

OUTREACH 2005



BUILDING PARTNERSHIPS FOR SUSTAINABLE DEVELOPMENT

MONDAY 26TH

CORPORATE WATER RESPONSIBILITY

Severn Trent case study

How can a growing international company ensure that it operates within both the rule of law and international best practice as it expands its operations into both new countries and new sectors? Adherence to a strict code of conduct is crucial to businesses being trusted to play a role in delivering much needed environmental services, including clean water provision and wastewater treatment.

Developing and monitoring a strict code of conduct was identified as a vital step for Severn Trent, a company with \$3.5 billion turnover and 15,000 employees, focused on delivering environmental services to customers around the world. The company's principal activities include delivering clean water, treating waste water, waste management and environmental testing. Its companies include: Severn Trent Water, a regulated UK water utility; Biffa Waste Services, providing waste management in the UK and Belgium; Severn Trent Laboratories, offering comprehensive environmental testing in the US and UK; Severn Trent Services, manufacturing water purification and disinfection equipment, and Severn Trent Water International, sharing the group's skills in managing water and waste water through consultancy and management services around the world. Severn Trent has been rated global utility sector leader in the Dow Jones Sustainability Index since 2001.

Sustainable development is an extremely important concept to the group, as it defines the future viability of many of the businesses. For example, Severn Trent Water in the UK has invested a great deal of research into understanding the likely impact of climate change over the next 100 years. The region faces drier summers and wetter winters, making it a challenge to provide secure clean water supply in the summer and deal with a higher volume and intensity of storm water in the winter. Alongside this adaptation work, the group takes responsibility for its own greenhouse gas emissions – in 2002/03 the group meet 44% of its electricity needs through the generation of renewable energy. As a publicly owned business, Severn Trent realises that its ultimate shareholders – including those with pensions, people who buy insurance policies, and people who have invested

their savings – want to see the business carefully manage and improve its environmental and social impact whilst gaining a return on their investment. The company has a Corporate Responsibility committee, a sub-committee of the main board, which meets quarterly and is chaired by the Chief Executive, and includes the chairman, another non executive director and the managing directors of the major business units.



Fair share for all

The company has grown through acquiring businesses in different environmental sectors. As the business grew, it became clear that maintaining the same global high standards of conduct that were achieved in the UK water business would be a challenge. The UK water business operates in a well regulated sector, where there is a strong framework developed by a number of regulators, focused on price, water quality and environmental impact, with clear guidelines for major contractual arrangements such as purchases. Other parts of the business operate in less regulated, more directly competitive environments, such as waste management and environmental testing. The many small acquisitions that have grown both of these parts of the business have brought in companies that were often family owned, with less procedure in place to deal issues such as health and safety,

conflicts of interest and environmental impact. Some smaller parts of the business also operate in a sales, consultancy or management contract capacity, in many countries around the world. Different cultural practices can make such issues areas of potential concern, particularly if there is not a common understanding of what terms mean.

To ensure that such risks were managed in a structured way across the group, rather than in response to an incident, the board decided to take a proactive approach and asked the business to begin a process of developing a group-wide code of conduct, which after 18 months of development was first published in 2000. Although the drive for creating the code was 'top down', the process of drafting it through workshops around the business ensured that the right issues were covered, that people felt that they owned the code, and perhaps most importantly that it was practical enough to be workable in the daily

(Continued on page 2)

business environment. As a result the code is structured around what is and is not acceptable within the daily relationships that people around the business have both internally and externally. These include relationships with customers, suppliers, employees, local communities, government and political parties, competitors, shareholders and the environment.

To ensure the code also reflected best external practice the company established a relationship with the Institute of Business Ethics, a not-for-profit organisation in the UK, and built on their stakeholder approach for a company code of conduct. The code includes a requirement for employees to report unlawful activity in the group to their manager and the company secretary, and a commitment to the protection of employees who make the group aware of any contravention of the code. The Group Chief Executive is responsible for supervising investigations of all reports of breaches of the code.

The process of embedding the code in the business also took time. Throughout 2001 and 2002 briefings took place through heads of personnel, direct to key employees and through managers around the world. The code was also presented to the employees European Consultative Council.

