

A Pocket Guide to Sustainable Development Governance

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SECOND EDITION

Commonwealth Secretariat
Stakeholder Forum



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A Pocket Guide to Sustainable Development Governance



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ABOUT THIS GUIDE

This guide was jointly initiated by Stakeholder Forum and the Commonwealth Secretariat in response to the perceived ‘knowledge gap’ on the history and dynamics of global governance for sustainable development. A first edition was published in 2011 and this second edition was updated in February 2012.

As the ‘institutional framework for sustainable development’ has been identified as one of the two core themes for the UN Conference on Sustainable Development (UNCSD 2012), it is hoped that this guide will provide necessary background information on global sustainable development governance to allow both governmental and non-governmental stakeholders to familiarise themselves with key issues more comprehensively.

The topic of ‘sustainable development governance’ is potentially vast, as governance touches on almost all decisions and policy considerations at all levels. To make this guide manageable and accessible, we have tried to contain the number of issues addressed and have divided the guide into four distinct sections:

1. Global Institutions for Sustainable Development Governance

This section outlines the main global institutions that play a role in developing, reviewing, monitoring and implementing sustainable development at an international level.

2. Concepts for Sustainable Development Governance

This section covers the key concepts that are at the heart of sustainable development governance, which have guided much of the resulting activity on sustainable development at all levels.

3. Reform Proposals for Sustainable Development Governance

This section outlines the multiple proposals that have been put forward by a range of stakeholders for reform to global governance for sustainable development. It gives a flavour of each proposal and provides sufficient background information for readers to familiarise themselves with the main components of the proposal.

4. Processes for Sustainable Development Governance

The identification of the ‘institutional framework for sustainable development’ as one of the two key themes at UNCSD 2012 represents a specific intergovernmental process to address governance of sustainable development at the global level. This follows a history of processes and initiatives at the global level to address global governance for sustainable development. This section gives an overview of these processes and outlines some of the key outcomes.

Editors' Note

It is important to note that the reform proposals outlined in this guide are not exhaustive. This is partly because the editorial process had to include some level of selection to avoid the publication becoming unwieldy. Some of the information contained in this updated version of the Pocket Guide may become redundant as a result of the outcome of the Rio+20 Summit in June 2012. The editors would like to thank the contributing authors of both editions.

CONTENTS

Acronyms and Abbreviations	4
The Context	5
The Challenge	7
Global Institutions for Sustainable Development Governance	17
Concepts for Sustainable Development Governance	24
Reform Proposals for Sustainable Development Governance	39
International Environmental Governance	40
Global Governance for Sustainable Development	80
Global Financial Governance for Sustainable Development	89
Processes for Sustainable Development Governance Reform	96

Acronyms and Abbreviations

CBD	Convention on Biological Diversity
CIFs	Climate Investment Funds
COP	Conference of the Parties
CSD	UN Commission on Sustainable Development
CSR	Corporate Social Responsibility
CTE	Committee on Trade and Environment
CTF	Clean Technology Fund
DSD	Division for Sustainable Development
ECOFIN	Economic and Financial Committee
ECOSOC	Economic and Social Council
EMG	Environmental Management Group
FAO	Food and Agriculture Organization
GATT	General Agreement on Tariffs and Trade
GEF	Global Environment Facility
GEO	Global Environment Organisation
GMEF	Global Ministerial Environment Forum
GRI	Global Reporting Initiative
IACSD	Inter-Agency Committee on Sustainable Development
ICE	International Court for the Environment
IEG	International Environmental Governance
IFC	International Finance Corporation
IFI	International Financial Institution
IGM	Intergovernmental Group of Ministers
ILO	International Labour Organization
IPCC	Intergovernmental Panel on Climate Change
JPOI	Johannesburg Plan of Implementation
MEAs	Multilateral Environmental Agreements
MEF	Major Economies Forum
NGO	Non-Governmental Organisation
PIC	Prior Informed Consent
PP	Precautionary Principle
REDD+	Reducing Emissions from Deforestation and Degradation in Developing Countries
SCF	Strategic Climate Fund
SDGs	Sustainable Development Goals
UNCCD	UN Convention to Combat Desertification
UNCED	UN Conference on Environment and Development
UNCSD	UN Conference on Sustainable Development
UNCTAD	UN Conference on Trade and Development
UNDESA	UN Department for Economic and Social Affairs
UNDG	UN Development Group
UNDP	United Nations Development Programme
UNECE	UN Economic Commission for Europe
UNEO	UN Environment Organisation
UNEP	United Nations Environment Programme
UNFCCC	UN Framework Convention on Climate Change
WEO	World Environment Organisation
WHO	World Health Organization
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization

THE CONTEXT

THE CONTEXT

On 24 December 2009, the UN General Assembly agreed to host the UN Conference on Sustainable Development (UNCSD) in Rio de Janeiro in 2012. The Conference is also commonly referred to as 'Rio+20' or 'Earth Summit 2012', after the UN Conference on Environment and Development (UNCED), or 'Rio Earth Summit', that took place in 1992.

The Conference will address three objectives and two themes.¹ One of the themes is the 'institutional framework for sustainable development'. The 'institutional framework' essentially refers to the governance of sustainable development globally, regionally, nationally and locally – the role of institutions, processes, structures, guiding principles, integration, co-ordination and communication in providing an enabling framework for implementing commitments to sustainable development. Governance has always been recognised to be a critical tool for advancing sustainable development at all levels, though the role of global institutions and the relationships between them have been hotly debated since the World Summit on Sustainable Development (WSSD), held in Johannesburg in 2002.

It is widely recognised that the rapid advance of globalisation since the Rio Earth Summit in 1992 has far exceeded the ability of the global system to respond to the sustainability challenges that this has caused. Despite the many positive contributions by global institutions to advancing sustainable development objectives, and in particular promoting increased consideration of environmental issues, global governance for sustainable development is no longer 'fit for purpose'. Establishing and developing institutional arrangements at the global level that effectively reflect our global inter-dependence is no easy task, and it is hoped that the UNCSD in 2012 will advance some solutions in this area.

There is a wealth of concepts, processes and proposals – both current and past – that are relevant for consideration in a discussion of the 'institutional framework for sustainable development governance'. It is important to note that this discussion need not be confined to the Rio+20 process alone, but is part of a much wider debate on global governance, in which Rio+20 will play a significant role.

This publication seeks to provide an overview of what has become an often complex and convoluted topic, in the hope that this will enable governmental and non-governmental stakeholders alike to have a more comprehensive understanding of the 'landscape' for sustainable development governance, as well as an enhanced awareness of the variety of ideas and proposals for reform.

THE CHALLENGE

THE CHALLENGE

The dawn of sustainable development

Since the UN Conference on the Human Environment held in Stockholm in 1972, the reach of sustainable development governance has expanded considerably at local, national, regional and international levels. The Stockholm Conference led to the establishment of the United Nations Environment Programme (UNEP), as well as the creation of a plethora of multilateral environmental agreements (MEAs). A further and significant milestone in the conceptualisation of sustainable development was the 1987 Brundtland Report, *Our Common Future*, published by the Brundtland Commission under the leadership of Gro Harlem Brundtland, the then Prime Minister of Norway. This gave a definitive and now widely used paradigm of sustainable development, as:

*'... development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'*²

The Brundtland Report was unique in addressing the need for economic development without depleting natural resources or harming the environment, and was central in framing discussions at the United Nations Conference on Environment and Development, or 'Earth Summit'. Convened in June 1992 in Rio de Janeiro, UNCED was attended by over 100 Heads of State and government (more than had ever before attended an international conference) and was unique in its size and participation.

The outcomes of UNCED were significant. They consisted of a political declaration of principles on environment and development (the Rio Declaration); a 40-chapter 'blueprint' for implementing sustainable development (Agenda 21 – so called because it forms an agenda for the twenty-first century); a Statement of Forest Principles; and two new multilateral environmental conventions – on climate change (the UN Framework Convention on Climate Change (UNFCCC)) and on biodiversity (the Convention on Biological Diversity (CBD)). The Earth Summit also led to new approaches to the inclusion of different social groups in policy debate and action, and it established a new mechanism within the United Nations, the UN Commission on Sustainable Development (CSD), to monitor and promote implementation of the outcomes from Rio.

The conceptualisation of sustainable development that has emerged is one of development that addresses three pillars – economic, social and environmental – and the interlinkages between them. Progress within and across all three pillars in a consolidated manner is seen as critical in the achievement of truly sustainable development. This approach remains the foundation upon which development can be achieved sustainably.

The challenge of making progress towards sustainable development

Since 1992, the number of multilateral environmental agreements has grown significantly, and there are now many hundreds of binding and non-binding global agreements on environmental issues, as well as a wide range of other agreements that address social and economic aspects of development.

Despite the growing number of institutions, instruments and processes addressing sustainable development, environmental problems have intensified globally. The findings of the 2005 Millennium Ecosystem Assessment showed that *'over the past 50 years, humans have changed ecosystems more rapidly and extensively than in any comparable period of time in human history'*, and that this has resulted in *'a substantial and largely irreversible loss in the diversity of life on Earth'*.³ The Intergovernmental Panel on Climate Change (IPCC) has found that global CO₂ emissions grew by 70 per cent between 1970 and 2004.⁴ This is despite the overwhelming scientific consensus that increasing levels of CO₂ in the atmosphere caused by human activity pose a serious threat to human well-being. This time frame also corresponds to the period during which the global community has come to understand human impacts on the environment better than ever before, and has developed an ever-expanding system of global governance to address these problems.

It is important to recognise that coincidence does not imply causality. The continued degradation of the global environment has not been caused solely by governance weaknesses, but rather by a multitude of drivers, including prevailing economic models and patterns of consumption and production. However, some governance arrangements have exacerbated the problem, including institutional arrangements that preclude the prioritisation of sustainable development objectives; which stall rather than enhance the effective integration of the three pillars of sustainable development; and which do not meet the challenge of governing global public goods. Some of the specific challenges in this regard are outlined below:

• **The governance of the global commons**

Most environmental problems are global in nature – whilst they may be the result of actions taken and endorsed at a national level, they have global ramifications. Many ecosystems that are managed under national jurisdictions have immeasurable global benefits – such as forests through carbon sequestration and climate regulation – and their destruction and degradation can lead to negative impacts in regions far removed from the source. It is therefore crucial that any system of global governance can effectively manage the global commons.

The current governance of the global commons through the prism of national

sovereignty remains one of the most fundamental obstacles to progress. Whilst global public goods that lie within national boundaries continue to fall under the jurisdiction of the nation state, it is likely that decisions will be made on the basis of national interests rather than global concerns. Nation states continue to be often ideologically opposed to governance arrangements that involve ceding sovereign authority over natural resources to a supranational institution making decisions in the global interest,⁵ especially when there is little short-term incentive to do so. This explains the absence of effective compliance mechanisms and enforcement regimes for many global environmental agreements.

In the absence of an overall decision-making framework that takes into account global interests and that has the power to override national interests, mechanisms have emerged that attempt to incentivise the right decisions at a national level. An approach such as REDD+⁶ represents an effort to develop a mechanism that redistributes benefits by providing monetary 'compensation' to developing countries with forests *from* developed countries which benefit from global forest cover, though they currently do not contribute to the costs of its preservation. Yet, despite the opportunities afforded by REDD+, there has also been widespread criticism due to the market-based approach which arguably has its limitations. The role of global institutions and an appropriate international regulatory framework remains a challenge.

• ***Effectiveness of the United Nations Environment Programme***

UNEP was conceived to be the 'environmental conscience' of the United Nations. UNEP is not a specialised agency, but is attached to the UN General Assembly as a subsidiary programme. Critics of UNEP often suggest that being a subsidiary programme restricts the influence and effectiveness of its work and that not having the same stature as other UN organisations makes it more difficult for it to achieve its aims.⁷

UNEP also does not have a direct communication channel to the General Assembly, as it reports through the Economic and Social Council (ECOSOC). This process is also widely criticised as restricting the influence of UNEP's 'voice'. It is suggested that in choosing the information to transmit to the General Assembly, ECOSOC acts as a filter which risks weakening messages from UNEP. ECOSOC has not added to the substantive nature of the *UNEP Annual Report* (which is submitted to ECOSOC), as it has had insufficient time to discuss it and is mostly attended by Foreign Ministry representatives, many of whom may not have the technical and specialist knowledge to offer the inputs required.

Some also argue that *'while UNEP was explicitly charged with the functions of an anchor institution, it was not endowed with the necessary capacities and structural conditions from the onset'*.⁸ Examples of such limited capacity

include limited funding and a smaller budget than other agencies, such as the United Nations Development Programme (UNDP). In addition, the programmes of UNEP are financed by voluntary contributions from member states, which can allow contributing industrialised countries greater control over the agenda set by UNEP, and can result in an imbalance of country agendas being represented at programme level.⁹

The location of UNEP in Nairobi, Kenya has been hailed as a progressive step towards strengthening the role of the 'global South' in international environmental governance; however, this has been 'moderated' by challenges associated with Nairobi, including service and infrastructure problems, as well as the fluctuating political situation in Kenya.¹⁰ Many of these problems have now been resolved and the UN presence in Nairobi continues to grow.

This weakness of UNEP, perceived or actual, underpins many of the calls for the strengthening of its role and mandate as part of reform of international environmental governance (IEG). This includes calls to establish a new and autonomous institution to govern global environmental issues or the setting up of regimes and processes that could either support or strengthen UNEP. These options, among others, have been debated intensely by governments through a number of consultative processes since the early 2000s, including most recently at the UNEP's Governing Council/Global Ministerial Environment Forum (GMEF). This publication analyses in detail the many options on the table.

• ***Effectiveness of the UN Commission on Sustainable Development***

The Commission on Sustainable Development was established at UNCED in 1992, and was given the mandate to monitor and review progress towards globally agreed goals and targets for sustainable development. In its first ten years it had a number of successes, which included:

- Calling for the development of effective legally binding instruments concerning the Prior Informed Consent (PIC) procurement on the importation of chemicals (1994);
- Establishing the UN Intergovernmental Panel on Forests (1995);
- Setting out the requirements for the establishment of the institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (1996);
- Formulating and elaborating national strategies for sustainable development, the establishment of the UN Intergovernmental Forum on Forests and the establishment of multi-stakeholder dialogues between governments and the CSD (1997);

- The UN Conference on Trade and Development (UNCTAD), UNEP and the UN Department for Economic and Social Affairs (UNDESA) helping to develop a vulnerability index for quantitative and analytical work on the vulnerability of small island developing states and the establishment of a review of voluntary initiatives within industry (1998);
- Establishing UN guidelines on consumer protection to include sustainable consumption and the establishment of an open-ended informal consultation process on oceans and seas under the UN General Assembly (1999);
- Establishing a new permanent body – the UN Forum on Forests.¹¹

Since 2003, the CSD has functioned through two-year work programmes that focus on particular thematic clusters, separated into review and policy cycles. The aims and objectives of the CSD are commendable, and it has been charged with an important job; however, the process is widely perceived to be ineffective, with only low level government buy-in and limited impact on national decision-making. Some of those charged with implementing the decisions that emerge from the policy cycles feel largely alienated from the process that has led to those commitments, and the CSD is not coupled with any mechanism for implementation – critically, it does not include a financing element.

The CSD also fails to occupy a particularly strategic space in the UN system, being a functioning commission of the Economic and Social Council of the United Nations, rather than a Council that reports directly to the UN General Assembly. It is therefore difficult for governmental and non-governmental stakeholders to fully grasp the relevance of the CSD, and consequently the level of political will attached to achieving global sustainable development has tended to increase on a ten-yearly basis in conjunction with major global summits, and wane considerably in-between. Building global momentum for sustainable development requires the establishment of a monitoring and review process with significantly more status and impact, and associated financing mechanisms.

• *Coherence and co-ordination*

There are many different international organisations, programmes and bodies that govern sustainable development, particularly environmental issues, at the global level. They include a multitude of MEAs, legally binding treaties and conventions with their own secretariats, including the UN Framework Convention on Climate Change, the Convention on Biological Diversity and the UN Convention to Combat Desertification (UNCCD). There are also a range of 'soft law' commissions, including the Commission on Sustainable Development and the Commission on Social Development. This is in addition to a range of political review mechanisms, including the review of the Millennium Development Goals (MDGs), which will expire in 2015 (unless

extended), and the UN Conference on Sustainable Development in 2012 (Rio+20).

Each of these bodies has its own objectives and mandates, and as such can act somewhat autonomously, which often results in fragmented and fractured processes and agreements that govern international environmental issues. Such a multiplicity of bodies and processes can also affect the efficient implementation of MEAs, as the resulting monitoring and reporting requirements for adhering countries place a strain on resources that can act as a barrier to implementation, especially in developing countries and small states. Furthermore, the fragmentation of environmental portfolios across a plethora of UN agencies, with limited opportunities for co-ordination, undermines a strategic approach to environmental priorities and objectives at a global level.

There are a number of proposals to strengthen the co-ordination and coherence of environmental activities at the global level, many of which are outlined in this guide. Though the solutions outlined by these proposals may differ, the diagnosis often remains the same. Achieving environmental objectives at the global level cannot be reduced to enhancing coherence and co-ordination alone; but this is clearly one of the prerequisites, however it may be achieved.

• *Integration of social, economic and environmental approaches*

A significant obstacle to achieving sustainable development globally is the lack of a coherent holistic approach that fully integrates all three pillars of sustainable development in pursuit of an overarching goal. On the contrary, a number of different processes have emerged that seemingly address each pillar in isolation, and even sustainable development itself has arguably become yet another pillar, with its own associated architecture and processes, which do not necessarily represent a 'coming together' of all three pillars.

In 2000, the Millennium Summit brought the international community together to agree to a common set of interconnected development goals, targets and indicators enshrined in the MDGs.¹² At the heart of the MDGs is the social pillar of sustainable development, including key areas such as education, maternal health and access to basic services. **Goal 7** commits to 'ensuring environmental sustainability' and contains three global targets and eight global indicators. Only one goal (7) is specifically dedicated to environmental issues in relation to development, with the choice of indicators and targets in the MDG7 framework being '*based on an imperfect match between major environmental conventions and the data available across the world for a wide range of countries*'.¹³ It has been left to countries to tailor these targets and indicators at the national level. Some believe that this significant focus on social development has contributed to the framing of sustainable development as the main policy focus for the international

development community for the first decade of the twenty-first century. As the MDGs have also succeeded in communicating basic demands and focusing in a way that the rather cumbersome outcomes of sustainable development summits have not, they have arguably somewhat subsumed the global sustainable development agenda. Indeed, the level of attention given by governments to global reviews of the MDGs far exceeds that given to the Commission on Sustainable Development. The overwhelming success of the Millennium Summit in 2000 ended up exceeding the somewhat disappointing outcome from the World Summit on Sustainable Development two years later in 2002. As such, the global sustainable development process has arguably become the domain of environmental advocates, which can present challenges to its taking a holistic, integrated and cross-pillar approach.

As regards the economic pillar of sustainable development, it has been recognised that the global sustainable development process has little if no jurisdiction over this area, which is the preserve of less open but much more powerful intergovernmental constellations such as the G8 and G20, the Major Economies Forum (MEF) and the World Trade Organization (WTO). Despite the commendable aspirations articulated in outcome documents from global summits on sustainable development, it will be hard to make progress towards many of the commitments without reform in other areas of the system. For example, a number of legally binding environmental obligations sometimes come into conflict with WTO rules and regulations. Equally, many of the principles in the 1992 Rio Declaration are incompatible with a global financial system that even after the global financial crisis can be considered to be largely unregulated.

For sustainable development to be achieved globally, environmental, economic and social pillars must be complementary rather than contradictory, and global governance systems must be designed for the effective integration of all three.

• *Climate change governance*

In recent years, climate change has advanced significantly up the global agenda. The UN Framework Convention on Climate Change is the most high profile of all global environmental conventions, and the 15th Conference of Parties (COP15) in Copenhagen in December 2009 saw Heads of State from all over the world convene to negotiate an agreement to limit global carbon emissions. Though the much sought-after 'fair and legally binding deal' has yet to materialise, the UNFCCC still commands significant attention from governmental and non-governmental actors globally, and is associated with increasing levels of finance for climate change adaptation and mitigation. As a result, a global governance architecture for climate change has emerged that sits alongside other processes, rather than being integrated within them.

Many of the necessary interventions to both mitigate and adapt to climate change are related to basic energy, environmental and sustainable development objectives – such as investment in renewable energy, the rehabilitation of ecosystems or basic infrastructure development that increases resilience to climate change. However, many such interventions are managed and implemented through a separate climate change framework, leading to the risk of duplication and the establishment of yet another ‘pillar’ of global governance for sustainable development. Whilst the UNFCCC will necessarily continue to have its own structure and forum for negotiation, the challenge for global governance will be whether UNFCCC outcomes and objectives can be integrated synergistically across the international system.

- ***The role of the international financial institutions (IFIs) in advancing sustainable development***

Whilst global commitments to sustainable development are made in the context of summits and conventions, and through the governing bodies of relevant institutions (e.g. UNEP’s Governing Council), the implementation of these commitments, especially in developing countries, is to a large extent dependent on the delivery of appropriate levels of finance. It is here that the role of the international financial institutions, including the World Bank and regional development banks, is critical in a number of ways. The World Bank is often invited to be a ‘trustee’ of funds that are established through multilateral processes. For example, the World Bank serves as the trustee for both the Adaptation Fund and the Green Climate Fund that have been established under the auspices of the UNFCCC.¹⁴ A number of multilateral funds for sustainable development that are established outside the official structures and processes of global conventions, such as the Climate Investment Funds (CIFs), are also managed and administered by the World Bank. The World Bank disperses billions of dollars of development finance which has the potential to advance sustainable development if channelled appropriately.

This raises two distinct challenges. Firstly, the World Bank must be able to demonstrate a level of representation, transparency and accountability in the management of those funds that many actors argue it is incapable of achieving. Its critics suggest that the World Bank is not simply an impartial ‘repository’ for funds, which has no influence over how they are spent. On the contrary, many suggest that it is effectively a decision-making body, but without the levels of representation or accountability to warrant that authority. They argue that the World Bank is primarily donor driven, and that its decision-making continues to reflect the objectives and priorities of developed countries over those of the developing countries that it is designed to support. The second challenge is the broader coherence of World Bank funding. Critics argue that if the World Bank is to be entrusted with funds for sustainable development, then its broader funding portfolio should also meet

this objective, so that its credibility as a financing mechanism for sustainable development can be maintained. The vast majority of the World Bank's funds continue to be channelled into 'business as usual' development projects and programmes, many of which involve investment in the extractive industries. Indeed, analysis shows that in the first ten months of the financial year 2010, the World Bank Group's investment in fossil fuels climbed to US\$4.7 billion, representing a significant increase in the figure of US\$3.1 billion for the *whole* of 2008.¹⁵ Figures also suggest that World Bank funding for coal-fired power stations has increased 40-fold in the last five years to reach £2.8 billion in 2010.¹⁶ Particularly controversial was a World Bank loan granted to the South African energy company Eskom in 2010 to finance the building of a coal-fired power station.¹⁷ This inherent contradiction makes many uncomfortable about the role of the World Bank in financing for sustainable development.

Despite the criticisms levelled at the World Bank, it seems that it is currently the only global financing institution with the capacity to dispense the levels of finance necessary for achieving 'transformational changes' to development globally. It also retains a crucial role in managing multilateral funds, as an alternative to bilateral funds, which is critical for ensuring donor coherence, and common sustainable development objectives. Bilateral funds managed by individual donor countries remain a challenge for achieving coherence, and enhance the bureaucracy and administrative costs of aid for developing countries. The key to making the World Bank and other IFIs fit for purpose therefore lies in progressive reform, much of which will have to be advocated by governments, with civil society making a clear case for that reform. Some of the reform options are outlined in this guide.

Reforming global governance to meet the sustainable development challenge

The broader governance challenges identified in this guide, combined with some of the specific institutional weaknesses, call for a re-think of global governance for sustainable development. In addition to providing an overview of some of the key concepts and institutions for sustainable development governance, the guide outlines both the reform processes for sustainable development governance that have been instituted at a global level and the multiple reform proposals that have been put forward as part of, or alongside, those processes. The range of reforms proposed – some radical, some step-wise – all share a vision of creating a system of global governance for sustainable development that is fit for purpose, and addresses the challenges identified here. The wealth and breadth of thinking in this area, coupled with the fast pace and evolving nature of reform proposals, means that the guide is not exhaustive. On the contrary, there are undoubtedly many ideas and innovations not touched on here, either in the interest of brevity or because the authors did not come across these ideas in their research.

**GLOBAL
INSTITUTIONS
FOR SUSTAINABLE
DEVELOPMENT
GOVERNANCE**

GLOBAL INSTITUTIONS FOR SUSTAINABLE DEVELOPMENT GOVERNANCE

This section outlines some of the main global institutions responsible for implementing sustainable development. As sustainable development is an overarching paradigm comprised of three interconnected pillars – economic, social and environmental – ultimately it should be the primary objective of all global institutions. However, in reality there are some institutions for which sustainable development is a more primary focus than others, and these are listed below.

THE UN GENERAL ASSEMBLY

The UN General Assembly is the key operational body of the United Nations, with functions of deliberation, policy-making and representation. Accordingly, the General Assembly creates a platform for multilateral discussion ‘*of the full spectrum of international issues covered by the Charter*’.¹⁸ Though the UN Charter makes no official reference to the environment or sustainable development, the latter is at least partially covered by the official functions and powers of the General Assembly, including:

*‘The General Assembly shall initiate studies and make recommendations for the purpose of promoting international co-operation in the economic, social, cultural, educational, and health fields.’*¹⁹

A number of resolutions have been adopted by the General Assembly which reaffirm the interconnected nature of social, economic and environmental development, including the declarations from major summits on sustainable development – UNCED in 1992, the Millennium Declaration in 2000 and the World Summit on Sustainable Development in 2002. Through these resolutions, sustainable development has become a central element in the UN framework. The General Assembly also deals with sustainable development in the process of standard setting, and drafting laws and regulations, as well as in the implementation of measures adopted.²⁰ It liaises with all other UN bodies in order to achieve improved co-ordination of UN activities on sustainable development-related issues.

THE SECOND COMMITTEE

The Second Committee, or the Economic and Financial Committee (ECOFIN), is a committee within the United Nations that addresses issues in the areas of global finance and economics, including issues relating to international trade, financing for development, sustainable development and poverty eradication.²¹

Although the Second Committee is mainly concerned with macroeconomic

issues, a large part of its work focuses on development and sovereignty over natural resources. Indeed, it deals with issues relating to country groupings with special circumstances, such as the least developed countries over natural resources.²² Furthermore, the Second Committee is responsible for co-ordinating the implementation and follow-up to a number of conferences and programmes on sustainable development and global poverty, such as the United Nations Decade for the Eradication of Poverty and the World Summit on Sustainable Development.²³

THE ECONOMIC AND SOCIAL COUNCIL

The Economic and Social Council consists of 54 UN member states, elected by the General Assembly.²⁴ Its function is to restructure and revitalise UN activities in economic, social and related fields, and to manage sustainable development co-ordination within the UN system, integrating environmental and broader developmental issues within UN policies and programmes.²⁵ ECOSOC is also in charge of undertaking studies and publishing reports on international issues of health, education and sustainable development, amongst other areas, and making recommendations on such issues to the General Assembly, UN members and specialised agencies.²⁶

ECOSOC has the potential to be an effective body for addressing sustainable development in a comprehensive and coherent way, formulating policy recommendations for member states and the UN system. However, its effectiveness in achieving this has been questioned²⁷ and proposals for reform are outlined in this publication.

THE UN COMMISSION ON SUSTAINABLE DEVELOPMENT

The UN Commission on Sustainable Development, established by Agenda 21, the outcome document of UNCED in 1992, is a functioning commission of ECOSOC. The secretariat functions of the CSD are performed by the Division for Sustainable Development (DSD), which has the broader remit of providing leadership and serving as an authoritative source of expertise within the United Nations on sustainable development.²⁸ The DSD resides within the UN Department for Economic and Social Affairs, whose mission is to promote 'development for all', with sub-divisions focusing on particular elements of that vision.²⁹

The CSD acts as a co-ordination body for sustainable development issues at ECOSOC. Its main functions are: to monitor progress towards internationally agreed goals on sustainable development; to enhance dialogue amongst and between governments, non-governmental organisations (NGOs), UN agencies and other stakeholders; and to make recommendations to the General Assembly through ECOSOC.³⁰ Government members of the CSD are elected by regional groupings. ECOSOC reviews the CSD report annually and promotes the integration of environment and development issues.³¹

There are some challenges to the effectiveness of the CSD; many believe there is a need for reform, including proponents of the CSD.³² Others argue that rather than mainstreaming environmental concerns, the CSD actually increases fragmentation.³³ According to such views, the Commission pushes environmental issues further apart from economic and social discussions, which may greatly reduce its credibility. Another challenge is that the roles of the CSD and other organisations and processes, such as UNEP and the Global Ministerial Environment Forum, can often overlap in their areas of focus.³⁴ Finally, the CSD lacks the ability to enforce government compliance at the international, national and local levels.³⁵

ENVIRONMENTAL MANAGEMENT GROUP

The Environmental Management Group (EMG) is an inter-agency co-ordinating body for environmental issues across the UN system, established in 2001 pursuant to General Assembly Resolution 53/242. The resolution endorsed the proposal to establish an EMG as outlined in the Secretary-General's report on environment and human settlements.

