Post-Rio to Post-2015 Think Piece
What happened to governance at the Summit and what can the future of governance look like?

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IFSD – the Institutional Framework for Sustainable Development - and good governance came out of Rio strengthened. Whereas section IV of the Rio outcome document is the primary IFSD section with paragraphs 75 to 103 detailing governance issues, there are many references to governance elements interspersed throughout the document. Already in the first section aptly called 'Our Common Vision' we read in paragraph 10 of the document:

"We acknowledge that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. We reaffirm that to achieve our sustainable development goals we need institutions at all levels that are effective, transparent, accountable and democratic."

This paragraph may be considered as the basic value and underlying understanding of governance as expressed by this UN Summit. This paragraph may be considered as the basic value and underlying understanding of governance as expressed by this UN Summit. Throughout the history of the UN and in its development of governance issues, we find that delegations at UN conferences have in theory agreed to the principles of good governance, but have expressed political doubt over using the phrase 'good governance" as a generic term in conference documents. 'The Future We Want' has no problem in stating that 'good governance' is a necessity in the struggle to establish a world based on sustainable development. It is a normative statement indicating how we should contextualise governance issues in the post Rio work we are now being engaged in.

IFSD is actually dealt with in many different paragraphs throughout the outcome document, but this paper will primarily concentrate on the paragraphs that attempts to upgrade and strengthen governance on sustainable development within the UN, and review what happened to the efforts at strengthening UNEP and see where the three dimensions of sustainable development now stands.

Before proceeding, it is worth noting that the Rio outcome document consistently refers to the three dimensions on sustainable development, and not the three pillars as has been the accepted 'jargon 'since the formal introduction of the concept in 1987 (2). UNEP started however to challenge the common usage of the 'pillars' (3) in the run up to Rio alluding to the difficulty of integrating pillars as these metaphorically were considered to be stale and rigid, and pillars are either seen as holding up or supporting something. It is as many often pointed out, difficult to integrate pillars (4).

John Scanlon , then special adviser to the Executive Director and Under Secretary General of UNEP, Achim Steiner, gave a lucid talk in Brussels at an international seminar in 2010 dealing with the conceptual and scientific, practical and political challenges in the pillar metaphor, and called for a serious discussion on this issue as it had direct bearing on how sustainable development would come to be dealt with by the UN system and how SD policies would be practically implemented. This paper will also discuss the integration issue as part of the operational modality of the high level forum, using the three contextual references made by Scanlon: conceptual/scientifically, practical and political. Using 'dimensions' rather than 'pillars' also expresses a widening and deepening understanding of the SD issue.

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(1)Please note that this paper is a think piece, still in a somewhat draft format by the author. The analysis is indeed the ultimate responsibility of the author as are any mistakes, and if any occur, they are not intentional.

(2)The term sustainable development is usually associated with the so-called Brundtland commission and their report titled 'Our Common Future', where the three pillars of sustainable development is referred to: the economic, social and environmental pillar.

(3)Even though several UN Documents have been using the concept of the three dimensions of sustainable development, that usage has never been consistent.such, Delivering as One' uses both the three pillars and the three dimensions.

(4)For the record: I will often use SD for sustainable development as for instance in SD issues. The SD will always be capitalized.

A compromise institution on sustainable development

During the negotiating process leading up to the Summit, three options were discussed as possible mechanisms to upgrade the present Commission on Sustainable Development, CSD. Two of these options seemed for a while to compete for support, and both had strong pros and cons during the preparatory process. One advocated a reform of ECOSOC allowing for an integration of CSD issues into the work of ECOSOC. The other option called for the establishment of a Sustainable Development Council, hierarchically at the same level as the newly established Human Rights Council and politically on par with ECOSOC. During the last week of preparatory negotiations in New York at the end of May/beginning of June and during the last three Prep Com days in Rio, a compromise position emerged, presenting a mechanism positioned between the two other positions. And as often is the case in multilateral negotiations, the compromise wins out in the end.
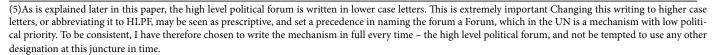
The compromise was called a high-level political forum (5) and the Summit agreed to establish a process to develop this forum further. As paragraph 84 states:

"We decide to establish a universal intergovernmental high-level political forum, building on the strengths, experiences, resources and inclusive participation modalities of the Commission on Sustainable Development, and subsequently replacing the Commission. The high-level political forum shall follow up on the implementation of sustainable development and should avoid overlap with existing structures, bodies and entities in a cost-effective manner."

