

**Gender Equality and the Institutional
Framework for Sustainable Development**

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1. Introduction

“Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.”¹

“It is impossible to achieve sustainable development anywhere unless the world is prepared to develop, protect and empower women everywhere.”²

This paper is one of a suite of background papers being prepared for UN Women to assess progress and remaining gaps in achieving this goal, and highlight gender perspectives on the two conference themes.³ It reviews the role of gender equality in the current environment governance system, focusing on the core components of the International Framework for Sustainable Development [IFSD]. These include the key international agreements: the Millennium Development Goals (MDGs), the Multilateral Environmental Agreements (MEAs), Agenda 21 and the Rio Declaration. They also include core global institutions addressing sustainable development: the United Nations Environment Program (UNEP), the United Nations Development Program (UNDP), the Commission on Sustainable Development (CSD), and the Global Environment Facility (GEF). The paper will also comment on the role of UN Economic and Social Council (ECOSOC) and the Commission on the Status of Women (CSW). The critical role of financing will be briefly introduced in this paper, but it is not the major focus.

Recent UNDP guidance on capacity development has identified three levels of capacity for environmental governance, the system or “enabling environment” level, the organizational level and the individual level⁴. Building on this analysis, this paper seeks to identify what constitutes an enabling governance system for sustainable development. The paper shall be structured as follows:

- Political systems and processes, including multi and bilateral organizations and processes;
- Legal, regulatory and policy frameworks, including multilateral environmental agreements (MEAs) and agreements related to trade, human rights, gender equality and beyond
- Mechanisms for international and inter-agency cooperation;
- Mechanisms for stakeholder consultation and involvement;
- Organisational structures, mandates, functions and reporting relationships, including internal policy, planning and decision-making processes, management, administrative, budgetary and human resource development systems;
- Financing for sustainable development; and
- Conclusion and recommendations

¹ United Nations. 1992. *Rio Declaration on Environment and Development*. Principle 20.

² Elizabeth Thompson of Barbados, Executive Director of the United Nation’s Conference on Sustainable Development Rio 2012.

³ The author would like to thank the support and contributions to this paper and its process provided by UN Women staff Anna Falth and Tracy Raczek; my fellow Rio+20 consultants, Nidhi Tandon, Ama Marston, Sophia Huyer; Eleanor Blomstrom and Sascha Gabizon of the Women’s Major Group; environmental consultant Susan Abs; Dr. Nola Kate Seymoar; and most importantly, IWRP Research Associate Kaitlyn Pritchard, for her endless patience and skill in editing, cite checking, formatting and footnoting.

⁴ United Nations Development Program (“UNDP”). 2011. *Practitioner’s Guide: Capacity Development for Environmental Sustainability*. New York: UNEP.

1.1. Context

The 1992 United Nations Conference on Environment and Development (UNCED or “the Earth Summit”), held in Rio de Janeiro, was a milestone in global efforts to integrate environment and development. It led to widespread recognition that the development model is not sustainable, and that economic and social development needs to be decoupled from resource depletion and environmental pollution. It also increased understanding that inequitable systems that perpetuate poverty needed to be restructured.

The global “Plan of Action” – Agenda 21 - adopted at the Earth Summit, included a chapter on “Global Action for Women Towards Sustainable and Equitable Development”, Chapter 24, and recognized women as one of nine critical groups⁵ to be involved in formulating and implementing sustainable development policies. There were also 145 references to the specific roles of women in environment and development in the final document.

Now, twenty years later, it is evident that efforts to implement sustainable development approaches have been too fragmented and weak to bring about the fundamental changes needed for a sustainable world. And further, twenty years later, the efforts to engender sustainable development and bring women into the process has been even more compromised than in 1992. This will be our central challenge when the UN Conference on Sustainable Development (Rio+20) takes place in Brazil in June 2012. This is the 20th anniversary of the 1992 Earth Summit, and the 10th anniversary of the 2002 World Summit on Sustainable Development (WSSD), held in Johannesburg: neither of which are anniversaries that we may celebrate in terms of accomplishments on the increase in women’s empowerment or sustainable development .

The key objectives of this Rio +20 conference are to secure renewed political commitment for sustainable development; assess progress made to date; identify the remaining gaps in the implementation of the outcomes of the major summits on sustainable development; and address new and emerging challenges. The conference will focus on two themes: (a) a green economy⁶ in the context of sustainable development and poverty eradication; and (b) the institutional framework for sustainable development.

Rio+20 **could** provide the opportunity to bring greater attention and renewed commitments to ensuring gender equality and women’s participation in bringing about truly sustainable development.⁷

The Rio+20 conference will examine possibilities for fundamental reform to the institutional framework for sustainable development, with a focus on the UN system, including five options that emerged from the Nairobi-Helsinki process.⁸ However, while mentioning these options here, it is not the focus of the paper to analyze them, nor does UN Women have a position on the prioritizing of these options. These five options are enhancing the United Nations Environment Program (UNEP); establishing a new umbrella organization for sustainable development; establishing a

⁵ The Nine Major Groups are Business and Industry, Children and Youth, Farmers, Indigenous Peoples, Local Authorities, NGOs, Scientific and Technological Community, Women, Workers and Trade Unions.

⁶ This “green economy” term is the subject of much debate.

⁷ However, given the current state of negotiations around the Zero Draft and the inability of the Commission on the Status of Women 56th session in March 2012 to reach any agreed conclusions, that likelihood is slipping through our grasp.

⁸ United Nations Environment Program (UNEP). 2010. “Nairobi-Helsinki Outcome.” Second meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance, Espoo, Finland 23 November.

specialized agency such as a World Environment Organization (name to be determined); reforming the UN Economic and Social Council (ECOSOC) and the UN Commission on Sustainable Development (CSD); and enhancing institutional reforms and streamlining existing structures.

This paper will not evaluate those options, but will instead assess key components of the current IFSD from a gender equality perspective as background for discussing these options and related governance topics on the Rio+20 agenda. There has been much written about weighing the various options of these 5 options,⁹ and here we want to caution that we must be vigilant that the Rio+20 opportunities are not mired in United Nations reform rather than constructive policy engagement.

It is imperative that we develop a new IFSD governance system from the perspective of gender equality and women's empowerment. This goes beyond just including the participation of women in the process but is fundamentally about the nature of SD itself. As even the World Economic Forum's Global Risks 2011 report notes, "the frequency and severity of risk to global stability have amplified, while the ability of global governance systems to deal with them has not."¹⁰ As the Major Groups affirm, "Environmental concerns are among the most urgent global risks the world is facing, yet environmental institutions are among the weakest global instruments. Indeed, the integrated and interdependent nature of the current set of environmental challenges contrasts sharply with the fragmented and uncoordinated nature of the institutions we rely upon for solutions."¹¹ Hardly an auspicious beginning. Conceptually we know that there has been little success in integrating the three pillars of sustainability¹²: environmental, social and economic – into environmental governance.

1.2. Institutional Framework for Sustainable Development

Sustainable development is not a sector or component of development, but rather an approach to how development is done. The approach is inherently cross-cutting in nature, attempting to weave together long-term environmental/ecological, economic and social development. Thus, diverse types of organizations have internalized sustainable development principles and practices into their goals and programs over time. These include both government and non-governmental organizations and those with and without an explicit environmental or sustainable development mandate (e.g., agricultural, health, labour, women and trade organizations). At the same time, a system of global environmental governance has emerged, centered on several core agreements and institutions, and will be one of the focus areas of Rio+20 discussions. An effective institutional framework for sustainable development (IFSD) is the cornerstone of a coherent and interconnected system of international environmental, economic and social governance systems.

The discussion at Rio will be on the architecture of the UN. However the larger system of IFSD covers all levels from the international to the national to the local.

Reforms to the system should aim to promote greater coordination, coherence and integration between relevant institutions, with the aim of more implementation commitments outcomes from Rio+20 and related normative frameworks, including the Beijing Platform for Action and Chapter

⁹ See: <<http://www.uncsd2012.org/rio20/index.html>>.

¹⁰ Cited in the Multi Groups and Stakeholders Advisory Group on International Environmental Governance submission to the Global Sustainability Panel (GSP), 28 March 2011. Online: <http://www.environmentalgovernance.org/wp-content/uploads/2010/10/AG_IEG_GSP110328.doc>.

¹¹ *Ibid.*

¹² Marston, Ama. *Implementation of Sustainable Development: Progress, Gaps and emerging Challenges*. Paper written for UN Women.

24 of Agenda 21. This governance structure should be explicitly accountable to both women and men and fully integrate gender perspectives in the overall mandate of promoting sustainable development.¹³ Overcoming fragmentation within the current international environmental governance system could help to ensure that gender equality and women's empowerment are addressed in a coherent and integrated manner – across the entire spectrum of institutions, including financing and technology-related bodies and mechanisms. Gender equality would also be enhanced by better integration among the three pillars of sustainable development (hereafter SD) at global, national and regional levels.

