



“AN OPPORTUNITY NOT TO BE WASTED”

a handbook on CSD, National Sustainable Development Strategies and NGO work

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PREFACE TO

“AN OPPORTUNITY NOT TO BE WASTED” a background document to the ANPED trainer workshop in Geneva, October 19 to 22

1.0 A Forceful Purpose

A forceful and impact oriented lobby and advocacy strategy begins at home. Starting lobby and advocacy activities at the same time as the UN meeting goes through the mechanisms of its formal opening, is tantamount to having lost the initiative; the delegations do not come un prepared to a multilateral meeting. They have prepared themselves, spent time and energy on finessing their lobby points; they have studied their opponents and they know who their possible allies are. NGOs can and should do the same.

CSD offers opportunities that are often ignored to the untrained eye, or participant. With a renewed mandate from the JPOI¹, CSD - the Commission for Sustainable Development - offers the world one of the most open and participatory intergovernmental processes on sustainability issues.

These opportunities have yet to be fully utilized by civil society.

Working on issues and pleading with governments to pay attention to these issues are often a frustrating activity. But taking issues that are already on the government's radar screen and then make efforts to input NGO priorities may be a totally different game to play, and a game that many NGOs have become rather good at playing. The COP processes are examples of this: NGOs are in the COP process and have learned to maximise the opportunities that the COP system offers a trained organisation. The CSD is also a point in case: Governments all over the world have obligingly pasted the CSD agenda onto their own agenda, and are working on the issues contained in this agenda, slowly and consciously; maybe not every day, and maybe not many civil servants have been given the responsibility to work on the CSD issues, still the CSD agenda is an integrated segment of one of the Ministries: more often than not, the Ministry of Foreign Affairs, where Ministries of Environment exist, they are also involved. And in the case of this year's CSD – because of the importance of the energy issue, ministries dealing with energy are also concerned with what takes place at CSD.

In other words – we do not have to ask our governments to please pay attention to important issues central to sustainable development. They are already working on the issues. The question we should ask is: How can we help the governments to excel in their effort to serve their national constituencies, and in a larger context: how can we help our governments see the method to work to fulfil the basic intention of the UN Charter: **“...to promote social progress and better standards of life in larger freedom”... and “to employ international machinery for the promotion of the economic and social advancement of all peoples.”**²

This document is prepared for a group of NGOs or other units of civil society to come together at a workshop, discuss, map opportunities, develop and compose a strategy and a plan to engage their constituencies in such a way that it may lead to greater interest in and

¹ Johannesburg Plan of Implementation, decided on at the World Summit on Sustainable Development, the WSSD in Johannesburg 2002.

² From the preamble to the Charter of the United Nations

interaction with sustainable development issues in the nation. The purpose of such a workshop is not to reinvent the wheel, or make new and adventurous forays into the undiscovered world of sustainability. The purpose is to re-discover and be conscious of the already existing possibilities and to devise methods whereby we can use existing and officially accepted priorities to promote and refine concerns that are at the heart of 'we the people's' and thus fulfil the UN Charter's bold and noble intentions.

1.1 From local to global to local

We need to devise a plan whereby we commit ourselves to work on these issues, and do so simultaneously on two interrelated levels: the global one and the local/ national one.

- It is only when we link the two that we can create a lasting and committed interest in the multilateral processes among our national constituencies.
- It is only when we link the two that we can combine the multilateral lobby strategies to the practical concerns of the people in the field.
- It is only when we link the two we can take the experience from the field to the international lobby level and influence the outcome of the international negotiations.
- And it is only when we combine the two that internationally agreed lobby and advocacy results may matter to the people in the fields – irrespective of what the issue being discussed is.

We need to be present at all levels. And if we cannot be ubiquitous, an important segment of our strategy must be to create relevant allies and links to these allies. Thus networking becomes an important segment of our work.

Over the years, a great number of highly respected civil society representatives have turned their back on a number of UN processes leaving space open to itinerant global conference participants, poor on representation and issue knowledge and with even less accountability. As a result of this, the UN and civil society have become vulnerable to a variety of critical views pointing to the fact that the intergovernmental processes are far removed from the people themselves as well as their concerns. As such, both the UN and civil society seem to fail to provide the intergovernmental processes with one of its intrinsic values, one which is expressed in the UN Charter itself in the words: "We, the peoples."

1.2 What is actually in the chapters?

We have written the present compendium to help stimulate to creative thinking around the CSD process.

Chapter one "Maximising the use of the ongoing CSD process to promote national, regional and global concerns on sustainable development" gives a general overview of the ideas and the experience that has gone into the CSD process. We give you an overview of the CSD issues to come, and point to some of the challenges that lie ahead of us in relationship to these issues. Coherence is a popular theme to discuss, it is also important not to misuse it.

Paragraphs 2.5 to 2.9 are meant to be stimulating the work during our two days intensive training. In a condensed bullet-pointed format we have tried to distil some of the concerns we should address while mapping out a lobby, dissemination and advocacy strategy. The last two paragraphs (2.8 and 2.9) are some of the deliverables that should be of some importance.

Chapter two: "Why the coming CSD must be taken seriously - Being involved at the international and global scene" discusses the necessity and advantages of being involved at the international level, at the UN or even in the official delegation. The chapter also gives you, the reader a bit of historical background to the CSD process, and argues why NGOs and other 'quality' representatives from civil society must and should be present at CSD. And it explains one of the rather unique features of CSD – "the multi-stakeholder dialogue".

Chapter three: "Making sense of CSD - a recipe for efficiency and influence for NGOs and civil society" – takes the reader on a tour into the procedural and formal world of CSD: what are the rules of engagement, what do the various modalities actually mean and what opportunities can be found within these rules of engagement. The chapter also answers, albeit in an indirect way, the most pertinent question: Will NGOs be heard and does it matter if we work there? It goes on to explain the two-year cycle and finally offers the interested student excerpts from the formal rules governing CSD.

Chapter four: "CSD and NSDS – the top and the bottom, separate but inseparable entities? Is it possible to make CSD a process with an outcome that is relevant to the common man and woman by strengthening the links to the National Sustainable Development Strategies, the NSDS?" is an effort to delineate opportunities to make plausible links between the top, the global apex, the CSD meetings at UN hubs, and with what was intended to be a formal recipe for engaging the grass-roots of society, the National Sustainable Development Strategies. The discussion centres around two well-written background documents authored by the UK based organisation IIED (International Institute for Sustainable Development, <http://www.iied.org/index.html>). Without analysing the documents, the most poignant and seemingly relevant elements from these documents have been extracted and presented in a bullet point format so they can be readily applied in the discussion during the workshop. As such these bullet points and those found in chapter one, are meant to be used as basis for our discussion.

Chapter five, "Integrating CSD and the NSDS, Elements of a successful strategy for sustainable development," is basically a résumé of a background paper³ prepared by the UN Division for Sustainable Development for a preparatory meeting for the WSSD. The meeting was held in New York between January 28 and February 8⁴, and discussed seriously the progress on developing NSDS. The extract found in chapter five could be used to guide us through a discussion on how to set up a national strategy. The document has great relevance as it seriously looks at progress, lack thereof and also draws into the discussion lessons learnt.

2.0 Finally – also to be included in the discussion:

Finally – we would like to leave you with a number of aims and questions that need to be addressed during the workshop. A synopsis of the answers the participants give these questions as well as the way in which the bullet points can be woven into a comprehensive strategy should be written up and included in this compendium so that the compendium is

³ "Guidance in preparing a national sustainable development strategy: Managing sustainable development in the new millennium" Background paper no 13, DESA/DSD/PC/BP 13,

⁴ <http://www.johannesburgsummit.org/html/documents/prepcom2.html> - check for the outcome report in all UN languages.

turned into a true manual for advocacy and lobby strategies with the active and transparent participation of the participants.

2.1 Issue specific focus.

To mount and develop a successful lobby and advocacy campaign, different qualifications must be sought and refined, both from an organizational point of view and from the point of view of the individual staff working in these organisations. Three qualifications are often pointed at: 'People skills', 'systemic skills or knowledge' and 'issue skills or knowledge'.

A number of the chapters on this manual focus on information that will help broaden and strengthen 'systemic skills'. These skills are at the very heart of any campaign aimed at influencing multilateral processes. However, having mastered a necessary amount of systemic skills, the next phase of developing competence is in the area of 'issue skills'. Various organisations bring various issue skills to the international scene. These have to be clearly defined and understood by the constituency and staff of the individual organisation. ANPEDs main focus is on Sustainable Production and Consumption. From an ANPED point of view the crosscutting issue defined by the CSD (see page) on Changing Unsustainable Patterns of Consumption and Production and the long term programme of CSD provide ANPED with an opportunity to work towards the 2010/2011 cycle, where the 10 year Framework of Programmes on Sustainable Consumption and Production Patterns will be a cluster theme. This issue focus may offer the organisation an opportunity to develop a long-term strategic approach to the CSD process. Thus from an ANPED point of view the main points and conclusions in this manual should all be clearly related to the theme of Sustainable Consumption and Production.

2.1 Strategic aims to be addressed by civil society actors in connection with the CSD

An important and overarching aim of these efforts is to involve competent NGOs in the CSD process. There are a number of reasons why these well-informed and expert networks among NGOs should get involved now.

We present five strategic aims for their presence at CSD:

- 1. Ensure presence of competent, global NGO networks at CSD.*
- 2. Make sure NGOs present at CSD are prepared and view the two-year CSD as one unit.*
- 3. Identify possibilities for coherence between ongoing process on the CSD clusters, and*
- 4. Contribute to the CSD process relevant, new and cutting edge knowledge*
- 5. Initiate a global awareness and information campaign on the CSD themes.*

2.2 Central questions to be asked in preparing for the CSD work.

The proposed workshop, both the one in Geneva as well as those that will take place among a wider group of ANPED members and other organisations, will deal with a set of principal questions. These should be asked of and answered by those stakeholders that feel tempted to participate.

Are we willing to:

- Be present at the sessions;*
- Defend language and hard won victories;*
- Bring forth substantive knowledge and coherence;*

- *Involve organisations at all levels, from local to global.*

Are we willing to:

- *Stay the full two years of a CSD cycle and plan for that;*
- *Understand what this will imply for the organisation to do precisely that, input, work-hours, strategy, finances;*
- *Legitimise working on this rather 'expensive' process for a two-year period;*

Are we willing to consider the following:

- *Make sure that we all bring relevant and well thought out positions to the table;*
- *Make sure the people we bring to the conferences have first hand knowledge of the issues at stake and have good contacts with the constituency;*
- *Are accountable to a constituency and have consulted with that constituency*

Finally, the following should be addressed:

- *How would you develop a two-year strategy to be involved in the next two year CSD cycle;*
- *Which of the thematic areas will you choose to concentrate on;*
- *How do you plan to integrate the various segments of the CSD process;*
- *What would your needs be to fulfil your designed strategies;*
- *How could the various major-group focal points serve you best to become an influential stakeholder;*
- *How do you plan to involve your stakeholder constituency and explain the relationship between the grass roots and the intergovernmental level;*
- *How will you utilise the fact that your government is already working on the CSD issues, have made reports on this (a public document) and probably sent it to the SG of the UN?*
- *How do you plan to make this into a national campaign to make other organisations, your media and people in general aware of what's going on?*
- *Your country has probably written a national strategy on sustainability – provided you know of it, how will you use it in this context?*

CHAPTER ONE

Maximising the use of the ongoing CSD process to promote national, regional and global concerns on sustainable development

1.0 INTRODUCTION

Through the CSD, all stakeholders (governments and civil society) have a unique opportunity to create global public awareness and achieve negotiated results on poignant themes that lie at the core of the sustainability debate. The cluster issues of the coming CSD cycles concern us in ways that are directly linked to our everyday life and well-being: Climate Change and Atmospheric Pollution; Energy for Sustainable Development and Industrial Development. And for 2008 and 09: Agriculture, Rural Development, Land, Drought, Desertification and a special focus on Africa.

For your information we have listed the cluster issues well into the next century.

1.1 Purpose

The purpose of this document then is to highlight opportunities for stakeholder involvement in a process, which will start now, and result in strong factual and political input both into the national process on developing and strengthening National Strategies on Sustainable Development as well as into the regional and global CSD sessions held at the UN hubs and its headquarters.

All governments will have to deal with these issues. The governments already have people working on them in various ministries. Governments committed to working on these and other sustainability issues during the Johannesburg Summit in 2002. The CSD provides us all with an opportunity to see if the commitments our governments made are being implemented.

With the seriousness of the present CSD themes, stakeholders all over the world now have a unique opportunity to build an awareness campaign on these issues among their constituencies, and thus make a relevant link between the concerns of the grass roots and those of the intergovernmental processes. The prerequisite for such a campaign to be successful are – that we are prepared, and willing to commit and understand the process. To highlight these issues is also a purpose of this paper.

This process should make use of the CSD two-year cycle's elements to promote civil society concerns. The two-year cycle comprises a Review Session and Policy session. The timeline starts with: five UN CSD regional implementation meetings (RIMs) (between December and primo February), followed by the CSD Review session, held in the Spring of the first year; the Major Group's official papers (to be handed in to the UN by early December of the first year of the cycle), followed by the official Major Group's policy papers (ready by beginning of November the second year of the cycle), the Intergovernmental Preparatory Meeting, the IPM (February the second year) and finally the CSD proper – usually April/ May also the second year.

The process of developing a possible cooperation must at all times be open, participative, accountable and as inclusive as possible. In no way should the various participating organisations feel they would have to compromise any of their basic policies or values.

Having said that, those of us who have conducted these informal negotiations with a possible aim of creating a common input into the CSD 14 and 15 cluster themes, feel strongly that all stakeholders may have a number of issues in common. Some of these stakeholders, particularly a few of the Major Groups⁵, share to a large extent a common understanding of values, often analyse the issues in a similar way, and have developed their respective plans dealing with the CSD cluster issues that strongly complement each other.

1.2 A poignant challenge and a lack of interest from civil society

The CSD - the Commission for Sustainable Development - offers the world one of the most open and participatory intergovernmental processes on sustainability issues. With a renewed mandate from the JPOI ⁶, CSD is about to start work on its second year of the second round of cluster themes.

The present CSD cycle presents governments and civil society with a most poignant set of themes to work with and with this an opportunity to raise global awareness and renewed interest in some of the basic issues that relate to sustainable development: Climate Change and Atmospheric Pollution; Energy for Sustainable Development and Industrial Development.

Over the years, a great number of highly respected civil society representatives have turned their backs on a number of UN processes asserting that these processes amount to little less than a "great heap of talk". CSD has been criticized, discarded and ridiculed as the biggest talk show on earth dealing with sustainability. This criticism is of course not without its merits. But by leaving these processes, space has been left open to itinerant global conference participants, often poor on representation and issue knowledge, but good at process deliberations. And because for some reason, there will always be one or several civil society representatives present at international meetings, the UN and governments may claim after each conference, that civil society has been consulted. And we have seen that too often, what these so-called civil society representatives have said, does not mirror or reflect the views of civil society. This trend should and must be changed.

The ANPED initiated work on CSD, is a call to participate in a process, which will start now, develop a global awareness and action programme among the grass roots on the CSD cluster themes (Energy for Sustainable Development, Industrial Development and Air Pollution and Climate Change) and result in strong factual and political input on behalf of civil society into the intergovernmental process and ending with a strong commitment to improve the global standards of sustainability.

2.0 BUILDING RELEVANCE

2.1 The CSD themes:

Sustainability issues seem slowly to become ever more important, yet, one cannot claim that these issues are among those that the general public are concerned with on a daily basis. Too often people say these issues are complicated, are of a political nature that do not concern their every day life, are global and as such do not have immediate relevance for them. By using the CSD themes, we all, governments and civil society alike, have a golden

⁵ The 9 major groups as defined by the Rio Summit: Women, Youth, Indigenous Peoples, Farmers, NGOs, Trade Unions, Science and Technology, Local Authorities, the Private Sector.

⁶ Johannesburg Plan of Implementation, decided on at the UN World Summit on Sustainable Development, the WSSD in Johannesburg 2002.

opportunity to make a call for public interest and heighten political awareness in basic sustainability issues for the next two years. The themes for the next years are:

CSD 14/15 thematic cluster

Crosscutting issues

<ul style="list-style-type: none"> • Energy for Sustainable Development • Industrial Development • Air Pollution / Atmosphere • Climate Change 	<p>Poverty eradication, Changing unsustainable patterns of consumption and production, Protecting and managing the natural resource base of economic and social development, Sustainable development in a globalizing world, Health and sustainable development, Sustainable development of SIDS, Sustainable development for Africa, Other regional initiatives, Means of implementation, Institutional framework for sustainable development, Gender equality, and Education</p>
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The 'Crosscutting issues' are the same every year.