Will the new institution have any clout?

The organisations that had lobbied hard for the establishment of a council, and quite possibly also the governments, were not totally disappointed with the IFSD outcome. Looking closely at the above paragraph should reveal a number of possibilities and options to strengthen the institutions that frame the political work that will surround sustainable development in the future. One of the reasons for the acquiescence displayed by the two opposing camps listed above, was the agreement arrived at before Rio+20 began. A tacit agreement among a majority of nations had been reached on a number of functions which the new mechanism could perform. These functions are listed in paragraph 85, and proposes that the new mechanism could: provide political leadership, make sure the integration of the three dimensions of sustainable development is carried out throughout the UN system, carry out regular dialogues, develop an action oriented agenda, follow up decisions stated in Agenda 21 and the JPOI and implement these, emphasise and use science and evidence based decisions and develop mechanisms that will allow for 'appropriate consideration of new and emerging sustainable development challenges'.

The last function is important. 'Emerging issues' was one of the agenda items identified by the GA resolution calling for the summit and at the beginning of the Rio process this issue received attention. However, the Rio outcome document recognises 'emerging issues' in a subsidiary paragraph - 85d, and this seems to belie the importance initially given to 'emerging issues'. The d clause states: "(d) Have a focused, dynamic and action-oriented agenda, ensuring the appropriate consideration of new and emerging sustainable development challenges" A few more remarks are needed to address this important subparagraph, which will be outlined later in this paper.

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(5)As is explained later in this paper, the high level political forum is written in lower case letters. This is extremely important Changing this writing to higher case letters, or abbreviating it to HLPF, may be seen as prescriptive, and set a precedence in naming the forum a Forum, which in the UN is a mechanism with low political priority. To be consistent, I have therefore chosen to write the mechanism in full every time – the high level political forum, and not be tempted to use any other designation at this juncture in time.

What does paragraph 84 promise – if anything?

First - paragraph 84 seeks to establish a mechanism that would elevate the importance of sustainable development within the UN and subsequently also within the multilateral world. The mechanism is loosely named a forum, but written with lower-case letters, indicating that the mechanism is yet neither placed in the political hierarchy of the UN nor is it given a political designation with a mandate. Considering the options available in developing the high-level political forum, may relegate the initial discussion into a sphere of 'creative speculation'. But as paragraph 86 directs the UN to establish a process to develop the high level forum, whoever will participate in this process would have to sit and speculate about which options are available, how creative they can be fulfilling the intent expressed by the Rio+20 Outcome Document and which are the formal criteria within which the discussions have to be held.

Reading and interpreting paragraph 84 still allows the innovative thinker to stay within certain parameters. The concluding lines of paragraph 84 states that: "... it should avoid overlap with existing structures, bodies and entities in a cost-effective manner". These are not novel words within the UN system, and do also reflect content and intentions expressed in the rather large and normative UN document named "Delivering as One" . The language reflects a continuum of work that the UN has been involved in through several years. One of the paragraphs in "Delivering as One" directly addresses the importance of sustainable development in the UN, and reference to this should be made when considering the hierarchical position of the high level forum in the UN structure. Paragraph 40 states: "The status of sustainable development should be elevated within the United Nations institutional architecture and in country activities. The United Nations system must strive for greater integration, efficiency and coordination of the economic, social and environmental dimensions of sustainable development." Clearly, Delivering as One had ambitions on behalf of sustainable development within the UN system, ambitions aimed at positioning a UN body working on sustainable development high up on the hierarchical ladder.