Ongoing monitoring is an important dimension of the code. Every group business is required to provide annual human resources performance data, which includes data on workforce diversity, information on dismissals due to a contravention of the code and the number of concerns raised under the whistleblowing policy. Businesses are also required to explain how they ensure that all employees are aware of and understand the code. In addition the independent internal audit team, reporting directly to the audit committee of the board, have been fully trained on the code of conduct and are required to investigate and report any potential breach of the code they discover.

The code is currently in its review cycle, where additional measures that have come to light since its first drafting are being included. The focus is on a workable internal document, and the review has taken an extended period, including input from managers around the businesses. Again, we are working with the Institute of Business Ethics (IBE) right from the start of the review to ensure that we consider best practice. The IBE will also offer an external critical review of the new version once it has been drafted from further internal workshops.

For more information on Severn Trent visit: www.severntrent.com/aboutus and to download the code of conduct visit: www.severntrent.com/aboutus/valuesvision.php

Outreach 2005

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Sustainability Reporting : The Path to 'Clearly Better' Performance

At the CSD session in April 2002, a new sustainability initiative was launched here at the United Nations. Known as the Global Reporting Initiative (GRI), this was a multi-stakeholder attempt to encourage all organisations – business, government and civil society – to measure and communicate their own contribution to sustainable development. So what has happened in the intervening two years? What contribution has GRI made to sustainable development?

The first thing to recall is why the GRI was developed and why it remains revolutionary.

- ***Triple Bottom Line*** : Until the advent of the GRI, there was no coordinated effort to bring together the economic, social and environmental aspects of an organisation's performance. Existing codes, guidelines and standards usually referred to only one or two of these, but did not bring all three together in the one place. The GRI *Sustainability Reporting Guidelines* enable all organisations to assess, measure and report their performance in these three areas.
- ***Multi-stakeholder*** : Before the creation of the GRI, sustainability indicators were either left undefined, or were defined at the national or sectoral level. This meant that they were not globally relevant, or not legitimate in the eyes of other sectors of society (who were not involved in their development). By contrast, the GRI process is one of engaging the main non-government sectors of society – business, service providers, labour organisations, NGOs and academics – in a multi-stakeholder process to agree globally-relevant and comparable indicators.

Five years ago, only a handful of companies reported on anything more than their financial performance. Now, thousands report on some aspect of their non-financial performance using some form of sustainability indicators. Over leading 400 companies in 43 countries around the world use the GRI Guidelines, and the number is rising rapidly (see www.globalreporting.org). The GRI has become what some have called the 'gold standard' for sustainability reporting. This is because it has been officially recognised : by the 2002 UN Summit on Sustainable Development; by UNEP (it is an official 'UNEP Collaborating Centre'); and by the UN Global Compact which has designated it as the preferred reporting framework. It has become the market leader, used alike by both reporters and report users, such as banks and investors.

In short, it has helped embed the concept of sustainable development into everyday operations of mainstream life. Its products – such as the GRI reporting guidelines are available freely for use as a 'public good'. Its governance, based on multi-stakeholder participation by NGOs, business and others – as equals – encourages balanced universal participation.

Why Report, and to Whom?

By using the GRI Guidelines, organisations can begin to understand what 'sustainable development' means in practice. But that still leaves the question, why a company should report on its non-financial activities. After all, non-financial reporting is not mandatory?

Over the last decade, several distinct stakeholder groups, and their interests, have clearly emerged in the field of sustainable development.

