

DRAFT POSITION PAPER: NGO Major Group & Indigenous Peoples Major Group HLPF 2015

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Introduction

Global politics and intergovernmental processes have changed dramatically over the past few decades. The contribution that UN bodies make to establishing global norms may not always be well understood, but the diffusion of norms is often a prerequisite to the successful implementation of agreements. Among these normative contributions is the involvement of Non-Governmental Organisations (NGOs), that includes major groups and civil society in global processes. That is why the Rio+20 Outcome Document begins by referencing the participation of civil society and ends with a plea for voluntary commitments that can be made by both governments and civil society.

The invention of the nine major groups can be understood as a creative effort by the UN system and its member states, with active contributions from NGOs and civil society, to bridge formal, conceptual and political gaps in the debate on how to understand the emerging and growing world of civil society and non-state actors.

First tested as a concept and used as a designation during the March 1992 preparatory meeting for UNCED, the nine major groups received their formal recognition in Agenda 21, the outcome document of UNCED. The nine are: Women, Children and Youth, Farmers, Indigenous Peoples, NGOs, Workers and Trade Unions, Local Authorities, Science and

Technological Community, Business and Industry.¹ The nine major groups were subsequently also accepted by a UN General Assembly resolution.

The High-Level Political Forum – the pinnacle of governance

On 9 July 2013, during its 91st Plenary Meeting, UNGA formally adopted by consensus in resolution 67/290 the format and organisational aspects of the High-Level Political Forum (HLPF). The HLPF has replaced the Commission on Sustainable Development as the apex body at the UN to coordinate sustainable development, and it will become the future home of the Sustainable Development Goals (SDGs). No UNGA resolution has ever given Major Groups and other Stakeholders such wide-ranging access and participation rights at the UN as this resolution. In some ways, the resolution could be seen as a crowning achievement for Non-Governmental Organisations and civil society in their efforts to be accorded access to decision-making processes historically reserved for government representatives.

Paragraph 15 of the HLPF resolution states that ‘major groups and other relevant stakeholders’ will have access to all HLPF meetings, the ability to intervene in proceedings and make oral and written statements. Paragraph 16, ‘Encourages the major groups identified in Agenda 21 and other stakeholders, such as private philanthropic organizations, educational and academic entities, persons with disabilities, volunteer groups and other stakeholders active in areas related to sustainable development, to autonomously establish and maintain effective coordination mechanisms for participation in the high-level political forum...’

Considering the HLPF merely as a follow-up to Rio+20 fails to grasp the historical significance of this construct. Without the weight of NGO history, and several decades of

¹ Chapter 23 in Agenda 21 recognised by the UN GA resolution A/RES/47/190, in December 1992

lobbying the intergovernmental system by NGOs, the HLPF would never have been formulated in the way it is. The HLPF can be seen as the culmination of NGOs' work at the UN over the past 70 years.

Lessons learned from CSD processes/outcomes

It is important to recognise that the Commission for Sustainable Development (CSD) was the only body within the UN System that worked systematically and holistically on sustainable development. It linked the various sustainable development topics to each other and is responsible for building the capacity and expertise of the persons and organisations that implement policies on the national and local levels. Agenda 21 was the main driver for changing governance structures, building bridges between siloed political sectors and departments, and brought to fruition real civil society participation both at the UN and local levels (Local Agenda 21). As with all UN processes, Agenda 21, the Johannesburg Plan of Implementation, and the “Future we want – Rio+20” are all voluntary agreements. This makes real accountability very difficult, notwithstanding the progress that is made. Without the work of the CSD, the framework for the SDGs would never have come to life.

Still, some say that the CSD fell short in terms of delivery, partially because of high expectations. In the view of the NGO Major Group, the shortcomings existed because the CSD-outcomes lacked clear goals and targets. It was difficult to hold governments accountable and often (political) priority was not given to sustainable development on the regional and national levels, as other economic interests were often given preference.

Additionally, Agenda 21 clearly set the scene for open multi-stakeholder dialogues, based on the recognition of the 9 Major Groups, and the support they received from UNDESA

to organise the global structures and constituencies, which guaranteed continuity and relevant inputs.

