

inside:

The future we do not want

Open, inclusive and accountable
governance: Playing Jekyll & Hyde
with the Zero Draft

a multi-stakeholder
magazine on
climate change
and sustainable
development

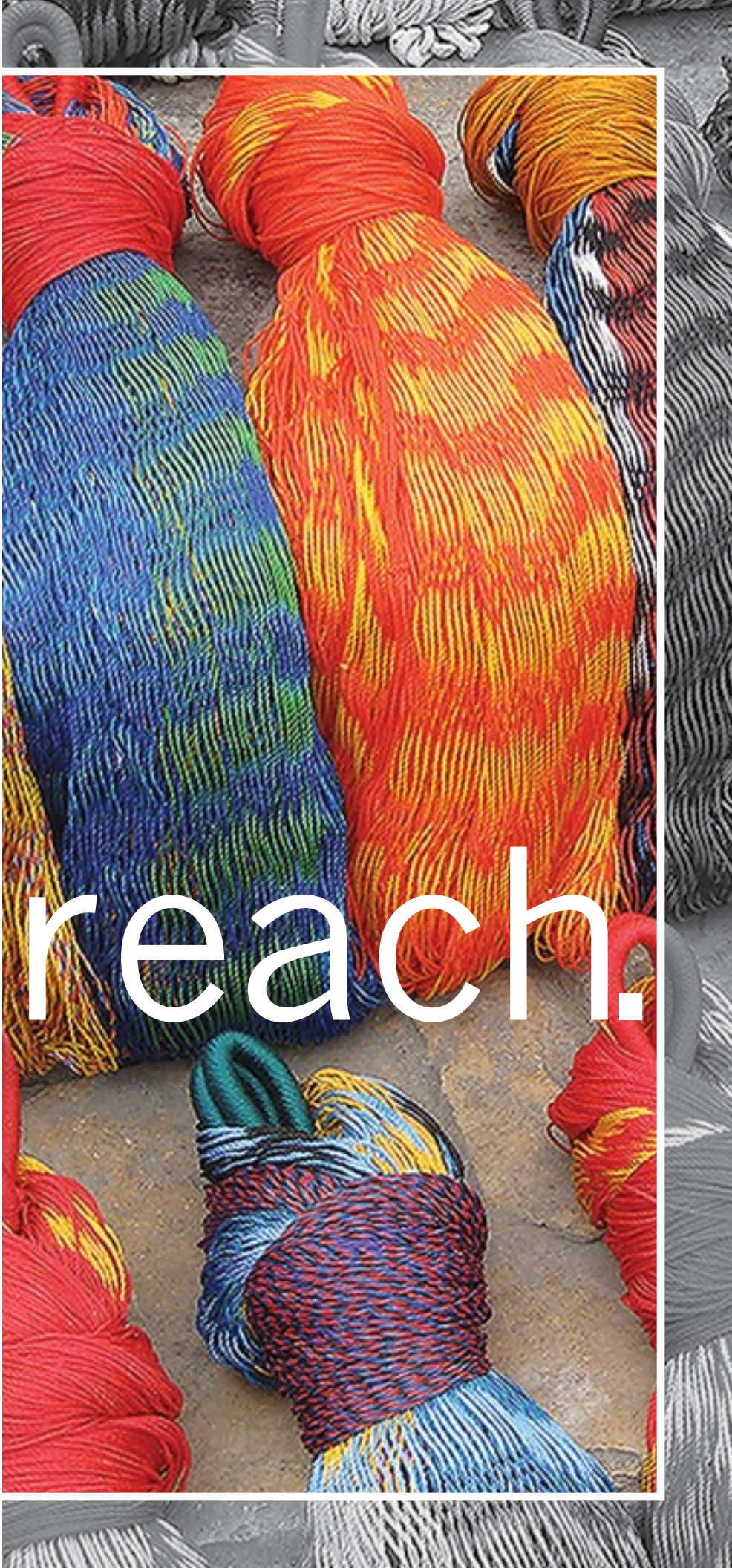
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Sustainable
Development

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pic: Mikey Wally



The future we do not want.

Derek Osborn
President, Stakeholder Forum

The text that has emerged from the first week of Rio+20 negotiations has become a monstrosity. The already inadequate Zero Draft has emerged festooned with bracketed amendments, whose general tendency is profoundly negative.

Everyone knows what needs to be done. The poorest families, communities and countries in the world need help to rise out of their poverty and gain decent lives and livelihoods. And the whole world needs to transform its patterns of production and consumption to stop pressing so dangerously against the natural planetary limits, overwhelming the carrying capacity of the planet and damaging the environments of the most vulnerable.

Most can see the value of interpreting this objective into concrete and specific sustainable development goals for all countries, with timetables that will both specify and operationalise the various constituent elements of the improvements needed for the poorest communities, while at the same time bearing down on the most damaging elements of excessive global consumption and production, diverting them to safer alternatives.

We know that the full resources of modern science and technology need to be directed towards helping to bring about this transformation and that we need to improve the way in which they interface with decision-making. We know that the vast energies and capacities of the corporate sector need to be redirected towards more sustainable production and that consumption patterns need to be refocused in more sustainable and less wasteful directions.

We know that this transformation requires determined political leadership at local, regional, national and international level. We know that implementation requires strategies, action plans, full use of green economy instruments, redirection of financial and investment flows, indicators, targets and milestones to monitor progress.

We know too that the transformation needs the full engagement, participation and commitment of major groups, civil society partners and the public at all levels. We need champions of sustainable development and future generations, and partnership structures active at all levels.

We know that we need strong and effective international institutions that are capable of monitoring overall progress, marshalling support where it is most needed to assist the transformation, and chiding and restraining those countries and other bodies whose unsustainable activities are most damaging to the planet as a whole, and especially, the most vulnerable.

But does this vision and determination emerge from the debates and amended text? It does not. We hear and see timidity, caution, suspicion, protection of vested interests, and even attempts to undermine and go backward on rights, actions and issues already agreed.

During meetings over the weekend, Major Groups have been shocked as they have taken stock of the failure of the negotiations so far to rise to the level of the challenges which the world faces, or even to the level of ambition with which the negotiations began. The Major Groups are urgently bracing themselves to restate what should be the true goals of the Rio process and to mark out very clearly the red lines of lowest denominator, beneath which it would be truly shameful for the negotiations to fall.