- *Employees* : want information about how their company is performing, about plans for expansion or plant closures, and about health and safety issues. In brief, they mainly want information about anything that affects their jobs, families and local communities. If a company is to be able to attract and retain employees, it needs to be trusted and its goals and practices supported. *Here, sustainability reporting can be a powerful tool to communicate with staff and engage them in collective efforts to improve performance.*
- *Customers* : want information about products and related production processes. The quality of the product and, increasingly, how it was produced, are factors that are taken into account – along with price – in purchasing decisions. As numerous NGO campaigns have illustrated, human rights and environmental issues have become central to demands for increased transparency. *Sustainability reporting can be used to brief customers on performance, and in so doing build trust, gather ideas for improvements, and reduce the risk of boycotts and other brand-tarnishing attacks.*
- *Investors* : want any information that may affect the security of their investment. Shareholders and fund managers, large and small, need a wide range of information. In the past, much of this was contained in financial reports. The series of celebrated financial collapses in the first part of this decade undermined public trust in corporate management and in traditional financial reporting. *Sustainability reports are now widely used to meet the needs of investors look for greater transparency about a corporation's governance and management, financial situation, labour practices, strategic thinking and plans for the future. In the USA, a number of ethical investor groups have been bringing shareholder actions over the last few years calling on companies to report using the GRI framework.*
- *Rating and Benchmarking Agencies* : play an increasingly important role in shaping investment behaviour. They require detailed information on a wide range of aspects of the financial and non-financial performance of a corporation. This interest can be witnessed in the rise of questionnaires which these agencies, together with fund managers, now send routinely to companies. *The fact that several leading investment houses now encourage reporting based on the GRI framework underlines the point that the market is looking for more information than national laws or stock market rules require.*
- *Regulators* : need to strike a balance between stakeholder demands for extensive and detailed information, and corporate concerns about excessive costs and concerns about commercial confidentiality. Governments and market

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Time to report

corporate transparency. *In several countries (e.g. France, UK), legislation already requires some form of reporting on social and environmental policies. Also perhaps marking a new trend, the Johannesburg Stock Exchange requires all companies listing to prepare sustainability reports, and recommends use of the GRI.*

NGOs : civil society organisations frequently perform a watchdog role, highlighting and responding to issues that they believe are not receiving due attention. The UN now lists over 2,350 NGOs which have formal consultative status with its Economic and Social Council (ECOSOC), the body responsible for, among other things, sustainable development issues. Several leading NGOs now call for laws on corporate accountability. *GRI-based sustainability reports, which contain NGO inputs, provide a credible basis for reporting and long term NGO engagement.*

But is there a business case?

Sustainability reporting seems set to assume an ever greater importance for organisational management. There is an imperative for well-managed organisations to be transparent to themselves as well as the outside world.

- *Management* : needs accurate and comprehensive information about such things as emerging market trends, consumer and client interests, emerging national policies, internal production performance, employee attitudes and suppliers. Any information affecting performance, brand and reputation is material to management. *Sustainability reports can be used to improve internal information management and performance monitoring systems.*
- *Suppliers* : need clear information about customer policies and expectations in order to perform efficiently. In a world where out-sourcing has become commonplace, optimisation of transparency within supply-chains has assumed greater importance. Global brands know that a chain is only as strong as its weakest link. Their reputation is now built around components whose production they do not directly control. *Sustainability reporting is one tool for ensuring product quality along the supply chain.*

There is increasing evidence that companies that are more transparent about their activities and policies are rewarded in the marketplace. Among the benefits of higher levels of public disclosure are lower share price volatility; lower cost of investment capital; higher average share price; and higher management reputation.

Increased transparency tends to lower the risk that investors will be surprised by new developments, and increases trust in the quality of management. Companies that have good internal and external information gathering and communication systems are better placed to identify both risks and opportunities, which can mean greater responsiveness to changes in the market-place and improved performance.

Conclusion

Sadly, the challenges of sustainable development will become worse before they get better. Business has a vital role to play, but it cannot play this role without communicating its commitment and performance to all its stakeholders. Indeed, all organisations need to look at their contributions : sustainable development is everyone's business. The GRI sustainability reporting framework is playing a historic role in encouraging continuous improvement by all organisations and in forging new partnerships for progress.

Paul Hohnen, Director for Strategic Development, Global Reporting initiative (GRI)



Protection of Environmental Rights: International Court of Environmental Arbitration and Conciliation

ENVIRONMENTAL RIGHTS AS A KEY POINT OF THE RULE OF LAW

During the second half of the XXth century we have seen the development, either under international or domestic laws, of certain ethic and political parameters and rules which are called human rights. The establishment, for instance, of the European Court of Human Rights (ECHR) and the provision in many constitutions of systems for an effective judicial protection of these rights are fair signs of their development in order to reach certain common legal grounds to achieve somehow sustainable justice or the law for sustainable development. From another perspective, the real situation shows that, subject to some exceptions, national courts do not assume customary international law or principles of international law of the environment to the extent that individuals, NGOs and municipalities can derive rights from their violation.

