

## Working Paper

Division Global Issues

Stiftung Wissenschaft und Politik  
German Institute for International  
and Security Affairs



*Marianne Beisheim*

# The Future HLPF Review

Criteria and ideas for its institutional design

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Ludwigkirchplatz 3-4  
D-10719 Berlin  
Telefon +49 30 880 07-0  
Fax +49 30 880 07-100  
[www.swp-berlin.org](http://www.swp-berlin.org)  
[swp@swp-berlin.org](mailto:swp@swp-berlin.org)

Working Paper FG 8, 2014/01, March 2014,  
SWP Berlin

Dr. Marianne Beisheim, Global Issues Division,  
SWP Berlin

[marianne.beisheim@swp-berlin.org](mailto:marianne.beisheim@swp-berlin.org)

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Translation by Deborah Bowen, Berlin.

Financial support from the International Institute for Sustainable Development (IISD Europe) for the translation is gratefully acknowledged.

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# 1. The Future Review at the High-level Political Forum on Sustainable Development

## 1.1 Sustainable Development at the United Nations

Already in 1987, the report *Our Common Future* of the World Commission on Environment and Development, a body created by the United Nations (UN) in 1983 under the direction of Gro Harlem Brundtland, introduced the concept of *sustainable development* as a development that “meets the needs of the present without compromising the ability of future generations to meet their own needs” and to shape their own lives.<sup>1</sup> Further, the report recommended harmonizing economic growth, social development, and environmental protection aims by means of integrated policy strategies. In 1989, the UN General Assembly invited all heads of state and government to convene in Rio de Janeiro in 1992 for the *United Nations Conference on Environment and Development* (UNCED) to translate these general aims into an agenda of political action. Among other key documents, the conference adopted the Rio Declaration on Environment and Development specifying 27 principles of sustainable development, such as the precautionary and polluter pays principles, and the principle of “common but differentiated responsibilities.” The Rio Declaration also affirmed the sovereign right of states to “exploit their own resources pursuant to their own environmental and developmental policies.”

In 2002, the *World Summit on Sustainable Development* (WSSD) took place in Johannesburg. The main focus of the summit was to be the *implementation* of the resolutions adopted in Rio. However, the summit was overshadowed by the terrorist attacks of September 11, 2001 and concern about increasing international economic competition due to globalization processes. Member states showed little readiness to step up their sustainable development efforts. The issues of the summit were only agreed upon at a very late stage in the process. These included the concept of national sustainability strategies, as well as the need to establish funds to promote sustainability policies or provide better financial support for existing funds. The adopted outcome document – the *Johannesburg Plan of Implementation* (JPOI) – was criticized for its non-binding nature, lack of financial pledges, and absence of appropriate monitoring mechanisms.

<sup>1</sup> World Commission on Environment and Development (WCED), *Our Common Future*, (Oxford: UN Documents, 1987), 43.

The agreements reached at the world conferences of the 1990s — including the aforementioned Rio Summit — along with the Millennium Declaration and the action programs already provide enough orientation for what economically, socially, and ecologically sustainable development should look like. What is missing above all is *implementation* on the national and local level. The UN recognized this and pointed the way forward with the Millennium Development Goals (MDGs), and more recently, the *Rio+20 Conference for Sustainable Development* (UNCSD).<sup>2</sup> Yet, the conditions of global profit-driven competition create a lack of incentives for ambitious national implementation of sustainable development objectives — and indeed even create incentives that work in the opposite direction. In addition to attempting to establish globally binding rules for globalized markets, the UN also decided to reform its main forum to promote and follow up the implementation of sustainable development.

### *1.2 The HLPF: A new institution to foster and review implementation*

At the Rio+20 Conference in June 2012, the decision was made to create a new *High-level Political Forum for Sustainable Development*. Its aim would be to provide political leadership and guidance and a dynamic platform for regular dialogue, stocktaking, and agenda-setting — all to advance sustainable development. In September 2013, the new UN *High-Level Political Forum on Sustainable Development* (HLPF) was convened for the first time — it replaces the UN's *Commission on Sustainable Development* (CSD).<sup>3</sup> The HLPF will meet annually at the ministerial level under the auspices of the *Economic and Social Council* (ECOSOC) and, to enhance the political stature of the forum, will also be convened every four years for a period of two days at the level of the heads of state and government under the auspices of the General Assembly. In contrast to the CSD, membership in the HLPF is universal, which means that all Member States in the UN and its specialized agencies can participate.

According to its mandate, the HLPF is to provide “political leadership, guidance and recommendations” and to “follow up and review progress in the implementation of sustainable development commitments.”<sup>4</sup> But how should it go about playing this role — and how could it do so more effectively than the

<sup>2</sup> See Marianne Beisheim, Birgit Lode, Nils Simon, *Rio+20 Realpolitik and its Implications for “The Future We Want,”* (Berlin: Stiftung Wissenschaft und Politik, August 2012), SWP Comments 2012/C 25.

<sup>3</sup> The CSD met for the twentieth and last time in September 2013 and was then abolished.

<sup>4</sup> United Nations General Assembly (UNGA), *Format and organizational aspects of the high-level political forum on sustainable development*, A/Res/67/290, New York, NY, August 23, 2013, Para 2.