Citizens, the global Sustainable Development Revolution is in danger. We must rally to the barricades. ■

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About Stakeholder Forum

Stakeholder Forum is an international organisation working to advance sustainable development and promote democracy at a global level. Our work aims to enhance open, accountable and participatory international decision-making on sustainable development through enhancing the involvement of stakeholders in intergovernmental processes. For more information, visit: www.stakeholderforum.org

Outreach is a multi-stakeholder publication on climate change and sustainable development. It is the longest continually produced stakeholder magazine in the sustainable development arena, published at various international meetings on the environment; including the UNCSD meetings (since 1997), UNEP Governing Council, UNFCCC Conference of the Parties (COP) and World Water Week. Published as a daily edition, in both print and web form, Outreach provides a vehicle for critical analysis on key thematic topics in the sustainability arena, as well as a voice of regional and local governments, women, indigenous peoples, trade unions, industry, youth and NGOs. To fully ensure a multi-stakeholder perspective, we aim to engage a wide range of stakeholders for article contributions and project funding.

If you are interested in contributing to Outreach, please contact the team (gmacdonald@stakeholderforum.org or acutter@stakeholderforum.org)
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Launch of the second edition of the Pocket Guide to Sustainable Development Governance

The second edition of the Pocket Guide to Sustainable Development Governance has been launched jointly by the Stakeholder Forum and the Commonwealth Secretariat. Including new and updated information on some of the key proposals relating to IFSD and sustainable development

governance, the guide will help stakeholders navigate their way through the proposals contained in the Rio+20 zero draft as well as the sustainable development governance debate more generally. For more information please contact Kirsty Schneeberger on: kirstys@stakeholderforum.org ■



Excerpts from the summary report of the Major Groups Expert Meeting, Saturday 24th March

On Saturday 24th March, all Major Groups met to reflect on the negotiations and identify **shared inter-major group themes for advocacy, by civil society as one.**

This very well attended meeting was made possible with the generous support of the EU Environment DG's Thematic Programme for the Environment and Sustainable Management of Natural Resources, including Energy (ENRTP) grant entitled: "Supporting global civil society preparation and engagement for the UNCSO conference in 2012".

The six cross-cutting issues the Major Groups agreed to discuss included: Rights, Principles and Outcomes; Agriculture and Food; Sustainable Development Goals; Planetary Boundaries and Science-Policy Interface; Means of Implementation, Finance and Trade; and Energy.

Rights, Principles and Outcomes

- There is an overarching need all the Rio Principles, and a rights-based approach, to be articulated in the Preamble – in clear language – to ensure the cross-cutting application of human rights and sustainable development.
- Specific language – on equity, a social protection floor and inclusion of specific sectors and vulnerable groups such as workers, women, youth, farmers, indigenous peoples, etc. – is essential.

Agriculture and Food

- Much stronger language on transitioning from unsustainable agriculture, to more sustainable agriculture and food systems, is needed.
- The balance between global, local and domestic access to food markets needs to be protected, as well as urban-rural linkages and connecting food and sustainable cities.
- References to science, extension and information need to be tied to respect for – and inclusion of – indigenous, local and traditional knowledge.
- Also recognised was the success of having included livestock into the sustainable development discourse, and agreed that the many benefits of improved animal husbandry need to be better incorporated, in light of the huge impact livestock have economically, socially and environmentally.

Sustainable Development Goals (SDGs)

- SDGs should not be the only outcome from Rio+20, but they are important means for implementing sustainable development goals at national levels. Principles and criteria for SDGs should include equity, respect for cultural diversity, universality, stakeholder participation, and accountability by and for all.

- SDGs should: address structure; define targets and indicators; offer implementation guidance and action plans, with monitoring at national and international levels; as well as define clear roles for civil society.

Planetary Boundaries and Science-Policy Interface

- A paradigm shift is needed to establish a science-policy interface that ensures policy-making is based on sound science and creates knowledge-sharing mechanisms.
- Capacity building is needed to backup the application of new technologies, and to make science accountable for people, with participation and ownership by civil society.

Means of Implementation, Finance and Trade

- The latest amendments to the Zero Draft related to trade subsidiarity, make means of implementation subject to WTO commitment and obligation. This regression and reversion must be avoided.
- Implementation language has to include: a demand to reduce harmful subsidies; intellectual property rights balance with community rights and common goods; and definition of clear parameters for accountability.

Energy

- There was support for the transition from fossil fuels to renewable and clean energies. Developed countries were encouraged to support developing countries' transition to renewable energy, while establishing accounting principles to price externalities.
- Developing countries were also encouraged to actively promote modern and affordable cook-stoves that would benefit mostly women and girls.
- There is a need to evaluate the potential environmental, health, social and economic impacts of existing and new technologies.

Conclusion and Next Steps

Major Groups will continue to dialogue with Member States about these priorities. Identifying 'red lines' or bottom line positions – the 'floor' below which positions must not fall – for civil society is necessary going forward,

Formal and high level engagement in the intergovernmental process by civil society is core to the coherence of policy and to the implementation of any future UN mechanism for sustainable development following Rio. The Civil Society Mechanism at FAO can serve as a template for enhanced participation.

The main common priorities also include the need for a parallel Outcome Document – the 'future that could be' or 'another future is possible' – which could incorporate priorities into the People's Sustainability initiatives with focus on civil society views. New global initiatives with commitments at all levels are needed. ■



Heads of State are Going to Rio+20.

Who is Going and Why?

New Initiative to Track Rio+20 Preparations Country by Country

The good news is that the United Nations has just announced that 115 heads of state have already committed to attend the Rio+20 Earth Summit – roughly the same number that attended the first Earth Summit twenty years ago. The not-so-good news is that the UN has not revealed any of the specific names, nor is there much information readily available on what various governments are actually doing to prepare for Rio+20.

To address this information gap, an evolving civil society partnership is launching **Earth Summit Watch**. This will be a web-based platform to track the status of Rio+20 preparations in every country. We have already begun to gather information from governments on a handful of key questions ("Will your head of state attend?" or "What new or scaled-up initiatives is your country preparing for the summit?").

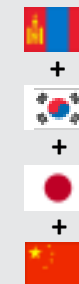
If the Summit is truly going to put the world on a path toward a more sustainable future, world leaders are going to have to do more than just show up in Rio de Janeiro on June 20th. Their governments need to be working with stakeholders and reaching out to the public so that presidents and prime ministers come to Rio+20 willing and able to take action.

It appears that in many countries, governments still need to do much more to get ready for Rio+20. The public by and large is not aware or engaged in the process either. **We see Earth Summit Watch as a vehicle for supporting the efforts of civil society groups in various countries to engage with their own governments and ensure that their societies are well-represented and ready to make a real contribution in Rio.** To encourage advocacy from civil society, the website will showcase the preparations and initiatives made by exemplary countries and will highlight the shortcomings of those countries that have not yet begun preparations for the Summit. The Watch also complements a number of existing online petitions to encourage as many top leaders as possible to attend.