The objective of the EMG is to address inefficiencies and overlaps in the environmental governance system.³⁶ Providing enhanced system-wide coherence is essential as a means to manage the proliferation of MEAs, regimes and processes, which arguably has exacerbated the fragmentation of international environmental governance.³⁷ EMG members include specialised agencies, programmes and organs of the UN system, including the Secretariats of MEAs. The EMG is chaired by the Executive Director of UNEP.³⁸

The EMG co-ordinates and supports many UN consultative processes that aim to further the understanding of environmental governance and to develop approaches that result in sound co-operation at an international level. Recently the EMG was invited by the Governing Council of UNEP to assist with the Consultative Group of Ministers and High-level Representatives, which is considering the broader reform of the international environmental governance system.³⁹

The EMG also plays an important role in enhancing coherence and mainstreaming environmental considerations at the national level through operational activities. Specific responsibilities are placed on national governments to promote a coherent national governance framework for meeting their multilateral environmental obligations. In supporting countries at the operational level, the EMG can also help to improve national approaches to environmental governance.

THE UNITED NATIONS ENVIRONMENT PROGRAMME

The United Nations Environment Programme was founded as a result of the UN Conference on the Human Environment in Stockholm in June 1972. It is

responsible for the co-ordination of environmental activities across the UN system, assisting developing countries in implementing environmentally sound policies and practices.⁴⁰

Seen as *'the voice for the environment within the United Nations System'*,⁴¹ UNEP is a cross-sectoral body which works in partnership with a range of actors, including UN bodies, international organisations, NGOs and the private sector. Based in Nairobi, Kenya, UNEP is the first major UN agency to be headquartered in a developing country and is therefore well-placed to develop a better understanding of the environmental issues faced by developing countries.⁴²

UNEP promotes environmental protection and the sustainable use of natural resources by providing funding and education, and facilitating multilateral discussion and pushing forward international environmental regimes. A large part of UNEP's recent activities focuses on understanding, mitigating and adapting to climate change. UNEP established the Intergovernmental Panel on Climate Change, together with the World Meteorological Organization.

UNEP'S governing body is its Governing Council, which was established by General Assembly Resolution 2997 (XXVII) of 15 December 1972. The Governing Council reports to the General Assembly through ECOSOC. Its members are elected by the General Assembly for four-year terms, taking into account the principle of equitable regional representation. The Governing Council has a number of functions and responsibilities, including the promotion of international co-operation in the field of the environment, and the provision of general policy guidance for the direction and co-ordination of environmental programmes within the UN system. In 1999, a further General Assembly resolution was passed that established the Global Ministerial Environment Forum to review emerging and important policy issues in the global environment field.⁴³

Though UNEP's profile and mandate has grown over the years, it is still widely perceived as needing more authority and a strengthened role in global environmental governance. Though it has established some well-regarded 'on-the-ground' partnerships, its operational capacity is extremely limited by comparison to its 'sister' agency, UNDP, which has an extensive country presence. It also lacks the authority to enforce global environmental legislation or to manage environmental strategy across the UN system. UNEP seriously lacks the financial resources to address a constantly expanding global environmental agenda.⁴⁴ It has a very small budget in comparison to other agencies governing across the social, environmental and economic pillars of sustainable development, including UNDP and the World Bank. Finally, UNEP is perceived by some as being disconnected from the UN system by its remote location, far from the major UN decision-making centres, preventing it from fulfilling its catalytic and co-ordinating function.⁴⁵

Nonetheless, UNEP has seen some remarkable successes in the development and management of international regimes to manage global environmental problems. It has played a crucial role in launching a global approach to toxic pollutants and chemicals control, the protection of the ozone layer and halting global biodiversity loss. Many landmark agreements and conventions to address these global issues were initiated within UNEP.

THE UNITED NATIONS DEVELOPMENT PROGRAMME

The United Nations Development Programme is the UN's global development network. In its own words it is *'an organization advocating for change and connecting countries to knowledge, experience and resources to help people build a better life'*.⁴⁶ It was founded in 1965 to combine the Expanded Programme of Technical Assistance and the United Nations Special Fund. In 1971, the two organisations were fully combined into the UNDP. The UNDP has a strong country presence, working in 177 countries to help them develop their own solutions to global and national development challenges. UNDP partners with people at all levels of society to help build nations that can withstand crisis, and drive and sustain the kind of growth that improves the quality of life for everyone. Its work covers four main areas:

- Democratic governance
- Poverty reduction and achieving the MDGs
- Crisis prevention and recovery
- Environment and sustainable development

The UNDP also works on HIV/AIDS and encourages human rights, capacity development and empowerment of women in all its activities.

The UNDP was identified in Agenda 21 as one of the core agencies for delivering sustainable development. Chapter 38 outlined its roles and responsibilities, and stated that *'through its network of field offices it would foster the United Nations system's collective thrust in support of the implementation of Agenda 21, at the country, regional, inter-regional and global levels, drawing on the expertise of the specialised agencies and other United Nations organisations and bodies involved in operational activities'*.⁴⁷

The UNDP is a critical global institution for the implementation of sustainable development, partly because it focuses on issues that are highly relevant to the integration of all three pillars of sustainable development, but also because it has the capacity, budget and global reach to significantly advance sustainable development objectives. Though the UNDP has a strong focus on the 'social' pillar of sustainable development, it also contributes heavily to the environmental pillar through its Environment and Energy Programme,

particularly in initiatives on forestry, energy access for the poor, desertification, biodiversity conservation, water, and climate change adaptation and mitigation. It identifies itself as 'a leading implementer' of programming for the Global Environment Facility (GEF) and other climate-related funds. It is critical to strengthen the ability of nations to manage the environment in a sustainable manner that at the same time advances poverty reduction efforts.⁴⁸ It can play a key role in holistic integration of the three pillars of sustainable development at global and national levels. There is also emphasis on collaboration between the UNDP and UNEP. For example, in the interest of resource efficiency the Bali Strategic Plan for Capacity Building and Technology Development, agreed at the Governing Council in 2005, involved the establishment of a Memorandum of Understanding between the UNDP and UNEP to deliver capacity building initiatives on environmental matters at country level, where the UNDP has existing infrastructure from which UNEP can benefit.

CONCEPTS FOR SUSTAINABLE DEVELOPMENT GOVERNANCE

CONCEPTS FOR SUSTAINABLE DEVELOPMENT GOVERNANCE

This section provides an overview of some of the most important concepts and principles that inform global governance for the environment and broader sustainable development. Many of these concepts are drawn from the Rio Declaration, agreed at UNCED in 1992, which outlined 27 principles for the achievement of sustainable development globally. All these principles build on the Stockholm Declaration, as well as the overarching concept of sustainable development established by the Brundtland Commission in 1987:

*'Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'*⁴⁹

Some of the more prominent of these 27 principles are outlined in detail below.

THE PRECAUTIONARY PRINCIPLE

The precautionary principle (PP), Principle 15, was enshrined in the discourse of global governance for sustainable development by the Rio Declaration in 1992 and states:

*'In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.'*⁵⁰

The precautionary principle states that concrete scientific evidence should not be an essential precursor to taking action against a potential environmental threat; instead, the onus should be on science to prove that the threat *does not* exist. If the *lack* of a threat cannot be established, national governments and the international community should be obliged to assume that a potential threat *does* exist. The precautionary principle is of significance to human rights, as it is argued by some that those peoples who rely on ecosystems or natural habitats for their quality of life should have those systems protected by default as a basic inalienable human right. It is further argued by some that the inability to provide scientific evidence that a life-supporting habitat is at risk should not invalidate a community's right to have their livelihoods protected.

Despite the appearance of the precautionary principle in national and

international legislation, it does not have a universal definition or effect. A study by Stewart (2002)⁵¹ into the use of the precautionary principle in legislation identified 14 different interpretations of the principle, which can be simplified into four basic points:

1. Scientific uncertainty should not automatically preclude regulation of activities that pose a potential risk of significant harm (Non-Preclusion PP).
2. Regulatory controls should incorporate a margin of safety and activities should be limited below the level at which no adverse effect has been observed or predicted (Margin of Safety PP).
3. Activities that present an uncertain potential for significant harm should be subject to best technology available requirements to minimise the risk of harm unless the proponent of the activity shows that they present no appreciable risk of harm (BAT PP).
4. Activities that present an uncertain potential for significant harm should be prohibited unless the proponent of the activity shows that it presents no appreciable risk of harm (Prohibited PP).

For the precautionary principle to fulfil its role, some key issues need to be resolved. The crux of the challenge is the relationship between science/evidence and policy that is demanded by the principle, whereby policy should not be predominantly determined by the ability to prove scientifically that an activity is damaging. It is difficult to change the nature of this relationship as policy-makers need to expend significant political capital on introducing new environmental legislation, something that may often only be possible with concrete evidence of a threat. The principle is also often criticised for being impractical, since the number of practices that could potentially be environmentally damaging is so high that stopping all of them would incur huge financial and administrative costs.

In theory, the precautionary principle could provide a legal framework for the protection of potentially vulnerable ecological systems and the natural rights of those who rely upon them, but there are some significant challenges to its widespread and consistent application.

THE 'POLLUTER PAYS' PRINCIPLE

The 'polluter pays' principle, Principle 16, of the Rio Declaration reads:

*'National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.'*⁵²

The first mention of the tenets of the principle at the international level can be found in the 1972 Recommendation by the OECD Council on Guiding Principles Concerning International Economic Aspects of Environmental Policies, where it states:

'The principle to be used for allocating costs of pollution prevention and control measures to encourage rational use of scarce environmental resources and to avoid distortions in international trade and investment is the so-called Polluter-Pays Principle.'

It went on to elaborate:

*'This principle means that the polluter should bear the expenses of carrying out the above-mentioned measures decided by public authorities to ensure that the environment is in an acceptable state.'*⁵³

The 'polluter pays' principle seeks to ensure that any party who causes environmental pollution is held responsible for paying the costs for the environmental damage done. On an international level it has wide-reaching implications for the respective responsibilities of nation states in addressing global environmental problems, and in the context of climate change negotiations it is often invoked by some to argue that historically high-emitting states should take the lead in tackling climate change and incurring the costs of responding to its impacts. The principle also provides a rationale for the establishment of regulatory frameworks for tax and other measures which integrate 'environmental externalities' into the costs of products and activities. Through making environmentally damaging activities more costly, it is suggested that there would be a strong incentive to invest in more sustainable models of production.

There are a number of challenges to the implementation of the 'polluter pays' principle. Firstly, on a global level it can be difficult to establish the respective responsibilities of different states, for example, in the climate change context, due to the complex issues related to attribution of causality. There may also be a historic dimension to environmental degradation – whilst some states engage in activities today that are highly environmentally damaging, their historic contribution to environmental pollution may have been insignificant.

On a national level, it is also challenging to implement the principle with consistency, as the potential impact on particular key industries may be too dramatic to be politically feasible. There are also some significant challenges around equity – even if applied consistently, the principle in theory could be seen as allowing those with greater financial resources to buy their way out of regulation, whilst those with more modest means are forced to make sacrifices.

The challenges of the ‘polluter pays’ principle will be hotly debated in discussions on the green economy in the context of poverty eradication and sustainable development towards Rio+20. The issue of ecosystem valuation – incorporating payment for goods and services rendered by ecosystems that are currently not factored into economic transactions – has risen dramatically up the international agenda in recent years. This represents an extension or re-interpretation of the ‘polluter pays’ principle. The recent study by UNEP and others, *The Economics of Ecosystems and Biodiversity (TEEB)*,⁵⁴ makes the case that some of the world’s biggest and most successful companies would not be viable if they were made to pay for the services they receive from ecosystems.

COMMON BUT DIFFERENTIATED RESPONSIBILITIES

The origins of the term ‘common but differentiated responsibilities’ can be traced back to the 1972 UN Conference on the Human Environment in Stockholm. However, it was not until 1992 during UNCED that the phrase became ‘formally enunciated as a principle’ and assumed an integral part of the Rio Declaration on Environment and Development.⁵⁵ Principle 7 states:

‘In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.’⁵⁶

The principle refers to the need for individual states to play their part in the identification, evaluation of and subsequent action on issues of sustainable development that transcend national borders and cannot be tackled unilaterally. The role each nation state must assume is differentiated according to its economic and technical capacity, and its historic contribution to environmental degradation.

The concept was subsequently enshrined in the UNFCCC, which emphasises that climate change is a ‘common concern of humankind’. However, it also recognises the legitimate need and right of developing countries to pursue economic growth in a sustainable manner and in a way that is consistent with the goal of reducing poverty.⁵⁷ It also stipulates that developed countries must lead the way in climate change mitigation, requiring them to display how they are assisting developing countries to meet their obligations through the transfer of finance and technology, as well as meeting their own commitments and targets.

The principle of common but differentiated responsibility subsequently formed a central governing principle for the subsequent UNFCCC Conferences of the Parties (COPs) and was enshrined in the Kyoto Protocol in 1997. Though the principle had taken centre stage during earlier climate change negotiations, this was the first time the concept was included in a legally binding international agreement. The principle continues to be invoked through the UNFCCC to suggest that nation states that have historically been responsible for carbon emissions should commit greater resources to climate change mitigation and adaptation globally. However, it is also increasingly interpreted to apply to the current circumstances of nation states, thereby bestowing responsibility upon economies in transition.

ACCESS TO INFORMATION, PARTICIPATION AND JUSTICE

The principle of access to information, participation and justice in environmental decision-making, Principle 10, states:

'Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.'

Principle 10 introduces accountability, transparency and democratic empowerment into decision-making on environmental matters. Through having access to information about environmental impacts, greater transparency is brought to the environmental decision-making process. Through access to participation, citizens can actively engage with decision-making through consultations and dialogue, and make constructive proposals so that planning and legislation better reflect their needs. Through access to justice, citizens have access to redress and remedy, to protect their access to information and participation and to challenge decisions that do not take their needs into account.⁵⁸

Principle 10 is unevenly implemented globally and in some cases where laws exist mechanisms to impart comprehensive environmental information to the public may still be lacking. In many developed countries, there has been an improvement in laws to grant citizens greater access to information, and a commitment to better engagement, consultation and participation in environmental matters. In practice, however, many of these laws exist on paper only. Efforts to enhance participation in decision-making in some cases are often top-down affairs that take place towards the end of a decision-making process, where the capacity to influence the outcome has been minimised. Additionally, access to justice remains constrained by *'obstacles of cost, lack of clarity about procedures for appeal, and also the lack of standing as a legally recognised party with a legitimate interest in the case'*.⁵⁹

One of the most comprehensive efforts to implement Principle 10 is the UN Economic Commission for Europe (UNECE) Convention on Access to Information, Participation in Decision-making, and Access to Justice in Environmental Matters, also called the Aarhus Convention after the city in Denmark where it was adopted in 1998. UNECE negotiated the Convention as a regional convention to be signed and ratified by countries, mainly in Europe and central Asia, that fall under its remit. The Convention was referred

to by former UN Secretary-General Kofi Annan as the *'most ambitious ventures in the area of environmental democracy so far undertaken under the auspices of the United Nations'*.⁶⁰

At the UNEP Governing Council in 2010, a series of guidelines were approved for the development of national legislation on access to information, public participation and justice on environmental matters.⁶¹ While these guidelines draw heavily on the Aarhus Convention, they remain non-binding, so there is no process for reporting, monitoring or review. To address this issue, the World Resources Institute and the Access Initiative are launching a campaign towards the UN Conference on Sustainable Development 2012 to make the case for regional conventions on environmental access rights.⁶² It is argued that the regional approach is the most likely to lead to success; whilst the Aarhus Convention does allow for the accession of non-UNECE states, any new members must be approved by the Conference of Parties of the Convention, which creates political difficulties as the Convention is widely viewed to be 'Europe-centric'. Regional negotiation facilitates more regional ownership over the process, and can overcome cultural and language barriers that are more prevalent on a global level. Importantly, it can also prevent the watering down of legislation to the lowest common denominator, which can sometimes be a challenge for global negotiations. The ambition is for the Rio+20 outcome document to call for the setting in motion of regional time-bound negotiations, overseen by the appropriate regional bodies.

GLOBAL PUBLIC GOODS/THE GLOBAL COMMONS

Environmental goods and services, such as the global oceans and the Earth's atmosphere, are referred to as the 'global commons' or 'global public goods'. A public good of this kind is non-rival and non-excludable. This means that consumption or use of the good (e.g. the air we breathe) by one individual does not reduce the availability of that good to another.

The tragedy of the commons

In 1968 Garrett Hardin coined the term the 'tragedy of the commons'. This notion relates to the activity of people who are sharing public goods or a common resource without one being responsible for management of the resource. According to Hardin, self-interested behaviour in relation to the sharing of a public or common resource can result in its mismanagement and degradation, unless someone has the authority to enforce rules and regulations that are in the interest of all concerned.⁶³ A prominent example the tragedy of the commons is in relation to instances of transboundary or atmospheric pollution.

During the negotiation of international laws such as the UN Convention on the Law of the Sea in the 1970s and 1980s, there appeared to be enthusiasm to agree to govern the resources and goods of the global commons by a principle known as 'the common heritage of humankind'.⁶⁴ Common heritage resources have been defined as *'those [resources that] are owned by all nations, not one; that are managed multilaterally, not unilaterally, with the benefits of that management shared by all; and are used for peaceful purposes only'*.⁶⁵ However, the lack of agreement on using the principle of 'the common heritage of mankind' and the noticeable absence of the principle in international law and MEAs illustrates that the concept of a common heritage has not been approved or widely accepted by many states.

In place of the common heritage principle there is a similar, but arguably less effective, concept of 'the common concern of humankind'. The 'concern' relates to the human interest in preserving the planetary goods and resources and in maintaining and protecting the global commons. Two important MEAs that address these concerns are the UN Convention on Biodiversity and the UN Framework Convention on Climate Change. *'Unlike the common heritage concept, common concern does not imply legal obligations, but it does signify the openness of the international community to regulate resources that would otherwise be strictly within the control of the sovereign nations.'*⁶⁶

International governance of the global commons

There is a distinction between global commons goods, or public goods, and private goods. Adam Smith, an early champion of free entrepreneurship, is understood to have presupposed a healthy balance between public and private goods.⁶⁷ However, it has been argued that globalisation has destroyed

such a balance and that markets nowadays work worldwide, while the institutions and laws that generate, safeguard and control public goods have remained essentially national.⁶⁸ Thus it is understood that the case for stronger international governance of public and common goods should exist to enhance and rebalance the harmony of the relationship between private and public goods. As such, proponents of strengthening the governance of the global commons are keen to protect the kind of public goods that are 'vulnerable' to 'destructive cherry picking on the part of private investors'.⁶⁹

INTEGENERATIONAL EQUITY

As has already been noted, the 1987 Brundtland Report's definition of sustainable development explicitly enshrines recognition of the responsibility one generation has to subsequent generations.⁷⁰

This broad sustainable development paradigm raises interesting questions about how societies can deliver an equal range of development choices to both present and future generations, and what form or direction development should take if it is to be sustainable. The Report also emphasised that many environmental problems result from disparities in economic and political power. Another influential study, the 1991 report *Caring for the Earth*,⁷¹ emphasised the importance of maintaining development within the earth's carrying capacity, that is, within the limits of the renewal and recycling processes which enable the biosphere to provide renewable resources, assimilate wastes and provide other environmental goods and services. This concept remains central to the current understanding of sustainable development.

A recent development that furthers this concept has focused on nine planetary boundaries that make up the carrying capacity of the earth and which detail the 'safe operating space for humanity'.⁷² Planetary boundaries science offers a conceptual framework that underpins the need for development to be inherently sustainable if humanity is to continue in the 'safe operating space'. This concept has gained attention at the preparatory meetings for Rio+20 and a discussion paper has been published which argues for recognition of a 'social floor' and a commitment not to fall below it, thus defining a 'doughnut' space that humanity must live within.⁷³ Successfully developing in a sustainable and equitable way, coupled with living within the planetary boundaries and above the social floor, will go a long way to putting the principle of intergenerational equity into practice.⁷⁴

Sustainable development broadly requires that the well-being of the present generation should not be increased at the expense of the welfare of future generations, and that society's well-being should not decline over time. The next generation can only produce as much well-being as the present one if it has the same stock of capital available to it. To put it in simple terms, sustainability implies 'living off the interest', rather than 'living off the capital'. The capital stock can be thought of as comprising three types of capital:

- **Natural capital**, such as forests, air, water, soils and biodiversity (normally referred to as environmental resources), and other resources such as minerals and aggregates;
- **Human capital**, such as human resources, skills, and knowledge;⁷⁵ and
- **Human-made capital**, such as manufactured capital and goods, machinery, infrastructure, buildings, and other forms of physical plant.

Sustainability therefore requires that, at a minimum, a country should maintain a constant stock of aggregate capital over time. The choice it makes about the composition of the constant capital stock to be maintained will determine whether it is on a path towards:

- **Weak sustainability**, where it substitutes natural capital with human, or human-made, capital (e.g. it depletes half of its primary forests to build factories or tourist resorts); or
- **Strong sustainability**, where it does not substitute natural capital with other forms (e.g. it conserves a permanent estate of primary forest).

For renewable resources (e.g. fish, forests, water) and sinks for wastes (e.g. the atmosphere) to be used at sustainable levels, the rate of harvesting them (or discharge of emissions) must not exceed their rate of regeneration or assimilative capacity. Non-renewable natural resources such as minerals do not regenerate, and in their case sustainability becomes a question of maintaining utility over time, either by expanding reserves (through recycling, efficiency gains and exploration), or by investing income surpluses in alternative resources that will be available for future generations.

Decisions need to be made by society about the acceptable limits of substitution between natural, human and human-made capital. This requires an estimate of the critical minimum natural capital (or types of natural capital) that is needed to ensure the survival of ecosystems and the biosphere as a whole. Such an estimate is very difficult to achieve because of the degree of uncertainty in our understanding of the biosphere's complex, dynamic and interrelated processes. Uncertainty is endemic to environmental science and makes sustainability, in practice, imprecise. For this reason, environmentalists have increasingly advocated the precautionary principle (see above), which urges decision-making to err on the side of caution, even when all the scientific facts are not fully known, to ensure that sustainability limits are not breached. The choices and risks that are inherent in this process need to be negotiated and agreed within countries, and also between countries in the case of global commons and global public goods. The process of negotiation and decision-making, it is argued, requires effective capabilities in governance, policy, science and technology, and the interface between them:

- **A governance capacity:** to enable countries, through open and participatory processes, to agree sustainable development goals and the trade-off between weak and strong sustainability; address issues of environmental risk; agree and effectively implement policies to steer development along a sustainable path; and collaborate regionally and internationally on the management of global commons.
- **A scientific and technological capacity:** to determine carrying capacities and indicators; set baselines and suggest precautionary limits; monitor

environmental changes; deepen understanding of environmental processes (at local and global levels); and develop or adapt technologies to ensure that development takes place within environmental limits.

For the well-being of future generations to be reflected in institutional arrangements, a number of governmental and non-governmental actors promote the establishment of a national commissioner, ombudsman or 'guardian' for future generations. The role of such a position is to monitor and review actions across all government departments so as to evaluate the extent to which decisions are being made in the long-term interest, and thereby to assess the impact on future generations. This has been put into practice by Hungary, whose Parliament has appointed a Commissioner for Future Generations.⁷⁶

COMMONWEALTH PROCESS ON THE REFORM OF INTERNATIONAL INSTITUTIONS

In 2007, Commonwealth Heads of Government expressed concern that *'the current architecture of international institutions, which was largely designed in the immediate aftermath of the Second World War, does not reflect the challenges in the world of the 21st Century'*. They tasked the Commonwealth Secretary-General with establishing a small representative group of Commonwealth leaders to build on the considerable work that has already been done in order to undertake advocacy and lobbying in support of wide-ranging reforms. In doing so, the group would take particular cognisance of the special needs of least developed countries and small states.

A group of leaders of 11 Commonwealth countries met in June 2008 and issued the Marlborough House Statement on Reform of International Institutions. That Statement laid out a set of principles to guide the reform of international institutions. In their view international institutions should be:

- **Legitimate** not only of their member states, but also of the wider international community in order to command confidence and commitment;
- Characterised by **fair representation** for all countries;
- **Responsive** to the needs of all members, especially the smallest and poorest;
- **Flexible** in responding to new challenges, national priorities and the specific circumstances of member states, and to changing global realities;
- **Transparent and accountable** to the entire membership and the wider public; and
- **Effective and capable of** addressing today's global challenges.

In addition, they identified three specific areas in which Commonwealth leaders and others could promote specific reforms:

- The UN development system, to accelerate the existing process of reform;
- The international financial institutions, where they pointed to the need for a redefinition of the purposes and governance of the Bretton Woods institutions and pledged to work for a Commonwealth and wider consensus for an international conference to achieve this objective; and
- Fundamental reform of the system of international environmental governance to align environmental and development interests.

To develop a Commonwealth consensus on these issues, the conclusions set out in the Marlborough House Statement were further discussed at the Special Heads of Government Meeting in New York in September 2008. That meeting showed that there was broad support for the aspirations and principles set out in the Statement. It also showed that further discussion within the Commonwealth was needed on the promotion of specific reform proposals. This work was taken forward in various ways, including through discussions by Commonwealth environment ministers in 2009.

Commonwealth environment ministers supported further international action to improve international environmental governance, placing emphasis on the need for a strategic response that mainstreams environmental factors into development. These views were taken forward by the Commonwealth Secretary-General, who moderated a discussion by the UNEP Global Ministerial Environment Forum on international environmental governance. Further follow-up included a Commonwealth meeting in New York in May 2009, which provided an exchange of views on the reform process in the context of ongoing climate change negotiations.

In 2009, Commonwealth Heads of Government emphasised that international environmental governance reforms should *'cover all elements of the international system that relate to environmentally sustainable development, integrate environmental and development priorities, and be practically and speedily responsive to the priority needs of small states and least developed states'*.⁷⁷ This statement emphasises the need for a more holistic approach to the consideration of governance arrangements in support of sustainable development.

REFORM PROPOSALS FOR SUSTAINABLE DEVELOPMENT GOVERNANCE

INTERNATIONAL ENVIRONMENTAL GOVERNANCE

Introduction

It is widely acknowledged that there is a need to reform the way in which the 'environmental pillar' of sustainable development governance is strengthened. A number of intergovernmental processes (such as the UNEP-led Belgrade/Helsinki Processes), as well as broader debate on the topic, have developed thinking about the ways in which reform of environmental governance within the UN system can be achieved.

*'There appears to be consensus around some of the key arguments for reform, including an acknowledgement that the present system is not effectively delivering results against agreed "objectives and functions" for the environment within the UN system, that any reform must happen in the wider context of sustainable development, and that the status quo is no longer regarded as a viable option.'*⁷⁸

The Rio+20 process and analysis of the Zero Draft⁷⁹

Reforming UNEP's structure and authority is a recurring theme throughout the compilation document that was produced by the Rio+20 Secretariat on the basis of all of the Zero Draft submissions. In over 100 Zero Draft submissions, it is widely acknowledged that UNEP as an environment entity does not have the capacity to fulfil its mandate. There appears to be general agreement regarding the challenges that prevent UNEP from functioning effectively and in a way that meets its objectives. These challenges relate to:

- Funding;
- Collaboration between UN agencies and UN programmes;
- Authority to oversee and implement MEAs; and
- Scientific basis for decision-making.

Whilst there is consensus that reform is needed, there are a number of divergent views on which is the most viable option that will strengthen IEG. A number of options for reform have been debated, developed and refined over the last decade and half or so. In 2009, a Consultative Group of Ministers and High-level Representatives on IEG reform was established to investigate the options.

