

UNECE Regional Preparatory Meeting for the United Nations Conference on Sustainable Development
Geneva, 1 and 2 December 2011
Agenda item 7: Institutional framework for sustainable development

Panel discussion on the institutional framework for sustainable development

Jeremy Wates, Secretary General, European Environmental Bureau

CHECK AGAINST DELIVERY

I intend to focus my initial remarks on the first two of the four questions. If time permits I will be glad to come back to the others in the discussion.

“1. How can sustainable development be effectively reflected in financial and economic decision-making at the national level and how can intersectoral cooperation and decision-making be enhanced?”

In relation to the first question concerning measures to promote sustainable development in economic decision-making at the national level, three specific points:

The first relates to Principle 4 of the Rio Declaration on Environment and Development, which states that *“In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.”* In order to deliver on this principle, it is essential to have a legal framework ensuring that environmental concerns are taken into account in economic decision-making. Here I would like to underline and reiterate one of the demands from the UNDP/NGO Bonn conference, namely that **the Rio+20 Conference launch negotiations for a framework convention on international sustainability impact assessment**, requiring the assessment of the sustainability implications for certain projects, plans, programmes, policies and legislative instruments.

This region would have much to offer in relation to such an instrument through the experience gained with the UNECE Protocol on Strategic Environmental Assessment developed under the Espoo Convention. The Protocol is an extremely important instrument and I welcome the statement made by its governing body drawing attention to the links with Rio+20. Unfortunately the Protocol is disappointing in its lack of ambition with respect to legislation and policies. If we are serious about environmental integration, we need to apply it no less rigorously at the highest levels of decision-making. So we think there is room for improvement in the Protocol but nonetheless it could be a useful reference point for a global treaty on sustainability impact assessment.

Second, **the institutional mechanism of multi-stakeholder sustainability advisory councils has proven its worth and should be commended as a model to Rio+20.** Unfortunately many countries do not have such councils (one has even recently disbanded its council) or they are inadequately resourced.

Third, the institution of **ombudsperson for future generations** has been pioneered in some countries as a tool for sustainability-proofing and should now be taken up more widely, and at different levels of governance.

“2. How can the Major Groups effectively engage in decision-making processes at the national level?”

Turning to the second question concerning the engagement of major groups in national decision-making processes, I warmly welcome the adoption of the Chisinau Declaration at the fourth session of the Meeting of the Parties to the Aarhus Convention. This Declaration clearly signals the relevance of the values of Principle 10 and the Aarhus Convention to both of the major themes of Rio+20, and there is little need to repeat its content here.

The question is not whether but how: how to move beyond this general agreement in principle on the importance of civil society engagement (which is presumably also shared by the other governments represented here that are not Aarhus Parties) to the achievement of concrete outcomes – and here again, the establishment of adequate legal frameworks is a key criterion of success. While Principle 10 was endorsed in a global forum, its implementation around the world in the two decades since has been uneven to say the least. Only in this region has it been taken forward in a legally binding form at supranational level, through the adoption of the Aarhus Convention.

Brazil has given one answer to that question by calling for a global treaty on Principle 10. This call gives concrete form to concerns raised in many of the submissions to the ‘zero draft’ that the role of civil society in shaping a sustainable future be more fully safeguarded.

The Aarhus Parties have declared at successive sessions of the Meeting of the Parties their wish to support the promotion of Principle 10 in countries outside the UNECE region, including through global initiatives. However, some have raised questions about the relationship between a global convention and the fact that the Aarhus Convention is itself open to global accession.

While the EEB strongly supports the idea of a global treaty on Principle 10, we do not see it as conflicting with the goal of encouraging more countries, including from outside the UNECE region, to accede to Aarhus. On the contrary, the EEB has consistently striven to encourage such accession and to make it easier for this to happen, most recently in June at the fourth session of the Meeting of the Parties where we called on the Parties to commit to amending the Convention to remove the additional procedural requirements facing non-UNECE States wishing to accede to the Convention. Furthermore, we see specific possibilities whereby certain non-UNECE States might be interested to accede to the Convention, for example in connection with the Arab Spring phenomenon, and we are keen to support that.

On the other hand, we need to be realistic: in the ten years since the Convention entered into force, not a single country from outside the region has acceded. Even if there were a commitment by the Parties to remove the two-tier accession process, it would take a major diplomatic initiative by the Aarhus Parties to convince other regions that the Convention can serve as a global treaty and to overcome the perception of it as a European creation, and frankly, we do not see any readiness among the Aarhus Parties to launch such an initiative. So it would be misleading to present the fact that the Aarhus Convention is open to global accession as if this were truly comparable with the option of launching a global treaty negotiation which Brazil has put on the table.

We therefore call on all Member States of the region to wholeheartedly support Brazil's proposal for global treaty on environmental democracy. Such a treaty could build on the experience of the Aarhus Convention and promote democratic accountability and transparency globally. The rights to information, participation and justice that Aarhus seeks to guarantee should be enjoyed throughout the world.

Governments who consider that they themselves do not need such a treaty should at least not prevent others from moving ahead, but should rather offer encouragement from the sidelines.

Finally, I would like to call on this meeting to support another proposal from Brazil, namely the proposal for an outcome relating to the participation of non-governmental actors in multilateral processes. The EEB would like to see such an outcome take the form of a decision to start negotiations on a set of **guidelines guaranteeing minimum standards of civil society participation in international and regional decision-making processes concerning sustainable development.** Various bodies and forums have developed such guidelines but usually only applying to processes of the body or forum in question. The proposed guidelines would have a more general application.