Mandate/role of HLPF, and regional and national governance

Sustainable development based on a human rights framework needs to be at the core of the UN System and its strategies. For that reason it will be fundamental to strengthen the mandate and the capacity of the HLPF by establishing an appropriate bureau consisting of Member States and representatives of Major Groups and other Stakeholders that can provide guidance and political support, and a highly-skilled secretariat with enough resources and a clear structure to achieve all ambitions. The world needs an institution that is solely dedicated to the sustainable development agenda and the implementation of the Sustainable Development Goals (SDGs).

Crucially, the HLPF must assure a meaningful role for civil society in both its design and implementation. The way forward is clear: no goals or targets and no policies on sustainable development will be implemented unless people and civil society are engaged. It is a well-established principle that sustainable development requires active and inclusive participation of all stakeholders at all levels.

We recommend each UN regional commission should establish mechanisms for peer review, drawing on existing structures. These reviews should be comprehensive in their coverage of the sustainable development agenda - encompassing all SDGs, as well as their accompanying targets and means of implementation (MoI).

The full and effective participation of Major Groups and other Stakeholders must be guaranteed, with modalities comparable and in line with those of national and global levels. In particular, we recommend that national and regional stakeholders are permitted to submit

evidence within the global review process and present written and oral contributions, and that all official information and documents are easily accessible to all.

The regional level would also be the appropriate forum for the discussion of particular regional challenges, policies and strategies and the development of regional cooperation. Regional Forums for Sustainable Development (Regional HLPF) should be organised every year. The UN Regional Commissions must be tasked to support Member States in developing regional processes of monitoring and review.

We recommend that **every country** adopt a National Sustainable Development Strategy (NSDS) through a participatory process that is inclusive, and incorporates the Major Groups/Stakeholder structure. This strategy should make meaningful, measurable commitments on the progressive realisation of all the SDGs (and on associated MoI). It should address each country's equitable contribution to *global* achievement of the goals within a human rights framework. Member States should agree to a public, inclusive and participatory **national review mechanism**, led by a National Council for Sustainable Development, as already agreed in the Johannesburg Plan of Implementation.

National and local review can only function within open societies with governments that protect and promote civil and political freedoms and participation. Goal 16 should be taken as a baseline for ambition in this respect. An equal right to participate in *all* domestic processes of accountability, must be guaranteed and realised through concrete steps. These must include the development and implementation of participatory monitoring and accountability mechanisms and provision of financial support for the groups that defend the most marginalized and the voices for the protection of the environment to enable their meaningful participation in decision-making processes.

Engagement of Civil Society and Indigenous Peoples

The 2014 UN DPI/NGO Conference Outcome Document calls for a strong HLPF, with a bureau, a well-resourced secretariat (DSD) and complete adherence to the resolution establishing the HLPF (UNGA 67/290). The major groups and other stakeholders are directly referred to in 7 paragraphs (8c, 13, 14, 15, 16, 22 and 24). This calls for a genuine and robust participation at all levels, including the HLPF negotiations.

Innovative methods and mechanisms, including the internet and mobile technology can be a key enabler of people's ability to access information and evaluate change. For example, deliberative polling on key issues of sustainability can foster public discussion, awareness, and provide a source of further representative data. Mobile technology can allow for public feedback on the provision of local services. Efforts must be taken to ensure that inclusivity is not damaged by a 'digital divide' within society, including barriers for persons with disabilities.

We call for necessary legal frameworks to be put in place to ensure effective participation of individuals, communities and peoples to capture best practices and lessons learned, in line with paragraph 149 of the UNSG's Synthesis Report, which recognises the legitimacy and role of nongovernmental actors in accountability.

Review and accountability mechanisms

If governmental and civil society structures are well functioning, review and accountability mechanisms will be easier to organise. This will support the need to have a robust, transparent, and comprehensive accountability mechanism underpinning the sustainable development agenda. Whatever accountability mechanism is eventually implemented, guided, and supported by governmental structures - from the local and regional

levels, to the High Level Political Forum (HLPF) - must be supported by political will and adequate resources (human and financial).

