earthsummit2012

"Building a multi-stakeholder movement towards Earth Summit 2012"

Input to the Consultative Group on International Environmental Governance
By Felix Dodds and Jan Gustav Strandenaes

Input to the Consultative Group
By Felix Dodds and Jan Gustav Strandenaes[1]

Stakeholder Forum

'Our lives on this planet are too short; the work to be done is too great. But we can perhaps remember that those who live with us are our brothers; that they share with us the same short moment of life.'

Senator Robert Kennedy

Introduction

Stakeholder Forum has been involved with the Governance debate around UNEP since 1999. Stakeholder Forum have published a number of papers (see Annex 1)

In this paper Stakeholder Forum is bringing together some of the suggestions based on previous papers it has submitted to the process over the last five years.

Stakeholder Forum believes that the present opportunities around Rio+20 should result in a strengthened UNEP and a strengthened body for sustainable development in the UN system.

Enhanced institutional reforms & streamlining of present structures
The paper will address:

1. Enhanced UNEP

2. Specialized agency such as World Environmental Organization -- Clustering and strengthening of MEAs

3. Possible reforms to ECOSOC and the Commission on Sustainable Development

4. Annex of Stakeholder Forum papers on Sustainable Development Governance

   Comments:

---

1 We would like thank Richard Sherman, Jennifer Peer, Derek Osborn, Hannah Stoddart for their contribution to the previous papers.

1.   Enhanced UNEP

As the leading environmental authority within the United Nations (UN), the UN Environment Programme (UNEP) has been instrumental in the development of a wide range of international agreements and conventions on advancing protection of the world's biological diversity and the ozone layer, as well as the sound management of chemicals and persistent organic pollutants. However, for over 30 years, government and independent analysis of the UNEP's impact have regularly identified issues that beleaguer the current system. Regarding the UN system these concerns generally focus on: incoherence, inefficiency, information inadequacy, inequity, and insufficient funding.

Areas identified as key weaknesses in the existing arrangements on international environment governance (IEG), include: inadequate level of integration of environmental considerations into the mainstream of decision-making; inadequate approaches to global environmental management; impacts of globalization; fragmented machinery; institutional mandates and environmental agreements predominantly following a sectoral approach to environmental management, weak international dispute mechanisms; and lack of holistic approach to international environmental governance. At the political level, areas most signalled out for further attention include: the discrepancy between commitments and action; and the lack of a strong political base has contributed to a failure to effectively mainstream and integrate environment into the wider macro-economic arena, and particularly within the World Trade Organization, (WTO). Those more radically inclined in their criticism would also site lack of compliance mechanisms as a failure, directing our attention to the successes behind the Montreal Protocol to curb the emission of halting ozone-depleting substances.

The 2002 Civil Society Statement on IEG to UNEP's Seventh Special Session of the Governing Council/Global Ministerial Environment Forum (GC/GMEF) noted that "the international environmental regime is dogged by the lack of political will to resolve environmental problems and to follow a policy for the sustainable use of the earth's resources. "

This has led to fragmentation, limited financial resources, poor enforcement of multilateral environmental agreements, as well as an imbalance between international environmental governance and other international trade and financial regimes**.** The World Summit 2005 identified a number of issues that need to be addressed for the implementation of more efficient environmental activities in the UN system, including: enhanced coordination; improved policy advice and guidance; strengthened scientific knowledge, assessment and cooperation; 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. Based on these issues, the Summit 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 specialised agencies.

The current UNEP programme of work on IEG should be brought to an end for Rio+20 and implementation of the agreement expedited such as:
•   strengthening UNEP's financial base,
•   implementing the Bali Plan,
•   Strengthening the science base of UNEP
•   adopting the proposed Environment Watch system.
While the General Assembly, and processes such as the Cartagena Package, addressed pertinent issues, the previous explorations of IEG including the reform debates have tended to only focus on UNEP's normative tasks at the global level, without due consideration of the important operational activities of the UN and how UNEP can contribute to the country-level dimension of development. The present debate on IEG should make efforts to incorporate social and economic aspects as well as strengthening the environmental issues. UNEP has already collaborated successfully with UN institutions working on the social arena, such as the WHO, and has also dealt with rights based issues. But incorporating social issues such as equity etc makes it necessary to define mandate and responsibilities of UNEP and CSD more clearly while at the same time increase collaboration between the two.

UNEP's mandate is too narrow, as it only covers a few aspects of the environment. Its mandate should be

expanded to, for example, include sustainable agriculture and fisheries and sustainable energy. UNEP's role in liaising with Multilateral Environmental Agreements (MEAs) should also be strengthened to give it a more coordinating role.

The Global Ministerial Environment Forum (GMEF) should become a forum concentrating on dealing with serious threats to the environment and a platform for Ministers of Environment to speak out forcefully on these environmental challenges.

There is an urgent need for a stronger international authority on environment to safeguard the environmental pillar of sustainable development. UNEP's present mandate and resources prevent it from achieving this. If UNEP's current insufficiencies are not remedied, serious consideration should be given to whether UNEP should provide the primary focus for the reform of IEG.

Any upgraded UNEP should have a new mandate. Such a mandate should build greater coherence between environmental and social agendas, making the concept of 'environment for development' a reality. It would act as a platform for both standard setting and other interaction with national, international and UN bodies. The principles of cooperation and of common but differentiated responsibilities should be reflected in the implementation of this revised mandate.

A number of principles should be adopted for a strengthened UNEP, namely:
•   broad societal consensus on a long term vision for UNEP;
•   reliable analysis of the present situation and future scenarios for UNEP;
•   integrated planning comprising all dimensions of sustainable development;
•   building on existing strategies and processes; increasing links between national and local level strategies;
•   integration into financial and budget planning; early monitoring to steer processes and track progress; and effective participation mechanisms.

In strengthening UNEP consideration must be given to the specific needs of developing countries and respect of the fundamental principle of 'common but differentiated responsibilities'.

Developed countries should promote technology transfer, new and additional financial resources, and capacity building for meaningful participation of developing countries in IEG. Strengthening of IEG should also occur in the context of sustainable development and should involve civil society as important stakeholder and agent of transformation.

Civil society discussions around the UN General Assembly process on Para 169 on the UN reform programme in 2007 clearly favoured strengthening UNEP in Nairobi as the lead UN body responsible for all environmental programmes and activities within the UN system. These discussions have also noted that the achievement of progressive decisions on environmental and sustainable development issues sometimes requires more political will than is available to all governments.