Over the decade since the WSSD in Johannesburg (2002), there has been increasing political and public pressure for greater harmonization among SD efforts of UN agencies and other multi and bilateral organizations. Both member countries and NGOs are calling for more focused, coherent and effective approaches to core environment and development challenges, such as climate change, food security, biodiversity loss and poverty/environment linkages. This has led to the inclusion of global environmental governance as one of two main topics on the conference agenda, with a focus on the institutional framework for sustainable development (IFSD). The capacity to realize global sustainability goals depends in large part on the institutional arrangements that set the framework for global decision-making on sustainability.

Strengthening environmental governance includes improving these political and institutional arrangements, as well as addressing power imbalances and inequities in access to natural resources and decision-making on sustainable development. It also includes promoting human rights, gender equality, accountability and leadership.

Reviewing how institutions perform has a lot in common with asking how policies reflect the prevailing balance of powers and interests from the level at which the policies have to be implemented. It is ultimately at the ground level that SD will succeed or fail – institutions that take into account both the aims of SD and the prevailing political realities at the implementation level.¹⁴ Similarly, it is at the same level where gender mainstreaming and women's empowerment will succeed or fail.

However, the focus of this paper is on the UN IFSD, not a review of national institutions and machinery.

¹³ UN Women. 2011. "The Centrality of Gender Equality and the Empowerment of Women for Sustainable Development." Contribution to the Outcome Document, 1 November, at 10.

¹⁴ Le Blanc, David. 2012. "Introduction: Special Issue on Institutions for Sustainable Development" in *Natural Resources Forum* 36: 1-2 at 1.

Source: Management Review of Environmental Governance within the United Nations System, Tadanori Inomata, Joint Inspection Unit, Geneva 2008



More than forty international organizations deal with aspects of environmental change involving notions of SD. The estimated number of Multilateral Environmental Agreements (MEAs), i.e., legally-binding treaties and conventions established over the course of the past 40 years, is between 200 and 500 depending on definitions and sources.¹⁵ Among these, the so-called “Rio Conventions” have received considerable attention within the UN system, since they touch on key global issues and are the main focus of the Global Environment Facility (GEF), a major environmental funding mechanism. They include the three that we will review, the UN Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD) and the Convention to Combat Desertification (UNCCD). The GEF also works on the topics of land degradation, sustainable forest management/reducing emissions from deforestation and forest degradation, chemicals/persistent organic pollutants, international waters, and ozone layer depletion.

Each MEA has its own Secretariat, which is charged with managing treaty implementation, and answers to a Conference of Parties (COP), i.e., member states/signatories. Other implementation work is carried out by the UN Environment Program (UNEP) and the cooperation programs of the UN Development Program (UNDP), through headquarters and country offices. There is also a range of “soft law” commissions, including the Commission on Sustainable Development (CSD) and the Commission on Social Development (CSD). Each of these bodies also has its own sustainable development related mandates, objectives, programs and reporting mechanisms and often acts autonomously.

The creation of UNEP in 1972, the development of an array of MEAs, the rise of environment and SD themes on the global political agenda, and the integration of environmental concerns into many UN programs, are remarkable achievements. At the same time, this relatively rapid proliferation of institutional arrangements, often in a piecemeal fashion, in response to specific emerging environmental issues, has resulted in a dispersed and fragmented global environmental governance system.¹⁶

The fragmentation in institutions is also evidenced in the area of financing for SD. The multitude of mechanisms has led to high overhead costs, duplication and inefficiencies, all resulting in fewer funds to address substantive issues at both global and national levels.¹⁷ Some critics suggest that the lack of a single strong voice for the environment has led to missed opportunities ecological, social and economic linkages and across UN programs.¹⁸ They also suggest that a fragile and disjointed science-policy interface has resulted in a weak scientific basis for policymaking. A focus on negotiating rather than implementing environmental commitments has resulted in an implementation gap, and has reduced resources that could be used for capacity building at the

¹⁵ Kanie has identified over 500 MEAs, of which about 300 are regional in scope, citing Ecolex project (UNDP, FAO, IUCN) and International Environmental Agreements database. 61 address atmosphere, 155 are on biodiversity, 179 on chemicals, hazardous substances and waste, 46 on land issues and 197 on water issues. Kanie, Norichika. 2007. “Governance with Multilateral Environmental Agreements: A healthy or ill-equipped fragmentation?” in *Global Environmental Governance: Perspectives on the Current Debate*, Walter Hoffmann and Lydia Swart eds. New York: Center for UN Reform Education, 67-86 cited in Chasek, Pamela S., 2007. *Rationalizing the Global Environmental Governance System: Synergies between MEAs*. PowerPoint Presentation, Winnipeg: International Institute for Sustainable Development. Online: <http://www.iisd.org/governance/geg/reform_options.asp>.

¹⁶ Schneeberger, Kirsty, Felix Dodds, Andrew Shaw, Milena Bottero, Jack Cornforth and Robert White. 2011. *A Pocket Guide to Sustainable Development Governance*. Stakeholder Forum and Commonwealth Secretariat. Hereafter “The Pocket Guide.”

¹⁷ *Ibid.*

¹⁸ *Ibid.*

national level, in keeping with key tenets of the Paris Declaration on Aid Effectiveness (2005) and the Accra Accord for Action (2008).

Although there have been some formal and informal efforts to integrate gender equality and women's participation in some initiatives, these efforts too have generally been uncoordinated and inadequate. In some instances, gender mainstreaming policies have been crafted but not implemented; many institutions purport to have gender policies but vetting their implementation is beyond the scope of this paper. What is absolutely clear, however, is that the UN use of the term "gender mainstreaming" has had a very real effect of depoliticising gender and dispersing the effects of 'mainstreaming'.

The fragmented institutional framework has hindered the possibility of a coherent, systematic focus on gender mainstreaming and women's empowerment in SD. UN Women has called for additional responsibilities and resources to carry out oversight and develop partnerships to work towards gender equality goals in SD.¹⁹

Emerging implementation mechanisms and tools in the areas of financing, capacity- building, and technology development and transfer, should ensure women's equal participation and representation in governance and decision making and gender-responsive planning and allocation of resources. Women's equal access to financing and technology would enable them to meaningfully contribute to implementing national SD commitments and practices.

1.3. Perceived Gaps or Inadequacies in the Current Institutional Framework for Sustainable Development

The following commentary is derived from official and academic sources on IFSD and International Environmental Governance (IEG) reform efforts, and reflects a relatively strong consensus among member states and stakeholders on the inadequacies and gaps in current institutional arrangements that are drivers of the need for reform. Primarily this section is adapted from the Five Options paper.²⁰

- The current sustainable development institutions are too weak and fragmented.²¹

¹⁹ UN Women. 2011. "The Centrality of Gender Equality and the Empowerment of Women for Sustainable Development." Contribution to the Outcome Document, 1 November.

Women's Major Group. 2011. "Input to "Zero Draft" Outcome Document: UN Conference on Sustainable Development (Rio+20)." Summary, 1 November. Hereafter "Women's Major Group Input to Zero Draft." Throughout this section we have incorporated recommendations made by The Women's Major Group and UN Women.

²⁰ Bernstein, Steven and Jutta Brunnée. 2011. *Options for Broader Reform of the Institutional Framework for Sustainable Development (IFSD): Structural, Legal, and Financial Aspects.* Report prepared for the Secretariat of the UN Conference on Sustainable Development (Rio+20). Online:

<<http://ieg.earthsystemgovernance.org/publications/options-broader-reform-institutional-framework-sustainable-development-ifsd-structural->>. Hereafter referred to as "The 5 Options Paper."

²¹ While there is no comprehensive review of sustainable development governance in the UN system, the Joint Inspection Unit's review of global environmental governance within the UN system maps much of this terrain within the UN system, including the only organizational chart that attempts to make sense of these institutional relationships. Inomata, Tadanori. 2008. *Management Review of Environmental Governance within the United Nations System*. Geneva: UN Joint Inspection Unit, JIU/REP/2008/3.