CSD? An important element of its work will be the *review process* envisioned by the HLPF mandate and starting in 2016. Over the course of negotiations on the Outcome Document of the Rio+20 conference, references to a review process were significantly weakened; it was therefore very encouraging that a “regular review” became part of the HLPF mandate after all. The new voluntary review is to build on and subsequently replace the existing review process in the ECOSOC: the *Annual Ministerial Review (AMR)*. The precise structure of the follow-up process, however, is still not clear. Some of the wording in UN documents suggests that the eight days of meetings under the auspices of the ECOSOC might be used primarily for the review.<sup>5</sup> It should be noted, however, that states also agreed that ECOSOC reforms should not lead to an increase in the number of meeting days.<sup>6</sup>

Above all, the new review mechanism is supposed to monitor and follow up the implementation of the still-to-be-determined post-2015 agenda and goals for sustainable development.<sup>7</sup> It is planned that in September 2014, negotiations over the Post-2015 Development Agenda (to succeed the MDGs) will be merged with those on the Sustainable Development Goals (SDGs), which have been debated since the Rio+20 Conference.<sup>8</sup> Then, up to the UN General Assembly in September 2015, negotiations are to take place on a *single* set of post-2015 goals and targets.<sup>9</sup>

<sup>5</sup> President of ECOSOC, *Preparing for the 2014 high-level political forum on sustainable development*. Draft concept note for consultations by the President of ECOSOC, 2. Dec. 2013, New York, Para 5: “Under the auspices of ECOSOC, the President of ECOSOC is to convene the meetings of the forum annually for a period of eight days, including a three-day ministerial segment to be held in the framework of the substantive session of the Council”. These meetings are to “build on and subsequently replace the ECOSOC Annual Ministerial Review (AMR) as of 2016”, and Para 15: “...the forum must establish itself as an effective UN platform on sustainable development able to promote and review implementation of the SDGs and the post 2015 development agenda.”

<sup>6</sup> UNGA, *Review of the implementation of General Assembly Resolution 61/16 on the Strengthening of the Economic and Social Council*, A/Res/68/1, New York, NY, September 2013, Annex, Para 4.

<sup>7</sup> UNGA, A/Res/67/290, Para 8: “Decides that the forum, under the auspices of the Economic and Social Council, shall conduct regular reviews, starting in 2016, on the follow-up and implementation of sustainable development commitments and objectives, including those related to the means of implementation, within the context of the post-2015 development agenda (...)”. John W. Ashe, President of the 68th session of the General Assembly, stated: “The Forum should be the home for concrete guidance in the review of sustainable development goals, their implementation and monitoring”. See also FAQ website of the HLPF: “Ultimately, it [the HLPF] will steer and review progress towards the sustainable development goals and the post-2015 development agenda once Member States adopt them in 2015.”

<sup>8</sup> See Roadmap in the “*Special Event 25 September Outcome Document*” (September 2013) <http://www.un.org/millenniumgoals/pdf/Outcome%20documentMDG.pdf>.

<sup>9</sup> The term “post-2015 goals” is used in the following to refer to the unified set of goals, targets and indicators that is to be produced by the end of 2015 as the outcome of the post-MDG and SDG negotiations.

### 1.3 Current situation and criteria for a future review

The institutional embedding and follow-up of the post-2015 goals should be considered carefully and negotiated at an early stage. If there is uncertainty as to what the review mechanism will look like, Member State representatives will tend to limit their efforts to doing only what is possible to achieve in a business-as-usual scenario. However, if they can see what to expect from the follow-up process and what kind of enabling environment and support will be provided to help them implement the post-2015 goals, they might agree to make more ambitious commitments from the start.

Past experiences show that the implementation of programs for sustainable development depends, first, on the political will of decision makers, and, second, on the capacities of political systems and local service providers. Actors either have the desire and/or ability to implement targets – or they do not. In the latter case, follow-up processes should be prepared to provide both *incentives* and *capacity building*. With regard to the MDGs, both experts and national representatives argue that the developing countries lacked *political ownership* since the targets were more or less imposed on them by the UN and the main donor countries.<sup>10</sup> This must be avoided in the post-2015 goals. In many developing countries, however, *capacities* are lacking. This is true especially of the fragile states, most of which failed to achieve the MDGs.<sup>11</sup> In order for these countries to pursue sustainable development paths, they will need targeted support.

Accordingly, the HLPF Review should make use of different instruments depending on the current situation and existing capacities in the particular country. First, *incentives* should be designed to reward a long-term orientation and efforts to promote economically, socially, and ecologically sustainable development. Incentives can also be provided through *improved access to resources* for implementation and capacity development. Second, it should be possible to *encourage countries to honor their commitments* if they have not been following through. The most effective means of creating such gentle pressure in this context is by fostering transparency, creating peer pressure from the international community, and by involving civil society and other stakeholders (whereas sanctions are unrealistic).<sup>12</sup>

<sup>10</sup> See, for example, Nicole Rippin, *Progress, Prospects and Lessons from the MDGs*, Background research paper for the Report of the High Level Panel on the Post-2015 Development Agenda (May 2013), 16.

<sup>11</sup> OECD, *Ensuring Fragile States Are Not Left Behind*, 2013 Factsheet on resource flows and trends, <http://www.oecd.org/dac/incaf/factsheet%202013%20resource%20flows%20final.pdf>.

<sup>12</sup> See FAQ on the HLPF website: “The Forum will not have any enforcement mechanism to compel States to comply with its recommendations. Given the enormous scope of the global

The existing review process in the ECOSOC is considered weak (see 2.1 on the *Annual Ministerial Review*, AMR). The same is true of the *National Voluntary Presentations* (NVPs) from the early phase of the CSD. In the past, some countries had misgivings about stronger accountability mechanisms on the international level. Governments are accountable first and foremost to their own citizens, but they are also accountable to those who are affected by their actions beyond their national boundaries. Both of these aspects should form the foundation for the future HLPF Review process. In order to attain an adequate level of acceptance among the UN Member States and to bring the review process as close as possible to the local implementation level, it should *respect national sovereignty* as much as possible and also be structured in a *subsidiary* way, meaning that a problem ought to be handled by the authority that is closest to the local level and capable of addressing that matter effectively. There is no doubt that such a review only has a chance of gaining unanimous support if it is *voluntary*, which in fact is already ensured by the HLPF mandate. States have to be encouraged to participate voluntarily and actively in the process. Here, again, incentives come into play.

The future review process should also take a *differentiated approach* as called for by the Outcome Document of the Rio+20 Conference. Sustainable development goals should be “global in nature and universally applicable to all countries, while taking into account different national realities, capacities and levels of development and respecting national policies and priorities.”<sup>13</sup> Up to now, however, it has not been determined what exact form this differentiation will take.<sup>14</sup> Global negotiation on the different national goals or targets would place too great a burden on the negotiation process and would create major delays. In the following, this paper explores the idea of incorporating the differentiation into the review process by starting the review with national commitments in the areas of the post-2015 goals. Moreover, it would be positive if the review were also *open to non-state actors* that want to make voluntary contributions to implementing post-2015 goals (see 3.5).

