NGO attendance to Council meetings, approved by the Council in 1995, and whose application is subject to Council review, include the following¹⁰:

- For the purpose of representation at GEF Council meetings and participation in related GEF consultations, NGOs are defined as non-profit organizations whose mandate, experience, expertise and capacity are relevant to the work of the GEF. These include: community groups; local, national, regional and international organizations, including NGO networks, dedicated to preserving the environment or promoting sustainable development; indigenous people's organizations; and academic and research institutions.
- NGO representatives are responsible for communicating with the wider NGO community, including reporting on the Council meeting and NGO Consultations, and they should be determined (selected) by NGOs.
- Additional criteria for selecting NGOs to be invited to attend/observe the Council meetings:
 - NGOs should be members of the GEF-NGO Network
 - A broad based geographic representation should be ensured
 - The agenda for the Council meeting should be taken into account and organizations with relevant competence should be selected
 - A wide representation of views and expertise should be reflected, a balance among international, national and local representation
 - Past attendance of NGOs at Council meetings should be considered, and rotation among NGOs should be sought

For NGO representatives, the Council meeting is the final of a series of three meetings held twice a year over the course of one week. The NGO Preparatory Meeting and the GEF-NGO Consultation, held respectively on the Monday and Tuesday preceding the three-day Council Meeting, are intended to facilitate the preparation of NGOs to participate substantively in the Council Meeting.¹¹

The NGO Preparatory Meeting is attended exclusively by NGOs and chaired by the Chairman of the NGO network. The entire day is dedicated to preparing NGOs' views and positions for the GEF-NGO Consultation and the Council meetings. The purpose of this meeting is to discuss concerns on agenda items to be presented at the Consultation and Council meetings. Interventions drafted by each NGO prior to the meeting are presented to NGO colleagues and discussed. It is during the preparatory meeting that the roster detailing which five of the ten NGO representatives will attend the Council meeting in order to intervene on specific agenda items is set. It has generally been agreed that NGO

⁹ Climate Investment Funds, Review of Practices on NGO/CSO Participation, January 2009, Washington D.C.

¹⁰ Awotar, Rajen, Liliana Hisas, Djimingue Nanasta and German Rocha, "A Guide to the Global Environment Facility for NGOs," September 2005, <http://www.gefweb.org/Partners/partners->

¹¹ *Ibid.* 9

delegates have a social responsibility for communicating NGO views as discussed at the NGO Preparatory Meeting on behalf of the NGO delegation.¹²

This GEF-NGO Consultation is jointly organized and co-chaired by the Chair of the GEF NGO Network and the GEF Secretariat. The Consultation agenda is prepared based on the agenda for the Council Meeting, which is posted on the GEF website six to eight weeks prior to the meeting. NGO Focal Points create an outline for the GEF-NGO Consultation Meeting agenda that is then circulated to the GEF-NGO Network to prepare the final draft. The GEF-NGO Consultation is attended by NGOs, the GEF Secretariat and the implementing and executing agencies. Council Members are also invited to attend. NGOs voice concerns, comment on policies and projects and present positions on substantive issues. Brief reports on regional concerns relevant to the upcoming GEF meeting (prepared by the RFPs) are distributed to consultation meeting participants. The Consultation meeting is the opportunity to raise particular items.¹³

The main purpose of the Consultation meeting is to allow NGOs to communicate their key messages with members of the Council, but not all Council members attend it. In that case, it is necessary to speak to them at some point during the Council meeting before the agenda item comes up, or at the reception the night before the meeting begins.¹⁴ Consultation meetings have furthermore tended to get bogged down with discussion of details of the next day's meeting, rather than being used as an opportunity to pursue strategic priorities.

Travel grants are provided for sixteen NGO representatives from the GEF-NGO Network to participate in the Preparatory Meeting for NGOs and the GEF-NGO Consultation, but only ten of these are given access to attend Council meetings. The grants are provided for out of the Voluntary NGO Trust Fund and managed by the GEF-NGO Network. For representation at the Council meetings, the network is divided into regions according to the GEF regional structure. GEF-NGO Network members must contact their corresponding RFP to make their case to the GEF-NGO Network in order to be invited to attend the meeting.¹⁵

NGO attendance at GEF meeting has been successful at giving a voice to those who are interested in sharing their views but who previously did not have the opportunity to do so. How effective it has been in producing advocacy outcomes however, is debatable.

United Nations Forum on Forests (UNFF)

The United Nations Forum on Forests (UNFF) is a subsidiary body of the Economic and Social Council of the UN (ECOSOC). The Forum's objective is to promote "... the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end..." based on the Rio Declaration, the Forest Principles, Chapter 11 of Agenda 21 and the outcome of the IPF/IFF Processes and other key milestones of international forest policy.

The Forum is composed of all member States of the UN and its specialized agencies. Decisions are taken by voting. All members have equal voting rights. UNFF Instruments and Resolutions are non-binding.

¹² *Ibid.* 9

¹³ *Ibid.* 10

¹⁴ *Ibid.* 10

¹⁵ *Ibid.* 10

The World Bank supports the UNFF and its member countries through its membership in the Collaborative Partnership on Forests (CPF), a partnership of international organizations formed in 2001 following the recommendation of ECOSOC.