- There is a fragmentation – of treaties, financing, and overall authority for environmental and sustainable development governance – that has resulted in a lack of policy coherence.²²
- The three pillars of sustainable development – environment, economic and social – lack integration in the UN system and in global, regional, and national policies.
- Enforcement capability is lacking in many cases, as are financial resources to aid implementation and build capacity for sustainable development. This has led to the oft mentioned “policy-implementation disconnect.”²³
- Monitoring, data collection and assessment are lacking on progress toward sustainable development. Improved accountability and review mechanisms could create incentives for performance and early action.
- Integration of sustainable development into decision-making is lacking at all levels, especially in the wider macro-economic policy domains of finance and trade.
- When considered in the context of international or global governance institutions as a whole, including the UN system and International Financial Institutions (IFIs), the environmental pillar is weak in authority, priority and profile, and capacity relative to the economic pillar.²⁴
- The science-policy interface remains inadequate and suffers from a lack of capacity, especially at the national level.
- On a wide range of sustainable development priority areas and environmental concerns, progress has been lacking and/or inadequate to the task. Climate change, forestry and fisheries are among the most prominent longstanding examples.
- Meanwhile, new and/or deepening concerns are emerging in areas such as energy demand and access, fresh water, and oceans management.²⁵ In addition, concerns about consumption in the North and in emerging economies is increasing.
- The CSD lacks an adequate mandate to address emerging issues, mainly because its work program lacks flexibility but also because it lacks an implementation mechanism.
- While strides have been made to promote partnerships between government or intergovernmental authorities, business and civil society, there is a lack of cohesion and mutual support between traditional multilateralism or governance through international organizations and newer forms of governance, regulation and standard setting that are

²² Bernstein and Ivanova, 2007; Biermann et al., 2009; Inomata, *supra* note 21.

²³ Ivanova, Maria. 2011. “Global Governance in the 21st Century: Rethinking the Environmental Pillar.” Stakeholder Forum’s Sustainable Development Governance Programme at 8.

²⁴ The 5 Options Paper, *supra* note 20.

²⁵ While there is no official consensus on priority emerging issues, these three issues are among the seven priorities identified at the High-Level Symposium on the United Nations Conference on Sustainable Development, Beijing, September 8-9, 2011. Other emerging issues identified were green jobs and social inclusion, food security and sustainable agriculture, sustainable cities, and improved resilience and disaster preparedness.

more transnational in nature, and where an increasing amount of regulation and innovation are occurring.²⁶

1.4. What are the Main Goals of Improving/Strengthening Institutional Frameworks for Sustainable Development?

The most commonly stated goals for reform follow from the above strengths and weaknesses of the current IFSD.²⁷ However, there is so far little evidence of a shared vision of sustainable development or, consequently, of the optimal IFSD. On the one hand, there is strong consensus on the need for reform and a variety of specific functions toward which reform should aim; on the other hand, without a broader vision it will be difficult to provide deeper justifications to support an ambitious reform agenda. The toughest institutional questions – of the rights, substantive goals, rules and decision-making procedures for sustainable development²⁸ – have largely been sidestepped in most reform proposals, which instead focus on administrative and organizational improvements.

Even a significantly reformed and empowered environment or sustainable development organization is unlikely to be effective if it lacks an institutional vision and political legitimacy to pursue it. Only with such vision and legitimacy is it likely that goals and decision-making procedures will “become sufficiently embedded or entrenched so that key players participate in the resulting practices without thinking about the pros and cons of doing so each time they act in a manner that conforms to the relevant rights and rules.”²⁹

While not stated in the Nairobi-Helsinki outcome, there is a consensus that this last goal in particular would be supported by a “One UN” or “Delivering as One” approach to improve consistency, support national sustainable development planning, more effectively deliver technology support and capacity building, and administratively simplify implementation of multilateral environment agreements and related commitments.

Improving IFSD for gender equality and women’s empowerment, regardless of which of the various options is given weight at Rio+20 is going to require significant policy, targets, indicators, measurement and implementation. We have seen no evidence of the political will to accomplish this, rather a weakening of the gender equality provisions of Agenda 21 from 20 years ago.

2. Political Systems and Processes

2.1. The United Nations General Assembly Secretary-General Reports

²⁶Abbott, Kenneth W. and Duncan Snidal. 2009. “Strengthening International Regulation Through Transnational New Governance: Overcoming the Orchestration Deficit.” *Vanderbilt Journal of Transnational Law* 42 (2): 501-578.

²⁷ The 5 Options Paper, *supra* note 20 at 5.

²⁸ Young, Oran. 2008. “The Architecture of Global Environmental Governance: Bringing Science to Bear on Policy.” *Global Environmental Politics* 8:1, 14-32, at 21.

²⁹ *Ibid.*

There are some UN SG reports and processes that are important for this present review. The report of the Secretary-General, *Objective and themes of the UNCSD*³⁰ and its companion report, *Synthesis report on best practices and lessons learned on the objective and themes of the Conference* were delivered to the Prep Com of 7-8 March 2011. The report examines the two themes of Rio+20 in relation to the objective of renewed political commitments to sustainable development, reviewing progress and implementation gaps and addressing new and emerging challenges. The report is very clear in its finding that the lack of coordination and coherence has held back the full potential of the reach of the IFSD.³¹ The reports illustrate agreement with all stakeholders consulted that the IFSD requires strengthening, including better coordination among existing international institutions and that further progress is needed at regional and national levels.³²

The report addresses some of the major challenges facing international institutions including:³³ lack of political will, institutional capacity and technical capability; high competition for inadequate financial resources during a global financial crisis; complexity and scope of the sustainable development agenda; lack of coordination among organizations and agencies; low accountability and conflicting interests; competing short-term versus long-term priorities; weak or non-existent monitoring, reporting and evaluation; and creating effective and flexible partnership platforms that facilitate North-South and South-South two-way knowledge-sharing. Some major challenges facing national institutions include: lack of a mandate or high-level political commitment to engage stakeholders; weak engagement of major groups, in particular women³⁴ and youth; ensuring effective and continuous inter-ministerial cooperation; varied commitments of countries to root sustainable development in national institutions; achieving a balanced distribution of financial resources; ensuring coordination between local and national institutions.

It is not the purpose here to repeat the findings of the SG report. Rather we note that the report contains no reference to gender, gender mainstreaming, women's role in sustainable development or women as agents as part of the solution. The only reference to women in the SG Report makes note of UN Women's existence as an example of the creation of a new institution. The only reference to women in the synthesis report is noted, above.

The reports comment on the options presented to strengthen the IFSD process, but it is as if the role of women in sustainable development does not exist. The reports note the need to strengthen regional commissions' role as per Chapter 38 of Agenda 21,³⁵ but makes no mention of Chapter 24 of Agenda 21, or indeed **any** of the language developed over the past twenty years that notes women's critical role in sustainable development. The only reference to the Major Group process can be read into the very last recommendation that notes the importance to continue

(g) Building upon progress to date for multi-stakeholder engagement in sustainable development decision-making and implementation, including through capacity-building tailored to different major groups and stakeholders.³⁶

³⁰ UN General Assembly. 2010. "Objective and themes of the United Nations Conference on Sustainable Development." Report of the Secretary-General for the Preparatory Committee for the United Nations Conference on Sustainable Development, Second Session, 7-8 March 2011. Item 2 of the Provisional Agenda. A/CONF.216/PC/7.

³¹ *Ibid.* at 2.

³² *Ibid.* at 37.

³³ *Ibid.* at 34.

³⁴ *Ibid.*

³⁵ *Ibid.* at 37.

³⁶ *Ibid.* at 38.

However, none of the Major Groups are specifically referenced. It is recommended that where the Secretary General's report refers to mainstreaming sustainable development into economic planning processes and the need to develop indicators,³⁷ the process must ensure working with UN Women to mainstream gender equality and women's empowerment as well as indicators to measure both women's agency in sustainable development as well as the impact on women and vulnerable groups of the lack of sustainable development.

Delivering as One

*Gender equality is central to sustainable development that responds to the needs, rights, aspirations and talents of half the world's people. The Panel believes that the United Nations needs to replace several current weak structures with a dynamic United Nations entity focused on gender equality and women's empowerment. This entity should mobilize forces of change at the global level and inspire enhanced results at the country level. The promotion of gender equality must remain the mandate of all United Nations entities.*³⁸

The Delivering as One report³⁹ opens with these words, "The UN system has both strengths and weaknesses. It is an indispensable instrument in an age of growing interconnection between peace and security, sustainable development and human rights. However, bold reforms are needed to improve the UN's effectiveness in delivering its mandate and responding to new and growing challenges. A more united System will be a stronger, more responsive and effective United Nations. A System reconfigured to optimally use its assets and expertise in support of country needs and demands will strengthen the voice and action of the UN in development, humanitarian assistance and the environment. A repositioned UN – delivering as one – will be much more than the sum of its parts."

This High Level Panel had a number of recommendations pertaining to the environment, sustainable development and gender.

One of the outcomes of this report were a number of country pilot projects⁴⁰ on UN entities cooperating on a range of issues —from fighting hunger and poverty, to upholding core labour standards, to containing the global HIV/AIDS pandemic. The recommendations are all focused at the country level and refer to many examples of the weakness of the system due to a multiplicity of programs: "Fragmented institutional structures do not offer an operational framework to address global issues, including water and energy. Water is an essential element in the lives of people and societies, and the lack of access to water for basic needs inflicts hardship on more than 1 billion people. More than 20 UN organizations are engaged at some level in water work, but there is little evidence of overall impact."⁴¹

Many of the recommendations in the report are subject to the current focus on the IFSD to be discussed in Rio. The recommendations on gender pertain to what has now become UN Women.