The thematic clusters for the period **2008-2009** are:

- Agriculture
- Rural Development
- Land
- Drought
- Desertification
- Africa

2010-2011*

- Transport
- Chemicals
- Waste Management
- Mining
- A Ten Year Framework of Programmes on Sustainable Consumption and Production Patterns

2012-2013*

- Forests
- Biodiversity
- Biotechnology
- Tourism
- Mountains

2014-2015*

- Oceans and Seas
- Marine Resources
- Small Island Developing States
- Disaster Management and Vulnerability

* These issues are subject to a reconfirmation by the GA/ CSD

2.2 Focussing on the issues.

Various stakeholders will bring different expert knowledge to an awareness and policy campaign. To be effective in the context of the CSD themes, stakeholders will have to identify relevant key issues to work at this meeting and start mapping a strategy relevant to

the national, regional and global context. A system or modalities will have to be developed by us through which the various participating stakeholders will have equal opportunities to input their experiences while not having to compromise their own priorities.

Inspiration in developing a programme with relevance for each country and each region can be taken from the so-called 'official CSD reporting system'⁷

"The Commission on Sustainable Development, at its eleventh session, encouraged countries to provide national reports, on a voluntary basis, in particular to the Commission's review sessions. In doing so, the Commission underscored that the reporting should:

- 1. reflect the overall progress in all three dimensions of sustainable development, focussing on the thematic cluster of issues for the cycle;***
- 2. focus on concrete progress in implementation;***
- 3. include lessons learned and best practices;***
- 4. identify actions taken***
- 5. highlight relevant trends, constraints, challenges and emerging issues***
- 6. incorporate, where relevant, the effective use of indicators for sustainable development.***

2.3 Coherence, relevance and cutting-edge knowledge

Coherence, relevance and cutting-edge knowledge have become some of the abused "buzz-words" of the international intergovernmental and civil society scene, lack thereof has often raised the level of indignation among representatives of civil society. Neither governments nor civil society have an abundance of good practices to show in the area of coherence.

However, realising this, the 9 major groups are making efforts this time to coordinate their initiatives and approaches as far as possible.

Similar initiatives are taken within the NGO community, and striving to reach some level of coherence will be yet another target for the cooperation outlined in this document.

Several processes have been going on and are going on simultaneously with respect to the CSD cluster themes, these bullet points concerns the issue of climate change and energy:

On energy and climate/ atmosphere, and example to structure your thoughts:

Montreal early December 2005 there was the COP negotiations, UNEP had energy on their agenda for the GMEF - the Global Ministerial Environment Forum in Dubai February 2006.

The following are some of the issues also dealt with:

- Compliance
- Adaptation
- CDM – the Clean Development Mechanism
- Climate Science
- Climate change impacts
- Emissions trading, the carbon market
- Joint implementation
- Kyoto Protocol
- Land-use and land-use changes and forestry

⁷ Quoted from the CSD demands on national reporting

- Public participation
- Other energy sources than fossil fuels
- The so-called 'clean-energy issue'
- Carbon sequestration

A crucial question that was raised a number of times in this connection was: What will happen after 2012? When the Kyoto protocol expires in that year, what mechanisms/ agreements/ problems are we faced with?

A similar list should be made for the other CSD issues: energy for sustainable development, air pollution/ atmosphere, industrial development.

2.4 Overarching deliverables for the period 2005 to 2007 (the second CSD cycle):

Which opportunities exist in working on these issues? In one way the easy answer is: the sky is the limit. In another context, a proper answer is: opportunities exist in awareness raising as long as the issues raised have relevance for the constituency. Not being able to or ignoring to make the relevant connection between the intergovernmental process and the grassroots' concerns, is probably one of the biggest problems in re-establishing CSD as a relevant body for stakeholders at all levels of operation.

2.5 The relevance of CSD issues:

The following list of bullet points is just meant to trigger our mind set to think systematically about how to deal with the relevance of CSD issues. The list is by no means exhaustive:

- Help identify, focus and develop relevant issues for civil society from the three major themes: Climate Change and Atmospheric Pollution; Energy for sustainable development; Industrial development.
- Develop a global NGO/ civil society network to work actively on the CSD 14 and 15 clusters consisting of the major NGO networks on these themes.
- Ensure presence of competent, global NGO networks at CSD.
- Make sure NGOs present at CSD are prepared and view the two-year CSD as one unit.
- Identify possibilities for coherence between ongoing processes on the CSD clusters.
- Contribute to the CSD process relevant, new and cutting edge knowledge.
- Develop a global campaign to disseminate information on and raise awareness and interest in the CSD cluster themes.
- Provide facilitation and coordination services for NGOs in relation to the official CSD process
- Provide information for NGOs on the modalities of the CSD process, what rules of engagement are there, requirements for participation etc.
- Keep all NGOs updated on the official proceedings of the CSD
- As a service to the civil society with an interest in the CSD themes, help establish a "road-map" system to track all meetings and conferences that have relevance to the CSD themes.
- Coordinate policy issues to the extent it is natural and relevant with other Major Groups.

- Help develop coherence between this process and other intergovernmental and UN process relevant to the three cluster issues.

2.6 Using CSD to build activity in the individual NGO.

CSD may be used as a catalyst for activities within the various organisations. What follows are but a few bullet points of ideas and activities that may spring out of the CSD 14 process.

- Stimulate the development of informal networks among NGOs and other stakeholders to work on the CSD 14&15 cluster themes: Climate Change and Atmospheric Pollution; Energy for Sustainable Development and Industrial Development
- Inspire these networks to develop and carry out an information and awareness raising campaign on these issues both on a regional and a national level.
- Capitalising on ongoing work, stimulate to coherence and consistency on the cluster issues:
 - Using the outcome result of the UN FCCC conference on climate change held Montreal, Canada in November and December 2005.
 - Make efforts to establish cooperation with members of ICLEI (International Council for Local Environmental Initiatives) – Local Governments for Sustainability, and use their outcome document from Montreal “World Mayors and Municipal Leaders Declaration on Climate Change
 - Using the outcome result of the conferences on renewable energy in among others, Europe and Asia, held during the autumn of 2005.
 - Using the outcome and results of the meeting held in Costa Rica on the Marrakesh Process, and help bring the results of this meeting into the cluster theme on industry.
 - Using and optimising regional conferences and its outcomes on the cluster issues, both to stimulate activities on a regional level and help bring regional issues to the CSD Review Session.
 - See if the outcome of the RIMs, the CSD Regional Implementation Meetings highlighted in the RIM reports, may have relevance to this work on the regional level.
- Using the National Sustainable Development Strategies as a tool and report card to gauge the performance of the various governments in this region.
- Develop an inventory of possible actions by civil society to help promote and implement promises made in the NSDS, with particular focus on the present CSD cluster themes.
- Develop a tool kit for the participating members of civil society on the cluster issues to help guide and continue the work on a local and national level.

We also need to keep in mind the objectives and outcomes presented to the donors as relevant deliverables. And as such they also have relevance for us:

2.7 Objectives and Outcomes

Within the framework of the suggested capacity building and training project the specific objectives of this work are that:

- The NGOs involved develop a clearer understanding of their roles and responsibilities in respect to the CSD process and feel enabled to work more effectively on the

current CSD cluster themes and to engage with their national governments on input and follow up to CSD;

- NGOs working on specific environmental issues develop a clearer understanding of how their specific issues and areas of interest link in to the cross cutting CSD issues, in particular with regard to Sustainable Consumption and Production;
- A stronger involvement with the CSD process will be established throughout the UNECE region. The key NGO representatives selected for participation in the project will act as resource persons for the next CSD cluster issues (linking issues across different cycles) as well as on the overall CSD process.

2.8 Outputs and end products

The specific outputs of this work will be:

- Trained NGO staff persons that are fully conversant with the CSD process and who can act as focal points for further future CSD activities in their (sub) region and that will thus help develop a continuous input in the CSD process beyond the current cycle and cluster themes;
- A regional training workshop followed by a series of five training events across the UNECE region providing training for a total of 100 NGO staff on CSD;
- Establishment of (Sub) regional networks based upon active involvement in the CSD process;
- A commitment by key NGOs in each of the 5 sub regions to work on CSD cluster issues during the preparatory phase leading up to the IPM, the International Implementation Meeting and the policy session of the CSD;
- Relevant material and strategies are developed to be used to help create ownership and find relevance with the CSD cluster issues;
- Coherent set of information material on the CSD processes, MEA processes, International Environmental Governance as well as on relevant general governance issues.

2.9 Indicators of Success

The following indicators will be used to measure the impact/success the project

- contacts/exchange of information with national CSD delegations
- formulation of national statements/background documents for CSD
- case studies for CSD / input into the CSD Matrix
- involvement in formulation of NGO major group CSD statement
- articles (in national languages) on CSD outcomes and their relevance/potential impact for national strategies for sustainable development
- attendance of and feedback on sub regional training workshops
- involvement/input in UNECE RIM December 2007

CHAPTER TWO

WHY THE COMING CSD MUST BE TAKEN SERIOUSLY **Being involved at the international and global scene**

Having NGOs in national delegations, real NGOs chosen and selected by NGOs, is seen by many to be advantageous for the promotion of multilateral governance. It is equally advantageous for civil society, and in most cases also for the issues at stake, to have NGOs present at international meetings. As should be known, we have acquired financial means to be able to support the presence of up to 5 NGO persons from the network of interested, committed and engaged NGOs we are creating.

1.0 GENERAL BACKGROUND

There are a number of reasons why the well-informed and expert networks among stakeholder groups should get involved in the work of the CSD. The seriousness of the themes is but one of these reasons. There are other reasons as well, a number of which touch more directly on global governance. Four of these reasons are discussed in more details below:

The need to be present at the sessions and represent civil society in a qualitative way; defend accepted language and hard won victories; bring forth substantive knowledge and coherence; involve organisations at all levels, from local to global.

1.1 The need to be present so the UN can refer to a representative body of civil society.

Space is filled, always, in international conferences and during negotiation processes. If we are not there, others will be and be seen as speaking on behalf of civil society. By far, the best represented of the 9 Major Groups, are the NGOs.

Over the past 10 years, some 100 to 150 NGOs have on average participated annually in the CSD negotiations. Although the participating NGOs have by and large shown dedication and commitment to the issues, and to the cause, not all the participating NGOs have brought with them representative or cutting edge knowledge to the discussions. The overall performance of the NGO community could always have been better, and with the seriousness attached to the present cluster themes, it is imperative that insightful knowledge is presented during the coming two year CSD process. Despite rumours to the contrary, civil society was called upon by the CSD 12 and 13 chairs to participate in the official plenary negotiations more often than during any earlier CSD. The 9 Major Groups experienced what may truly be called an unprecedented high level of participation in the formulation of the outcome documents. We have reasons to believe this practice may well be repeated during the next cycle as well. In this context it is well worth remembering that after the CSD sessions are over, the UN including all the participating country delegations will say, emphatically – we allowed space and gave recognition to civil society, we did consult with civil society, and this is the result, this is what they gave us. This is as good as it gets. And we need to make this good in the upcoming CSD.

1.2 If we are not present, hard won victories may be defeated and others will take the lead:

If we do not safeguard the language and decisions that presently govern the international regime on the three cluster themes, language will be weakened, and victories we thought we won in earlier years may be turned into defeats these coming years. NGOs and the other major Groups have helped to develop language and decisions that have contributed to set at least minimum standards on a number of the CSD cluster themes. We need to defend these positions, and if possible seek ways to develop these standards further.

Critics have been quick to judge the first two years of the new CSD (CSD 12 and 13) as a near failure. Perhaps if we had expected an outcome from CSD that would have guaranteed the much-coveted progress with visible improvement of international standards, and if we feel that this did not by any standard materialise, it would be correct to write CSD 12 and 13 off as a failure. Perhaps critics may even be correct when they ascertain that the first CSD cycle actually weakened language on a number of issues relating to water, sanitation and human settlements. But if this assessment is correct, a number of questions immediately spring to mind: Why did the CSD develop negatively, and why did civil society not put up a fight to ensure progress? And if they did, why did they not succeed? Why is it true that so many of the participants, delegates and civil society representatives seemed to come somewhat unprepared?

We would fool ourselves if we now think there are no players interested in the upcoming thematic cluster (CSD 14 & 15): the energy-climate nexus.

There are numerous challenges in this field, and many of them are looked upon as controversial, and too expensive for national economies to tackle, not to mention the staunch opposition from business to the following: emissions controls, quotas and cleaner production systems, to mention but a few. There is little doubt that we need to be prepared to handle these challenges. Then there is the possible long-term preparation for the 2012 Kyoto renegotiations.

1.3 Working to present knowledge and coherence:

There are numerous other issues that remain to be tackled, let us for now concentrate on two general issues where civil society is often vocal and critical: coherence and knowledge. The two issues are often intertwined.

Several processes are going on simultaneously with respect to the present CSD cluster themes:

On energy and climate/ atmosphere: There is the ongoing COP negotiations (the last COP was held in Montreal in early December 2005, and COP-12 will be held Nairobi in November 2006), UNEP had energy firmly on their agenda and discussed this at their Global Ministerial Environment Forum in Dubai (February 2006).

On industrial development the question is: How do we interpret this perhaps more undefined cluster theme: Industrial Development? Clearly a number of nations, not the least among the G 77 looked upon industrialisation as a theme they could use to focus on what should be the very motor of development. And they were supported in this approach at CSD 14 by a number of production happy entrepreneurs from the business sector, representing big business and the US itself. Civil society had a different interpretation of the issue of industrial

development. By using text from Agenda 21, civil society could both show and claim with certainty that:

1. industrial development had to be seen in the context of production and consumption,
2. the issues of consumption and production were designated to be one of the greatest challenges to promoting and ensuring sustainability in global development.

Only Sweden supported by a handful other nations referred directly to the Marrakech Process⁸ and the need to make consumption levels and production systems sustainable.

There was a feeling among many of the players at CSD 14 that a number of important ongoing and parallel processes were either ignored, forgotten or simply left out for a number of unknown reasons. The different UN economic commissions all duly reported on the regional reports, but after their messages were delivered in plenary, they simply vanished in thin air. The important climate negotiations in Montreal were rarely referred to. Many delegates used it as an excuse for not dealing with climate issues at the CSD. And as just mentioned, the Marrakech Process, were scantily referred to, and seemingly without serious political clout attached to it. And as some NGO expressed it: by breezily referring to the UNEP GMEF⁹ and the discussion on energy for sustainable development that had taken place in Dubai just a few months earlier, delegates actually added insult to injury in weakening efforts on coherence and synergy

How can we, the NGOs contribute to develop coherence, knowledge and strength in relationship to the CSD processes, by taking the outcome of all the relevant initiatives and bring them into CSD? We know that a large group of NGOs from all segments and parts of the world are engaged in the above processes. NGOs seem to be everywhere. Is it still possible to coordinate this enormous interest and harness and combine our common strength to make a solid impact on the intergovernmental processes – if not globally, at least in our regions?

The scientific community participated in a workshop during the last CSD (12) where they clearly stated that now was a time to recognise the position and importance of science at CSD. Clearly having the following cluster themes in mind (energy and climate), they stated that it is high time we move from problem-focus to solution-focus. And as they made this statement, they also said they would use their position to focus on the coming CSD themes on energy and climate and embarrass those who did not see the gravity of these issues. Their position at CSD 14 did not come out as clearly and as forcefully as was said prior to the CSD. But maybe we should use scientific knowledge and scientific organisations to strengthen our messages?

1.4 An opportunity to start a global campaign.

Finally, the global ongoing processes as well as those conducted on a regional scale, do offer us opportunities to initiate well coordinated awareness campaigns on issues related to sustainable development and address crucial problems and issues highly relevant to the survival of our planet. Mapping ongoing activities among civil society members, collecting their outputs and bring this result to the CSD may be one way of showing delegations that a growing number of individuals are indeed concerned about what is happening to sustainable development and the environment. By showing what CSD and the official national representatives are doing at CSD to their constituencies may also be a way to hold these delegations accountable and responsible for the commitments their nations made at Rio in

⁸ The UN process on consumption and production, under the responsibility of UNEP

⁹ The UNEP Global Ministerial Environment Forum

1992 and in Johannesburg in 2002. And in so doing we can perhaps contribute to forge new alliances, and make untried forays into the world of cooperation. One tangible result of such efforts in connection with the present CSD themes, may be to develop solid grounds for the Kyoto revisions to take place in 2012.

