

Non-Paper on options for the HLPF and their potential implications for Major Groups at the request of the Major Groups Organizing Partners

Request

Major groups were given an opportunity to provide input to the Secretariat on the design of the high level political forum that will replace the Commission on Sustainable Development starting fall of 2013. The intergovernmental negotiations to define the HLPF have yet to start, thus options presented here are derived from preliminary discussion held at the Post Rio+20 post 2015 Engagement meeting held October 20-21, 2012 at Pace University, corridor discussions, a background paper prepared by Jan Gustav Strandenaes on the topic, and some fact finding missions conducted by Major groups.

This non-paper aims to provide food for thoughts and stimulate discussion among MGs to develop their own position on the HLPF by October 31, 2012. This non-paper was prepared by the Major Groups Programme to support MGs to reduce the pressure on MGs at a time of high demand on MGs without financial resources to support them. This non-paper does not reflect the views of the UN system, Member States or any of the MGs.

Background

One of the themes and goal 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”¹ submitted to the Secretary-General Kofi Annan acknowledged that realizing the vision of Agenda 21 would require an improved institutional framework for SD that elevates the status of SD 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 SD and multilateral actions to promote environmental sustainability. 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 that body’s work. In addition, the creation of a Global Leader 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 country level².

In the lead 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 ECOSOC).

What was agreed is a compromise between the two: a universal intergovernmental high-level political forum (HLPF) in lower-case letters, indicating that the format, organizational aspects, and political hierarchy of this forum will be determined subsequently. The process to determine them is an intergovernmental, open, transparent and inclusive negotiation process under the General Assembly to start this fall.

¹ “Delivering as one”, 2006. <http://www.un.org/events/panel/resources/pdfs/HLP-SWC-FinalReport.pdf>

² 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.

The mandate given to 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

There is a vast spectrum of options that vary from minimal to full fledge beyond CSD entities that can be illustrated with the following:

1. a high level forum that convene 2-3 days bi-annually during the GA,
2. a more substantive body within a reformed ECOSOC (e.g. Annual Ministerial Review (ARM) or another ECOSOC segment that convenes as the HLPF; and
3. a beyond CSD institution that builds on strength of CSD while addressing its weaknesses, reporting directly to the GA and ECOSOC and not subordinate to ECOSOC.

Each of these options and everything in between should be assessed against their ability to (A) strengthen IFSD and (B) deliver on the functions Member States agreed could be delivered by the HLPF (para 85); especially b) Enhance integration of the 3 dimensions of SD in a holistic and cross-sectoral manner at all level; 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 function envisioned for the HLPF point to a forum that while building on the CSD would need to expand beyond CSD activities. Indeed the third option would “...build(ing) on the strengths, experiences, resources and inclusive participation modalities of CSD...”. This last option is the hardest to assess since it still has to be “invented”. Instead, the table below provides illustrative mechanisms that this option could have to deliver on these functions. These mechanisms are by no means exhaustive or endorse by Member States. They are only provided to stimulate discussion.

Progressive Options For HLPF/Functions of the HLPF	2-3 days bi- annual seg't in the GA	ECOSOC body	HLPF reporting to GA & ECOSOC
(i) Political leadership, guidance and recommend'tions	Yes	Too overloaded	2-3 Segment in HL, alternate minister and heads of state level
(ii) Integration of the three dimensions of SD ³	?	Too overloaded	??
(iii) Platform for regular dialogue, stocktaking and agenda setting	NO	Too overloaded	Ad hoc working groups in a multistakeholder setting

³ Having Green Economy, 10 YFP on SCP and SDGs report to the same body for agenda setting and review of implementation would facilitate integration.

(iv) Agenda that is action-oriented ensuring consideration of new and emerging issues	Not frequent enough	Hard to introduce new issues	Agenda flexible enough to include
(v) Follow up and review progress in the implementation of SD commitments	Not in itself	Too overloaded	Implementation segment National voluntary presentations Partnerships
(vi) High-level system-wide participation of UN system and other relevant institutions; (g) cooperation and coordination within the UN on SD and (j) coherence of SD policies	No feedback from or to UN	Yes, this is ECOSOC's mandate	Executive committee of UN systems, conventions, Major Groups
(h) Enhancing the consultative role and participation of major groups and other relevant stakeholders to better make use of their expertise, while retaining the intergovernmental nature of discussions	NO, under GA rule (rare participation of CSOs & limited access to UN during HL segment)	Very limited ECOSOC rule (MGs not recognized)	CSD based rules and procedures? Advisory body comprised of experts from MGS to advise the membership
(i) Facilitate sharing of best practices and experiences on implementation of SD	Too Short	Too overloaded	Ad hoc working groups in a multistakeholder setting
(k) Enhance evidence-based decision-making at all levels and strengthening ongoing efforts of capacity-building for data collection and analysis in developing countries	No	Through stats comm. And other DESA development account	Advisory body comprised of experts from MGS to advise the membership and to advise/draft Global SD report
Para 86 promoting intergenerational solidarity	?	?	Ad hoc working groups in a multistakeholder setting
Overall strengthening of framework?	No	Doubtful	Depends on mechanisms