Consultative Group of Ministers and High-level Representatives on IEG Reform

The Consultative Group of Ministers and High-level Representatives on IEG Reform (the Consultative Group) was established by UNEP Governing Council Decision 25/4 in 2009, where it was mandated to review options for IEG reform.⁸⁰ Following this review, the Consultative Group made recommendations to the UNEP Governing Council in 2011. The recommendations were submitted and have informed the discussion on IEG reform since then.

To address the above issues, there is a general consensus that UNEP needs to be reformed. The primary proposals to improve the efficacy of UNEP are:

- **Upgrade UNEP to agency status:** The improved stature would secure increased financial and technical support, allowing UNEP as an environmental entity to better oversee the implementation of MEAs and broader UN sustainability initiatives. It would also be better equipped to collaborate and share environment and sustainable development information with other UN bodies.
- **Establish a separate World Environment Organisation (WEO) with universal membership:** UNEP consists of 57 voluntary member countries (with current memberships set to expire in either 2013 or 2015). Considering less than one-third of the world's countries are members of UNEP, it is hard for UNEP as an environmental entity to secure consistent funding and merit global MEA authority. If a WEO was established, the organisation would secure a larger financial base and would be at the top of the environmental governance hierarchy.
- **Strengthen UNEP with universal membership and mandatory contributions through a General Assembly resolution:** Over the last few years, UNEP funding has declined dramatically, in part due to the financial crisis, making it more dependent on certain member countries who in turn exert more influence on UNEP's agenda. To improve the entity's credibility and increase its decision-making power, universal membership would provide financial autonomy and a multilateral governance structure.
- **Strengthen UNEP and UNDP** so that together they can enhance existing inputs and synergies on the environmental and economic dimensions of sustainable development. By having these two bodies work together more closely, building on existing collaboration between the two entities, this could enhance their capacity to oversee and implement MEAs.
- **Strengthen UNEP's credibility with increased scientific, evidence-based decision-making:** UNEP could improve its visibility and utility by

conducting more environmental assessments and state of the world outlooks. By providing states with scientific policy consultation, UNEP could acquire scientific legitimacy similar to that of the UNFCCC and the IPCC. The need for a greater linkage between science/evidence and policy was one of the key recommendations of the 2012 report of the UN Secretary-General's High-level Panel on Global Sustainability.

The main proposals for IEG reform, outlined in detail in the following section, cover:

- Strengthening UNEP;
- Upgrading UNEP to a specialised agency or establishing a UN Environmental Organisation (UNEO); and
- Creating a World Environmental Organisation.

With each of the above reform proposals, there are important procedural matters to be considered – in particular, that any new institution should have universal membership. Currently, UNEP has a membership of 57 countries; there are a number of procedures that could enable the new institution to establish universal membership. The UN General Assembly could pass a resolution establishing a process to upgrade UNEP to full agency status with universal membership. However, if it was determined that a UNEO or WEO should be established, this would require the negotiation of a new treaty. If countries were to join a new treaty body, this would require legislative measures at the national level as well. If the latter option was pursued, there would be a need to build into the treaty a clause that expressed the need for universal membership of the institution, similar to, for instance, the World Health Organization.

STRENGTHENING UNEP

QUICK FACTS

- The simplest of the three main options for UNEP reform
- A treaty would not be needed to achieve it
- Broadly supported by many member states, non-governmental stakeholder groups and civil society organisations
- It should be noted that many of the stakeholder groups and civil society organisations prefer establishing a specialised agency, UNEO or WEO (see following sections)
- In the Rio+20 policy process, strengthening UNEP was supported by Cuba, Uruguay, Japan, European Union, Brazil, Mexico, Botswana, Norway, Indonesia, Pakistan, Liechtenstein, Jamaica, Serbia, Colombia, Chile, Egypt, Uganda, Kenya, Croatia, Australia, Guatemala, Dominican Republic, Turkey, Thailand, Montenegro, Venezuela, South Africa, Senegal, Ukraine and Republic of Korea

Strengthening UNEP, as with the proposals to upgrade it to a specialised agency or institution, or UN Environment Organisation or World Environmental Organisation, have been the subject of debate and discussion at an intergovernmental level for over a decade.

The simplest of the three options, strengthening UNEP, would not require a new treaty, but instead could be achieved by a resolution of the UN General Assembly. The main elements of the proposals to strengthen UNEP are listed below, although key elements are likely to be the same if UNEP is instead upgraded to become a specialised agency/institution or UN Environmental Organisation:

- Universal membership;
- Assured contributions, which could increase the UNEP's overall budget; and
- New governance mechanisms, such as a new governing board, which could be based on the UNDP's governance structure.

Rio+20 and the debate on reforming UNEP

As with the wider debate on UNEP reform, the Zero Draft submissions process highlighted that there are divergent views on whether the programme should be 'upgraded' to UN specialised agency/institution status to deliver against its objectives, or whether reforms of the current organisation as a Programme of the United Nations are sufficient.

Civil society seems broadly in agreement on the need to upgrade UNEP in some form. Analysis of the Zero Draft submissions indicates that civil society endorses a larger UNEP budget and the upgrading of UNEP to a specialised agency/institution by establishing a UNEO or WEO.

As far as we are aware, no civil society organisation in its Zero Draft submission has stated that it was against upgrading UNEP. Based on analysis by Stakeholder Forum of the Zero Draft submissions and the Zero Draft document itself, Stakeholder Forum has recommended that the best option for reform that reflects the civil society submissions is paragraph 51 alt. of the Zero Draft, which Stakeholder Forum believes should be adopted as an outcome of Rio+20. This paragraph states:

51 alt. We resolve to establish a UN specialized agency for the environment with universal membership of its Governing Council, based on UNEP, with a revised and strengthened mandate, supported by stable, adequate and predictable financial contributions and operating on an equal footing with other UN specialized agencies. This agency, based in Nairobi, would co-operate closely with other specialized agencies.

The UN's High Level Panel report, *Resilient People, Resilient Planet: The Future We Want*, reiterates the need to strengthen and upgrade UNEP. The Panel recommends that UNEP be transformed into a UN specialised agency 'to enhance coherence between relevant multilateral environmental agreements and better integrate its work with the activities of development institutions, especially the UNDP'. However, not all UN member states openly endorse this recommendation, most notably the USA, China, India and Russia.

ESTABLISHING A SPECIALISED AGENCY OR UN ENVIRONMENT ORGANISATION

The proposal for a UN Environment Organisation was initially advanced in a speech by the French President to the UN General Assembly on 20 September 2003.⁸¹ Since then, the idea of a UNEO has gained considerable momentum, with the European Union firmly articulating its support.

Initially, the 'French proposal' for a UNEO would have led to an 'upgrading' of UNEP to a specialised agency of the United Nations, similar in function to the World Health Organization and the World Trade Organization, although lacking authority to adjudicate on international environmental disputes. However, at present the two proposals have been separated out as they have been differentiated in detail.

The Consultative Group of Ministers and High-level Representatives on IEG that was mandated and co-ordinated by UNEP includes the establishment of a UNEO as one its options for reform (see p. 126).

UNEO mechanisms

A UNEO would enhance co-ordination on the environment across responsible UN agencies, would guarantee funding for environment in the UN system through assessed contributions rather than voluntary donations and would provide an 'umbrella organisation' for the multitude of existing MEAs. The proposal advanced by the French Government, and supported by the EU, proposes the following functions for a UNEO:

- To define global environmental priorities and strategies;
- To produce and/or compile scientific data in order to inform decision-makers;
- To act as an environmental watchdog and warning system;
- To build the capacities of developing countries;
- To assess and rationalise the international environmental governance system;
- To increase co-ordination and synergies with the UN agencies and environmental conventions; and
- To carry out financial consolidation (stable, predictable and permanent resources).⁸²

QUICK FACTS

- Submissions to the Rio+20 Zero Draft process show that a UNEO or specialised agency is supported by Uruguay, EU (especially France), Algeria, Ecuador, Cambodia, Vanuatu, Seychelles, Gabon, Burundi, Botswana, Indonesia, Liechtenstein, Jamaica, Serbia, Chile, Uganda, Kenya, Croatia, Dominican Republic, Turkey, Thailand, Senegal, Republic of Korea and many civil society organisations
- Opposed by USA, Russia, India, China, Egypt, Canada and some academics, including Adil Najam
- Includes proposals to enhance co-ordination and synergies, define global environmental priorities and strategies, and build capacity in developing countries
- A UNEO would have an enhanced operational, 'on the ground' capacity
- The UNEP Secretary-General is currently appointed by the UN Secretary-General – if it was upgraded, the UN member states would elect the specialised agency or UNEO Secretary-General
- A specialised agency or UNEO has been endorsed by the European Council, proposed by the UN Secretary-General and acknowledged as a viable option in a range of consultations
- In 2007, a 'Group Friends of UNEO' comprising 53 governments was established in response to Jacques Chirac's 'Paris Call to Action'
- A Treaty of the UN General Assembly is required to establish a specialised agency or UNEO

A UNEO would be an independent legal entity, enjoying considerable autonomy from the UN system in contrast to UNEP, which is effectively a subsidiary organ of the UN as mandated by the General Assembly.⁸³ This may allow the UNEO to pass binding regulations upon the approval of all members, with its governing body adopting drafts of legally-binding treaties. A UNEO would also be able to engage in operational activities and 'on the ground' implementation, which is currently beyond the main focus of UNEP's normative and policy work. A UNEO would ensure better co-ordination across the UN system in implementing environmental norms due to its increased authority, although its status would not challenge the legal autonomy of the WTO or other multilateral environmental agreements and conventions.⁸⁴

Building on the speech of the French President in 2003, an informal working group was established to further discuss options for 'transforming UNEP into a UNEO'. The working group was made up of 26 countries with a geographical balance.⁸⁵ The working group met through 2004 and 2005 to analyse and discuss weaknesses in the existing structure for international environmental governance and to propose options for addressing those weaknesses. In June 2005, the European Council of Environment Ministers endorsed the proposal for a UNEO.

Further momentum for a UNEO was generated by the outcome document from the World Summit in 2005, the High-level Plenary Meeting of the UN General Assembly. In paragraph 169 of the outcome document, Heads of State agreed, in relation to 'environmental activities' in the UN system, to *'explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure, building on existing institutions and internationally agreed instruments, as well as treaty bodies and specialised agencies'*.⁸⁶

Based on paragraph 169, H.E. Mr Jan Eliasson, President of the 60th UN General Assembly, initiated a follow-up process of informal consultations, chaired by the ambassadors of Mexico and Switzerland. The outcome of this consultation process was an 'options paper' in June 2007, in which the UNEO was recognised as a proposal enjoying support from 'a number of delegations'. This informal consultation process ran parallel to the UN Secretary-General's High Level Panel on UN System-Wide Coherence, which in November 2006 recommended that *'UNEP should be upgraded and have real authority as the environmental policy pillar of the UN system'*.

The reference to a UNEO as a credible proposal for reform in both processes reflected the ongoing efforts of the French Government and the EU to raise the profile of the UNEO. On 2–3 February 2007, the French Government hosted a 'Citizens of the Earth' Conference for Global Ecological Governance, which resulted in a 'Paris Call to Action' delivered by French President Jacques Chirac, calling for the establishment of a UNEO. The Call to Action was endorsed by 46 countries, including the EU, Algeria, Ecuador, Cambodia, Vanuatu, Seychelles, Gabon and Burundi;⁸⁷ however, USA, Russia, China and India all declined to offer support.

On the basis of the Paris Call to Action, a 'Group of Friends of the UNEO' was established, comprising 53 governments who met throughout 2007.⁸⁸ A few days after the Paris Call to Action, at the 24th session of the UNEP Governing Council and Global Ministerial Environment Forum, the EU delivered a statement in which it reiterated *'that an upgrade of UNEP into a UNEO, with stable, adequate and predictable resources and with the appropriate international standing, would enable the organisation to fully fulfil its mandate and to live up to the expectations of developed and developing countries'*.⁸⁹

In May 2007, over 25 representatives from civil society met with the French Government in New York to further discuss and debate the UNEO proposal, and share and reflect on the various proposals. Overall, the response from civil society was positive, whilst underlining the importance of stakeholder engagement in any ongoing consultations or informal groups on a UNEO.⁹⁰ In a statement later that year at the 62nd session of the UN General Assembly, the EU raised the issue further by stressing that *'the EU and others are pursuing the upgrading of UNEP to a specialised agency, a United Nations Environment Organization (UNEO). The process for the establishment of a UNEO would build on existing processes, structures and systems and should be accompanied by a broader strategy for strengthening the international environmental governance.'*⁹¹

The USA has traditionally been sceptical about the establishment of a new institution, arguing that the current system of MEAs, combined with strategic policy reform within UNEP, provide the balance of co-ordination and decentralisation that is needed. The G77, though supportive of a more coherent global framework for the environment, has expressed concern that too strong a focus on the environment through a UNEO may compromise global efforts towards sustainable development, which should place equal emphasis on the social and economic pillars of development.⁹² Though the EU has articulated its unequivocal support for a UNEO, it has not yet managed to gain the support and agreement of key global players. The current discussions taking place on IEG reform under the Consultative Group of Ministers (see p. 126) have presented the establishment of a World Environment Organisation (see p.50) as an option for reform – in many ways this proposal differs only in name from the UNEO proposal, as it similarly calls for the upgrading of UNEP to a specialised agency, with a considerably enhanced mandate and authority. The principle behind the UNEO and WEO proposals is similar, even if the specifics of proposed mandates and functions may differ.

Rio+20 Process⁹³

The Zero Draft of the outcome document for the UN Conference on Sustainable Development presents two options for strengthening the environmental pillar.

The first option, article 51, establishes universal membership in the UNEP Governing Council and calls for a significant increase in the UNEP's financial base to deepen policy co-ordination and enhance implementation. This proposed text would imply that UNEP would remain a programme and would continue to report through ECOSOC. It is also unclear how the financial base would be increased.⁹⁴

In the second option, laid out in article 51alt. of the outcome document, states would:

'resolve to establish a UN specialized agency for the environment with universal membership of its Governing Council, based on UNEP, with a revised and strengthened mandate, supported by stable, adequate and predictable financial contributions and operating on an equal footing with other UN specialized agencies'.

The article further states that Nairobi, Kenya, would remain the headquarters of the environmental entity. The EU has said that more than 100 states and the African Union now support upgrading UNEP in some form.⁹⁵

The USA has opposed establishing a new treaty-based organisation like the UNEO, citing the unacceptability of the proposal in its domestic political context,⁹⁶ but has demonstrated openness to establishing universal membership in the UNEP Governing Council.

Brazil has also supported universal membership in the Governing Council and mandatory scaled contributions by member states.⁹⁷ However, Brazil has publicly opposed upgrading UNEP at this stage.⁹⁸ Brazilian Ambassador André Corrêa do Lago expressed concerns that such an organisation could place environmental priorities above economic ones, and thus constrict development progress in the global South.

Other states (Egypt and Canada) opposing the establishment of a UNEO (or a WEO) argue that focus should be placed on improving the integration of sustainable development within the existing system. They further argue that UNEP should be given a clear operational mandate to support developing states to better integrate sustainable development into their national development plans.⁹⁹ Canada has referred to the current economic context as presenting financial challenges to the establishment of a new organisation.¹⁰⁰

WORLD ENVIRONMENT ORGANISATION

QUICK FACTS

- Supported by France, Algeria, Ecuador, Cambodia, Vanuatu, Seychelles, Gabon, Burundi, Nepal, Nigeria, Liberia and Ukraine, as well as by the former Co-Chair of the UNEP Consultative Group of Ministers on IEG reform and Kenyan Minister for Environment, the late John Njoroge Michuki
- Opposed by USA, Russia, India, China, Egypt, Canada and Brazil
- There is no one unifying WEO proposal – some visions for a WEO are more wide-reaching than others. The main divergence is in the proposed role of a WEO in the enforcement of global environmental norms, and the extent to which it would mirror/challenge the WTO
- Many WEO proposals differ in name only from UNEO proposals
- Just prior to COP15 in Copenhagen, Angela Merkel and Nicolas Sarkozy called for ‘further progress towards a UN Environment Organisation’
- The late Kenyan Minister for the Environment and former Co-Chair of the UNEP Consultative Group, John Njoroge Michuki, co-authored an article in the *Guardian* newspaper articulating his support for a WEO
- There have been some attempts to delineate ‘global’ and ‘world’ issues, i.e. those that require a collective response and those that may be approached similarly across nations

The idea for a World Environment Organisation gained momentum in the 1990s and became a subject of intense discussion and debate towards the World Summit on Sustainable Development in 2002. In 1997, at a Special Session of the UN General Assembly, Germany’s Federal Chancellor, Helmut Kohl, Brazil’s President, Fernando Henrique Cardoso, South Africa’s Deputy President, Thabo Mbeki, and Singapore’s Prime Minister, Goh Chok Tong, joined together in a Declaration for a Global Initiative on Sustainable Development. The Declaration called for *‘the establishment of a global environmental umbrella organisation of the UN with UNEP as a major pillar should be considered’*. The WSSD did not establish any definitive answer to the question of a WEO, and discussion and debate on this issue continued throughout the first decade of this century.

Prior to the COP15 Copenhagen Climate Conference in September 2009, French President Nicolas Sarkozy and German Chancellor Angela Merkel called for *'further progress towards the creation of a World Environment Organisation'*.¹⁰¹ At the UNEP Governing Council in February 2010, the Nusa Dua Declaration¹⁰² of Environment Ministers recognised that the system for environmental governance has become 'complex and fragmented', and Achim Steiner, Executive Director of UNEP, stated that the WEO concept was one of the items being discussed by the consultative group.¹⁰³ After the meeting, the Co-Chair of the Consultative Group and Kenyan Minister for Environment, John Njoroge Michuki, co-authored an article in the *Guardian* newspaper entitled 'Why We Need a World Environment Organisation', stating that *'there is an urgent need for an environmental organisation within the UN system with real influence that can stand side by side with strong organisations such as the WTO and World Health Organisation'*.¹⁰⁴

There have been a variety of proposals as to the structure, form and function of a WEO, many of which differ slightly in their focus and emphasis. Most acknowledge that a WEO should represent an 'upgraded' UNEP, with increased global authority and an enhanced role in the co-ordination and consolidation of environmental objectives, processes and activities across the UN system. A WEO could be modelled on similar global organisations such as WHO and the International Labour Organization (ILO), and would fulfil scientific, regulatory and political functions, as well as economic functions. In this way, the proposals for a WEO do not differ considerably from the substance of proposals for a UN Environment Organisation (see p. 45), and the two terms are often used interchangeably.

Some of the divergence in the literature addressing the WEO proposal relates to its role in the enforcement of global environmental norms and rules, and the degree to which it might imitate and interact with the WTO. A WEO could have the power to sanction its members (enforcement), or to allow members to sanction each other under certain circumstances where agreed rules and protocols are deemed to have been violated (dispute settlement).¹⁰⁵ In this regard, the form of a WEO could closely resemble the form of the WTO – a multilateral rules-based system for the global environment. However, it remains unclear and disputed as to whether a resemblance in form would lead to the interaction of functions of the WEO and WTO, or whether a WEO would represent the environmental 'counter-part' to the WTO.

In 1998, the Director General of the WTO, Renato Ruggiero, called for the establishment of a rules-based WEO at the WTO High Level Symposium on Trade and Environment¹⁰⁶ to 'strengthen existing bridges between trade and environmental policies', but he did not elaborate which policies – those of the WTO or those of the WEO – might take precedence. Many have suggested that a WEO would at the very least offer a 'counter-balance' to the rules of the WTO which are often discordant with the principle of global environmental protection.

Scientific, regulatory and political functions	Economic functions
<ul style="list-style-type: none"> • Act as a global catalyst, watchdog and ombudsman • Engage in comprehensive, accurate and accessible environmental data collection • Provide both sound scientific assessment and related policy options • Serve as a negotiation and rule-making forum • Monitor compliance with treaties and agreements • Finance environmental activities by states, NGOs and other international organisations • Assist developing countries in developing environmental policies and implementation • Transfer technology • Co-ordinate the environmental activities of international organisations and MEAs • Provide a platform for meaningful civil society participation in environmental governance • Serve as focal point for environmental ministries similar to the WHO for health ministries • Provide a dispute settlement mechanism <p><i>See works by Biermann, Charnovitz, Esty and Ivanova, Speth, Speth and Haas</i></p>	<ul style="list-style-type: none"> • Act as an economic agent • Create global markets and exchanges of commitments on forest cover, maintenance of coral reefs, species management, biodiversity protection, and other environmental concessions in return for cash or policy changes • Provide organisational, legal and financial arrangements required for deals among countries, international organisations, NGOs or individuals • Monitor the above arrangements • Provide insurance • Create package deals among all interested actors that minimise free-riding incentives and help internalise environmental concerns • Transfers of resources to poorer countries as the main custodians of environmental assets <p><i>See works by Whalley and Zissimos</i></p> <p><i>Source: Ivanova, 2007¹⁰⁷</i></p>

Another area of debate relates to the distinction between ‘global’ and ‘world’ environmental problems, and the role a WEO would play in dealing with these issues respectively. Notably, Esty and Ivanova have argued for the establishment of a Global Environment Organisation (GEO) to deal exclusively with environmental issues that are global in nature, such as global-scale atmospheric pollution and natural resource issues, i.e. the ‘global commons’. They contrast these problems with ‘world’ environmental issues, which are experienced by all countries and so are ‘shared’, but which do not require global responses – such as localised water pollution and land use. Whilst these definitions are helpful in attempting to define the parameters of the WEO and the respective roles of nation states vis-à-vis international institutions, the distinction between ‘global’ and ‘world’ is at best unclear and at worst completely arbitrary. The fact that forests might be defined as ‘global’ due to their contributions to global greenhouse gas emissions, whilst land management is defined as a local or national issue, reflects the ambiguity of the distinction. In reality land use changes can have huge impacts on ecosystems, biodiversity and carbon emissions, all of which have global ramifications. Indeed, this has now been recognised by the establishment of a specific work programme on land use, land use change and forestry, established under the UNFCCC.

In addition to debates relating to the form and function of a WEO, there have been significant disagreements over whether a WEO is desirable at all. A number of leading thinkers and academics have questioned the notion that the establishment of a WEO will help to solve increasingly urgent global environmental problems. They argue that the lack of progress on the implementation of environmental commitments globally has less to do with the inadequacy of global institutions, and more to do with the lack of political will and geo-political consensus on a common approach to the environment. Adil Najam, one of the most prominent proponents of this view, argues that *‘all such schemes share a strong supposition that the “problem” of global environmental governance can be reduced to, and resolved by, playing around with the design of global environmental organizations’* and *‘that improved global environmental governance is a puzzle of administrative efficiency, rather than a challenge of global justice’*. He suggests that the real problem lies in the *‘crumbling of the Rio Compact’* and the fundamental unwillingness on the behalf of states to do what is necessary to advance the global sustainable development agenda.¹⁰⁸

Another critique contends that changing the name of an organisation does little to enhance its effectiveness or authority, and that functions are most important, regardless of the official status of UNEP. It would be possible to enhance co-ordination, co-operation, capacity building, monitoring and assessment without upgrading UNEP to a WEO, especially if such a move did not entail increased or mandatory financial contributions. Sebastian Oberthür argues that *‘an organization as such... does nothing to address the aforementioned major problems of international institutions related to the*

environment'.¹⁰⁹ Common to this critique is also the view that the multitude of MEAs that are often cited as 'fragmented' or 'burdensome' actually exemplify the 'innovation' within the system of global environmental governance. Rather than centralising and streamlining all these efforts, such 'autonomous institutional arrangements' offer flexibility within the global environment regime.¹¹⁰

Yet despite the diverse recommendations for the form and function of a WEO, and the fair amount of criticism of the idea, the movement in principle seems to have captured the imagination of decision-makers in some way, and still represents a fundamental pillar in the IEG reform debate, being one of only five options for institutional reform outlined through the UNEP Consultative Group process. WEO proposals also closely resemble proposals for a United Nations Environment Organisation (see p. 45), which have commanded widespread support over the years, especially among European countries. In essence, the call for a WEO represents a desire to elevate environmental issues to an appropriate standing on a global level. Some believe that such an institution should act as the global arbiter on the environment, more in the style of the WTO: others focus more on its functions in enhancing the implementation of environmental agreements. Some feel that UNEO as a name is more appropriate so that such an institution might be more visibly rooted in the UN system.¹¹¹ Yet all proposals share a desire to create an institution at a global level with greater authority in relation to environmental issues, and with the legitimacy to take leadership on the pillar of sustainable development that has arguably been the most neglected. Whilst UNEP remains a programme, many feel that this authority and legitimacy will remain elusive.

As with the two proposals for IEG reform outlined above, the UNEP Consultative Group of Ministers and High-level Representatives on IEG Reform made recommendations relating to the establishment of a WEO in its submissions to the UNEP Governing Council.

Recommendation of the Consultative Group of Ministers and High-level Representatives on IEG Reform¹¹²

Specialised Agency, such as a World Environment Organisation

See also p. 126 on the Consultative Group

A specialised agency for the environment would be established as a hybrid normative and operational entity, similar in model to the World Health Organization and the Food and Agriculture Organization (FAO). It is envisioned that the WEO would be governed by a General Council made up of all members, meeting annually. An executive body would meet to prepare decisions for the Council.

The roles and mandate of a specialised agency may include:

- Representing the global authoritative voice on the environment;
- Co-ordinating environmental issues across the UN system;
- Providing a framework for implementing and monitoring global agreements whereby the General Council would provide a common secretariat for all MEAs, with individual MEAs governed by subsidiary committees;
- Shaping the environmental-scientific agenda and providing technical support to developing countries for monitoring environmental trends; and
- Setting norms and standards and providing evidence-based policy advice.

A WEO would meet all the objectives and functions outlined by the Consultative Group, and could consolidate fragmented institutions and mandates on environment at a global level. It would enhance progress towards an overall objective of sustainable development through providing more parity with the environmental and social/economic pillars (covered by WHO, FAO, ILO and WTO).

INTERNATIONAL COURT FOR THE ENVIRONMENT

QUICK FACTS

- An International Court for the Environment (ICE) would provide a mechanism by which multilateral environmental agreements could be enforced
- An ICE would become the principal court dealing with international environmental law, addressing two main issues, access to justice and scientific understanding
- An ICE would provide legal standing not just to states but also to civil society, corporations and individuals
- ICE judges would be recruited on the basis of specific experience and would have access to scientific advisors
- The leading initiative advocating for an International Court for the Environment is the ICE Coalition, an international network of lawyers and advocates

The proposal for an International Court for the Environment is not a new idea, and has been discussed, debated and written about for some years. Such an international institution would serve to complement and underpin the work of many of the proposed organisations and institutions outlined in this guide, such as the WEO, UNEO, an 'upgraded UNEP' and the idea of a Global Parliament for the Environment. An ICE would serve the global community by providing a mechanism by which international and multilateral environmental agreements could be enforced, and non-compliance to such agreements could be challenged. Thus an ICE would neatly fit with many of the proposed structural reforms, offering enhanced credibility and incentives for nation states to adhere to international environmental obligations.

Responsibility for the health of the planet is shared between the sovereign law of nation states and a body of international law – in the form of MEAs – that provides the mechanisms for regulating the impact that actions (or indeed the inaction) of states have on the environment. The UN Framework Convention on Climate Change, and its Kyoto Protocol, as well as the Vienna Convention for the Protection of the Ozone Layer, and its Montreal Protocol, are well known examples of MEAs, and the obligations and commitments pertaining to these are also widely known.

A number of international courts, tribunals and arbitral bodies exist to decide on states' obligations and responsibilities under international environmental law. However, the current system arguably does not deliver sufficient access to justice for non-state actors or provide a forum that is suitable to hear technical scientific evidence common to environmental cases. It is the current deficit in these two areas that drives the case for the establishment of an ICE.

It is envisaged that the ICE would become the principal court dealing with international environmental law, helping to clarify existing treaties and other international environmental obligations for states and for all other parties, including transnational corporations; it would do this through dispute resolution, advisory opinions and the adjudication of contentious issues that are presently unclear or unresolved. There are two important areas that such a court could address in order to strengthen the frameworks and mechanisms of international environmental governance: access to justice and scientific understanding. Crucially, unlike the International Court of Justice, an International Court for the Environment would provide legal standing not just to states, but also to civil society, corporations and individuals. This would mean that non-state actors could bring cases to an ICE and have their case heard by a panel of judges. There is no equivalent mechanism currently in existence that offers such a means of redress for NGOs or individuals; such a mechanism would make a valuable contribution to international environmental justice, as well as governance, compliance and enforcement of MEAs.