For a campaign to succeed we also need to involve networks with strong grass-root links; and as CSD spans the globe, so can we!

2.0 A BIT OF HISTORICAL BACKGROUND TO THE STAKEHOLDERS AT CSD – FOR YOUR READING PLEASURE:

As CSD was set up in the immediate aftermath of the Rio conference in 1992, civil society continued to pursue its interest and deepen its commitment to sustainability issues. The CSD soon developed into one of the most interesting arenas within the UN allow for a free flow of ideas among all stakeholders and for developing new modalities for participation. With the New CSD, whose work programme is currently structured in two-year implementation cycles, as a result of the 2002 Johannesburg Summit, renewed efforts will be made to put back sustainability issue on the global agenda. What follows here is a brief intro to the variegated history of stakeholder involvement in the CSD process.

2.1 The importance of civil society.

There is an abundance of references to civil society within the UN as well as in a growing number of UN documents. The Secretary General of the UN, Mr. Kofi Annan recently released a report called "In larger freedom: towards development, security and human rights for all." The report is an ambitious attempt to shed new light on the importance of the UN in an effort to reform and recreate it as a globally responsible, necessary and indispensable vehicle to create precisely sustainable development, security and human rights for all. Mr. Annan goes on to state that: "Civil society organizations have a critical role to play in driving this implementation process forward to "make poverty history". Not only is civil society an indispensable partner in delivering services to the poor at the scope required by the Millennium Goals but it can also catalyse action within countries on pressing development concerns, mobilizing broad-based movements and creating grass roots pressure to hold leaders accountable for their commitments..."¹⁰

2.2 New forms of participation.

With growing importance attached to the voices of "we the peoples" comes also new ways through which these voices may be heard. CSD is in many ways in the midst of this evolving process. In a recently published book by the UN NGLS, the following paragraph is found¹¹:

"New Forms of Participation: In recent years, the UN has begun to explore the possible benefits of new forms of participatory decision making, including multi-stakeholder dialogues, civil society hearings and roundtables between Heads of State and civil society. These are designed to bring together people who are involved with a particular issue to

¹⁰ §38, p.13 from In larger freedom: towards development, security and human rights for all, A/59/2005, March 21, 2005

¹¹ Intergovernmental Negotiations and Decision making at the United Nations, a guide by UN NGLS and Gretchen Sidhu, UN Geneva, 2003, UNCTAD/NGLS/2003/1, pages 72 and 73.

exchange perspectives and experiences. In general, the different mechanisms aim to promote better decision-making through wider input; integrate diverse viewpoints; develop trust and partnership; and mobilize commitment to implementation of decisions.

This new approach has generated substantial interest. Aside from the annual meeting of the CSD, recent processes have incorporated new forms of participation including the 2002 International Conference on Financing for Development and the 2002 World Summit on Sustainable Development. The Security Council has also increased its Aria Formula ¹² informal meetings on specific topics, which may include NGOs.”

2.3 The CSD civil society process.

Many have referred to the CSD process as one of the more intriguing and interesting process for testing innovative ways to involve civil society in intergovernmental processes. Some have hailed it as a success in international democratic development bringing the voices of the peoples in direct interactive roles with representatives of governments, others maintain that the CSD amounts to little less than a talk show under the aegis of good governance. The sheer numbers of representatives that find their ways to and participate in the CSD processes, may be indicative of the importance these representatives attach to this political process: The WSSD, the pinnacle of the CSD process in 2002, had more than 8000 civil society persons attend, and the just concluded CSD 14 had above 1000 pre-registered with well over 700 participating from all over the world.

NGLs sums up this unprecedented development in the following way: “...By UN estimates, the number of international NGOs alone has grown forty-fold over the last decade (the 1990s), to over 37000 in 2000. Countless, thousands – possibly millions – more work regionally, nationally and locally.

NGO involvement in the UN expanded considerably through the series of UN conferences held during the 1990s. These large-scale conferences on key development issues, such as sustainable development and population and women, sometimes drew as many as 40000 participants. With some exposure to the mechanisms and possibilities of intergovernmental decision making, many NGOs took a new interest in the UN as an arena for policy dialogue and advocacy. Others came forward through intensive organizing around emerging issues such as the creation of the International Criminal Court, the critical problems of landmines, child soldiers and the devastating worldwide pandemic on HIV/AIDS.”¹³

2.4 The Multi-stakeholder Dialogues at CSD Take Shape.

A few years ago, an MIT study that appraised the work of civil society in the CSD process, stated ¹⁴:

¹² An organisational devise by which members of the Security Council can hear experts and/ or representatives from Civil Society with information that is relevant to ongoing issues dealt with by the Security Council.

¹³ Intergovernmental Negotiations and Decision making at the United Nations, a guide by UN NGLS and Gretchen Sidhu, UN Geneva, 2003, UNCTAD/NGLS/2003/1, pages pp vii and viii.

¹⁴ The CSD secretariat commissioned in 2001 Ms. Michèle N. Ferenz, Senior Associate, Consensus Building Institute, CBI, and a Graduate Fellow at the Program on Negotiation at Harvard Law School, with guidance from Dr. Lawrence Susskind, Ford Professor of Urban and Environmental Planning at the Massachusetts Institute of Technology (MIT) and Director of the MIT-Harvard Public Disputes Program, to research and evaluate the multi-stakeholder dialogues as they had evolved from 1997 to 2002. ¹⁴ The more than 100 page long study called

"The Program of Work for CSD-6 through CSD-10 (1998-2002) was laid out at "Earth Summit+5," the UN's first stocktaking exercise following the Rio Earth Summit. At the end of rather fractious deliberations, the UN General Assembly, meeting in the 19th Special Session, stipulated that the CSD should conduct "a high-level policy debate aimed at consensus-building on sustainable development." As an integral part of that effort, the CSD should "strengthen its interaction with representatives of major groups, including through greater and better use of focused dialogue sessions, and round tables." (UN Document A/RES/S-19/2, 1997). The multi-stakeholder dialogue segments were instituted in response to this request.

The precise form the dialogues took emerged from a mix of prior experience and improvisation to meet the CSD's institutional requirements. Inspiration was in part drawn from the Local Agenda 21 experiences, the National Councils for Sustainable Development, and proceedings at the UN Conference on Human Settlement, (Habitat II) which is remembered by many as a high point of civil society engagement in international negotiations. "Earth Summit+5"(June 23-27, 1997) also set important participatory precedents: for the first time in the U.N.'s history, representatives of civil society organizations – comprising each of the nine major groups – made statements in a General Assembly Plenary meeting. Less dramatic but equally important for the subsequent dialogues was a week-long series of panel discussions, each of which focused on lessons learned, priorities and future expectations presented by one major group. These miniature dialogues were an official part of the proceedings of the Commission and were chaired by a CSD Vice-Chairperson.

Starting at CSD-6 (1998), the duration of each multi-stakeholder dialogue segment has been two days, typically scheduled at the beginning of the regular CSD Session. The dialogues preceded a Ministerial or "High-Level" segment and the elaborate intergovernmental negotiations resulting in the final Decisions issued by the Commission and submitted through ECOSOC to the UN General Assembly for approval. The dialogues have involved representatives from several major groups and focused on the role of specific economic sectors in achieving sustainable development. They have thus been organized thematically and aimed for interactive discussion between major group and government representatives.¹⁵

Critical voices of the CSD acknowledge the valuable contribution of the multistakeholder dialogues¹⁶ to democratising the intergovernmental systems.

After the Johannesburg Summit gave the CSD a renewed mandate, CSD 11 in 2003 decided a new set of procedures and a whole new concept of approaching the issues. One of the formal decisions, and as some claim, setbacks, can be said to be the reduction of the dialogue sessions from a day and a half to two sessions comprising a total of 3 hours (2 x 1 ½ hrs). This is however countered by the present practice established through CSD 12/13 and CSD 14 of allowing the designated and accredited Major Groups to have numerous interventions during the formal meetings of the CSD. On one hand this last development has obviously made civil society into a more active player and negotiator, on the other hand as many observers claim, this has deprived the major groups of an opportunity to engage

"Multi-stakeholder Dialogues: Learning from the UNCSO" contains a multitude of information documenting the history and first five year (1998-2002) development of the multi-stakeholder process.

¹⁵ *ibid*, pp 14 and 15

¹⁶ the organised dialogue between representatives of civil society, the private sector and national, official delegations

delegations in an active exchange of views that also had the opportunity of going in depth. The system is still being tried out, and its future success will rest on openness in the CSD process and a willingness among the different stakeholders to engage each other in meaningful debate, and meet the debates well prepared.

Almost all observers seem to agree on the fact that the dialogue session have greatly contributed to a 'participatory democracy and exchange of ideas in a transparent way. But as they claim, this contribution has not gone beyond the CSD. And what is more, the CSD has failed to get the sustainability messages across 1st Avenue in New York and make it relevant for the rest of the world. And there may be some truth to that. But who has failed, and why? As has been pointed out, a number of the major stakeholders have turned their backs on the CSD process – a process we can and should turn.

CHAPTER THREE

Making sense of CSD - a recipe for efficiency and influence for NGOs and civil society

What does the CSD really look like from a procedural point of view?

How can we find and understand how to use opportunities and Interaction during the CSD sessions in New York,

This chapter is subdivided into two parts:

Part 1 - The two-year cycle:

Part 2 – The modalities of the CSD

1.0 INTRODUCTION:

1.1 Towards uncharted waters

Into the second new CSD cycle after the Johannesburg Summit, a number of actors working the global sustainability agenda are anxious to push it forward. Even though there seem to be a development and growing understanding and process maturity of how to work the new process, there is still not complete convergence on how to push it forward. Many still seem to be caught up in the dominant proceedings and modalities of the first decade of the CSD where negotiated outcomes were the expected results. A two-year CSD cycle, with one review year and one policy year offers a number of opportunities, yet judging from the informal discussions among delegates and civil society stakeholders at different venues over the past few years, many of these opportunities are yet to be identified. Governments also seem to be looking for guidance, and many seem willing to trying to lead the discussion on sustainability issues through uncharted waters.

1.2 The two-year cycle as one entity

One of the many challenges is to see the two-year cycle as one entity. The optimal strategy is to identify what the preferred policy outcome should be at the end of the policy session at the very end of the two year cycle, and then work backwards from there. In other words, at the very beginning of a two-year cycle the various stakeholders should develop and define an optimum strategic outcome for the policy session. Then they should sit down and decide on what they would need to focus on and highlight during national lobbying, during the various Regional Implementations Meetings (held during the first year of the new CSD two-year cycle) and bring the same priorities with them to the CSD Review session. There these issues should be brought into focus, but within the context of a review session and not within the context of a negotiated policy outcome. This does indeed represent a new mind-set for most of the players, be they from civil society, from the intergovernmental systems or from national delegations. Based on the experience from the first CSD cycle – CSD 12 and 13 – many observers seem to agree: too many of the players negotiated texts in a traditional manner during the CSD 12 Review Session, and missed opportunities to strengthen the policy outcome a year later.

The first half of the second cycle, fared seemingly much better. The stakeholders did indeed review the issues. The CSD Bureau under the guidance of the CSD Secretariat seemed to have made this case quite clear this time around: policy statement will not be heeded and taken into consideration during a review session.

The simple question is then: how do we as NGOs capitalise on the opportunities that the CSD offers us in terms of making sustainable development an inherent segment of national policies and programmes? Which are our tools?

A condition for answering that question, is what may be termed basic knowledge and understanding of how the CSD operates, its two year frame and its modalities.

Part 1 - The two-year cycle:

First year: the Review year,

May/ June/ July/ August

Start of the cycle: approximately June, or shortly after the previous CSD is over by mid May. Secretariat starts composing the so-called SG's report, which should give the direction of the discussion the first review year. Basis for the report is found in Agenda 21, the outcome of the 5-year review (Earth Summit +5) and the Johannesburg Plan of Implementation, the JPOI.

Interested major groups' organisations are invited to comment on the SG's report. Their comments are to be sent to the CSD secretariat in New York, and the deadline for these comments and inputs are usually set at some time in August. This process is repeated for each SG report every year.

The CSD secretariat assigns 'facilitation responsibility' to an organisation or a unit, which is representative of the Major Group it proposes to represent. This group should know well the UN CSD system, possess knowledge over the various networks belonging to this Major Group working on the cluster themes, and have experience in global networking and international facilitation skills.

The various nations should start writing their national CSD reports, and some do, but as this is a voluntary exercise, many nations do not put together a report at all. There are opportunities for the thrifty and enterprising civil society group to interact with their government already at this stage in inputting in the national report.

The major groups should start initiating the Major Group paper, a paper that gives an indication of their analysis of the themes of the CSD, obstacles, success stories, challenges and concerns. The length of the paper is 8000 words, and the paper should reflect the views of the larger global constituency belonging to the Major Group. Deadline for the paper is set around December 1st of the first year.

Each of these papers are translated into the official UN languages, posted on the web, and sent to all delegations as part of the official documents for them to read.

October/ November/ December

Each of the UN regions is preparing their RIM, the Regional Implementation Meeting. The RIMs have developed into two-day events, and are held late autumn the first year, between end of October and middle of December.

All the RIMs should preferably be organised over the same template, but practice has shown that they are very different in scope and execution. The outcome report from CSD 11 suggested each RIM should arrive at a consensus text which is non negotiated and that civil society should be given ample space to interact with the regional delegations present at the RIM.

To date only the UN ECE has fulfilled these requirements.

Ongoing

The secretariat is constantly updating its web-site and developing the Matrix, a tool developed to allow potential and active participants in the CSD issues to get a comprehensive understanding of the development of the cluster themes as well as showcasing replicable projects within the cluster themes.

The CSD Bureau meets and gives the Review Session its final profile.

January to April

Most of the national delegates assemble their so-called inter ministerial CSD groups to strategise nationally for the review session.

The EU presidency convenes a meeting with a large group of NGOs to have a mutual exchange of views and information.

April/ May

The CSD review session convenes, and develops an understanding of the thematic clusters in the course of two weeks.

For the modalities of the CSD – see part 2.

June/ July/ August

Shortly after the review session is over in May, the secretariat finalises the Chair's report, updates the Matrix, and posts these on the web.

September/ November

The Major Groups facilitation units are given a renewed mandate on the recommendation of the secretariat and formally by the Bureau, (on the condition that they have performed well) and they should start working on the composition of the major group policy statement.

This statement should be action oriented, and must be based on the outcome documents from the review sessions. The deadline for this document is around November 1, and the statement is 1000 words long. As with the Review Session Major Group Discussion Paper, this statement will be translated into all the UN languages and sent to the official participants as part of the official documentation of the coming CSD policy session.

Last year of the CSD two-year cycle.

February/ March

Last week of February into the first week of March, the UN CSD organises the IPM, the International Preparatory Meeting. The purpose is to start preparing for the last CSD session, which is negotiating a policy document on the cluster themes. The IPM lasts for 5 days – Monday through Friday.

End of April beginning of May

The CSD negotiating segment starts, and lasts two weeks. The end result is a negotiated document on the thematic cluster issues.

Modalities for the CSD see Part 2.

Part 2 - Modalities

2.1 CSD 11 created the modalities for Stakeholder involvement

The following extracts from the final CSD 11 outcome document ¹⁷ (This document is also in Russian, see the CSD Website: http://www.un.org/esa/sustdev/documents/docs_csd11.htm) outlines the official thinking on the modalities for the involvement of all civil society stakeholders. By reading this document, the rules of procedures and opportunities for engagement should become relatively clear. But, like any rules and guidelines, they are subject to interpretation. Allow us to give a few interpretations:

The modalities also seem to make the roles of the various stakeholders reasonably clear: The **bolding of words and sections** have been deliberately made to draw your attention to key elements in the rules of engagement as drawn up by CSD 11.

2.2 First – a few extracts from the official CSD 11 Outcome Document:

§ 2...

(d) **The Review Session evaluation** should enable **an improved understanding of priority concerns in the implementation of the selected thematic cluster of issues and pave the way for an effective policy discussion** in the course of the Policy Year, with a view to **strengthening implementation in these areas;**

(e) **The outcome of the Review Session will be a report including a Chairperson’s Summary containing identified constraints and obstacles and possible approaches and best practices** for implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation.