UNEP – or UNEO – the authoritative global organisation on environment and development

UNEPs mandate to work on all environmental issues must be reinforced in all aspects of the UN. One way of doing this is to upgrade the organisation to agency level with universal membership. Doing this would also reflect the dominant global opinion and concerns on the environment. A consequence of this would be that UNEP should be the institution responsible for Goal 7, the environment goal of the MDGs, and not UNDP.

UNDP recognises its own shortcomings in working on Goal 7, and states in its own report from 2006 that:

"While the MDG framework is best managed as a group of interrelated targets, MDG 7 warrants particular attention given the weaknesses both in monitoring and in overall progress." The same point is reiterated in the UNDP report from February 2010 (Accelerating Progress): "One of the difficulties in making progress towards the overall objective of Millennium Development Goal 7 is the lack of a framework or means of integrating different components of environmental sustainability."

Similar shortcomings are noted among other UN entities working on the environment simply because they do

not have the necessary expertise, be that reflected in its staff or its institutional framework.

UNEP at agency level and CSD at permanent Council level

A successful outcome of the present IEG debates is contingent upon an understanding of and definition of roles and mandates between UNEP/UNEO and CSD. We believe such a clarification is made easier if both institutions are upgraded to a higher political level within the UN system (see our comments on CSD reform). A reformed and strengthened UNEP needs to incorporate the social and economic pillar among its functions. But such a move needs to be reflected in increased staff, expertise and finance. The discussion on Green Economy is a sound starting point, but should not only result in a UNEP delivered-panel with an expert paper at Rio plus 20, but with a division at UNEP/UNEO on Green Economy with a mandate to influence or even regulate the IFIs and the World Trade Organisation.

Similarly work should continue to develop an understanding on social equity issues and the environment. Several of the environment conventions deal directly with social issues, and the chemical conventions are points in case. A good beginning in working on, understanding and incorporating social issues has been made with UNEP's collaboration with WHO. The following quote from a UNEP/WHO publication December 2008 illustrates the need to do this:

- Poor environmental conditions cause a large proportion of the global burden of disease. Maintenance of environmental goods and services underpins all aspect of human health and well –being.
- Many of the ultimate drivers of environment and health conditions lie outside the direct jurisdiction of the relevant sectors. Environment and health actors need to increase their leverage on economic development decisions.
- Policy choices could be improved through more systematic, transparent and wide-ranging considerations of their impacts on environment and health.

Perhaps the most difficult challenge is to clarify the roles between CSD and UNEP. This discussion must take as its starting point the present position of the two UN entities, but with these entities having been upgrade to Agency for UNEP and to permanent Council for CSD. In that respect delineating their roles as complementary will be made much more challenging, relevant to the rest of this century and make more sense.

Options for strengthening the environmental pillar of sustainable development

Any new UN body or agency working within a reformed UN system should focus on elements such as capacity-building, assistance, consistent funding, and technical information to enable nations to fully implement all relevant existing UN treaties and agreements."

UNEP plays an important role in the protection of environment and believe that this role must be strengthened to allow it to contribute to coherent global sustainable development.

Building a stronger technical and scientific capacity within UNEP would be important.

An upgraded UNEP must be adequately and predictably funded in order to be able to implement its mandate. The current financial situation for UNEP is unacceptable and must be addressed. In comparison, for example, several large environmental non-governmental organizations (NGOs) have significantly greater budgets than UNEP.

There is a need to: improve coordination and dissemination of measurable information about UNEP assistance; define a more secure and permanent place for UNEP in the context of a poverty focused development agenda; integrate UNEP concerns more effectively into development strategies; encourage the increased participation of a range of government institutions in providing UNEP assistance; and support opportunities for direct NGO execution of publicity funded programmes.

We would remind you that the Civil Society Statement from the 2006 UNEP Global Civil Society Forum urged government to consider the following issues in strengthening UNEP:

i.   Strengthening cooperation, cohesion and harmonization between multilateral environmental

agreements (MEAs) and other UN bodies;

ii. Clustering conventions and multilateral environmental agreement, avoiding duplication and maximizing their effectiveness;

iii. Strengthening the process of the Environmental Management Group and implementation of its partnership forum;

iv. Using legitimate powers for compliance, enforcement and implementation;

v. Making economic decisions and trade regimes environmentally sensitive and restructuring in international financial institutions, WTO and other economic processes to comply with this approach;

vi. Developing a mechanism or instrument for the implementation of international environmental decisions and legislation by national governments; and

vii. Incorporating all the Rio Principles agreed to at the UN Conference on Environment and Development in 1992.

2. Specialized agency such as World Environmental Organization -- Clustering and strengthening of MEAs

The debate on a World Environment Organization mostly focuses on a strengthened UNEP becoming an Agency by:

- Strengthening the science base;

- Assured financial contributions

- Enhanced voice for the environment.

There is a stronger version of a WEO which would include the above but also set up a similar Committee structure of the World Trade Organization to deal with clustering of the environmental conventions.

Multi-lateral Environmental Agreements that have been initiated offers the chance for the international community to take a serious look at the global framework for sustainable development that we are trying to create. By doing so it will address a number of key issues

i. Fragmentation of the System

Fragmentation exists among the MEAs and also within governments dealing with them. Some of the suggestions we have to deal with fragmentation are:

National Reporting: would benefit from a harmonization of reporting systems not only to the conventions but also to other intergovernmental bodies (eg World Bank) and to donors.
Guidelines, such as UNEPs "Draft guidelines for effective national environmental enforcement, international cooperation and coordination in combating violations of multi-lateral agreements" and their "Draft guidelines on options for enhancing compliance with multi-lateral environmental Agreements" need to be more readily available, with training where necessary, to assist governments and other stakeholders.

Within the structure of the national reports there could be information on:
- Frameworks for planning and strategies
- Capacity building requirements;
- Financing;
- Problems faced;
- National targets;
- Stakeholder involvement;
- Compliance;
- Legislative gaps;
- Common set of Indicators for monitoring and review.

There should be a common focal point within governments, which could be through a unit within the Prime Minister's office or its equivalent, to ensure joined up thinking within government. This could enable governments to be saying the same thing within economic, social and environmental policy making at the international level. In addition there may need to be focal points for the different clustering of the conventions. This could also enable there to be a more integrated approach from within governments.

Building on experience from earlier reporting on national sustainable development issues, and provided the relationship between UNEP and CSD has been resolved, the existing councils may be upgraded and their reports integrated in the larger work of UNEP/CSD.

Rio+20 should reactivate and reinvigorate the national multi-stakeholder forums, eg National Councils for Sustainable Development, which would be set up to offer:

- Outreach, for consultation and feedback, to their constituencies in the country;
- Development of guidance on implementation strategies within a country;
- Review: Development of national reports;
- Development of national targets for policy, strategies and future implementation.

