

## **Kathmandu Declaration of the Asia-Pacific Major Groups and Stakeholders Regional Consultation Meeting**

51 participants from 27 countries attended the Asia-Pacific Major Group and Stakeholders (MGS) Regional Consultation Meeting at the International Centre for Integrated Mountain Development in Kathmandu, Nepal on 22 – 23 November 2012. This Declaration was adopted as input to the Major Groups and Stakeholders Forum, to be held in Nairobi on 16-17 February 2013.

### **Regional priority issues**

The Asia-Pacific region faces wide-ranging challenges to achieving sustainable development. To overcome such challenges, it is vital to facilitate (i) public access to information, decision-making and justice, (ii) greater equity in wealth, resources and power between and within countries, as well as gender- and inter-generational equity, (iii) development and implementation of free prior-informed consent procedures, (iv) stronger accountability and transparency mechanisms for the private sector, particularly those involved in land acquisitions and extractive industries, (v) increased sub-regional and regional collaboration for sustainable management of natural resources (vi) engagement in sustainable development policy dialogues and implementation at global and regional levels and (vii) wider engagement of MGS and non-state actors in sustainable development governance and implementation.

### **Role of MGS in Rio+20 outcome implementation**

Civil society organisations (CSOs) will play an increasingly important role in facilitating Rio+20 outcomes. It is vital to advance the institutionalization of MGSs engagement in Rio+20 follow-up processes such as the planned High-Level Political Forum, Open Working Groups, the proposed Multi-stakeholder Advisory Group (MAG) and other current and emerging mechanisms.

### **Sustainable Development Goals (SDGs) and the Post 2015 Development Agenda**

The SDGs and development agenda beyond 2015 should incorporate a comprehensive and transformative approach to address the diverse aspects of sustainable development beyond the economics, including environmental, social, cultural and political aspects. Efforts should be made to achieve coherence and synergy between the post-2015 and SDG processes, including other multilateral processes related to sustainable development. It is particularly important to reinforce a human rights-based approach by fully recognizing and integrating international standards on equality and non-discrimination, while addressing the root causes of poverty and discrimination. Peace, security, justice and democracy are essential foundations for achieving sustainable development and must be at the core of the post-2015 framework.

### **Institutional framework for sustainable development**

Asia-Pacific States have adopted an increasing number of laws and acceded to relevant international agreements, but compliance with and enforcement of such laws, norms and standards is lacking. Periodic review mechanisms on compliance with time-bound implementation plans should be introduced. An independent ombudsperson for future generations should be established along with other actions to strengthen international environmental governance as reflected in the Rio+20 outcome document paragraph 88 and sub-paragraphs a-h. Environmental governance must include new technologies that are presented as solutions to environmental challenges and climate change.

### **Green economies in the context of sustainable development and poverty eradication**

Green economies in the context of sustainable development and poverty eradication must ensure gender equality; human well-being; environmental risk reduction; ecosystem and biodiversity conservation; disaster reduction; human rights protection; elimination of child labor; opportunities for green, decent work and right livelihoods; the needs of marginalized and vulnerable groups including indigenous peoples; food and energy security; and animal welfare. Green economies may be interpreted depending on national realities and implementation. Disguised or distortionary trade measures under the pretext of green economy should not be permitted. Green economies should be synergic with the pursuit of SDGs and utilize UN mechanisms such as the future High-Level Political Forum to track progress.

### **Sustainable consumption and production**

The 10-Year Framework of Programmes for Sustainable Consumption and Production must be implemented with enhanced involvement of MGS. Countries must be parties to all the international agreements on chemical and waste management while advancing the implementation of UNEP's guidelines. UNEP should develop and facilitate implementation of guidelines on zero waste, and must reinforce the implementation of guidelines on agrochemicals including their applications, trading and disposal. Strengthening UNEP's work on the Bali Guidelines on Principle 10 would promote the transparent implementation of the 10YFP.

### **Public participation and access to information**

Access to information, decision-making and justice is essential to achieving sustainable development. It must be a core principle of the SDGs. We call for an Asia-Pacific Convention on Principle 10 to ensure access to information, decision-making and justice, as provided in Paragraph 99 of the Rio+20 outcome document. The Convention should reflect the needs and interests of various groups and include commitments for governments and private sectors. The process for developing the Convention should be spearheaded by the UNEP Regional Office for Asia and the Pacific (UNEP-ROAP) in collaboration with other relevant organisations and partners. It could gain momentum from cooperating with on-going efforts in other regions.