It is well understood that scientific understanding will be a necessary component of a panel of international judges who would hear international environmental law cases. In order to effectively consider and pass judgement on complex and technical scientific facts, ICE judges would be recruited based on their specific experience in resolving highly technical environmental cases and also have access to independent scientific advisers. This would ensure that decisions made by the ICE could be made with a clear understanding of both the law and the science.

The specialised tribunal framework of an ICE would help to enhance the international environmental governance regime and rule of law through the interpretation and the development, implementation and enforcement of environmental law in the context of sustainable development. An ICE would be especially effective as the dispute resolution tribunal in support of a UNEO (see p. 45).

The leading initiative advocating for an International Court for the Environment is the ICE Coalition, an international network of lawyers and advocates.¹¹³

QUICK FACTS

- A UN High Commissioner, or Ombudsman, for Future Generations would act as a watchdog for future generations
- It would play a role in integrating intergenerational equity in the heart of sustainable development governance
- A precedent has been set by establishing a UN High Commissioner for Human Rights
- Since UNCED in 1992, numerous efforts have been made by member states to establish national equivalents in the form of parliamentary commissioners or ministers
- Only the Hungarian example exists in 2012. It provides a useful model for how a Commission at the UN level could function
- There are various NGO, academic, think tank and other stakeholder organisations that are key proponents of this proposal, e.g. the UK Alliance for Future Generations,¹¹⁴ the World Future Council¹¹⁵ and many of the Youth Climate Coalitions and International Youth Organisations
- The proposal to establish a UN High Commissioner, or Ombudsman, for future generations is included in the Rio+20 Zero Draft

History of the proposal

The idea of establishing a UN High Commissioner, or Ombudsman, for Future Generations is not in fact new to the intergovernmental process. At a preparatory conference in the lead-up to the 1992 UNCED, the delegation of Malta made a proposal to institute an '*official Guardian to represent posterity's interests*'.¹¹⁶ This proposal was based upon the fundamental premise that 'future generations' by their very nature cannot represent themselves, and so a guardian must be appointed to speak on their behalf. As in other instances where guardians are appointed to represent those who are unable to represent, or incapable of representing, themselves, the law could establish a role for guardians to represent 'posterity'.¹¹⁷

The proposal did not make it into any of the UNCED final agreements, conventions or declarations, although many references to future generations

did. However, the proposal demonstrably inspired national governments to further this idea and establish portfolios at the national level. The Hungarian Parliamentary Commissioner for Future Generations (the Commissioner) has been in office since 2008, and countries where there are other examples of guardians with similar portfolios include Canada, Finland, Israel and New Zealand, although it is only the Hungarian institution that is currently operating.¹¹⁸

Throughout the 1990s there have been many examples where the interests of future generations have been incorporated into a decision-making process, or even granted legal standing in a court.¹¹⁹ Many of these have no doubt played a significant role in shaping public opinion on the need to incorporate the interests of future generations into everyday thinking. A review of the status of implementation of the Rio Declaration and Agenda 21 examined how successfully (or otherwise) the two international agreements had been applied in practice. The overall conclusions of the review suggest that whilst effort had been made to realise the full potential of the two Rio agreements, there remained significant gaps in the implementation of many elements.¹²⁰ In relation to Principles 3 and 21 (relating to future generations and intergenerational equity), the review recommended that the Rio+20 process establish a UN High Commissioner for future generations, and highlighted several campaigns that have been promoting the idea for some years.¹²¹

The Case for the UN High Commissioner for Future Generations in the Rio+20 Zero Draft

In total, 20 of the major group and other stakeholder policy submissions to the Rio+20 policy process similarly called for the establishment of an institution that would safeguard the interests of future generations.¹²² In January 2012, the Zero Draft of the Rio+20 outcome document was published for discussion and eventual negotiation and it contains the proposal to establish a UN High Commissioner for future generations in paragraph 57. The paragraph refers to the '*creation of an Ombudsperson or High Commissioner for Future Generations*'. This proposal has been welcomed by some of the international community. Many proponents are developing discussion papers containing details of how such an institution for the Ombudsperson or High Commissioner might work.¹²³ In addition to the simple reference to the proposal in the Zero Draft document, supporters suggest that the Zero Draft text should be enhanced to include more committed language on the proposal to ensure that it comes to fruition, unlike in 1992 when it did not make it to the final UNCED outcome document.

CONVENTION ON CORPORATE SOCIAL RESPONSIBILITY AND ACCOUNTABILITY

QUICK FACTS

- The proposal for a Corporate Social Responsibility (CSR) Convention goes back to the 1992 Earth Summit
- The proposal for a 'Global Framework' is contained in the Rio+20 Zero Draft of the Outcome Document (paragraph 24)
- A multi-stakeholder dialogue on the proposal for a Convention is convened by Stakeholder Forum and Vitae Civilis
- Aviva Investors convenes a coalition of 40+ corporations calling for mandatory reporting
- Proposals to harmonise sustainability reporting build on current CSR initiatives: Global Reporting Initiative, UN Global Compact, ISO 26000, etc.

Rationale

The considerable influence of the private sector upon social, economic and environmental outcomes, and its role in environmental and sustainable development governance has been discussed at length across different platforms. As a response, numerous initiatives have been developed in recent years: sustainability reporting and indexes; sustainable investment portfolios; and international initiatives such as the Global Reporting Initiative (GRI),¹²⁴ the UN Global Compact,¹²⁵ the Principles of Responsible Investment,¹²⁶ the ISO 26000 standard on social responsibility,¹²⁷ and the 'UNEP Statement of Commitment by Financial Institutions on Sustainable Development',¹²⁸ among many others at the national, regional and international level.

Although some businesses have demonstrated genuine commitment in incorporating sustainability principles into their practices, some believe that the sector as a whole has yet to contribute sufficiently or consistently to global efforts on sustainable development. This situation contributes to the debate on going beyond voluntary initiatives and developing an international legal framework so as to ensure that business practices are aligned with the international community's expectations towards long-term sustainability. A Convention on Corporate Social Responsibility and Accountability is one initiative that could provide a framework to incorporate sustainable development governance into the business and corporate sector.

Background of the initiative

The agenda on setting clear rules for transnational corporations is not new. The UN Centre on Transnational Corporations (now defunct) proposed a chapter in Agenda 21 entitled: 'Transnational Corporations and Sustainable Development,' calling for governments and international organisations to '*address in future environmental instruments the rights and responsibilities of transnational corporations*', and '*establish or strengthen a regulatory environment supportive of sustainable development*'. Although the proposed Agenda 21 chapter did not make its way into the final negotiations, the role of the private sector in sustainable development was explicitly tackled in Principle 16 of the 1992 Rio Declaration through its commitment to the 'polluter pays' principle, consisting of the idea that '*national authorities should endeavour to promote the internalisation of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment*'.

Meanwhile, Agenda 21 featured a Chapter entitled 'Strengthening the Role of Business and Industry',¹²⁹ which provided a framework for corporate social responsibility and acknowledged the importance for governments of encouraging improved environmental management by the private sector. Agenda 21 recognised that sustainable development could only be achieved with the co-operation of the private sector.

A new attempt was made to secure a Convention on Corporate Accountability at the 2002 World Summit on Sustainable Development. In the Johannesburg Plan of Implementation (JPOI), it was agreed that the international community should '*promote corporate responsibility and accountability and exchange best practices in the context of sustainable development*', while the final text of the summit cited the duty of the private sector to '*contribute to the evolution of equitable and sustainable communities and societies*' in the context of a '*transparent and stable regulatory environment*'.

A Convention on Corporate Social Responsibility – why now?

The intervening period has seen rapid growth in sustainability reporting and sustainability indexes, while the rise in sustainable investments, the uptake of sustainability initiatives such as the Global Reporting Initiative and the UN Global Compact, the development of the ISO 26000 standard on social responsibility, and various private sector initiatives such as the Principles for Responsible Investment demonstrate a greater commitment on the part of corporations to sustainability.

Civil society organisations, the labour movement and social movements from across the world have been calling on businesses to act accountably and take responsibility for the social, economic and environmental impacts of

their activities, and the debate continues to grow as it receives more coverage in the mainstream media and new societal expectations take shape.

Rio+20 and a call for action: a global framework for CSR

The member states' submissions to the Zero Draft highlight the role of the private sector in achieving sustainable development and specifically mention the role of corporate social responsibility in delivering sustainable development outcomes, with some countries advocating for more accountability of the sector. Importantly, the Zero Draft has put on the negotiation table a concrete proposal:

'We call for a Global Policy framework requiring all listed and large companies to consider sustainability issues and to integrate sustainability information within the reporting cycle.' (Section D, Framework for Action, paragraph 24)

Furthermore, the 2012 report by the UN Secretary-General's High Level Panel on Global Sustainability, *Resilient People, Resilient Planet: A Future Worth Choosing*, presents the recommendations of the UN High Level Panel based on a 17-month global consultation and review of previous sustainable development successes and failures. One of the recommendations states:

'Business groups should work with Governments and international agencies to develop a framework for sustainable development reporting, and should consider mandatory reporting by corporations with market capitalizations larger than \$100 million.' (Recommendation 30)

The above two recommendations echo a statement from a group of corporations calling for mandatory reporting to be part of the outcomes of Rio+20. The Corporate Sustainability Reporting Coalition,¹³⁰ representing financial institutions, professional bodies, NGOs and investors with assets under management amounting to a global total of US\$1.6 trillion, convened by Aviva Investors, proposes:

'... that UN member states at Rio+20 commit to develop national regulations mandating the integration of material sustainability issues in companies' annual reports and accounts. We are also advocating effective mechanisms for investors to hold companies to account on the quality of their disclosures.'

A multi-stakeholder dialogue on a Convention for Corporate Social Responsibility¹³¹

To build on these efforts, a global multi-stakeholder process engaging civil society organisations, corporations and corporate social responsibility initiatives is being convened by Stakeholder Forum for a Sustainable Future

and Vitae Civilis. This dialogue aims to create synergies with existing initiatives and sectors to pursue a coherent international strategy for securing a call for a Convention on Corporate Responsibility and Accountability in the Rio+20 final document.

Stakeholder Forum believes that an international convention will provide a coherent framework to incorporate the private sector into global sustainable development efforts, establish a level playing field for all corporations with clear rules for practices and obligations, therefore increasing business accountability and performance, and provide governments with a better tool to ensure that practices are aligned to international agreements and societal expectations.

GLOBAL ENVIRONMENT ORGANISATION/GLOBAL PARLIAMENT FOR THE ENVIRONMENT

QUICK FACTS

- A Global Parliament for the Environment would seek to enhance environmental democracy at a global level
- Members or representatives of the Global Parliament would be designated by member states and be bound by term limits
- The main campaign for a Global Parliament is part of a broader campaign for a Global Environment Organisation, which is far more prescriptive than many UNEO/WEO proposals, and includes specific recommendations for an Executive Bureau, Global Subject Committees and a Global Court for the Environment
- The main proponent of this idea is the French NGO, Agir pour l'Environnement (Acting for the Environment)

The idea of a Global Parliament for the Environment has emerged from, and is often supported by, the same school of thinkers that proposes a Global Environment Organisation.¹³² At the World Summit on Sustainable Development in 2002, the call for an organisation that would 'manage, regulate and protect the environment' gathered traction, supported by statements by the then Prime Minister Jospin and President Chirac of France. On this basis, a formal campaign for a GEO was established in France. At the same time, proposals for a UNEO (see p. 45) and a WEO (see p. 50) began to evolve. Both of these share many similarities with calls for a GEO, and indeed with each other, i.e. they are born of the same sentiment that there should be an institution at the global level with greater authority over environmental issues.

The key difference in the campaign for a GEO is that a significant aspect of the proposal calls for the creation, or establishment, of a Global Parliament for the Environment. The rationale behind this is that a key pillar of the proposal for a GEO rests in the need for greater democracy in the governance of the environment at an international level. It is argued that the establishment of a Global Parliament would ensure and enhance the accountability of decision-makers through establishing parliamentary democracy on environment at a global level.

Proponents of a Global Parliament for the Environment draw parallels between the International Labour Organization and a Global Parliament. The ILO, with tripartite representation, can be a useful example upon which to model such a Parliament, where the state and local authorities, as well as civil society, NGOs and the private sector, are all represented. The members or representatives in a Global Parliament would be designated by member states and would be bound by term limits with their candidacy established through 'national lists'.¹³³

Mechanisms

Members of this Global Parliament would, as in a number of national parliaments, have to work on the 'two-thirds majority' rule, whereby Acts would only be adopted if the Parliament supported such enactment with a two-thirds majority. Such legislative power would surpass the mandate of UNEP and would 'open new possibilities' for the development of democratic global governance for the environment.¹³⁴ The campaign for a Global Parliament has developed a comprehensive and detailed proposal for a fully functioning and effective parliament, which would '*meet twice a year for five days to decide on the global priorities for environmental protection*'.¹³⁵

In a paper prepared for the 'post-Johannesburg' conference, Narito Harada sets out clear and concise instructions for how to establish the GEO and the Global Environmental Parliament, offering a comprehensive formula, outlined below, that includes the roles and functions of an Executive Bureau, Global Subject Committees and a Global Court for the Environment.

Executive Bureau: The Executive Bureau of the GEO would have a strong relationship with the Parliament, executing its decisions. In the case of an ecological disaster, it would be the Executive Bureau that would make any necessary emergency decisions. The Bureau would also offer a co-ordinated approach to understanding and implementing MEAs, ensuring that there would be regular and permanent consultation with relevant UN institutions. Five regional Executive Bureaux would be constituted on the same scheme.

Global Subject Committees: Five global committees would be established to focus on specific subjects – ethics, science, judiciary, information and citizens, and each of these committees would stand permanently under the Executive Bureau and intervene before or after decisions taken by the Parliament and the Bureau. The Ethics Committee would have a key role in adopting policies on questions such as the rights of future generations, global public goods, crimes against the environment and environmental duty to interfere. The Scientific Committee's mission would be to produce reference studies on environmental issues with the support of a large network of independent scientists, and to supervise technology transfer. The Judicial Committee would assist the Ethics Committee and co-ordinate the monitoring and enforcement of implementation of MEAs by their respective

secretariats. The Information Committee would assume the lead role in information dissemination to other agencies, governments and the public. The Citizens Committee would make recommendations and would be consulted by the Parliament before any important vote.

Global Court for the Environment: The Global Court for the Environment would be the permanent judicial body of the GEO. It would have the power to sanction states for serious violations of MEAs. Sanctions would be designed according to the seriousness of the violation and would take into account the capabilities of the state, ranging from injunction to repair of environmental damage and from fines to the suspension of various rights under conventions or in the UN. The Global Court would be managed by a college of prosecutors with discretionary power to take action against a state. Sanctions would be defined by the Parliament after the creation of the GEO. The proposal for a Global Court bears some similarity to that for an International Court for the Environment (see p. 56), although it would deal mainly with sanctioning states for violation of international environmental law, rather than being a legal mechanism for individuals and NGOs to bring environmental legal cases to court.

The proposal for a Global Environment Organisation, with a functioning Global Parliament, represents an ambitious vision. Some of the proposed mechanisms are similar to other existing proposals, such as the International Court for the Environment. Others could be incorporated into existing structures, such as the 'global subject committees'. The visible departure from mainstream thinking is the development of proper structures for accountability that, at least in theory, connect global institutions with citizens. Many proposals for global governance reform address the accountability to individual nation states, but do not concentrate on arrangements to enhance accountability to individual citizens.

ENVIRONMENTAL SECURITY COUNCIL

QUICK FACTS

- The establishment of an Environmental Security Council, or the broadening of the scope of the existing Security Council to address environmental issues, represents an effort to elevate environmental issues within the UN architecture
- Former UN Secretary-General Kofi Annan's 1997 reform package for international environmental governance recommended that the existing Trusteeship Council '*be reconstituted as the forum through which Member States exercise their trusteeship for the integrity of the global environment*', a proposal which also enjoyed support from Maurice Strong, former Secretary-General of the 1992 UNCED
- An extension of the mandate of the existing Security Council could be achieved through an amendment to the UN Charter, recognising the threat represented by environmental degradation to international peace and security
- The UK Government, during its Presidency of the Security Council in 2007, proposed that climate change be addressed under the remit of the Security Council, but this was met with strong opposition, perhaps due to the unrepresentative and undemocratic nature of the Council

There are two prominent proposals to involve the Security Council in international environmental governance. The first proposes that a separate but comparable 'Environmental Security Council' be established and modelled on the existing Security Council; the second proposes that the existing Security Council be reformed to broaden its powers to include a remit that would deal with international environmental issues. Both proposals seek to address issues of global security that are influenced by environmental concerns, and propose ways of managing and responding to such threats on a global level.

Environmental Security Council

A 2007 workshop on IEG held at Chatham House, chaired by a leading academic, Maria Ivanova, looked at the notion of creating an Environmental Security Council that would have powers comparable to those of the UN Security Council. It was outlined in the draft workshop report that this was 'the most far-reaching reform proposal'.¹³⁶

It is well understood that the Security Council is the most powerful of all UN bodies – the UN Charter has given it primary responsibility for the maintenance of global peace and security and its decisions are binding on all member states.¹³⁷ Any decision made by the Security Council follows the ‘two-thirds majority’ rule with its decisions binding on all 192 UN member states. In the 1997 reform package, set by the then UN Secretary-General, Kofi Annan, it was proposed that the Trusteeship Council ‘*be reconstituted as the forum through which Member States exercise their trusteeship for the integrity of the global environment and common areas such as the oceans, atmosphere and outer space*’.¹³⁸

In 1997, Kofi Annan, identified IEG as a core and crucial component for the effective working of the UN Security Council and the UN agencies. Some of the core functions of an Environmental Security Council would be to promote protection of the global commons beyond the jurisdiction of nation states, administrate environmental treaties, and authorise and co-ordinate the environmental work programme of the entire UN system.¹³⁹ The role of an Environment Security Council in providing an enforcement mechanism beyond the jurisdiction of nation states is complemented by proposals for an International or World Environmental Court (see p. 56), which could provide a vital component of the Council. It is also proposed that the Council would provide improved communication channels between civil society and the UN; as with the principles underpinning the proposal for an ICE, this would widen access to justice on environmental matters.¹⁴⁰

Expansion of the mandate of the UN Security Council

Another proposal advances the case for an extension of the mandate of the UN Security Council to include environmental issues as integral to maintaining global peace and security. If such a proposal were to be adopted, then the Security Council would be mandated to consider issues that are environmental in nature and, therefore, could provide a role in the international governance of environmental issues.

In 2002 an in-depth study into ‘Expanding the Mandate of the UN Security Council’ was completed by Lorraine Elliot and others. It advocates for extending the role of the existing Security Council, rather than establishing a separate one, suggesting that such a move would represent a development similar to the Security Council’s growing role in accommodating non-traditional threats to peace and security such as complex humanitarian emergencies and gross abuses of human rights.

The ‘extension’ would need to occur through formal amendment of the UN Charter and would ‘*outline a useful and manageable framework for the expansion of the Security Council’s mandate to address the environmental causes and consequences of conflict and to contribute to international environmental governance*’.¹⁴¹ The UK Government, during its Presidency of

the UN Security Council, initiated a debate on the possible expansion of the Security Council to address climate change issues, which would be one step towards addressing broader environmental concerns. The UK Foreign Secretary, Margaret Beckett, argued that climate change represented a threat to global peace and security and, as such, should be brought under the remit of the Council.¹⁴² Though the sentiment was sincere – to create a mechanism globally that could better enforce decisions relating to climate change, and respond to its impacts – the UK’s proposal was met with considerable opposition.

The then Chair of the Group of 77 (G77) developing countries, Farukh Amil (Pakistan), raised his opposition to such issues being addressed by an unrepresentative body like the Security Council, when the General Assembly, with universal membership, could deal with emerging climate security issues in a more democratic and equitable manner. His view was supported by many NGOs, among them Stakeholder Forum. It seems that consensus on an expanded scope of the Security Council may only be achieved once more fundamental reform of the Security Council has taken place to better represent a new global paradigm of parity between developed and developing countries.

WORLD TRADE ORGANIZATION REFORM

QUICK FACTS

- There is an inextricable link between trade and environmental impacts due to the global movement of goods and natural resources
- Some argue for the establishment of a World Environment Organisation to represent a 'counterweight' to the WTO, noting that the very notion of 'protection' is antithetical to the governing ideology of the WTO
- Others argue that it would be more effective to more fully integrate environmental concerns into the WTO, which already wields significant influence over its 153 member states and also includes an arbitration mechanism
- A major priority is to assess and monitor the relationship between WTO rules and the provisions of a number of trade-related multilateral environmental agreements, and UNEP has helped to convene negotiations on this issue in relation to the Committee on Trade and Environment

The World Trade Organization is the international body that negotiates and regulates international trade, and its remit is to promote free trade and stimulate economic growth. The WTO is often criticised for not effectively implementing environmental policies as part of its work on trade, and as such the environmental impact of trade and labour movements has been said to be overlooked. It has been further argued that the WTO is not appropriately equipped to integrate considerations of the environmental impacts of trade, and therefore a new organisation is needed to promote the integration of international environmental agreements in other aspects of international decision-making.¹⁴³

It has long been understood that there is an inextricable relationship between trade and environmental impacts as a result of the global movement of goods and natural resources. In dealing with trade issues at the global level, the WTO plays a vital role in setting the rules on international trade, and consequently has a role to play in strengthening IEG. The WTO was substantially reformed in 1995 (formerly the General Agreement on Tariffs and Trade (GATT) which set the rules of the trade systems) and has since expanded to include 153 members. Since this reform, many civil society groups have criticised the WTO for putting trade matters before other international issues that are directly related to the movement of goods and services. The recent history of the WTO has been peppered with protests

and suspension of negotiations, such as the Seattle Riots of 1999 and the suspension of the Doha Round of talks. Such criticism of the WTO is often targeted at the 'Western free-market' approach that, critics argue, dominates discussions to the detriment of developing economies. The issue of WTO reform in a wider context has been heavily debated on the international stage for many years, and environmental governance fits into part of that reform agenda. Over ten years ago, there was a surge in momentum for WTO reform coupled with other reforms to IEG.

Reform of the WTO or a new agency?

There is substantial support for the proposal to establish a World Environment Organisation (see p. 50) that would match the power and influence of the WTO. Indeed, in 1999 the then Director-General of the WTO argued that *'to strengthen the bridge between trade and the environment [such a] bridge needs two pillars'*.¹⁴⁴ He was arguing that a WEO must exist alongside a WTO and that the two would be mutually reinforcing. However, there are proponents of the view that establishing a separate organisation to focus on, monitor and regulate international environmental matters would detract from or undermine the WTO's role in incorporating environmental and sustainability issues into its work and negotiations. As such, one often cited critique of the WEO proposal argues that it would be more effective to include environmental issues in the WTO *'under one pillar ... with the WTO as the sole column'*.¹⁴⁵ This view is predicated upon four core arguments:

1. That there are concrete problems of governance associated with the economic system and, as a result, the economic system should provide the remedies for the problems, i.e. reform and regulation should apply to that economic system.
2. The WTO already has a mission that includes environmental and sustainable development policies.
3. All aspects of human activity, including trade, investment, and development, affect the environment. It therefore follows that any organisation must integrate environmental and sustainable rules into practice.¹⁴⁶
4. Establishing a 'rival' organisation in the form of a WEO would lead to competing jurisdictions and mandates, which may either result in endless negotiation or in one being subjugated to the other. Fully integrating environmental rules into the trade system would be more likely to guarantee success.

In having a primary role in overseeing the liberalisation of trade, some argue the WTO should see it as in the interest of its members to prevent resource depletion, because this, in turn, would destroy the trading of world goods.

Ivanova argues that *'the elimination of trade-distorting practices, such as governmental subsidies for agriculture, fishing, or timber extraction, would remove perverse incentives for environmental destruction. In addition, the WTO is envisioned as an appropriate forum for the settlement of environmental disputes.'*¹⁴⁷ The WTO is unique in having an arbitration and dispute settlement mechanism built into its structure, allowing members to hold each other to account for adherence to WTO rules.

The proposal to reform the WTO as the leading world organisation to prevent environmental destruction and promote sustainable development and 'green' practices is highly contentious. Many organisations and writers respond to this proposal by arguing that the WTO is insufficiently experienced in managing environmental issues and does not have the capacity or know-how to actively bring environmental issues to the forefront of its work. For example, a 'greener WTO', states Daniel Esty, 'is in no way compatible with a systematic effort at improving the global environmental governance system'.¹⁴⁸ Esty further argues that even considering the word 'protection' creates a tension between free-trade proponents and environmentalists: *'One cannot blame the tensions at the trade-environment interface on linguistic differences, but these competing perspectives are emblematic of deep clash of cultures, theories and assumptions.'*¹⁴⁹

In 2002 UNEP published a briefing, *Economics, Trade and Sustainable Development*, with a focus on 'Multilateral Environmental Agreements and the WTO: Building Synergies'.¹⁵⁰ This briefing outlines the potential conflicts between the WTO and MEAs which has dominated the IEG debate. The UNEP approach has been to consider the synergies between the two,¹⁵¹ and the WTO Doha results have mandated a formal negotiation on the relationship between specific trade measures used in MEAs and WTO rules. The UNEP process aims to focus on the 'unrealised' opportunities that could help MEAs and the WTO collaborate more effectively to integrate sustainable development in trade rules.

The next steps of the WTO–MEA process will focus on core themes identified as important by stakeholders: joint capacity building; assessing the effects of trade liberalisation; and synergies on technology transfer.

The MEA secretariats most engaged in this process are those of the Basel Convention, the CBD, CITES, the Montreal Protocol and the UNFCCC. In time for the 2003 Committee on Trade and Environment in Special Session, these secretariats were granted ad hoc invitee status. UNEP continued the facilitation of talks between the secretariats, with the aim of consolidating this access and opportunity to inform WTO negotiations.¹⁵² However, in July 2006 the Doha Round of multilateral trade negotiations was suspended for six months, highlighting some of the core tensions that exist within the WTO itself.