It would be best to build also on existing review and accountability processes,² and improve where possible and desirable. The ECOSOC *Annual Ministerial Review* (AMR) process offers several points of departure for the HLPF review process, yet its concrete implementation reveals a significant need for improvement. The main critique of the AMR is its lack of incentives and absence of follow-up on the review and recommendations. Also the participation of NGOs is relatively restricted due to the ECOSOC rules of procedure.

More promising is the *Universal Periodic Review* (UPR) under the Human Rights Council, which is, according to some experts, the best model for the HLPF review. It is also mentioned in the Secretary-General's synthesis report. The UPR has achieved broad acceptance despite its obligatory elements and intense stakeholder participation. It is designed to be highly transparent and participatory, yet it is also clearly state-led.

There are also several regional peer review mechanisms that may be appropriate, like the *African Peer Review Mechanism* (APRM) created in 2003 under NEPAD, or the *Asia-Pacific Economic Cooperation* (APEC), *Peer Review on Energy Efficiency*, or UNECE *Environmental Performance Reviews* (EPR).

For the more technical data-collecting side of this process, the expertise of the National Statistical Offices should be complemented by citizen-generated data. It is important that the data collected must be disaggregated to reflect the differences among various groupings, and must at a minimum include disaggregation by sex/gender, age and income.

Governance and Partnerships

² See: Working Paper FG8, 2014/01, SWP Berlin; Marianne Beisheim – “The Future HLPF Review – Criteria and ideas for its institutional design”. www.swp-berlin.org

Governments remain the one and only duty-bearers for the implementation and success of the Sustainable Development Agenda. There is no escape from this reality.

Although NGOs and Indigenous Peoples remain critical of Public Private Partnerships (PPPs), we embrace multi-stakeholder cooperation and implementation.³ The aforementioned review and accountability mechanisms are required to make PPPs more transparent and meaningful. Greater attention needs to be paid to defining the nature and characteristics of genuine and durable partnerships, characterised by, inter alia, commitment, trust, respect, transparency, and mutual accountability. It will require the collaboration of all stakeholders to be successful.

The new *SD in Action Registry* which contains the Johannesburg Partnerships as well as the Rio+20 voluntary commitments, imposes stricter requirements for registration than the old CSD database. For example, it asks for self-reporting. The UN obligates this reporting, and when not done, excludes the organisation from the registry. All reporting should be open and published the *SD in Action* website, with a comment function. This would enable Major Groups and other Stakeholders to visibly scrutinize these reports. The GA has debated the merits of the proposed *Partnership Facility* and the mandate of the HLPF calls for a *Platform for Partnerships*. These proposed concepts and initiatives require greater clarity before they are implemented.

We strongly urge space for the promotion of small scale partnerships, where SMEs, Indigenous Peoples and local communities NGOs, as well as other citizen-lead initiatives can

³ During the January 2015 session of the FfD process, for example, CSOs and Indigenous Peoples called for a reclaiming of the term “partnerships” which would go beyond partnerships between government and the private sector. The term partnership should fully recognize the inclusion of governments, civil society organizations, trade unions, parliaments, local authorities, indigenous peoples, the private sector and others. See the January 2015 statement from the IPMG at <http://www.un.org/esa/ffd/wp-content/uploads/2015/01/1ds-dipf-statement-IPMG-Jan2015.pdf>

be upscaled to a higher level. Enabling the environment for local and regional partnerships is very effective for durable and endogenous implementation.

PPPs should also adhere to strict measures and enforcement on the right to information, transparency and accountability of both the government and the private sector. Contracts should be made public for scrutiny and monitoring, and there should be clear terms of sanctions for the private sector in terms of its obligations to adverse environmental and social consequences in the implementation of projects. Therefore, we support the the EU's statement on adopting the “polluter pays principle” that would enforce the private sector to pay for the cost of externalities and bear a significant degree of responsibility for their products and projects. Partnerships with ethical investments funds that have clear policies and demonstrated record on their adherence to human rights standards, environment and social protection as well as on transparency and accountability should be given a priority.