Please let us know if your civil society group is interested in joining the Stakeholder Forum, Road to Rio+20, and the Natural Resources Defense Council as a partner in further shaping and undertaking Earth Summit Watch. We are also seeking "Cooperating NGOs", organizations which want to gather and contribute information on what their own country is doing to prepare for Rio. Please visit our website to obtain a copy of our survey, review the information we have already received, and submit updates. There is not much time left to generate the political will in nations around the world to ensure that the Rio+20 Earth Summit will be a success. We must ACT NOW to ensure that what we accomplish at Rio is truly transformative and historic, building a more sustainable future for generations to come.

A sample initiative

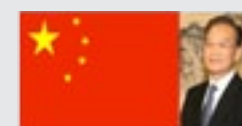
Mongolia is partnering with South Korea, Japan, and China on a multilateral regional initiative to study desertification.



Brazil



Chile



China



Colombia



Germany



India



Mali



Portugal



Sao Tome and Principe



Sierra Leone

...and 95 others

To learn more, contact mdavidson@nrdc.org.

Concrete institutional proposals to improve political decision-making

Sebastien Duyck and Alice Vincent

If there is one thing that we could learn from the recurring economic, social and environmental crises, it is that we must start reacting to these challenges according to the level of impact. We must address root causes, rather than provide short-term and superficial solutions. Reports that highlight the impact of environmental crises on vulnerable populations, and the importance of guaranteeing a social foundation, confirm this urgency. We can no longer justify the damaging consequences of our decisions on the basis of the unsuitability or outdatedness of our institutions. Fortunately, Rio+20 offers a timely opportunity to address these challenges and to make governance work for the long-term benefit of our planet and populations. In the Rio+20 preparatory processes, proposals on the international framework of sustainable development (IFSD) have stimulated debate and shed light on several practical institutional solutions that would facilitate more informed decision-making, by considering the interests of all those impacted by these choices.

The disconnect between political choices and their environmental consequences, highlights the need for a new institutional mechanism, with the objective to promote knowledge-based decision making at the international level. An Intergovernmental Panel on Sustainable Development could function as an umbrella organisation with a sustainable development research agenda for the 21st century: reviewing relevant sources and forms of knowledge (including not only natural sciences, but also social sciences and traditional knowledge). The Panel should be mandated to provide an assessment of social and ecological boundaries, and the scientific evidence gathered should contribute to knowledge-based policy making and policy monitoring.

Once decision making is grounded in a solid knowledge base, the time span considered as relevant to weight costs and benefits of each decisions should be extended. The 1992 Earth Summit highlighted a useful principle in this respect: the precautionary principle. Twenty years later, the time has come for the full and effective implementation of this principle, through the development of a new instrument to hold economic actors accountable for the risks arising from their activities. Such instrument could also guarantee that industrial production, and commercialisation of new substances and technologies, are authorised only when no reasonable doubt exists regarding their potential harm to our environment and the natural capital left to future generations.



To further guide decision-makers, a proposal is now on the table to establish a High Commissioner or Ombudsperson for Future Generations. This institution would safeguard environmental and social conditions for the benefit of current and future generations by securing their institutional representation in all areas of policy-making.

Finally, the realisation of the right of all stakeholders to actively take part in decision-making would increase the number of perspectives considered, and thus make the decisions reached more inclusive and representative. The implementation of Principle 10 of the 1992 Rio Declaration could be strengthened at Rio by the adoption of two parallel and concrete approaches. Firstly, any institution created in Rio should function on the basis of best practices in terms of inclusive governance, by including representatives of civil society in their bureau. Secondly, governments could agree to develop an international agreement to guarantee access to information, effective public participation in environmental matters, and access to justice; and to set the stage for negotiations towards the adoption of regional instruments. The current lack of references to these approaches in the Zero Draft is striking.

Some believe that Rio will simply be a talking shop, which will fail to provide meaningful solutions. Let us prove those people wrong and work with decision-makers to create firm resolutions to put us back on the right track. Increasing consumption and GDP at the price of environmental destruction and social demise is not just unsustainable but also an inadequate quick-fix to our inherently flawed relationship with our planet. We hope that Rio+20 can begin to redefine this relationship, so that future generations have the opportunity to make a healthy and fulfilling life for themselves, just as present generations have come to expect. ■

Committing to the future we want: a High Commissioner for Future Generations at Rio+20

Halina Ward

Foundation for Democracy and Sustainable Development

Paragraph 57 of the Zero Draft refers to the creation of an Ombudsperson or High Commissioner for Future Generations. But it is too weak. Currently the draft would commit States only 'to further consider' the establishment of a High Commissioner for Future Generations 'to promote sustainable development'.

The Outcome Document should commit UN Member States to a clearly timebound process, leading to the creation of a UN High Commissioner for Future Generations by means of a General Assembly Resolution. That General Assembly Resolution could incorporate a Statute of the Office of the High Commissioner for Future Generations.

In 2012 and beyond, it is apparent that multiple pressures increase the temptation for 'short-termism' at government, individual, and organisational levels. The result is a systematic failure to respect the needs of future generations.

The mission of the High Commissioner for Future Generations should be inspired by the original Brundtland definition of sustainable development: "to promote and protect the interests of future generations in the context of the imperative to meet the needs of the present without compromising the ability of future generations to meet their own needs".

The creation of a High Commissioner for Future Generations would provide a clear institutional underpinning to the inherent long-termism of sustainable development; one capable of delivering lasting outcomes, not simply political rhetoric. It would also build on, and complement, existing references to future generations in a wide range of regional and global treaties, and other international instruments.

Across the UN, the Office of the High Commissioner for Future Generations would build a body of advice, analysis and practice to underpin a systematic approach to regard for future generations in UN policy-making and implementation. 'Could there be a better way?' will be a question heard frequently, and insistently, across the High Commissioner's programme of work.

Multi-stakeholder review across themes, geographies and generations should be among the High Commissioner's key monitoring and assessment tools. Review at the national level should naturally be grounded in the consent of the state(s) concerned. But there should also be a presumption of public transparency in the implementation of the High Commissioner's mission.

A High Commissioner for Future Generations should be enabled, at any time, to receive representations related to his or her mission from individuals, states or groups. At the inter-state level, the High Commissioner's powers and responsibilities should be sufficiently broad from the start to encompass provision of advice, good offices and mediation, in the event that requests for such services are received.

The work of the High Commissioner for Future Generations should be linked to the work of any umbrella body for sustainable development. But the Office of the High Commissioner would most appropriately be housed independently of other institutions or agencies, with day to day operational accountability to the UN Secretary General and annual reporting to the General Assembly.

An early priority for the new High Commissioner for Future Generations should be to lead the development of a coordinated UN-wide strategy for protection of the interests and needs of future generations. Once adopted following discussion in the General Assembly, the High Commissioner would become the official charged with leading the UN future generations strategy. In practice, the strategy and overall role of the High Commissioner will need to evolve over time.