³⁷ *Ibid.* at 36.

³⁸ UN. 2006. "Delivering as One: Report of the Secretary-General's High-Level Panel." Secretary-General's High-level Panel on UN System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment, New York, 9th November at p 34. Hereafter "Delivering as One."

³⁹ *Ibid.*

⁴⁰ Delivering as One pilot countries: Albania, Cape Verde, Mozambique, Pakistan, Rwanda, Tanzania, Uruguay, and Viet Nam. Delivering as One self-starter countries: Cambodia, Congo Brazzaville, Indonesia, Liberia, Malawi, Maldives, Montenegro, Namibia, Philippines, Zambia.

⁴¹ Delivering as One, *supra* note 38 at 19.

The most significant one of these is about funding the new entity. “To be effective in this role, the gender entity needs adequate, stable and predictable funding. The work of the normative and analytical division should continue to be funded as it is now from the United Nations regular budget, supplemented by voluntary contributions. The policy advisory and programming division should be fully and ambitiously funded. The Panel strongly believes that substantially increased funding for the gender entity should constitute only part of the overall commitment of the United Nations to gender equality. Other United Nations entities need to dedicate significantly more resources to gender mainstreaming in all their work and decisions, in particular at the country level, and to monitor and report regularly on progress.”⁴²

We can see that this commitment has not been fulfilled in UN Women’s first year of operation.

Resilient People, Resilient Planet: A future worth choosing

The UN SG’s High-level Panel on Global Sustainability tabled its report entitled *Resilient People, Resilient Planet: A future worth choosing*, in January 2012.⁴³ It stated that its long term vision is to eradicate poverty, reduce inequality and make growth inclusive, and production and consumption more sustainable, while combating climate change and respecting a range of other planetary boundaries. This comprehensive report sets out a range of recommendations, including strengthening institutional governance. For the purposes of this section we will review on those on gender and the key recommendations in the following areas: Delivering on the fundamentals of development: international commitments to eradicate poverty, promote human rights and human security and advance gender equality.⁴⁴ Paragraphs 59 to 63 are reproduced here:

59. Persistent gender inequality in particular has to be addressed as part of any serious shift towards sustainable development. Unless we do so, more than half our collective intelligence and capacity risks being wasted — as does that of the next generation, and the next. And while real gains have been made over the last few decades, women are still confronted with numerous barriers that limit their capacity as citizens, producers and leaders.

60. Women are vastly underrepresented in decision-making positions around the world. They hold fewer than 20 per cent of all seats in national parliaments and occupy only 16 per cent of ministerial posts. Where women do secure posts, their representation is uneven across sectors: while approximately 35 per cent of social affairs and welfare ministers are women, only 19 per cent of finance and trade ministers, 7 per cent of environment, natural resources and energy ministers, and a mere 3 per cent of science and technology ministers are female. Yet evidence shows that when women are at the table in greater numbers, collective needs are given higher priority — including access to clean water and education and setting aside protected land areas. There is also extensive evidence that ensuring women are part of conflict prevention and peace processes makes for peace settlements that last.

⁴² *Ibid.* at 37.

⁴³ United Nations Secretary-General’s High-level Panel on Global Sustainability. 2012. *Resilient People, Resilient Planet: A future worth choosing*. New York: United Nations.

61. Discriminatory laws and practices on inheritance and ownership are a particular brake on women's economic autonomy and potential. These are especially important in the agriculture sector, where extension services often fail to reach women farmers who lack formal title to their land. It is estimated that if women had the same access to productive resources as men, they could increase yields on their farms by 20 to 30 per cent, potentially raising total agricultural output in developing countries by 2.5 to 4 per cent and reducing the number of undernourished people in the world by 12 to 17 per cent. Rights to inheritance and ownership are also critical in urban areas and informal settlements, and can ensure women's social and economic empowerment during land reform and community rehabilitation programs.

62. Improving access to family planning, reproductive rights and health services is also fundamental to sustainable development. It not only provides immediate health benefits and reductions in maternal and child mortality, but from one generation to another and lightens the burden on countries with poor natural resource endowments. Access to family planning and reproductive health services is closely linked to overall gender equality: gender equality tends to be higher where they are available, and vice versa.

63. Changes in knowledge, attitudes and behaviour — among both men and women — are also essential for gender equality. This is especially central to the reduction of sexual harassment, violence against women and crossborder trafficking of women and girls, which are not only violations of women's and girls' rights, but have direct and indirect costs for survivors, the private sector and the public sector in terms of health, police and legal and related expenditure, as well as lost productivity.

2.2. Economic and Social Council

The Economic and Social Council (ECOSOC) is the UN's main inter-governmental institution responsible for economic and social matters, devoted to the coordination of follow up to the UN conferences. It consists of 54 UN member states, elected by the General Assembly. As emphasized in Agenda 21, the function of ECOSOC is to restructure and revitalise UN activities in economic, social and related fields. ECOSOC manages SD coordination within the UN system, coordinating the implementation of Agenda 21 and integrating environmental and developmental issues within UN policies and programs. ECOSOC is also in charge of undertaking studies and publishing reports on international issues of development, health, education etc, and making recommendations on such issues to the General Assembly, UN members and specialised agencies.⁴⁵

The ECOSOC Agreed Conclusions on Gender Mainstreaming were adopted after the 1997 session. This led to the UN generally agreed definition on gender mainstreaming (GM), probably the most oft-cited definition of GM:

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of

⁴⁵ The Pocket Guide, *supra* note 16 at 34.

men an integral part of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.⁴⁶

The Agreed Conclusions can be read as pledging clear political will and sufficient resources, human and financial, for implementing gender mainstreaming. The heart of the recommendations was their emphasis on broad-based system-wide initiatives and action for mainstreaming a gender perspective, an intent that has been clearly lost. As we can see with the woeful underfunding of UN Women, this commitment does not exist in reality.

As a follow up measure to the Fourth World Conference, Beijing, the Secretary-General submits yearly reviews to the Commission on the Status of Women and ECOSOC detailing progress made in mainstreaming gender into the UN system.⁴⁷ Given the current backlash against women's empowerment and gender equality, the 2012 CSW is an example of how this mandate is not being carried out. What is of grave concern is that we are not seeing transformation or any real change within the system, and the integration of the language of gender mainstreaming is for the most part merely rhetoric.

2.3. Council on Sustainable Development

Established by the General Assembly in 1992 to ensure effective follow-up of the UNCED, the Council on Sustainable Development (CSD) monitors the implementation of the UN Environment and Development initiatives and commitments, and provides guidance at the local, national, regional, and international levels for the implementation of relevant policies. The CSD also provides financial, logistical, and technical support across these levels. Members of the CSD are elected by the Council⁴⁸, which also organises regular reviews of the CSD's action and promotes the integration of environment and development issues.⁴⁹

While these means serve to build the capacities of communities and states, the CSD also engages in education and awareness raising around the social and economic dimensions for sustainable development and natural resources management. It serves as a high level forum, which meets annually to discuss specific thematic and cross-sector issues. However, gender and women are not discussed by the CSD as independent agenda items.⁵⁰ Addressing the disproportionate impact of poverty on women represents a priority action under the issue of Poverty, which appears as an "overriding issue" on the agenda of the CSD each year. Additionally, Gender Equality has appeared

⁴⁶ UN Economic and Social Council (ECOSOC). 1997. *UN Economic and Social Council Resolution 1997/2: Agreed Conclusions*, 18 July 1997, 1997/2. Online: <<http://www.unhcr.org/refworld/docid/4652c9fc2.html>>.

⁴⁷ See: UN Doc A/Res/50/203 and /51/69.

⁴⁸ UN Department of Economic and Social Affairs, DSD. *About the UN Commission on Sustainable Development (CSD)*. Online: <http://www.un.org/esa/dsd/csd/csd_aboutcsd.shtml>.

⁴⁹ UN Department of Economic and Social Affairs, DSD. *Frequently Asked Questions: What is the Process of Election to the Membership of the CSD?* Online: <http://www.un.org/esa/dsd/csd/csd_pdfs/csd-17/Election_to_CSD.pdf>.

