

PEOPLES' SUSTAINABILITY TREATY ON SUSTAINABLE DEVELOPMENT GOVERNANCE

zero draft for public comments by 21.05.2012

1. PREAMBLE

Good governance is fundamental to sustainable development. Therefore, it is highly important that one of the two key themes of the United Nations Conference on Sustainable Development (Rio+20) is the institutional framework for sustainable development. However, there has been considerable debate during the Rio negotiations surrounding the proposals for reforming the international sustainable development governance system. The main challenge posed to decision-makers is how to align the vast number of local, national and global institutions and initiatives responsible for the various aspects of sustainable development, and how to interconnect such a wide range of goals, priorities, commitments, and information.

The number of binding and non-binding global agreements on development issues has been growing rapidly over the past 40 years, and 20 years on from the UN Conference on Environment and Development in 1992, the number of agreements focused solely on environmental problems is now in the hundreds. The 1972 UN Conference on Human Development in Stockholm, ultimately led to the establishment of the United Nations Environmental Programme (UNEP), a cross-sectoral body responsible for the co-ordination of environmental activities across the UN system, alongside a plethora of multilateral environmental agreements (MEAs). By 1992, climate change and biodiversity loss had ascended the public agenda, and were considered the some of the most pertinent global challenges at the time. As a result, the UN Conference on Environment and Development of that year established two multilateral conventions, The UN Framework Convention on Climate Change (UNFCCC) and the Convention of Biological Diversity (UNFCBD), along with the UN Commission on Sustainable Development (CSD), a mechanism to monitor the outcomes of Rio 1992.

Despite expansion and proliferation in the number of institutions and initiatives (more than 900 environmental treaties in the past 40 years), environmental problems have continued to grow. The 2005 Millennium Ecosystem Assessment calculated that not only were we degrading 15 of the 24 ecosystem services identified. Moreover during the second half of the 20th Century humans have altered the structure and functioning of the world's ecosystems more substantially than any other time in human history. Nevertheless, the current framework is highly scrutinised, and how to successfully manage not only our impact on ecosystems, but also socio-economic systems, remains under ongoing debate.

Currently UNEP and CSD are weakened by the fact that they report only to the Economic and Social Council, with no direct communication to the General Assembly, decreasing their relevance to government and non-government stakeholders, and ultimately decreasing their political will outside of UN Global Summits. CSD also currently has no implementation mechanisms, including any for financing. UNEP relies on voluntary finance from member states (with a funding base half the size of UNDP), causing an imbalanced representation of country agendas towards those who provide larger contributions (often industrialised countries).

A significant overarching issue facing the governance system is that development issues have global implications, but often result from national-level actions. In 2010, 86 million barrels of oil were consumed globally per day, which produced 2,351 million metric tons of CO₂ that year. The United States demanded more than 22% of this global consumption (for only 4.5% of global population). To the same end, ecosystem services, which often provide global benefit, tend to be controlled by national jurisdiction. The global regulatory ecosystem service provided by carbon sequestration in peatlands is equal to 75% of that in the terrestrial biosphere, Indonesia contains 90% of South-East Asian peatlands, and contributes 8% of global emissions through degradation.

The reality remains that sustainable development is not, and cannot, be encompassed in an individual institution. Its cross-cutting nature makes it hard to implement; which is further exacerbated by silo thinking in governments and other organisations. The environmental, social and economic dynamics of the issues vary considerably country by country and regulatory institutions usually act autonomously in their management strategies. Successful co-ordination of national objectives with regard to potential global consequences will play an important role in strengthening the sustainable development institutional framework at Rio+20.

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2. PRINCIPLES

Any future sustainable development governance system implemented at Rio+20 should be conceptualised by a number of fundamental principles. The framework must be aspirational, while remaining operationally relevant at a national level. Principles are built on certain premises of the Rio Declaration and the Marlborough House Statement of Reform, and aim to encompass all appropriate aspects of sustainable development. They include both overriding characteristics for a governance system and principles for the address of institutional weaknesses in a current system.

Principle #1: Inclusiveness: a coherent, holistic institutional framework must fully integrate the three dimensions of sustainable development, ensuring national level targets and indicators set out by the governance system are tailored to account for the priorities of the local area.

Principle #2: Equally Representative and Responsive: ensuring Stakeholders have the ability to choose who represents them, and that those representing are democratically elected. In responding to national issues, the needs of all stakeholders must be identified, evaluated and responded too by the governance system in an equal fashion.

Principle #3: Flexible: Any initiatives must be capable of addressing current global challenges, but must have the scope for adaptation in reality of changing scientific evidence, priorities and the circumstances of stakeholders.

Principle #4: Focused on Functions: Framing the mechanism around functions will help determine what form of institutional body will be most effective. Any mechanism must incorporate the functions of political leadership, periodic review of all aspects, and progress monitoring.

Principle #5: Access to Information: introduces accountability, transparency and democratic empowerment to the membership and wider public, into the decision-making process for governance. Access to information would include the ability for citizens to engage through consultations and dialogue.

Principle #6: Global Public Goods: international governance of global public goods (e.g. global oceans, the earth's atmosphere) and their consumption (e.g. the air we breathe), should enhance and rebalance their relationship with private goods. Globalisation currently pressurises this balance, as markets operate worldwide, whereas institutions and regulations to control public goods largely remain national.

Principle #7: A Rights Based Approach: ensuring the rights of all groups are equally respected in any governance decision. Intergenerational must also be considered; as the governance system should not increase the well-being of the present generation should at the expense of future generation's welfare. This can be achieved through living above a recognised social floor, but within our environmental limits.