A High Commissioner for Future Generations would need a range of powers and responsibilities spanning international agenda-setting and leadership (including dialogue and advocacy on matters falling within the scope of the mission; and offering advice, on request, on implementation of relevant existing intergovernmental commitments); monitoring, early warning and multi-stakeholder review; capacity-building for innovation at national and subnational levels; and fostering understanding and analysis related to the mission.

The creation of a High Commissioner for Future Generations would be an act of faith in our collective ability as people, and to the collective ability of our governments, to overcome one of the most pernicious features of unsustainable development: the short-termism that undermines equity in the present and guarantees unfairness to future generations. ■

MORE INFO

To access the full discussion paper, 'Committing to the future we want: a High Commissioner for Future Generations at Rio+20', by Halina Ward visit: www.fdsd.org/2012/03/committing-to-the-future-we-want

What kind of institutional structure might best help advance sustainable development?

Simon Hoiberg Olsen

Policy Researcher at Governance and Capacity Group Institute for Global Environmental Strategies (IGES)

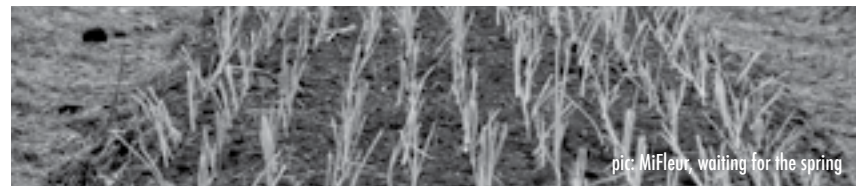
Sustainable development advocates have long argued that the current institutional framework for sustainable development (IFSD) needs reform. Neither the Commission for Sustainable Development, nor the Economic and Social Council (ECOSOC), have been able to successfully integrate sustainable development decision making into the UN system. The Rio+20 Summit is a unique opportunity for governments to establish an institution equipped with the mandate, functions, and tools to bring sustainability concerns to the forefront of decision making.

One option that has been proposed, and which has received significant attention, is the establishment of a Sustainable Development Council (SDC), which would raise the profile of sustainable development, from being under the mandate of ECOSOC, to reporting directly to the General Assembly.

Some governments are concerned that creating a separate SDC is suboptimal, as there is little political will to create additional new institutions, and doing so would require funds that are scarcely available within the intergovernmental arena. Those that hold concern about the creation of a seventh principal organ of the UN have instead proposed the reform of ECOSOC, allowing it to hold a High Level body on sustainable development.

The argument for elevating the voice of sustainable development to Council level within ECOSOC is based on integration and participation. ECOSOC could become the home of an integrative body, since both economic and social sustainable development dimensions are already embedded there. A new SDC placed under the General Assembly also has the potential to represent all three dimensions of sustainable development; however that would render ECOSOC largely superfluous, without actually closing it down.

If ECOSOC were to host a high level sustainable development body, it would require some changes to its current setup. ECOSOC has never been able to initiate an institutional process for merging the dimensions of sustainable development, despite being first envisioned in the Rio Summit 1992. The environmental pillar, for instance, is heavily fragmented, due the existence of a wide range of autonomous multilateral environmental



agreements (MEAs) and lack of coherence between them. ECOSOC also lacks the appropriate leadership to enhance the visibility of sustainability concerns. For example, even though the Annual Ministerial Review and the Development Cooperation Forum (both of ECOSOC) have undertaken reviews of the millennium development goals (MDGs), they lack tools for integrating all dimensions of sustainable development.

Some people argue that a reformed IFSD would need at least four functions to make headway towards sustainable development:

1. **Political leadership and agenda setting** – to be enabled by establishing a High Level political forum, or Assembly, to follow and advance the sustainable development agenda;
2. **Ensuring implementation** – to be bolstered by a periodic review mechanism for increased implementation and cooperation;
3. **Enhancing science-policy interface and progress tracking** – to be achieved by institutionalising a sustainable development assessment; and
4. **Strengthening inter-agency coordination** – to be strengthened by an interface to follow-up and provide advice to the Secretary General on coordination.

One could ponder whether a reformed ECOSOC could be renamed an SDC or ESEC (Environmental, Social and Economic Council), to give a more balanced reflection of the three dimensions of sustainability. The proposed high level Sustainable Development Assembly should consist of members from economic, social and environmental ministries from the highest level of national administrations; as well as stakeholders from civil society and the private sector. Some elements of ECOSOC, such as the Commission on Sustainable Development and the Commission on Social Development, could be abolished, as these functions would be embedded in the proposed functions of a reformed ECOSOC. This Sustainable Development Assembly could be the main entity for coordination and policy definition on sustainable development. In terms of membership, universality is important for the legitimacy and representativeness of a new council or the underpinning ECOSOC. However, then it might be necessary to establish an executive board with a more limited representation to ensure efficient decision making.

As for the way forward, the Rio+20 Outcome Document could contain a paragraph requesting a limited and pointed mandate change of ECOSOC. The paragraph could specify that the amendment only concerns ECOSOC's name and mandate, and could identify the necessary functions and tools of a reformed ECOSOC. A mandate change might be necessary to allocate such tools and functions to the current ECOSOC, and this could require opening the UN charter. If a charter amendment is not in the cards, amending ECOSOC's mandate (and even perhaps its name) could be based on a General Assembly resolution and be decided by a two-thirds majority.

In the end, it is too early to decide which is the better option; a new separate SDC or a reformed ECOSOC. All we can advocate for at this point are the functions and tools that are necessary to bring sustainable development governance to the forefront of the intergovernmental arena. These tools and functions should be part of the Outcome Document as necessary elements for better implementation of sustainable development. ■

Reforming UNEP: the need is clear

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Forty years after its founding date, despite unpredictable and insufficient funding, UNEP has been able to maintain its function as the watchdog of the global environment. However, without universal membership or an increase in budget, its capacity has been spread thin and it still struggles to be recognised as the paramount organisation working for the global environment.

As a result, the reformation of UNEP's structure and strengthening of its authority, have become reoccurring themes throughout the Rio+20 process and it is now thought a potential outcome of Rio+20 could be the upgrading of UNEP to a specialized agency.

It is widely acknowledged that UNEP needs to redefine its identity and increase its capacity in order to fulfill its mandate. There appears to be general agreement on the following challenges regarding the functionality of UNEP:

- Funding;
- Membership;
- Collaboration between UN agencies and UN programmes;
- Authority to oversee and implement multilateral environmental agreements (MEAs); and
- Scientific basis for decision-making;

There is a general level of support from the intergovernmental community and civil society to upgrade UNEP. At least 110 countries endorse such a proposal and a possible name for the specialised agency could be the UN Environment Organisation (UNEO). A more radical proposal has been to establish a more independent organisation named the World Environment Organisation (WEO), but this proposal now seems to have been morphed into the UNEO. UNEO as a specialised agency would hopefully have a mandate giving it functions and authority similar to other international organisations, such as the World Health Organisation and International Labour Organisation.