The UNFF is guided by a Bureau and serviced by a Secretariat.

The UNFF Bureau consists of one Chairperson and four Vice-Chairpersons in accordance with the principle of equitable geographical distribution. The Bureau members are elected at the end of each UNFF session from among UNFF members. The Bureau has several responsibilities including the follow up of decisions made at UNFF sessions, preparation for the subsequent session as well as the management and organization of sessions.

Among others, a central function of the UNFF is: “To provide for continued policy development and dialogue among Governments, international organizations, including major groups, as identified in Agenda 21 as well as to address forest issues and emerging areas of concern in a holistic, comprehensive and integrated manner.”¹⁶

The UNFF is thus committed to ensuring that the Major Groups formally recognized as “civil society” in Agenda 21 and endorsed by the UN General Assembly in 1992 are represented in dialogue concerning forest-related policy development.¹⁷ These Major Groups (referred to instead or in addition to civil society) are:

1. Women
2. Children and Youth
3. Indigenous People
4. NGOs
5. Local Authorities
6. Workers and Trade Unions
7. Business and Industry
8. Scientific and Technological Communities
9. Farmers and Small Forest Landowners

To meet this commitment, the UNFF has put in place a network of Major Group Focal Points managed by the UNFF Secretariat. Major Group Focal Points are invited by the Secretariat to take on the role of representing the relevant Major Group in the UNFF process. Often, the selected Focal Points are individuals that have been active in other UN agencies or related fora, but this varies.

The UNFF offers a variety of channels for input from civil society. It is the responsibility of each of the Focal Points to coordinate the inputs of their respective Major Groups in order to take advantage of these channels.

One mechanism for incorporating civil society perspectives in the UNFF process is the Discussion Papers that Major Groups are invited to prepare to be shared with UNFF members prior to every session. Discussion Paper topics must relate to the topics being treated at the particular session. These topics are determined by the UNFF, but are often quite broad. Focal Points are responsible for compiling the inputs into a final document and sharing it with the Secretariat. While Major Groups

¹⁶ UNFF, website: <http://www.un.org/esa/forests/>

¹⁷ ECOSOC, Agenda 21: Chapter 23: Strengthening the Role of Major Groups, http://www.un.org/esa/dsd/agenda21/res_agenda21_00.shtml?utm_source=OldRedirect&utm_medium=redirect&utm_content=dsd&utm_campaign=OldRedirect#sec3

do make use of this opportunity, papers often seek to highlight the same issues (e.g. more participation, better benefit sharing) packaged a little differently depending on the topic.

Another is participation in UNFF sessions. Representatives of any interested major group are able to participate in UNFF plenary sessions and working groups, and on occasion have been enabled to participate in smaller contact groups. While NGOs are required to be accredited by ECOSOC or the Commission on Sustainable Development (CSD) in order to attend UNFF sessions, it is common practice for NGO representatives to receive accreditation from an existing ECOSOC/CSD accredited CSO in accordance with that organization's own accreditation procedure and participate on that basis. Major Groups do not have a vote at the UNFF Sessions. Whether or not Major Groups are permitted to intervene during negotiations varies from session to session at the discretion of the Bureau. Interventions from Major Groups were permitted during the negotiation of text at the most recent UNFF Session.

A further important avenue for civil society participation is the Major Groups' role in organizing and participating in multi-stakeholder dialogues (MSDs) during which Major Group Focal Points and others in attendance have the opportunity to discuss issues relevant to the topic of the session with any interested member States. The thematic content and structure of each MSD are negotiated between the Secretariat and the Bureau. The Secretariat represents the Major Group Focal Points in this discussion. While initially MSDs were held one day during the first week of the session, Major Groups are learning more about how best to maximize the one day reserved for the MSD as an opportunity to influence decision-making. For example, the MSD has on occasion been split into 2 half-day meetings with one discussion held during the first week and one held during the second week when the Ministers are present in order to have the opportunity to reach key decision-makers.

Travel grants are provided for representatives from each of the Major Groups to attend. Due in large part to good working relationships between the Focal Points from the different Major Groups, efforts are made to maximize resources as much as possible to provide for the participation of the maximum number of representatives.

Major Group representatives may also engage with decision-makers by organizing side-events on different thematic areas during UNFF Sessions, which member States may be invited to or even involved in.

The UNFF Secretariat has put considerable effort and resources into nurturing the Major Groups system, including the designation of a full-time Secretariat staff position to manage Major Group relations. This has:

- Enabled regular contact between the Secretariat and the Major Group Focal Points - e.g. bi-monthly telephone discussions with the Major Group coordinator enable the Secretariat to represent Major Groups in discussions with the Bureau about how the MSD consultation at the session will be structured.
- Promoted a good working relationship between MGFPs (e.g. by reserving rooms just for Major Group Focal Points to meet on the side of international meetings)
- Helped enable Major Groups to develop a common position on some issues. This is often well received by governments and thereby can increase effectiveness of civil society engagement.