National multi-stakeholder forums have developed differently in different countries. For them to be seen as independent from government is a crucial indicator of whether their input will be taken seriously by the stakeholders in their countries.

ii.   Clustering

The move towards bringing the conventions under main topic areas such as: biodiversity, seas, chemicals, nuclear, energy/climate, land-related, air and freshwater is important. The work done by the chemicals to cluster conventions is an example of what needs to be done with the other areas. Agreeing on the common areas to cluster as a first step and then setting out a roadmap for the next five years could be a beginning. This would enable relevant UN conferences in the near future a more coherent and mutually supporting set of conventions. If the Rio plus 20 Summit can act as a focus to increase the speed of clustering then that would be a very good outcome from this conference as a first step to more fundamental reform.

Whereas many would see clustering as a way of both saving money, even paying less to the UN and increasing work with the same amount of financial support, he need for clustering must be seen as one of strengthening the functions of the conventions. In relationship to financing, the financial means need to be increased, and not decreased as the tendency often is.

In particular we need to look at:

- **Co-location of clusters:** We Could move from the present system of governments offering to host convention secretariats to a co-location around the six clusters. This might mean six different countries but preferably they should be located in a UN centre which would probably mean Nairobi, Bangkok, New York, Addis, Montreal, Santiago Geneva and Bonn;

- **Review of regional conventions:** The great number of regional conventions require a comprehensive review to see if they can be grouped under the clusters at the regional hubs, to simplify their structures and maximize possible financial and technical opportunities.

- **Joint secretariat functions:** There are considerable gains to be had from joint secretariat functions and one administrative centre: better and stronger enforcement, monitoring, information gathering, cross fertilisation of analysis, joint meetings, more efficient use of financial means in ways delineated below:

- **Joint meetings of the Bureaus/COPs within a cluster:** Bureau meetings might be backed on to a meeting of the Environmental Ministers Forum to ensure that a joint line is presented to the Ministers to enable action taken by the Ministers when they meet.

- **Joint meetings of the heads of the scientific and technical committees within a cluster and where relevant between clusters:** The need to share knowledge between the different scientific and technical bodies is an area that is often over looked. A meeting on a bi-annual basis would enable there to be a greater understanding of overlaps, gaps and actions required. The use of the Internet to integrate the information provision of the committees would also help.

- **Overall Head of each cluster**. Each cluster would benefit from an overall head to ensure that the conventions within the cluster are being coordinated. The overall **Head of all the clusters should be the Executive Director of UNEP**. UNEP should be seen as the facilitator of the clusters to ensure joined up thinking between them and within them.

- **Introduction of knowledge management (KM) within clusters and between clusters**: KM offers a great way of sharing knowledge and experiences both vertically and horizontally. Many of the

clusters will experience similar issues which do not have to be learnt six times or more but can be learnt once and the information shared into a knowledge bank to the benefit of the others.

- **Agreement of a methodological framework for indicators to enable measuring of enforcement and compliance:** Of late the discussion on indicators has displayed an interest in reducing the number of key global indicators. We do not think this is a particularly good idea. What we should be agreeing on is a methodological framework within which indicator packages can operate. This would allow for an outline of the process of their development, their application such as monitoring, assessment and revision of plans. Using a methodological framework would also allow for the decision on what is the most appropriate set of indicators at national or sub-national level as these will differ depending on the particular context and level at which they are going to be utilized.

- **Integrate early warning systems:** There is a need to develop an early warning system for possible environmental disasters. By utilising and coordinating the different information bases from each convention, including research pertaining to these conventions, UNEP could develop an early warning system particularly attuned to possible environmental disasters. This would also enable an appropriate discussion on prioritization of issues and resources.

- **Subsidiarity:** The European Union has through Article 5 of the Treaty establishing the European Community recognised the role of subsidiary. As Philip Sands argues:

"What is the proper legislation and adjudication of matters pertaining to the protection of the environment? In other words, is there a need to develop an international principle of subsidiarity in the environment field, which would indicate the most appropriate level at which environmental norms should be set, and then enforced? For the environmental lawyer this could mean asking oneself when an international (as opposed to a national) rule should be adopted at a bilateral, regional or global level. There is yet no rule of international law or guideline - which indicates the circumstances in which an international environmental convention should be adopted or a normative decision taken. There is no international environmental law equivalent to Article 5 of the Treaty establishing the European Union."

iii.   Compliance

Compliance and enforcements in international environmental law could also learn from good practices in other international conventions.

A good example of this is Optional Protocol of the Convention of Elimination of all Forms of Discrimination Against Women (CEDAW Dec 1999). This gives individuals and groups / organisations the right to appeal to the UN CEDAW Committee should avenues be exhausted within their own countries. Also for CEDAW, countries have to report every 4/5 years to the Parties to the CEDAW Committee. At the same time stakeholders are allowed to present their alternative reports. This in fact induces a form of peer group pressure on countries to report more accurately. Another interesting development around CEDAW is the fact that Committee membership is made up of eminent experts "of high moral standing and competence in the field covered by the Convention". These are elected by the States parties. These elections have to meet the Convention's demands for equitable geographical distribution in membership and the requirement that CEDAW members represent "different forms of civilization as well as principal legal system. Their terms last four years, with only half of the Committee members replaced each time elections take place." CEDAW Web Site (www.un.org/womenwatch/cedaw)

The present environmental conventions could adopt a similar approach for reviewing reports. This could include reports from National Councils for Sustainable Development (NCSD). For this to be viewed by stakeholders as valid the NCSD would need to be assured independence from governments The NCSD Reports could be collected through national stakeholder reports, which could be compiled into a Report to the Convention. It would have to show the differences as well as the agreements between stakeholders. Over a period of time this could also deliver more compliance, more trust and a greater clarity on how to move forward. This could also become a forum for discussion about any development of MEAs in the future allowing for a very transparent and inclusive involvement of national stakeholders leading to better international agreements. A major step forward within the UN ECE region has been the adoption of the Aarhus Convention on Access to Information, Participation and Access to Justice. This convention when

it came into force, contributed to giving a very strong role to stakeholders including NGOs. It provides associations with the important right of bringing legal actions in national courts to enforce environmental obligations. (None such cases have yet been tried successfully).

Another option to deal with compliance could be the establishment of an environmental ombudsman. This has been advocated by the Earth Council and would be worth considering. (Some donor nations have also expressed a favourable attitude towards this suggestion). Stakeholders could take their complaints to such a person if they couldn't find recourse in their own country. The possibilities for this to be successful also requires independence from governments.

One institution that is not utilized properly is a country's parliament. It would be useful to produce a review of parliaments to see how they address environment and sustainable development issues and draw up recommendations on how parliaments might be able to review national reports before they are submitted to the UN.