The UN Secretary General's high-level Global Sustainability Panel's report 'Resilient People, Resilient Planet: The Future We Want', reiterates the need to upgrade UNEP. The Panel suggests that the agency act as an umbrella organisation 'to enhance coherence between multilateral environmental agreements and better integrate its work with the activities of development institutions, especially the UNDP.' The panel believes the agency's collaboration with UNDP could be especially important in the future.

However, the process of upgrading UNEP is by no means easy, nor is it unanimous. Most notably, the United States, China, India, and Russia, do not endorse the proposal. Their positions are:

- United States: willing to strengthen UNEP, but thinks that an upgrade to Specialised Agency will weaken its mandate, and as such a move needs ratification process by each country, the US fears that such a ratification process will not make it through Congress. Instead it advocates universal membership, restructuring UNEP governance and improved scientific decision making.
- China: Advocates increased financial and technical support, but does not provide suggestions on how this can be achieved.
- India: Disagrees with elevating the status of UNEP to a WEO or specialised agency. Believes UNEP can be strengthened through capacity building, better scientific based decision-making and increased regional presence.
- Russia: Does not advocate a UNEP transformation, instead it makes a suggestion for the intergovernmental community to discuss how to increase UNEP's efficiency.

The most visible proponents of a UNEO come from the European Union and the African League of Nations. These two bodies have long argued that a specialised agency would accord UNEP with the necessary political authority to enable it to contribute to The Future We Want. ■

Implementing Sustainable Development in an Integrated Manner:

Rob Wheeler
UN Representative

From the Local to Global Level

It is clear that humanity is far from living sustainably on planet earth. We do very few things in a fully sustainable manner; and thus need to make changes across the board. Fortunately there are plenty of examples, best practices and success stories, in pretty much all sectors, that demonstrate how we can adopt more sustainable practices.

It has been recognised, by most of those participating in the Rio+20 process, that we must proceed in an integrated, coherent and much more effective or ambitious manner. It is thus imperative that we adopt an integrated, multi-sectoral approach to sustainable development that focuses on protecting and restoring the natural environment and providing basic human rights and needs for all.

There are three aspects to this that are essential. First, integration needs to be both vertical and horizontal. The development and implementation of local and national sustainability strategies, along with the action plans on sustainable consumption and production (SCP), still need to be integrated and supported at all levels of government from the local to global. In other words, a global program is needed to support countries in developing and implementing their national strategies; and global and national processes also need to be developed to support sub-national government and local communities in developing and implementing their local and regional strategies and plans as a part of, and to inform, national processes and implementation efforts.

We also need to include horizontal integration to link, and bring together, all of the various planning, development, and implementation efforts – across all sectors of society – thus increasing the level of coherence and the rate of progress, as improvements in one area support and assist with others.

The Secretary-General's GAP Report states that, 'While integrated planning or policies and national sustainable development strategies have become acceptable, their impact remains limited because of ad hoc and

inconsistent application. While important institutions have been established to promote or monitor the integrated pursuit of sustainable development, many have not received adequate support, some have languished, and most have not been able to synergize well with complementary processes or institutions. While financial and other commitments of international support have been made, they have neither achieved greater coherence nor always been fully realized in practice. While the participation of Major Groups has become the norm, there is limited success in scaling up or replicating promising multistakeholder initiatives.'

In order to respond to these findings, a global program or partnership is needed to bring together leading organisers, processes, governments, agencies, and stakeholder groups, to determine how to best finance, support, and implement these processes in a much more effective, coherent, integrated, inclusive and participatory manner.

Similarly, the Report found that, 'As of 2009, 106 countries (out of 192) have reported that they are currently implementing a national sustainable development strategy (NSDS), but these are rarely viewed as the principal vehicles for policy coordination. In practice, a number of coordinating and planning mechanisms have been used in developing countries, often in parallel, and with similar or overlapping tasks, including conventional development planning, PRSP, UNDAF, DWCF, NCS, NEAP, and others. The resulting proliferation undermines their very purpose by weakening and fragmenting the efforts to introduce coherence.'

Finally, the SG's Report suggested that, 'There is a lack of a proper framework for vertical integration between local and national processes. Even the prominent Local Agenda 21 processes were hardly reflected in national processes.'

Again, only about half of countries have fulfilled the Johannesburg commitment to develop and begin to implement a National Sustainability Strategy by 2005; and only a very small percentage of the millions of cities, towns and villages around the planet have developed local strategies or action plans.

It is therefore essential that better support is developed at the international level, to assist with the development and implementation of local to national strategy processes. These Strategies, and also the SCP Action Plans, must then be based on the Rio Principles, focus on achieving Agenda 21, JPOI, the MEAs and all other international sustainability agreements, and strive to support humanity in making a rapid transition to a fully sustainable economy and world.



In the 1990s the United States was well ahead of the curve under the Clinton/Gore Administration. With eight Sustainability Task Forces drafting recommendations and reports; multi-sectoral committees, together with an inter-agency task force, driving collaboration and integration; and a President's Council on Sustainable Development that included Cabinet Officials, key business leaders, and the heads of key civil society organisations, we were well on our way to developing and implementing a National Strategy for Sustainability. (www.clinton5.nara.gov/PCSD)

Unfortunately, these efforts were dropped before the Bush Administration was even elected, and they've never been picked up since. Fortunately, a number of State and local efforts have continued, but they have not been well-integrated with Obama Administration efforts to advance sustainable development.

In the US we have thus missed out on a tremendous opportunity; but this has been matched by the world community as well. Many may remember the UNDP Capacity 21 program, which led to many of the initiatives that resulted in the development of National Sustainability Councils and Strategies in the developing world. But for some reason, still unknown to most, the effort to develop a Capacity 2015 program following the Johannesburg Summit, which was intended to pick up where Capacity 21 left off – namely with implementation – was unfortunately never instituted.

It is therefore essential that a global program, or at the very least, a UN Partnership Initiative, is established to support, and assist in, the development of local to national sustainability planning processes linked with effective, integrated and coherent implementation plans. Local and National Councils need to be established in all countries and communities to drive the process and encourage responsible action. These Councils and strategies should include and be based on achieving the SDGs, Targets, and Indicators. And the new UN Sustainable Development

Council should be tasked with carrying out a review process to ensure that all countries and communities are on track, and receive the support they need to carry out and achieve their sustainability plans.