⁵⁰ Peace Women Website. *Commission on Sustainable Development*. Online: <http://www.peacewomen.org/peacewomen_and_the_un/un-implementation/economic-and-social-council/entity/30/commission-on-sustainable-development>. Accessed on November 25, 2011.

as a "cross-cutting" issue on the CSD's agenda for several cycles of deliberation. As such the CSD has developed a database of gender related case studies, but only since 2008.⁵¹

The CSD tries to examine head-on the inter-linkages between environmental, social, economic, and political arenas at the global scale.⁵² The CSD has been seen to be successful by some analysts in providing a new and innovative model for stakeholder engagement and a forum for an exchange of ideas.⁵³ However, barriers still remain in ensuring that the Commission is able to fulfill its large and challenging agenda. The Stakeholder Forum review suggests that without creating a overarching sustainable development structure, more empowered and willing than the CSD to focus on systemic issues, the international community will continue its dialogue without the 'keys' to maintain relationships between the varied sustainable development institutions.⁵⁴ Achieving the balance between the three pillars (economic, social, and environmental) of sustainable development will, therefore, continue to be an elusive dream.⁵⁵

The Stakeholder Forum⁵⁶ notes that while the intergovernmental mandate on sustainable development is clear and has been unanimously agreed to, the development and maturation of the UN's pillar organizations has stagnated. Despite the successes of the CSD, it remains an institutionally and politically weak global authority on sustainable development. They point out that the multi-year process highlighted inherent flaws in the interpretation of its mandate; the secretariat is weak and under-funded; and the debates continue to be dominated by the Ministries of the Environment, who are in most cases the weakest in governments with inadequate funding.⁵⁷ Rather than adding value, the CSD is often seen as increasing fragmentation in the intergovernmental system. This may actually have the opposite effect of mainstreaming sustainable development concerns; in fact, it may further isolate these issues from financial and economic discussions and greatly lessen their credibility.⁵⁸

The format of CSD meetings does not stimulate open and vivid discussions, focusing on options rather than solutions to move issues forward. The CSD has been unable to deliver on its original mandate of monitoring and reviewing Agenda 21 implementation, nor on its assumed role of negotiating decisions that move sustainable development forward.⁵⁹ The deviation from the original mandate, particularly as it relates to financing, means of implementation, and overall direction on sustainable development to the UN system, remains a concern for many participants.⁶⁰

The CSD and its parent body ECOSOC have been critiqued for failing to effectively oversee the system-wide coordination of sustainable development, as well as the balanced integration of economic, social and environmental aspects of United Nations policies and programs.⁶¹ The lack of an operative function, particularly at the country-level, for sustainable development within the UN

⁵¹ See: <<http://webapps01.un.org/dsd/caseStudy/public/displaySearchResults.do>>.

⁵² Dodds et al, 2004.

⁵³ Stakeholder Forum. 2007. "Sustainable Development in the Context of UN Reform." Meeting Report, 1 May. Online: <http://ieg.stakeholderforum.org/fileadmin/files/SD_Event_report1.pdf>.

⁵⁴ The Pocket Guide, *supra* note 16.

⁵⁵ Stakeholder Forum. 2007. "The UN System and Sustainable Development: Proposals for a Sustainable Development Institutional Initiative" Workshop Background Paper, 24 April, at 8.

⁵⁶ Stakeholder Forum. Meeting Report, *supra* note 53.

⁵⁷ The Pocket Guide, *supra* note 16 at 9.

⁵⁸ Carpenter, 2002.

⁵⁹ Najam, A., M. Papa, N.Taiyeb, Global Environmental Governance: A Reform Agenda., IISD, 2006

⁶⁰ Stakeholder Forum. Workshop Background Paper, *supra* note 55 at 6.

⁶¹ The Pocket Guide, *supra* note 16.

system and the fragmented coordination of the UN's work has led to overlap, duplication, confused priorities and 'turf wars'. The CSD has also not managed to influence the processes that govern development today, such as economic and trade policies.

It has been seen⁶² that it is difficult for governmental and non-governmental stakeholders alike to fully grasp the relevance of the CSD, and consequently the level of political will attached to achieving global sustainable development tends to increase on a ten-yearly basis in conjunction with a major global Summit, and wane considerably in between these times. Building global momentum for sustainable development requires the establishment of a monitoring and review process with significantly more status, impact and associated financing mechanisms.

An important concern raised by Peace Women is that despite the CSD's integration of gender issues, the agency does not base its gender architecture on Security Council Resolution 1325 and its partner resolutions.⁶³ UNSCR 1325 assures women's equal participation in conflict prevention and resolution, peace-keeping and peace-building, and promotes women's contributions to fostering a culture of peace. There are no action plans/policy/work on implementation of UNSCR 1325 by the CSD.⁶⁴ This would be an important consideration for intervention by UN Women and UNEP with their combined work on women, gender, peacebuilding and conflict resolution in areas of natural resource management and extractive industries.⁶⁵

In addition, the Women's Major Group calls for the inclusion of peace into sustainable and equitable development. Their recommendations call for implementing 1325;⁶⁶ including peace promotion and conflict prevention on the Rio+20 agenda; strengthening adherence to international law on human rights and humanitarian law; and reallocating of funds from military budgets⁶⁷ to human needs and sustainable development.⁶⁸

2.4. Commission on the Status of Women

The Commission on the Status of Women (CSW) is a functional commission of the United Nations Economic and Social Council (ECOSOC).⁶⁹ It is the principal global policy-making body dedicated exclusively to gender equality and advancement of women. Every year, representatives of Member States gather at United Nations Headquarters in New York to evaluate progress on gender equality, identify challenges, set global standards and formulate concrete policies to promote gender equality and women's empowerment worldwide. The Commission was established in 1946⁷⁰ with the aim to prepare recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields. The Commission also makes

⁶² *Ibid.* at 33.

⁶³ And the partner resolutions: 1820, 1888, 1889, and 1960.

⁶⁴ Peace Women, *supra* note 50.

⁶⁵ UNEP/UN WOMEN Process on Conflict and Peace-building meeting Nov 4 2011 hosted by UN Women and UNEP.

⁶⁶ Women's Major Group. 2011. "Input to "Zero Draft" Outcome Document: UN Conference on Sustainable Development (Rio+20)." Summary, 1 November at 26.

⁶⁷ According to the SIPRI Yearbook, 2010, as quoted in *Ibid.*, military expenditures increased from \$1,204 billion in 2006, to \$1,630 billion, or 2.6% of the global GDP.

⁶⁸ *Ibid.*

⁶⁹ This section is adapted from: <<http://www.un.org/womenwatch/daw/csw/index.html#about>>.

⁷⁰ Established by: United Nations. 1946. Economic and Social Council ("ECOSOC") Resolution 11(II), June 21.

recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights.

The Commission's mandate was expanded in 1987⁷¹ to include the functions of promoting the objectives of equality, development and peace, monitoring the implementation of measures for the advancement of women, and reviewing and appraising progress made at the national, subregional, regional and global levels. Following the 1995 Beijing Conference, the General Assembly mandated the Commission to integrate into its program a follow-up process to the Conference, regularly reviewing the critical areas of concern in the Beijing Platform for Action and to develop its catalytic role in mainstreaming a gender perspective in United Nations activities.

The principal output of the Commission on the Status of Women is the agreed conclusions on priority themes set for each year. Agreed conclusions contain an assessment of progress, as well as of gaps and challenges. In particular, they contain a set of concrete recommendations for action by Governments, intergovernmental bodies and other institutions, civil society actors and other relevant stakeholders, to be implemented at the international, national, regional and local level. In addition to the agreed conclusions, the Commission also adopts a number of resolutions on a range of issues, for example, the situation of and assistance to Palestinian women; and women, the girl child and HIV and AIDS. The annual report of the Commission is submitted to the Economic and Social Council for adoption.

UN Women is responsible for providing substantive support to the Commission in all aspects of its work, including to its Bureau. UN Women is also responsible for facilitating the participation of civil society representatives in the Commission's annual session, as well as for the coordination of parallel events held at the United Nations during the sessions.

At the 55th CSW meeting, the Women's Environment and Development Organization (WEDO)⁷² noted that the consultative process that had led to the landmark 1992 "Earth Summit" had opened the door to women's voices and provided the means for their direct participation. "Identifying the principle of gender equality and rights-based development as the most inclusive element in development policy" and must ensure its place as an "entry point for women's empowerment and equality on the road back to Rio."⁷³ Over the years, there has been some attention paid to SD at CSW. For example, in 2002, CSW adopted agreed conclusions on Environmental management and mitigation of natural disasters: a gender perspective.⁷⁴ In 2011, CSW adopted a resolution on

⁷¹ United Nations. 1987. ECOSOC Resolution 1987/22.

⁷² Since its inception, WEDO has been a leader in organizing women for international conferences and actions. In 1991, WEDO organized the World Women's Congress for a Healthy Planet, bringing together more than 1,500 women from 83 countries to work jointly on a strategy for the UN Conference on Environment and Development (UNCED), more commonly known as the Earth Summit, held in early 1992. WEDO, along with Women in Europe for a Common Future WECF, is co-coordinator of the Women's Major Group.

⁷³ ESOC, News Release/ Communiqué, "Reaching the Unreachable, Securing Sustainable Development's Promises can Reverse Maternal Mortality Trends, Integrate Women in Green Economy, Commission Told: Expert Panels in Women's Commission – on Gender Equality, Sustainable Development – Prompt Lively Exchange with UN Women's Chief" Commission on the Status of Women, Fifty-fifth Session, 11th and 12th Meetings. WOM/1847. Online: <<http://www.un.org/News/Press/docs/2011/wom1847.doc.htm>>.