To further enhance compliance of legislation an International Environment Court could be utilised. This would require either the creation of a new body or enhancement of the Environmental Chamber of the International Court of Justice (rarely used). Common regulations on international environmental liability would assist legal enforcement. A problem with this would be it would keep things environmental apart from the rest of world affairs and might take a long time to negotiate.

Regional bodies and agencies could play a stronger role in monitoring and enforcing compliance to international agreed standards, regions (regional protocols annexes) should reflect incentives and sanctions (UNEP/IGM/2/2). This is being done by the European Union for example.

Transnational companies are often influential and forceful players on the political arena, nationally, regionally and globally and their increased role represents a challenge in its present form. A regulatory framework for these companies is one of the key missing elements in international agreements, and needs to be developed, written and adopted. There are a few existing Guidelines that could be used and further developed such as the OECD Guidelines for TNCs O 26000. Another necessary starting point would be the international environmental, labour and human rights legislation that governments have to abide by. Together, these could provide the basis for a framework convention for TNCs to operate within. This would also contribute to creating a more level playing field.

All multilateral environment agreements should have a compliance mechanism that might include fines and/or other forms of sanctions put in place immediately after adoption

iv.   Involving Stakeholders

"Business as usual, government as usual, and perhaps even protest as usual is not giving us the progress needed to achieve sustainable development. Let's see if we can't work together to find better paths forward"
(Hohnen 2001).

Agenda 21 has nine chapters dealing with the role of Major Groups (women, youth, indigenous peoples, NGOs, business & industry, workers & trade unions, science & technology, farmers, local authorities). As such it is the first UN document to extensively address the role of different stakeholders in the implementation of a global agreement. Agenda 21, in each of the chapters, outlines roles and responsibilities of the respective stakeholder groups, and stresses their involvement as being absolutely crucial for successful implementation of sustainable development. This increased role of stakeholders has also been reflected in the meetings of the conventions and now also within UNEP. Each convention has developed a set of norms and standards on how it interfaces with the different stakeholders. It is a good time to reflect on what each of the conventions norms are. A review and convergence of these norms and approaches would help set a standard throughout which would benefit participation of civil society providing best practice is always used as the norm setting standard. Such a review with the aim of developing a universal approach would benefit greatly from the work done so far on integrating and involving stakeholders including the nine major groups in the work of the UN Commission on Sustainable Development.

There are a number of areas where civil society is involved at a high political level at the UN (See Annex 2 for clarification). One of the more interesting initiatives pertaining to the environmental issues is the Montreal Protocol where stakeholders have a formal role in the non-compliance procedure.

The Summit process also offers an opportunity to look seriously at not only the way we are designing the involvement of stakeholders in the intergovernmental machinery but also in recognizing how they will (dl: then) have a role in implementing many of these agreements. We therefore may have to use a toolkit of approaches to the involvement of stakeholders at all levels. This may range from consultation to dialogue to partnership and involvement in the decision-making process to finally implementing. Participation needs to be founded on clearly defined principles (transparency, collaboration, learning, equity, flexibility, accountability), ground rules (for communication, procedures, agenda and issues of process, facilitation, reporting) and objectives (outputs such as report, actions plans, impact on "official" governmental processes) including quality standards pertaining to the nature, structure, outreach and work of the potential stakeholders.

Effective participation at any level requires the active support from the facilitating body, including ensuring equitable access to: information (including policy-based, technical and scientific data); justice; funds; capacity building and training, in addition to creating the space for participation in decision-making and implementing.

v.   Scientific and Technical Co-operation and Access to Information

For there to be an acceptance of the use of scientific and technical knowledge, or the lack thereof, it is essential that the scientific research institutions are independent from the state and from commercial interests. If this can be achieved then there will be a greater chance that the information and analysis produced is seen as trustworthy and credible.

Full introduction of the Precautionary Principle (PP) would ensure that policy decision-making is based on anticipating problems in conditions of uncertainty. Utilizing the PP could increase the dialogue with society generally to ensure that the benefits and the problems are known and discussed before moving forward.

Although Scientists are a Major Group in Agenda 21 they have generally not been actively involved in the discussions at a political level other than as government advisors. The introduction of Stakeholder Dialogues at the UN Commission on Sustainable Development does offer a new space for scientists to become involved without being beholden to governments or industry.

What might be a move forward would be the (dl: setting) establishment of a Risk Management Scientific Body within UNEP. This could work off an annual Earth Assessment Report developed jointly with or as part of the GEO Report. Seeing and using synergy opportunities this way, could produce some joined up work between the different areas of scientific research.

The Convention Secretariats should work towards a common approach to the Internet. This could include one portal for entry into the Convention section of the web. This would enable a more integrated approach to information provision and would help to see work being conducted within and between clusters of conventions. There is an enormous overload of information coming at us and managing this information stream would benefit all. The web could also be used as a place to collect good practices and allow for horizontal information provision between stakeholders across the world and governments. Although the use of the web will help, it must be recognized that there is a digital divide and funds must be made available to ensure that this divide is bridged. For stakeholders UNDP could play a key role in developing countries by hosting free Internet houses for the use by stakeholders.

Fragmenting Science: One of the worrying developments is the move to cluster scientific bodies, in the last few years the move for scientific bodies on Biodiversity (most advanced), Oceans possibly chemicals and desertification to be set up similar to the IPCC needs some serious reflection. Is this just fragmenting science in a similar way to what happened with conventions over the last forty years?

Perhaps what is needed is an overarching sustainable development science body which the IPCC and future science bodies should report to ensure coherence.

vi. Funding

One of the major issues for all conventions in the future will be adequate funding to enable them to fulfil their mandates. The present system is clearly not delivering the funds required to enable UNEP to deliver on its present mandate without even considering the extra work that a new mandate may give. Governments need to address that present funding is inadequate and there is a need to have 'new and additional' resources to implement the global conventions.

An increased role for the GEF as the funding mechanism for the conventions has been put forward. For this to happen it would need to be at considerably greater levels of finance. It could perhaps offer funding for the six clusters suggested above. Additional funding (inward and outward) could be better facilitated at the national level through establishing a flexible framework for National Environment Facilities. One way to do this is to have an extra ODA for sustainable development similar to what the Danish Government has done. Other ideas not new are:
- Carbon trading;
- A charge on international flights with departures and destinations in OECD countries;
- A tax on all or some international financial transactions (Tobin Tax);
- A charge for fishing in international waters;
- A charge for royalties on minerals mines in international waters;
- A charge for satellites placed in geo-stationary orbit;
- Pollution Charges.