Finally, I want to mention an important part of this local to global planning process that has been rather neglected – the development of such efforts in small rural communities and impoverished urban neighborhoods. Perhaps this is not too surprising, given that such communities have far fewer resources and institutionalised planning processes than do larger towns and municipalities. However, it is incredibly important that we include a focus on such communities in the Rio process and Outcome Document, and in the Local and National Action Plans and 10 Year Framework of Programmes on Sustainable Consumption and Production, given that 70% of those facing extreme poverty live in rural areas; and most of the rest in impoverished urban communities.

Many examples show how such integrated, multi-sectoral community based planning processes can be successful. The Millennium Villages (www.millenniumvillages.org), Green Productivity - Integrated Community Development program – implemented in Vietnam through the Asian Productivity Organisation (www.apo-tokyo.org/gp/45icd.htm), and the Global Ecovillage Network (www.ecovillage.org) have worked in thousands of villages and local communities to demonstrate how an integrated, multi-sectoral approach, owned and managed by the local community, can provide dramatic improvements in sustainability, resilience, and the ability to meet basic human needs and live cooperatively with nature.

The NGO Cluster on Sustainable Rural Development is asking that the following be added after the section on Cities in Article 102 in the Zero Draft: 'Support is needed to develop an integrated, multi-sectoral community based approach to sustainable rural development. We call on the UN to establish a global network of grassroots support organizations, resource and service centers, and training programs to develop local capacity and assist villages and rural communities in eradicating poverty and meeting basic human needs.' ■

MORE INFO

Rob Wheeler is a UN Representative for the Global Ecovillage Network, US Citizens Network for Sustainable Development, and Commons Action for the UN

Public participation in MEAs compliance: A proposal to improve the Institutional Framework for Sustainable Development

Ana Barreira

Director of IIDMA, Member of the IUCN Commission on Environmental Law

We, present generations, are facing unprecedented environmental challenges. The actions of past and present generations not only have impacts in our time, but also affect future generations, who are unable to have their voices heard in the Rio+20 discussions.

Good governance and the rule of law are part of the equation to attain sustainable development. The existence of a well developed international environmental legal framework alone does not guarantee sustainable development, as evidences the state of the Planet. We are still far from achieving inter- and intra-generational justice. For this reason, it is imperative to place emphasis on the implementation of, and compliance with, the international environmental commitments embedded in Multilateral Environmental Agreements (MEAs).

Ensuring compliance by members of the international community with their international environmental obligations is vital to the achievement of sustainable development. Non-compliance limits the effectiveness of legal commitments, undermines the international legal process, can lead to conflict and instability in the international order, and weakens the credibility of public institutions at the international, regional and national levels. Non-compliance can include a failure to give effect to substantive norms, or to fulfil procedural requirements, or to fulfil an institutional obligation.

The Preamble of the Zero Draft affirms the commitment of Heads of State and governments 'to work for a prosperous, secure and sustainable future for our people and our planet'. However, in the 40th years since the Stockholm Conference, it has been shown that the work of Heads of State and governments alone is not sufficient in the quest for sustainable development.

The Zero Draft recognises gaps in implementation and makes a call to address them, through the commitment of Heads of State and governments to 'improv[e] governance and capacity at all levels – global, regional, national and local...' It also recognises 'that States must work together cooperatively and join with all stakeholders to address the common sustainable development challenges we face' and 'that strong governance at local, national, regional

and global levels is critical for advancing sustainable development'. One of the key points of governance is institutional reform, which is necessary in order to return some functions to society and to turn democracy to a participatory one. Openness, transparency and participation, principles essential to the achievement of good governance, improve the damaged credibility of public institutions.

To attain sustainable development, engaging the public not only in decision-making, but also in implementation, is a prerequisite. Failure to implement is a case of non-compliance. If the commitment of Heads of State and governments to sustainable development is real, then they must show it in the Rio+20 outcomes. For this reason, the proposal in paragraph 58 of the Zero Draft '...to take steps at various levels to give further effect to Rio Principle 10 at the global, regional and national level' should include the introduction of a participatory mechanism at the international level to improve compliance with MEAs.

The Instituto Internacional de Derecho y Medio Ambiente (IIDMA), jointly with Justice and Environment (J&E) and supported by a series of NGOs, proposes to introduce to the Zero Draft a call to Parties of MEAs to take the necessary steps to include public participation in MEAs compliance procedures – specifically in multilateral non-compliance procedures when members of the international community fail to implement their international commitments (the proposal is available at: www.iidma.org/privado/Archivos/Proposal-publicparticipationzero-draftFinal.pdf). The proposal consists of replicating the instruments available to the public under the Compliance Committee of the Aarhus Convention, which may bring communications to that Committee concerning a Party's compliance with the Convention. This is a concrete measure that, using the words of the Zero Draft text, will serve to 'strengthen international environmental governance within the context of the institutional framework for sustainable development'. Thus, we propose the inclusion of a new sentence in paragraph 58 of the Zero Draft:

We agree to take steps at various levels to give further effect to Rio Principle 10 at the global, regional and national level, as appropriate. At the global level we call on the governing bodies of MEAs to take the necessary steps to establish, where they are not already in place, participatory compliance mechanisms which allow for a review of any Party's compliance to be triggered inter alia by communications from the public. ■



Nationality: Chilean

Country of residence: Chile

Current Position:

Ambassador, Director of the Environment and Maritime Affairs, Ministry of Foreign Affairs, Government of Chile

interview. José Luis Balmaceda

Opening speaker at the Workshop on Improving the Institutional Framework for Sustainable Development, held on Sunday, 25th March (www.accessinitiative.org/event/2012/governance)

Following your opening remarks at the workshop on 'Improving the Institutional Framework for Sustainable Development', why do you consider Principle 10 to be so important?

One of the outstanding issues identified by Chile is the full implementation of the right to access to information, participation and environmental justice, enshrined within Principle 10. Chile promotes the participation of local communities in decision making processes, including the instruments to provide adequate information to citizens. Likewise, we are in favour of improving environmental tools to ensure environmental justice and respect of each country's sovereignty; as well the provision of solutions at the international level to tackle environmental damage in the case of territories beyond national borders. I also want to stress the importance of Principle 10 as a powerful and concrete instrument to strengthen our democracies.

What needs to be done to ensure better implementation of Principle 10 worldwide?

Well, in this respect we definitely need the commitment of a large number of countries, including the engagement of the G77. In this regard – from a strategic perspective – the support given by UNEP is extremely important. We agree with Brazil that we should do our best to facilitate a global binding agreement on this issue. But, at the same time, we are clear that, in practical terms, we are still quite far from achieving this goal. For that reason, we have decided to concentrate our efforts on the Latin American and Caribbean region, as they are prepared to follow this path in line with the participative role that civil society has demonstrated. Up to now, there has been only one example of a regional convention on this

issue, that of the Aarhus Convention. However, although Aarhus maintains an open regime, the process does not necessary favour the accession of countries outside the European sphere.