Finally, the process must be carried out in the framework and with the capabilities of the UN system and its members. This means taking into

sustainable development agenda, implementation of its recommendations depends on the commitment of each country.”

<sup>13</sup> UNGA, *The future we want*, A/Res/66/288, New York, NY, September 2012, Para 247.

<sup>14</sup> See Jens Martens, *Gemeinsame Ziele – unterschiedliche Verantwortung. Das Gerechtigkeitsprinzip in den Klima- und Post-2015-Verhandlungen*, Global Policy Forum Europe (draft version, forthcoming later in 2014).



consideration the limited financial as well as temporal resources of the various actors and institutions involved.

The discussion up to this point leads to the following *criteria* that the future review mechanism should fulfill:

<i>Criterion</i>	<i>Measured by</i>
Broadly accepted (esp. by UN Member States)	Establishment and active use of the review, “state-led” character
Includes incentives and supportive elements	Provides access to funds for implementation and capacity building
Transparent and some degree of social control	Degree of public access and elements of peer pressure in the context of a mutual review
Participatory	Level of inclusion of regional, national, and local stakeholders and major groups
Subsidiary and differentiated	Bottom-up structure and differentiation by national priorities and capacities
Feasible with reasonable effort	Organizational, time, and budgetary needs
Effective in promoting implementation	Good outcomes or points of critique (in the past)

Based on these criteria for an effective review mechanism, the remainder of this paper will analyze existing review processes (see Section 2) and evaluate their advantages for the new HLPF Review. The third and final section then outlines a proposal for a multi-level review process that integrates selected building blocks (modeled after existing review mechanisms). The proposed model presents only one – quite ambitious – way to combine these building blocks (see Fig. 1); other options may be more practical, but they may entail a trade-off between the feasibility and seriousness of the review process.

## 2. Existing Review Processes: Strengths and Weaknesses

How do the existing reviews compare when considered in light of the aforementioned criteria? Which “best practices” could provide inspiration for the HLPF Review? This section examines different review processes on the UN level and interesting elements of sectoral review mechanisms on the international level. Since the review should take a multi-level approach, regional and national reviews should be incorporated into preparations for the global review.

### 2.1 Annual Ministerial Review

At the UN level, the *Annual Ministerial Review* (AMR) under the ECOSOC is of particular interest, since the HLPF Review is to build on this process (see 1.2). At the 2005 World Summit, the AMR was mandated to conduct a ministerial-level review to follow up and assess progress (or lack thereof) towards the implementation of the MDGs and the UN Development Agenda.<sup>15</sup>

The AMR was further strengthened in early 2007 and now has one particular *thematic focus* each year (patterned on ECOSOC’s *annual theme*).<sup>16</sup> The Review takes place in July within the framework of the ECOSOC High-Level Segment, with organizational and preparatory work being carried out by the United Nations Department of Economic and Social Affairs (UNDESA). The AMR has three main elements on three levels.

The core element of the AMR consists of *National Voluntary Presentations* (NVPs). Each year, approximately ten states make voluntary presentations on their successes and challenges in implementing their development goals. Each of these states is now expected to submit a national report by April and then presents the key elements of the report during the ECOSOC High-Level Segment in July (20 minute presentation followed by a 40 minute discussion). In the past, it has proven difficult to motivate states to participate. In addition, the presentations have been criticized as relatively unproductive. The state making the presentation selects the three states reviewing its NVP itself – making it very likely that states will choose reviewers that tend to be favorably disposed toward them. Moreover, the presentations themselves have often failed to seriously address the real problems and challenges states face in the process of implementation. In preparing for the 2014 review, UNDESA has already begun

<sup>15</sup> UNGA, A/Res/60/1, New York, NY, October 2005, Para 155c.

<sup>16</sup> UNGA, A/Res/61/16, New York, NY, January 2007, Para 8.

developing the AMR process further and is asking participants explicitly to discuss the challenges and obstacles they are facing in depth.<sup>17</sup>

In addition, the AMR includes *regional* consultation processes and preparatory meetings. While this is designed to be a bottom-up process, difficulties have often emerged in its practical implementation. The 2013 report of the Secretary-General therefore recommended strengthening and better integrating the regional dimension.<sup>18</sup> Similar recommendations were made for the *national* consultation processes and workshops that states are to use to prepare for NVPs in the future to make the process more transparent and participatory.

As the third element in the AMR process, the Secretary-General presents a *report* with a review of global progress on the UN Development Agenda. The final outcome of the AMR is the *Ministerial Declaration*, which is adopted in the ECOSOC High-Level Segment. UNDESA also publishes the outcomes of the national review on the website “*Development Strategies That Work*.”

The AMR offers several points of departure for the HLPF Review process – yet its concrete implementation reveals a significant need for improvement. The main critiques of the AMR are 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 rules of ECOSOC.

The AMR is supplemented by the *UN Development Cooperation Forum* (DCF). This is not an explicit review procedure, but nevertheless serves in reviewing trends, progress, and gaps in the implementation of international development goals.<sup>19</sup> In fact, the DCF sees itself as a “global apex body for accountability” in the global partnership for development of a post-2015 development agenda.<sup>20</sup> The biennial DCF is open to all stakeholders, including the UN and regional organizations, international financial institutions, parliamentarians and local government representatives, and civil society and private sector organizations.

<sup>17</sup> UNDESA, *Guidance Note for the 2014 National Voluntary Presentations*, Office for ECOSOC Support and Coordination Department of Economic and Social Affairs United Nations, November 2013.

<sup>18</sup> United Nations Economic and Social Council, *The contribution of ECOSOC to the elaboration of the post-2015 development agenda as a principal body for policy review, policy dialogue and recommendations on issues of economic and social development and for the follow-up to the MDGs*, Report of the Secretary General, New York, NY, May 2013, Para 21.