Non-exhaustive review of pros and cons of each option

1. A bi-annual HL segment during the GA

Several proponents have indicated that such a high level segment should be featured as ONE part of the HLPF activities. A high level Segment would help give political leadership, guidance and recommendations.

However, it is hard to imagine that a bi-annual meeting by itself, even if during the GA and at the highest level, would have much agenda setting potential or deliver

on the functions listed in para 85. Importantly it would not foster linkages to, from and among the UN system.

It is hard to imagine enhanced MGs participation under a high level GA segment where even UN staff needs a secondary pass to access meeting rooms and the event last 3 days every 2 years.

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

Having the HLPF subsidiary to ECOSOC is not perceived as strengthening the IFSD. Incorporating sustainable development in the work of ECOSOC is justified according to some by paras. 82-83. 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 beefed up mandate of the HLPF.
 - iii. In addition, 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.
- The JPOI 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 lead way, 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.

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 system. Some Member States have coupled the two issues, ie. They are only willing to discuss the HLPF in the context of ECOSOC reforms.

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

Some argue that the dedication of a whole section and several paras 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 newly established Peace Building Commission (PBC). It is universal in nature, it reports to the GA and ECOSOC but is not a subsidiary to ECOSOC, having a higher status. The similarities ends here as this model does not allow for strong MGs participation and misses several mechanisms that can deliver on all functions listed in para 85.

Of course, as usual the devil is in the detail and whatever mechanisms make up the HLPF and to whom it reports, GA, ECOSOC or both.

Having 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 days high level segment 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 is no longer the most participatory UN process and other modalities throughout the UN system should be reviewed to inform the next level of MGs engagement and deliver on the ambitious call for Major Groups 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.”⁴

A review of what worked with CSD and what need improvement should be conducted as well as functional modalities of other UN and multilateral institutions to inform the mechanisms that should be integrated in the HLPF that would be best deliver the function above. For instance, in its earlier years a UN task team for Sustainable development was established which acted almost as a 'cabinet' for the Secretary General (not unlike the Task Team on post 2015 now acts), national reporting systems based on national multistakeholder consultations were successful for a while, multistakeholder forum held on specific themes led by 2 or 3 of the Major Groups were as well.

Should the two-week CSD period be maintained for review and implementation, in addition to adding a two-day high-level segment in September. If kept, how should these two weeks be structured to foster the integration of the 3D of SD?

⁴ The Secretariat is preparing a background document reviewing these modalities that will be shared with MGs shortly.

The outcome document also offers some lead for improvement on the CSD model in para 92 that point to governance of financial institution: "...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.

Final note

The argument made by some that a HLPF established as a separate body would weaken ECOSOC and UNEP should be studied further. Means of streamlining the work of each body should be studied and pursued. For instance the General Assembly, instead of considering sustainable development in different committees and fragmented in many sub-agenda items could consider report of the HLPF giving political guidance during the high level segment in advancing sustainable development agenda.

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

The same analysis should be done with UNEP where implementation and reviews of environmental issues is done by the governing council but integration of the three dimensions 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 International Sustainable Development Governance (IFSD) that should eliminate most pre-existing confusion and duplication of work between the two. The Rio Outcome Document reflects this deepening of understanding. It is well worth noting that the dominant governance feature in the Rio Outcome Document is about sustainable development governance, one of the two themes of the conference. Chapter C deals with IEG in the context of SD to help differentiate between the two governance concepts establishing clearly that UNEP is in charge of the environment agenda, including integrating 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 3 dimensions of SD, there is a clear and needed role of both entities.

This issue is especially important when it comes to the various Rio+20 processes and to which body they report. For instance, having Green economy, 10 YFP on SCP and SDGs report to the same body should facilitate integration. These decisions should be based on research and efficiency as opposed to being political.