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**Research Report**

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## Rio+20 and the Future of the UN Sustainability Architecture – What Can we Expect?

### Summary

Two issues will take centre stage at the forthcoming UN Conference on Sustainable Development (Rio+20): the prospects for a global “green economy” in the context of poverty alleviation and sustainable development, and the United Nations’ institutional framework for sustainable development. In the run-up to the conference, public attention is heavily focused on the issue of a green economy and the formulation of global Sustainable Development Goals (SDGs). But the development of the UN’s institutional sustainability architecture must not be treated as a secondary issue. It is indeed a precondition if the visionary green economy ideas are to become tangible for the day-to-day business of multilateral development cooperation and if any SDGs that may emerge are to be achieved.

At the very least Rio+20 should therefore provide the framework in which the heads of state and government admit to the world public once and for all that the alleged conflict between environment and development is a construct that must be overcome to everyone’s benefit. Global development that is sustainable in the true meaning of the word will remain impossible unless scarce natural resources are used responsibly and unless climate change is effectively mitigated. Effective environment policy and forward-looking re-

source management, on the other hand, will help, especially under conditions of poverty, to improve the well-being and development prospects of the people affected.

The prospective realignment of the UN environment and development institutions thus becomes a litmus test of the United Nation’s future ability to take action in the realm of sustainable development and a gauge of how seriously the international community takes the goal of transforming the global economy. A high-ranking Council for Sustainable Development and an environment agency that carries more political weight may be instrumental in this, so long as they are not restricted to symbolic policies. This calls for unequivocal political support from the heads of state and government, international agreement on the development of more efficient negotiating and decision-making processes, more effective instruments for implementation and supervision and reliable financial resources on an adequate scale. Any new or reformed agency must fit into the overall UN institutional structure and take account of reforms already being undertaken to achieve “system-wide coherence”. Only then can the United Nations be put in a position to provide the enduring support expected of it for a global transformation to sustainable development.

### The status quo: complex institutional landscape at the environment-development nexus

The need for institutional reform addressing the UN agencies operating at the nexus of environment and development has been under discussion virtually since they were first established. One reason for this is the complex institutional architecture of the UN system. It consists of a large number of largely autonomous agencies, which cannot be obligated by an authoritative governing body to act coherently and synergistically across policy areas or at country level. More than thirty UN agencies are, for example, undertaking independent operational activities in developing countries. Although their respective supervisory bodies are similar in composition, it continues to be the exception rather than the rule for member countries to adopt uniform, system-wide positions, not least because responsibilities within the member countries are often shared among different government departments.

While the UN General Assembly and the Economic and Social Council (ECOSOC) have the authority to issue guidance for the funds and programmes, such as the United Nations Development Programme (UNDP), the specialized agencies, like the Food and Agriculture Organization (FAO), are far more independent. Thus, despite overarching policy reference systems, a particular example being the Millennium Development Goals, achieving a synergistic and coherent approach to which all the various UN agencies subscribe remains extremely difficult. Consequently, a great deal of political and administrative energy is spent on inter- and intrasectoral coordinating bodies such as the United Nations Development Group (UNDG) and the Environmental Management Group (EMG).

However, the need for reform also stems from the thematically broad sustainability agenda. Since the 1992 UN Conference on Environment and Development (UNCED) this has required that, as a matter of principle, thought be given equally to the ecological, economic and social aspects of human development to the benefit of present and future generations. Despite a number of overarching initiatives, development and the environment continue to be handled by separate agencies in the UN system. Conflicts of objectives between the development and environment agendas are ubiquitous, with environmental issues often taking a back seat.

In 2006 a process of reform began, the aim being to enhance the United Nations' "system-wide coherence" and so increase its efficiency in the development and environment fields. But, as the interests of developing and industrialised countries differ widely in this context, the fo-

cus has so far been on reforms that are pragmatic and can be implemented incrementally.