Should the resulting outcome from the process dealing with the high level political forum be to establish a Forum, such as the UN Forum on Forests, it is of utmost importance to understand that a Forum within the UN system is treated like a subsidiary, functional committee of ECOSOC. This is the exact same position that CSD enjoyed in the intergovernmental hierarchy between 1992 and 2011. CSD was (and still is) a subsidiary body with subsidiary importance at the UN. Establishing a sustainable development forum along these lines would accordingly not be a move that would strengthen IFSD.

What will replace the Commission on Sustainable Development?

Paragraph 84 gives indications of the political importance of the new mechanism. The proposed high level political forum will be as it signifies at a "high level position" as well as being 'universal' and 'intergovernmental'. This indicates much more than a subsidiary level mechanism.

The UN seems to function better and is more at ease with itself when reference can be made to something which already exists and functions at least reasonably well. The Peace Building Commission (PBC) is a mechanism established in December 2005 at the UN as an intergovernmental advisory body established following decisions made at the 2005 UN Summit, could serve as a reference and a model for the new 'high level political forum'. This Commission is neither a Council nor a subsidiary body under ECOSOC or the Security Council for that matter. This Commission is of a universal in nature, though it is not stated that the PBC has universal membership, it reports to the General Assembly and to 'its' council, the Security Council as well as to ECOSOC. The PBC has been given a high level position within the UN system. Building on its experiences, its methodologies and structure, including its working modalities at the UN and applying these to sustainable development could provide elements of structural, logistical and process experience to fulfil the aspirations expressed by the Rio plus 20 Summit in general and paragraph 84 in particular.

It is of course the experience derived from establishing the Peace Building Commission, the formal opportunities and possible precedent it offers including work modalities developed that could be of interest in establishing the new high level political forum for sustainable development. It should be obvious that translating the PBC experience directly to a Sustainable Development commission would be a disservice to sustainable development. The PBC is for instance, established as 'an intergovernmental advisory body'; the opportunities for civil society to participate in its deliberations are extremely limited etc. The intentions expressed in §84 and §85 are more ambitious as they speak of a more proactive profile for the high level political forum and making it into a decision-making body.

It might be difficult or even wrong to establish a 'standing committee' as the PBC has, but using the examples of the different 'configurations' used to make the PBC operational might serve a purpose.

The reporting structure of the PBC, reporting to the Security Council, ECOSOC and the General Assembly, helps give it its political importance in the UN hierarchy. As a consequence of the universality principle attached to the high level political forum, it should report to both the General Assembly and ECOSOC.

However, it is of utmost importance that the new mechanism stays true to the content of paragraphs 84 and 85, including the governance and sustainable development messages found throughout the Rio+20 Outcome Document. Paragraphs 84 and 85 outline in broad strokes the functions the new mechanism needs to perform. The normative content of the entire outcome document points to the political importance the high level political forum should have in the future. It would be important to understand and develop the new mechanism with an all out operational mandate. As it is now, the reference to 'operational' is only found in §85d – where an 'action oriented agenda' should be seen in relation to 'emerging issues'. Developing an operational mandate is no small task as many CSD member nations were often quick to denounce CSD for not being operational after the review that took place at WSSD and CSD 11(2003).

Emerging issues

'Emerging issues' was one of the Rio+20 agenda points, and giving it merely a subsidiary clause –paragraph 85d, would seem to undermine the importance attached to this concept. The stale and inflexible agenda of CSD, having had a set agenda from 2003 until 2017 was one of the major criticisms levelled at the CSD, primarily by the G77. This set agenda made the issues dealt with at the CSD sessions often seem irrelevant to what was politically important on the global scene, and whenever a crisis erupted with large implications for sustainable development, CSD was incapable of responding to the apparent emergencies because of the agenda that outlined the SD issues between 2003 and 2017. This inability to act with and on relevance contributed to undermining the credibility of the SD body. G77 had many times pushed for a mechanism that would allow a discussion on the sustainable development consequences of major disasters whenever they happened.

Rio+20 offered an opportunity to address the issue of emergencies, and governments seemed for a while eager to find an institutional solution to the 'emerging issue' complex. Thus it would seem necessary, when developing the high level political forum to further discuss not only the conceptual thinking around emerging issues, but also to develop a mechanism within the mechanism to handle 'emerging issues' if or when they emerge.