<sup>19</sup> The DCF “should review trends and progress in international development cooperation (...); identify gaps and obstacles with a view to making recommendations (...) for the realization of the internationally agreed development goals, including the Millennium Development Goals,” United Nations, Resolution 61/16, New York, NY, January 2007, Para 4.

<sup>20</sup> Development Cooperation Policy Branch, Office for ECOSOC Support and Coordination, UNDESA, *2014 DCF Support Strategy: Preparations for the Development Cooperation Forum, Phase IV: 2012-2014*, January 2013; Page 6.

In the process of preparations, various formats are combined – high-level meetings with more analytical working groups as well as stakeholder consultations. The outcome of the two-day DCF held during the ECOSOC High-Level Segment is a *President’s Summary*. In the past, the DCF often addressed cross-cutting issues such as South-South cooperation and mutual accountability. A special focus has also been placed on the coherence of the UN system’s efforts on development issues.

This is also the focus of the *Quadrennial Comprehensive Policy Review (QCPR)*. Introduced in 2008 and strengthened further in 2012, this procedure is used by the General Assembly to measure and improve the effectiveness of the UN Development System. To this end, detailed “results frameworks” have been developed to accompany the strategic plans of the UN Programmes and Funds and to be used as a tool for evaluating their output. The 2012 QCPR Report of the Secretary-General emphasizes, among other things, that “results-based management and evaluation” needs to be better coordinated throughout the entire UN system. The current QCPR cycle ends in 2016. What remains open is whether and to what extent the QCPR can be linked to the new HLPF Review in the future in order to involve *UN entities* in the Review process as stipulated in the HLPF mandate.

## 2.2 Universal Periodic Review

The *Universal Periodic Review (UPR)* under the *Human Rights Council (HRC)* examines the human rights situation in all UN Member States. The UPR is considered by some experts to be a model for the new HLPF Review.<sup>21</sup> It does indeed offer a number of process ideas and design elements that could be used fruitfully in developing the future HLPF Review.

The first important point is that the UPR is defined as “universal” and “periodic.” The UPR reviews the human rights situation of all the UN Member States every 4.5 years, that is, 42 states are asked to report each year (first the HRC members, in three Working Group sessions of two weeks each). Participation in the UPR is compulsory, but its recommendations are not binding. In cases of “persistent non-cooperation,” the Human Rights Council

<sup>21</sup> Jens Martens, *Globale Nachhaltigkeitsziele für die Post-2015-Entwicklungsagenda*, Report, Global Policy Forum Europe and terre des hommes, Bonn/Osnabrück, January 2013; Steven Bernstein, *The Role and Place of the High-Level Political Forum in Strengthening the Global Institutional Framework for Sustainable Development*, Paper for the UN Department of Economic and Social Affairs, September 2013. See also the Open Letter from Special Procedures mandate-holders of the Human Rights Council, *If Rio+20 is to deliver, accountability must be at its heart*, <<http://www.ohchr.org/EN/HRBodies/SP/Pages/OpenLetterRio20.aspx>> (March 14 2012).

decides on an individual basis what measures to take.<sup>22</sup> Like the UPR, the HLPF also has universal membership but its review is defined as a voluntary mechanism. It would nevertheless be possible to emphasize that *all* states are encouraged and expected to participate regularly.

The UPR is coordinated by the *Office of the High Commissioner for Human Rights* (OHCHR) in Geneva. The review procedure is more complex than that of the AMR.<sup>23</sup> The states under review first submit a *national report* (20 pages). States are called upon to carry out civil society consultations on the national level.

The reports of the states are then supplemented by a *compilation* of information from the UN treaty bodies, special procedures, and other UN agencies. The compilation (10 pages) is prepared by the office of the OHCHR.

Non-governmental organizations (NGOs) are asked to submit their own “shadow reports” to this process (five pages maximum). All reports from civil society are then compiled into a *summary of stakeholders’ information* (10 pages).

During the *presentation* by the state under review (70 minutes) and *interactive dialogue* (140 minutes), only the member states are allowed to speak (2-3 minutes each) but not the participating NGOs. The public is able to follow the process on live UN webcast. The state under review has the option to either respond or not respond to questions or comments.

After the dialogue, the *troika* – a group of three states from different regional groups selected by the drawing of lots from among the HRC’s member states,<sup>24</sup> which serves both as a facilitator but also as a rapporteur – compiles an approximately 30-page report that provides a summary of the discussion and a full list of the recommendations made by states. In the past, the number of recommendations was between 20 and 200. The state under review is then expected to provide written comment on each of these recommendations within a specified period. It can either accept or reject the recommendations. In addition, it can list further voluntary measures. The state under review is expected to implement the recommendations it has accepted as well as its voluntary commitments by the next periodic review.

<sup>22</sup> As, for example, in 2013: UNGA, *Report of the Human Rights Council on its seventh organizational meeting*, A/HRC/OM/7/1, New York, NY, January 2013.

<sup>23</sup> Theodor Rathgeber, *The HRC Universal Periodic Review: A preliminary assessment*, FES Briefing Paper 6, FES Geneva, July 2008. For a detailed description of the procedure, see also the information on the website of the NGO UPR Info: <http://www.upr-info.org/-UPR-Process-.html>.

<sup>24</sup> Human Rights Council, *Modalities and practices for the universal periodic review process*, 8/PRST/1, Geneva, April 2008.

The Human Rights Council officially adopts the report, together with all the responses by the state under review, at its next session. During the one-hour discussion of the report in the plenary of the HRC, non-governmental observers have the right to speak and can provide comments on the results (20 minutes for the state; 20 minutes for members; 20 minutes for stakeholders).

In the next cycle, the *follow-up* takes place:

- Reporting on the *implementation of the recommendations* and voluntary pledges and on the human rights situation in the country since the previous review,
- Possibly a *voluntary mid-term report* on the state's progress in implementation.

The UPR process is particularly interesting because of the broad acceptance it has achieved despite including obligatory elements as well as intense stakeholder participation. It is designed to be highly transparent and participatory, yet it is also clearly state-led. Participation is universal despite the relatively large amount of effort required. A *Voluntary Fund for Financial and Technical Assistance* was set up to provide developing countries assistance in following up on the recommendations.