Originally the Environment Fund was set up NOT to fund UNEP but to fund the environment work of other UN Agencies and Programmes working with UNEP. To help address coherence in the UN system on Environment we believe that it would be important to consider setting up an additional fund to address this original issue which is still relevant today.

vii. Conclusion

"Good governance is a process, characterized by communication and consultation, through which disputes are resolved, consensus is built and performance is reviewed, on the continuous basis" Nayyar,

This paper has approached the issue of Inter-linkages among Multi-lateral Environmental Agreements on the belief that transformation, enhancement and better coherence in international institutions are essential to be able to conduct more fundamental reform within the area of IEG.

The challenges ahead are considerable. At present the economic system is dominated by monetary concerns of (transnational) private enterprises. There is a need to move to a more balanced approach embracing the environment, social and good governance as well as economic concerns. We need a comprehensive rules-based approach to the whole of environment and sustainable development, with the necessary legal back-up and equal access and capacity to access by all signatories. Whatever new or enhanced form of international environment governance develops, the world needs an environmental champion for global environmental issues, and a champion for sustainable development more broadly. UNEP is critically placed to become a champion for the environmental side - possibly helped if it is allowed to become an Agency and not a Programme - ensuring more secured funding.

3. Possible reforms to ECOSOC and the Commission on Sustainable Development

In 2007, Stakeholder Forum proposed a two-track sustainable development initiative to define the areas where the UN's institutions in general and the CSD in particular, could make a distinctive contribution to the implementation of global sustainable development. The 2007 argument was firmly constructed on the paragraph 157 of the Johannesburg Plan of Implementation (JPOI), which stated:

"Strengthening of the international institutional framework for sustainable development is an evolutionary process. It is necessary to keep relevant arrangements under review; identify gaps; eliminate duplication of functions; and continue to strive for greater integration, efficiency and coordination of the economic, social and environmental dimensions of sustainable development aiming at the implementation of Agenda 21."

Despite this existing and clear mandate for international institutions to keep sustainable development governance under review, this is not occurring. In fact, the last major discussion on IGSD, International Governance on Sustainable Development, was held during the 2002 World Summit on Sustainable Development. Furthermore, discussions on the CSD-11 programme of work's cross cutting issue of IGSD have been limited, and in some cases absent from the last few cycles.

As Brazil outlined in their submission to the Secretary-General (2009):

"Notwithstanding the international consensus on the need for enhanced coordination and cooperation among international organizations and environmental agreements, diverging views remain on how to reform the current United Nations system so as to enhance its efficiency for driving sustainable development. Overcoming this impasse requires a broader and integrated reflection in lieu of the fragmented approaches which have been attempted so far."

In this discussion paper, we have modified and updated the 2007 Stakeholder Forum paper to respond to the recognition of IGSD in the upcoming Rio+20 process.

A Strengthened CSD

In 2007, Stakeholder Forum proposed the establishment of a process under the CSD, in the form of an open-ended Ad Hoc Working Group to focus mainly on the future and role of the CSD, including through a stock taking process of the first three cycles.

Such a process would build on the initial views of Brazil, South Africa in their submission to the Secretary General (2009) and in particular the European Union which proposed that the Conference:

"Should seek ways for strengthening the CSD's role to review the progress in implementing Agenda 21 and JPOI, and reinforce its position, including its analytical and information base, in the context of UN reform."

The open-ended Ad Hoc Working Group would have as its primarily objective to work to ensure that CSD returns to its original mandate of integrating environment and development in intergovernmental decision making. The Ad Hoc Working Group could conduct a 'stocktaking exercise', with the participation of all stakeholders (governments, the UN and civil society) of the three CSD cycles and identify lessons learnt and obstacles in the implementation of the CSD's core mandates. The aim of such a process would be to identify areas where the CSD could be improved, without any new reform-type initiatives or processes being launched. This initiative would be a learning process and could include a continuous discussion on the CSD and sustainable development in the UN system. The process could lead to a set of changes to the CSD to make sure its mandate is properly fulfilled and that the CSD becomes the authoritative voice for sustainable development in the intergovernmental system.

The process should focus both on content and process – how can the CSD meetings become more innovative, inclusive, and stimulating, and how can the CSD ensure its outcomes are relevant?

South Africa's initial views outline several key issues that should be further explored by the Working Group, namely:

"In the stock taking process, we need to ask if we are using the CSD sessions effectively. Is it necessary to refine the way that we are interpreting and implementing the decision that member States took at CSD-11, on the organization of the work of the CSD? A number of challenges could be considered, namely: there is a limited assessment of challenges at regional and international level; there is a limited and general focus on means of implementation; there is limited focus on the institutional arrangement for international sustainable development governance. There is an ad hoc approach to longer terms monitoring of progress with the JPOI targets that have already been reviewed in previous cycles. There is a tendency towards the de-linkage of

the JPOI and MDGs. Most importantly there seems to be a tendency to reinforce in a non-integrated way, the positions that are taken in other international forums, on economic, social and environmental issues. This means that in the CSD, there is risk that we are disintegrating and not integrating the economic, social and environmental pillars. This means, that potentially the CSD is a follower and not a leader on sustainable development."

Regarding substantive issues, the Ad Hoc Group could focus on how the multi-year programme of work is implemented in terms of the original CSD mandate as outlined in A/RES/47/191, UNGASS-19 and the JPOI. The discussions could focus on the following five thematic areas:

- Influence on policy/action;
- Approach to governance;
- Political/science/knowledge interface;
- Means of implementation and financing; and
- Participation.

In addition, the working group could address the recommendation made by the European Union which suggested that the Event should:

"look beyond the CSD work programme and start thinking of how we envisage a post-2017 CSD"

Such a process could be launched around the Summit , and initially report back to Prep Com III (2012) with a proposed set of measures that could be implemented during the multi-year programme of work following the High Level Event. This would allow time for reflection and the identification of priority areas that could then be continually addressed and evaluated by members of the CSD

The Rio plus 20 process could integrated the work done, beginning with the third Prep Com for Rio plus 20.

CSD – a permanent Council at the UN.

What was well begun at the last Rio conference should be successfully continued at the next Rio plus 20 Conference. CSD was established as a standing committee under ECOSOC, and this reflected the political weight, expert understanding and political priority of sustainable development of the 1990s. With the dramatic change in priority concerning environmental issues, CSD should now be upgraded to a new permanent council at the UN.

When the UN decided to establish the Human Rights Council, a precedent was created, and now is the time to capitalise on this. Having environment and sustainable development as the key agenda points at council level will give these issues the political recognition they deserve, The global public opinion has long ago given them this priority, it is time the UN does the same, as it ostensibly represents 'we the peoples'.