What worked and should be reinstated

Paragraph 84 states that the new high level political forum should be : "....building on the strengths, experiences, resources and inclusive participation modalities of CSD..." This sentence actually states that all modalities that functioned and worked well since the inception of CSD, should be incorporated into the new mechanism. CSD was created by UNCED in 1992, and started to function in 1993. To make sure that 'strengths, experiences, resources and inclusive participation modalities of the CSD' are included, a review of CSD from its very inception in 1992 until 2010 should be taken, and all modalities that worked well should be catalogued and tested in the new high level political forum to see if the modalities still are functional. The following is an example of modalities that once were employed by CSD, and that promoted sustainable development policies during the first years of CSD. There are other such modalities, but this paper will use this as an example that such cataloguing should be carried out:

As an outcome of UNCED in 1992, the following decision was taken:"To ensure effective monitoring, co-ordination and supervision of the involvement of the United Nations system in the follow up to the Conference (UNCED), there is a need for a co-ordination mechanism under the direct leadership of the Secretary General. This task should be given to the Administrative Coordination Committee (ACC) headed by the Secretary General."

A result of this decision was to establish the task manager system under the Inter-Agency Committee for Sustainable Development, (IACSD). The IACSD was established as a subsidiary body of the UN Administrative Coordinating Committee (ACC), which then acted almost as a 'cabinet' for the Secretary General. The IACSD was chaired by the then Under Secretary General at CSD, Nitin Desai and was made up of senior level officials from nine core members of the ACC: FAO, IAEA, ILO, UNDP, UNEP, UNESCO, WHO, World Bank and WMO. Officials from other UN bodies, intergovernmental agencies and representatives from Major Groups could be asked to attend by invitation. Though this opportunity existed, MGs were never invited to attend. One of the reasons given for this omission was that the Major Groups at the time were seen as rather disjointed. The MGs did not arrive at a functional collaborative system until after the Plus 5 conference in 1997. The IACSD had four focus areas:

1.   Streamlining the existing inter-agency coordination machinery
2.   Allocating and sharing responsibilities for Agenda 21 implementation by the UN system
3.   Monitoring the new financial requirements of UN system organizations that relate to Agenda 21
4.   Assessing reporting requirements that are related to the implementation of Agenda 21 and making recommendations on streamlining

The IACSD also had two Sub-Committees, which reported through it. These were the ACC Sub-Committee on Oceans and Costal Areas and the ACC Sub-Committee on Water Resources. Commenting in 1998, Joke Waller Hunter, Director of the Division on Sustainable Development, said that the involvement of the UN Agencies in task management for different chapters of Agenda 21 ensured a more co-operative approach to reviewing the work of the agency. Indeed the CSD does offer one of the few places where it was possible to review the work on sustainable dev elopement of different agencies outside of their own Governing Bodies. A task manager system with high level political respect and position could be redeveloped and made an integrated element of the new high level political forum.

Another element that should be revisited is the national reporting system on sustainable development. During the first decade of CSD, governments would consult with national civil society working on sustainable development and give repots back to CSD. Thus countries became engaged and they in turn engaged civil society in work on sustainable development.

Positioning the major groups and civil society

The importance of civil society and the major groups is integrated and emphasised throughout the Rio+20 Outcome Document. In the opening paragraph of the document, in the first sentence, we read "... with the full participation of civil society". Referring to the GA resolution calling for Rio+20, and with the subsequent modalities developed by the Bureau specifically involving civil society, this quote is to be understood as 'we will all renew and ensure our commitments to promote sustainable development'.

Chapter C under Section II, Renewing Political Commitments is all about civil society, the major groups and other relevant stakeholders. Although other stakeholders are mentioned, there is little specificity as to which stakeholders the document addresses. This should be revisited. The section reiterates unequivocally what was initially stated already in paragraph 13 that sustainable development can only be achieved through a working alliance with governments, business and civil society and other stakeholders. Reference is made to civil society in the chapters on Green Economy, the SDGs and in the chapters on implementation. There are also direct references to civil society/ the Major Groups in the paragraphs on IFSD and UNEP.