(f) In the Policy Year the Commission will convene an Intergovernmental Preparatory Meeting, for one week in New York in February/March to discuss policy options and possible actions **to address the constraints and obstacles in the process of implementation identified during the Review Year.**

(g) **The discussions of the Intergovernmental Preparatory Meeting will be based on the outcome of the Review Session,** SGs reports as well as other relevant inputs. Based on these discussions the Chair will prepare a draft negotiating document for consideration at the Policy Session.

.....

(i) **The Review Sessions and the Policy Sessions should mobilise further action by all implementation actors to overcome obstacles and constraints in the implementation of** Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation, **and address new challenges and opportunities, and share lessons learned and best practice.**

§ 3....

(iii) **Provide input** to the Secretary-General’s reports and the Sessions of the Commission on Sustainable Development. **These inputs may include identification of obstacles**

¹⁷ Commission on Sustainable Development: Report on the eleventh session (27 January 2003 and 28 April – 9 May 2003) Economic and Social Council, Official Records, 2003, Supplement No.9

and constraints, new challenges and opportunities related to the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation, and sharing of lessons learned and best practices.

(iv) Provide for contributions from major groups, taking into account paragraphs 139(g) and 149(c) and (d) of the Johannesburg Plan of Implementation.

§ 5.
Invites governments, as well as **organizations at all levels and major groups, to undertake results-oriented initiatives and activities that support the Commission’s programme of work and promote and facilitate the implementation of Agenda 21**, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation. The results of such initiatives and activities should be an input to the Commission, as appropriate.

§ 12.
Encourages countries to present, on a voluntary basis, national reports, in particular to the Commission’s Review Session, focusing on concrete progress in implementation, including achievements, constraints, challenges and opportunities.

.....

The following paragraph allows for a further understanding of how the reporting may be executed:

§ 14
Underscores that reporting to the Commission on Sustainable Development should be guided by the following considerations:

(a) Reporting should reflect the overall progress made on the three dimensions of sustainable development, focusing on the thematic cluster of issues for the cycle, and include inputs from all levels, as appropriate, including national, sub-regional, regional and global levels, and drawing on those sources listed in paragraph 2(c)(ii- iv).

(b) The existing reporting systems should be used to the fullest extent possible and are expected to provide the bulk of information required;

(c) Reporting should focus on concrete progress in implementation, taking into account the three dimensions of sustainable development and their integration, including information sharing, lessons learned, progress made and best practices, identifying actions taken, constraints, challenges and opportunities.

(d) The effective use of indicators, as described in paragraph 13.

(e) Country reporting should provide information on the status of national strategies for sustainable development.

§ 15.
Requests the Secretariat of the Commission, working in close cooperation with other organisations of the United Nations system, to:

(a) Take measures to streamline reporting in order to avoid duplication and unnecessary burden on states including in accordance with the Secretary General’s report on United Nations reform;

- (b) Provide focused information that highlights relevant trends, constraints, challenges and emerging issues;
- (c) Provide technical assistance to countries, upon their request, in national reporting through regular and extra-budgetary sources.

(extract ends).....

2.3 The CSD Reporting System.

Inspiration for developing a programme with relevance for each country and each region can be taken from the so-called 'official CSD reporting system'. It states:

"The Commission on Sustainable Development, at its eleventh session, encouraged countries to provide national reports, on a voluntary basis, in particular to the Commission's review sessions. In doing so, the Commission underscored that the reporting should:

- 7. reflect the overall progress in all three dimensions of sustainable development, focussing on the thematic cluster of issues for the cycle;***
- 8. focus on concrete progress in implementation;***
- 9. include lessons learned and best practices;***
- 10. identify actions taken***
- 11. highlight relevant trends, constraints, challenges and emerging issues***
- 12. incorporate, where relevant, the effective use of indicators for sustainable development.***

The present Guidelines request information for the second implementation cycle of the CSD, that is, for sessions 14 and 15 (2006-2007), where the focus will be on the following: atmosphere, climate change, energy, and industry development, in addition to the cross-cutting issues."¹⁸ (See the end of the article for a more complete excerpt of the CSD 11 decisions)

2.4 The 'Buzz' words.

So, what does all this mean in practical terms? Which are the key words, and how can they be interpreted? Although the interaction between the various elements within the CSD is still an evolving process, the key words and their contexts can probably not be interpreted in too many and diverging ways. Let's gather up and focus on a few elements from the rules of procedure. They are:

- an improved understanding of priority concerns in the implementation of the selected thematic cluster of issues and pave the way for an effective policy discussion;
- strengthening implementation in these areas;
- to address the constraints and obstacles in the process of implementation identified during the Review Year;
- mobilise further action;
- address new challenges and opportunities, and share lessons learned and best practice;

and the important §14 a indicates which direction this might take:

¹⁸ (Quoted from the CSD demands on national reporting)

“(a) Reporting should reflect the overall progress made on the three dimensions of sustainable development, focusing on the thematic cluster of issues for the cycle, and include inputs from all levels, as appropriate, including national, sub-regional, regional and global levels, and drawing on those sources listed in paragraph 2(c)(ii- iv)”.

If the Chair’s report does not reflect § 14 a, there is high time to comment on the lack of such performance. If on the other hand, civil society seems satisfied with the outcome, it would be high time for civil society to express that feeling as well.

When we, the civil society stakeholders, have taken our identified and well analysed understanding of the challenges within the scope of the CSD thematic clusters, and we have chosen our words reflecting a scientific and political understanding of the meaning of the “CSD buzz words” (referred to in the above), - what then?

3.0 INFLUENCING THE PROCESS

3.1 The primary tool at CSD – a report

Paragraph 2e gives the answer to “what then”:

“The outcome of the Review Session will be a report including a Chairperson’s Summary containing identified constraints and obstacles and possible approaches and best practices.” And a bit further down in the same paragraph:

“(f) In the Policy Year the Commission will convene an Intergovernmental Preparatory Meeting, for one week in New York in February/March to discuss policy options and possible actions to address the constraints and obstacles in the process of implementation identified during the Review Year.”

(g) The discussions of the Intergovernmental Preparatory Meeting will be based on the outcome of the Review Session, SGs reports as well as other relevant inputs. Based on these discussions the Chair will prepare a draft negotiating document for consideration at the Policy Session.

.....

(i) The Review Sessions and the Policy Sessions should mobilise further action by all implementation actors to overcome obstacles and constraints in the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation, and address new challenges and opportunities, and share lessons learned and best practice.”

The outcome of the Review Session including, we would say, the Regional Implementation Meetings, is a Report, upon which the negotiated policy outcome (to be discussed during the IPM, February next year) will rest. Paragraph 2 (i) gives the desired outcome of this report: “..... The Review Sessions and the Policy Sessions should mobilise further action by all implementation actors to **overcome obstacles and constraints in the implementation....**”

The importance of the Review Session becomes clear as we take the content of these paragraphs to heart.

The question we need to ask us then, is the following:

- Have we been able through the Review Session and the RIMs to identify the obstacles and constraints, and shown through our good practices what we think the possibilities and options are to move forward in a sustainable manner?
- Have we been able to convince delegations that these are the constraints, that these are the obvious obstacles?

Outside the plenaries and the panel discussions, in the corridors and at coffee tables our approach will be much the same as before: lobbying to convince. But the result of the lobby endeavours this time should be a result of several endeavours:

- A national NGO concern for the (CSD) issues – as a result of the regional workshops we are to organise.
- A common strategy for the involved NGOs bringing the messages from our concerted efforts to the delegations.
- How do we bring these messages into the official thinking, the final policy document?
- How can we ensure a continued work-programme on these issues over and above the end of May 2007? And at the same time engender interest for the next cycle of events in the CSD process?
- Can we use the old and common NGO devise: Shaming and blaming?

Being traditional is probably not surprising or offending anyone. But if we chose this approach – only, we will probably miss out a number of opportunities that the CSD has created, opportunities not properly tried out, because perhaps to use them requires a slightly different mindset from stakeholders within civil society. Are we ready for that!?

Can we develop 'new tools' at our Geneva workshop?

3.2 The Matrix and the Chair's Report – essential tools for successful lobbying!

It is important to be aware of the nature of the Chair's Report from the Review Session – it is **not a negotiated report**, as all reports were in the old days. A negotiated report is the prerogative of the policy year. The content of the report of the review session, was the prerogative of the chair. And to allow for maximum flexibility, the Chair's report should be 'an organic report', to quote the Chair from CSD 13, Minister John Ashe, who fully introduced the concept into the new CSD and managed to utilise even a new tool to add to his report – the Matrix! "The Matrix is" as John Ashe said to the Nine O'clock Meeting where all civil society was represented, "an evolving process, an organic report gaining substance as the CSD proceeds".

The Matrix for CSD 14 is on the web site for the CSD. In the introduction to this cycle's Matrix, the CSD Secretariat stated:

"The Matrix, prepared by the Secretariat at the request of the Bureau, is **an information tool** aimed at facilitating thematic discussions during CSD-14. It is based on information submitted by Governments, UN agencies, Major Groups, and on Secretary-General's reports, Partnerships for Sustainable Development registered with the CSD Secretariat, as well as on information emerging from the regional implementation meetings. It is a work in progress and will be updated to reflect discussions during CSD-14. It is not an official draft outcome document for CSD-14."

The 5 footnotes to the Matrix further explain how the content has found its way into the Matrix:

1. This Matrix is a background document prepared as an informational tool for participants at CSD14. (The same will apply for CSD 15)
2. Column 1 is based on the Secretary-General's Reports, national reports, reports of Regional Implementation Meetings, and inputs from Major Groups and CSD Partnerships
3. Column 2: These selected examples are for illustrative purposes only and were drawn from the Secretary-General's Reports, national reports, Reports from Regional Implementation Meetings, and inputs from Major Groups and CSD Partnerships
4. Column 3 describes the lessons learned, best practices or results of the adjacent Case Study in Column 2.
6. Column 4: Key implementation actors are identified in the broadest terms, i.e., Governments UN system (agencies, funds and programmes), intergovernmental organizations (IGOs), donors, international financial institutions (IFIs), local authorities, other Major Groups (MGs).

There are four columns under which information has been collected and synthesised:

- Barriers/ Constraints
- Case Studies
- Lessons Learned, Best Practices, Results
- Key Implementation Actors

The Matrix has been further subdivided into a number of chapters, to further deepen the discussion pertaining to the cluster themes. They are:

ENERGY

- Energy access
- Renewable energy
- Advanced and cleaner technologies
- Energy efficiency

INDUSTRIAL DEVELOPMENT

- Strengthen domestic capabilities
- Enabling environment
- Cleaner industrial production
- Corporate social responsibility

AIR POLLUTION/ ATMOSPHERE

- Promoting environmental controls
- Urban and indoor air pollution
- Capacity building for improved monitoring and management

CLIMATE CHANGE

- Mitigation efforts
- Adaptation efforts
- Regional/ Global market based

Looking at these headlines, subtitles, themes and footnotes we can have a fair opinion of which thematic approaches will be included in the final matrix.

3.3 The output of the Review Session.

The Chair of the Bureau for CSD 14 wrote the following about the outputs:

"The outputs of CSD-14¹⁹ will include:

- A Chairman's summary comprised of:
 - (i) the Opening and General Statements focused on overview of progress in the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation, as well as the Mauritius Strategy; the Thematic and Regional discussions; the SIDS day; and
 - (ii) the High-level Segment, which will address barriers and constraints and provide guidance on priority areas to be focused on during the Intergovernmental Preparatory Meeting (IPM) and the policy session;
- Record of the Partnerships Fair, the Learning Centre, and the Multi-stakeholder dialogue session.

The Matrix

- A tool prepared by the Secretariat, based on case studies and lessons learned, to be posted on the CSD Secretariat's website. The Matrix will be **a work in progress** and will be continuously refined and updated throughout the two-year cycle as information from national reports/case studies becomes available. During the Policy Year, the Matrix will be updated on the basis of interventions and panel discussions on policy options (during the IPM) and practical measures and success stories (during CSD 15). The Matrix will be prepared in the overall context of Agenda 21 and the Johannesburg Plan of Implementation".
- The Matrix is as said above 'a work in progress' and offers as such interested stakeholders (intergovernmental, national delegations, civil society) to input examples into the Matrix on an ongoing basis. The contributions are sent via the CSD Secretariat.

3.4 Do side events and NGO input matter?

On the side-events, such a common and integral element of CSD, the Bureau writes:

"Side events, sponsored by Governments, UN organizations, IGOs and Major Groups, will be organized as a complementary part of CSD to generate informal opportunities for exchange of experience and lessons learned."

Reflecting the plethora of views in the final outcome reports, within bounds of reason, has been the ambition of previous CSD Chairs and their Bureaus. To a large extent they have succeeded. Still, there are no easy solutions as to how the views of civil society may be 'transported' across and into the final report.

Reading the above information from the Bureau, the quick conclusion might be that the side events do not matter except for being interesting fora's to exchange all sorts of ideas. Still judging from the last few years of CSD, a surprising amount of issues and elements from side events ended up both in the matrix as well as being referred to in the final reports. Consequently – paying attention to the outcome of the side-events is worthwhile.

During the past CSDs (12,13 and 14), members of civil society were called upon a number of times during the official plenaries to speak and respond to the discussion in addition to the

¹⁹ from "Organization of Work for CSD-14 (Revised Draft) Introductory Note, from the Chairman" UN CSD Secretariat, April 2006

panellists and the delegations. We would be justified in thinking that this would be the case this time as well. Consequently – paying close attention to the agenda of the different days is of high importance.

How do we make the input from NGOs and civil society practicable for the final report and the Matrix? Having a one-page sum up of the main points being discussed or highlighted during the side-event, or coming out of the plenary discussion is a start. But the one page'er should perhaps have no more than four or five bullets; they should also be written in such a way that they could be easily incorporated into the Matrix under one of the existing headings. And if a new heading is warranted, that should be argued well, and items under this new heading summed up, succinctly and in a condensed format, always paying attention to the usability in relationship to the Matrix.

4.0 ON TO CSD 15 AND POLICY

4.1 After CSD 14 – then what?

As soon as the final report was out, the 9 major group's focal point started their work in disseminating the results. It is now up to various NGOs and other members of civil society/ major groups to take the content back and interpret this in a local, national or regional context.

Formally, CSD has now asked the various major groups to come up with a short, but agreed policy statement, which will serve as the starting point for the Major Groups for the overall discussions during the International Preparatory Meeting towards the end of February/ beginning of March 2007.

The major groups will use the autumn of 2006 to develop, consult with and develop this statement.

The IPM will then use the Outcome report from the Review Session, and hopefully the Matrix to develop the policy platform to be discussed at the policy session in April May at CSD 15.

4.2 We can make a difference.

Being prepared, being present, playing by procedure and rules, being awake, being alert and aware of the agenda, and understanding the implications of the agenda upon the final outcome report and the Matrix may make all the difference for NGOs and civil society. Then making the outcome relevant for our constituencies will eventually make all the difference.

For more detailed information about the CSD, background papers, organization of work etc, please look up the official CSD web-site, at:

<http://www.un.org/esa/sustdev/csd/review.htm>

5.0 MESSAGE FROM THE CHAIRMAN OF CSD-15

Given today's global challenges, few are as urgent, complex, and inter-linked as those stemming from energy for sustainable development, industrial development, air

pollution/atmosphere and climate change – the thematic cluster of issues of CSD-14 and CSD-15. These issues affect every part of our economies and every segment of our societies and impact on the health of our planet at local, regional and global levels.

A world in which one-third of its population lacks access to modern energy services will not be sustainable. When they have to trek miles to gather biomass fuels, only to suffer from health damaging pollutants, girls and women will never be truly empowered to pursue sustainable livelihoods. When their reading time is cut short at dusk because of a lack of electricity, children will never be able to fully reap the benefits of schooling. When they have only intermittent power supply, hospitals and clinics cannot provide a basic range of medical services, not to mention maintaining refrigeration as part of the “cold chain” for storing vaccines. Industrial development will never take off without an efficient and reliable modern energy infrastructure.

Lack of access to modern energy services, weak infrastructure and lack of institutional and human capacities, as well as limited availability of modern technologies and financial resources, are further inhibiting progress in industrial development in many developing countries. These are key barriers to achieving Millennium Development Goals and Johannesburg targets and commitments.

Increasing transparency, predictability and stability of the global energy markets, improving the investment climate in the energy sector including energy infrastructure development, promoting energy efficiency and energy saving, diversifying energy mix and reducing energy poverty will contribute in the construction of the pathway for sustainable development.

