

Draft Working Paper

Major Groups Position Paper on the HLPF

Introduction

This paper represents the Major Groups position to inform the open, transparent and inclusive intergovernmental negotiation process under the General Assembly that started in January 2013 to determine the format and organizational aspects of the high level political forum (hlpf) by May 2013.

Major Groups were paramount in the preparation for and the outcome of the Rio+20 Conference¹. We wholeheartedly support Chapter II C of the outcome on “Engaging Major Groups and other stakeholders (paragraphs 42 – 55) as well as para 13 “We recognize that opportunities for people to influence their lives and future, participate in decision-making and voice their concerns are fundamental for sustainable development. We underscore that sustainable development requires concrete and urgent action. It can only be achieved with a broad alliance of people, governments, civil society and the private sector, all working together to secure the future we want for present and future generations”².

Major Groups remain committed to the Rio+20 Conference outcome document and unanimously support a strong high level political forum as a new mechanism reporting to ECOSOC and the GA, to deal with Sustainable Development (SD) and its three dimensions at the UN as called for in paras 84 to 86 of the outcome document.

Based on our analysis of 3 options below, Major Groups unanimously support Option 3, a “beyond-CSD institution” that builds on strengths of the CSD while addressing its weaknesses, reporting directly to the GA and ECOSOC and not subsidiary to ECOSOC as CSD was. We point to the Peace Building Commission as a model. We also support a two-week CSD-like period for review and implementation, in addition to the hosting of a 2-3 day high-level segment of Economic and Social Council (ECOSOC). The Major Groups do not see the interest of civil society working on sustainable development issues within the UN being taken care of or respected in any other body than the one outlined in general terms in Option 3. Finally and importantly, the hlpf must adopt and build on the CSD rules and procedures, including on Major Groups and other stakeholder participation as opposed to the more limited participation within both ECOSOC and the General Assembly. Major Groups have provided inputs to the Lessons Learned from the CSD SG report and we are developing more detailed recommendations on the enhanced participation of Major Groups and other stakeholders in the hlpf. In the meantime, we provide a set of principles that should guide participation, which we have also submitted in relation to the Open Working Group on the SDGs.

Background

One of the themes and goals of the Rio+20 Conference was strengthening the Institutional Framework for Sustainable Development (IFSD). This focus is part of a larger discussion on the reform of the UN system. The November 2006 panel report “Delivering as One”³ submitted to Secretary-General Kofi Annan acknowledged that realizing the vision of Agenda 21 would require an improved institutional framework for sustainable development within the UN institutional architecture and in country activities. It also recommended that the UN system strive for greater integration, efficiency, and coordination of the economic, social, and environmental dimensions of sustainable development, and multilateral actions to promote sustainability in all its dimensions. In addition to continuing reform of the CSD, the report suggested establishing a sustainable development segment of the Economic and Social Council (ECOSOC) to focus on integrating SD into ECOSOC. In addition, the creation of a Global Leaders Forum would provide strategic guidance on SD policy and global public goods, and a Sustainable Development Board would provide operational oversight among agencies of the “One UN” at the country level⁴.

¹ The GA resolution calling for Rio+20 prominently called for engaging major groups and civil society actors as did the subsequent decision of the Rio+20 Bureau inviting all stakeholders in the world to contribute to the Zero Draft Document for the Rio+20 negotiating process.

² Paragraph 13 of the Rio Outcome Document

³ “Delivering as One”, 2006. <http://www.un.org/events/panel/resources/pdfs/HLP-SWC-FinalReport.pdf>

⁴ The report also called for upgrading UNEP to give it real authority as the environmental policy pillar and having UNEP conduct an assessment of international environmental governance within the UN system.

In the lead-up to Rio+20, two options to strengthen the SD framework emerged:

- reform of ECOSOC allowing for an integration of CSD issues into the work of ECOSOC, and
- establishment of a Sustainable Development Council, modelled after the newly established Human Rights Council (and thus on par with the political status of ECOSOC).

What was agreed on in Rio may be interpreted as a compromise between the two, as outlined in paragraphs 84, 85 and 86 of the Rio Outcome Document: a universal intergovernmental high-level political forum (written in lower-case letters), indicating that the format, organizational aspects, and political hierarchy of this forum will be determined subsequently.

The mandate given to the high level political forum, for ease of reference called the hlpf, is to “follow up on the implementation of sustainable development and should avoid overlap with existing structures, bodies and entities in a cost-effective manner. The hlpf, to replace the Commission on Sustainable Development, will first convene at the beginning of the sixty-eighth session of the Assembly” (Sept 2013).