⁷⁴ See: <<http://daccess-dds.un.org/doc/UNDOC/GEN/N02/397/04/PDF/N0239704.pdf?OpenElement>>.

“Mainstreaming gender equality and empowerment of women in climate change policies and strategies”.⁷⁵

This was not the situation for the most recent 56th CSW meeting! In a CSW with the theme of Rural Women, arguably the women with the most at stake, as the most vulnerable, and only a matter of months before Rio+20, the lines were clearly drawn by States negotiations to remove the remaining commitments not only to gender equality but to sustainable development itself.⁷⁶ While failure to reach Agreed Conclusions was ostensibly on the basis of safeguarding “traditional values” at the expense of human rights and fundamental freedoms of women, it was also clearly an avoidance of any commitments to the social protection for women and women’s equality rights.

3. Legal, Regulatory and Policy Frameworks

“Gender issues **could be** the common thread running through global environment and development work, and therefore be at the centre of restructuring the UN system to be more consistent across agencies, programs and conventions.”⁷⁷(emphasis mine)

Proponents supporting the harmonization process of the UN argue that streamlining the work conducted by various UN bodies will have significant benefits, not the least of which would be better resource efficiency and enhancing the effectiveness of implementation on the ground. It is argued⁷⁸ that such streamlining might ultimately free up much-needed resources for delivery of result and would therefore also scale-up positive impacts. If this goal can be achieved, however, the real winners may not only be the member countries of the UN, but also the most poor and vulnerable women and men, who are disproportionately affected by the compounded environment and development challenges they face on a daily basis around the globe.⁷⁹

3.1. The Rio Declaration and Agenda 21

The Rio Declaration on Environment and Development is a non-binding declaration that came out of the Rio 1992 conference. The oft quoted section on women, Principle 20, states that “Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.”⁸⁰ This should serve as a foundational argument for ensuring the participation of women within all agencies, institutions and mechanisms for environmental governance.

⁷⁵ See: <<http://www.un.org/womenwatch/daw/csw/csw55/other-outcomes/Climate-change-adv-unedit.pdf>>.

⁷⁶ Statement Of Feminist And Women’s’ Organisations On The Very Limited And Concerning Results Of The 56th Session Of The UN Commission On The Status Of Women. Online: <<http://www.awid.org/News-Analysis/Announcements2/Statement-of-Feminist-and-Women-s-Organisations-on-the-Very-Limited-and-Concerning-Results-of-the-56th-Session-of-the-UN-Commission-on-the-Status-of-Women>>.

⁷⁷ This was the view of participants at an IUCN-hosted meeting of senior Secretariat staff of the three Multilateral Environmental Agreements (MEAs) or “Rio Conventions” and the Global Environment Facility (GEF) in Costa Rica in March 2011.

⁷⁸ The 5 Options Paper, *supra* note 16.

⁷⁹ Lorena Aguilar at meeting. For details see: IUCN. 2011. *Harmonizing Gender in the Three Rio Conventions and the GEF*.

⁸⁰ Rio Declaration, *supra* note 1.

The recognition that gender equality and the empowerment of women are critical to the achievement of sustainable development was fully integrated into the Rio Declaration and Agenda 21. The outcomes of the 1992 Conference on Sustainable Development sent a critical message to the international community about the role of women, reinforcing the need for the full, equal and beneficial integration of women in all development activities, in particular through their increased participation in decision-making at all levels. It urges countries “to take urgent measures to avert the ongoing rapid environmental and economic degradation that generally affects the lives of women and children in rural areas....”⁸¹ To realize this, “women should be fully involved in decision-making and the implementation of sustainable development activities.

3.2. Millennium Development Goals

The Millennium Development Goals (MDGs) have helped to focus development efforts on measurable targets. There have been some efforts to integrate the MDGs to the benefit of women at the local level. “The evidence is very strong that if you approach these goals in an integrated manner, then there are very strong synergies. The Millennium Villages, for example, have demonstrated that you can make breakthroughs on all of the MDGs in education, in health, in ensuring gender equality, in farm productivity, by bringing all the pieces together at the village level.”⁸²

Some effective approaches to linking poverty and environmental improvement have emerged, from successful community-level interventions to macro-level policy changes which aim to protect and expand the environmental assets of poor and vulnerable groups. But there are significant policy and institutional barriers to wider application of these approaches. These are linked to the broader issues of governance, power and politics that strongly influence how the environment is managed, and how benefits and costs are distributed – issues that are generally beyond the control of environmental institutions.

For environmental management to contribute more fully to poverty reduction, pro-poor growth and the MDGs, a fundamental shift is needed to more people-centered and gender-based approaches that build on poor men and women’s priorities and capabilities; that effectively engage all stakeholders in addressing the root causes of environmental degradation; and that empower poor and vulnerable groups with the assets, rights and entitlements they need to improve their lives through sound environmental management.⁸³

However, there are many crucial feminist critiques of MDGs that are important to be aware of, since the move for Rio seems to be towards the creation of Sustainable Development Goals (SDGs). The SDGs will be referred to in a later section. There is no doubt that the same lack of gender inclusion will result as with the MDGs.

⁸¹ United Nations. 1992. *Agenda 21*. United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June.

⁸² Sachs, Jeffrey. Radio Broadcast. “Integrating MDGs at Local Level is Effective: UN Envoy.” United Nations Radio. Online: <<http://www.unmultimedia.org/radio/english/2010/09/integrating-mdgs-at-local-level-is-effective-un-envoy/>>.

⁸³ UNDP and UNEP. 2007. *Mainstreaming Environment for Poverty Reduction and Pro-poor Growth: Proposal for Scaling-up the Poverty-Environment Initiative* at 7.

Many of these critiques, see below entirely adapted from AWID,⁸⁴ as well as GCAP and DAWN, amongst others, represent the views of the global, and particularly Global South, women's movement.

- The World Bank, the World Trade Organization and the national and international private sector are driving a free-market economy under neoliberal policies which threaten the very essence of the Millennium Development Goals. There is no recognition in the Declaration or in the Goals of the global neoliberal context and its potential affects on the implementation of the MDGs.
- Privatization, other reforms and deregulation through Free Trade Agreements are undermining the role of the States, leaving their citizens with a shrinking institutional space in which to demand accountability concerning the advancement of the MDGs.
- Activists point out that the MDGs are a technical overview of a series of very complex topics under a paternalistic approach which does not strengthen women's capacity to hold public and private governance and services accountable.
- MDGs reduce the resolutions, platforms, programs and declarations of the United Nations Conferences of the eighties to eight objectives which exclude concepts, indicators and issues -such as gender-based violence and political participation- that are key to the advancement of women's human rights.
- The indicators and goals of the MDGs are not adequate and, moreover, the indicators are quantifiable, which precludes measuring women's equality or empowerment, for instance.
- Goal 3, which specifically calls for the promotion of gender equality and women's empowerment, does not recognize that gender equality is not just an objective by itself but also key to achieving the other seven Development Goals. Additionally, this objective should be measured at least with four indicators such as the percentage of women in parliament, levels of education and literacy as well as wage gaps. The MDGs exclude sexual and reproductive rights, and this exclusion is an indicator of the politicization of the process and the participation of international religious and economic fundamentalist groups and movements with an agenda that supposedly seeks to advance the rights of all human beings.
- The MDGs do not include issues such as war and peace, although it is widely known that the problems women face during and after an armed conflict are one of the major challenges to advance development.
- The MDGs do not integrate the principle that human rights are indivisible, integral and interrelated. Economic empowerment without reproductive rights or education without the elimination of sexual harassment and violence against women does not allow for the full exercise of human rights or women's full citizenship. It is not possible, for example, to think about promoting education for women if at the same time they cannot access water because this service has been privatized. It's impossible to analyze poverty without taking into account women's political participation and violence against women.

The international women's movement has also identified a number of challenges such as:

- Strengthening the women's movement in order to propose strategies, mechanisms and plans to hold governments accountable locally and corporations accountable at the international level. Continuing to pressure them to implement the commitments made at the Conferences in the nineties, commitments which have not been included in the MDGs and are central to achieve gender equality and the other development objectives.

⁸⁴ Association for Women's Rights in Development (AWID). 2008. *Women and the Millennium Development Goals*. Online: <<http://www.awid.org/eng/Library/Women-and-the-Millennium-Development-Goals>>.