A unique feature of the UPR process is its relatively narrow thematic focus on the human rights situation of countries, based on fairly specific provisions of international human rights legislation on which there is broad consensus.<sup>25</sup> These features distinguish the UPR process from the future HLPF Review.

<sup>25</sup> The basis in international human rights law is provided by the Charter of the UN, the Universal Declaration of Human Rights, the Human Rights is ratified by the particular human rights treaty ratified by the particular state and voluntary commitments as well as international humanitarian law.

### 2.3 Further sectoral, regional, and national reviews

There are a number of further reviews with a *sectoral* focus, such as:<sup>26</sup>

- UNFCCC “Pledge and Review” — state-driven process, using also field visits by Expert Review Teams (ERTs)
- *Mechanism for the Review of Implementation of the United Nations Convention against Corruption* (UNCAC)
- *G20 Voluntary Peer Review of Fossil-Fuel Subsidy Reform*
- *OECD-DAC Peer Review and OECD Environmental Performance Reviews*

At the *regional* level, there exist other peer review processes, such as:

- The *African Peer Review Mechanism* (APRM) created in 2003 under NEPAD
- Asia-Pacific Economic Cooperation (APEC) *Peer Review on Energy Efficiency* (PREE)

Finally, some countries use *national* review processes as part of their sustainability policy. The German Council for Sustainable Development (RNE), for example, conducted its second *RNE Peer Review* of the German sustainability strategy in 2013. *National Sustainable Development Strategies* could form a basis for the future HLPF Review process; independent *National Councils for Sustainable Development* (NCSDs or similar bodies) could act as facilitators coordinating national consultation processes.<sup>27</sup>

Consideration should be given to whether and how elements of these reviews could be used in the HLPF, and how their work could be integrated effectively into a multi-level model of the review process.<sup>28</sup>

<sup>26</sup> See also UNCSD Secretariat, *Lessons from the Peer Review Mechanism*, Rio 2012 Issues Brief No.2, July 2011; Mark Halle, Adil Najam, and Robert Wolfe, *Building an Effective Review Mechanism: Lessons for the HLPF*, IISD Paper, February 2014.

<sup>27</sup> See <http://www.ncsds.org/>.

<sup>28</sup> An SWP Research Paper containing detailed analysis of these reviews will be published later in 2014.

### 3. “Commit and Review”: Suggestions for the new HLPF review

Review processes aim to provide transparency, learning, and accountability and to build political will and foster ownership of the implementation process. The proposal outlined here focuses on a “*Commit and Review*” process that would:

- on the one hand, give states *sovereign control over the national commitments they enter into* (to build the necessary consensus for a state-led process and guarantee an adequately differentiated approach).
- on the other hand, use the review process to *measure and evaluate (the implementation of) these national commitments in relation to globally agreed commitments* (especially the post-2015 goals, targets, and indicators) and to enhance *transparency, accountability; ownership; learning and capacity development* in the implementation process.

#### 3.1 Process: State-led, bottom-up, and multi-level

The process of voluntary regular review in the HLPF should build on the existing AMR<sup>29</sup> (see 2.1) and develop it further along the lines of the widely accepted and proven UPR process (see 2.2). The procedures used in the latter are clearly *state-led* and are designed in a transparent and participatory way.

As a *multi-level* process, the HLPF review should refer to the *global* post-2015 goals and call on all the Member States to report regularly on their implementation to the HLPF, but it should also be a fundamentally *bottom-up* process, taking the *national* level as its starting point. After global goals, targets, and indicators have been set for the post-2015 period, Member States would be asked to develop and submit *national commitments* (with time-bound targets and measurable indicators) for the implementation of these global goals and targets at the national level.<sup>30</sup> This approach not only fosters national *ownership*, but also provides the desired *differentiated approach* in the realization of the targets. Governments should be urged to formulate their commitments with the broadest possible *participation* of diverse stakeholder groups in order to ensure an adequate level of societal ownership. Optimally, they should formulate their

<sup>29</sup> This follows the HLPF’s mandate, see A/Res/67/290, Para 7a: “building on and subsequently replacing the annual ministerial review as from 2016”. Moreover in Para 8d: “Shall replace the national voluntary presentations held in the context of the annual ministerial-level substantive reviews of the Council, building upon the relevant provisions of General Assembly resolution 61/16 of 20 November 2006, as well as experiences and lessons learned in this context.”

<sup>30</sup> This would be compatible with the “Dashboard Proposal” by the governments of Colombia and Guatemala.



commitments to fit into *national sustainable development strategies* – as already proposed in the JPoI in 2002.

### 3.2 First Cycle: Reviewing national commitments

In the first five-year cycle (2016-2020), the HLPF could review the *national commitments* each state is willing to make in the different post-2015 focus areas. Each year, the Member States in one of the five UN regional groups would be invited to present their national commitments (see Fig. 1). First, the HLPF review should look at whether the national goals, targets, and timetables (including milestones) are both ambitious and realistic (scoping process).<sup>31</sup> It should also take into account and evaluate whether all the national commitments added together correspond to the global goals and targets and whether the burdens are distributed fairly according to equity indicators,<sup>32</sup> reflecting common but differentiated responsibilities and respective capabilities. All countries, especially donor countries, should be called upon at this stage to clearly state their commitments regarding the means of implementation.

Second, the HLPF review should evaluate whether states have the necessary *means of implementation* at their disposal.<sup>33</sup> The results of the first review cycle should enable the UN system to provide states with targeted support to build and develop the capacity to achieve the transformation towards sustainable development (matching process) – which at the same time would be a key *incentive* for states to participate in the review process. This would have to build on the (hopefully positive) outcomes of negotiations over the means of implementation in the framework of the Intergovernmental Committee of Experts on Sustainable Development Financing (ICESDF).<sup>34</sup> Financial support should be provided to cover, for example, the additional costs of “leap frogging,” following the idea of the Global Environmental Facility (GEF). Often, states do not take full advantage of the resources available from international

<sup>31</sup> In the context of the UPR, this is the so-called IBSA procedure, see Eibe Riedel, Jan-Michael Arend and Ana María Suárez Franco, *Indicators – Benchmarks – Scoping – Assessment*, Background Paper, Berlin/Geneva, September 2010, [http://www.fes-globalization.org/geneva/documents/HumanRights/6July10\\_BackgroundPaper\\_IBSA.pdf](http://www.fes-globalization.org/geneva/documents/HumanRights/6July10_BackgroundPaper_IBSA.pdf).