Options

When meeting with and listening to delegates we heard a vast spectrum of options that ranged from minimal to extensive, including comprehensive beyond-CSD entities. The options can be summarized by:

1. A bi-annual high-level segment on sustainable development during the General Assembly
2. Subsidiary body to ECOSOC or incorporation of the CSD agenda within ECOSOC and
3. A beyond-CSD institution that builds on strengths of the CSD while addressing its weaknesses, reporting directly to the GA and ECOSOC and not subordinate to ECOSOC.

We have assessed each of these options against their ability to (A) strengthen IFSD and (B) deliver on the functions Member States agreed could be taken under the hlpf (para 85). Within (B), we specifically assessed each option’s ability to b) Enhance integration of the 3 dimensions of SD in a holistic and cross-sectoral manner at all levels; and h) 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.

A quick review of the functions envisioned for the hlpf point to a mechanism that both builds on the CSD and encourages expansion beyond CSD activities. The third option would “...[build] on the strengths, experiences, resources and inclusive participation modalities of CSD...”; however, this third option is the hardest to assess since it still has to be “invented”.

Non-Exhaustive Review of Pros and Cons of Each Option

1. A bi-annual high-level segment on sustainable development during the General Assembly

Several proponents indicated that such a high-level segment, emanating from the GA, should be featured as one part of the hlpf activities. A high-level segment would contribute to give political leadership, guidance and recommendations to the entire UN.

The challenge would be to ensure that a bi-annual meeting by itself, even if during the GA and at the highest level, would have a constructive and forceful agenda-setting potential that could deliver on the functions listed in para 85. It is not apparent how or to what extent a high level segment alone could foster linkages to, from and among the UN system.

The UN recognises, according to its Charter, only three players, governments, representatives from the intergovernmental system and, by Charter paragraph 71, non-governmental organizations (NGOs). Still, general access of NGOs is heavily regulated, and they have no real access to the GA. Many organisational and formal obstacles need therefore to be overcome to allow civil society the kind of access at the GA outlined in the Rio Outcome Document, let alone enhanced MGs participation under a high-level GA segment. Restrictions at this high-level also apply to UN staff, which requires them to be accredited and to wear secondary passes to access meeting rooms. Another perceived obstacle is the fact

that the high-level event only lasts for 3 days every 2 years, seen by many to be too limited to accomplish what is outlined in paragraphs 84, 85 and 86 of the Rio Outcome Document.

2. Subsidiary body to ECOSOC or incorporation of the CSD agenda within ECOSOC

An hlpf subsidiary to ECOSOC is not perceived by the Major Group Community as strengthening the IFSD. Incorporating sustainable development in the work of ECOSOC is however referred to in paras 82-83.

- The Johannesburg Plan of Implementation calls on ECOSOC to “promote greater coordination, complementarity, effectiveness, and efficiency of activities of its functional commissions and other subsidiary bodies that are relevant to the implementation of Agenda 21.” Despite previous reform efforts, progress on this system-wide mandate to promote sustainable development coordination still requires a lot of latitude, especially in the horizontal linkages across the work of the functional commissions. For example, the functional commissions have contributed only modestly to the preparatory process of Rio+20, as has the Council.
- JPOI gave the function to integrate the three dimensions of sustainable development in implementation, and SD implementation monitoring and review functions to the CSD.
- Strengthening ECOSOC would be in line with the nature and mandate of this Charter body, and all SD policies should find its proper position within ECOSOC.
- Some governments do now see the hlpf only as a forum, and such a forum must be an integrated meeting point within ECOSOC.

Those that support a stronger hlpf point to several drawbacks of subsuming SD to ECOSOC including:

- The existing agenda of ECOSOC is already overloaded. Without serious and effective reforms, simply adding the sustainable development agenda to the already overloaded agenda of ECOSOC risks diluting the prominence of this agenda item at a time when all recognize the importance of SD.
 - i. The agenda of the 4-week substantive session of ECOSOC already covers 48 items and sub-items, ranging from humanitarian affairs to coordination related issues, operational activities, to LDCs, Haiti, tobacco, HIV/AIDS, gender mainstreaming in the UN system and so on. The 4-day ministerial segment combines the functions of the Annual Ministerial Review (AMR) and Development Cooperation Forum (DCF). The Council also receives and acts upon numerous reports of its subsidiary bodies including nine functional commissions, five regional commissions, as well as a number of standing and expert committees. This vast agenda of the Council combined with its limited meeting time negatively affects its ability to conduct in-depth analysis and review of decisions taken.
 - ii. It is unrealistic to imagine that under current conditions, ECOSOC could assume the CSD functions, let alone the enhanced mandate of the hlpf.
 - iii. It is hard to imagine that sustainable development issues would attain primacy on the agenda. A lesson can be learned from the Financing for Development process. The latest SG report indicates sharp loss in political momentum due to the lack of intergovernmental entity to act as a “champion” for the process.