### **Financing**

Conventional and innovative approaches must be vigorously pursued to generate incentives and mobilise funds for achieving sustainable development. Fossil fuel subsidies and other perverse incentives such as subsidies for commercial fishing vessels and agribusiness should be eliminated with due consideration to their impact on marginalized sectors. Other measures to put in place include taxes on international financial transactions; aviation, shipping, chemical and extractives industries; and carbon emissions. These must be designed and implemented in a progressive manner.

### **Asia – Pacific CSO mechanism**

Civil society requires more institutionalized mechanisms for participation in intergovernmental processes, and regular policy dialogue forums at global and regional levels. UNEP, other UN agencies and donor countries/agencies should provide adequate and stable support and capacity development to enable effective and substantial MGS participation in policy dialogues and in implementing agreements and legislation. Regional CSO mechanisms must be improved and strengthened through transparent, inclusive, democratic and effective operational modalities, building on existing and emerging mechanisms that enable effective and meaningful CSO participation, such as the Civil Society Mechanism at the Committee on World Food Security (CFS) in Rome and its regional processes. We call for dialogue with ministers and government decision-makers and other stakeholders to discuss and pursue strategies for sustainable development.

## **Annex 1: Outcome of the discussions – long version**

### **Kathmandu Declaration of the Asia–Pacific Major Groups and Stakeholders Regional Consultation Meeting**

51 participants from 27 countries in Asia and the Pacific attended the Asia – Pacific Major Group and Stakeholder Regional Consultation Meeting held at the International Centre for Integrated Mountain Development (ICIMOD) in Kathmandu, Nepal from 22 – 23 November 2012. The participants adopted this declaration as an important input to the Major Groups and Stakeholders (MGS) Forum to be held in Nairobi on 16-17 February 2013. Set out below are the recommendations from the regional consultation:

#### **Regional Priority Issues**

1. The four sub-regions of Asia are home to more than 60% of the world's population and the greatest number of people living in poverty. UNEP should thus seek for more adequate representation that reflects this enormous population and the concomitant issues, such as the establishment of a MGSS Regional Council. There is also a need to recognize the very different needs of the fifth sub-region of Small Island Developing States, and specific geographic areas (small islands, low lying coastal states, mountains) as well as indigenous peoples for whom recognition of culture as the fourth dimension of sustainable development is important. Better regional representation and accountability could be achieved by promoting better MGSS involvement in regional and subregional formal processes, including the SAARC and ASEAN.
2. As part of the Rio+20 follow up, we recommend ensuring that MGS have a meaningful role, with clear modalities of participation, decision making and accountability and an indicator of at least 40% participation by women. Promoting greater and more active youth participation in all UN processes – including more support to the UNEP TUNZA mechanism -- is needed together with more opportunities for cross generational dialogue.
3. In the follow-up to Rio+20, we recommend the development of an environmental quality index and carbon indicators with regard to climate change.
4. In terms of poverty eradication, we demand a move towards equity in wealth, resources and power between and within countries, as well as gender- and inter-generational equity. With regard to natural resources there should be more regional cooperation on trans-boundary water sharing, and greater concern for increasing land grabbing; and an indicator to measure the distribution of control over land and resources by communities.
5. There must be specific indicators for gender equality that must be integrated throughout decision making. Equal wage and safe working place for women should be highlighted.
6. There is a need to promote the principle of peace - domestically, nationally and internationally. Other issues of importance to the region include migration, decent work, living wage, waste management and the impacts of extractive industries. The impacts of marine pollution, deep sea mining in the Pacific and unregulated, unauthorized and underreported fishing are also of concern.
7. Stronger accountability and transparency mechanisms for the private sector are needed, particularly in the extractive industries. Policies and measures to halt land-grabbing and forced evictions by both the private sector and governments must also be adopted and enforced. For free prior and Informed Consent we require methods to measure its existence, along with safeguards.