In addition to their social and economic dimensions, the issues in the CSD-14 and CSD-15 cluster pose daunting environmental challenges. Developing countries and Small Island Developing States bear the brunt of rural and urban air pollution, as well as indoor air pollution, and face the greatest risks from climate change.

CSD-14 succeeded in highlighting inter-related challenges, specific barriers and constraints to solutions in relation to the four issues of the cluster. Equally important, CSD-14 showcased a range of best practices and lessons learned, as reflected in panel presentations, interactive discussion, national reports and case studies. CSD-14 demonstrated that there are tremendous potentials for progress in energy efficiency, energy diversification, advanced and cleaner energy technologies, as well as renewable energy. Small- and medium-sized enterprises can play a greater role as engines of growth in developing countries, given the right supporting framework.

Combined with the results of the Partnerships Fair, Learning Centre and close to 100 side events and related activities, CSD-14 helped shed fresh light on the critical factors and conditions necessary for success. Chair Aleksishvili ably captured these results in his summary, laying the groundwork for CSD-15.

The task ahead for CSD-15 is to take decisions on specific policy options and practical measures to overcome barriers and constraints and to expedite implementation, in partnership with UN agencies and other international and regional organizations, as well as major groups. CSD-15 should therefore be a forward-looking and action-oriented session.

To this end, I invite all stakeholders to keep this process alive and to contribute more case studies and provide additional inputs to the Matrix to the Secretariat so as to enable the Secretariat to continue its work on the Matrix.

CSD remains the high-level intergovernmental forum within the United Nations system at which interrelated issues of sustainable development are addressed in an integrated manner. CSD-15 will continue to take an integrated approach to energy, industrial development, air pollution/atmosphere and climate change, with particular attention to inter-linkages, means of implementation and other cross-cutting issues.

The importance of the work of CSD-15 cannot be emphasized enough. The policy options and actions Governments are expected to adopt at CSD-15, based on the work of CSD-14 and the intergovernmental preparatory meeting scheduled for February 2007, will help define and guide our collaborative efforts in the coming years to meet the Millennium Development Goals and the Johannesburg targets and commitments in energy, industrial development, air pollution/atmosphere and climate change.

As Chairman of CSD-15, I will do my utmost, in close cooperation with my colleagues on the Bureau and with assistance from the Secretariat, to guide CSD-15 to a successful conclusion. In the coming months I will consult with the Bureau on specific modalities of organisation of work and will keep delegations informed of the decisions and recommendations of the Bureau. The Bureau members will be requested to regularly brief their respective constituents on progress in preparations for CSD-15.

I will also take the lead in mobilizing broad-based Ministerial participation and invite Ministers of relevant portfolios to attend CSD-15, provide guidance on policy options and actions and most importantly, to take bold, imaginative, action-oriented initiatives during CSD-15.

While keeping in mind the gravity of the challenges facing us, I am optimistic about the future. The coming decades will witness significant investments in energy infrastructure, as well as in industrial development. We must seize the opportunity to make a difference by making the right policy decisions and choices.

I encourage Governments, UN agencies and other international and regional organizations, as well as major groups, to use CSD-15 as a platform for launching specific initiatives, activities, and projects. Big or small, these actions, when combined, will have a real impact.

H.E. Mr. Abdullah Hamad Al-Attiyah
Second Deputy Prime Minister
Minister of Energy and Industry,
State of Qatar
&
Chairman
Commission on Sustainable Development
United Nations

6.0. OUR LEGITIMATE RIGHT TO PARTICIPATE

CSD 11 created the modalities for Stakeholder involvement

What follows are a few references to the final CSD 11 outcome document²⁰ from CSD 11 in 2003 where the modalities for among others the involvement of all stakeholders were dealt with. By reading this document, the rules of procedures and opportunities for engagement are made quite clear. (Please note that these rules are available in all UN languages including Russian – see the CSD website, given in these documents.)

§ 2...

(iv) Contributions from major groups, including scientific experts, as well as educators, taking into account paragraphs 139(g) and 149(c) and (d) of the Johannesburg Plan of Implementation, on their result-oriented activities concerning the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation.

(d) The Review Session evaluation should enable an improved understanding of priority concerns in the implementation of the selected thematic cluster of issues and pave the way for an effective policy discussion in the course of the Policy Year, with a view to strengthening implementation in these areas;

(e) The outcome of the Review Session will be a report including a Chairperson's Summary containing identified constraints and obstacles and possible approaches and best practices for implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation.

(f) In the Policy Year the Commission will convene an Intergovernmental Preparatory Meeting, for one week in New York in February/March to discuss policy options and possible actions to address the constraints and obstacles in the process of implementation identified during the Review Year.

(g) The discussions of the Intergovernmental Preparatory Meeting will be based on the outcome of the Review Session, SGs reports as well as other relevant inputs. Based on these discussions the Chair will prepare a draft negotiating document for consideration at the Policy Session.

(h) The Commission's Policy Sessions, to be held in April/May of the second year of the cycle, will take policy decisions on practical measures and options to expedite implementation in the selected thematic cluster of issues, taking account of the discussions of the Intergovernmental Preparatory Meeting, the Secretary-General's reports and other relevant inputs;

(i) The Review Sessions and the Policy Sessions should mobilise further action by all implementation actors to overcome obstacles and constraints in the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation, and address new challenges and opportunities, and share lessons learned and best practice.

²⁰ Commission on Sustainable Development: Report on the eleventh session (27 January 2003 and 28 April – 9 May 2003) Economic and Social Council, Official Records, 2003, Supplement No.9

(j) Specific organizational modalities for Commission meetings will be recommended by the Bureau of the Commission through open-ended and transparent consultations conducted in a timely manner, following the established United Nations rules of procedure. Activities during Commission meetings should provide for balanced involvement of participants from all regions, as well as for gender balance.

§ 3...

(iii) Provide input to the Secretary-General's reports and the Sessions of the Commission on Sustainable Development. These inputs may include identification of obstacles and constraints, new challenges and opportunities related to the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation, and sharing of lessons learned and best practices.

(iv) Provide for contributions from major groups, taking into account paragraphs 139(g) and 149(c) and (d) of the Johannesburg Plan of Implementation.

§ 5.

Invites governments, as well as organizations at all levels and major groups, to undertake results-oriented initiatives and activities that support the Commission's programme of work and promote and facilitate the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation. The results of such initiatives and activities should be an input to the Commission, as appropriate.

§ 12.

Encourages countries to present, on a voluntary basis, national reports, in particular to the Commission's Review Session, focusing on concrete progress in implementation, including achievements, constraints, challenges and opportunities.

§ 13.

With the purpose of implementing paragraphs 130 and 131 of the Johannesburg Plan of Implementation and the Commission's Decision 9/4, paragraph 3, encourages further work on indicators for sustainable development by countries at the national level, including integration of gender aspects, on a voluntary basis, in line with national conditions and priorities, and requests the Secretary-General to consider progress made in this regard, including further work on the above-mentioned indicators, in the report to the Commission, as appropriate.

§ 14.

Underscores that reporting to the Commission on Sustainable Development should be guided by the following considerations:

(a) Reporting should reflect the overall progress made on the three dimensions of sustainable development, focusing on the thematic cluster of issues for the cycle, and include inputs from all levels, as appropriate, including national, sub-regional, regional and global levels, and drawing on those sources listed in paragraph 2(c)(ii- iv).

(b) The existing reporting systems should be used to the fullest extent possible and are expected to provide the bulk of information required;

(c) Reporting should focus on concrete progress in implementation, taking into account the

three dimensions of sustainable development and their integration, including information sharing, lessons learned, progress made and best practices, identifying actions taken, constraints, challenges and opportunities.

(d) The effective use of indicators, as described in paragraph 13.

(e) Country reporting should provide information on the status of national strategies for sustainable development.

§ 15.

Requests the Secretariat of the Commission, working in close cooperation with other organisations of the United Nations system, to:

(a) Take measures to streamline reporting in order to avoid duplication and unnecessary burden on states including in accordance with the Secretary General's report on United Nations reform;

(b) Provide focused information that highlights relevant trends, constraints, challenges and emerging issues;

(c) Provide technical assistance to countries, upon their request, in national reporting through regular and extra-budgetary sources.

§ 16.

Invites the secretariat of the Commission to improve national reporting guidelines and questionnaires, with the intention of making reporting more efficient and less burdensome on countries, and focused on implementation, bearing in mind the provisions of this resolution, in consultation with Governments, United Nations organizations and secretariats of multilateral environmental agreements, and to report to the Commission for its consideration.

§ 20...

(c) Enhancing participation and effective involvement of civil society and other relevant stakeholders in the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Plan of Implementation, as well as promoting transparency and broad public participation;

CHAPTER FOUR

CSD and NSDS – the top and the bottom, separate but inseparable entities?

Is it possible to make CSD a process with an outcome that is relevant to the common man and woman by strengthening the links to the National Sustainable Development Strategies, the NSDS

1.0 INTRODUCTION

As has been pointed to by many observers of sustainability policies, they will not matter to the general public before they are tied to local, national and regional plans. This has also to a large extent become the fate of the CSD process.

Koffi Annan, the 7th Secretary General of the UN (1996-2006), noted at the beginning of the second cycle of the CSD process that the CSD in his view should be a watchdog for sustainable development. An effective watchdog system does not live and function in a vacuum, it lives and thrives with a concerned and interested public. A strategic and practical question to be answered in this context is: How can we tie the experience of CSD to grass roots and make it relevant for the common man and woman. One obvious answer on the part of civil society is to make the connection between CSD and National Sustainable Development Strategies. Hardly an original connection, in fact many would say that this is a requirement, as countries should report to the CSD on progress or lack thereof in working on NSDS. Still, having gone over a number of civil society outreach plans over the past months, both those concerned with CSD and those concerned with NSDS, this connection does not seem to be that obvious – at least not in practical life. Consequently – it is worth looking gain into the possibility of making this connection, perhaps once again.

Only since 2002 and the WSSD, a number of both interesting and some less so, documents have been written. Attached to this compendium are a few in adobe format. I have chosen to extract a few vital points from two IIED documents, written almost ten years apart. What seems interesting is the fact that the basic indicators or bullet points and analysis from 1997 could easily have been inserted into the 2006 report.

The reports by IIED make for interesting albeit somewhat detailed and at times tedious reading, especially what concerns the most recent one as it at times becomes extremely technical and Ministerial. But this fact may tell us something, and perhaps we may be allowed to have the following conclusion: *NSDS processes are not owned by the people, they are owned by bureaucracies. This may be one of the very reasons why sustainable development has never reached the larger public, nor penetrated people's consciousness to the effect that it changed people's ways of acting on a daily basis.*

1.1 IIED wrote in a report from 2006²¹:

In some countries, periodic reports are prepared which review the state of progress towards sustainability, rather than the process and/or delivery of the SD strategy. However, these

²¹ International Institute for Environment and Development, (IIED), *Environmental Planning Issues No. 27, July 2006* "A REVIEW OF MONITORING MECHANISMS FOR NATIONAL SUSTAINABLE DEVELOPMENT STRATEGIES"
By Barry Dalal-Clayton and Steve Bass IIED

can provide good material on the changing context, some of which may be attributable to the strategy. A prominent example is the Sustainability Outlook, produced by the Netherlands Environmental Assessment Agency (so far, two reports, in 2004 and 2005). These are important sources of information for public debate on SD. The second report (RIVM 2005) covers:

- four different “world views” (scenarios) on structuring the sustainability issue, and a survey of Dutch opinions on these world views;
- sustainability indicators;
- future trends on mobility, energy and food supply; and
- key factors for sustainable development (technology, behaviour, population growth and governance).

Clearly, these kinds of overviews provide valuable indications of the effectiveness of NSDS policies and actions, but it is unclear how they have actually been used as guides or incorporated into different monitoring approaches.

There is increasing demand from stakeholders who want to see that NSDSs are succeeding, or at least to understand what difference they are making. Since establishing an NSDS as a new or stand-alone strategic planning process would rarely be recommended, there is also demand to understand what difference similar initiatives – that could form NSDS building blocks – have made. Such initiatives include a range of approaches that aim at improving the integration of social and environmental objectives into key development processes. Thus the DAC policy guidance on NSDSs offers a definition of a strategy, which could be filled by a variety of initiatives:

“A co-ordinated set of participatory and continuously improving processes of analysis, debate, capacity-strengthening, planning and investment, which seeks to integrate the short and long term economic, social and environmental objectives of society - through mutually supportive approaches wherever possible - and manages trade offs where this is not possible” (OECD DAC 2001)

In the run up to WSSD in 2002, most EU Member States developed or revised NSDSs, and additional strategies or similar initiatives have been developed since then. Many other countries around the world have also made progress with developing and implementing such strategies. For many developing countries, the focus has shifted to preparing poverty reduction strategies (PRS), with donor support. But as many PRSs are undergoing revision, and environmental and intergenerational dimensions are increasingly being addressed, they are seen as providing a platform for evolution to effective NSDSs (although equivalence to an NSDS has not yet been addressed for any PRS). “

1.2 A bit further down in the same report, IIED notes:

NSDSs have multiple objectives and strategy activities will change over time, and so will social, economic and environmental conditions. Given circumstances of continuing change, it is now clear that effective NSDSs require systematic and iterative processes. This puts monitoring, evaluation, and learning and adaptation processes at the heart of the NSDS idea. Strategy monitoring is therefore central to five basic strategic purposes:

- 1. Systematically *tracking changes* that support or hinder sustainable development.**
- 2. Supporting common *learning*.**
- 3. Providing strategy steering and *adaptation*.**

- 4. Enabling *accountability* of strategy stakeholders.**
- 5. Building *confidence* that effective change is possible.**

To serve these purposes, monitoring is required in relation to key strategy elements:

- (a) the strategy process,**
- (b) strategy content or products,**
- (c) outcomes and**
- (d) impacts.**

But monitoring everything is impossible and therefore it must be selective. In section 4, we explore the different monitoring challenges in relation to these elements, suggest some criteria for evaluating the utility and effectiveness of NSDS monitoring mechanisms (Box 4.1), and discuss a number of useful reference frameworks against which strategies can be monitored.

In addition,

(e) monitoring information is of little use unless it is disseminated and acted upon, and therefore we discuss these requirements as well. We also make some observations on best practice, and key monitoring challenges where further work may be warranted. These observations are drawn from an assessment of selected examples of the main approaches to strategy monitoring, described in the following sections. In practice, these approaches tend to focus on one or more of the strategy elements a to e, but rarely all of them.

2.0 OECD – ALSO A NORM SETTING NSDS INSTITUTION

IIED makes reference to the OECD principles for sustainable development strategies. And maybe we could use these to make the connection between the global and grass roots levels of our activities:

2.1 The OECD DAC principles for sustainable development strategies

These are principles towards which strategies should aspire. They are all important and no order of priority is implied. They do not represent a checklist of criteria to be met but encompass a set of desirable processes and outcomes, which also allow for local differences.

1. People-centred. An effective strategy requires a people-centred approach, ensuring long-term beneficial impacts on disadvantaged and marginalized groups, such as the poor.

2. Consensus on long-term vision. Strategic planning frameworks are more likely to be successful when they have a long-term vision with a clear timeframe upon which stakeholders agree. At the same time, they need to include ways of dealing with short- and medium-term necessities and change. The vision needs to have the commitment of all political parties so that an incoming government will not view a particular strategy as representing only the views or policies of its predecessor.

3. Comprehensive and integrated. Strategies should seek to integrate, where possible, economic, social and environmental objectives. But where integration cannot be achieved, trade offs need to be negotiated. The entitlements and possible needs of future generations must be addressed.

4. Targeted with clear budgetary priorities. The strategy needs to be fully integrated into the budget mechanism to ensure that plans have the financial resources to achieve their objectives, and do not only represent 'wish lists'. Conversely, the formulation of budgets must be informed by a clear identification of priorities. Capacity constraints and time limitations will have an impact on the extent to which the intended outcomes are achieved. Targets need to be challenging - but realistic in relation to these constraints.

5. Based on comprehensive and reliable analysis. Priorities need to be based on a comprehensive analysis of the present situation and of forecasted trends and risks, examining links between local, national and global challenges. The external pressures on a country - those resulting from globalisation, for example, or the impacts of climate change - need to be included in this analysis. Such analysis depends on credible and reliable information on changing environmental, social and economic conditions, pressures and responses, and their correlations with strategy objectives and indicators. Local capacities for analysis and existing information should be fully used, and different perceptions among stakeholders should be reflected.