Since then, meetings of the Committee on Trade and Environment (CTE) have taken place in Special Session formats, meeting informally on the Doha Development Agenda, paragraph 31(i) on the relationship between WTO rules and specific trade obligations set out in multilateral environmental agreements. Discussions have continued, but as the Director-General of the WTO has urged during these proceedings, the Doha Negotiations need to be 'taken up to a higher gear' if they are to integrate sustainable development into its processes.¹⁵³

CLUSTERING OF MULTILATERAL ENVIRONMENTAL AGREEMENTS

QUICK FACTS

- The 'clustering' of MEAs refers to the combining, integrating or merging of several multilateral environmental agreements to make them more efficient and effective
- Clustering common organisational bodies of Conventions involves the co-ordination and administrative aspects such as the co-location of meetings
- Conventions can also be clustered according to thematic issue, thus enhancing co-operation between MEAs addressing similar and often overlapping environmental concerns
- Clustering by region is also an effective way of bringing together Conventions that are specific to particular regional concerns
- A step towards clustering can be seen in the joint meetings of Heads of particular MEAs. However, while there appears to be willingness among certain secretariats to co-operate more effectively, some continue to be protective of their mandates. There is also some scepticism as to whether a relentless drive for 'co-ordination' is necessary or desirable

A number of multilateral environmental agreements have been created in the past 30 years to address environmental issues. Although many of these are complementary, *'there are also areas of overlap, duplication of efforts and even conflict'*.¹⁵⁴ On the one hand, as environmental issues are complex and require specific responses, this may seem to necessitate the multiplicity of international conventions. The practical result, however, has been a series of jurisdictional overlaps and gaps, and an inability to respond to overarching environmental problems.¹⁵⁵

The 'clustering' of MEAs refers to the combining, integrating or merging of several MEAs to make them more efficient and effective¹⁵⁶ and increase the consistency of the IEG system.¹⁵⁷ Despite the structural differences that exist between many environmental issues, the need for integration of related or overlapping MEAs is undeniable. During ongoing discussions and consultations on IEG through the UN General Assembly (see Swiss and Mexican Ambassadors' Process, p. 118) and the UNEP Consultative Group

(see p. 126), the clustering of MEAs has been identified as a major component of global environmental governance reform.¹⁵⁸

No one approach to clustering seems to be more efficient or beneficial than another, as each attempt at clustering aims to resolve a specific deficiency in the current system. *'The most promising way to approach the clustering of MEAs appears to be a pragmatic combination of methods.'*¹⁵⁹

Clustering common organisational bodies

Common organisational bodies of MEAs are referred to as the Conference of the Parties to the Convention or MEA. This proposal for reform refers to the merging of COPs so they are held at the same location with combined or consecutive meetings. Advantages include significant efficiency gains,¹⁶⁰ as combined meetings could considerably reduce travel and administration costs, infrastructure sharing and related burdens on delegates.¹⁶¹ Yet it appears that COPs differ greatly in their functions and structures, and grouping does not necessarily guarantee an increase in co-ordination and integration.¹⁶² For example, Oberthür argues that co-located meetings of the UNFCCC and the CBD did not result in valuable exchange or co-operation.¹⁶³ Creating a permanent location of COP meetings implies increasing the administrative and organisational burden for the host country, and would rule out the hosting of international environmental meetings by developing countries which might not be able to bear the costs.¹⁶⁴

Clustering common functions

This proposal involves integrating and co-ordinating common MEA functions within each MEA, e.g. decision-making processes, scientific assessments, common sets of rules for dispute resolution, reporting requirements, implementation review and arrangements for non-compliance. Clustering of functions usually refers to sub-units of MEAs and the integration of such elements can be viewed as more or less difficult to achieve because of the very different and specific needs, functions and priorities of each MEA.¹⁶⁵

Clustering by issue or theme

Most proposals for thematic clusters reflect the groupings that have been put forward by UNEP, e.g. sustainable development conventions and biodiversity-related conventions.¹⁶⁶ Ambassadors Berruga and Maurer¹⁶⁷ draw a typology of four thematic clusters around the issues of conservation; global atmosphere; hazardous substances; and marine and oceans concerns. Clustering by issue is about grouping specific organisational elements within MEAs that are thematically related, e.g. combining meetings of the Montreal Protocol for the Protection of the Ozone Layer and the Kyoto Protocol of the UNFCCC.¹⁶⁸

Co-ordinated decision-making is more likely to be generated if the MEAs involved in the combined meetings are closely related thematically, e.g. the

CBD and the Ramsar Convention on Wetlands.¹⁶⁹ Nevertheless, the specific requirements of each MEA imply that such an approach is limited in scope. For example, implementation review, financial mechanisms and compliance methods can take very different forms and clustering may become inefficient; combining the implementation review under the CBD with that of the Kyoto Protocol is deemed 'dysfunctional'.¹⁷⁰

Clustering by region

Grouping regional MEAs according to the geographical region where they are established is beneficial as it reduces the costs of organising each meeting and facilitates clustering of specific organisational elements within MEAs.¹⁷¹ The UNECE, for instance, is the hub of a number of regional environmental regimes and proves that such arrangements can be developed.¹⁷² The weakness of such an approach is that in certain cases, regional membership of MEAs can overlap, and the particular circumstances and conditions of each MEA must be taken into consideration.¹⁷³ This means that even within the framework of the UNECE, implementation review, compliance systems, dispute resolution or scientific assessments have hardly been integrated. In some cases, co-ordination and integration can be better achieved between global and regional Conventions than between regional Conventions, e.g. in the case of the global Basel Convention and the regional Bamako Convention on transboundary movements of hazardous wastes.¹⁷⁴

Joint meetings of the heads of the scientific and technical committees within a cluster

It has also been proposed that the need to share knowledge amongst the scientific and technical committees of different Conventions and MEAs is often overlooked. Stakeholder Forum, in its submission to the Consultative Group on International Environmental Governance¹⁷⁵ (see p. 126) highlighted that this may enable greater understanding of overlapping issues, and offer an opportunity to identify gaps that may exist and actions needed to tackle these. It also highlighted the role of the internet in integrating the information shared between committees to support this approach, and the possibility of biannual meetings.

It has been argued that clustering numerous international environmental agreements tends to minimise institutional overlap and the fragmentation of the global environmental governance system, while avoiding the drawbacks of securing agreement on more radical institutional reform.¹⁷⁶ Moreover, clustering is viewed by some as likely to be a necessary but not sufficient condition for more effective global environmental governance. It is indeed a critical requirement in both the WEO (see p. 50) and UNEO reform proposals (see p. 45).¹⁷⁷

ENHANCING INTER-AGENCY CO-ORDINATION ON THE ENVIRONMENT

QUICK FACTS

- Inter-agency co-ordination is a crucial component in ensuring coherence across the UN system on environmental matters
- The Environmental Management Group already performs this function, but there have been proposals to strengthen its role, specifically in the area of MEA co-ordination
- A Consortium Arrangement on Environmental Sustainability has also been proposed, which would streamline environmental activities across the system and fulfil a more comprehensive role than the EMG, through having an executive head and Secretariat
- The Consortium Arrangement has been outlined as one of the options for institutional reform under the UNEP Consultative Group (see p. 132)

In the ongoing debates on the reform of IEG, there is general consensus that governance of environmental issues at the global level is fragmented and often incoherent, and lacks the required strategic direction to have the necessary impact. This may be influenced by the fact that environmental portfolios are spread across a multitude of UN agencies and MEA secretariats, without the necessary communication and co-operation to enhance common impact and promote the best environmental outcomes.

Recognising this challenge, there are many who support enhanced inter-agency co-operation and co-ordination so as to address and overcome some of the identified governance problems. Rather than creating new institutions and further layers of bureaucracy, it is argued that the processes and programmes addressing environment at the global level can be more effectively streamlined by creating spaces where communication can be enhanced and synergies promoted.

Two of the main proposals for enhanced co-ordination include strengthening the UN Environmental Management Group and establishing a consortium arrangement for environmental sustainability.

Strengthening the Environmental Management Group

Promoting interlinkages between various UN bodies and the exchange of data and information, the EMG works at elaborating common responses to

common problems. The mission of the EMG, in other words, is to *'identify, address and resolve collectively specific problems, issues and tasks on the environmental and human settlements agenda requiring enhanced inter-agency co-operation [...] through securing effective and collaborative involvement of the relevant UN system agencies, programmes and organs and of other potential partners'*.¹⁷⁸

EMG reform has been considered, and proposals include strengthening the EMG's role as a co-ordination organ dealing with other inter-agency groups, such as UN-Water and UN-Oceans, and designing system-wide guidance to co-ordinate, harmonise and align UN environmental activities.¹⁷⁹ Reform proposals aim to increase inter-agency co-ordination within the UN system and pave the way for a more effective, co-ordinated and flexible UN system response to specific issues in the areas of the environment and human settlements. There would also be a strengthening of the role that the EMG plays in co-ordinating MEAs and enhancing multilateral co-operation on international environmental issues. This would be very important in the related context of improving co-ordination and reducing fragmentation of the many MEAs that currently exist to govern international approaches and agreements on environmental and sustainable development.

Establishing a consortium arrangement for environmental sustainability

The objective of this proposal is to enhance institutional reforms and streamline present structures, as outlined as one of the options for institutional reform advanced by the UNEP Consultative Group (see p. 132).

The suggestion is that IEG effectiveness could be enhanced by establishing a consortium arrangement for environmental sustainability as a substructure of the institutional framework for sustainable development. Objectives and functions would include:

- Managing environmental risks and opportunities;
- Reviewing the impact of environmental change on human well-being;
- Providing policy and guidance on mitigating and adapting to environmental change;
- Promoting capacity development and sustainable use of natural resources;
- Reviewing effectiveness of environmental policies; and
- Promoting co-operation and synergies on environment across the UN system.

The consortium arrangement would be anchored at the inter-agency and intergovernmental level. It would be managed by a set of instruments governing the relationships between and amongst respective organisations, and would include a governing body, advisory board, executive head, secretariat, a strategic programme and an executive committee of senior officials from relevant associated organisations. The UNEP Governing Council/GMEF could provide the governing body for the consortium, or through a new functional commission under ECOSOC (see p. 80).

This option has the advantage of achieving functional reform by promoting enhanced effectiveness, efficiency and coherence of IEG, whilst also retaining the benefits of structural diversification and specialisation.

GLOBAL GOVERNANCE FOR SUSTAINABLE DEVELOPMENT

ECOSOC REFORM

QUICK FACTS

- ECOSOC is considered by many to be in need of reform. Suggestions include the transformation of ECOSOC into a Council for Sustainable Development, to streamline all its activities and functioning commissions under one objective
- Transforming ECOSOC into a Council on Sustainable Development would enhance the authority of sustainable development within the UN system significantly
- Similar proposals are applied to the Commission on Sustainable Development, calling for it to be 'upgraded' into a Council, reporting directly to the UN General Assembly, rather than to ECOSOC.
- One of the options for institutional reform outlined in discussions under the UNEP Consultative Group of Ministers suggests the 'merging' of ECOSOC and the Commission on Sustainable Development into a Council (see p. 132)
- Mexico is a strong advocate for ECOSOC reform and France is also a supporter

The UN Economic and Social Council consists of 54 UN member states, elected by the General Assembly.¹⁸⁰ As emphasised in Agenda 21, the function of ECOSOC is to restructure and revitalise UN activities in economic, social and related fields.¹⁸¹ ECOSOC manages sustainable development co-ordination within the UN system, co-ordinates the implementation of Agenda 21 and integrates environmental and developmental issues within UN policies and programmes.¹⁸² ECOSOC is also in charge of undertaking studies and publishing reports on international issues of development, health and education, and making recommendations on such issues to the General Assembly, UN members and specialised agencies.¹⁸³

Sustainable development co-ordination at ECOSOC relies on the action of the UN Commission on Sustainable Development, whose main functions are

to enhance dialogue with NGOs, the independent sector and all UN bodies, and to make recommendations to the General Assembly via ECOSOC.¹⁸⁴ Moreover, the CSD contributes to co-ordinate the implementation of Agenda 21 within the UN system via the Inter-Agency Committee on Sustainable Development (IACSD). Members of the CSD are elected by ECOSOC,¹⁸⁵ which also organises regular reviews of the CSD's actions and promotes the integration of environment and development issues.¹⁸⁶

Because of the increasing number of decision-making bodies concerned with different aspects of sustainable development, policy co-ordination at the intergovernmental level and collaboration between UN secretariats is essential.¹⁸⁷ In this sense, the Programme for the Further Implementation of Agenda 21 emphasises that the role of ECOSOC as a co-ordination body should be strengthened. However, 'ECOSOC is not generally regarded as an effective body' and it is essential that ECOSOC provides greater coherence and direction to all sustainable development-related activities.¹⁸⁸ Coherence in UN policies and programmes is essential to achieving sustainable development.¹⁸⁹

Many of the proposals for reforming ECOSOC to enhance sustainable development governance focus primarily on the CSD, which is considered by many to be ineffective. These include the transformation of the CSD into a Council, which could possibly replace the Trusteeship Council, or the 'upgrading' of the CSD to an official organ of the General Assembly, like the Human Rights Council. These proposals are covered in more detail on pp. 84–87.

However, there are also proposals that focus more directly on the role of ECOSOC itself and the position that it should take vis-à-vis sustainable development. It has been suggested that ECOSOC could be transformed into a Council on Sustainable Development, combining the activities of all its various commissions, including the commissions on Social Development, Status of Women, Sustainable Development, and Population and Development.¹⁹⁰ Through combining all the functions of ECOSOC commissions into a single Council on Sustainable Development, sustainable development could be addressed in a more complete and cohesive manner and through combined meetings and conferences. As part of the various options outlined by the Consultative Group of Ministers on IEG reform (see p. 126) it has also been suggested that UNEP's Governing Council and GMEF could be transformed into a functional commission of the reformed ECOSOC/Council on Sustainable Development. It is argued that this kind of consolidation and streamlining would enhance coherence on the multiple pillars of sustainable development across the UN system, and would enhance ECOSOC's effectiveness.

Recommendations from the Consultative Group of Ministers on IEG Reform

Possible reforms to ECOSOC and the Commission on Sustainable Development

(see p.132)

ECOSOC and the Commission on Sustainable Development could be merged into a Council on Sustainable Development, and UNEP's GMEF could be a functioning commission on the environment under the Council.

This reform option has some similarities with the 'umbrella' proposal (see p. 131), as it promotes greater convergence across the economic, social and environmental pillars, as well as enhanced synergies and co-operation across the UN system to achieve this. It would simultaneously advance both sustainable development and the environment. It focuses on enhancing existing institutions (i.e. ECOSOC) rather than creating new ones.

However, it is to be noted that this issue was ultimately viewed to be outside the remit of the Consultative Group and was forwarded to the Rio+20 process for further discussion.

SUSTAINABLE DEVELOPMENT TRUSTEESHIP COUNCIL/ SUSTAINABLE DEVELOPMENT COUNCIL

QUICK FACTS

- The proposal for a Sustainable Development Trusteeship Council proposes the replacement of the existing Trusteeship Council with an institution to 'exercise trusteeship over the global commons' which would have the same authority as the Security Council
- The Trusteeship Council idea was proposed in a 1995 report of the Commission on Global Governance, of which Maurice Strong was a leading member
- The proposal for a Sustainable Development Council is similar, but focuses more on sustainable development co-ordination at the highest level, and the 'upgrading' of the existing Commission on Sustainable Development
- A Sustainable Development Council would build on the precedent set by the establishment of the Human Rights Council, a permanent body reporting directly to the General Assembly
- A Sustainable Development Council is one of the options for institutional reform outlined by the UNEP Consultative Group of Ministers (see p. 132) and by the Zero Draft for Rio+20

The idea of a Sustainable Development Trusteeship Council originates from the United Nations Trusteeship Council, one of the principal organs of the UN. Its initial function was to ensure that non-self-governing territories, or Trust Territories, were administered in the best interests of the inhabitants and of international peace and security. In other words, the Trusteeship Council was in charge of supervising the democratic transfer of power from colonising nations to their former colonies.¹⁹¹

The suggestion of reconstituting the UN Trusteeship Council into a Sustainable Development Trusteeship Council was initially put forward by the Commission on Global Governance (CGG) in its 1995 report, *Our Global Neighbourhood*.¹⁹² Maurice Strong, a leading member of the CGG, underlined the need for sustainable development to be addressed at the highest level, advocating the establishment of a major deliberative body within the United Nations, a reconstituted Trusteeship Council placed at the same level as the Security Council and the Economic and Social Council.¹⁹³

This Trusteeship Council would be given *'the mandate of exercising trusteeship over the global commons'* and co-ordinating the organisations and activities which deal with issues related to *'the environment and sustainability of the global commons'*.¹⁹⁴

The major role of a Sustainable Development Trusteeship Council would be to provide more effective trusteeship over the global commons. The global commons, defined to include amongst other aspects, the atmosphere, outer space, the Antarctic and the oceans beyond national jurisdictions,¹⁹⁵ transcend national boundaries and can only be managed effectively through international co-operation.¹⁹⁶ As a solution put forward by the CGG, the Sustainable Development Trusteeship Council would provide a global forum where:

- Environmental issues could be overseen in the context of sustainable development;
- Arrangements for managing the earth's natural resources could be discussed;
- Organisations undertaking activities would be accountable; and
- Environmental treaties could be administered.¹⁹⁷

Despite the ambitious aims of a proposed Sustainable Development Trusteeship Council, there remain some questions relating to its decision-making power. Much of the literature suggests that although the administration of environmental policies would be under the authority of the Trusteeship Council, the implementation and enforcement of these policies would remain a function of the Economic and Social Council.¹⁹⁸ There is also a question-mark relating to the broader definition of the global commons. It is difficult to see what this expansive definition would exclude from the jurisdiction of the Trusteeship Council.¹⁹⁹

As there has been much speculation as to the effectiveness of ECOSOC in advancing sustainable development at the global level, an alternative yet similar option is to upgrade the existing Commission on Sustainable Development into a Sustainable Development Council reporting directly to the General Assembly or for ECOSOC to be reformed into a Sustainable Development Council (see p. 80). Both options are currently being considered in the preparation for Rio+20.

At the time of the establishment of the Commission on Sustainable Development, it was given 'standing committee' status under ECOSOC, reflecting the relatively 'new' arrival of sustainable development as a governing concept at the global level. As sustainable development is now a much more fully understood and widely embedded paradigm at all levels, many argue that the CSD should be upgraded to a permanent Council of the

UN. A similar precedent has been set through the establishment of the Human Rights Council, which has raised the profile of human rights globally, significantly enhancing the resources dedicated to monitoring and evaluating progress towards human rights, as well as enhancing the institutional authority of human rights within the UN system. A similar status could be afforded to sustainable development through establishing a permanent and more authoritative process at a global level. Such a Council would considerably enhance the political weight of sustainable development internationally, and in conjunction with an upgraded UNEP may in some views help to advance a more ambitious global agenda for sustainable development.

Sustainable Development Council and Rio+20

In July 2011, the Indonesian Government hosted an Institutions and Frameworks for Sustainable Development (IFSD) workshop in Solo, Indonesia. The outcome was the ‘Solo Message’ which recommended:

‘At the international level, we need an organization to enhance the integration of sustainable development. Various options were discussed, ranging from an enhanced mandate for ECOSOC and reviewing the role of the CSD, to the establishment of a Sustainable Development Council.’²⁰⁰

The 2012 report by the UN Secretary-General’s High-level Panel on Global Sustainability expressed the view that the establishment of some form of Sustainable Development Council should be considered:

‘To achieve sustainable development, we need to build an effective framework of institutions and decision-making processes at the local, national, regional and global levels. We must overcome the legacy of fragmented institutions established around single-issue “silos”; deficits of both leadership and political space; lack of flexibility in adapting to new kinds of challenges and crises; and a frequent failure to anticipate and plan for both challenges and opportunities – all of which undermine both policymaking and delivery on the ground. To build better governance, coherence and accountability for sustainable development at the national and global levels, priority areas for action include:

- Improving coherence at the sub-national, national and international levels;*
- Creating a set of sustainable development goals;*
- Establishing a periodic global sustainable development outlook report that brings together information and assessments currently dispersed across institutions and analyses them in an integrated way; [and]*
- Making a new commitment to revitalise and reform the international institutional framework, including considering the creation of a global sustainable development council.’*

The statement from the Rio+20 Asian regional preparatory meeting also reflected support for consideration of a Sustainable Development Council:

*'... At the global level, international financial institutions will also need to review their programmatic strategies to ensure the provision of better support to developing countries for the implementation of sustainable development. Also at the global level, Rio+20 should identify steps for reforming global governance for sustainable development, including short- and medium-term actions. Options for strengthening the United Nations Economic and Social Council and/or establishing a Sustainable Development Council should be considered. The role of any Sustainable Development Council should be to enhance the monitoring of the progress of sustainable development. To make any Sustainable Development Council that might be established as a result of Rio+20 more effective and inclusive, an advisory body consisting of major groups' representatives, including women and youth, and the scientific community could be established. Such a structure would need to be duplicated at the national level to allow for the effective implementation of sustainable development.'*²⁰¹

A Sustainable Development Council would function as a primary forum where issues of sustainable development would be discussed. It would harness knowledge and experience on sustainable development issues and develop them further. A Sustainable Development Council would provide a global political focus for sustainable development, with authentic and legitimate political authority attached to it. It is envisioned it would encourage more holistic representation by national line ministries beyond the traditional Ministry of Environment, to include ministries spanning international co-operation, development, trade, and finance.

There are a number of compelling factors that support the establishment of a Sustainable Development Council at this time to elevate and reinforce the level of sustainable development governance within the intergovernmental system. The contribution of a Sustainable Development Council could include:

- Deepening understanding of sustainable development at all levels – global, regional, national and local;
- Dealing with sustainable development and emerging issues;
- Fully integrating economic and financial issues with environmental and social dimensions, especially given the heightened focus on the 'green economy' concept currently being developed, which may provide nations with a forward-looking construct of integrated economic and environmental matters and values;
- A mandate to work on and co-ordinate exclusively on sustainable development to take on global and emerging challenges and to further

develop policy issues around the concept of the Sustainable Development Goals (SDGs).

Sustainable Development Goals and emerging issues

The series of interconnected Millennium Development Goals have provided an important tool upon which to focus and measure progress at various levels, and the Sustainable Development Goals have the potential to have a similar effect. The current discussion around the SDGs and emerging issues often points to the need for having a strong implementing body, frequently described as having an 'experimental' nature, as it would be working in uncharted territories. Little is known today of what precisely those emerging issues will look like when they occur, and the nature of the SDGs will remain undefined for some time. Yet some argue that increases the need to have an effective, politically authoritative and flexible institution with a mandate to implement established as soon as possible.

Another element attached to the nature of the SDGs and emerging issues is the need for a strong country focus, as in the case of the MDGs.

The discussion around the SDGs and emerging issues have given new life to a discussion on revitalising the National Councils on Sustainable Development as an operational conduit between globally co-ordinated work and national implementation. All regional Zero Draft submissions refer to the need to revitalise such national councils. Many have pointed to the formal difficulties of giving that role to ECOSOC, whereas it seems easier to give that operational responsibility to an Sustainable Development Council.

Some argue that sustainable development will be taken more seriously if a Sustainable Development Council is established. Based on experiences from the Human Rights Council, work on human rights issues has been taken more seriously since its establishment, according to those who support, as well as those who are critical of, this issue. The establishment of that Council did not reduce the importance of ECOSOC. There are reasons to believe that a Sustainable Development Council may undergo a similar experience.

Successful implementation of, and reporting on, work within and across the three pillars of sustainable development should involve the UN specialised agencies. The integration of those three pillars by the Sustainable Development Council will be viewed by many as an element of success. A selection of relevant agencies working on sustainable development could be identified, and Memorandums of Understanding and other mechanisms for forum collaboration could be developed between these agencies and any new council. This may also heighten their responsibility and accountability for sustainable development issues.

The new and emerging issues of the sustainable development agenda, e.g. the green economy, sustainable development goals, an Ombudsperson for Future Generations, are all directed to the future well-being of society, nations and individuals in the broadest and the most highly specific sense. Some argue that they are in need of new normative concepts and need to be endowed with new political understanding and political will, and new ways of implementation. Others argue that the existing paradigm of sustainable development advocated by the Brundtland Report over 20 years ago is the correct paradigm, but needs heightened focus on integration and implementation. Some argue that to be effective these issues must be dealt with by a new, modern and evolving institution with a high level of political authority, all elements which would be integral to the proposed Sustainable Development Council.

Drafting a mandate that defines the responsibility and work area of the new Sustainable Development Council will be crucial if it is agreed that such a council should be created. Effective integration of the economic, social and environmental pillars will be the key challenge for any institution at the UN dealing with sustainable development.²⁰²

GLOBAL FINANCIAL GOVERNANCE FOR SUSTAINABLE DEVELOPMENT

GREENING THE INTERNATIONAL FINANCIAL INSTITUTIONS

QUICK FACTS

- In 1970, ahead of the Stockholm Conference on the Human Environment in 1972, the World Bank established an Office for the Environment
- In 1992, the World Bank dedicated its *World Development Report* to the environment, where it endorsed both a removal of market distortions (i.e. market activities that lead to a destruction of the environment) and the use of regulatory policies to govern market activities
- Despite efforts to improve its reputation on environmental matters, the Bank's own Internal Evaluation Group found that whilst the Bank had some of the most comprehensive environmental assessments in the world, they had a limited impact on projects
- A coalition of NGOs is demanding that World Bank fossil fuel lending to middle-income countries be phased out by 2015, and to all other countries by 2020, with immediate targets for shifting the balance of its energy portfolio in this direction
- The World Bank committed to make half of its energy investments low carbon by 2011 and established the Climate Investment Funds (CIFs) in 2008
- The Climate Investment Funds are a financing instrument that invests in climate change adaptation and mitigation projects, and are separated into two specialised trust funds: the Clean Technology Fund (CTF) and the Strategic Climate Fund (SCF)
- To date billions of dollars have been pledged by donors to the CIFs: US\$4.3 billion to the CTF and US\$1.9 billion to the SCF

There are a number of challenges relating to the governance of International Financial Institutions in delivering sustainable development objectives at the

global level, many of which have been identified in the 'landscape' of this guide (see p.15). IFIs play a critical role in providing the finance to achieve sustainable development globally; yet many of the activities and development programmes that the World Bank Group supports simultaneously risk undermining long-term sustainable development objectives. As a result, many actors question the role of the World Bank Group in delivering sustainable development and also call for a more comprehensive and complete 'greening' of the IFIs.

The World Bank has a history of taking into account environmental issues. In 1970, ahead of the Stockholm Conference on the Human Environment in 1972, the World Bank established an Office for the Environment, and was at the time considered to be a leader in introducing environmental criteria into its policies.²⁰³ With further pressure from environmental NGOs in the 1980s, the World Bank established environmental divisions; environmental projects and assessments; national environmental action plans; and country environmental analyses.²⁰⁴ It is arguably this 'contestation' between NGOs and the World Bank Group that has been the driver behind the development of indicators to assess both the understanding and compliance of the Bank with sustainable development objectives.²⁰⁵ In 1992, the World Bank dedicated its *World Development Report* to the environment, where it endorsed both a removal of market distortions (i.e. market activities that lead to a destruction of the environment) and the use of regulatory policies to govern market activities.

In 1996, the World Bank established a central Vice Presidency for an Environment and Socially Sustainable Development Department; this has since been merged with Finance Private Sector and Infrastructure into a Vice-Presidency on Sustainable Development in an effort to mainstream and integrate environmental concerns into core operations.²⁰⁶ The International Finance Corporation followed suit throughout the 1990s and 2000s by implementing a number of substantial changes, such as incorporating sustainable development concerns into its mission statement, increasing the number of staff working on environmental and social issues, and introducing safeguard policies in the finance industry.

It is clear that since the Stockholm Conference in 1972, the IFIs have made some progress in taking into account environmental (and social) concerns, thereby promoting a more holistic approach to and across the three pillars of sustainable development. However, the process remains incomplete, and much analysis throughout the 2000s suggested that environmental concerns were yet to be fully integrated into World Bank operations, despite some significant progress. The World Bank's own Internal Evaluation Group found that, whilst it had among the most comprehensive environmental assessments in the world, they had limited impact on projects. It also identified difficulties in taking environmental considerations into account while World Bank 'incentives' for staff continued to emphasise the 'pressure to lend'.²⁰⁷

A main and consistent concern by some in relation to ‘greening the IFIs’ is the continued role of the World Bank Group in funding the exploitation of fossil fuels, and the need for investments in this area to be comprehensively phased out. Most recently, this argument has been articulated by a broad range of civil society groups in response to the World Bank’s energy strategy review, and the World Resources Institute (WRI) published a paper in 2011 on ‘Greening the International Financial Institutions (IFIs): Finance for the Next Decade’s Sustainable Development’.²⁰⁸ The paper identifies that IFIs will play a key role in financing the new sustainable development agenda, particularly in relation to the Rio+20 process. Yet at the same time, the IFIs face constraints that limit their ability to promote sustainable development. In addition to this, Christian Aid conducted its own consultations across its global networks and put forward a number of recommendations, including a call for the World Bank to shift its investment away from fossil fuels and into renewable energy and energy efficiency.²⁰⁹ This message was echoed by a subsequent joint publication with Greenpeace, Bretton Woods Project, Practical Action, Tearfund and World Wildlife Fund, *The World Bank and Energy: Time for a Catalytic Conversion*,²¹⁰ which stressed that the primary objectives of the World Bank’s energy strategy should be to support the transition to low carbon energy pathways and to increase energy access for the poor. The paper suggests that World Bank fossil fuel lending to middle-income countries should be phased out by 2015, and to all other countries by 2020, with immediate targets for shifting the balance of its energy portfolio in this direction. This builds on the recommendations of the 2004 World Bank *Extractive Industries Review*, which recommended phasing out of investments in new coal mining and oil production ‘to concentrate its lending on activities which reduce pollution and greenhouse gas emissions’.²¹¹

Rather than suggesting that the World Bank pulls out of investments in climate change altogether – which is the view of some more radical civil society groups which do not trust its ability to deliver – there is a consensus among some civil society actors, and indeed governments, that the World Bank Group has the potential to play a catalytic role in the transition to a low carbon future by supporting low carbon initiatives and promoting renewable energy development in rapidly growing economies. The Bretton Woods Project has argued that a bold World Bank Group policy in this area would not leave it isolated, but bring it into line with views being articulated in other institutions. For example, in February 2010, the International Monetary Fund argued in a staff position note that fossil fuel subsidies are ‘rising, costly and inequitable’.²¹² The World Bank has taken some significant steps towards this goal by committing to make half its energy investments low carbon by 2011,²¹³ and through establishing the Climate Investment Funds in 2008.