## **The role of MGs in the implementation of the Rio+20 Outcomes**

8. We recommend that mechanisms for civil society engagement be institutionalized in intergovernmental processes e.g. high level political forum, Open Working Groups (OWGs), and other Working Groups mandated by Rio+20 and beyond. Access to information and access to justice are key enabling mechanisms for CSOs. We support the adoption of mechanisms that ensure effective participation of civil society in official processes arising from the Rio+20 outcome document, such as the Multistakeholder Advisory Group (MAG). UNEP should advance beyond the Bali Guidelines on Principle 10 (which are voluntary) and support such initiatives as The Access Initiative. A regional convention on human rights would be a first step.
9. UNEP should assist with building capacity of governments and other stakeholders to enable informed assessment of risks of new technologies, financing and environmental governance. Structures and means to achieve capacity building should be established, including UN undertaking a stock take of past achievements. Good governance at local, national, subregional, regional and global levels is a high priority. Civil society has acted as watchdog, despite personal risks. More transparency and accountability is required from the private sector through compliance with guidelines for corporate responsibility reporting, before involving them meaningfully in governance.
10. Technology transfer should include regard for environmental and social impacts, including remediation of contaminated sites and wastewater treatment. Anti-corruption measures have not been considered and need to be so in order to ensure that technology is not abused. UNEP could set up an Asia-Pacific regional mechanism for Principle 10 to seek redress for activities of transnational companies (including extractive industries), including a tax on activities.
11. With regard to trade, there should be Extended Producer Responsibility and removal of double standards for transnational corporations in developing countries. There should be greater transparency in bilateral trade agreements because some result in terms that are worse than under the WTO.
12. We also recommend that in order to overcome the challenges in setting ambitious policy targets, national policies need to adjust to international policies, political commitments should be made at local, national, and international level. Monitoring systems by the civil society should be set up, and capacity building and information dissemination with partners (community and civil society), technology transfer and financing with no conditionality should be undertaken. Further, a bottom-up collective-community-based governance approach with participation of all stakeholders, including women, youth, disabled people, and other marginalized communities should be implemented.
13. To spur implementation we further recommend in the period post Rio+20 to introduce sub-indicators under the main goals of sustainable development and to collect gender disaggregated data; to encourage and ensure equal participation of both men and women in all UN processes; to develop a program geared towards achieving goals within set time frames and to monitor implementation.
14. Following the model set by the Civil Society Mechanism (CSM) in the Committee on World Food Security (CFS) at the FAO, CSO participation in all UN processes, particularly at UNEP, must provide effective and meaningful opportunities and equal rights for CSOs to deliberate and decide on policy issues and priorities in the same platform as states/governments, with full, adequate and stable financial, institutional and political support from the UN system.
15. Similar to the FAO mechanism, the CSO participation during all UN events and particularly UNEP must provide opportunities for CSOs along with the government in the same platform and provide for equal rights including voting.

## **Positions on Post 2015 Development Agenda and expectations for UNEP**

16. We recommend that the Post 2015 Development Framework should focus on human development, not just economic development. It should go beyond GDP and more on ensuring social (health, education, land tenure, land use, etc), cultural and environmental well-being. The Post 2015 Development Framework should acknowledge and address the inequalities between countries, within countries and between men and women, and also consider intergenerational responsibilities. Our recommendation for the key area and indicators is the following:
- a. 1) A Human Rights based approach (which means to fully recognize and integrate international human rights standards; 2) to address the root structural causes of inequality and poverty including gender inequality and woman impoverishment, with special emphasis on marginalized communities) (equal attention to Social, Economic, Cultural and Environmental pillars); 3) equality and right to development (fair access, control and distribution/delivery of natural, social and economic resources; with requisite political participation; equality specifically between and within countries, between men and women, inter-generational) 5) common but differentiated responsibility; 6) Principle of Intersectionality, to address discriminatory systems on the basis of gender, class, race, ethnicity and other intersects that create inequalities that structure multiple forms of discrimination. 7) democracy, transparency, and accountability;
17. We propose following Goals to be included in the Post2015 Development Agenda: (i) Access to and control over resources and sustainable livelihoods; (ii) Decent Work and Living Wage, ensuring the integration and full enforcement of (iii) Peace and Security Based on Justice (iv) Democratic Participation and Voice of the most marginalized and (v) gender equality.
18. Efforts should also be made to achieve coherence and synergy between the post-2015 and SDG processes as well as other multilateral processes related to sustainable development.