- Lobbying for Goal 3- "to promote gender equality and empower women" to include women as agents of change, decision-makers and policy beneficiaries.
- Integrating gender-specific actions into policies aimed at fulfilling the MDGs through the identification of operational and analytical examples of how a gender perspective can be mainstreamed into the policies; or the identification of tools that promote accountability in the implementation strategies; or awareness of the multidimensionality of Goal 3 in order to measure it through the reduction of poverty, economic security, the environment, and not only through education.
- Showing that the selection of the MDGs already exists in other Conferences, including Beijing, and that the efforts to achieve the Goals should take into account the rights, concepts, goals and objectives of those Conferences if they are to achieve gender equality.
- Ensuring that each of the MDGs can be disaggregated by gender and contains quantitative as well as qualitative gender-sensitive indicators in order to monitor their progress. Statistics are a political tool and a prerequisite for planning and monitoring national programs and policies.
- Training of those responsible for national planning on gender and development and providing them with tools for the development of gender budgets and the equitable distribution of public resources. At the same time, an accountability mechanism must be created to ensure that these people will effectively incorporate gender dimensions into national actions.

"Perhaps the most important challenge is pointing out that without political will and global financial support, none of the other aspects will be possible and the MDGs will be mere words on paper."⁸⁵ This statement, made at the beginning of the MDG process, has proven to be true in 2012.

3.3. Multilateral Environmental Agreements

As noted earlier, there are more than 500 Multilateral Environmental Agreements (MEAs). These agreements have emerged as one of the best ways to institutionalise intergovernmental cooperation and trigger national action on environmental sustainability. They have been integral to establishing policies, standards, guidelines, programs and projects for stewardship of the global environment.

At the same time, the institutional fragmentation described earlier has undermined the on-the-ground implementation of MEAs. Each MEA process maintains its own administrative system, including secretariat costs, financing of meetings and procurements, with considerable funds thus being spent on administration rather than for implementing agreements on-the-ground and for long-term national capacity building.⁸⁶ Many contemporary commentators on the current need for IFSD reform have noted that the fragmentation of environmental portfolios across multiple UN bodies, along with uneven coordination, has hindered development of a more strategic approach to global SD priorities.⁸⁷

There is also a heavy monitoring and reporting burden for signatories, especially developing countries, which strains often-scarce environmental/SD personnel and resources. For example, a

⁸⁵ *Ibid.*

⁸⁶ UNEP. 2011. Issues Brief # 2, "The Environmental Dimension of IFSD: Fragmentation of Environmental Pillar and its Impact on Efficiency and Effectiveness." Nairobi: UNEP Division of Environmental Law and Conventions (DELIC) at 3.

⁸⁷ The 5 Options Paper, *supra* note 20 and the Pocket Guide, *supra* note 16.

review of the number of meetings and decisions taken by Conferences of Parties of major MEAs between the years 1992-2007 shows that 540 meetings were held at which 5,084 decisions were taken.⁸⁸ Each of these activities requires considerable time and resources for preparation and follow-up by the organizing body, as well as participating countries.

Continual revision and changes to MEAs have resulted in varied interpretations of international rules and principles and led to discrepancies in the strength and uses of international environmental law. While environmental topics are now covered by the MEAs, the focus on specific topics and sectors have resulted in neglect of the linkages between MEAs.⁸⁹ This is apparent not only terms of coverage of subject matter but also in the lack of legally binding obligations and inadequate funding. The incoherence and complexity of the international environmental governance system has often led to high transaction costs, which can discourage developing country participation, and undermine efforts to ensure that the global environmental governance system is inclusive and supportive of all countries, and especially developing countries, in meeting their sustainable development objectives.⁹⁰

Improvements to IFSD should focus on better linkages between MEAs and national poverty reduction and development efforts. There is a disconnect between key drivers of the IFSD, particularly the MEAs, and the core UN's development assistance programming mechanisms. Key among these is the process for UN multi-agency planning: Country Analysis and UN Development Assistance Framework (UNDAF).

There have been extensive, but separate, efforts to “mainstream” gender equality and environmental sustainability into development programming, with some success, but linkages between the two topics are almost always missed. IFSD reforms should promote stronger operational linkages between these two cross-cutting issues. These might include strengthening formal cooperation arrangements between lead environmental agencies and programs (e.g., UNEP, the GEF and Rio Convention Secretariats) and the lead gender equality agency UN Women and other gender units in other agencies.

3.4. Rio Conventions

It is beyond the scope of this paper to assess the effectiveness of gender mainstreaming in all MEAs, but this section identifies successful entry points for this through the Rio Conventions (Biodiversity, Climate Change and Desertification), which are recognized as key instruments, which taken together, can help to achieve many of the substantive sustainable development goals set out in Agenda 21. Gender is a clear recurring theme across these conventions, and is acknowledged as an appropriate entry point for efforts to achieve harmonization across the Conventions. The analysis in the rest of this section draws primarily from a gender review of the Rio Conventions undertaken by the International Union of the Conservation of Nature (IUCN).⁹¹

The three Rio Conventions all include gender provisions in their Preambles and these have been subsequently reinforced by meetings of the Conference of the Parties (COPs) for each Convention.

⁸⁸ The Pocket Guide, *supra* note 16.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ International Union for Conservation of Nature (IUCN). 2011. *Harmonizing Gender in the Three Rio Conventions and the GEF*.

In all, the legal recognition of the impacts of environmental degradation on women is accompanied by the acknowledgement that women have a positive role to play in sustainable development.⁹²

The Joint Coordination Group on Gender (JCGG), established by the Secretariats of the three Rio Conventions - the CBD, the UNFCCC, and the UNCCD – has agreed to work towards the goal to lift gender as a cross-cutting priority by 2020, and to ensure that it is integrated into thematic issues across the Rio Conventions and the GEF, as an integral part of achieving the long-term objectives of the conventions.⁹³

As Finland's national focal point for the Convention on Biological Diversity, Marina von Weissenberg of the Ministry of the Environment noted:

The gender issue is a crucial horizontal issue and key for successful implementation of the Aichi targets and for revising national biodiversity strategies and action plans. Biodiversity is essential for securing livelihoods and reducing poverty. Ecosystem services such as health, livelihoods and well-being are essential services for women, given their involvement in collecting and producing food, fuel, medicinal remedies, and therefore the needs of women should be mainstreamed on all levels of society.⁹⁴

Convention on Biological Diversity

The objectives of the Convention on Biological Diversity (CBD) are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from commercial and other utilization of genetic resources. The agreement covers all ecosystems, species, and genetic resources. The Preamble to the Convention notes “the vital role that women play in the conservation and sustainable use of biological diversity.”

The CBD developed a *Gender Action Plan* in 2008. In 2010, the CBD stepped up its gender efforts with development of *Guidelines for Mainstreaming Gender into National Biodiversity Strategy and Action Plans* (NBSAPs). Subsequently, at the Nagoya COP 10 in October 2010, States Parties to the Convention adopted Decision X/19 calling for gender mainstreaming in all programs of work under the Convention and requesting the Executive Secretary to cooperate with other inter-governmental and non-governmental organizations in this and to formulate clear indicators to monitor progress.⁹⁵ The Parties also adopted the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, whose preamble calls for the participation of women in decision and policy making related to access and benefit-sharing. The text also contains several explicit references to the role of indigenous women and local communities. Finally, Article 263 of the Cartagena Protocol on Biosafety allows parties to take socio-economic considerations, including gender issues, into account in decision-making on living modified organisms and their impacts.⁹⁶

⁹² *Ibid.*

⁹³ Funded by Finland. UNEP. 2011. News Release/Communiqué, “Finland Renews Support for the Convention’s Gender Mainstreaming Efforts.” Montreal, 4 July. Online: <<http://www.cbd.int/doc/press/2011/pr-2011-07-04-gender-en.pdf>>.

⁹⁴ *Ibid.* Finland has announced that it will contribute EUR250,000 to the Special Voluntary Trust Fund of the Convention on Biological Diversity (CBD) to support implementation of the CBD Gender Plan of Action and activities to mainstream gender in three Rio Conventions and the Global Environment Facility (GEF). UN Women could advocate that this be scaled up by other countries and agencies.

⁹⁵ IUCN. *Harmonizing Gender*, *supra* note 91.

⁹⁶ *Ibid.*

United Nations Convention to Combat Desertification

The United Nations Convention to Combat Desertification (UNCCD) aims to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective actions at all levels, supported by international co-operation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievements of sustainable development in affected areas. The UNCCD references gender in its preamble, and also contains gender provisions in the body of the text laying out the obligations of States Parties to the Convention. Article 10 paragraph 2(f) calls for the effective participation at the local national and regional levels of local populations, both women and men, particularly resource users, in policy planning, decision-making and implementation of national action programs.

United Nations Framework Convention on Climate Change

The United Nations Framework Convention on Climate Change (UNFCCC) sets an overall framework for intergovernmental efforts to tackle the challenges posed by climate change. Its objectives are to stabilize greenhouse-gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, within a time-frame sufficient to allow ecosystems to adapt naturally to climate change; to ensure that food production is not threatened; to enable economic development to proceed in a sustainable manner.