By elevating CSD to council level, upgrading UNEP to agency level will also make more sense. The two institutions will enjoy the same political importance, and they will be able to communicate with each other on the same political level with the same political priorities and relevance and their functions will complement each other's on this level as well.

A Strengthened Global Sustainable Development Regime

Under the JPOI (paragraph 143) the General Assembly was tasked with giving "overall political direction to the implementation of Agenda 21 and its review." To date sustainable development issues are generally discussed within the Second Committee, but in most cases the outcomes are procedural and not substantive. Lars-Göran Engfeldt, the former Swedish Ambassador for Sustainable Development argued that "another major weakness was that the highly relevant results of Rio were not linked to the ongoing reform process in the economic and social fields of the UN." He says:

"there was no movement to use Rio, in spite of its unprecedented high-level participation, as an inspiration or vehicle for the much-needed overall reforms that could lead to a merging of UN development agendas and programmes." (From Stockholm to Johannesburg and Beyond)

Engfeldt's views are too a large degree true of the JPOI, and as such sustainable development governance was largely absent from the round of UN reform that emanated from the 2005 World Summit Outcome Document.

This is the view captured more broadly in Switzerland's initial submission to the Secretary-General, where they proposed that the:

"event would have to critically assesses the existing governance structure...... it would also have to look at the functioning and effectiveness of the governance system in each of the three pillars of sustainable

development. The high level event would have to improve governance of the environment system, of the development system and of the social system and the economic/finance system in order to put in place the governance system that can make sustainable development a reality."

The ideas expressed above, by South Africa and Switzerland, may be re-invigorated and become part of the issues to be discussed in the process up to and during the Rio plus 20 Conference. The following illustrates ways to do this:

- As a complementary step to strengthening the CSD process, Stakeholder Forum proposes a process under the auspices of the General Assembly to identify the building blocks of a more robust intergovernmental framework for sustainable development.

- A second proposal for addressing the institutional framework for sustainable development would be based on an open-ended consultative group on international sustainable development governance, also to function under the auspices of the General Assembly.

- The process would aim to addresses the building blocks of a more robust intergovernmental framework for sustainable development and provide the General Assembly with a mechanism to assess and review the workings of the UN's normative, analytical and operational functions with regard to sustainable development.

- A core function of the consultative group would be to assess the new and emerging developments in sustainable development matters, particularly with regard to identifying areas where coherence and coordination at the intergovernmental and UN system levels should be enhanced.

- The benefit of a General Assembly process would ensure that sustainable development reforms were placed on an equal footing and synergies could be explored within existing discussions on system-wide coherence and international environmental governance.

- Substantively, discussions could focus on the institutional framework outlined in the JPOI, which includes a set of nine objectives and measures on:

  - strengthening the institutional framework for sustainable development at the international level;

  - the role of the General Assembly and Economic and Social Council;

  - the role and function of the CSD;

  - the role of international institutions;

  - strengthening institutional arrangements for sustainable development at the regional level and national levels,

  - and the participation of Major Groups.

- Such a process would ideally be an outcome of the High Level Event at the Rio meeting, in other words, its work would only start following the 2012 Event.

- However, this does not mean that the Event would not address IGSD, in fact a key outcome of the Event would be agreements on a set of long-term objectives, or several short- and medium-term objectives, associated with the area of institutional structure.

- In other words the Event would conclude with the adoption of a shared vision on the "Global Sustainable Development regime and priorities (as voiced by South Africa 2009)." On the basis of this shared vision and objectives the Informal process would then develop a strategy for strengthening and improving sustainable development across the UN system.

ECOSOC Reform – Sustainable Development Board

The High Level Panel on System Wide Coherence recommended the establishment of a Sustainable Development Board to oversee the One United Nations country programmes. This was an idea which should be revisited.

The proposed coordinating board we believe is necessary to provide oversight for the One United Nations country programme, in particular to provide system-wide coherence, ensure coordination and monitor the performance of global activities.

The original idea proposed that the existing joint meetings of the boards of UNDP/the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP) be merged into this strategic oversight body — the Sustainable Development Board — which would report to the Economic and Social Council.

With UNEP becoming a Specialised Agency with an Executive Board we would suggest that they a should be added to the list members of a proposed Sustainable Development Board.

Such a Board could also play a significant role I n reviewing the outcomes from Agenda 21, the JPOI and also the outcome from Rio+20. If a new Sustainable Development Council of the GA or reform of the Trustee Council deals with emerging critical issues then the system as a whole will have a more coherent feel to it.

As the Report suggests:

"The Board should comprise a representative subset of Member States on the basis of equitable geographic representation, and should enhance the participation and voice of developing countries. The Board would be responsible for endorsing the One United Nations country programme, allocating funding and evaluating its performance in advancing the objectives agreed with the programme country. The Board should also maintain a strategic overview of the system to drive coordination and joint planning among all funds, programmes and agencies, and to monitor overlaps and gaps."

4.   Conclusion: Delinking IGSD and IEG

While in theory there is no argument for de-linking the IEG and IGSD agendas, however at the political level these processes and their outcomes should be seen a separately timed endeavours. This separation is necessary to avoid a North-South standoff (as witnesses during the WSSD), with in particular the EU wanting the IEG process to result in agreement on their proposal for a World Environment Organization and the South wanting the process to lead to a strong CSD focused on delivering the means of implementation, in particular finance and technology. This is not to suggest that the RIo+20 Process should launch a major new reform process on sustainable development. In fact, given the geopolitical bridges and general state of mistrust among member states, in particular the failure to agree on the second commitment period of the Kyoto Protocol and the stalled General Assembly negotiations on para 169, launching an ambitious reform agenda may not be well received.

On the other hand, failing to initiate a process to strengthen the CSD and the UN system would perpetuate the:

"perception that CSD faces challenges in fulfilling its fundamental roles – to confer political orientation, promote dialogue and partnerships and foster coherence among implementation actions (Brazil 2009.)"

Therefore we suggest that the current IEG process under UNEP be transferred back to the General Assembly process and that negotiation are urgently resumed with the aim of concluding outstanding IEG discussions by the latest Prep Com III in 2012 with UNEP playing a critical ongoing role in support of the GA. UNEP could be mandated by its IEG group during the upcoming meetings to approach the present CSD Bureau and ask them to place the issue of ISDG at an organisational session at the upcoming IPM to be taken up by Prep Com II for the Rio plus 20 meeting, which is back to back with the IPM of the CSD. The issue could be raised already at the first Rio plus 20 Intersessional in January 2011. On the assumption that negotiations have concluded, Prep Com II could start the process of discussions and negotiations on a shared vision for global sustainable development governance, with the aim of adopting a set of long-medium-and short-terms goals in Rio in 2012, and mandating the General Assembly follow-up process.