It is becoming increasingly evident, however, that incrementalism will not suffice to produce the structural adjustments with which the UN might actually meet the demands of the growing pressure of global ecological problems. The independent evaluation of the Delivering As One initiative, in which the UN has tried out new approaches to strategic cooperation, makes it very clear that the differing working methods of headquarters in New York and Geneva impose structural limits in this respect. If they are to be overcome, political leadership of the member states will be paramount.

A reform of this kind, which would begin with the institutional foundations, is hardly feasible in the UN's normal *modus operandi*. It is therefore adequate and important that the reform of the relevant institutions – especially the Commission for Sustainable Development (CSD) and the United Nations Environment Programme (UNEP) – is now on the agenda for the Rio+20 conference that will convene at the highest political level.

In January 2012 an initial proposal for a final document of the Rio+20 conference was put forward ("Zero Draft"). Entitled "The Future We Want", the document contains explicit proposals for the reform of the institutional sustainability architecture. Just a few weeks before the conference the negotiations on these proposals show no signs of producing a consensus that would enable a decision to be taken on the various alternatives. What practical outcomes are to be expected in this muddled situation?

### A new Council for Sustainable Development

The creation of a high-ranking Council for Sustainable Development could be the most visible institutional sign of a successful conference as it would lie at the heart of a reformed sustainability architecture. But that would be a step forward only if a council of this nature overcame the weaknesses of the present CSD. To this end it would need to be structured in a way to allow it perform two central functions: first, giving the relevant UN institutions politically authoritative guidance in matters of policy integration, with a view to achieving a system-wide balance between economic, social and ecological objectives and safeguarding it by setting binding targets. Second, and linked to this, it should have effective supervisory and review procedures, ideally complemented by sanction mechanisms.

As regards the already difficult business of finding a consensus, one major advantage of this model is that it would not require the amendment of the UN Charter, which would be bound to delay the process, since any Charter amendment must be ratified by two thirds of

member states, including the five permanent members of the Security Council. It also bears some similarity to a proposal from the host country, Brazil, which has been doing the rounds for some time: the creation of an umbrella organisation in which the threads of the relevant UN environment and development institutions would come together. Important backing might thus be mobilized from the ranks of developing countries.

The establishment of the Human Rights Council, which replaced the long criticised UN Commission on Human Rights in 2006, is seen as a precedent. The necessary dissolution of the CSD is far from certain, however. The serious failings of the CSD, which was yet again unable to agree on a final declaration at its annual meeting in May 2011, should have increased the willingness in many quarters to take advantage of the Rio summit for a radical step. It will have to be ensured in this context that the CSD's structural weaknesses and its apparent tendency to polarise "North" and "South" are not imported into a reformed format. The possibility of decisions being taken by a qualified majority, on the model of, say, the Global Environment Facility or of a bicameral system in which the UN institutions affected by Council decisions as well as the member states ultimately responsible for decision making would be heard, indicates that there are ways of facing up to old, familiar problems.

### An UN environment agency with political clout

UNEP was set up in 1972 as a programme under the auspices of ECOSOC and with a distinctly "small secretariat" situated in the Kenyan capital, Nairobi. These decisions continue to underlie the criticism levelled at UNEP's inefficiency. To rectify the resulting lack of power in the UN sustainability architecture, however, will require a strong "anchor institution" for the environment.

In an extensive intergovernmental consultation process specific options for action were discussed in the past with the aim of strengthening UNEP's function, and substantive differences among the member states were minimised. Persistent differences of opinion on whether and how the environment agency could be reformed were disregarded in favour of the maxim "form follows function", and it was generally agreed that more money should be mobilised for the UN's environment institutions, their scientific foundations strengthened and greater efforts made to combine and coordinate their many and varied activities.

On this basis, the Zero Draft juxtaposed the options of a UNEP strengthened by universal membership and "significantly growing" funds on the one hand, and the creation of a specialized agency "UNEO" that builds on UNEP on the other hand. It has yet to be decided, how-

ever, what forms the basis of the alleged consensus on the need for fundamental versus incremental reforms.