JUDICIAL PROTECTION OF ENVIRONMENTAL RIGHTS

Existing mechanisms

The current lack of judicial protection of environmental rights by national courts are not compensated through the availability of international judicial review. There are various international courts such as the International Court of Justice, the International Tribunal for the Law of the Sea, the Court of Justice of the European Community (CJEC) and the ECHR. Furthermore, the WTO dispute settlement bodies may decide also on environmental matters.

Need for international arbitration and conciliation

One of the main, if not the major, task of institutionalised arbitration and conciliation of environmental disputes would be to protect the individual right to an adequate environment by granting individuals and non-governmental organisations access to justice and develop the substantive right to the environment based on existing international human rights, some of the principles just mentioned and statutory law applicable under the relevant conflicts rules. This would comprise prevention, restitution and compensation of environmental harm. The deficit analysis presented above clearly shows that individuals and NGOs are not adequately protected in international disputes on the environment and their role must be clearly strengthened.

THE ROLE OF THE INTERNATIONAL COURT OF ENVIRONMENTAL ARBITRATION AND CONCILIATION

Origin of the Court

At the International Congress on Environmental Law held in Cuernavaca (Mexico) in May 1993, Dr. Demetrio Loperena, worried about the absence of adequate control on compliance by states with international environmental law, proposed the creation of an International Court of Environmental Arbitration and Conciliation. The idea was highly welcomed by the participants of the congress and led to a series of discussions among academic experts on the subject, resulting finally in a call on those ones who shared the idea to a meeting in Mexico City on the 21, 22 and 23 of November 1994. They agreed to constitute the International Court of Environmental Arbitration and Conciliation as a civil association under Mexican law. During the constitutive session the Secretary General and the Secretary General Assistant were appointed, the provisional statutes approved and a list of experts on environmental law to become members of the Court decided. This decision was made in the form of a closed list, but open to other legal cultures. Initially it was formed by professors of 26 different nationalities. The statutes were definitely set forth during



three plenary sessions held by the Court. The first of them was held in San Sebastian (Spain) on 19 and 20 July 1995, the second in Mexico and Cancun between 27 November and 4 December 1995, and the last in Nea Epidaurus (Greece) on 12 and 13 September 1996. Meanwhile, thanks to the funding support of the Basque Government and the University of the Basque Country, the administrative office of the Court has been set up in San Sebastian, Spain, for processing the Court cases. In such a simple manner the institution began its operation and has kept on operating till present day.

Modes of Operation

Access to the Court is not limited. Parties may be natural or legal persons, whether public or private, national or international. In particular, the procedure is open to individuals or NGOs who challenge the conformity of administrative decisions taken by states and their subdivisions with applicable law. In all types of procedures for the resolution of controversies the Court applies:

- International treaties of environmental protection;
- The general principles of international environmental law;
- The relevant national law, in accordance with generally accepted rules of private international law and other pertinent rules for conflicts of law;
- Any other principles, rules or standards which the Court deems relevant, including equity.

The activities of the Court comprise the following three procedures:

- a. Arbitration
- b. Conciliation
- c. Consultative opinions

The Court may issue consultative opinions in relation to any legal environmental matter of international concern at the request of any kind of entity whether public or private, national or international. Consultative opinions are full text available on application to the Secretariat, unless the party applying for the opinion requests otherwise. Consultative opinions may have the following nature:

- a) Preventive, in order to ascertain whether a proposed project is compatible with environmental law.
- b) Confirmatory, to confirm that an action has been carried out in compliance with environmental law; and
- c) Denunciatory, enquiring whether an action by another person complies with environmental law and, if not, making that information available to the international community.