Climate Investment Funds

The Climate Investment Funds are a financing instrument that invest in climate change adaptation and mitigation projects and are separated into

two specialised trust funds: the Clean Technology Fund and the Strategic Climate Fund. As of October 2011, approximately US\$4.3 billion and US\$1.9 billion have been pledged by donors to the CTF and the SCF, respectively.²¹⁴ In November 2011, the CIF approved US\$1.08 billion in near zero interest loans and grants to support countries such as Bolivia, Honduras, India, Jamaica, Lao PDR, Mali, Mexico and Nepal.²¹⁵

Despite these vast sums of money being pledged through the CIFs, figures for the World Bank energy investment illustrate that it will take a significant amount of time to divert investment from the World Bank (via mechanisms such as the CIFs) away from fossil fuel-based industries and towards clean and renewable technology. For instance, in 2007–2009 there was a 49 per cent versus 15 per cent distribution between fossil fuels and renewable energy respectively;²¹⁶ the World Bank still has a long way to go before it achieves truly ‘sustainable’ status.

In addition to much-needed reform in the World Bank Group’s energy policy, there are also calls for a more effective mainstreaming of environmental considerations into all the World Bank’s operations. Phasing out investment in fossil fuels represents an important step in making the World Bank a true agent of sustainable development, but there are a range of other areas, including mining, agriculture, transport and forestry, which require investment. Many argue that niche investment in sustainable development projects will have little impact if ‘business as usual’ reigns elsewhere within the World Bank’s operations. Some claim that the World Bank Group, and specifically the International Finance Corporation (IFC), which acts as the World Bank’s private sector arm, continues to provide loans for mining projects that carry significant environmental risks and as such have implications for human rights. Infrastructure development projects that are backed by the World Bank Group can also have significant implications for the achievement of sustainability, especially when they involve large-scale road construction or support for energy-intensive industries. Agricultural investment also presents a big challenge – enhancing food production through funding agri-business that is reliant on fertilisers is not sustainable. Greening the IFIs therefore requires ongoing dialogue between the World Bank, its shareholders and civil society, so that sustainable outcomes can be achieved that do not simply ‘do no harm’, but positively contribute to environmental outcomes.

The Rio+20 process and input into the Zero Draft

Subsidies: It was evident that subsidies were an issue from the number of submissions made by government and non-governmental stakeholders alike that referred to ‘subsidies’ in the broad sense (167 in total).²¹⁷ Of these, the majority were submitted by the UN major groups constituency, with particular emphasis on the importance of phasing out fossil fuel subsidies and redirecting investment into clean and renewable technologies.

The Zero Draft of January 2012 will continue to be negotiated in the lead-up to Rio+20 and contains a number of references to the issue of subsidies. Reflecting the submissions made to the process, it emphasises the need to phase out 'harmful subsidies'.²¹⁸ The Framework for Action (Section C, paragraph 42) states:

'To gradually eliminate subsidies that have considerable negative effects on the environment and are incompatible with sustainable development, complemented with measures to protect poor and vulnerable groups.'

Additionally, at paragraph 126 the Framework states:

*'We support the eventual phase out of market distorting and environmentally harmful subsidies that impede the transition to sustainable development, including those on fossil fuels, agriculture and fisheries, with safeguards to protect vulnerable groups.'*²¹⁹

CURRENCY TRANSACTION TAX

A tax on currency transactions is not a new idea; it was first suggested in 1972 by the Nobel prize-winning economist James Tobin, who suggested that a small levy on foreign exchange transactions of 0.05 per cent would *'throw sand into the wheels of our excessively efficient international money markets'*.²²⁰ According to proponents of the Tobin levy, or Tobin Tax, this would *'have a calming effect on the speculation, although a debate continues on the level at which it should be set ...'*.²²¹

However, it is only in the last few years that the idea has gained real momentum and political backing, with the tax being supported and endorsed by the Leading Group on Innovative Financing for Development²²² as a potential new funding instrument. The Leading Group, founded in 2006, is a body of 63 countries and various international organisations and NGOs, who convene to discuss and promote new innovative means of financing development. In October 2009, the Leading Group put together a Taskforce on International Financial Transactions for Development made up of the world's leading financial experts, economists, scholars and bankers with the aim of proposing realistic financial mechanisms for 'plugging' the gap in funding required to meet global environmental and development goals, particularly the Millennium Development Goals.²²³ Its comprehensive report, published in July 2010, detailed several different mechanisms for achieving this, including both a nationally collected single currency transaction tax and a centrally collected multi-currency transaction tax.

The report indicated that a 0.005 per cent tax on British sterling, euro, Japanese yen and US dollar international financial transactions would generate approximately US\$35 billion each year and would contribute significantly to the estimated US\$300 billion financial deficit for 2012–2017. The report showed that a global currency transaction tax would be technically and legally feasible, and more stable than a tax collected on a national level. The UN has also acknowledged that a currency transaction tax is feasible and could be more sustainable and less volatile in the long term than other sources of development funding.

Many of the Leading Group countries are members of the G20, and on 4 November 2011 the G20 issued a report on the Financial Transaction Tax stating:

'We agree that, over time, new sources of funding need to be found to address development needs. We discussed a set of options for innovative financing highlighted by Mr Bill Gates, such as Advance Market Commitments, Diaspora Bonds, taxation regime for bunker fuels, tobacco taxes, and a range of different financial taxes. Some of us have implemented or are prepared to explore some of these options. We acknowledge the

initiatives in some of our countries to tax the financial sector for various purposes, including a financial transaction tax, inter alia, to support development.'

Significantly, this proposal for a global currency transaction tax is gaining popularity and has received strong support in Europe in particular. In September 2010, the then 60 member countries of the Leading Group, which include France, Japan and the UK, agreed to a statement supporting a tax on international financial transactions, which was submitted to Heads of State at the 2010 MDG Summit.

In September 2010, Japan, Belgium and France, supported by Norway, Spain and Brazil, presented a Declaration to place a levy on financial transactions for development. Brazil, Ethiopia, Morocco and Mozambique have subsequently expressed their support (as of 8 February 2012).²²⁴

However, the USA and Canada have rejected the idea, so it is possible that the tax could only be implemented within the Leading Group countries, if at all, significantly reducing the amount of funding that could be generated.

PROCESSES FOR SUSTAINABLE DEVELOPMENT GOVERNANCE REFORM

SUSTAINABLE DEVELOPMENT GOVERNANCE TIMELINE

KEY MILESTONES SINCE 1992

The following table outlines the key processes for sustainable development governance over the last 20 years:

1992 UN Conference on Environment and Development (Rio Earth Summit)

Establishes three legally binding Conventions.

Establishes the Commission on Sustainable Development.

Prescribes a series of recommendations on the institutional framework for sustainable development in Chapters 38 and 39.

1997/98 Task Force on Environment and Human Settlements

Set up in response to Secretary-General's broader report, *Renewing the United Nations: A Programme for Reform*.

The report outlines 24 recommendations across seven thematic areas.

2002 Cartagena Package

Adoption of a series of recommendations from the Open-ended Intergovernmental Group of Ministers and High-level Representatives established in 2001.

2002 World Summit on Sustainable Development

Agrees procedural changes to the Commission on Sustainable Development.

Represents a shift from legally binding conventions to govern the global environment to implementation-orientated partnerships.

2003–2008 Helsinki Process

Initiative of Finland and Tanzania in search of novel and empowering solutions to the dilemmas of global governance.

Specific track in the process dedicated to 'New Approaches to Global Problem Solving'.

2005 Bali Strategic Plan for Technology Support and Capacity Building

Agreed by the 23rd session of the UNEP Governing Council.

Outlines a comprehensive plan to enhance UNEP's capacity-building element in the context of broader proposed reforms.

2005 World Summit and Swiss and Mexican Ambassadors Process

UN General Assembly process on IEG reform established under the General Assembly in response to paragraph 169 of the World Summit outcome document.

Process continues through to 2008/2009.

2005/2006 Secretary-General's High Level Panel on System-Wide Coherence

Set up in response to the 2005 World Summit to make recommendations across the UN system.

Specific recommendations made in the area of environment and sustainable development.

2008 Joint Inspection Unit Management Review of Environmental Governance within the UN System

Report making a series of recommendations on IEG in an effort to contribute to stalled negotiations on IEG reform.

Reiterates and reinforces many existing observation and recommendations on coherence, integration, co-ordination and funding.

2009 UNEP Consultative Group of Ministers and High-level Representatives on International Environmental Governance

Convened to address the impasse in IEG reform.

Addresses functional and institutional reform options.

2010 Climate Justice Tribunal

Civil society-led people's tribunal established as a mechanism for holding states to account for environmental commitments.

Represents a governance initiative outside the official UN process, but endorsed by a number of member states, notably Bolivia.

2010 UN Secretary-General's High Level Panel on Global Sustainability

High level panel established to provide recommendations to the preparatory process for the UNCSD 2012 along the themes identified for the conference, including the institutional framework for sustainable development.

2012 Production of the UN Secretary-General's High Level Panel on Global Sustainability Report

The report, *Resilient People, Resilient Planet: A Future Worth Choosing*, was published in January 2012. It contains a comprehensive set of 56 recommendations on how to make progress towards sustainable development within the context of diverse national circumstances. It can be seen as a call for action on sustainable development and sustainable development governance.

2009–2012 UN Conference on Sustainable Development – ‘Rio+20’

UN General Assembly identifies ‘institutional framework for sustainable development’ as one of the two major themes for the conference in December 2009.

Discussions continue on options for reform through the designated preparatory process.

2012 Zero Draft and the Road to Rio

The Zero Draft of the Outcome Document of Rio+20 was published on 10 January 2012, as a result of multi-stakeholder input into the policy process and submissions being made on the two themes. Initial discussions on the text were held on 25–27 January 2012. In February 2012, the Rio+20 Secretariat held further consultations with governmental and non-governmental stakeholders (including the major groups, UN agencies and other multilaterals), concluding on 29 February. Sessions in March and April are based on the revised text of the Zero Draft (the outcome document), which will be finally agreed in June 2012.

UN CONFERENCE ON ENVIRONMENT AND DEVELOPMENT 1992

The UN Conference on Environment and Development in 1992, also known as the Rio Earth Summit, represented a watershed in the approach to global governance for sustainable development. One of the most significant developments at Rio 1992 was the establishment of a number of legally-binding treaties on the most critical environmental challenges of the time. Also referred to as the Rio Conventions, the UN Framework Convention on Climate Change, the UN Convention on Biological Diversity and the UN Convention to Combat Desertification all represented major efforts to develop legally-binding approaches to environmental issues of global concern. The Rio Earth Summit established mechanisms for governing global public goods with an ambition that has been absent in subsequent summits.

As regards the global architecture for sustainable development more broadly, the most important outcome of the Rio Earth Summit was the establishment of the UN Commission for Sustainable Development. The 'High Level Commission' was charged with ensuring effective follow-up to the summit, and it was to report to ECOSOC accordingly. The Commission was to include elected member states on a rotating basis, as well as relevant UN agencies and programmes, to come together in dialogue and exchange. Chapter 38 of Agenda 21, the outcome document of the summit, outlined the following objectives for the CSD:

- (a) To monitor progress in the implementation of Agenda 21 and activities related to the integration of environmental and developmental goals throughout the United Nations system through analysis and evaluation of reports from all relevant organs, organisations, programmes and institutions of the United Nations system dealing with various issues of environment and development, including those related to finance;
- (b) To consider information provided by Governments, including, for example, information in the form of periodic communications or national reports regarding the activities they undertake to implement Agenda 21, the problems they face, such as problems related to financial resources and technology transfer, and other environment and development issues they find relevant;
- (c) To review the progress in the implementation of the commitments contained in Agenda 21, including those related to provision of financial resources and transfer of technology;
- (d) To receive and analyse relevant input from competent non-governmental organisations, including the scientific and private sectors, in the context of the overall implementation of Agenda 21;

- (e) To enhance the dialogue, within the framework of the United Nations, with non-governmental organisations and the independent sector, as well as other entities outside the United Nations system;
- (f) To consider, where appropriate, information regarding the progress made in the implementation of environmental conventions, which could be made available by the relevant Conferences of Parties;
- (g) To provide appropriate recommendations to the General Assembly through the Economic and Social Council on the basis of an integrated consideration of the reports and issues related to the implementation of Agenda 21;
- (h) To consider, at an appropriate time, the results of the review to be conducted expeditiously by the Secretary-General of all recommendations of the Conference for capacity-building programmes, information networks, task forces and other mechanisms to support the integration of environment and development at regional and sub-regional levels.

Agenda 21 also recommended a '*secretariat support structure*' to '*provide support to the work of both intergovernmental and inter-agency co-ordination mechanisms*'. Though not clearly stated in Chapter 38, the secretariat support structure would be provided by the Division for Sustainable Development (DSD), which would play a co-ordinating role on sustainable development more broadly across the UN system, and also lead on providing secretariat functions to the CSD. This co-ordinating role was to be further complemented by a high level inter-agency co-ordination mechanism for sustainable development, which would sit under the Administrative Committee on Coordination, under the Secretary-General. It was suggested that either a sustainable development board or special taskforce be established. This never really materialised, partly because the CSD and DSD could take on board at least some of this role. The closest equivalent co-ordination mechanism was to be the Environment Management Group (EMG), agreed some years later.

An important outcome of Agenda 21 in the area of the 'institutional framework' was also the clear assigning of roles and responsibilities to particular UN agencies. Chapter 38 outlines the roles of the United Nations Environment Programme, the United Nations Development Programme, the UN Conference on Trade and Development and the UN Regional Commissions. Importantly, all UN agencies were required to elaborate and publish reports of their activities concerning the implementation of Agenda 21 on a regular basis. Indeed, it stated that serious and continuous reviews of their policies, programmes, budgets and activities would also be required.²²⁵

A recurring stipulation throughout Agenda 21 was the importance of financial resources in order to deliver its ambitious objectives; this was further

emphasised in Chapter 38 on the institutional framework. One of the core functions of the proposed inter-agency co-ordination mechanism would be to provide a vital link and interface between the multilateral financial institutions and other UN bodies at the highest administrative level. Paragraph K in Chapter 38 reiterated this further:

'The success of the follow-up to the Conference is dependent upon an effective link between substantive action and financial support, and this requires close and effective co-operation between United Nations bodies and the multilateral financial organizations.'

This emphasis on adequate finance that characterised Agenda 21 has perhaps been one of the most significant challenges for global governance for sustainable development. Though political will remains the most stubborn obstacle to reform, a willingness to provide the necessary resources to institute wide-reaching change at all levels has also stymied progress.

UN TASK FORCE ON ENVIRONMENT AND HUMAN SETTLEMENTS

The UN Task Force on Environment and Human Settlements was established in response to the Secretary-General's report *Renewing the United Nations: A Programme for Reform*,²²⁶ which was presented to the General Assembly's 51st session in 1997. The report concluded that there was a need for a more integrated and systematic approach to policies and programmes throughout the range of UN activities in the economic and social field through mainstreaming the UN's commitment to sustainable development.

The Task Force, chaired by UNEP Executive Director Klaus Töpfer and composed of 21 eminent persons, was mandated to review the structures and arrangements through which the UN's environmental activities were carried out, evaluate the efficacy of those arrangements and make recommendations for such changes and improvements as were required to optimise the work and effectiveness of the UN's environmental work, as well as the work of UNEP as the leading environmental organisation. The Task Force met four times and delivered its report to the Secretary-General on 15 June 1998.²²⁷ The main findings of the report were reflected in 24 recommendations contained in seven sections. Some of the most significant recommendations in relation to each of those seven areas are outlined below.

1. Inter-agency linkages

The establishment of an Environmental Management Group to replace the existing Inter-Agency Environment Coordination Group.

2. Linkages among and support to environmental and environment-related conventions

The co-location of new Conventions with existing Conventions in their thematic cluster, and the eventual co-location and possible fusion of existing Conventions in the same cluster into a single secretariat, with the negotiation of umbrella Conventions covering each cluster.

3. UNEP, Habitat and the United Nations Office in Nairobi

To stimulate the establishment or expanded activities of other UN agencies, funds or programmes in Nairobi and to transform the UN compound in Nairobi into a fully active UN office.

4. Information, monitoring, assessment and early warning

To enhance capacity in the field of information-monitoring and assessment, in order to serve as an 'environmental guardian', mobilising the necessary resources from governments, foundations and international bodies. Also reviewing in the short-term the necessary steps to transform Earthwatch into an effective, accessible, well-advertised, science-based system and taking the necessary action to sustain it as a fully effective system.

5. Intergovernmental forums

The establishment of an annual, ministerial level, global environmental forum in which environment ministers can gather to review and revise the environmental agenda of the United Nations in the context of sustainable development.

6. Involvement of major groups

That future sessions of the UNEP Governing Council and of the Commission on Human Settlements be preceded by or overlap with substantial, structured meetings of major groups, with the opportunity for major groups to discuss the findings of these meetings in a round-table meeting with ministers.

7. Future initiatives: possible role of a reconstituted United Nations Trusteeship Council

That the Executive Director of UNEP, in preparing for the next regular session of the UNEP Governing Council, undertake wide-ranging consultations concerning institutional arrangements for dealing with the environmental challenges of the next century, including the possible future role of the Trusteeship Council.

As far as reform processes go, the Task Force was successful in stimulating a number of changes, and some of its most significant recommendations were implemented. The Environmental Management Group was established in 2001 pursuant to General Assembly resolution 53/242²²⁸ in July 1999. There has also been improved co-operation and co-ordination among Conventions in similar clusters. The three chemicals and wastes Conventions – Basel, Stockholm and Rotterdam – demonstrated a consistent willingness to explore and enhance synergies throughout the 2000s, and in February 2010 there was a joint Extraordinary Conference of the Parties (ExCOP) of all three Conventions in Bali, Indonesia.²²⁹ The clustering of these Conventions is widely perceived to offer a model to the development of synergies in other thematic clusters.

The way in which UNEP is governed has also changed in response to the recommendations; for example, the UNEP Global Ministerial Environment Forum was established in 1999 following a General Assembly resolution. A Major Groups and NGOs Unit was also established in the UNEP Policy Branch in 1999 to provide major groups with an opportunity of broad participation in environmental decision-making. In 2000 the first Global Civil Society Forum took place alongside the Governing Council and Global Ministerial Environment Forum. By 2006, small ministerial roundtables with civil society had been introduced as a way of improving engagement, thus implementing one of the key recommendations of the Task Force in this area.²³⁰

As regards the prominence of Nairobi as a hub for a larger number of UN agencies, this also increased steadily during the 2000s, with the UN Office in Nairobi now hosting a wide diversity of UN agencies, including UN Habitat, UNICEF, UNEP, UNDP, FAO, ILO and WHO.²³¹

THE CARTAGENA PACKAGE

The first session of the Global Ministerial Environment Forum, held in Malmö, Sweden in May 2000, was the scene of protracted negotiations on global environmental issues and the need for a reformed structure of international environmental governance. The session adopted as its main outcome the Malmö Ministerial Declaration, which is regarded as a significant milestone in the evolution of international environmental governance. The Declaration stated that *'the 2002 Conference (the World Summit on Sustainable Development) should review the requirements for a greatly strengthened institutional structure for international environmental governance based on an assessment of future needs for an institutional architecture that has the capacity to effectively address wide-ranging environmental threats in a globalising world'*. It added that *'UNEP's role in this regard should be strengthened and its financial base broadened and made more predictable'*.

In 2001, UNEP's Governing Council established an Open-ended Intergovernmental Group of Ministers (IGM) to assess existing institutional weaknesses in international environmental governance, as well as to identify future needs and options to strengthen IEG. The mandate of the IEG process was limited to examining how to strengthen the environmental pillar of sustainable development as additional measures to strengthen the broader sustainable development governance system. The outcome of the intergovernmental group was the adoption of a decision on IEG at the Seventh Special Session of the Governing Council/GMEF in 2002. The decision includes the IGM report, containing a range of recommendations, commonly referred to as the Cartagena Package,²³² which prioritise:

1. Improved coherence in international environmental policy-making – the role and structure of the Governing Council/GMEF

- Universal membership of the GMEF
- Exploring the possibility of back-to-back meetings of the GMEF and MEAs
- Proactive role of the Governing Council/GMEF on disparity between policy and funding
- Inviting representatives from other ministries to discuss key cross-cutting issues
- Establishment of an intergovernmental panel on global environmental change

2. Strengthening the role and financial situation of UNEP

- An enhanced role for UNEP requires an enhanced financial base
- More predictable funding from all member states of the UN

- The UN General Assembly to consider making available the necessary level of funding
- All member states should contribute to UNEP's Environment Fund, in accordance with their circumstances
- Introduce voluntary indicative scale of contributions

3. Improved co-ordination among, and effectiveness of, MEAs

- Enhance linkages and synergies between MEAs where common issues arise
- Periodic review of effectiveness of MEAs, including the role of compliance factors and mechanisms
- Co-location of MEA secretariats
- Consideration of the establishment of additional subsidiary bodies
- Back-to-back or parallel COPs
- Enhanced national co-ordination on MEAs
- GMEF review of the progress of MEAs in developing synergies

4. Capacity-building, technology transfer and country-level co-ordination for the environmental pillar of sustainable development

- Define a strengthened programme on capacity building in UNEP, including a greater role for UNEP at country level in collaboration with UNDP
- Capacity building and training to strengthen national institutions and respond to local and national capacity needs, disseminate best practice and help improve national level co-ordination of the environmental pillar of sustainable development
- Agreements on access to and transfer of environmentally sound technologies to developing countries – access to financial, technological and technical resources from the international community

5. Enhanced co-ordination across the UN system – the role of the Environmental Management Group

- The EMG to report annually to the Governing Council/GMEF
- UNEP to join the UN Development Group (UNDG)
- Technical capacities of specialised agencies in EMG to support capacity building partnership between UNEP and other relevant UN bodies
- Senior level participation by member institutions and appropriate funding

Since 2003, after the agreement of the Cartagena Package, the Governing Council/GMEF continued its discussions on environmental governance and adopted several decisions on the implementation of the Package. Regarding the strengthening of UNEP's financial base, the Governing Council/GMEF adopted the pilot phase of the voluntary indicative scale of contributions in 2003. In the first phase, 126 countries pledged and paid their contributions, an increase of approximately 70 per cent above the annual average of 74 countries which made contributions to the Environment Fund in previous years. More than 50 countries increased their budget allocations for contributions, with 36 of them making their first pledges or resuming payments to the Fund. Since then, the voluntary indicative scale of contributions has been used for subsequent funding bienniums.

Regarding capacity building and technology support, in February 2005 the Governing Council/GMEF adopted the Bali Strategic Plan for Technology Support and Capacity Building (see p. 115).²³³ The Plan aims to strengthen the capacity of developing countries and of countries with economies in transition at all levels by providing systematic, targeted, long- and short-term measures for technology support and capacity building. The Plan also aims to enhance delivery by UNEP of technology support and capacity building based on best practices from both within and outside UNEP, and to strengthen co-operation among UNEP, MEAs and other bodies engaged in environmental capacity building, including the UNDP, Global Environment Facility and other relevant stakeholders.

On strengthening UNEP's science base, in 2003 the 22nd session of the Governing Council/GMEF adopted decision 22/1/IA, establishing a process, referred to as the 'Science Initiative',²³⁴ which invited submissions to UNEP's Executive Director focusing on gaps and types of assessments, how UNEP and other organisations are currently meeting their assessment needs and the options for meeting any unfulfilled needs that fall within UNEP's role and mandate. Following an intergovernmental consultation in January 2004, UNEP proposed that the Governing Council, at its 23rd Session in 2005, adopt the Executive Director's process for developing a coherent and dynamic framework for keeping the environment under review, called Environment Watch.²³⁵ Discussions on Environment Watch continued, but it was not approved in the proposed format.

As the consultations on IEG reform continued for longer than could have been expected at the time of passing the Cartagena Package, the discussions on strengthening UNEP's science base have continued under the auspices of the UNEP Consultative Group of Ministers and High-level Representatives, initially established in 2009 (see p. 126).

WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT, 2002

The World Summit on Sustainable Development held in 2002 included a strong focus on the 'institutional framework for sustainable development', which was addressed in Chapter 11 of the Johannesburg Plan of Implementation, the outcome document from the summit.²³⁶ In contrast to the Rio Conference on Environment and Development in 1992 (see p. 8), where the global architecture for sustainable development was designed, the WSSD did not establish any new structures or institutions for governing sustainable development. Rather, it led to some significant reforms in existing institutions and approaches.

Chapter 11 of the JPOI reiterated a number of principles established at Rio in 1992, such as the role of good governance at all levels for sustainable development; the importance of integrating the three pillars of sustainable development; the need for co-ordination, coherence and co-operation at all levels; and the critical role of stakeholders and civil society participation in achieving sustainable development objectives. Much of the language in this area was aspirational and not tied to any particular institutional changes or reforms, but rather represented a reinforcement of existing commitments.

Specific mandates from the WSSD were agreed in the area of the Economic and Social Council and the UN Commission on Sustainable Development. The JPOI mandated ECOSOC to '*increase its role in overseeing system-wide co-ordination and the balanced integration of economic, social and environmental approaches to promote sustainable development*',²³⁷ and it called for ECOSOC to '*organise consultations on issues related to Agenda 21 implementation*'.²³⁸ In relation to the CSD, the proposed reforms were more significant. The WSSD recognised that the CSD had not been functioning as well as it should, and that some changes were needed for it to fulfil its mandate more effectively. Alongside general prescriptions for improvement, such as 'improved linkages between endeavours at all levels' and 'addressing opportunities and challenges for implementation', there were three specific recommendations that had implications for the organisation of the CSD: a focused work programme on a limited number of issues; negotiations limited to every two years; and greater involvement at the regional level.²³⁹

In April 2003, when the CSD met for the first time to take decisions on its organisational form, it was agreed that it would be divided into a biennial 'implementation cycle', divided into a policy year and a review year. Each cycle would address a thematic cluster of issues and cross-cutting themes. The review sessions would seek to exchange best practices and lessons learned, as well as identify priority challenges. A greater emphasis would be placed on regional exchange, and the UN Regional Commissions were invited to organise regional implementation meetings with the CSD

Secretariat to this end. The policy year would follow and be informed by the review year, and make a series of decisions 'on practical measures to promote implementation'.²⁴⁰

Aside from the more procedural changes relating to the organisation of the CSD, one of the most significant outcomes from WSSD was a heightened and far more explicit emphasis on 'partnerships' for implementation. The Rio Summit in 1992 was characterised by an enthusiasm for global conventions that set legally binding norms and obligations for nation states – manifested in the agreement of the CBD, UNFCCC and UNCCD. The shift in focus to partnerships in 2002 represented in part a frustration with the slow pace of implementation of many of the agreements outlined in Agenda 21 and subsequent global conventions. It also illustrated a recognition that governments alone cannot deliver sustainable development outcomes, and that a wide range of actors needed to be galvanised and actively brought into the process.²⁴¹ So the WSSD acted as a forum for the announcement of a wide range of international partnerships, which subsequently became known as 'Type II' partnerships, as they represented the 'second type' of outcome from the summit – the first being a negotiated document and the second being the agreement of a series of partnerships for implementation at a global level.

The CSD was tasked with serving '*as a focal point for the discussion of partnerships that promote sustainable development, including sharing lessons learned, progress made and best practices*'.²⁴² Of the 500 partnerships that applied for registration at WSSD, around half met the guiding principles that had been elaborated by the CSD in 2002, also known as the Bali Guidelines. At its 11th session in 2003, the CSD formally agreed guidelines and criteria for partnerships that built on the Bali Guidelines, agreeing that partnerships were a '*complement rather than a substitute for government responsibilities and commitments to action*'.

The WSSD attempted to improve the effectiveness of the 'institutional framework for sustainable development' through agreeing organisational reforms and promoting innovative mechanisms for achieving sustainable development outcomes. However, its role in creating global institutions that are fit for purpose in a globalised world was limited. Partnerships could not take the place of governments in creating an enabling environment for implementation, and whilst there were some notable successes, many partnerships were short-term affairs. WSSD did not succeed in bringing the world's nation states any closer to sacrificing some national sovereignty to global institutions that could regulate and monitor the global commons. On the contrary, such was the opposition of the USA at that time to any form of multilateralism that binding agreements of any sort from WSSD would have been close to impossible.