Means of Implementation (financial/non-financial)

Transparency, accountability, and participation must be central to any sustainable development financing strategy. Financing mechanisms and monitoring and accountability frameworks must also reflect and express a commitment to human rights norms, recognition of the limits of growth, promote the redistribution of wealth, and existing international standards and commitments, including free, prior, and informed consent.

New and innovative funding sources, such as a financial transaction tax and/or taxes on carbon emissions and kerosene, must be implemented to realise the extent of financing needed for the achievement of the SDGs.

We need a level of ambition that recognizes that financial resources can be mobilised to deliver on the ambitious SDGs - and that we do not need to depend on private sector

intervention or charity. Therefore, national domestic resources must increase, including through improved progressive tax systems, as well as an urgent elimination of tax evasion, speculation, and of corruption.

It is essential to ban tax havens. It is not always the case that the private sector is paying their taxes, especially in the countries where they extract their profits. To make this happen, we need a truly empowered UN Tax Committee that is able to take coordinated and enforceable action to end tax havens, block aggressive tax avoidance, and stop the bullying that forces developing country governments to give the richest companies the biggest tax holidays. This is the most effective way for us to stop wasteful accumulation of trillions of dollars in tax havens that are perpetuating corrupt and illegal practices and propping up the fragile egos of the super-rich. It is by taking action on tax justice that we can reclaim democracy and the public sphere – which will be essential to address climate change – and which is crucially needed to deliver quality gender responsive public services and stop the continuing path of privatisation and inequality.

Existing financial resources need to be redirected in favour of sustainable investments and spending. Direct phase-out of all unsustainable investments has to be realised. A substantial reduction of military spending will make resources free for investing in sustainable development and contribute to more peaceful societies. Official Development Aid (ODA) must remain a priority while countries put in place public policies to collect domestic resources, halt fraud, corruption, and money laundering, and are implement processes to monitor for effectiveness.

Developed countries, which tend to have domestic policies that have a negative impact on the development of the Global South, need to shift to a new paradigm to assure global well-being and justice. Policy coherence for Sustainable Development is key for all

governments at all levels of governance. National and international legal frameworks need to be put in place that require corporations to report on and to be held liable and accountable for their social and environmental impacts based upon human rights standards.

The Future We Want

Many people think that the HLPF and the SDGs were the primary two outcomes from the Rio+20 Conference. In fact, this global conference initiated 14 intergovernmental processes of which the HLPF and the SDGs were but two. These are the identified processes:

- The green economy process
- The high level political forum on sustainable development
- Intergenerational solidarity, the ombudsperson for future generations
- Strengthening UNEP
- Integration of the three dimensions of sustainable development
- Outcome of Delivering as One Process, strengthening operational activities of the UN
- Sustainable Energy for All (SG initiative)
- GA process on the maritime jurisdiction beyond national boundaries, conservation and resource use of marine resources,
- Challenges facing small island developing states
- 10-Year Programme on Sustainable Consumption and Production
- The Sustainable Development Goals
- Assessing financing needs for sustainable development
- Clean environmentally friendly easily adaptable and usable technologies
- The registry of commitments

Partnerships between Member States, Major Groups and other Stakeholders will be a major element in implementing the Post-2015 development agenda. Intergovernmental processes and civil society need each other. The post-Rio+20 process to develop the SDGs offers a unique opportunity to combine these two political realities, since the SDGs will shape major UN pieces of work well into the next two decades. Without the Major Groups and other Stakeholders as active participants in the implementation of the 17 goals with their 169 targets, the UN and member states may never see the fulfilment of the SDGs the way their completion are envisioned for 2030.

And as the Major Groups and other Stakeholders are active in the field, they also need to be actively engaged in developing, maintaining, participating, scrutinizing and supporting the High Level Political Forum, which is the home of the SDGs and their governance system.

By the end of September 2015, the UN and its member states will have agreed on a new set of development goals, aptly named the Sustainable Development Goals (SDGs), complete with geographically relevant targets, strategic parameters, and review systems with 2030 as the timeline for complete implementation. The stage shall be set for a better tomorrow, or, as the outcome document from Rio+20 is entitled, for ‘The Future We Want’.