What do you believe should be achieved at Rio+20?

Twenty years on from the Rio Summit, civil society now expects this summit to provide concrete steps for us to respond to the challenges that the world is facing. Having said that, Chile is fully committed to achieving these goals. We know that we are going to face difficult negotiations with regards to green economy and governance, but we expect that both generosity, and the need to respond to the global community, will bring us to a declaration, that in a way should suit the expectations of the world civil society.

We have been working hard in the area of green economy; especially in regards to SGDs, where we are strongly supporting the Columbian initiative. We do believe the SDGs are necessary for the process and I would like to underline that civil society have demonstrated great expectations about the outcome of this initiative. At the same time, I have to mention that, for Chile, the achievement of our regional Convention on Principle 10 will serve as an instrument to support sustainable development, which is the final goal we all want to achieve.

But, we still have a lot work to do. It is important to stress the vital role of flexibility and generosity in the negotiations. Leaders need to show a long term and broad political vision if we really want to provide concrete answers. Otherwise we won't be able to deliver at Rio.

Finally, how important is the role of civil society in the Rio process?

In Chile, we believe the inclusion of civil society in this process is essential. Through this view, we decided to include civil society in the discussions on the national position that has now been presented at the UN. We are working hand in hand with the civil society, demonstrating their importance to the Chilean governments on all these issues. ■

Open, inclusive and accountable governance: Playing Jekyll & Hyde with the Zero Draft

Lalanath de Silva
Director, The Access Initiative

The previous week has been a hive of activity in New York for UN delegates negotiating the text of the Rio+20 political document. Twenty years after the first Earth Summit in Rio de Janeiro, governments are saying that they want an ambitious, action oriented, and strong agenda setting document. But, as they scramble to make something out of an anniversary meeting, it is fast becoming the opposite.

Take, for example, the notions of open, inclusive and accountable governance that the Access Initiative promotes in over 50 countries, through a network of over 250 civil society organisations. The UN Secretary General's High Level Panel on Global Sustainability, in its recent report, affirmed that good governance is at the heart of sustainable development. As captured in Principle 10 of the Rio Declaration – affirmed by 178 governments at the first Earth Summit – environmental issues are best handled with the participation of all stakeholders, with access to information, and access to remedies and relief. Twenty years after Principle 10, there has been some good progress on access to information, with over 100 countries enacting Freedom of Information laws. However, despite over 120 countries having environmental impact assessments laws, participation in decision-making still lags behind. Access to justice has been the weakest aspect of Principle 10, even though over 45 countries have established environmental courts or tribunals. In all cases, implementation lags far behind the laws.

Given this reality, we might have expected governments to include clear implementation steps in the Rio+20 Zero Draft on how to close this gap. Instead, what we see is worrisome. Clause 58 of the Zero Draft originally stated: 'we agree to take steps to give further effect to Rio Principle 10 at the global, regional and national level, as appropriate.' Some European governments, such as Switzerland and Serbia, have proposed language that strengthens this clause. The EU and the US have proposed alternate language that clarifies the clause. Furthermore, the EU has gone further and wants governments to consider 'legally binding frameworks at the most appropriate level', consistent with resolutions with the EU Parliament and the Chisinau Declaration from the 4th Meeting of the Parties of the Aarhus Convention – the only regional Convention on Principle 10.



But others – such as the G77, Canada, Japan and New Zealand – have actually proposed deleting clause 58. They argue that to avoid redundancy, the draft should refer to the Rio Principles only once, and that this is best done in part one of the draft. Many of these governments have introduced amendments to the Draft in clause 17, which merely underscores Principle 10 as 'essential to sustainable development'. This clause appears in an introductory part of the Draft, which sets the stage for the action to follow. This relegates it to an innocuous and impotent part of the Zero Draft – the Preamble – that in diplomatic parlance is no more than a platitude and a historic footnote!

What is even more difficult to understand is why countries like **Canada** and **New Zealand** have also sought deletion of clause 58. These are countries in which citizens enjoy large measures of rights and procedures that guarantee government transparency, participation and accountability to their citizens. New Zealand has been a beacon to the rest of the world in this respect – with standard setting environmental transparency, inclusiveness, and accountability laws and institutions. Why then would these nations not promote specific steps to implement Principle 10?

People around the world, including the poor, yearn and clamour for small mercies in the form of increased voice in the room, and a seat at the table where developmental decisions are being made. Countries where citizens enjoy good access to information, robust participation and healthy accountability can be expected to lead on strengthening Principle 10, including by calling for legally binding agreements regionally and globally. They have the least to fear, because for them, it would entail little or no change to laws and institutions domestically. Why would they not mandate UNEP to develop a robust program to help nations to use the 2010 Bali Guidelines on Principle 10 to improve their laws, or be the strongest advocates for greater openness, inclusiveness and accountability in the UNEP, CSD or UN institutions?

The **G77** is another enigma. Among them are liberal, democratic, and progressive governments that have made remarkable national progress in Principle 10

implementation. **South Africa, India** and several Latin American countries, including **Mexico**, have strong transparency and participation laws. But there are others that lag far behind. One would expect that the interests of laggards would be to get up to speed and to learn from those that have done better. Perhaps, they might see value in specifically asking UNEP to strengthen its program on Principle 10 to help these countries improve their laws and institutions. The many benefits to governments and citizens of increased participation, transparency and accountability, not to mention the anti-corruption impact, are evident in the socio-political research literature. But,

the G77 has proposed to remove any reference to global or regional conventions, despite the upwelling in Latin America for a regional convention on Principle 10.

The question is whether people in any country really want to be excluded, kept in the dark about government programs and actions, and have unaccountable decisions foisted upon them for the next twenty years? What more can governments say and do, in the new information age that advances Principle 10. It is time for them to step up to the plate and create the agenda for the next twenty years at Rio+20. ■