Without serious reforms of ECOSOC or an explicit reference in the resolution creating the hlpf that CSD modalities with respect to MGs are to be carried over, participation of non-state actors would be limited and not based on the Major Groups format. Some Member States have coupled the two issues, particularly in that they are only willing to discuss the hlpf in the context of ECOSOC reforms. Concerns have been expressed that the 20 years of CSD innovative practices could be lost, if CSD practices are not absorbed by ECOSOC. In addition, accreditation to ECOSOC should be recognized, it would not be efficient to have Major Groups accredited to the hlpf itself, this function should remain with ECOSOC.

Finally, formal ECOSOC meetings will not allow the participation of the Major Groups as they have been allowed at CSD (cfr rules of procedure for ECOSOC of 1992, Chapter 13, including paragraph 79).

3. A beyond-CSD institution that builds on strengths of the CSD while addressing its weaknesses, reporting directly to the GA and ECOSOC and not subordinate to ECOSOC.

In the Rio+20 outcome document, some argue that the dedication of a whole section and several paragraphs to the IFSD, in addition to a separate section on ECOSOC, clearly indicated the desire by Member States to establish a new body not subsidiary to ECOSOC.

The model that has been used to illustrate this third option is the recently established Peace Building Commission (PBC). It has universal membership, it reports to the GA and ECOSOC, including the Security Council, but is not a subsidiary body to ECOSOC. It is understood to have a high level and intermediate status, between the Charter bodies, ECOSOC and the Security Council and the GA. The PCB could be used as a model, it is however important to realize that the PCB does not allow for strong MG participation and for obvious reasons, not the least due to its mandate working on peace issues, misses several mechanisms that can deliver on all functions listed in para 85.

The success of a new mechanism to function as a body to integrate the three dimensions of SD within the UN system, and with a designated formal name will depend on the mechanisms of the new body and its reporting structure.

A high-profile intergovernmental process to champion sustainable development seems to be essential to sustain the implementation and integration of SD. Thus, the 2-3 day high-level segment of ECOSOC could be one mechanism of this option. This option is the only one that allows an institutional space to bring together the efforts of Member States, MGs and the rest of the UN system. Yet CSD may no longer be the most participatory UN process and other UN fora should also be looked at for innovative modalities to inform the next level of MGs engagement and deliver on the ambitious call for MG participation in the hlpf in paras 43, 55, 76, 85 and 86 “to work together with Major Groups and other stakeholders (in global partnership for sustainable development in) addressing implementation gaps and to enhance the participation and effective engagement of civil society and other relevant stakeholders in the relevant international forums and in this regard promote transparency and broad public participation and partnerships to implement sustainable development”.⁵

A review of what worked vis-à-vis MGs engagement with CSD and what needed improvement should be conducted, as well as review of functional modalities of other UN and multilateral institutions to inform the mechanisms that should be integrated in the hlpf. For instance, in its earlier years a UN task team for sustainable development (Interagency Committee on SD) acted almost as a 'cabinet' for the Secretary-General (not unlike the UN Task Team on post-2015 acts now). National reporting systems based on national multi-stakeholder consultations were successful for a while, as were National Councils for Sustainable Development, multistakeholder dialogues that took place over one or one and half day held on specific themes and led by 2 or 3 of the Major Groups were as well an innovative formula introduced in Rio+5 and during the run up to WSSD in 2002. The subsequent interactive discussions during the CSD review sessions have also been positive models of influencing the normative processes of the UN as well as contributing to a deeper understanding of the complexities of integrating the three dimensions of SD at all levels, local, national, regional and global. In addition, there have been many requests from the regions to have their voice heard in the international level agenda setting processes, and efficient ways to achieve this should be explored. We are developing more specific recommendation but in the meantime we would like to offer the following minimum procedures we have developed and presented to the Open Working Group and the Second Committee on SDGs. Ensure public disclosure, access to information, and public participation through Major Groups:

- having access to all documents and drafts under negotiation in a timely manner;
- commenting on any draft reports, and receive an official response on the comments;
- commenting on the draft agenda of the next meeting of the hlpf and suggest further agenda items;
- dialoguing with the Bureau or equivalent for the hlpf through built-in in dedicated time periods;
- having access to additional regular meetings with Bureau members or equivalent;
- having expert advisory seats on any potential sub-working/thematic groups of the hlpf to advise and draw on stakeholder views and expertise on specific topics, as well as provide technical inputs to any specific requests the leadership may have; and

⁵ The Secretariat is preparing a background document reviewing these modalities that will be shared with MGs shortly.