## **Institutional Framework for Sustainable Development**

19. Sustainable development governance is on top of the agenda for the Asia-Pacific region. However, though numerous conventions and agreements exist, the region is facing environmental degradation and additional emerging environmental issues due to lack of compliance or lack of robust environmental governance. Hence, we endorse the formation of a high level political forum with universal membership. This forum should have a special status, directly reporting to the General Assembly. The forum should produce a declaration and a framework with a time-bound implementation plan and targets to ensure that the intentions with its formation will become reality.
20. Since there are no determined modalities for civil society participation under this new forum, it should ensure to continue and build on already existing rules for civil society participation, which exist under the current CSD through more inclusive, democratic and more effective mechanisms.
21. The forum should make use of mechanisms such as peer or periodic review that can hold countries accountable to their commitments. If not progressing in right direction then some sort of sanction or other mechanism should be available to persuade governments to achieve targets. Modalities for monitoring goals and targets of a future development framework need to happen within the countries and representatives of Major Groups and Stakeholders should be part of this effort.

22. For the purpose of reporting, the forum needs to build on existing MDG/SDG institutional mechanisms at national as well as international levels. It should be more representative and inclusive so as to enable realistic reporting of progress.
23. Additionally, we support the establishment of either an Independent Ombudsman for future generations, or a high level representative for sustainable development and future generation. And to strengthen environmental governance, we encourage governments to implement the reform steps as agreed in Rio+20 outcome Paragraph 88.
24. We also propose introspection required within CSOs to identify mechanisms to enhance representativeness and legitimacy within civil society. This effort needs to take place for our participation at international, regional, national as well as sub-national levels. Sectoral representation needs to be considered as well in this regard.
25. The governance of technologies that are being promoted as solutions to environmental challenges such as climate change is a vital component of environmental governance. This is particularly relevant in the context of Asia-Pacific where technologies and extractive activities such as deep-sea mining are being undertaken including in areas beyond national jurisdiction.

#### **Green economies in the context of sustainable development and poverty eradication (GESDPE)**

26. We urge that new labels such as green economy must not confuse, distract from or obscure commitments to sustainable development and that the governments and the international community must instead reaffirm their commitment to sustainable development.
27. Recognising that the current economic model, which promotes unsustainable consumption and production patterns, facilitates a grossly inequitable trading system, fails to eradicate poverty, assists exploitation of natural resources towards the verge of extinction, and has induced multiple crises on Earth, needs to be replaced by sustainable economies in community, local, national, regional and international spheres.
28. Acknowledging that green economies within sustainable societies should also ensure gender equality, democracy, improve human wellbeing, reduce environmental risks, respect the fundamental human rights of people, promote social justice, eliminate child labor, enhance opportunities for green, decent work and right livelihoods, and ensure that jobs and social benefits are distributed equitably among all people;
29. GESDPE must respect the right to self-determination, the right of communities to define own sustainable development framework and economic systems. They must ensure broad meaningful participation at all stages of the development process of community, civil society and social movements with particular measures to ensure the participation of women and marginalised people.
30. GESDPE must ensure equitable control and access over wealth and productive resources such as land, energy, water, seeds, forests and livestock; ensure the right to food, developed through bio-diverse, ecologically sound, humane practices and methods; respects the rights, cultures, languages and wisdom of Indigenous peoples and local communities and acknowledge already existing sustainable practices by people in various fields of agriculture, sustainable consumption, environmentalism, and recycling.
31. GESDPE must work to protect eco-systems, safeguard animal welfare and protect bio-diversity for future generations; create economic sufficiency and enhance the well-being of all people as well as nature.
32. The high level political forum should likewise adopt these principles and ensure that they are reflected in the sustainable development goals.