6. Incorporate monitoring, learning and improvement. Monitoring and evaluation need to be based on clear indicators and built into strategies to steer processes, track progress, distil and capture lessons, and signal when a change of direction is necessary.

7. Country-led and nationally-owned. Past strategies have often resulted from external pressure and development agency requirements. It is essential that countries take the lead and initiative in developing their own strategies if they are to be enduring.

8. High-level government commitment and influential lead institutions. Such commitment – on a long-term basis - is essential if policy and institutional changes are to occur, financial resources are to be committed and for there to be clear responsibility for implementation.

9. Building on existing mechanism and strategies. A strategy for sustainable development should not be thought of as a new planning mechanism but instead build on what already exists in the country, thus enabling convergence, complementarity and coherence between different planning frameworks and policies. This requires good management to ensure co-ordination of mechanisms and processes, and to identify and resolve potential conflicts. The latter may require an independent and neutral third party to act as a facilitator. The roles, responsibilities and relationships between the different key participants in strategy processes must be clarified early on.

10. Effective participation. Broad participation helps to open up debate to new ideas and sources of information; expose issues that need to be addressed; enable problems, needs and preferences to be expressed; identify the capabilities required to address them; and develop a consensus on the need for action that leads to better implementation. Central government must be involved (providing leadership, shaping incentive structures and allocating financial resources) but multi-stakeholder processes are also required involving decentralised authorities, the private sector and civil society, as well as marginalized groups. This requires good communication and information mechanisms with a premium on transparency and accountability.

11. Link national and local levels. Strategies should be two-way iterative processes within and between national and decentralised levels. The main strategic principles and directions should be set at the central level (here, economic, fiscal and trade policy,

legislative changes, international affairs and external relations, etc., are key responsibilities). But detailed planning, implementation and monitoring would be undertaken at a decentralised level, with appropriate transfer of resources and authority.

12. Develop and build on existing capacity. At the outset of a strategy process, it is important to assess the political, institutional, human, scientific and financial capacity of potential state, market and civil society participants. Where needed, provision should be made to develop the necessary capacity as part of the strategy process. A strategy should optimise local skills and capacity both within and outside government. (Source: OECD DAC (2001a))

2.0 IIED 1997

A number of perceived challenges were identified during a workshop held at IIED in November 1997. A report was written and one of the subheadings was called: "Challenges for More Effective Strategic Analysis, Debate and Action for Sustainable Development." What follows are a few excerpts from that report:

"The process of globalisation has been driven by a variety of factors: trade liberalisation, increasing foreign investment, falling costs of communication, rapid technological innovation, the spread of economic reform programmes and the proliferation of multilateral institutions and agreements. But the impacts of globalisation have been weakly addressed in national strategies for sustainable development so far. Yet globalisation has profound implications for sustainable development in developing countries and there is an urgent need for a new approach to the international dimension of national strategies.

Trade and investment provide a critical source of capital for driving economic growth in developing countries, and are becoming increasingly important with the decline in aid flows. Increased trade and investment in developing countries could have a significant impact on the environment if increased productive activity -- such as mineral extraction and new manufacturing processes -- is not accompanied by robust social and environmental controls. Inequalities within developing countries could also widen as poor people find themselves less able to exploit new economic opportunities and become more vulnerable to a loss of access to resources and environmental degradation associated with privatisation and industrialisation.

3.1 Critical policy areas for sustainable development

Steering globalisation towards sustainable development depends on the capacity of governments to stimulate and regulate market access arrangements that prevent environmental degradation and ensure that benefits are widely distributed. Critical policy areas include:

- **Structural Adjustment:** Stabilisation and adjustment can exacerbate unsustainable use of natural resources and environmental degradation due to weak institutional capacity and regulatory frameworks and lack of clear tenure over resources. In many cases, the poor are the worst affected by these impacts. This remains a central issue for national strategies for sustainable development.

- **Trade:** Export-led development is now regarded as a major route to prosperity for poor nations, but the least developed countries still stand to lose out from the Uruguay Round of trade reforms.
- Furthermore, the wider implications for resource use and sustainable development of trade liberalisation have yet to be fully assessed. Strategic analysis is required to enable countries to understand the wider implications and use these to negotiate countervailing measures.
- **Foreign Investment:** Recent OECD negotiations for a Multilateral Agreement on Investment have highlighted the need for developing country governments to take a strategic perspective on the how to balance the need for a secure investment regime to attract and retain foreign capital with mechanisms to encourage corporate responsibility for social and environmental performance.
- **Development Assistance:** Aid levels are now at their lowest levels for 25 years with little sign of reversal. This stagnation means that strategies for sustainable development are critical for deciding priorities for donor support and providing the framework for donor coordination.
- **Policy Coherence:** The long-term prospects for sustainable development in poor nations are often highly dependent on decisions in other countries, for example, on agriculture and fisheries policies.
- Sustainable development strategies could help to identify the costs of policy incoherence in other countries as a first step to policy reform.
- National sustainable development strategies provide an opportunity for developing countries to anticipate the adverse social and environmental effects of globalisation and benefit from its advantages.
- Addressing the international dimension in national strategies will require greater dialogue and partnership at two levels: *internally*, between central government ministries, the private sector, local authorities and communities to identify global impacts; and *externally*, with foreign governments, corporations and NGOs to negotiate new deals for sustainable development.

3.2 The 1997 IIED Workshop on NSDS indicators.

The following were some of the bullet points highlighted in the IIED workshop:

(a) Scoping of Need - a needs assessment is required which:

- provides a baseline assessment of conditions and needs at national to local levels;
- identifies available skills & training needs;
- identifies the pre-conditions for a strategy process; and
- enables the bureaucracy to look at the 'big picture' rather than its own domain.

(b) Conceptual Framework - this should:

- provide a strategy design which reflects the needs assessment;
- ensure clear relationship between objectives and implementation;
- makes sure that the strategy process is integrated into macro- and micro-economic framework(s);
- ensures the strategy process adapts and builds on existing plans and strategies for coherence; and is synergistic with other on-going strategic planning processes;
- ensures that the strategy process is cyclical (not a one-off project), is not too product oriented, and sets priorities.

(c) Process

(i) Communications strategy is required which:

- captures and systematically shares experiences through networks;
- seeks to sensitize government and raise awareness levels;
- ensures written outputs are easy to read and accessible to all;
- provides for communication with all interested and affected parties; and
- ensures the strategy is an iterative and learning process.

(ii) Participation (stakeholders) - the strategy process needs to be:

- truly participatory involving as many stakeholders as possible;
- build alliances and partnerships;
- bring stakeholders on board from the beginning;
- improve environmental management at the sub-national and local level; and there is a need to
- develop indicators for effective and relevant participation.

(d) Analytical and Policy Content - strategies need to:

- address the poverty and social agenda;
- pay more attention to changing consumption and production patterns;
- involve better use of economic analysis;
- integrate gender issues in their analysis and development.
- provide for a link between the needs of the Rio Conventions; and
- provide for greater coherence with international policies, e.g. trade, investment, aid, etc;

(e) Institutional Arrangements/Cross-Sector Linkages – NSDS processes should address both horizontal (H) and vertical (V) linkages, and:

- be integrated with other decision-making and planning and policy processes [H];
- offer a programme approach to avoid fragmentation of the process and implementation [V + H];
- put in place support systems through decentralisation processes and extension processes [V];
- be developed by strategy teams which take a broader vision [V + H];
- manage co-ordination at all levels [H];
- bridge between levels [V] ;
- address sub-regional environmental problems [V];
- manage/address global issues in national context [V]; and
- focus locally and on ground strategies in local realities [V].

(f) Resources (Funding + Human resources) - there is a need to:

- avoid heavy reliance on external funding (need to ensure long-term sustainability of process and implementation);
- develop appropriate skills for strategy management, development and implementation
- deal with problems of high staff turn-over and motivation; and
- assess value-added and opportunity costs for strategic processes.

(g) Political Considerations/Issues - strategies need to:

- be inspiring for all, and particularly for national leaders;
- generate domestic political will and government buy-in to the process;
- mobilise public support;
- build new alliances and constituencies; and
- develop mechanisms for resolving conflicts with vested interests.

(h) Donor issues: - strategies need to:

- Provide a framework within which donors' contributions can be co-ordinated

- Identify precise areas where donors can help the process;
- Include mechanisms for minimising donor-driven processes;
- Recognise the reality of donor conditionality; and
- Stimulate donors to take a longer term and more flexible approach.

(i) Learning (including Monitoring & Evaluation - there is a need for:

- Monitoring and evaluation (M&E) systems for strategies including clear performance goals and targets, and indicators for sound environmental management;
- Mechanisms for M&E to trigger change or adjustment of strategy process and implementation;
- Measure impact (what works, what doesn't);
- Link to pilot demonstration(s) for action and learning;
- Strong monitoring of performance capacity; and
- Effective M&E for learning from implementation.

4.0 THE MDGS AND THE MILLENNIUM ECOSYSTEM ASSESSMENT

What was not in existence in 1997, was the debate on the MDGs, the Millennium Development Goals. They have been added onto the debate on NSDSs, perhaps especially what pertains the situation in developing nations. Again a final reference to the IIED report from 2006:

4.1 The Millennium Development Goals (MDGs)

The MDGs were produced by the UN Secretariat following the Millennium Declaration in 2000 (see: www.un.org/millenniumgoals). The MDGs are increasingly providing the basis for both development cooperation and NSDSs (or their equivalents), for example, the current UN-wide emphasis on producing MDG-based national strategies.

The eight MDGs break down into **18 quantifiable targets** that are measured by **48 indicators** :

- Goal 1: Eradicate extreme poverty and hunger
- Goal 2: Achieve universal primary education
- Goal 3: Promote gender equality and empower women
- Goal 4: Reduce child mortality
- Goal 5: Improve maternal health
- Goal 6: Combat HIV/AIDS, malaria and other diseases
- Goal 7: Ensure environmental sustainability
- Goal 8: Develop a Global Partnership for Development

There is no formal requirement to report on the MDGs but UNEP country offices are making reporting a priority.

"The national MDG reports allow developing countries to take ownership of the goals, which are critical to shaping their development priorities. Through the UN country teams worldwide, UNDP leads efforts to help countries integrate the MDGs into their national development circumstances, building them into NSDSs and policies, and incorporating them in budgets and ministries' priorities. The goals are also integrated into assistance frameworks and programmes (including PRSPs)". (Quoted in Renard & Geoghegan, 2005)

4.2 “Millennium Ecosystem Assessment (MA).”

UNEP has clearly added many good indicators to the debate on how to engage people into the overall development of society. The last of these indicators were used in the so-called “*Millennium Ecosystem Assessment (MA)*.”

IIED writes the following:

The MA is ‘a critical evaluation of information concerning the consequences of ecosystem changes for human well-being, for the purpose of guiding decisions on complex public issues’ (www.maweb.org). The MA was called for by the UN Secretary General in 2000, and authorized by UN member governments through four multilateral environmental conventions. It was prepared by 1360 experts from 95 countries. The MA has five special characteristics that mark it out from other environmental reviews:

- The MA looked at ecosystem-*people* links. Thus it pointed, for example, to drylands as being one of the most critical areas (since many poor people are vulnerable to the poor soils and limited water supply) rather than e.g. the coral reefs or tropical rainforests that you might expect to head a list of priorities.
- It is organised in terms of the *services* that people obtain from ecosystems – ‘provisioning’ services like food and fibre, ‘regulating’ services like climate and water regulation, and ‘cultural’ services like aesthetics and recreation.
- It offers scenarios suggesting how ecosystem changes may affect people in future decades.
- It offers a catalogue of proven ‘*response options*’ proven to make sustainable use of ecosystem services and tackle problems.
- Finally, it offers a conceptual – and potentially a political – *bridge* between the too-separate worlds of environment and development.

CHAPTER FIVE

Integrating CSD and the NSDS Elements of a successful strategy for sustainable development

The UN through the UN DESA has made a number of attempts at writing a blueprint for a NSDS. One of the most comprehensive documents in this context is found in a document called: "From § 46.1 page 34 GUIDANCE IN PREPARING A NATIONAL SUSTAINABLE DEVELOPMENT STRATEGY: MANAGING SUSTAINABLE DEVELOPMENT IN THE NEW MILLENNIUM, Background Paper No. 13" dating from 2002.

Creating a sustainable development culture.

The sustainable development strategy process should be developed as a way of life. Although easier said than done, the integration of economic, social and environmental aspects of development need to be pursued as a routine undertaking. A culture of experimentation and innovation should be encouraged

From § 46.1 page 34.

1.0 INTRODUCTION AND BACKGROUND.

No attempts will be made here to analyse the document. What follows are, however, extracts from this highly readable document – extracts that may guide and help any organisation in its efforts to develop a NSDS. (The complete document is attached).

We need to know that the idea of making an NSDS, and its subsequent political discussion and development is firmly anchored in the central document Agenda 21. This was further reiterated during the Five review of Agenda 21 in 1997. We read the following in the DESA document (page 6):

1. The 1992 United Nations Conference on Environment and Development (UNCED), declared that, "Governments, in cooperation where appropriate with international organizations, should adopt a national strategy for sustainable development... This strategy should build upon and harmonize the various sectoral, economic, social and environmental policies and plans that are operating in the country."²²

2. Five years later in 1997, the Special Session of the UN General Assembly on the review of Agenda 21, reaffirmed that national sustainable development strategies are important mechanisms for enhancing and linking priorities in social, economic and environmental policies.²³ It called upon all countries to complete, by the year 2002, the formulation and elaboration of national sustainable development strategies that reflect the contributions and responsibilities of all interested parties.

²² Agenda 21, Chapter 8, paragraph 8.7

²³ Programme of Action for the Further Implementation of Agenda 21, paragraph 24

There are further references to the NSDS in a number of other central documents, here is also mentioned that in the reference is made to the NSDS within the confines of the MDGs, more specifically under Goal 7, target 9.

The DESA document then picks up on a central theme – what really is sustainable development? In a somewhat polemical way, though quickly moving to the core of the discussion, the paper gives this discussion ample space (page 7).

6. The Brundtland Commission Report, Our Common Future, defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." Further, Principle 1 of the Rio Declaration states that: "human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature."

And to give this well-known discussion a bit more meat, the paper makes an effort to give a few of the central words or concepts 'depth' and meaning. We may be well served in our work if we also pay attention to these definitions. On page 7, we find the following:

On 'needs':

"The concept of "needs" emphasized in the Commission's definition refers, in particular to the basic needs of the world's poor, to which overriding priority should be given."

The social component:

"The social component refers to the relationship between nature and human beings, uplifting the welfare of people, improving access to basic health and education services, fulfilling minimum standards of security and respect for human rights. It also refers to the development of various cultures, diversity, pluralism and effective grass roots participation in decision-making."

The issue of equity:

"The issue of equity, i.e., the distribution of benefits and access to resources remains an essential component of both the economic and social dimensions of sustainable development."

The environmental component:

"The environmental component, on the other hand, is concerned with the conservation and enhancement of the physical and biological resource base and eco-systems."

2.0 AT THE HEART OF IMPLEMENTING A STRATEGY:

We need to bring a few more conceptual thoughts and notes from the DESA paper, and the following paragraph stands out as a central one, also because it is referred to in other documents (though not ad verbatim,) and it deals with the complex relationship between the economic and environmental world (also page 7 and 8):

8. At the heart of operationalizing sustainable development is the challenge of evaluating and managing the complex interrelationships between economic, social and environmental objectives. Economic growth, for example, is made possible through the creative powers of

human beings that enable the transformation of nature into meeting basic needs and material conveniences of everyday life. This transformation process often entails the depletion of the natural environment that could result in air pollution, climate change and biodiversity loss. Policy makers are thus confronted with the hard decisions of establishing the right balance between economic and environmental goals. Because benefits accrue to different groups at different times, determining the level and rates of investment in each area at a particular time involves making difficult choices. The positive and negative economic, social and environmental consequences of policy changes need to be assessed. Areas of tradeoffs, where benefits in one or more spheres result in losses in another sphere, need to be identified and appropriate mitigation measures taken to minimize negative impacts.

2.1 Understanding the concept of Sustainable development is understanding an incremental process:

9. Today many countries, both developed and developing, have embraced the concept of sustainable development. Understanding of this concept has evolved over time from the early focus on environmental dimension to the current emphasis on sustainable development as a process that integrates economic, social and environmental objectives. There is also recognition that achieving sustainable development requires far reaching policy and institutional reforms and the involvement of all sectors at all levels. Sustainable development is not the responsibility of only government or one or two sectors of society.