- having access to all meetings at all level with speaking rights .

SD issues have suffered from lack of effective and meaningful integration of the three dimensions. Many have observed that economic and financial issues have not been taken seriously on the CSD agenda, especially post 2000. With the advent of the Green Economy issues, the world has been given a renewed opportunity to view this seriously. The discussion on the SDGs, the Sustainable Development Goals also point the discussion on SD issues in new and relevant directions. With the emphasis on the universality of the SDGs, the UN has been given back its global operational mandate. All of this is reflected in the Rio Outcome Document. All these issues point strongly in the direction of establishing a new mechanism such as is envisaged for the hlpf by paras 84, 85 and 86. The outcome document offers some guidance for improvement on the CSD model in para 92 that points to governance of financial institutions: "...and reiterate the importance of the reform of the governance of those institutions (IFIs) in order to deliver more effective, credible, accountable and legitimate institutions". Para 252 on "Means of implementation" states that: "We acknowledge that good governance and the rule of law at the national and international levels are essential for sustained, inclusive and equitable economic growth, sustainable development and the eradication of poverty and hunger". Thought should therefore also be given to mechanisms by which the hlpf could deliver on financial, economic, and legal governance.

Further Considerations

One of the Rio+20 conference agendas was "New and emerging issues". Lack of space and opportunity in the old CSD model to deal with emerging issues was a major criticism from G-77. A two day high level meeting will not be a proper entity to handle such issues. The hlpf is charged with dealing with these issues, and needs to deal with them in an operational way. We have not yet come across a mechanism that handle new and emerging issues in a timely, operational and relevant fashion, but we are ready to work with Member States to develop such mechanism.

The argument made by some - that a hlpf established as a separate body would weaken ECOSOC and UNEP - should be studied further. Mainstreaming the work of the hlpf into the works of each of these bodies should be a priority. For instance the General Assembly, instead of considering sustainable development in different committees and fragmented in many sub-agenda items, could consider hlpf reports in giving political guidance during high-level segments in advancing the sustainable development agenda.

ECOSOC could also consider reports of the hlpf and complement its work by promoting system-wide coordination of its recommendations. The AMR could promote more coherence and its coordination segment could work with its functional commissions to mainstream SD in their work. The operational segment could promote system-wide coherence of sustainable development and look at how UN agencies, funds and programmes mainstream SD in their work at all levels, while the general segment should cluster reports of ECOSOC subsidiary machinery around SD issues. Where duplications are apparent, redress should be recommended.

The same analysis should be done with UNEP where implementation and reviews of environmental issues are undertaken by the UNEP former Governing Council, but integration of the three dimensions carried out by the hlpf in concert with ECOSOC and the GA. Much work has been done over the past ten years on the differences between the concepts of International Environmental Governance (IEG) and Institutional Framework for Sustainable Development (IFSD) that should eliminate most pre-existing confusion and duplication of work between the two. The Rio+20 outcome document reflects this deeper understanding. It is well worth noting that the dominant governance feature in the outcome document is about sustainable development governance, one of the two themes of the Rio+20 Conference. Section C of Chapter IV, "Institutional Framework of Sustainable Development" deals with IEG in the context of SD to help differentiate between the two governance concepts and establishing clearly that UNEP leads the environment agenda, including its integration by focusing on incorporating environmental concerns across the UN System. The hlpf on the other hand has the mandate to work on sustainable development governance and the integration of the three dimensions of sustainable development, environment, social and economic. Given the lack of progress on the environment agenda and integration of the three

dimensions of sustainable development, there is a clear and needed role of both entities as expressed by the Rio Outcome Document.

This issue is especially important when it comes to the various Rio+20 processes and their reporting arrangements. Priority should be given to reporting that facilitates integration. These decisions should be based on research and efficiency, and distanced from short-sighted political competition.

Conclusion:

As was stated in the introduction to this paper, the Organising Partners of the Nine Major Groups were given substantive information on the various options pertaining to the hlpf throughout the months of September through November. A non paper – the substance of which informed this paper – was written and sent to the nine Major Groups which subsequently consulted with their global audiences on the three options outlined in this paper, a consultation carried out within the confines of a short review period. The position of the Major Groups is that Option 3 is the only option that will ensure that there is full and effective participation of civil society within the UN on issues of sustainable development.

As the decision is being debated, the Major Groups encourage Member States to study best practices for integrating civil society into the UN system and draw upon them to integrate the Major Groups and relevant civil society stakeholders into the new mechanism to replace CSD. Major Groups urge Member States to hold the last session of the Commission for Sustainable Development only when a fully functional new body has been agreed.

We look forward to continue to interact with Member States and provide advice on the hlpf over the coming month.