The approximation achieved over the years in major functional issues has resulted in the ranks of the advocates of a specialized agency seeming to be more closed today. Not only the EU has agreed on a uniform pro-UNEO position: the African states, too, have for the first time jointly advocated such a step and deviated from the line taken by the established negotiating bloc of the G77 + China. As the negotiations so far show, however, the declared opponents of wide-ranging institutional reforms are hardly impressed by this when push comes to shove. They shy away from a transfer of sovereignty to a strong international environmental authority and are able to rely on the power of veto that is warranted to them by the consensus principle.

In these circumstances, a symbolic strengthening of UNEP that falls substantively short of what the reform advocates believe to be functionally necessary seems a likely outcome of the negotiations. This would be to miss the opportunity to reinforce the United Nations' environmental authority, an opportunity that does not, in the final analysis, depend on organisational form as such.

### The operational side of sustainability

Besides the institutional details of new or reformed institutions, member states need to clarify whether and how the work of the international financial institutions and other UN institutions entrusted with operational tasks will be affected by changes to the institutional framework. Thus one of the most conspicuous features of the Zero Draft is that it makes no mention at all of UNDP.

UNDP, which has offices in most developing countries and, as the United Nations' operational arm, is directly involved in the implementation of numerous programmes and projects, has distinct comparative advantages not only over the United Nations' environment institutions: most UN institutions depend to a greater or lesser degree on cooperation with UNDP for their operational activities, since it performs on-the-ground coordination tasks for the UN system as a whole and should continue to do so. For its part, UNDP is involved in numerous projects of direct relevance to the environment, for instance in the water sector and in the alleviation of energy poverty.

Particularly in these areas, which are also of prime importance for the achievement of the Millennium Development Goals, conflicts of objectives frequently occur between socio-economic aspirations and environmental necessities. There continues to be a pressing need for environmental and climatic considerations to be systematically and consistently taken into account. This, of

course, concerns not only UNDP: it is symptomatic of the mainstreaming of crosscutting issues in operational development cooperation and with respect to the strengthening of system-wide coherence. Whatever form the reorganisation of the sustainability architecture takes, it must render comprehensive and practical assistance in this respect and at least avoid consolidating incoherent structures. From this it follows that the United Nations' existing country presence should be inherently geared to sustainability, rather than, say, additional sectoral units being created.

### Prospects on the eve of the conference

Many of the questions that any reform decision would raise have yet to be answered. The rounds of tough negotiations, which have again been extended just a few weeks before the conference begins, show how far the devil is in the detail. At the end of the second (and what was originally meant to be final) round of negotiations provisional agreement had been reached on only 21 of the more than 400 paragraphs of the document under discussion.

Hopes now rest on an extraordinary additional attempt by the negotiating delegations immediately before the conference begins to agree on a meaningful final document after all. UN Secretary-General Ban Ki-Moon has reminded the representatives of the member states in

this context that the Rio+20 conference is a "once-in-a-generation" opportunity to redress fundamental defects in the United Nations' sustainability architecture.

Time is running out. Budget restrictions and other reservations must not be used by states as an excuse for again deferring radical reforms, lest the emphasis placed in the run-up to the summit on general institutional conditions is to become farcical. There is room for hope that, in parts at least, the final document on which the negotiations are being conducted will point beyond the old, familiar incrementalism. A high-ranking and politically visible sustainability institution at the centre of the UN system and an institutionally strengthened environmental anchor agency might still change the complex institutional landscape appreciably for the better.

The aim now must be to seize the momentous opportunity presented by the Rio+20 conference to implement the ambitious proposals and negotiate practical steps which governments cannot afford to ignore when they return to their day-to-day business after the summit. Should governments actually fail to deliver on this task, the United Nations would suffer serious harm as the unrelenting champion of sustainable development, and the international community would miss an important opportunity to show credible responsibility for the development prospects of future generations.

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