THE HELSINKI PROCESS

The Helsinki Process began as a joint initiative of Finland and Tanzania after the Helsinki Conference in December 2002. The Process ran from 2003 to 2008 and has now been concluded, resulting in a number of reports that have been created as part of the first and second phases of the working groups' activities. The Helsinki Process began *'in search of novel and empowering solutions to the dilemmas of global governance and [it aimed to offer] a forum for open and inclusive dialogue between major stakeholders'*.²⁴³ This process, in its attempt to find new approaches to global problem solving, established a specific 'Track' to focus on *'why the current instruments of global governance are not producing satisfactory progress in solving global problems'*.²⁴⁴

Report of the Track working on global problem solving

A report was produced by the members of this 'Track', chaired by the former UN Under-Secretary-General for Economic and Social Affairs, economist Nitin Desai. The members of the Track were convened to meet for discussions between 2003 and 2004 (three meetings in total), and the report informed the overall work of the Helsinki Process, feeding into the core meetings of the Process. The report itself addresses a number of key areas, including:

- Improving the coherence and accountability of the International Monetary Fund, World Bank and WTO;
- Engaging Parliaments in global economic management;
- Strengthening the UN system in international labour and environmental governance;
- Amplifying and diversifying voices; and
- Evolving new forms of hybrid governance.

Whilst all of these issues are in themselves relevant to improving global governance, it is the third that will be outlined in more detail in this guide.

Strengthening international labour and environmental governance

The Track recommends that the ILO and UNEP both enhance their roles in managing and monitoring compliance, in conjunction with other international environmental institutions and mechanisms. It also recommends that UNEP should become more involved in integrating country reports of compliance with MEAs. It further recommends that a group, comprised of a fair balance

of developing and other countries, take the lead on converting the UNEP into a specialised agency, in order to establish a World Environment Organisation (for more information on the detailed proposal for a WEO, see p. 50).²⁴⁵

The report concludes that any improvements to environmental governance will need to be broader and more far reaching than initiatives aimed at improving international labour standards. It lists six key reasons underpinning this:²⁴⁶

- Environmental standards have to be formulated in a state of some uncertainty about facts and consequences;
- There are many areas where agreed standards are needed but have yet to be established;
- Procedures for the enforcement of agreed standards are still in the process of being developed;
- The compatibility of agreed enforcement provisions and trade rules is a matter of contention;
- Responsibilities for the development and enforcement of environmental standards are split between UNEP and a host of environmental conventions; and
- The effective enforcement of these standards requires assured access to information by the public.

The precautionary principle

As stated on page 25 of this guide, the precautionary principle requires that action be taken to prevent environmental problems occurring before the harmful effects have an impact. It is well understood that reacting to harmful impacts that occur as a result of environmental damage will be far more costly than acting in advance to prevent the harm from being done in the first place. Long-term international environmental processes that strive to prevent environmental damage are often hampered in progressing because the actual effects may not be immediately perceptible. Therefore it is crucial that negotiations and discussion that work towards securing precautionary action are informed by a deep understanding of the underlying science of the issue, any evidence that supports this and future 'scenarios', and finally by an understanding of the expected consequences. To this end, the Helsinki Process report makes key recommendations to strengthen IEG in relation to securing precautionary action.²⁴⁷

Key recommendations

- A substantial strengthening of scientific capacity in UNEP to enable it to fulfil its early warning and assessment function;
- The expeditious establishment of the Intergovernmental Panel on Global Environmental Change recommended by the UNEP Global Forum of Environmental Ministers;
- A special window in the UNEP Fund for strengthening environmental assessment capacity; and
- Bringing together an independent group of lawyers, environmental scientists and economists to suggest general principles of burden sharing that may then be approved through the UNEP Governing Council.

Ensuring compliance

The Helsinki Process report further makes suggestions and recommendations in relation to strengthening measures that would ensure compliance with MEAs. As outlined on pages 12–13, the system of negotiating and complying with MEAs is complex, fragmented and lacks coherent co-ordination. In addressing the need for new approaches to global problem solving it is recognised that an obligation on states to report in relation to the Conventions that they sign up to puts a significant burden on the administrative mechanisms of each of the countries. In order to overcome such burdens, it is recommended that:

1. All countries should set up data systems and consultation processes for an integrated review of all obligations undertaken by them under the MEAs, and UNEP should provide assistance for doing this where required. Such reviews must be done in the ‘full sunshine’ of public discussion and NGO participation;
2. At the global level, UNEP should work towards producing integrated country reports of compliance with all MEAs. Until such time as an agreement is secured with all Conferences of the Parties of the MEAs, the reporting requirements of each Convention can be drawn from the integrated national report. In any case, UNEP should prepare an overall report on the state of compliance with the MEAs at the global level.

Another significant element of the IEG, as shown throughout the guide, is in ensuring access to justice for civil society in environmental matters. The Helsinki Process addressed this aspect of IEG, suggesting the promotion of broad implementation of the Aarhus Convention,²⁴⁸ as well as widening the scope of the Principles of the Aarhus Convention (which is regionally-focused in Europe) and promoting similar Conventions in other regions.²⁴⁹

Conclusion of the Helsinki Process

The report by the Track on 'New Approaches to Global Problem Solving' was integrated into the overall Helsinki Process on Globalization and Democracy, and in 2008 the Final Report of the whole Helsinki Process was submitted to the UN Secretary-General. Overall, the key findings of this Final Report stressed the necessity of developing a 'new kind of political dynamism' and establishing integrated mechanisms for multi-stakeholder engagement to strengthen the international governance systems, especially where '*official multilateral negotiations are in a deadlock or where consensus-based decision-making is unable to generate progress*'.²⁵⁰

At the completion of the Helsinki Process in 2008, it was restated that a key aim of the Process was to mobilise political will in order to effectively implement the recommendations stemming from the various 'Tracks' and working groups that participated in the Process. It is openly stated by the official records of the Helsinki Process that the impact it has had will be difficult to assess, especially where many long-term recommendations were submitted to the UN. However, it is recognised that the Process itself has generated positive and creative ways of providing the appropriate environment '*for multi-stakeholder dialogue and building confidence during a time characterised by increasing lack of confidence between the developed and developing countries as well as the NGOs and business community*'.²⁵¹

In the context of strengthening international environmental governance, the Helsinki Process has provided relevant models for integrating the wider civil society and stakeholder community in dialogue about proposals for reform. In light of the many proposals outlined in this guide, and others on the table, it could provide valuable experience and insight in developing the proposals.

THE BALI STRATEGIC PLAN FOR TECHNOLOGY DEVELOPMENT AND CAPACITY BUILDING

Introduction

The Bali Strategic Plan for Technology Support and Capacity Building²⁵² was approved by the 23rd session of the UNEP Governing Council²⁵³ in February 2005. The Plan was first adopted by the High-level Open-ended Intergovernmental Working Group on an Intergovernmental Strategic Plan for Technology Support and Capacity Building at its third session, held in Bali, Indonesia in December 2004.

The Bali Strategic Plan constitutes an approach, agreed internationally, to strengthen technology support and capacity building in developing countries and economies in transition. This is a critical component of the Strategic Plan and as noted in the introduction: *'The need for environment-related technology support and capacity-building in developing countries as well as in countries with economies in transition was recognised in General Assembly resolutions 2997 (XXVII) of 15 December 1972 and 3436 (XXX) of 9 December 1975, as well as in Agenda 21 and the Plan of Implementation of the World Summit on Sustainable Development'*.²⁵⁴

Two primary objectives of the plan are:

- To seek to strengthen the capacity of governments of developing countries and economies in transition at all levels and provide systematic, targeted, long- and short-term measures for technology support and capacity building; and
- To promote, facilitate and finance access to and support for environmentally sound technologies and corresponding know-how.

These objectives are supported by the agreement to enhance delivery by UNEP of technology support and capacity building based on best practices from both within and outside UNEP. However, noting the criticisms of UNEP (see p. 10), it might also be instructive to consider the delivery of the Bali Strategic Plan in the framework of other proposed institutions (e.g. from a WEO or UNEO – see pp. 45 and 50).

The Plan identifies and accepts that there is disparity in the co-ordination of efforts to strengthen the capacity of such developing countries by various existing multilateral and bilateral institutions. It aims to provide a framework for *'strengthening co-operation among UNEP, multilateral environmental agreements, and other bodies engaged in environmental capacity building, including the United Nations Development Programme (UNDP), the Global Environment Facility (see p. 23), civil society, and other relevant stakeholders'*.²⁵⁵

UNDP and UNEP collaboration

A pertinent example of such a co-ordinated approach between UN agencies can be seen from the signing of a Memorandum of Understanding between UNEP and UNDP at the end of 2004. The aim of the Memorandum is to work towards improved co-operation in environmental capacity development, and to ensure that environmental considerations are incorporated in the mainstream of sustainable development policies and activities. The Plan seeks to enable collaboration with all relevant stakeholders and provide a basis for a comprehensive approach to developing partnerships. It emphasises the identification and dissemination of best practices and the fostering of entrepreneurship and partnerships.

With respect to implementation of the Bali Strategic Plan, the Plan states that a bottom-up approach in identifying specific objectives, strategies and activities will be used to reflect the needs of countries and regions. This bottom-up approach reflects the views and priorities expressed by governments, while also considering views of relevant organisations and stakeholders. This approach also supports another of the Plan's tenets – the importance of national ownership of capacity building and technology support initiatives. Another important theme of the Plan is fostering South–South co-operation bilaterally, regionally and globally as a mean to maximise and develop existing capacities in developing countries.

In order to ensure that the implementation of the Plan reflects the specific needs of developing countries and countries with economies in transition, UNEP has undertaken a series of regional and sub-regional consultations to identify priorities and opportunities for technology support and capacity building. UNEP is also assisting countries to transform their sectoral needs assessments into a holistic identification of priorities through the development of National Capacity Building and Technology Support Plans, which will provide a common blueprint or platform for interventions by all local and international actors. The Plans also aim to enhance country ownership of the capacity building and technology support and to enhance public participation in environmental decision-making and implementation. They will build upon existing assessments such as the GEF National Capacity Self-Assessment (for the Rio MEAs), national environment action plans and poverty reduction strategies, as well as the Poverty and Environment Initiative.

In support of the implementation of the Bali Strategic Plan, UNEP has developed an inventory of its capacity building and technology activities across all UNEP divisions, including those undertaken directly by its regional offices. The database is arranged by category (according to the 13 cross-cutting issues and 19 thematic areas identified in the Bali Strategic Plan), by geographical focus (region and state), by type of capacity building (systemic, institutional, individual, etc.). UNEP has launched an online public access version, and a government portal will enable designated governments to

submit official requests for assistance to relevant UNEP divisions. The database will also help UNEP to report on its activities related to state requests and its implementation of the Bali Strategic Plan.

WORLD SUMMIT 2005: SWISS AND MEXICAN AMBASSADORS' PROCESS

The World Summit 2005 identified a number of issues that needed to be addressed to strengthen environmental activities in the UN system, including enhanced co-ordination; improved policy advice and guidance; strengthened scientific knowledge, assessment and co-operation; better treaty compliance, while respecting the legal autonomy of the treaties; and better integration of environmental activities in the broader sustainable development framework at the operational level, including through capacity building. Building on these observations, paragraph 169 of the World Summit outcome document agreed to *'explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure, building on existing institutions and internationally agreed instruments, as well as the treaty bodies and the specialized agencies'*.

As part of the follow-up to the commitment in the World Summit outcome document, Ambassadors Enrique Berruga of Mexico and Peter Maurer of Switzerland were appointed to co-chair informal consultations of the UN General Assembly on international environmental governance. Following a first round of informal exchanges with member states from April to June 2006, the co-chairs produced a summary text²⁵⁶ in July 2006 outlining the key issues identified by delegations during the four or five sessions held as part of the consultation process. A number of issues were raised, including the need for enhanced co-ordination – recognising the importance of a strengthened UNEP; the need for improved policy and guidance – including an improvement in scientific co-operation and communication to decision-makers; the benefits of better integration of environmental activities into the broader sustainable development framework – including further co-operation between UNEP and UNDP; and the need for more coherence of MEAs – including clustering and better co-operation between MEAs and UNEP.

Following a subsequent round of consultations at the beginning of 2007, the ambassadors produced an options paper²⁵⁷ in June 2007 which outlined seven building blocks for reform of international environmental governance, which are outlined below.

Building Block 1: Scientific assessment, monitoring and early warning capacity

This building block proposed the strengthening of UNEP's capacity to be the leading authority for member states within the UN system on scientific assessment and monitoring of the state of the global environment. Concrete proposals included the creation of a position of chief scientist within UNEP, and the establishment of an Environment Watch Strategy Vision 2020 as a global information network system to monitor the world's environmental

situation, which would draw on other available resources, including the scientific work of the MEAs and the World Bank.

Building Block 2: Co-ordination and co-operation and the level of agencies

This building block proposed the strengthening of UNEP capacity to co-operate and co-ordinate with other UN entities and the World Bank on environmental issues, including through the Environment Management Group. Specific recommendations included the elaboration of a joint Memorandum of Understanding between UNEP, UNDP, the World Bank and the GEF; making UNEP the Chair of the Environmental Subgroup of the UN Development Group; establishing the Environmental Management Group (see p. 20) as a High-level Committee on Environmental Issues of the UN Chief Executives' Board, and making UNEP and MEAs formal observers on all relevant committees of the WTO and vice versa.

Building Block 3: Multilateral Environmental Agreements

This building block called for enhanced co-operation and co-ordination among MEAs, promoting working in clusters and rationalising Secretariat activities. Specific recommendations included the establishment of a process under the UN General Assembly to initiate MEA clustering in the area of hazardous substances, global atmosphere, conservation, marine and oceans. It also called upon the governing bodies of MEAs to design and implement proposals for joint institutional, administrative, scientific and programmatic structures.

Building Block 4: Regional presence and activities at the regional level

This building block proposed the use of regional offices of UNEP as entry points for scientific activities and capacity-building. Specific recommendations included assessing and expanding ongoing pilot programmes undertaken by UNEP and UNDP, and providing UNEP's regional offices with a mandate for capacity building and technology support in relation to the Bali Strategic Plan (see p. 115).

Building Block 5: Bali Strategic Plan, capacity building, technology support

This building block called for the deepening and broadening of capacity building and technology support throughout the IEG system to foster the implementation of the Bali Strategic Plan (see p. 115). Specific recommendations included the undg taking immediate action to approve policies and procedures relating to environmental sustainability, and to appropriately integrate them into the Guidelines for UN Country Teams; and to integrate UNEP advisors in UN country teams, where appropriate.

Building Block 6: IT, partnerships and advocacy

This building block sought to complement the other building blocks by strengthening key support functions for IEG, such as IT, expanded partnerships and advocacy activities. Specific recommendations included the establishment of a unified clearing house mechanism on lessons learned and best practices in all environmental fields; and the development of a common environmental advocacy and information strategy across the UN system and the MEAs.

Building Block 7: Financing

This building block called for improved financing for the IEG system and for environmental activities through timely and adequate funding. A number of options were suggested, including a better balance between earmarked and non-earmarked contributions; a more comprehensive assessment of financial needs through a standardised financial tracking system; a funding structure within UNEP to allow private donations; and enhanced efficiency in the use of financial resources, including through co-operation and co-ordination of global environmental activities and synergies between the MEAs.

At the beginning of 2008 these options were debated openly and frankly at the UNEP Governing Council/GMEF meeting in Monaco, and elements of the building blocks were subsequently integrated into a draft resolution²⁵⁸ in May 2008, which included many of the recommendations from the options paper, and in some cases strengthened the proposals. For example, for Building Block 7 on Finance, the draft resolution called for the UN Secretary-General to double the contributions from the regular UN budget to the respective budget of UNEP,²⁵⁹ as well achieve a substantially increased fifth replenishment of the GEF Trust Fund; neither of these more concrete recommendations had been included in the original options paper. However, the recommendations of the options paper in the area of MEAs were significantly watered down in the draft resolution; there was no reference to a General Assembly process to initiate clustering of MEAs across the proposed thematic areas, or for the governing bodies of MEAs to design proposals for structural co-ordination. Rather, the language was toned down and called for MEAs to *'continue to explore the potential for cluster-wise co-operation'*, and inviting UNEP to *'identify structures for strengthened collaboration'*. Whilst the resolution 'recognised' the importance of 'rationalising Secretariat activities', it also stressed the *'legal autonomy of those Agreements'*.²⁶⁰ Notable in both the options paper and the draft resolution was the absence of any reference to a possible 'upgrading' of UNEP to a specialised agency – a UN Environment Organisation (see p. 45). This was in spite of the continuing support expressed for the idea from both Europe, with France at the helm, and a number of other non-European delegations, such as the Republic of Korea and Zimbabwe.²⁶¹

Following further debate on the draft resolution, a revised version of the resolution was released in July 2008, which included a number of changes. For example, though it retained the call for a substantially increased replenishment of the GEF, it stopped short of calling for an 'expansion in the scope of the activity of the GEF', which had been proposed in the original draft.²⁶² Significantly, the revised resolution also further softened the language relating to co-ordination of MEAs, placing the onus on UNEP and the rest of the UN system to identify synergies, rather than this being the responsibility of the MEA secretariats. The original draft called for the governing bodies of the MEAs *'to implement their respective agreements in close co-operation with UNEP'*.²⁶³ The revised draft called upon them to implement their agreements, *'and for UNEP, the World Bank and the GEF to closely co-operate with them'*.²⁶⁴

Throughout this process the time frame for agreement on the resolution remained unclear. The objective was to begin negotiation on the resolution at the 63rd session of the General Assembly, and pass a resolution at the 64th session in September 2009.²⁶⁵ However, due to continued disagreement on the nature of institutional reform, i.e. whether to upgrade UNEP to a specialised agency or not, the IEG discussions in the General Assembly reached an impasse. Responding to this impasse, the UNEP Consultative Group of Ministers and High-level Representatives was established at the beginning of 2010 to allow for further high-level debate and discussion. The identification of the 'institutional framework for sustainable development' as one of the key themes for the UNCSD 2012 (Rio+20) represented part of an effort to institute a clear time frame and deadline for the discussions.

UN High-level Panel on System-Wide Coherence

In response to the outcome document agreed by Heads of State at the 2005 World Summit, the Secretary-General established a small High-level Panel on System-Wide Coherence, with 15 members from across developed and developing country governments.²⁶⁶ The Panel released its report, *Delivering as One*, in November 2006.²⁶⁷ One of the sections of the report focuses on 'Environment: Building a Case for Action', and another on 'Cross-cutting Issues', including sustainable development.

In the area of 'Environment: Building a Case for Action', the report recognises that long-term development cannot be achieved without 'environmental care' and that environmental objectives have too often been separated or compartmentalised from economic development priorities. It stresses that action on the environment is not an option, but an imperative, and recognises that relatively little progress has been made in integrating environment into development at all levels. It diagnoses some of the following problems in environmental governance at the global level:

- **The system has outgrown its design** – the multitude of MEAs place a reporting and participation burden on all countries, especially developing countries with limited resources and capacity.
- **Competition and duplication** – as environmental issues have advanced up the global agenda, many UN organisations have developed their own environmental portfolios, many of which overlap or compete for resources and influence. UNEP lacks the authority to effectively co-ordinate.
- **Inadequate and complex finance arrangements** – the Global Environment Facility (see p. 23) does not possess the level of resources to have the required impact through global environmental projects and programmes.

It makes a series of recommendations for improving global environmental governance, including:

- **‘Upgrading’ UNEP** with a renewed mandate and improved funding.²⁶⁸
The ‘upgrading’ would include:
 - Strengthening UNEP’s technical and scientific capacity for early-warning, monitoring and assessment, working with existing relevant networks and institutions.
 - Enhancing UNEP’s role in implementing the Bali Strategic Plan for Technology Support and Capacity Building (see p. 115), to enhance capacity at a country level to meet international commitments.
 - Making UNEP the lead in assisting countries to quantify and mainstream environmental benefits
- **Enhanced co-operation across UN bodies with environmental portfolios**
 - Co-ordination across thematic areas e.g. water, air, energy
 - Mutually reinforcing co-ordination at international and country level
 - Strengthened role of UNEP in co-ordination of system-wide environmental policies, clearer mandate of Environmental Management Group (EMG) (see p. 20 for more information)
- **Enhanced co-ordination of treaty bodies and MEAs** (see p.74)
 - Consolidation of reporting for related agreements to reduce burden
 - Integrating provisions of MEAs into national sustainable development strategies
 - Enhanced efficiency of MEAs – joint meetings and administrative functions, consistent methodology

- **Strengthening the Global Environment Facility** – greater clarification of its role in building capacity for implementation in developing countries, and increase in its resources
- **Commissioning an independent assessment of IEG**
 - Commissioned by the Secretary-General to assess the roles and needs of UN agencies in relation to the environment.
 - Complementary to informal consultations through the UN General Assembly (see p. 47)
 - To produce recommendations on proposals for ‘upgrading’ UNEP

In its analysis of the cross-cutting issue of sustainable development, the report recognises that the visionary blueprint provided by Agenda 21 has not yet been achieved and that the institutional framework for sustainable development needs to be improved to make this happen. There is a persistent problem in the perception of poverty, human health and environmental degradation as stand-alone threats. Whilst the CSD has offered a multi-stakeholder space for the discussion of sustainable development challenges, it has been less effective in ensuring the implementation of sustainable development objectives and the integration of environment and development. The report advances the following recommendations:

- **A stronger partnership between UNEP and UNDP**
 - UNEP should focus on normative work and UNDP on operational work
 - Environment to be integrated in country development strategies
 - UNEP to provide environmental expertise in UN country teams, as outlined by the Bali Strategic Plan for Technology Support and Capacity Building (see p. 115)
- **Mainstreaming sustainable development into the work of the UN Economic and Social Council**
 - Development of a sustainable development ‘segment’ in ECOSOC to promote balance between three pillars of sustainable development
 - The CSD to focus more on implementation, integration of environmental and social priorities into development plans, identification of best practice

JOINT INSPECTION UNIT REPORT

In 2008 the UN's Joint Inspection Unit released a report entitled *Management Review of Environmental Governance within the United Nations System*. The report underlines the issues under consideration in the current approach to international environmental governance. Such issues are mainly to do with the coherence of the IEG framework, the co-ordination of multilateral environmental agreements, the integration of environmental governance within the UN system and the issue of funding.

1. The coherence of the IEG framework

The report outlines the fact that the IEG framework lacks coherence: being supported by co-ordinating bodies such as the UNEP, the CSD and ECOSOC, the framework is disconnected from organisations with specific and sectoral environmental-related activities. Furthermore, the lack of distinction and co-ordination between sustainable development and environmental protection within the UN system illustrates incoherencies in the IEG framework and leads to considerable overlap in the activities of many UN organisations. There is a rise in the number of organisations dealing with environmental problems, but this is not synonymous with an increased focus of the scope of each organisation.

A recommendation put forward in the report is that the UN General Assembly should mandate a clear division of labour between development agencies, UNEP and the MEAs, outlining their respective areas of work and objectives in relation to environmental protection and sustainable development (Recommendation 1).

2. The co-ordination of MEAs

The IEG system is characterised by a great variety of MEAs and regional environment-related agreements, which according to UNEP are nearing 500. They are managed by various UN system organisations, which integrate the secretariat functions of each agreement, so that the administrative and financial resources needed to manage such agreements are considerable.

In order to reduce the administrative costs and system inefficiencies, the report recommends systematically reviewing the need for creating an independent secretariat for each new MEA, and advising member states on how to better formulate and administer MEAs without creating a secretariat (Recommendation 4)

The report puts forward another recommendation concerning the national and regional co-ordination of MEAs; the UN General Assembly should provide national and regional platforms for co-ordination between environmental protection and sustainable development policies and national and regional development policies (Recommendation 6).

3. The integration of environmental governance within the UN system

The report underlines the fragmentation of the environment management system within and outside the UN system, and particularly the lack of overall results-based assessment of policy and programmes which would compare the costs of implementing an MEA with the resulting environmental improvements and impacts.

Therefore, the report recommends the establishment of a results-based, system-wide planning framework for the management and co-ordination of environmental activities. Furthermore, the creation of an indicative planning document based on providing an inventory of all programmes, projects and profiles of organisations active in the environmental sphere would greatly increase the overall effectiveness of environmental governance within the UN (Recommendation 7). Accordingly, such document would greatly facilitate joint planning and project implementation.

4. Funding

To successfully implement MEAs, developing countries need sustained and predictable funding, for example to help them in complying with pollution control measures.

The Joint Inspection Unit report puts forward two recommendations which, if correctly implemented, would increase the effectiveness and accountability of international funding for MEAs. Firstly, the UN Secretary-General, the MEAs and relevant UN system organisations should assess the adequacy and effectiveness of funding for environmental activities, focusing on the concept of incremental costs (Recommendation 8). This should lead the General Assembly to rigorously define the concept of incremental costs, as the cost of any future measures of environmental protection, which a member state might face in complying to an MEA (Recommendation 9)

A last funding-related issue which the report identifies is that the development of the IEG framework is hindered by a lack of funding, as within the UN system more funding is allocated to operational activities than to normative activities.

UNEP CONSULTATIVE GROUP OF MINISTERS AND HIGH-LEVEL REPRESENTATIVES ON IEG REFORM

The Consultative Group of Ministers and High-level Representatives on IEG represents the most comprehensive intergovernmental process addressing IEG reform since the Swiss and Mexican Ambassadors' process under the UN General Assembly (see p. 118). The outcomes and recommendations of the Consultative Group will have a strong influence over the direction of negotiations towards the UNCSD 2012 (Rio+20) on the 'institutional framework for sustainable development', one of two thematic focus areas for the conference. Though IEG is only one pillar of global governance for sustainable development, it has long been acknowledged that environment is the most neglected and least resourced of all the three pillars of sustainable development at a global level. As such, achieving consensus on how to manage environment in the UN system goes some way to addressing some of the weaknesses identified in governing sustainable development internationally.

General reform options for form and function

The Consultative Group was established in February 2009 by Decision 25/4 of the UNEP Governing Council. The appointments to the group were regionally representative, and in 2009 it convened twice, in June 2009 in Belgrade and in October 2009 in Rome. The Group was instructed to conclude its work and present options to the 11th Special Session of UNEP's Governing Council in 2010. This first phase of the Consultative Group during 2009 is also referred to as the 'Belgrade Process', after the first meeting in Belgrade, where a number of ideas and suggestions for reform emerged. The dialogue throughout the Belgrade Process was guided by the concept that 'form should follow function', and that the work of the consultative group should be political in nature. Based on the Belgrade Process, the Consultative Group concluded its work at the session in Rome, where it agreed on options for improving international environmental governance, including a set of objectives and corresponding functions for IEG within the UN system. These objectives and corresponding functions were defined as follows:

Creating a strong, credible and accessible science base and policy interface

- i. Acquisition, compilation, analysis and interpretation of data and information
- ii. Information exchange
- iii. Environmental assessment and early warning
- iv. Scientific advice
- v. Science-policy interface

Developing a global authoritative and responsive voice for environmental sustainability

- i. Global agenda setting and policy guidance and advice
- ii. Mainstreaming environment into other relevant policy areas
- iii. Promotion of rule-making, standard setting and universal principles
- iv. Dispute avoidance and settlement

Achieving effectiveness, efficiency and coherence within the UN system

- i. Co-ordination of policies and programmes
- ii. Efficient and effective administration and implementation of MEAs
- iii. Facilitating inter-agency co-operation on the environment

Securing sufficient, predictable and coherent funding

- i. Mobilising and accessing funds for the global environment
- ii. Developing innovative financing mechanisms to complement official funding sources
- iii. Utilising funding effectively and efficiently in accordance with agreed priorities

Ensuring a responsive and cohesive approach to meeting country needs

- i. Human and institutional capacity building
- ii. Technology transfer and financial support
- iii. Mainstreaming environment into development processes
- iv. Facilitating South–South, North–South and triangular co-operation

The document also outlined options for incremental changes and reform to IEG in the UN system, as well as identifying broader institutional changes, i.e. changes relating to *form* rather than *function*, which were suggested as follows:

- i. Enhancing UNEP
- ii. A new umbrella organisation for sustainable development
- iii. A specialised agency such as the World Environment Organisation
- iv. Possible reforms to ECOSOC and the Commission on Sustainable Development
- v. Enhanced institutional reforms and streamlining of present structures

Nairobi to Helsinki

These framing objectives and associated functions, as well as the options for broader institutional reform, provided the lens through which the 'second phase' of the Consultative Group undertook its dialogue and analysis throughout 2010. The first meeting of the Consultative Group during this second phase took place in Nairobi in July 2010, and a subsequent meeting took place in Helsinki in November 2010.