This study shows that there is a need for international arbitration and conciliation around environmental matters. However this relative success of the Court does not mean that every single petition could be processed until the final procedural phase. Often, the petitioners abandoned the case. Apart from this, there are two common features to observe:

- a) Public institutions named defendants in every case rejected the petitions for conciliation, probably because in their countries they enjoy the privilege of compulsory enforcement of administrative acts, so they see no reason to take the risk for their actions being paralysed.
- b) The petitioners are in most of the cases affected citizens or

conservationists without economic resources to afford an ordinary procedure of the Court.

Conclusion

The experience of the International Court of Environmental Arbitration and Conciliation shows that from the point of view of concerned individuals and NGOs, there is a need for international alternative settlement of environmental conflicts. However, states and their subdivisions are reluctant to submit themselves to such adjudication, especially in the relationship with individuals and NGOs. Although one may safely state that the international law of the environment is on the road to strengthening the role of non-state actors, there is still a long way to go before access of these actors to international adjudication will be fully recognised. The International Court of Environmental Arbitration and Conciliation, especially in view of its flexible procedure for issuing consultative opinions, its independence and broad scope of legitimacy, offers an international forum for making available the need for some sort of international independent resolution of environmental disputes. If the way we live together is to be ruled by Law, and if this is to be a just rule, we have here the perfect opportunity to show future generations that reason and good sense can also sometimes overcome barbaric and unsustainable development practices.

by Xabier Ezeizabarrena

SIDE EVENT

Challenges for the Water Industry in Corporate Social Responsibility

United National Association UK

Supported by Stakeholder Forum

April 26th

6.15pm - 7.45pm

Conference Room D

Chair:

- *Felix Dodds, Stakeholder Forum*

Speakers:

- *Andy Wales - Severn Trent*
- *Dennis O'Brian - Global Compact*
- *Dr. Demetrio Loperena - ICEA&C*
- *Peiter van der Gaag - ANPED*

SIDE EVENT

CSD-12 Related Event
Reception and Networking Session
in anticipation of
**The UN Decade of Education
for Sustainable Development (2005-2014)**
Monday, April 26th, 6:00-8:00PM
At The Church Center, 777 UN Plaza (44th and 1st), 2nd Floor



Preparing for the UN Decade of Education for Sustainable Development:

- Learn and share info about cooperative efforts underway at the international and national levels.
- Hear from representatives of UNESCO; the Global Higher Education for Sustainability Partnership; United Nations University/ Institute for Advanced Studies and Japan; the U.S. Coalition for the Decade of ESD; and others.
- Join friends to network & enjoy good food and fellowship.

To RSVP: please contact Kari Detwiler, kdetwiler@bic.org, 212-803-2500

Hosted by:

- Association of University Leaders for a Sustainable Future
- Bahá'í International Community
- George Washington University Environmental and Social Sustainability Initiative
- International Centre for Leadership Results, Gettysburg College
- Pop Sustainability
- University of New Hampshire Office of Sustainability Programs
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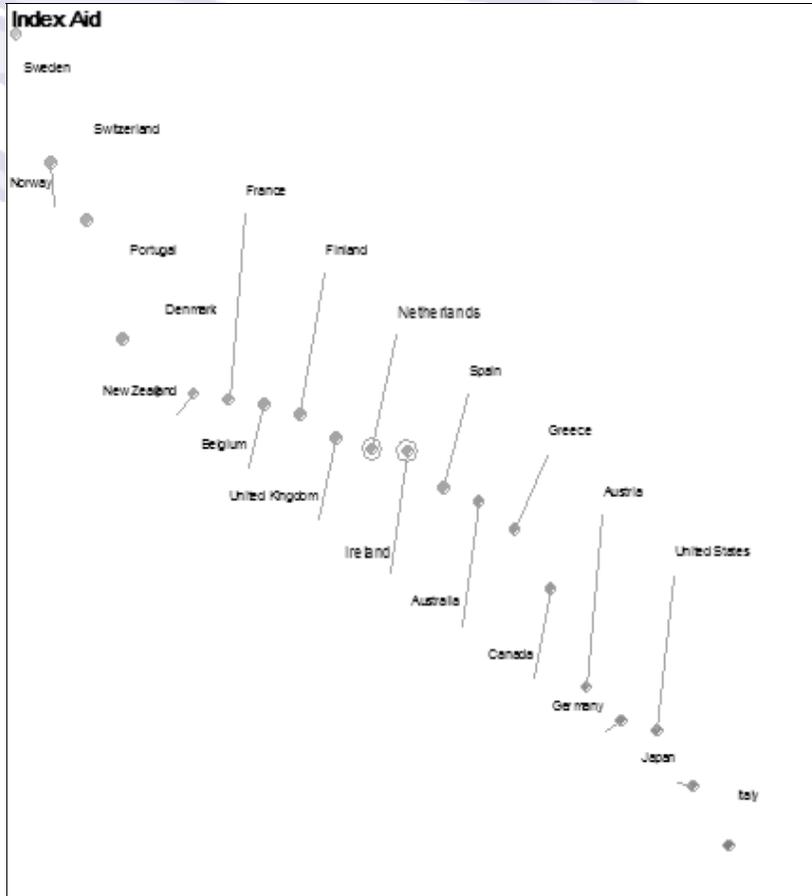
Commitment to Development Index Aid Indicators