## **Sustainable consumption and production**

33. Governments must deliver, promote and facilitate an institutional change in the current structures of governance that will ensure a framework for a real transition to sustainability at all levels: international, regional, national and local. The 10 Year Framework of Programmes for Sustainable Consumption and Production must be implemented with enhanced involvement of MGSs. All countries should accede to and enact legislation based on international conventions and international policy instruments on chemicals and waste management including the Basel, Rotterdam, and Stockholm Conventions; the Strategic Approach to International Chemicals Management (SAICM), and the FAO International Code of Conduct on the Distribution and Use of Pesticides. To further strengthen governance in the areas of chemicals and waste, UNEP should initiate the following:

- a. guidelines for countries to develop national plans for chemicals and waste management that include the life cycle of chemicals, chemical profiles, regulations, chemical use, restrictions and bans, waste disposal; and a commission to implement action plans.
- b. international standards for chemical waste disposal in soil, water, and air that countries could use as a starting point.
- c. guidelines and policies to prevent the dumping of old technological products in developing countries. Countries could use these guidelines as a starting point to develop their own policies.
- d. internationally agreed guidelines to eliminate or substitute highly toxic, hazardous pesticides, making agriculture sustainable, free of toxic chemicals and supporting local, diversified, small farm ecological agriculture.
- e. guidelines to prevent double standards of corporations from industrialized nations operating in developing countries and to ensure that they can be held accountable for violating fundamental human rights of people .
- f. guidelines for countries to develop environmental standards to transition to zero pollution.

## **Principle 10 - Participation, access to information, and justice in environmental matters**

34. We call for an Asia-Pacific Regional Convention on the Implementation of Principle 10 of the 1992 Rio Declaration to actually and effectively implement people's meaningful access to information, participation in decision-making, and access to justice at regional, sub-regional, national, sub-national, and local levels, by 2015 building upon Para. 99 of the Rio+20 Outcome document.
35. The Regional Convention on the Implementation of Principle 10 of the 1992 Rio Declaration should be inclusive, sensitive, and responsive to the situations, needs and interests of marginalized and vulnerable groups, including indigenous peoples, local communities and women. This should include detailed requirements and indicators on access to information, meaningful participation in decision-making and access to justice, built upon bottom-up consultations with the Major Groups and stakeholders, particularly the marginalized and vulnerable groups.
36. The process should be led by UNEP ROAP, with cooperation from CSOs coalitions, such as 'The Access Initiative' (TAI) within and outside the region, and the parties of the Aarhus Convention that can share experiences and contribute to the funding and participation of all Major Groups and stakeholder representatives.
37. At national level, commitments should be ensured from governments, the private sector and CSOs with full transparency and accountability.

38. At national level, international cooperation should be forged to support capacity building of both governments and CSOs to implement the access rights effectively and meaningfully.
39. People's access to information, and meaningful participation in decision making that will impact the environment and people's well-being and access to justice, should be integrated into Sustainable Development Goals (SDGs) to assess progress of implementation with indicators that address the structural causes of inequality and unsustainable development.
40. Access to information, decision-making and access to justice is important. Safeguards are needed for rural and indigenous communities who already live sustainably. Cultural aspects are a missing component from Rio+20. Assessment of the trans-boundary impacts of big infrastructure projects (e.g. dams) is also needed.

#### **Financing**

41. Innovative financing is needed for implementation of the Rio+20 outcomes. Fossil fuels subsidies and other perverse incentives such as subsidies for commercial fishing vessels and agribusiness should be eliminated with due consideration to their impact on marginalized sectors. Other measures should be put in place such as taxes on international financial transactions; on aviation, shipping, chemical and extractives industries; and on carbon emissions. Such measures must be designed and implemented in a progressive manner,

#### **Enhancing MGs engagement/Asia-Pacific CSO mechanism**

42. Civil society requires more institutionalized mechanism for participation in intergovernmental processes and regular policy dialogue forums at the global and regional levels. Regional CSO mechanisms must be improved and strengthened through more transparent, inclusive, democratic and effective operational modalities. It is vital to seek greater support and capacity development from UNEP Headquarters, other UN agencies and donor countries/agencies to enable MGS to participate more effectively and substantively in policy dialogues and implementation of agreements. We also call for dialogues with ministers and government decision makers, parliamentarians and other stakeholders, to discuss and pursue strategies to achieve effective sustainable development.
43. The strengthened CSO mechanisms at the global and regional levels should build on existing and emerging mechanisms that promote and enable effective and meaningful CSO participation in intergovernmental processes, in particular the Civil Society Mechanism of the Committee on World Food Security (CFS) at the FAO and its regional processes. The mechanism must provide effective and

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