10. Sustainable development is incremental and builds on what already exists, and its achievement is as much a process as a fixed goal. Sustainable development is not an activity that has to be left to the long term. Rather, it constitutes a set of short, medium and long term actions, activities and practices that aim to deal with immediate concerns while at the same time address long-term issues.

11. Agenda 21 promotes national sustainable development strategies as mechanisms for translating a country's goals and aspiration of sustainable development into concrete policies and actions. A national sustainable development strategy is a way in which countries address the challenge of progressing towards the goals of sustainable development at the national, local and even at the regional levels.

3.0 WHY A SUSTAINABLE DEVELOPMENT STRATEGY AND WHAT IS IT?

This discussion is of course central to the content of this manual, and is central to the purpose of what we are trying to accomplish. And in so many ways the paper manages to give a rather succinct answer (pages 8 and 9):

3.1 The definition:

12. Since the Rio Summit, the understanding of a sustainable development strategy has moved from a national environmental strategy to a strategy that integrates economic, social and environmental aspects, as the original Rio emphasis. A sustainable development strategy is defined as a coordinated, participatory and iterative process of thoughts and actions to achieve economic, environmental and social objectives in a balanced and integrated manner at the national and local levels. The process encompasses situation analysis, formulation of

policies and action plans, implementation, monitoring and regular review. It is a cyclical and interactive process of planning, participation and action in which the emphasis is on managing progress towards sustainability goals rather than producing a "plan" as an end product. OECD/DAC defines NSDS as "a coordinated set of participatory and continuously improving processes of analysis, debate, capacity-strengthening, planning and investment, which integrates the economic, social and environmental objectives of society, seeking trade offs where this is not possible."⁵

3.2 No singularly right approach:

13. There is no one type of approach and no single formula by which national sustainable development strategies can or should be undertaken. Every country needs to determine, for itself, how best to approach its sustainable development strategy preparation and implementation depending upon the prevailing political, historical cultural, ecological circumstances. Therefore, a "blueprint" approach for national sustainable development strategies is neither possible nor desirable. What is important is the consistent application of the underlying principles and ensuring that economic, social and environment objectives are balanced and integrated.

14. A national sustainable development strategy should not also be seen as a new plan, or as a separate planning process alongside existing ones. It rather constitutes the adaptation of existing processes to comply with sustainable development principles. It is also an ongoing process and not a one-off 'project' for producing a document.

3.3 A strategy is a tool:

15. A sustainable development strategy is a tool for informed decision-making that provides a framework for systematic thought across sectors and territory. It also helps to institutionalize processes for consultation, negotiation, mediation and consensus building on priority societal issues where interests differ. A sustainable development strategy could empower a country to address inter-related social and economic problems by helping them to build capacities, develop procedures and legislative frameworks; allocate limited resources rationally and present timetables

4.0 THE COMPONENTS OF THE TOOL.

The paper contains a multitude of elements that should be incorporated into a national strategy on sustainable development, and we may well wonder if we need to take in all. Then it is well worth remembering that there is no shoe that fits all, and each strategy needs to reflect national – and perhaps even – regional concerns.

Still, find below further extracts of the many bullet pointed factors that should be considered at one time or another during the development of a strategy (the numbers refer to the original paragraphs in the DESA document).

4.1 General approach:

16.1 Facilitating decision-making and improving the effectiveness of public policy:

- Help to define choices, goals, targets and policies for sustainable development, and the underlying values;
- Analyze economic, ecological and social issues in a comprehensive and integrated way;
- Promote the development of government policies on sustainable development and building consensus around them;
- Identify and evaluate options (legal reforms, institutional development, etc.) for addressing priority issues;
- Harmonize policies and strategies across sectors and geographic areas;
- Better prepare and position a country to benefit from such processes like globalization and growth in science and technology;
- Encourage and facilitate institutional and behavioural change for sustainable development.

16.2. Enhancing the mobilization of resources:

- Facilitate the mobilization of a nation's human (including people's energies and creativity), financial and material resources, both internally (national) and externally (international), in support of sustainable development;
- Help countries to coordinate donor support - e.g., through donor round tables to consider support for a coherent set of projects and policy initiatives prioritized through a strategy;
- Help to meet reporting requirements under international conventions.

16.3 More efficient allocation of resources:

- Facilitate the efficient allocation of rather limited national resources on the basis of priorities set through participatory processes;
- Help identify development projects and programmes and guides their implementation;
- Improve the sharing of benefits that accrue to development on a more equitable basis through bringing up concerns of underprivileged groups to the forefront of the development agenda;
- Facilitate dealing with policy issues such as access to resources, land and property rights that impact on intergenerational benefits.

16.4 Resolving conflicts:

- Help to reconcile differences among groups of society and government departments through exposing differences and encouraging open dialogue;
- Facilitate the understanding of differing, at times contradictory policy objectives by quantifying benefits/losses and clarifying tradeoffs.

16.5 Building human and institutional capacity:

- Through clearly articulating goals and means to achieve them, a national sustainable development strategy helps to mobilize capacity, maintain and retain capacity and build it where necessary;

- Help build multidisciplinary capacities that can immediately be harnessed to solve complex and multidisciplinary problems;
- Help also build institutions and policy environment for sustained economic growth and social transformation.

4.2 Central components of the strategy.

Pages 12 to 22 contain bullet points and content analysis. I have just taken into this document the headlines, which in themselves represent indicators of what should be addressed in a strategy:

- 21.1. Over-arching politically inspired strategies.
- 21.3. Long-term national vision.
- 21.4. Strategies dealing with economic recovery and growth:
 - Structural Adjustment Programmes (SAPs).
 - Comprehensive Development Framework (CDF).
- 21.5 Social/poverty reduction oriented strategies:
 - Poverty Reduction Strategies.
- 21.6 Strategies dealing with integrating environment/conservation into development:
 - National Conservation Strategies (NCSs):
 - National Environmental Action Plans (NEAPs):
 - National Agenda 21:
 - Sub-national and local strategies:
- 21.7 Convention driven strategies.
 - **National Biodiversity Action Plans (NBAPs).**
 - National Action Programmes against Desertification (NAPs).
 - The UN Framework Convention on Climate Change.

4.3 Challenges (page 15)

- The lack of clear and pragmatic vision of development.
- Absence or limited national ownership.
- Too much focus on "document" production.
- Inadequate or lack of public consultation
- Lack of integration of the strategies and the overall development policy.
- Putting little emphasis on monitoring and evaluation.

4.4 Elements of effective strategies (page 16)

"Institutions at the local level are strong driving forces for national sustainable development strategies. For a strategy to succeed, it should reflect the needs and aspirations of the local people and at the same time be fully backed by adequate commitment from the local level for its implementation. Indeed, it is the people at the local level who are the direct beneficiaries of the strategy process and real

driving forces for forging integration; Country-driven, multi-stakeholder 'ownership' and strong political commitment. (from 25i, page 17.)"

- Sound leadership and good governance
- a shared strategic and pragmatic vision.
- Strong institutional leadership
- Ensure continuity of the strategy development process.

4.5 Integrated factors (page 18)

- A national strategy for sustainable development should be comprehensive, balanced as well as vertically and horizontally well integrated.
- Link the short to the medium and long term.
- Link national and local priorities and actions.
- Consensus building should be a key factor

4.6 Participation (page 19)

- One of the fundamental prerequisites of sustainable development is broad public participation in decision-making. The involvement of the civil society and the private sector
- Communication and wide information dissemination is key for effective participation.
- Promote and build partnerships with the civil society, private sector and external organizations.
- Governments have a key role to play in creating an enabling environment for participation. The central government can promote public participation as it should provide leadership, incentive structures and allocates financial resources.
- Local governments need to play a stronger role in the formulation and implementation of national sustainable development strategies.

4.7 Develop capacity (page 20)

- Sustainable development strategies require strong human and institutional capacity, and in turn are important vehicles for building a multifaceted capacity for solving complex problems.
- A sustainable development strategy should be built on existing knowledge and expertise.
- Traditional knowledge and institutions need to be given due recognition and be considered in the strategy development process.

4.8 Means of implementation (page 21)

- A sustainable development strategy should aim to achieve concrete results on the ground. Public participation and the other processes of the strategy are vitally important and could be viewed as results in their own right.
- A strategy for sustainable development should build on existing strategies, policies and processes.
- Set realistic but flexible targets.
- Build coherence between budget and strategy priorities.
- Develop mechanisms for monitoring; follow up, evaluation and feedback.

4.9 Building elements of the strategy (pages 22 to 31)

26. Moving towards sustainable development is arguably the most difficult challenge decision-makers face at all levels and in all countries. A national sustainable development strategy offers a powerful and effective mechanism to harness the skills, values and energies of a nation and makes possible the attainment of sustainable development. It requires, however, making the principles mentioned above operational through putting in place, on a continuous basis, four critical processes:

- **political,**
- **participatory,**
- **technical and**
- **resource mobilization processes.**

27.5 Create a national council for sustainable development. National Councils for Sustainable Development (NCSD) have members drawn from government, civil society, private sector and academia. Over the past decade with support from the Earth Council, NCSDs were established in many countries, although their success is rather mixed. They are often effective if chaired at a high political level. The duties, responsibilities and authority of such Councils vary from country to country. The common roles of NCSDs are:

- Facilitating participation and co-operation of civil and economic society and governments for sustainable development;
- Assisting governments in decision-making and policy formulation;
- Integrating economic, social and environmental action and perspectives;
- Looking at the local implications of global agreements such as Agenda 21 and other international conventions related to sustainable development;
- Providing the systematic and informed participation of civil society in UN deliberations.

29.1. Design participatory processes that are multi-layered and inclusive. The national Secretariat and the National Councils of Sustainable Development (NCSD) where they exist could determine the main "stakeholders" to be involved, the issues to be discussed, the approach, and how to manage their inputs. Mechanisms need to be created for the involvement of all sectors (government departments, public institutions, research and higher institutions of learning, private organizations and NGOs) in the formulation process;

4.10 Monitoring and evaluation:

- Few national sustainable development strategies have been assessed to date and a number of difficulties are commonly faced with strategy assessment, such as:
- Lack of a culture of assessment, and often a negative attitude toward assessment;
- Assessments driven by external sources – these can be politically difficult to internalize as well as involve assessment skills not conducive to participatory assessment by local stakeholders (for example stressing third party assessments because of the need to ensure accountability for funds);
- Fear that assessment may lead to inappropriate comparisons internationally
- Lack of agreement on definitions and indicators, which would result in inconsistency of data;

- Obtaining access to data and (especially for process assessment) access to concerned stakeholders;
- Integrating different assessments carried out by different organizations, e.g., civil society and government assessments, or those of different ministries and ensuring complementarities between them;
- Framing the assessment in ways that reduce the risk of it being 'buried' because of political opposition.

39. Effective implementation of sustainable development strategies requires the follow up and monitoring of what is happening, an understanding of what works and what does not.

40. Over the past decade, monitoring and evaluation has seen important changes in concept, approach and methodology. It is now widely accepted that a sound M&E programme should involve monitoring and evaluation of processes, outcomes and impacts.

- **Process** (systems based) evaluation measures the implementation of activities and how effectively this is done.
- M&E of **outcomes** involves measuring the effect of the activities that have been undertaken, mainly the more immediate, tangible or observable changes.
- **Impact** assessment aims to ascertain the more long term and widespread consequences of the intervention.

45. Effective M&E for sustainable development requires that it be:

- **Participatory:** A participatory approach needs to be adopted where appropriate to involve various program stakeholders (staff, funders, clients, partners, etc.) in designing and conducting the evaluation to ensure that the needs, ideas and concerns all players are included in the process. This often involves developing mechanisms organizing discussion forums, participant interviews and focus group discussions;
- **Practical:** A monitoring and evaluation system needs to be practical, relevant and provide useful information to program managers. This may include simple strategies from visual checklists to participant questionnaires to annual evaluation workshops;
- **Reflective:** Institutional learning is an important aspect of the M&E process in which an organization analyses its own objectives and its capacity for achieving them, through reflection on experiences and development impacts. Institutions should focus on learning from failures as well as from successes. An institution should view M&E not as a faultfinding process but as a beneficial tool that empowers the organization, mobilizes the commitment of staff and fosters improvement.

CHAPTER SIX

USING THE AARHUS CONVENTION TO FURTHER THE CSD and promoting National Sustainable Development Strategies

Structure of chapter:

- 1. Overview of Aarhus Convention**
- 2. Case studies to see the Aarhus Convention in action on CSD issues**
- 3. Possible ideas on how to use the Aarhus Convention to further CSD**

1.0 OVERVIEW OF AARHUS CONVENTION

1.1 Purpose and scope

The Aarhus Convention, properly the United Nations Economic Commissions for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, was signed on 25 June 1998 in Aarhus, Denmark and entered force in October 2001²⁴.

The Convention is considered by those working in the area of human rights and the environment as a "landmark" and an important precedent for other regions.

In the words of the Secretary-General of the United Nations, Kofi Annan:

Although regional in scope, the significance of the Aarhus Convention is global. It is by far the most impressive elaboration of principle 10 of the Rio Declaration, which stresses the need for citizen's participation in environmental issues and for access to information on the environment held by public authorities. As such it is the most ambitious venture in the area of environmental democracy so far undertaken under the auspices of the United Nations.

Article 1 encapsulates the Convention's objective and illustrates its rights based approach:

In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.

The explicit link between the environment and the health of present and future generations in Article 1 marks a significant step in international law.

²⁴ Pursuant to Article 19(4) the Convention is open to accession by States outside the United Nations Economic Commission for Europe (UNECE) region upon approval by the Meeting of the Parties, although none have yet done so. As at February 2006, it had been ratified by the European Community and 38 States from the UNECE region, including Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Tajikistan, The Former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, United Kingdom and Northern Ireland. In addition, Croatia, Germany, Iceland, Ireland, Liechtenstein, Monaco, and Switzerland are Signatories.

Article 3(9) stipulates that the rights contained in the Convention are to be given without discrimination as to citizenship, nationality or domicile.

In the main, the Convention's obligations fall on public authorities, which are defined to include government at national, regional and other levels, bodies having public administrative functions, and privatized bodies having public responsibilities in relation to the environment under the control of the aforementioned public authorities.²⁵ Institutions acting in a judicial or legislative capacity are not included.

1.2 Access to environmental information

As the Convention's full name suggests, it is based on three pillars: access to information, public participation and access to justice. The first pillar of the Convention addresses access to environmental information.

"Environmental information" is defined widely and includes, inter alia, information on the state of elements of the environment, activities, measures or factors likely to affect elements of the environment, and human health and safety, cultural sites and built structures inasmuch as they may be affected by the aforementioned elements, factors, activities or measures.

The Convention imposes both reactive and proactive obligations on public authorities to provide information. Article 4 requires public authorities to provide environmental information on request. Everyone has the right to request environmental information, even if they are not a citizen or resident of the state, and do not have to provide an interest or a reason. The public authority must make the requested information available as soon as possible, generally within one month after receiving the request, or two months if the information is very complex and they inform the requestor of the reasons for the delay.

Information should generally be provided in the form requested. Public authorities may charge for supplying the information, but only a reasonable amount.

There are some limited grounds for refusing an information request. Public authorities may refuse the request is too general or "manifestly unreasonable". Information may also be withhold where disclosure would adversely affect various interests, such as international relations, national defence, public security, the course of justice, commercial confidentiality, or the interests of a third party who has voluntarily supplied the information and does not consent to its release. They may also withhold information whose release could harm the environment, such as the breeding sites of rare species.

However all these exemptions must be interpreted in a restrictive way, taking into account the public interest served by disclosure. If the request for information is refused on the basis of these exceptions, the requesting person should notify the requestor within one or at most two months, including the reason for the refusal. This decision can then be challenged through an appeals process.

If a public authority does not hold the requested information, they should direct the requestor to the appropriate public authority or transfer the request to that authority and notify the requestor.

²⁵ Article 2(2).

Article 5 requires public authorities to act proactively to collect and disseminate environmental information. All public authorities must collect and update environmental information related to their function and make that information public accessible, ultimately in electronic databases. They must also tell the public what kind of environmental information they have and how to access it.

Each state must also produce a publicly accessible "state of the environment report" at least once every four years.