<sup>32</sup> Such equity indicators are being discussed, for example, by the Climate Action Network (CAN), *Equity Reference Framework at the UNFCCC Process*, CAN Discussion Paper, 2013.

<sup>33</sup> This follows A/Res/67/290, Para 8: “Decides that the forum, under the auspices of the Economic and Social Council, shall conduct regular reviews, starting in 2016, on the follow-up and implementation of sustainable development commitments and objectives, *including those related to the means of implementation*” (emphasis added).

<sup>34</sup> Also relevant are the results of the UN Financing for Development Process, the UN Development Cooperation Forum, and the Global Partnership for Effective Development Cooperation.

funds. The review could address this by supporting states in applying for the financial assistance needed. States should also be given information about best practices, policies, and instruments, for building, for example, a sustainable tax and social system or effective institutions for crisis prevention. Finally, states should be given access to innovative resource-efficient technologies.

### 3.3 *Second cycle: Reviewing the implementation of national commitments*

In the second cycle (2021-2025), the *review of implementation of national commitments* would begin. Since national governments are mainly accountable to their own citizens, this review cycle should begin again on the *national level*, again and this immediately after discussion of the national commitments in the HLPF (see Fig. 1) and again with the broadest possible *participation* of diverse stakeholder groups,.

In this context, *annual national (progress) reports* should be drafted and discussed in, for example, national consultative dialogues or workshops or in National Councils for Sustainable Development. Efforts will need to be undertaken at an early stage to strengthen the necessary institutional capacities. Moreover, a “data revolution” is a vital precondition for this reporting task: The MDG monitoring process has brought about a considerable increase in statistical capacity and data availability across the developing world, but more still needs to be done.<sup>35</sup> To keep the reporting burden low, synergies should be used and duplication avoided. Reporting requirements should be compatible with those for other (sectoral) reviews, for example, using the same kind of data on water, energy, or food security for various (reporting) purposes (for example, UN Stats or treaty-based reports). There is a need to better align international monitoring with national data and, at the same time, to develop statistical capacities for producing new data (for example, on equity aspects or beyond general population and households).

Building on these national processes, the next step would be a debate at the *regional level*, preparing for the global part of the review.<sup>36</sup> It could be organized by the UN Regional Commissions (which would need to be strengthened for this purpose) in cooperation with existing regional organizations and regional development banks.

The UN Regional Commissions would help prepare two elements of the HLPF review on the global level (see Fig. 1):

<sup>35</sup> OECD, *Strengthening National Statistical Systems to Monitor Global Goals*, Paris: OECD 2013; promoting the PARIS21 Partnership in Statistics for Development in the 21st Century.

<sup>36</sup> This follows A/Res/67/290, Para7 f: “Shall benefit from regional preparatory processes.”

- *Thematic Review*: Starting in 2016, the five UN Regional Commissions, based on the input of their Member States, would compile an annual synthesis report on the respective *annual thematic focus* of the HLPF.<sup>37</sup> In the appendix to the report would be the relevant data from the Member States on their national commitments in the respective focus area.
- *Country Review*: In the following, it is proposed that each year, the Member States in one of the five regional groups be called upon to provide voluntary national reports on the implementation of their national commitments for achieving the post-2015 goals and targets. Starting in 2021, these reports would be discussed during the HLPF *Mutual Country Review*. One regional group would be dealt with per year in a five-year cycle. 2016-2020 would be enough time to provide regional-level support to the Member States in preparing their reports and presentations on the global level. States could also decide to organize regional mutual reviews or work with twinning partners. Here, it would be sensible to build on existing regional review processes such as the African Peer Review Mechanism (APRM under NEPAD).

### 3.4 Global-level review in the HLPF: Thematic Review and Mutual Country Review

The regional reports submitted for the *Thematic Review* could provide an important foundation for the annual *Global Sustainable Development Report* of the UN Secretary General. The regional reports, the report of the UNSG, and further reports from thematically relevant UN entities would then form the basis for the Thematic Review as the first part of the global review by the HLPF in July – that is, the discussion on implementing goals and targets in the area of the HLPF’s annually changing thematic focus. This would be quite similar to the thematic review process that has existed up to now in the AMR.

The second part of the HPLF review on the global level would be the *Mutual Country Review*. Starting in 2021, the Member States of one of the regional groups would be expected to publish their *national reports on the implementation of their commitments* online (no later than the beginning of the year). The reports should cover all the Post-2015 goals, following a standardized template, however allowing for a focus on selected targets and indicators. The reports should not only describe what progress has been achieved but also discuss gaps and barriers that have prevented implementation. This is the precondition for learning and tailored support on critical issues in the subsequent phase.

<sup>37</sup> This follows A/Res/67/290, Para 7c: Meetings of the forum “Shall have a *thematic focus* ... in line with the thematic focus of the activities of the Council and consistent with the post-2015 development agenda” (emphasis added).

In the period before the national presentations for the Mutual Country Review, *information from both UN entities and Major Groups and other stakeholders* should be collected (following the model of the UPR). Both of the latter would submit their information and comments to the HLPF secretariat, which would then condense the relevant information into two synthesis reports. In addition, (as with the UNFCCC review), independent advisory experts could be appointed by the HLPF to report on new and emerging challenges where there is little or no existing UN expertise or where no major groups are currently active. These experts should be able take part in the preparatory regional reviews and if necessary be equipped with the means to conduct *field visits* (with the consent of the country under review).

On this basis, in April or May at the latest, the HLPF's *Mutual Country Review* would be held under the auspices of the ECOSOC.<sup>38</sup> The national *presentations* should follow a standardized analytical and reporting framework.<sup>39</sup> Here, for each goal, the states could be asked

- to give a *positive example* of their implementation efforts that shows what is working well in order to share lessons learned and to inspire other states; and
- to highlight one area in which they face particular *challenges* and would like feedback and/or support in terms of capacity development.