Note: This paper has been drawn from a number of those in the Annex

Annex 1 Stakeholder Forum papers on Sustainable Development Governance

1. Discussion Paper 1: International Governance for Sustainable Development and Rio+20: Initial Perspectives
2. Options for Strengthening the Environment Pillar of Sustainable Development: Compilation of Civil Society Proposals on the Institutional Framework for the United Nationals' Environmental Activities (2007)
3. UNEO: A Champion for environment in the 21st Century, but what role for Stakeholders?
4. Stakeholder Forum Report: Strengthening the Johannesburg Implementation Track
5. The UN System and Sustainable Development: Proposals for a Sustainable Development Institutional Initiative
6. From Words to Action: Towards a Strong Follow up to the High Level Panel on System-wide Coherence
7. Workshop on UN System-wide Coherence, 28 February 2007, UN Headquarters, New York
8. Priorities for 'Energy Cycle': Summary of the Possible Policy Approaches Identified in the Second Cycle Regional Implementation Meetings (2006)
9. Reflections on World Summit 2005
10. UNEP: Changing Times (2005)
11. UNEP Workshop Form to Follow Function
12. UNEP 8th Special Session Global Ministerial Environment Forum - Reform of UNEP - Form to Follow Function
13. UNEP Bali Strategic Plan for Technology Support and Capacity Building
14. Bridging CSD12 and CSD13
15. International Environmental Governance
16. Post Johannesburg: The Future of the UN Commission on Sustainable Development
17. Report on "The Future of the CSD" side event held during the 57th UN General Assembly.
18. Governance for Sustainable Development: Outcomes from Johannesburg.
19. Comments on the WSSD Prep Com 4 text "Institutional framework for Sustainable Development"
20. A Contribution to the WSSD Working Group III Text "Sustainable Development Governance"
21. The Future of the Commission on Sustainable Development
22. Governance for Sustainable Development
23. Interlinkages Among Multilateral Environmental Agreements
24. Analysis of UNEP Executive Director's Report on International Environmental Governance
25. International Environmental Governance: The Role of UNEP

Annex 2 Stakeholder Forum papers on Sustainable Development Governance

----

Some examples of major groups and civil society at Bureau Levels in the UN system –

Researched and written for the UN CSD Rio plus 20 Major Groups as a background paper

by Jan-Gustav Strandenaes, Senior Policy Adviser, ANPED, and Consultant to Stakeholder Forum, June 2010.

From the Secretary General's report to the Preparatory Committee for the United Nations Conference on Sustainable Development

The UN Charter recognises three major actors at the intergovernmental, multilateral level: nation states, international governmental organisations, and – according to paragraphs 71 of the UN Charter – non-governmental organisations, NGOs. This fact is reflected well in §70 under Chapter V "Institutional

Framework for Sustainable Development" of the Secretary General's Report[2] on the upcoming UNCSD conference, often referred to as the Rio plus 20 conference.

P.69 of this report has an entire bullet point on Mobilising Major Groups by stating that: "The CSD process is still recognised as the most interactive and inclusive process within the UN system, allowing for active civil society engagement." It goes on to reiterate some of the merits of this integration, and the report points to the importance of the major groups active participation in implementing CSD decisions at national level through a reinvigoration of the NSDS, National Sustainable Development Strategies and the NCSD, National Councils on Sustainable Development. This is listed in the report as one possible measure of a successful outcome from the new Rio conference in 2012. The bullet point ends with the following statement: "Thus, broadening the base of major groups participation in the CSD process is considered important."[3]

The UN system has taken cognizance of the CSD experience, and various units of the multilateral system have actually gone further in involving civil society at a high political level. The following points give a few examples of this development, allowing for reference to already existing formal precedent.

ECOSOC allows NGOs into the UN at high level - a brief historical background

Largely inspired by events leading up to the Rio Conference in 1992 and the results emanating from this conference, the 1990s saw an explosion in the interest among NGOs to work with the UN at global level.

According to UN NGLS, the UN Non-Governmental Liaison System "the number of international NGOs alone has grown forty-fold over the last decade (the 1990s), to over 37 000 in the year 2000. Countless, thousands – possibly millions – more work regionally, nationally and locally."[4]

A huge problem facing the NGOs was then by and large that they were relegated to the back of the room at the UN meetings, alienating them from continuous activity. They also did not feel they belonged to the multilateral system, a system they worked intensely for in the field implementing the decisions taken at UN meetings. With the 'influx' of civil society in the UN, and the UN and governments using these actors actively and as an integrated element of their implementing plans, ECOSOC started to upgrade how NGOs could be integrated in policy processes at the UN. [5]

Participation with obligations and demands

The details of the currently valid participation rights are set out in an ECOSOC resolution passed in 1996 (ECOSOC Res. 1996/31, 25th of July 1996 on Consultative relations between the United Nations and nongovernmental organizations)[6]. The resolution envisages far-reaching participatory opportunities for national and international NGOs within ECOSOC and its Functional Commissions, such as the (formerly) Human Rights Commission and the Commission on Sustainable Development (CSD). The resolution also details the participation of NGOs at international UN conferences.

Referring to the 1996 ECOSOC requirements, the following can be extracted as being of importance for the NGO accountability, and as such must also apply to facilitating units. They shall:

- Be of recognized standing within the particular field of its competence or of a representative character;

- have a representative structure and possess appropriate mechanisms of accountability to its members;

---

2 A/CONF.216/PC/2

3 Ibid, p 24.

4 Intergovernmental Negotiations and Decision making at the United Nations, a guide by UN NGLS and Gretchen Sidhu, UN Geneva, 2003, UNCTAD/NGLS/2003/1, pages 72 and 73

5 http://www.un.org/reform/civilsociety/practices.shtml, UN System and Civil Society - An Inventory and Analysis of Practices, Background Paper, Secretary-General's Panel of Eminent Persons on United Nations Relations with Civil Society, May 2003

6 ECOSOC Res. 1996/31, 25th of July 1996 supersedes the old resolution regulating relationships between NGOs and the UN, ECOSOC Resolution 1296 of 1968.

- have members that shall exercise effective control over its policies and actions through the exercise of voting rights or other appropriate democratic and transparent decision-making processes;

- have mechanisms for appropriate accountability that needs to be institutionalized;

- integrate the fact that the legitimacy for an NGO begins with the individual who uses it as an instrument of voluntary association;

New Millennium, new challenges new opportunities

The above has led the UN at process level to envisage and utilise new approaches to working with civil society and at the same time preserve and safeguard the sovereignty issue and the principle foundation of the UN – that it is an intergovernmental system. By so doing the UN has been able to integrate both sovereign states and "we, the peoples" in its work.