1.3 Public participation in environmental decision-making

The second pillar of the Convention contains requirements for public participation in various types of environmental decision-making. Article 6 lays down requirements for public participation with respect to decisions on whether to permit certain types of listed activities including, inter alia, installations for the energy sector and the metal, mining, and chemical industries, certain industrial plants, larger airports, railways, waterways and ports.²⁶

In respect of such activities, "the public concerned" are entitled to:

- timely and effective notification when all options are still open,
- reasonable timeframes for participation, including at an early stage,
- access to information relevant to the decision-making free of charge,
- due account taken of the outcome of the public participation,
- and prompt public notification of the decision, including reasons.

"The public concerned" means the public affected or likely to be affected by, or having an interest in, the environmental decision-making, including non-governmental organizations promoting environmental protection and meeting any requirements under national law.²⁷

One activity notably omitted from the mandatory requirements of Article 6 was decision-making on genetically modified organisms.²⁸ However, at their second meeting in May 2005 the Meeting of the Parties adopted an amendment imposing public participation requirement on decisions on the deliberate release and placing on the market of genetically modified organisms.²⁹

Besides the activity-related public participation requirements contained in Article 6, Article 7 requires Parties to make appropriate provision for the public to participate during the preparation of plans, programmes and policies relating to the environment. This must happen within a transparent and fair framework and the necessary information must have been provided to the public. In respect of plans and programmes, the public participation must include reasonable time-frames for the different phases and provide for early public participation when all options are open and effective public participation can take place. Also, due account must be taken of the outcome of the public participation.

²⁶ Annex I.

²⁷ Article 2(5).

²⁸ Article 6(11).

²⁹ Decision II/1 on Genetically Modified Organisms, available at <http://www.unece.org/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.2.e.pdf>. The amendment will enter force 90 days after it has been ratified by three-quarters of the Parties.

Article 8 requires Parties to strive to promote effective public participation during public authorities' preparation of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment.

1.4 Access to justice in environmental matters

The third pillar of the Convention, access to justice, is contained in Article 9. It addresses access to justice in three situations:

- access to review procedures in relation to information requests,³⁰
- access to review procedures to challenge decisions, acts, or omissions subject to the public participation provisions of Article 6;³¹
- and access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene environmental law.³²

Article 9 requires that all such procedures be fair, equitable, timely, not prohibitively expensive and include adequate and effective remedies.³³

1.5 The Aarhus Convention Compliance Committee

Article 15 of the Convention requires the Meeting of the Parties to establish, on a consensus basis, optional arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance with the provisions of the Convention. The rules of procedure and modus operandi are available on the Aarhus Convention website.

In keeping with the groundbreaking nature of the Aarhus Convention, the compliance mechanism is innovative in a number of respects. As mentioned above, it is the first compliance mechanism under a multilateral environmental agreement to permit the public to bring complaints against State Parties. In addition, Committee members serve in their personal capacity. In theory it means that members are not tied to diplomatic or political agendas and hopefully gives the Committee greater independence and flexibility.

Furthermore, non-governmental organizations promoting environmental protection and within the scope of Article 10(5) of the Convention can nominate candidates for election as Committee members in the same way that Parties and Signatories can.

Finally, transparency is an important component of the Compliance Committee's modus operandi. In general, no information held by the Committee can be kept confidential.³⁴ This is subject to limited exceptions in which the communicant or the Party concerned may request confidentiality. The Aarhus Convention website comprehensive guidance material on the Committee's procedures.³⁵ It provides the provisional agendas, reports and official documentation in respect of Committee meetings.³⁶ For the most part, Committee meetings

³⁰ Article 9(1).

³¹ Article 9(2).

³² Article 9(3).

³³ Article 9(4).

³⁴ Paragraph 26, Annex to Decision I/7.

³⁵ Guidance Document on Aarhus Convention Compliance Mechanism, <http://www.unece.org/env/pp/compliance/manualv4.doc>

³⁶ Discussion papers prepared by the secretariat for a committee meeting are not posted on the web site in advance of the meeting but are available upon request and in the meeting room for observers.

are open to the public and the public may participate in hearings and discussions on particular cases as observers. The public has the right to comment, the right to be heard and the right to have comments taken into account by the Committee, within the framework of the procedures of the meeting.³⁷ The Committee will, however, hold closed sessions if decision-making, such as when deliberating on findings, measures and recommendations and if necessary to protect the confidentiality of information under the grounds discussed above.³⁸

In its report to the Meeting of the Parties, the Committee may recommend the Meeting to take one or more of the following measures:³⁹

- (a) Provide advice and facilitate assistance to individual Parties regarding the implementation of the Convention;
- (b) Make recommendations to the Party concerned;
- (c) Request the Party concerned to submit a strategy, including a time schedule, to the Compliance Committee regarding the achievement of compliance with the Convention and to report on the implementation of this strategy;
- (d) In cases of communications from the public, make recommendations to the Party concerned on specific measures to address the matter raised by the member of the public;
- (e) Issue declarations of non-compliance;
- (f) Issue cautions;
- (g) Suspend, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, the special rights and privileges accorded to the Party concerned under the Convention;
- (h) Take such other non-confrontational, non-judicial and consultative measures as may be appropriate.

As the Committee's powers are only recommendatory, the Meeting of the Parties is not obliged to adopt its recommendations. However, the adoption of the majority of the Committee's recommendations by the Meeting of the Parties at its second meeting in May 2005 was a promising sign.

To date seventeen cases have been brought before the Compliance Committee. At the second Meeting of the Parties, the Parties firmly endorsed the findings and recommendations of the Compliance Committee in its first five cases heard at that point.

1.6 Kiev Protocol on Pollutant Release and Transfer Registers

The Aarhus Convention has one Protocol, the Kiev Protocol on Pollutant Release and Transfer Registers, popularly known as the PRTR Protocol.⁴⁰ The objective of the Protocol is "to enhance public access to information through the establishment of coherent, integrated nationwide pollutant release and transfer registers"⁴¹. It is the first legally binding international instrument on pollutant release and transfer registers (PRTRs) and is open

³⁷ Guidance Document on Aarhus Convention Compliance Mechanism, <http://www.unece.org/env/pp/compliance/manualv4.doc>

³⁸ Guidance Document on Aarhus Convention Compliance Mechanism, <http://www.unece.org/env/pp/compliance/manualv4.doc>

³⁹ Paragraph 37, Annex to Decision 1/7.

⁴⁰ The PRTR Protocol was adopted at an extra-ordinary meeting of the Parties in May 2003, in Kiev, Ukraine. The European Community and 36 States have signed the Protocol. Luxembourg recently became the first State to ratify the Protocol. Further information is available on its website <http://www.unece.org/env/pp/prtr.htm>

⁴¹ Article 1, PRTR Protocol.

globally to accession by all States, including those outside the United Nations Economic Commission for Europe (UNECE). States must progressively establish pollutant release and transfer registers, which are inventories of pollution from industrial sites and other sources. The PRTRs must be publicly accessible through the internet free of charge, and must be searchable, user-friendly and timely. They must have limited confidentiality provisions and allow for public participation in their development and modification.

Although the PRTR Protocol regulates information on pollution, rather than the pollution itself, it is expected to reduce pollution because companies will not want to be identified as major polluters.

A first draft of a compliance mechanism for the PRTR Protocol is currently in preparation, using the Convention's compliance mechanism as a starting point.⁴²

1.7 Almaty Guidelines on promoting the principles of the Aarhus Convention in international forums

Although most of the Aarhus Convention applies at the national level, one provision is directed at the international level. Article 3(7) requires Parties to promote the application of the principles of the Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment. At its second meeting in Almaty, Kazakhstan in May 2005, the Meeting of the Parties of the Aarhus Convention adopted the Almaty Guidelines on promoting the principles of the Aarhus Convention in international forums.

2.0 CASE STUDIES TO SEE THE AARHUS CONVENTION IN ACTION ON CSD ISSUES

The case studies below are based three of the cases considered by the Aarhus Convention Compliance Committee to date.

Assume that your country is a Party to the Aarhus Convention. Using the text of the Aarhus Convention *annexed*, what are your rights in each case?

2.1 Energy for sustainable development⁴³

Your NGO learns that the government intends to construct an industrial park in the pristine coastal area where you live. The region has a protected national park and is a very popular tourist destination. The proposed park will include three thermal power plants, oil and gas pipelines, installations for the storage of petroleum and an oil refinery inside the protected national park.

Your country's National Energy Corporation organizes three public hearings in your town to present the environmental impact assessment for the industrial park. The participants at the meeting are mainly representatives of the local governing party. Local members of other

⁴² At the second meeting of the Parties in May 2005, the Parties noted that the compliance mechanism for the Convention provided a good starting point, although the open character of the Protocol and its specific nature should be borne in mind. Report of second meeting of the Parties, 25-27 May 2005, available at <http://unece.org/env/documents/2005/pp/ece/ece.mp.pp.2005.2.e.pdf>.

⁴³ ACCC/C/2005/12 Albania

political parties or non-partisan community members are not informed of the meeting. Members of the public, including your NGO, are only informed of the environmental impact assessment, which claims to include public consultation, once the assessment had been finalized.

How might the Aarhus Convention help you?

2.2 Air pollution⁴⁴

You live next door to an industrial facility for storage of cement and coal and the production of cement-based products. The facility has been there for 35 years and you moved in 1996 ago. When you first moved in the facility was not operating but in 1998 the facility began operating again. The trucks and machinery are very noisy and you are worried that your children's constant coughing is caused by the cement dust which blows into your house.

You write a letter to the Ministry of Environmental Protection claiming that the facility violates your national environmental legislation. The government replies it has carried out scientific analysis on the site and that the enterprise had been instructed to take the necessary remedial measures. However, two years later, nothing has changed.

You decide to take the government to court claiming that it has failed to enforce its environment legislation. Some months later, you learn that there has been a default judgment given against you because you did not show up for the hearing of the case. However, you had never been informed of the hearing date.

How might the Aarhus Convention help you?

2.3 Industrial development⁴⁵

In your city there is an agricultural area of about 500 hectares. The area is of significant historic, cultural and environmental value, having been in use for several thousands years and is one of the largest green areas of the city. The area is a stopping point for migratory birds and a habitat for two species of amphibian and eighteen species of reptiles, some of which are included in the Red Book. About 1800 people hold leases to grow grapes, fruit trees and vegetables on the land.

Some of the lessees apply to the District Authority for an extension of their lease agreements. However they learn that the Government has a programme for the development of the area and their leases will not be prolonged. They also discover that the Government has adopted decrees regarding the area. Under one decree, the area is to be halved and re-designated for forestry. The other decrees allocated sections of the land to private companies for commercial and industrial purposes.

Hearing this, your NGO organizes a public hearing on the issue. At the hearing the Chief Architect of your city makes a public announcement of the development plans for the area for the first time. He indicates that the plans have already been adopted by the Government and are not subject to change. Your NGO writes a number of letters requesting further information about the development plans, but each time you are told either that you have

⁴⁴ ACCC/C/2004/06 Kazakhstan

⁴⁵ ACCC/C/2004/08 Armenia

not written to the right department or that they need further information from you before they can comply with your request. Your NGO applies to the court for the decrees to be declared null and void but your claim is found inadmissible. Your NGO appeals but the appeal is unsuccessful.

How might the Aarhus Convention help you?

3.0 POSSIBLE IDEAS ON HOW TO USE THE AARHUS CONVENTION TO PROMOTE THE NSDS AND CSD ISSUES

3.1 Within the CSD process itself:

- Article 7, Aarhus Convention gives strong rights of public participation that can be used in the ongoing development of an NSDS.
- Article 4, Aarhus Convention gives extensive rights of access to information that can be used in monitoring implementation of an NSDS.
- Possible case studies to submit to the CSD as examples of good practice:
 - PRTR Protocol
 - Aarhus Convention Compliance Committee
 - Almaty Guidelines on Public Participation in International Forums

3.2 To promote CSD's substantive issues

- Aarhus Convention's rights to access information, participate, and access to justice may be used against public authorities and before domestic courts in cases where climate change, air pollution, energy or industrial development are the issue.
- Aarhus Convention's Compliance Committee can be used when these rights are denied and there is no reasonably available domestic remedy or if domestic remedies have been exhausted.
- If your country is not a Party to Aarhus Convention, promoting your country's ratification of the Aarhus Convention is promoting sustainable development.
- Similarly, promoting your country's ratification of the PRTR Protocol is a step towards sustainable development.

USEFUL LINKS

ANPED

ANPED has set up list serves for the participants to the Capacity Building and Training project (both for trainers as well as participants) to facilitate communication and the exchange of information. A special section of the ANPED website provides information on the progress and new developments with regard to the Capacity Building & Training programme as well as links to useful documents and background papers.

www.anped.org &

<http://www.anped.org/index.php?part=115§ion=politicalprocesses&reference=32>

Sustainable Development Issues Network

Together with TWN (Third World Network) and ELCI (Environment Liaison Centre International) ANPED is part of the Sustainable Development Issues Network (SDIN). The three organisations are the official co-organising partners for the NGO Major Group input into CSD 15. The website maintained for SDIN by Integrated Strategies Forum, USA can be found at <http://www.sdissues.net/SDIN/>

Taking Issue Newsletter

It is the intention that the CSD Taking Issue Newsletter produced by ANPED on behalf of the SDIN group (so far only produced as a daily newsletter during CSD sessions) will be turned into a monthly e-newsletter for the periods in between CSD sessions. Old issues can be found on the ANPED website:

<http://www.anped.org/index.php?part=113§ion=politicalprocesses&reference=32>

UN Commission on Sustainable Development/CSD Major Groups Programme

The UN Department for Economic and Social Affairs (UN DESA) Division for Sustainable Development (which is responsible for the CSD secretariat) is updating and modernizing its web site and services. You can register a profile. This will give you access to a number of Portals: Major Group Portal; Partnership Portal; Sustainable Development Case Study database; SCP data base. It will also allow you to subscribe to the UN DESA newsletter.

UN DESA profile (and subscription to newsletter):

<http://webapps01.un.org/dsd/public/newProfile.do>

General website UN DESA (Div. for SD): <http://www.un.org/esa/sustdev/>

UN DESA CSD 15: <http://www.un.org/esa/sustdev/csd/policy.htm>

UN DESA Major Groups: <http://www.un.org/esa/sustdev/mgroups/mgroups.htm>

National information (national focal points, reports and presentations, etc.)

<http://www.un.org/esa/sustdev/natinfo/natinfo.htm>

Accreditation and participation in CSD sessions

Only those organisations that are in consultative status with ECOSOC, including those in the CSD roster, can send representatives to CSD meetings. Accredited organisations planning to

send representatives to CSD meetings should send a signed request on their official letterhead by fax to the NGO section at least three weeks in advance of the meeting, and include a list containing the names and fax numbers of the people who will serve as their representatives. Non accredited organisations can explore the possibility of being included as part of the delegations of accredited networks (of which they are members).

For questions with regard to accreditation: NGO Section Division for ECOSOC Support and Coordination, One United Nations Plaza, Room 1480, New York, NY 10017 USA; E-mail: desangosection@un.org Fax: +1 212 9639248 or +1 917 3672341

Accreditation weblinks:

FAQ on accreditation/registration: http://www.un.org/esa/sustdev/help_faq.htm#MG

Apply to ECOSOC: <http://www.un.org/esa/coordination/ngo/>

List of NGOs in consultative status with ECOSOC:

http://www.un.org/esa/coordination/ngo/pdf/INF_List.pdf

NGOs in the CSD roster: http://www.un.org/esa/sustdev/mgroups/csd_roster.pdf

Citizens United for Renewable Energies and Sustainability

Citizens United for Renewable Energies and Sustainability (CURES) is a civil society network of over 240 organizations promoting renewable energy. On behalf of SDIN, CURES has coordinated the production of the draft NGO major Group statement for CSD 15. For more information on CURES <http://www.cures-network.org/>

National Sustainable Development Strategies

Global map on progress

http://www.un.org/esa/sustdev/natlinfo/nsds/nsds_Map2006.pdf

Overview of useful websites/links

<http://www.un.org/esa/sustdev/natlinfo/nsds/links.htm>

This document was prepared, written and edited by:

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Fiona Marshall wrote and researched Chapter 6 on the Aarhus convention

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Jan-Gustav has worked with civil society and sustainability issues all his life, in many different positions and in many different countries and locations.

Fiona Marshall (who wrote chapter six), is an educated lawyer, originally from New Zealand, working as a consultant for the so called Aarhus Secretariat at the Palais des Nations, UN ECE, in Geneva, Switzerland. She has many years experience from having worked on rights based issues, human rights and rights to access for NGOs and for the UN. (The text on Ms. Marshall will be revised and extended).