Following this presentation, an *interactive dialogue* would take place during which states could ask questions and make recommendations. While not intimidating, discussions should be open and frank. The state under review would be able to answer the questions and comment on the recommendations. In order to achieve the greatest possible transparency and participation, the meetings should be broadcast by live UN-TV webcast (as is the case in the UPR). In addition, inspiring examples and other relevant information gathered during the review process should be made available on a *website* (to share implementing strategies, policies, best practices).

Following the UPR model, a *troika of countries* should be formed to support and facilitate the process. It should consist of one country from the same regional group and two countries from other regional groups, selected by lot

<sup>38</sup> This follows A/Res/66/288, Para 82: "We reaffirm that the Economic and Social Council is a principal body for policy review, policy dialogue and recommendations on issues of economic and social development (...)."

<sup>39</sup> UN ECOSOC, *The contribution of ECOSOC to the elaboration of the post-2015 development agenda as a principal body for policy review, policy dialogue and recommendations on issues of economic and social development and for the follow-up to the MDGs*, Report of the Secretary General, New York, NY, May 2013, Para 63.

from all eligible countries. Only countries that commit to participate in the review process themselves would be eligible, providing an additional incentive for countries to participate. To prevent past or present conflicts from disrupting or derailing the process, countries that are or were recently involved in conflicts with the country under review would be excluded from membership in the troika. As in the UPR, countries under review should have the right to veto one of the troika members.

After the presentations, the troika would compile a *summary of the discussion and recommendations* within a period of four weeks. Countries would have six weeks time to respond to all of the recommendations, either accepting them or taking note or comment. The country reports and the summary with recommendations and comments would go to the HLPF and would be discussed in the plenary of the HLPF in July (during the first five days of the HLPF meeting under the auspices of the ECOSOC). As in the UPR, major groups would be allowed to speak during this debate of the report in the plenary sessions (while they would not be allowed to take the floor during the national presentations).

This an extremely *tight schedule* – especially in view of the wide thematic scope of the review and the coordination it will require. Since the high-level segment of the HLPF is set for July, the only way to allow more room in the schedule would be if the national reports were already available the year before the reviews and if the preparatory review meetings took place significantly earlier (July-to-July cycle?).

During the subsequent *three-day ministerial segment*, negotiations could be conducted over the *ministerial declaration* that would report the results of the thematic and country reviews to the General Assembly and evaluate the progress achieved.<sup>40</sup> Although this document could not be very comprehensive or in-depth, its main objective would be to provide a meta-level analysis, highlighting key issues and pointing out any problems and potentials for improvement, thereby moving the implementation process on the national level forward. Past experience with the UPR has shown that a multilateral impulse of this kind can be valuable – and although it may not always be fully effective, it is to such an encouraging extent that the effort appears justified.

In order for such a review to be feasible and successful, the necessary *institutional capabilities* will have to be strengthened. The troika will need support in its work from UNDESA. To carry out the tasks outlined above, the

<sup>40</sup> According to the HLPF's mandate (see A/Res/67/290, Para 7g) the outcome of the HLPF meeting under the auspices of the ECOSOC shall be a “negotiated ministerial declaration for inclusion in the report of the Council to the General Assembly.”

part of the UNDESA secretariat that is responsible for the AMR up to 2015 should be assigned to the HLPF and equipped with additional personnel and financial resources. The HLPF should have a secretariat that is able to coordinate the inputs from across the UN's various specialized agencies, funds, and programs and also from the Major Groups and other stakeholders. Similarly, developing countries (especially LDCs) should be supported in their efforts in the context of the review process. As in the UPR, there should be a voluntary fund for financial and technical assistance. In conjunction with multilateral funding mechanisms, this fund would serve as a source of financial and technical assistance to help countries participate in the review and find UN support to implement recommendations emanating from the review.

To be successful, the review will require the greatest possible transparency and participation of the *Major Groups and other stakeholders*.<sup>41</sup> The HLPF mandate allows for their participation in the review.<sup>42</sup> As with the UPR, their reports and input should be an integral component of the process. In the case of complaints about rights of participation at the global, regional, or national level, an ombudsperson could act as a mediator.

### 3.5 Reviewing partnerships for sustainable development and voluntary commitments

Such a “Commit and Review” process could and should also be open to *non-governmental initiatives* (SD partnerships and Rio+20 voluntary commitments).<sup>43</sup> Promoted by the WSSD 2002 and again at the Rio+20 Conference, multi-stakeholder partnerships and voluntary initiatives are intended to be a flexible and effective way of helping to implement sustainable development. To make this a reality, the UN should systematically evaluate their contributions and define best practice.<sup>44</sup> The UN is already implementing a number of reforms with regard to multi-stakeholder partnerships for sustainable development:

<sup>41</sup> See the analysis and recommendations in Jan-Gustav Strandenaes, *Modalities for Major Groups, Non-Governmental Organizations and other stakeholders at the high-level political forum on sustainable development*, Paper for UNDESA, forthcoming end of February 2014.

<sup>42</sup> See A/Res/67/290, Para 14 and 15, stating “Representatives of the major groups and other relevant stakeholders shall be allowed: To attend all official meetings of the forum (...)” (emphasis added).

<sup>43</sup> A Note by the President of the General Assembly states: “Leaders and other participants also recalled the agreement that the high-level political forum should provide, starting in 2016, a transparent, voluntary, State-led review mechanism open to partnerships to monitor commitments (...)” (emphasis added), see PGA’s *Summary of the first meeting of the high-level political forum on sustainable development*, A/68/588, 13 Nov. 2013, Para 27.

<sup>44</sup> Marianne Beisheim, *Partnerships for Sustainable Development. Why and How Rio+20 Must Improve the Framework for Multi-stakeholder Partnerships*, (Berlin: Stiftung Wissenschaft und Politik, February 2012), SWP Research Paper 3/2012.

- 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 did.<sup>45</sup> For example, it asks for periodic self-reporting.