The beginning of this millennium has seen a number of new governance structures within the UN. The following lists a few where NGOs are serving at almost the highest political level at the UN.

The same sets of arguments shown here and that are functioning, may also be said to be relevant to the work civil society will engage in to make the Rio plus 20 a success. The national work referred to is in principle similar to the ideas outlined in the SGs report on the Rio plus 20 Conference (see footnote no 1) as well as the document on Organizational and Procedural Matters.[7]

The Policy Bureau at UNAIDS and civil society

UN AIDS has a much broader definition of civil society than UN CSD. The official UN web-site states that: "Among the various UN entities UNAIDS has had one of the most diverse and extensive set of civil society partners." The web-sites goes on to explain the rationale behind engaging with civil society for a multilateral institution whose primary overarching mandate drawn up by the Charter is to engage with governments: "The wide range of strategic and tactical expertise within civil society organizations makes them ideal partners in the process of preparing National Progress Reports. Specifically, civil society organizations are well positioned to provide quantitative and qualitative information to augment the data collected by governments."

Five civil society representatives in the Bureau and their codes of conducts

"UNAIDS was the first United Nations programme to have formal civil society representation on its governing body. The UNAIDS model helped inform the governing structures of the Global Fund to fight AIDS, TB and Malaria. At present, the Programme Coordinating Board (PCB) allows for an NGO Delegation of 5 representatives and 5 alternates. The Delegates have formal terms of reference, can serve for up to three years and have non-voting status."[8]

UN AIDS has been instrumental in setting up a structure at country level whereby authorities at local and national levels work and collaborate closely with civil society in all instances – in developing the overall national response, on developing health policies, advocacy issues, capacity building, research outreach programmes, concrete workshops, access and accountability in terms of product development and information dissemination, rights and issues based questions.

UN AIDS including governments acknowledge that the major part of advocacy for reaching out to people, and for channelling their responses to the globally enacted programmes and policies and thus making these programmes and policies more effective, efficient and result oriented is done almost exclusively by civil society.

UNAIDS has developed a set of principles and values for working with civil society and the following values and principles have been agreed to guide collaboration with civil society on universal access efforts.

UNAIDS Secretariat and Cosponsors work with the following values:

_____

7 A/CONF.216/PC/3

8 From the official UN AIDS website

- Coherence, clarity, accessibility, transparency, accountability and multi-way communication;

- Strategic planning and action;

- Investing in partnership based on shared goals;

- Willingness to challenge and to be challenged constructively;

- Recognition of the strengths and potential of all partners;

- Passion, audacity, engagement, activism and responsibility;

- Sharing, learning and leadership;

- Respect for diversity for all regardless of sex, age, religion, ethnicity, opinion, social or economic status, sexual orientation or HIV status and a respect for a human rights based approach;

- A belief that every interaction presents an opportunity to learn something new and move the response forward;

- Sustainable long-term responses to AIDS, and to ensuring the skills and experiences of civil society are harnessed.

Civil society has developed a Code of Good Practices to be followed in their work with individual, local authorities, governments and multilateral governmental organisations. The Code's core values are:

- Valuing human life;

- Respecting the dignity of all people;

- Respecting diversity and promoting the equality of all people without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion;

- Preventing and eliminating human suffering;

- Supporting community values that encourage respect for others and a willingness to work together to find solutions, in the spirit of compassion and mutual support;

- Addressing social and economic inequities and fostering social justice.

Civil society organizations working with the governments and the multilateral institutions have highlighted the importance of adhering to principles of good governance; among them are:

- Observance and practice in democratic processes to provide opportunities for the fullest participation and genuine inclusion of all members of relevant communities in the political process;

- Accountability and transparency practiced;

- Institutional structures that provide for legitimate forms of community representation

From a report on the UN and civil society commissioned during the work on UN Reform (2003), the following formal collaboration between governments, the multilateral system and civil society are listed, (reference footnote 4):

Office for the Coordinator for Humanitarian Affairs (OCHA)

"(Excerpts) Humanitarian relief programmes and policy-making have always engaged both local and international civil society - as conduits of assistance and sources of information and analysis. Civil society plays a crucial role in the work of OCHA, which is an inter-agency coordination structure. For example, since 1991, the Inter-Agency Standing Committee, which is served by OCHA as secretariat, includes the leaders of five

international NGOs (they are listed) as well as the Executive heads of the humanitarian agencies of the UN, and representatives of the World Bank and UNDP. IASC meets every three months to make policy recommendations on humanitarian issues and emergencies."

World Summit on the Information Society

Civil society and governments collaborated closely at this conference, and the Declaration of Principles adopted at the first Summit in Geneva in Switzerland took note of this in the agreed declaration. Paragraph 20 states clearly the common interest of the various defined groups we find in the modern society today. Emphasising principles of good governance is central to the declaration, also the sovereignty of states.

> *"Governments, as well as private sector, civil society and the United Nations and other international organizations have an important role and responsibility in the development of the Information Society and, as appropriate, in decision-making processes. Building a people-centred Information Society is a joint effort which requires cooperation and partnership among all stakeholders."*

UN Summits on environment and sustainable development

The conference on the environment in Stockholm in 1972 was the first to recognize civil society as a player at global summits. It seems therefore fitting that this tradition be developed and refined further at Rio plus 20.

The first Rio conference, UNCED in 1992, developed the concept of the nine Major Groups, and strongly recommended the UN to adopt this wider understanding of civil society and to incorporate and involve them wherever appropriate. UNCED at Rio in 1992, was preceded by the the International Conference on Water and the Environment (ICWE)[9] in Dublin, Ireland, (January 1992), reputedly the first global conference where representatives from governments, the UN system and NGOs agreed on a set of principles, which were subsequently sent to UNCED for further elaboration. The second global meeting of Habitat, Habitat II (1996) included NGOs in its formal drafting sessions, and the WSSD in Johannesburg (2002) was the most participatory summit with non-state actors in the same venue and interacting directly, rather than in parallel forums. Johannesburg also provided space for non-state actors to present critical comments on the summit's outcomes at plenary.

The General Assembly and the Security Council, have no direct formal or legal framework for NGO participation. In practice, however, the General Assembly has opened up to NGOs in recent years, for example with the "+5 Special Sessions" and the informal Civil Society Hearings in the run-up to the 2005 World Summit and beyond. Even in the Security Council, a protocol trick (the so-called Arria Formula) enables individual consultations with NGOs to take place. These have taken place outside Security Council premises and do not appear on the official Council agenda.

---

9 http://www.cawater-info.net/library/eng/l/dublin.pdf