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3. COMMITMENTS

We, the Civil Society of the World, propose that the UN General Assembly create a UN Council on Sustainable Development. Such a Council would give sustainable development the appropriate level of importance it deserves within the governance structure of the UN, provide integration of sustainability initiatives across the UN and report directly to the General Assembly.

The Council would replace the Commission on Sustainable Development as a much higher-level body for sustainable development. The CSD currently functions and reports through the Economic and Social Council, and therefore has no direct communication with the General Assembly, weakening its messages, decreasing its relevance to government and non-government stakeholders, and ultimately decreasing its political will outside of UN Global Summits. The Sustainable Development Council would provide a higher political profile at the UN, and reflect the gravity of the problems with which sustainable development grapples. The Council must provide high-level political guidance from ministerial and Heads of State level, and improve the science-policy interface. To ensure the management of institutional gaps the Sustainable Development Council must also be given authority to monitor implementation of sustainable development through a periodic review. The Council must also enhance the dialogue and participation between non-governmental organizations, relevant stakeholders and the independent sector, as well as other entities outside the United Nations system.

To strengthen the environmental pillar of sustainable development, we, the Civil Society of the World urge the UN General Assembly to upgrade UNEP to the status of a specialised agency; the World/United Nations Environment Organisation (hereafter referred to as WEO). The WEO would be a hierarchal intergovernmental, international organisation on environmental issues, would have universal membership, possess global MEA legal authority, and would receive mandatory financial contributions by all member states, enforced through a General Assembly resolution.

The benefits of such an upgrade include:

- Providing universal membership for all states, increasing overall organisational financing, but also providing equity in the representation of states with regards to regulatory decision-making and prioritisation.
- Providing enforcement powers over countries or multi-lateral corporations which fail to comply with international agreements, under the principle of global public goods protection.
- Providing a WEO with functional specialisation within the UN system. This would provide an access point for environmental ministries, similar to the WHO for health ministries, ameliorating the coordination deficit in the current governance. It would also provide a focal point among numerous organisations for specific issues, such as health (WHO), trade (WTO), or meteorology (WMO).
- Allowing for the potential development of 'WEO conventions', similar to those of the International Labour Organisation (ILO). The WEO could then adopt draft treaties, negotiated by sub committees, and subject to consideration within WEO headquarters.
- Ensuring equal funding throughout member states, and consequently equitable representation of country agendas. Further a WEO would simply secure a far larger financial base, being at the top of the environmental governance hierarchy.

International Financial Institutions (IFIs) will play an essential role in financing the new sustainable development agenda, particularly as outcomes of the Rio+20 process. Therefore we, the Civil Society of the World urge UN agencies to take a more proactive role in linking IFI policies to UN norms, and translating international environmental and human rights norms into standards which bankers can use. There must be better incorporation of sustainable development parameters in the existing International Financial Institutions, particularly in terms of funding, operations, strategic plans, objectives and implementation.

Finally, we the Civil Society of the World, propose the World Bank Group takes steps to reform its energy policy, mainstreaming environmental considerations into all World Bank considerations. The World Bank Group should play a catalytic role in the transition towards a low-carbon future by supporting low carbon initiatives and promoting renewable energy. This would include the gradual reduction of fossil fuel subsidies, to stimulate renewable energy markets.

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4. ACTION PLAN

The resilience of the global development challenges faced means long-term plans for change must be instilled with immediate effect. The governance system must absorb changing realities of sustainable development challenges for the next 10 to 15 years.

Short Term (2012-2015)

- Rio+20 should mandate the UN General Assembly to begin a process and a treaty for establishing a World Environment Organisation with universal membership and global MEA legal authority, with the understanding that immediate actions are required despite the fact we may not see immediate results.
- The UN General Assembly should create a UN Council on Sustainable Development. Governments must then take action within the UN and beyond, which will support the integration of the social, economic and environmental dimensions of sustainable development into decision making.
- The UN General Assembly should mandate the Sustainable Development Council to monitor implementation of sustainable development through a periodic review and report back to the General Assembly.
- The World Bank and all Member States should begin a process to phase out the lending policies which finance ecological destruction and human rights violations, including fossil fuel subsidies and investments.

Medium Term (2016-2020)

- The WEO should be fully established by 2015, with all Member States participating as full members by this point. This would allow for complete transition from UNEP to WEO, allowing for states to join the WEO as and when their UNEP membership expires in 2013 or 2015.
- Once universal membership is achieved, immediate and equitably sourced capital must be secured from all Member States, with the understanding that immediate returns cannot be promised.
- The WEO should be implementing plans to strengthen the current international environmental agreements, to manage the conflicts among the numerous multilateral agreements, to strengthen the regulatory gaps which exist internationally, to strengthen national level governance, to strengthen accountability at all levels, and to address equity concerns throughout the system.
- The World Bank should have successfully ceased all lending policies to middle income countries by 2015, for projects which cause environmental harm and violate human rights. They should continue with the aim of completing the process globally by 2030.

Long Term (post 2020)

- By 2020, the World Bank should have globally eliminated all lending policies, investments and subsidies which finance environmental harmful activity.
- All implementation plans should be subject to regular review in the context of evolving scientific evidence, and future environmental realities.

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SIGNITARIES

(Note: those who are endorsing and joining the treaty are listed below with a pledge.)

Eg:

We, civil society organizations pledge to

1. Name, Country Organization, Address, website, Email,
2. Name, Country Organization, Address, website, Email,
3. Name, Country Organization, Address, website, Email,
4. Name, Country Organization, Address, website, Email,
5. Name, Country Organization, Address, website, Email,
6. Name, Country Organization, Address, website, Email,
7. Name, Country Organization, Address, website, Email,
8. Name, Country Organization, Address, website, Email,
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10. Name, Country Organization, Address, website, Email,
11. Name, Country Organization, Address, website, Email,