The UN should indeed go for quality instead of quantity and work with the information contained in the database. The UN should obligate all registered partnerships to submit a report of activities at least once every two years. In principle, this obligation was already contained in the CSD's 2003 guidelines for partnerships. However, those guidelines were never consistently implemented and were largely ignored by the partnership initiatives, without resulting in any repercussions. This should change: initiatives that fail to submit reports should be reminded, and then if they still fail to respond, they should be excluded from the new Registry. All incoming reports should be published on the *SD in Action* website with a comment function. This would enable stakeholders to visibly scrutinize these reports. Stakeholders should be encouraged to also use their own platforms for this purpose.<sup>46</sup>

- The Secretary General of the UN has proposed the founding of a new *Partnership Facility*.<sup>47</sup> Its aim would be to ensure accountability, integrity, and transparency.
- Finally, the mandate of the HLPF stipulates that the review “shall provide a *platform for partnerships*.”<sup>48</sup> What this means precisely still needs to be specified, however. For example, transnational initiatives could apply for review independently, whereas national initiatives could be reviewed as part of national efforts. UN entities could be asked to review “their” partnerships and report on the results to the HLPF. The HLPF could also commission independent “third-party reviews.”<sup>49</sup>

<sup>45</sup> UNDESA's *info-note on requirements for registration*: “All commitments to be registered should be specific, measurable, funded, new ... In order to facilitate periodic reporting on progress of implementation, it is important that at least one tangible deliverable is specified, along with the estimated timeline for completion.”

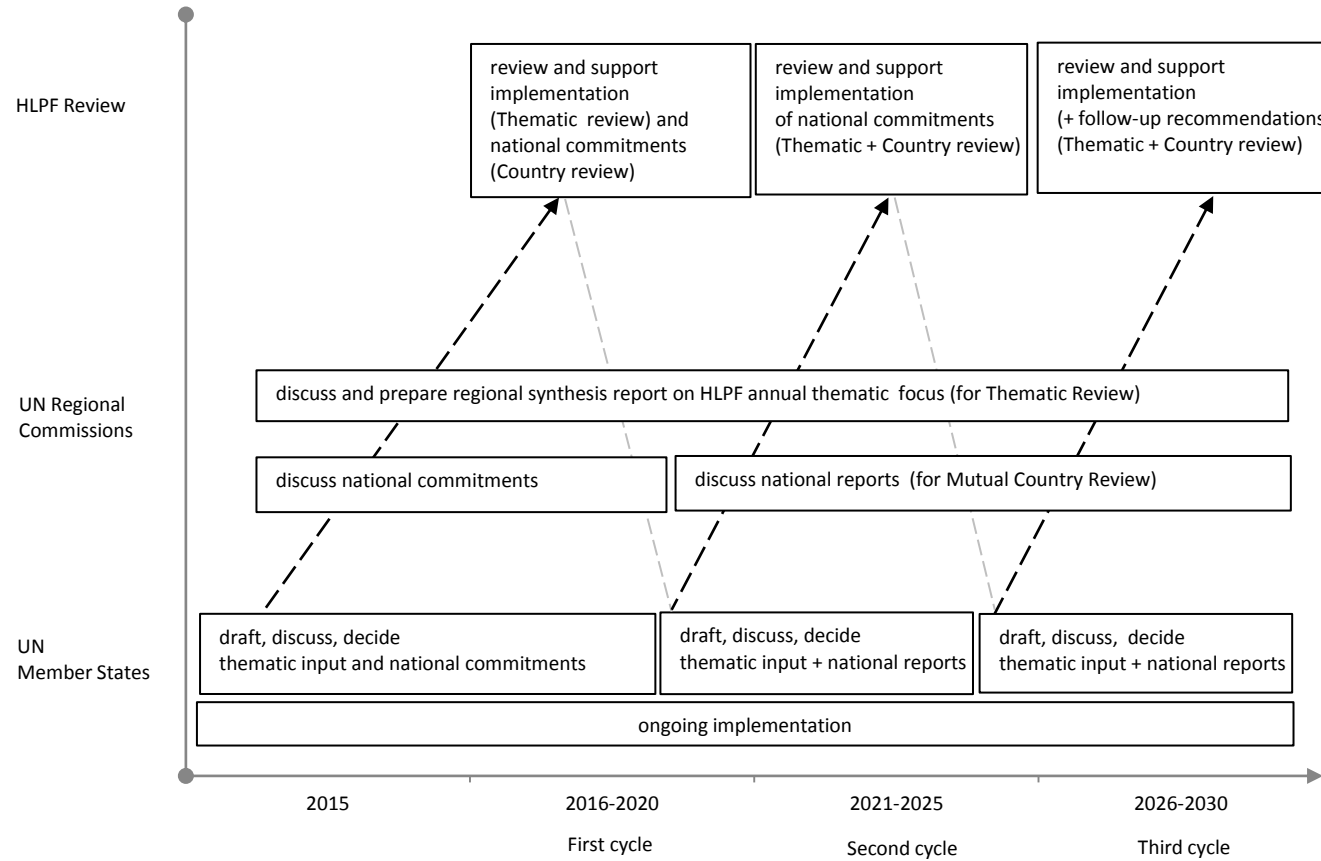
<sup>46</sup> For example, the NRDC's Cloud of Commitments webpage or the Global Compact webpage.

<sup>47</sup> UNGA, *A Life of Dignity for All*, Report of the Secretary-General, A/68/202, 26 July 2013, Para 69, See also the Report of the Secretary-General “*Enhanced cooperation between the United Nations and all relevant partners, in particular the private sector*” (A/68/326).

<sup>48</sup> See UNGA, A/Res/67/290, Para 8c, emphasis added.

<sup>49</sup> Steven Bernstein, *The Role and Place of the High-Level Political Forum in Strengthening the Global Institutional Framework for Sustainable Development*, Paper for UNDESA, August 2013.

Fig. 1 Proposal for a multi-level HLPF Review: State-led and bottom-up



(Five-year cycle; each year all of the Member States in one of the five UN regional groups are invited to participate in the voluntary Mutual Country Review)