After the first meeting of the Consultative Group in July 2010, the co-chairs' Summary²⁶⁹ outlined the discussions that had taken place and reduced the number of options on the table from 24 to 9. From that point there were a number of further developments in preparation for the meeting in Helsinki, including the production of a comprehensive document elaborating the broader reform options²⁷⁰ (including objectives and associated functions), as well as a comparative analysis of options for institutional reform (form rather than function).²⁷¹ These documents were originally distributed in draft format to gather feedback and comments from governments, major groups, civil society and intergovernmental institutions.²⁷² As part of this consultation process, the Executive Director of UNEP, Achim Steiner, also produced a report on 'Environment in the UN System',²⁷³ based on discussions with the UN Environment Management Group (see p. 20). The discussions in Helsinki built on these documents and analyses, and issued the following recommendations for broader reform²⁷⁴ in the Nairobi-Helsinki Outcome. These were presented to the UNEP Governing Council in February 2011, as well as to the second Preparatory Committee meeting (PrepComm2) for the Rio+20 Conference in March 2011:

(a) To strengthen the science-policy interface with the full and meaningful participation of developing countries.

To meet the science-policy capacity needs of developing countries and countries with economies in transition, including improvement of scientific research and development at the national level; and to build on existing international environmental assessments, scientific panels and information networks. The overall purpose would be to facilitate co-operation in the collection, management, analysis, use and exchange of environmental information; the further development of internationally agreed indicators, including through financial support and capacity-building in developing countries and countries with economies in transition; early warning; alert services; assessments; the preparation of science-based advice; and the development of policy options. In this context, the Global Environment Outlook process must be strengthened and work in co-operation and co-ordination with existing platforms.

(b) To develop a system-wide strategy for environment in the UN system to increase its effectiveness, efficiency and coherence and in

that way contribute to strengthening the environmental pillar of sustainable development.

The strategy should increase inter-agency co-operation and clarify the division of labour within the UN system. It should be developed through an inclusive process involving governments and seeking input from civil society.

(c) To encourage synergies between compatible multilateral environmental agreements and to identify guiding elements for realising such synergies while respecting the autonomy of the conferences of the parties.

Such synergies should promote the joint delivery of common multilateral environmental agreement services with the aim of making them more efficient and cost-effective. They should be based on lessons learned and remain flexible and adaptive to the specific needs of multilateral environmental agreements. They should aim at reducing the administrative costs of secretariats to free up resources for the implementation of multilateral environmental agreements at the national level, including through capacity-building.

(d) To create a stronger link between global environmental policy-making and financing aimed at widening and deepening the funding base for the environment with the goal of securing sufficient, predictable and coherent funding and increasing accessibility, co-operation and coherence among financing mechanisms and funds for the environment, with the aim of helping to meet the need for new and additional funding to bridge the policy implementation gap through new revenue streams for implementation.

Enhanced linkage between policy and financing is needed, along with stronger and more predictable contributions and partnerships with major donors, and the pooling of public and supplementary private revenue streams. To consider the development of financial tracking systems, including their costs and benefits, based on existing systems to track financial flows and volumes comprehensively at the international and regional levels, as well as a strategy for greater involvement of private sector financing.

(e) To develop a system-wide capacity-building framework for the environment to ensure a responsive and cohesive approach to meeting country needs, taking into account the Bali Strategic Plan for Technology Support and Capacity-Building.

The framework should be targeted at strengthening the national capacities required to implement multilateral environment agreements and agreed international environmental objectives.

(f) To continue to strengthen strategic engagement at the regional level by further increasing the capacity of UNEP regional offices to be more responsive to country environmental needs.

The aim of such strengthening should be to increase country responsiveness and implementation. Environmental expertise within UN country teams should be strengthened, including through UNEP.

The Consultative Group also discussed options for institutional reform during the meeting in Helsinki, but did not reach any conclusions, rather recommending that all options need to be developed further. The Nairobi-Helsinki Outcome did establish consensus on the need to *‘strengthen the global authoritative voice for the environment as a key outcome of the international environmental governance reform process, providing a credible, coherent and effective leadership for sustainability under the overall framework of sustainable development’*. The group also agreed that institutional reform options relating to reform of ECOSOC and the CSD, and the proposal for an Umbrella Organisation on Sustainable Development should rather be dealt with in the wider sustainable development context. At the time of writing, the proposals under consideration for institutional reform (form rather than function) are as follows:

Option	Details
<p>Enhancing UNEP</p>	<p>UNEP would be strengthened to have more legitimacy, strategic influence and political clout, as well as enhanced capacity to implement environmental policies. This would entail the following changes:</p> <ul style="list-style-type: none"> • Governing Council/GMEF universal membership, plus the assumption of the role and mandate of the GEF Assembly • UNEP to lead development of UN-wide environmental strategy • Establishment of permanent science-policy interface based on GEO, and a multi-scaled policy review mechanism • Reinforced regional offices for capacity-building and implementation <p>These proposed reforms would address many of the assessed objectives and functions of the IEG system without significant changes in organisational structure. Funding increases would be limited to the implementation element.</p>

Option	Details
<p>A new umbrella organisation for sustainable development</p>	<p>The establishment of an umbrella organisation working with existing Secretariats and organisations to give broad policy guidance to advance progress on the economic, social and environmental pillars of sustainable development. It would identify gaps, promote best practice and encourage synergies and co-operation between relevant entities. The structure would include a governing body, advisory board, executive head and secretariat, as well as a strategic programme and financial arrangement.</p> <p>The creation of the umbrella organisation would help to advance broader sustainable development objectives in a coherent way through promoting co-operation and synergies between the three pillars.</p> <p>It would be funded through existing financial elements of associated organisations.</p>
<p>A specialised agency, such as a World Environment Organisation</p>	<p>A specialised agency for the environment would be established as a hybrid normative and operational entity, similar in model to the WHO and the FAO. The WEO would be governed by a General Council made up of all members, meeting annually. An executive body would meet to prepare decisions for the Council.</p> <p>Roles and mandate include:</p> <ul style="list-style-type: none"> • Representing the global authoritative voice on the environment • Co-ordinating environmental issues across the UN system • Providing a framework for implementing and monitoring global agreements – the General Council would provide a common secretariat for all MEAs, with individual MEAs governed by subsidiary committees. • Shaping the environmental-scientific agenda and providing technical support to developing countries for monitoring environmental trends • Setting norms and standards and providing evidence-based policy advice

Option	Details
	<p>A WEO would meet all the objectives and functions as outlined by the Consultative Group, and would successfully consolidate fragmented institutions and mandates on environment at a global level. It would enhance progress towards an overall objective of sustainable development through providing more parity between the environmental and social/economic spheres (which are covered by WHO, FAO, ILO and WTO).</p>
<p>Possible reforms to ECOSOC and the CSD</p>	<p>ECOSOC and the Commission on Sustainable Development could be merged into a Council on Sustainable Development, and UNEP's GMEF could be a functioning commission on the environment under the Council.</p> <p>This reform option has some similarities with the 'umbrella' proposal, as it promotes greater convergence between the economic, social and environmental pillars as well as enhanced synergies and co-operation across the UN system to achieve this. It would simultaneously advance both sustainable development and the environment.</p>
<p>Enhanced institutional reforms and streamlining of existing structures</p>	<p>IEG effectiveness could be enhanced by a consortium arrangement for environmental sustainability. Objectives and functions include:</p> <ul style="list-style-type: none"> • Managing environmental risks and opportunities • Reviewing the impact of environmental change on human well-being • Providing policy and guidance on mitigating and adapting to environmental change • Promoting capacity development and sustainable use of natural resources • Reviewing the effectiveness of environmental policies • Promoting co-operation and synergies on the environment across the UN system

Option	Details
	<p data-bbox="376 185 981 389">The consortium arrangement would be anchored at the inter-agency and intergovernmental level. It would be managed by a set of instruments governing the relationships between the respective organisations, and would include a governing body, advisory board, executive head and secretariat and a strategic programme.</p> <p data-bbox="376 408 930 549">This option has the advantage of achieving functional reform by promoting enhanced effectiveness, efficiency and coherence of IEG, whilst also retaining the benefits of structural diversification and specialisation.</p>

CLIMATE JUSTICE TRIBUNAL

The Climate Justice Tribunal is a South American civil society-led initiative which seeks to hold states, companies or persons who contribute to climate change to account. *'The initiative of this Tribunal reacts to the needs of responding to a lack of mechanisms and institutions which sanction climate crimes that have taken place so far.'*²⁷⁵ The Tribunal also seeks to highlight the inherent unsustainability and inequity of the international financial system and the dominance of international institutions by wealthy nations, as well as promote the link between environmental damage and human rights while establishing a Universal Declaration of Mother Earth's Rights. The Tribunal is the result of a pooling of civil society resources and has no legal mandate, but aims to exert pressure via popular support and grassroots mobilisation.

The Tribunal primarily seeks to use its rulings to assert political and social power with a view towards making states fulfil their commitments under international law and abide by a set of ethical principles which will lead to the preservation of the environment and the promotion of equality. *'[The Tribunal's] decisions seek ethical, moral and political meanings and wish to become the necessary force which requests that governments and multilateral bodies assume their responsibilities within the framework of equality and climate justice.'*²⁷⁶

The founding of the Climate Justice Tribunal was inspired by previous ethical option tribunals such as the Russell Tribunal and the Permanent People's Tribunal, which fought against human rights violations by governments, including with regard to the environment.

The moral imperative for the formation of the Tribunal stems from a desire to protect existing human rights which are being violated by climate change and other anthropogenic environmental degradation. The Tribunal was established to try to uphold these rights within an environmental context, as violations of these rights via environmental damage are not officially recognised in international treaties or by individual nations. According to the Tribunal, the most frequently and seriously violated rights include the right to health, the right to water, the right to food, the right to a suitable quality of life and the right to subsistence.

Activities

The first hearing of the Climate Justice Tribunal took place on 13–14 October 2009 in Cochabamba, Bolivia and featured seven cases brought to the Tribunal by community organisations from five South American countries. These cases ranged from general aggravation caused by the impacts of climate change on local communities, to more targeted actions against individual companies or governmental bodies.

Case 1 is illustrative of a general case: *'Accusation of violations of human rights resulting from global warming due to actions or omission of the countries included in Annexe I of the United Nations Framework Convention on Climate Change'*. The proceedings were submitted by the Khapi community, La Paz, Bolivia.

Case 7 is an example of a more specific case: *'DOE RUN PERU'*, proceedings against the Peruvian government and the company Doe Run Perú, because of the pollution caused in the Junin area. The case was submitted by Cooper Acción, Peru.

Future direction

The goal of the Climate Justice Tribunal is to secure powers under international law that allow it to be an effective, legally mandated organisation that can hold to account those persons or states which cause environmental damage. *'The International Tribunal of Climate and Environmental Justice should have the authority to judge, civilly and criminally, states, multilateral organisations, transnational corporations, and any legal persons responsible for aggravating the causes and impacts of climate change and environmental destruction against Mother Earth.'*²⁷⁷ The Climate Justice Tribunal believes that this legitimacy could come from a global referendum on the issue of granting the Tribunal legal powers or the creation of another court/tribunal which has an international legal mandate.

Rio+20

As part of its submission to the Zero Draft policy process, at paragraph 35, the delegation of Bolivia called for:²⁷⁸

'An International Tribunal of Environmental and Climate Justice must be established to judge and sanction crimes against nature that transcend national borders, violating the rights of nature and affecting humanity.'

To date, this proposal has not been specifically reflected in the Zero Draft.

THE UN SECRETARY-GENERAL'S HIGH-LEVEL PANEL ON GLOBAL SUSTAINABILITY

In the summer of 2010, the UN Secretary-General, Ban Ki-Moon, established the High-level Panel on Global Sustainability (the Panel), tasked with formulating a 'new blueprint' for sustainable development that mitigates against the increasingly detrimental effects that human activities are having on the environment and fostering the advance of new economic practices that will lead to the eradication of poverty.²⁷⁹ The Panel was co-chaired by Finnish President Tarja Halonen and South African President Jacob Zuma, and an additional 20 members resided on the Panel to offer their expertise and input into the process over a number of meetings and sessions.²⁸⁰

The decision to create the Panel emerged as a result of ideas voiced at the UN Summit on Climate Change on 22 September 2009 and the findings of the report *Closing the Gaps* produced by the Commission on Climate Change and Development. These sources emphasised the urgent need for major new ideas, institutional mechanisms and financial arrangements necessary to counteract a wide range of global sustainable development issues. These include climate change, energy security, water scarcity, biodiversity loss and ecosystem destruction, as well as the steps required to reach the intrinsically linked Millennium Development Goals, outlined in the UN Millennium Declaration of 2000 by the 2015 milestone.

The UN Secretary-General emphasised that the Panel must be bold and 'think big' and that, having reached a critical stage in which sustainable development is more important than ever, *'the time for narrow agendas and narrow thinking is over'*.²⁸¹

The Panel was comprised of 22 members appointed by the UN Secretary-General, including several government representatives (both in office whilst residing on the panel and former officials), private sector experts and civil society actors from both developed and developing nations. In addition to the co-chairs, Presidents Halonen and Zuma, other members of the Panel include:²⁸²

Sheikh Abdallah bin Zayid Al Nahayan, United Arab Emirates Foreign Minister

Hajiya Amina Az-Zubair, Adviser to the Nigerian President on the MDGs

Ali Babacan, Deputy Prime Minister of Turkey

James Laurence Balsillie, Chair of the Board of the Centre for International Governance Innovation (CIGI)

Alexander Bedritsky, Aide to the Russian President on climate change

Gro Harlem Brundtland, former Prime Minister of Norway

Micheline Calmy-Rey, Swiss Foreign Minister

Julia Carabias Lillo, former Environment Minister of Mexico
Gunilla Carlsson, Minister for International Development Cooperation of Sweden
Luisa Dias Diogo, former Prime Minister of Mozambique
Zheng Guogang, Director of the China Meteorological Administration
Yukio Hatoyama, former Prime Minister of Japan
Connie Hedegaard, European Union Commissioner for Climate Action
Cristina Narbona Ruiz, former Spanish Environment Minister
Jairam Ramesh, Minister of the Environment of India
Susan E Rice, United States Permanent Representative to the UN
Kevin Rudd, former Prime Minister of Australia
Han Seung-soo, former Prime Minister of the Republic of Korea
Freundel Stuart, Prime Minister of Barbados
Izabella Monica Vieira Teixeira, Minister of the Environment of Brazil

The Panel was supported by a small secretariat based at the UN Secretary-General's New York Office (the Secretariat), headed by Janos Pasztor, head of the UN Climate Change Support Team. The Secretariat's role was to work closely with the members of the Panel in the processes of wide consultation with governments and UN entities, as well as academia, civil society networks and the private sector. This work was done to gather information from a range of sectors and expertise to generate ideas and policies that formed the basis of the final report of the Panel.

The first meeting of the Panel took place in New York on 19 September 2010, at which members agreed that it should '*build on the concept of sustainable development and its three pillars*', rather than attempt to '*reinvent[ing] the wheel*'.²⁸³ The Panel sought to re-evaluate existing understandings of the concept, and subsequently provide far-reaching policy recommendations that could be implemented to address the pressing and interlinked challenges of poverty eradication, climate change and resource security.

Oxfam has criticised the Panel for the unbalanced nature of its membership, heavily favouring current and former governmental figures over civil society actors and academics, despite claiming to encompass these sectors in its mission statement. Oxfam claims that this suggests that the Panel's work should have focused more on influencing governments as opposed to developing radical new ideas, also highlighting the lack of a necessary science-based overlap with the work of the International Panel on Climate Change.²⁸⁴

Global Sustainability Panel Report

The Report, *Resilient People, Resilient Planet: A Future Worth Choosing*²⁸⁵ (the Report), was launched on 30 January 2012 in Addis Ababa and throughout February 2012 numerous events have been organised to showcase the report and provide the space for its content to be debated and discussed. The Panel also delivered the Report to the UN Secretary-General, who will then in turn use its recommendations to shape future UN directives and the preparations for key intergovernmental processes on sustainable development. These include the annual meetings of the Conference of the Parties to the UNFCCC and the UN Conference on Sustainable Development to be held in Rio in 2012.

The Report is the result of a 17-month global consultation led by the 22-member High-level Panel. It details the extent of the sustainability challenges that we face and outlines a blueprint of what needs to be done nationally and internationally to bring about a green and fair transition to a sustainable future.

The Report and sustainable development governance

The Report lays strong emphasis on the need to integrate the three pillars of sustainable development to strengthen all levels of governance. As part of the Panel's 'vision', it offers an overview of the developments made and challenges in achieving sustainable development over the last two or so decades. In arguing that for too long the policy officials, politicians, scientists and other stakeholder groups were not integrating their ideas, the Panel calls for a '*new political economy for sustainable development*'.²⁸⁶

The list of recommendations is comprehensive, spanning governance to economics, as well as considering the role of science and investments in technology and innovations. Of interest to this guide are the following select recommendations. However, it is to be noted that many of the recommendations that focus on key elements of the economic paradigm also relate to governance:

- Governments at all levels must move from a silo mentality to integrated thinking and policy-making. They must bring sustainable development to the forefront of their agendas and budgets and look at innovative models of international co-operation (*Introduction, i*);
- International institutions have a critical role. International governance for sustainable development must be strengthened by using existing institutions more dynamically and by considering the creation of a global sustainable development council and the adoption of sustainable development goals (*Introduction, j*);

- Governments, international financial institutions and major companies should work together to create incentives for increased investments in sustainable technologies, innovations and infrastructures, including through the adoption of policies and targets that reduce investor uncertainty; the promotion of public–private networks to support research and development; the development of risk guarantee schemes and the provision of risk capital; and seed financing (35);
- Governments should enable young people’s participation in and influence on decision-making processes at the local, national and international levels. In addition, consultation processes and dialogue should be encouraged to incorporate voices from non-conventional networks and youth communities, such as Internet forums and opinion-making blogs (41);
- Bilateral donors, international institutions and development banks should step up their efforts to promote sustainable development in a comprehensive way and should monitor and report on the impact of their sustainable development policies on a regular basis (46);
- As international sustainable development policy is fragmented, and the environmental pillar in particular is weak, UNEP should be strengthened (47);
- Governments should agree to develop a set of key universal sustainable development goals, covering all three dimensions of sustainable development as well as their interconnections. Such goals should galvanise individual and collective action and complement the MDGs, while allowing for a post-2015 framework. An expert mechanism should be established by the Secretary-General to elaborate and refine the goals before their adoption by UN member states (48);
- Governments should consider creating a global sustainable development council to improve the integration of the three dimensions of sustainable development, address emerging issues and review sustainability progress, with meetings held on a regular basis throughout the year. This body could be a subsidiary organ of the UN General Assembly and would replace the Commission on Sustainable Development. It would need to have a broad geographical and political membership and to fully engage relevant international institutions, including UN agencies and the international financial institutions, and non-state actors from civil society, the private sector and science (52).

2009–2012 UN CONFERENCE ON SUSTAINABLE DEVELOPMENT, 'RIO+20'

The Rio+20 Earth Summit will take place in Rio de Janeiro, Brazil, 20–22 June 2012, marking the 20th anniversary of UNCED in 1992. The two major themes and three objectives of the conference are:

Themes

- Green economy in the context of poverty eradication and sustainable development
- The institutional framework for sustainable development governance

Objectives

- To secure renewed political commitment for sustainable development
- To assess the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development
- To address new and emerging challenges

Putting Rio+20 on the map

There were a number of key events and milestones in the run-up to the December 2009 UN General Assembly resolution that called for the summit and which led to the development of, and final decision on, the themes and objectives. Of particular relevance to this guide is the theme 'institutional frameworks for sustainable development governance', since much of the content of this guide is in some way being discussed in the run-up to Rio+20. Some of the key milestones are outlined below.²⁸⁷

25 September 2007: At the UN General Assembly one day after the High-level Event on Climate Change, the President of Brazil proposed convening a World Summit on the environment in 2012, 20 years after the landmark UN Conference on Environment and Development held in Rio in 1992.

11 November 2008: The Brazilian government released a concept paper outlining the types of issues to be addressed by a possible Rio+20 Earth Summit. The paper emphasised the need to promote discussion on the implementation of the Rio Principles outlined in the Rio Declaration from the 1992 UN Conference on Environment and Development.

21 November 2008: Civil society representatives meeting during the UNEP Regional Civil Society Consultation Meeting in Europe, 17–18 November 2008, issued a statement outlining their support for a Rio+20 Earth Summit in 2012.

1–2 October 2009: Together with ECOSOC, Stakeholder Forum hosted a two-day multi-stakeholder conference on Earth Summit 2012 in Brussels. This was the first major event held in Europe to discuss a possible Rio+20 conference in 2012.

24 December 2009: The UN General Assembly passed a resolution with unanimous approval to hold a conference on sustainable development in 2012 at the ‘highest level possible’. The resolution built on the previous resolution tabled by the Chair of G77 at the 63rd session of the General Assembly in 2008, and has been enhanced significantly through consultation, debates and submissions since the idea for a Rio+20 Summit in 2012 was first proposed by President Lula da Silva of Brazil in 2007.

Rio+20 conference preparatory process

Resolutions 64/236 and 65/152 stipulate that a number of meetings in preparation for Rio+20 should take place ahead of the conference. Each of these created a forum for the development of a dialogue on the two themes, as well as giving both government and non-governmental stakeholders an opportunity to input into the process. In total there will have been three Preparatory Committee meetings, three intersessional meetings and a number of informal consultations by the final Earth Summit in Rio itself. In addition, in 2011 a number of regional consultations provided a forum for multi-stakeholder dialogue and input into the process, focusing on regionally specific elements of the Rio+20 agenda. Finally, many individual countries have hosted conferences and dialogues focusing on specific elements of the Rio+20 agenda, as have many other stakeholders.²⁸⁸

The Bureau

The intergovernmental preparations for Rio+20, including the meetings of the Preparatory Committee, have been steered by the Bureau. The Bureau has ten members, two from each of the five UN regions plus Brazil as an ex officio member. The Bureau is chaired jointly by H.E. Mr Sook Kim of the Republic of Korea and H.E. Mr John Ashe of Antigua and Barbuda. Other members are Argentina, Botswana, Croatia, Czech Republic, Egypt, Italy, Pakistan and the USA (the latter will split its term with Canada). The Bureau was elected by member states at the first Preparatory Committee Meeting, held on 16–18 May 2011.

UNCSD Conference Secretariat

In May 2010 the Under-Secretary-General for Economic and Social Affairs was nominated as the Secretary-General of the Conference by the UN Secretary-General. A Conference Secretariat was established within the UN Department of Economics and Social Affairs to support the Secretary-General in all his work, as well as to support the Bureau in steering the Rio+20 preparatory process.

2012 Zero Draft and the Road to Rio+20

The policy process

1 November 2011 was the deadline for submissions on the themes of Rio+20. More than 650 submissions were made by member states, major group stakeholders, UN agencies and other multilaterals. The Secretariat produced a 'Zero Draft', based on the submissions, of the negotiating text that would eventually be agreed as the outcome document in Rio. Following discussion on the text, as well as further consultations and negotiations, a document will be tabled in Rio that Heads of State will sign up to. So far, a number of Heads of State have confirmed their attendance.

Rio+20 and sustainable development governance

Many of the proposals for institutional reform outlined in this guide have been included in submissions made to the policy process; currently many are contained in the Zero Draft text as part of the 'Institutional Framework for Sustainable Development' theme.

Notably, there are also proposals for reform of financial institutions outlined in this publication that are included in the Zero Draft under the 'Green Economy' theme. The discussions that will ensue on both themes in the run-up to Rio+20 are an important aspect of the broader sustainable development governance debate and Rio+20 must not be seen in isolation as a stand alone event. Rather, it is hoped that it will play a significant catalytic role in building momentum behind the wider debate on sustainable development governance through specific issues discussed in the context of the summit itself. Of relevance to this guide, the following is a summary of some of the proposals that are in the Zero Draft.²⁸⁹

Institutional frameworks for sustainable development governance

- Strengthening/reforming/integrating the three pillars of sustainable development
- General Assembly, ECOSOC, CSD and SDC proposals
- UNEP, specialised agency/institution on environment proposal, IFIs, UN operational activities at country level
- Regional, national and local development plans
- Proposals for reforming financial institutions to enable the transition to the green economy

Some of these may yet be ‘negotiated out’ of the text; however, regardless of the particular details of the outcome document, it is anticipated that the discussions themselves should enhance thinking in this area, creating an important space for discussions to continue after Rio.

The summit itself has the potential to reorient the way in which countries and citizens alike integrate sustainability into their everyday practices, from decision-making in global and national governance to choices people make at the individual and local level.

Post Rio+20

Together with the Millennium Development Goals target year of 2015, the years 2012–2015 inclusive will be crucial in setting the global environment and development agenda and the post MDGs and 2015 framework. Many of the processes set in motion at the Rio+20 summit could be brought into the MDG framework discussions and potentially reviewed in September 2013 – the first key milestone after the summit. Following such a review, the processes relating to the institutional frameworks for sustainable development governance agenda could be further developed and implemented in a way that complements and supports the MDG framework. This will help to ensure that by the expiry of the MDG framework in 2015, there is a coherent sustainable development framework that will be a cornerstone in strengthened sustainable development governance practices.

By strengthening sustainable development governance in the broadest sense, including the institutional frameworks that will support this, there is a real opportunity to foster the paradigm shift that will bring humanity back on course to live in a way that suits each generation’s needs without compromising the ability of subsequent generation to meet their own; living within the ecological limits of the planet’s natural systems whilst integrating equity into the heart of all activities of economic and social development.

Notes

- 1 **Objectives:** Securing renewed political commitment to sustainable development; Assessing progress towards internationally agreed goals on sustainable development; Addressing new and emerging issues.
Themes: (1) Green economy in the context of sustainable development and poverty eradication; and (2) Institutional framework for sustainable development
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- 15 See Bretton Woods Project analysis, <http://www.brettonwoodsproject.org/art-566379>
- 16 See Christian Aid, 'Why the World Bank – and Why Now?'. <http://www.christianaid.org.uk/ActNow/climate-justice/world-bank/background.aspx>
- 17 See Media Global, <http://allafrica.com/stories/201004090626.html>

- 18 Functions and Powers of the General Assembly. <http://www.un.org/en/ga/about/background.shtml>
- 19 Ibid.
- 20 Resolution adopted by the General Assembly: 2005 World Summit Outcome, <http://www.un.org/summit2005/documents.html>, p. 32.
- 21 Economic and Financial – Second Committee, <http://www.un.org/en/ga/second/index.shtml>
- 22 Ibid
- 23 List of agenda items and their periodicity: Second Committee: <http://www.un.org/ga/61/second/itemperiodicity.html>
- 24 United Nations University – Institute of Advanced Studies (UNU-IAS) (2002). *International Sustainable Development Governance: The Question of Reform: Key Issues and Proposals*, p. 28.
- 25 Agenda 21. <http://habitat.igc.org/agenda21/a21-38.htm>
- 26 UNU/IAS, op. cit.
- 27 Ibid.
- 28 See website of the Division for Sustainable Development. http://www.un.org/esa/dsd/dsd/dsd_index.shtml
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- 34 Ibid., p. 26.
- 35 Ibid.
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- 38 Ibid, p. 2.
- 39 See the website and information about the role of the EMG and the IEG agenda: <http://www.unemg.org/Cooperation/InternationalEnvironmentGovernance/tabid/1198/Default.aspx>
- 40 UNEP's Presentation to the UNFCCC Workshop on the Adaptation Fund, May 2006 p.1. http://unfccc.int/files/cooperation_and_support/financial_mechanism/adaptation_fund/application/pdf/background_on_unep_presentation.pdf
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- 42 Ibid.
- 43 See UNEP website for more information, <http://www.unep.org/resources/gov/overview.asp>
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- 45 Ibid.
- 46 See UNDP website, <http://www.undp.org/about/>
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- 48 See UNDP's Corporate Brochure at http://www.beta.undp.org/content/dam/undp/library/corporate/brochure/wundp_brochure_2011-ENGLISH.pdf

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- 52 Rio Declaration, op. cit.
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- 57 United Nations Framework Convention on Climate Change, 9 May 1992, 31 I.L.M. 849, Preamble.
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- 82 See France Diplomatie, UN Environment Organisation http://www.diplomatie.gouv.fr/en/france-priorities_1/environment-sustainable-development_1097/united-nations-environment-organization-uneo_1966/presentation_5459/context-of-discussions-underway-regarding-the-project-of-an-organization-of-the-united-nations-for-the-environment-onue_8703.html
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- 111 Ivanova, op. cit., p. 7.
- 112 For the full list of the Consultative Group's 'set of options for improving international environmental governance' see <http://www.unep.org/environmentalgovernance/Portals/8/documents/IEG-Draft-Report-Rome-final-edited.pdf>
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