Civil society and major groups at all levels in the new high level mechanism

It would be logical to posit that in fulfilling the intentions expressed in the Rio + 20 Outcome Document, the new high level political forum will have to establish practices that will go beyond the integration of the Major Groups that we have seen through the life of CSD. As with the discussion on the task manager system referred to above, it is first sentence in paragraph 84 that sets the tone and gives the direction on how Major Groups can – and should – be part of the new mechanism.

It warrants being repeated "We decide to establish a universal intergovernmental high-level political forum, building on the strengths, experiences, resources and inclusive participation modalities of the Commission on Sustainable Development, and subsequently replacing the Commission…". The important section of the sentence is embedded in the following words: "… building on the strengths, experiences, resources and inclusive participation modalities of the Commission on Sustainable Development…" Again it is important to remember that the reference here is to the entire life of the CSD, from its inception in 1992 through to CSD 19 in 2010.

This is further elaborated in function "h" in paragraph 85: "Promote transparency and implementation through further enhancing the consultative role and participation of major groups and other relevant stakeholders at the international level in order to better make use of their expertise, while retaining the intergovernmental nature of discussions;" The meaning of this sentence cannot be misunderstood, it entails complete and inclusive participation modalities for civil society, the major groups as well as relevant stakeholders with the best practices from two decades of CSD activities functioning as the best standard for the new mechanism. This poses promises and challenges to the future of governance.

Paragraph 248 on developing the Sustainable Development Goals allows for a completely open and transparent process. It states that: "We resolve to establish an inclusive and transparent intergovernmental process on sustainable development goals that is open to all stakeholders, with a view to developing global sustainable development goals to be agreed by the General Assembly….."

The process around the establishment of the high level political forum should be developed in the same spirit. In the end, decisions on the functionality of the new high level political forum will be taken by the governments through the advice of the UN. When it comes to how civil society/the major groups and other stakeholders should be involved and function in the new mechanism, a process should be established and organized by, for instance the MG coordinator at the DSD (UNDESA), asking for input from the Organizing Partners of the MGs. With input and advice on UN formalities, process and modalities from other stakeholder organizations, option papers and relevant documentation should be developed and agreed to by the nine major groups, including invited stakeholders with an ownership to the UN CSD process. A final paper should then be agreed on and used as the key document on how to allow major groups/civil society/relevant stakeholders to operate within the new high level political forum.

UNEP – in better shape than ever?

High hopes and high ambitions described the initial attempts to upgrade UNEP as the primary global institution on environment with a powerful mandate in the Rio process. Again two camps developed and again a compromise won out. Efforts were made at an early stage in the preparatory work to upgrade UNEP to a specialized agency. The EU seemed uncompromising in its effort to create such a unit and referred to their proposal as the World Environment Organisation. But even if that proposition received staunch support from most African nations lead by Kenya, the necessary unanimous consensus was never reached. Paradoxically, those who opted for a specialised agency as well as those who struggled against it, all claimed to have UNEP's and global environment's best interest at hand.

Still UNEP came out of the process strengthened (see below for details). And in some ways this also reflects the growing understanding of environment among the nations of the world. Environmental protection and healthy ecosystems are strongly linked to the well being of people and of the planet, as well as to poverty eradication and such language is not always seen in documents at GA level receiving wholehearted support from G77 plus China.

IEG and ISDG - an important conceptual and political difference

Over the past ten years a deeper understanding of the differences between the two concepts – International Environmental Governance and International Sustainable Development Governance has taken place. The two concepts were often mixed and sometimes used as synonyms in the lead of to WSSD in 2002. This resulted in creating confusion over how governance and implementation of governance in relation to the environment and to sustainable development were to be handled, not the least institutionally. Conceptual thinking and research of the two governance systems have helped define differences between the two concepts. The growth of the MEAs have certainly contributed to this development, But diligent and forthright thinking by UNDESA has also provided the world with much sought after thought pieces elucidating the issues relating to sustain-