Rio+20 Side Event Calendar

| Date | Time | Room | Title | Organisers |
|---------------------------|-----------|---|--|---|
| Monday, March 26th, 2012 | 8:15-9:30 | 7 | Executive Coordinators and Major Groups Dialogue on Rio+20 Outcomes | Office of the Executive Coordinators |
| | 1:15-2:45 | E | Panel Discussion on Integrated Water Resources Management in the Context of Rio+20 | Permanent Mission of Thailand to the UN |
| | 1:15-2:45 | 7 | Sustainable Transport and Mobility: Essential | International Civil Aviation Organization (ICAO), Inter-American Development Bank |
| | 1:15-2:45 | Eco | Why sustainable energy and equity matter: Lessons | UNDP & UNECE |
| | 1:15-2:45 | 5 | Combat Desertification and Sustainable Development in Inner Mongolia of China - Maowusu Biomass Thermoelectric Project | China's State Forestry Admin, National Development & Reform Commission of China, and Maowusu Biomass Thermoelectric Company (Inner Mongolia Autonomous Region, China) |
| | 1:15-2:45 | 1 | The Business Case for Sustainable Development' Dialogue with the Business and Industry Major Dialogue with the Business and Industry Major | Barbados, Benin, Netherlands, Vietnam and BASD 2012 |
| | 1:15-2:45 | 6 | Fossil Fuel Subsidy Reform: Building Momentum at Rio and Beyond | New Zealand Mission on behalf of Friends of Fossil Fuel Subsidy Reform and International Institute for Sustainable Development-Global Subsidies Initiative |
| | 6:15-7:45 | E | Ombudspersons for Future Generations: a proposal for Rio+20 | World Future Council, UNEP & Rio+twenties |
| | 6:15-7:45 | B | Five projects and 20 proposals from the Social Economy leaders to change the model with RIO+20 | Rencontres du Mont-Blanc (RMB) - International Forum of social Economy Leaders |
| | 6:15-7:45 | Eco | Oceans at Rio+20: Highlighting Oceans Issues in the Rio+20 Outcome Document; Moving the Ocean Agenda at and beyond Rio | International Coastal and Ocean Organization Intergovernmental Oceanographic Commission of UNESCO |
| 6:15-7:45 | 7 | Moving to Safety - migration, emergencies and adaptation strategies | International Organization for Migration (IOM) | |
| 6:00 | | German House 871 UN Plaza First Ave. at 49th St. NYC | An interactive policy dialogue moderated by Barbara Pyle on Strengthening Science-Policy Interface For Sustainable Management Of Natural Resources | The Permanent Mission of Germany to the United Nations, together with: The African Department for Environmental Affairs, the Indian Ministry for the Environment, the US State Department, The International Council for Science (ICSU), and the United Nations Environment Programme |
| Tuesday, March 27th, 2012 | 8:15-9:30 | 7 | Green Jobs for Youth | International Labour Organization (ILO), UNEP |
| | 1:15-2:45 | E | Nation Proposal of the Republic of Kazakhstan for Rio+20 "Time for Radical Strategic Decisions" | Permanent Mission of Kazakhstan to the UN |
| | 1:15-2:45 | 7 | Inter-agency Assessment of Sustainable Development in Latin America: Progress, gaps and strategic guidelines 20 years on from the Earth Summit | Economic Commission for Latin America and the Caribbean (ECLAC) |
| | 1:15-2:45 | Eco | Women's Critical Perspectives on the "Green Economy" | Women in Europe for a Common Future (WECF) Asia Pacific Forum on Women, Law and Development (APWLD) |
| | 1:15-2:45 | B | Private and public solutions for ensuring Sustainable Energy for All | The Nordic countries |
| | 1:15-2:45 | 1 | Meeting the Challenge of Communicating Rio+20: Engaging the Global Public in the Transformation to a Sustainable Future | NRDC, EMA, GCCA, Global Green and DPI |
| | 1:15-2:45 | 6 | Special Event on The Trade Dimension of Rio+20: Key Issues for the Outcome Document | UNCTAD, UNDESA and ECLAC |
| | 6:15-7:45 | Eco | A Global Call to End Plastic Pollution | Natural Resources Defense Council, Aspen Catto Fellows, Plastic Pollution Coalition |
| | 6:15-7:45 | E | Dialogue on a convention for social responsibility and accountability | Stakeholder Forum for a Sustainable Future |

News from the Negotiations - Synthesis of Plenary Sessions

Christine von Weizsaecker
WECF and Ecoropa

Friday, 23rd March

On Friday, *Key Thematic Areas, Sustainable Development Goals and Means of Implementation* were addressed and the First Reading was concluded.

Chemicals and Waste were separated. *Sustainable Consumption and Production Patterns* faces the challenges of decreasing resource use, whilst increasing human well-being. The Holy See was very active on *Education and Gender Equality*, deleting sexual and reproductive health, opposing “education for women, particularly in science, technology and engineering” and asking for a para on *Family*; Australia proposed a para on *Mining* “offering opportunities for sustainable development”. EU’s texts on *Sustainable Innovation and Investment* and *Private Sector* asked for accounting, reporting and price signals.

Sustainable Development Goals was started on a positive note with agreement that SDGs should build on MDGs. EU then massively introduced new text for which G77 and China had no consolidated response. They will be ready for joint input on Monday.

Means of Implementation: G77 and China proposed to separate into subsections on *Finance, Technology Transfer, Capacity-building*, and proposed to move *Trade* into an earlier chapter. Later they had reason to complain that all their proposals on *Finance*, including reform of the International Financial Institutions and of GEF and reminder of ODA commitments were deleted. *Technology Transfer* and Intellectual Property Rights had difficulty in finding an agreed balance.

Very late in the evening delegates rushed through the intricate topic of *Trade*. Developing countries still tried to get a really development-oriented Doha Round of the WTO finalized. They demand support by UNCSD Rio+20 for an opening of markets for their products and a phasing out of subsidies. Ministries of Trade in industrialised countries obviously had also focused on this section. In many other parts of the document it was argued that UNCSD Rio+20 should keep out of other processes. This did not seem to apply to the unfinished Doha Round.

At UNCSD in Johannesburg, an attempt had been made to subject the Sustainable Development Agenda to WTO rules. It had failed. On Friday evening, additional text proposed by US and Canada looked like a repetition of their efforts 10 years ago: “We reaffirm that international trade is an engine for development and sustained economic growth as meaningful trade liberalization ... stimulating economic growth and development world-wide, thereby benefiting all countries at all stages of development. We emphasize the need to resist protectionist tendencies and to rectify any trade distorting measures already taken that are inconsistent with World Trade Organization rules....”

Mexico reminded countries that there is a need to reaffirm Rio Principle 12, which does not speak of “sustained growth” but of “economic growth and sustainable development in all countries to better address the problems of environmental degradation” and addresses “trade policies for environmental purposes” not “trade” as such. There should be no “arbitrary or unjustifiable discrimination” and “measures for addressing transboundary or global environmental problems should be based on international consensus”.

In a nutshell, the inputs late in the evening addressed the differences in the two approaches and showed that “synergy and harmony” are a difficult task and not a given. Criteria, qualifiers, assessment and mechanisms were discussed by those who were disappointed by the “hidden hand” in achieving sustainable development. And the questions remained open: Who should judge whether measures are arbitrary or unjustifiable? And how can international consensus be achieved? WTO does not yet have a standard setting body for implementing Rio Principles and sustainable development. Useful text on many topics could be futile if automatically overridden by trade agreements with strong implementation and compliance mechanisms but no finalized development agenda, let alone sustainable development agenda. ■

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