The CDI Dashboard is a tool to enable governments and stakeholders to understand critical issues that the 2005 agenda will address. The Dashboard works by creating an index of government performance and delivery against a defined set of criteria. Outreach will be running a different index each day, around issues critical to the 2005 agenda.

Based on the following criteria:

	Rank	Points	Country
• Emergency Aid	1	755	Sweden
• Gross Aid	2	667	Norway
• Administrative Costs	3	628	Switzerland
• Aid/Debt forgiveness	4	547	Portugal
• Technical Co-operation	5	511	Denmark
• Partially untied aid	6	510	New Zealand
• Tied Aid	7	506	France
• Debt service principal	8	502	Belgium
• Debt service interest	9	496	Finland
	10	479	United Kingdom
	12	471	Ireland
	13	445	Spain
	14	436	Australia
	15	418	Greece
	16	377	Canada
	17	310	Austria
	18	287	Germany
	19	280	United States
	20	242	Japan
	21	202	Italy

Data source: Centre for Global Development



Courtesy SGSDI – Consultative Group, IISD
www.iisd.org/cgsdi/dashboard.htm

RIO GRINDS

The light-hearted side of Sustainable Development



Dear Andrey...The agony uncle of sustainable development!

Dear Andrey,

I miss negotiations. My life seems empty without brackets. I don't know what to do with all this sleep I'm getting. I think I'm in danger of getting a social life. Help.

Annon

Uncle Andrey says,

Don't come running to me. I told you implementation was a bad idea in Johannesburg!

Dear Andrey,

I can't take it anymore. If I hear the word partnerships one more time, I'll scream. What can I do?

US Delegate

Uncle Andrey says,

Elect a Democrat to the White House!

More from *Dear Andrey* tomorrow...

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MONDAY'S DIARY

Time	Event and Location
10:00-11:30	CR 1: Continuation of the thematic discussions from a regional perspective for the UNECLAC Region & UNESCWA
10:00-1:00	CR 6: Partnership presentations
10:00-1:00	CR D: Learning Centre - New Integrated Water Resource Management Concepts
1:15-2:45	CR 1: Achieving the Millennium Development Goals on and water and sanitation
1:15-2:45	CR 2: Role of environmental data in the improvement of human settlements decision making
1:15-2:45	CR 6: The Arctic - A barometer of global change and a catalyst for global action
1:15-2:45	CR D: Gender, Water & Poverty Connection.
3:00-6:00	CR 1: Discussions on the relationship among the three themes: Water, Sanitation and Human Settlements
3:00-6:00	CR D: Learning Centre - Improving Cities and the Lives of the Urban Poor
6:15-7:45	CR 1: Financing Strategies for Achieving Water Targets - Towards more realism
6:15-7:45	CR 2: Balancing the needs of the Environment & Industry - An Australian perspective on water resource management
6:15-7:45	CR D: Challenges for the Water Industry in Corporate Social Responsibility

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