The UNFCCC includes several references to gender. NAPA guidelines contain ‘gender equality’ as one of the guiding elements in their preparation, UNFCCC Parties have highlighted gender-specific vulnerability assessments as important elements in determining adaptation options, and various submissions from Parties and organizations have highlighted gender specific vulnerability to climate change and the need for gender mainstreaming in climate change policy and programs. Decision 36/CP.7 adopted at COP 7 calls for improving the participation of women in UNFCCC bodies. While decision 1/CP.16 of the recently adopted Cancún Agreement, explicitly mentions gender considerations in adaptation, mitigation and capacity building.⁹⁷

The IUCN has reviewed gender mainstreaming within the Conventions and proposed several recommendations for both the Convention Secretariats and the national Parties to the Conventions.⁹⁸ These focus on training for gender mainstreaming, including through jointly organized (multi-Convention) capacity-building workshops, and the enhanced participation of women and gender experts in delivery of these workshops.

The review also calls for the development of tools to facilitate gender mainstreaming in the plans documents and reports prepared to implement each Convention’s provisions and to report back to the Parties.⁹⁹ These include National Biodiversity Strategies and Actions Plans (NBSAPs) for the Convention on Biological Diversity; National Action Programs (NAPs) for the UN Convention to Combat Desertification; and National Action Programs for Adaptation (NAPAs), Nationally Appropriate Mitigation Actions (NAMAs) by developing countries and National Action Programs (NAPs) under the UNFCCC.

Particular attention should be given to assisting developing countries in these reporting tasks, perhaps through the development of common templates.¹⁰⁰ The IUCN suggests that training sessions could be convened for Convention Focal Points and other key national representatives and

⁹⁷ Adapted from *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

their implementing agency partners. Templates could be developed to include gender considerations in funding requests submitted by the Conventions to the GEF and other donors. In addition, IUCN recommends that all three Conventions should include an obligation for States parties to report back on gender considerations in their convention activities, with the possible development of a template to facilitate such reporting.¹⁰¹

Further recommendations by the IUCN¹⁰² include networking among women participating in the Rio Conventions and compilation of a cross-Convention directory of expertise in gender issues to contribute to the gender mainstreaming work under three Conventions. Expertise should also be sought from among other organizations participating in the various Convention forums, e.g. NGOs, donors, indigenous people's organizations and women's organizations. These could ensure that priority is given to the integration of gender into MEA-related national policies and strategies through the provision of adequate financing.

UNEP provides administrative support for numerous conventions: Convention on Biological Diversity, Convention on International Trade in Endangered Species (CITES), Convention on Migratory Species, Basel Convention, Rotterdam Convention and Stockholm Convention (jointly with the UN Food and Agriculture Organization, as well as the Montreal Protocol. Clustering of thematically related multilateral environmental agreements has been identified as a bottom-up solution for enhancing coherence. In that regard, a step towards greater synergy was the simultaneous extraordinary Conferences of the Parties to the Stockholm, Rotterdam and Basel Conventions, held from 22 to 24 February 2010, which adopted a decision on joint services, joint activities, synchronization of the budget cycles, joint managerial functions and review arrangements.

The biodiversity related agreements (Convention on Biological Diversity, CITES, Convention on Migratory Species) have also moved towards greater cooperation. In general, thematic cooperation, animated by a shared need to investigate an issue, appears to be more important than factors such as the co-location of secretariats. Reform of the IFSD will require further definition of the rationale and purpose of MEA cooperation and set clear objectives and criteria to assess results. At the same time, initiatives for coordination must also be balanced against the need to respect the autonomy and legal mandates of the agreements.¹⁰³

The heads of the Rio Conventions and the Global Environment Facility (GEF) are currently planning to collaborate on efforts to harmonize gender mainstreaming across the three Conventions and the GEF. Efforts should be made to ensure the inter-operability of the gender-related databases managed by the three Conventions and the GEF, to enable accessibility and sharing of information. Funding should be sought for this from the GEF and other donors.¹⁰⁴

3.5. Convention on the Elimination of Discrimination Against Women

The Convention on the Elimination of Discrimination Against Women (CEDAW) is an international treaty adopted by the United Nations General Assembly to protect and promote women's rights.¹⁰⁵ Since entering into force in 1981, the legally binding treaty has been ratified by 186 United Nations

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ United Nations. 1979. *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW). Online: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>.

Member States. CEDAW lays out a clear definition of what constitutes discrimination against women and sets out a comprehensive agenda for achieving gender equality. It recognizes that as a result of historic discrimination, women do not start on an equal footing to men and therefore formally equal laws may produce unequal outcomes for women. The Convention is based on the concept of substantive equality, which focuses on the outcomes and impacts of laws and policies.

The key elements of CEDAW that establish the definition and implications of substantive equality are:

- Discrimination is defined as any act that has ‘the effect or purpose’ of impairing women’s equal enjoyment of their rights (article 1).
- States must pursue a policy of eliminating discrimination by ‘all appropriate means’. This includes not just repealing discriminatory laws, but also ensuring that no action or practice of the State – or of any private ‘person, organization or enterprise’ – discriminates against women (article 2).
- States shall take ‘all appropriate measures’ in ‘all fields’ to ensure women’s full advancement and the equal enjoyment of their rights (article 3).
- ‘Temporary special measures’, such as quotas, shall not be considered a form of discrimination, because their ultimate goal is to achieve gender equality (article 4).
- States must take ‘all appropriate measures’ to change social and cultural patterns of conduct, and eliminate prejudices and customary practices based on stereotypes or ideas about the inferiority of women (article 5).

CEDAW requires governments to incorporate its definition of substantive equality into their legal framework and to carry out comprehensive reviews of legislation and constitutions, to ensure that the entire legal framework supports gender equality. For State parties to the Convention, removing discriminatory laws is just the first step. To achieve substantive equality, governments are also responsible for the impact of laws, which means tailoring legislation to respond to the realities of women’s lives. CEDAW and its advocates call on governments to legislate to regulate the private as well as the public domain, which includes extending protection to women against family violence. The Convention is clear that where plural legal systems exist, States remain responsible for the impacts of all laws and must maintain oversight to ensure that women are not discriminated against. Countries that have ratified the Convention are committed to submitting national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

Under CEDAW’s Optional Protocol, now ratified by over 100 countries, the CEDAW Committee, the Convention’s monitoring body, is given the authority to consider a State’s compliance with the Convention. Under the inquiry procedure, the CEDAW Committee can initiate and conduct investigations on large-scale and widespread violations of women’s rights occurring within the jurisdiction of a State party. Under the Protocol’s communication procedure, individual citizens of a State party can make a complaint regarding violations of rights protected under the Convention directly to the Committee. The jurisprudence of the Committee has developed primarily through the decisions published in response to individual communications, in which the Committee makes a ruling on any violation of CEDAW and suggests protective, corrective and anti-discriminatory remedies that the State should provide in order to rectify it. A number of cases taken under the communication procedure of the Optional Protocol have established States’ duties to exercise ‘due diligence’ in the implementation of laws through providing gender responsive governance and functioning justice systems that meet women’s rights.

Of significance for this paper, the CEDAW Committee took upon itself to issue a statement on its concern on the absence of a gender perspective in the UNFCCC and other global and national policies and initiatives on climate change. This 2009 statement¹⁰⁶ from the CEDAW Committee could serve as a model for IFSD as well. “Gender equality ...should be included in the UNFCCC agreements in alignment with various international agreements including but not limited to CEDAW, the BPfA and ECOSOC Resolution 2005/1 (on Gender Mainstreaming).”¹⁰⁷

Both UN Women and the Women’s MG’s inputs to the Zero Draft reference CEDAW as critical for the entire IFSD including collection and use of gender analysis and sex-disaggregated data; improved institutional gender capacity; consultation with networks of gender experts partnering with women’s organizations; and user-friendly involvement mechanisms that will enable grassroots women to participate in global, national and local dialogues.¹⁰⁸

3.6. Beijing Platform for Action

The Beijing Declaration and Platform for Action (BPfA),¹⁰⁹ adopted in 1995, reaffirmed Agenda 21’s recognition of the essential role women play in advancing sustainable development objectives. Of particular relevance are the strategic objectives outlined in the section K of the Beijing Platform for Action on Women and the Environment:¹¹⁰ (1) involve women actively in environmental decision-making at all levels; (2) integrate gender concerns and perspectives in policies and programs for sustainable development; and (3) strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.

The first strategic objective listed above echoes the areas requiring urgent action that were outlined in Chapter 24 of Agenda 21, which include “the need for countries to take urgent measures to avert the ongoing rapid environmental and economic degradation in developing countries that generally affects the lives of women and children in rural areas suffering drought, desertification and deforestation, armed hostilities, natural disasters, toxic waste and the aftermath of the use of unsuitable agro-chemical products. In order to reach these goals, women should be fully involved in decision-making and in the implementation of sustainable development activities.”¹¹¹

4. Organising Structures – Mandates, Functions and Reporting Relationships

4.1. Division for Sustainable Development

The Division for Sustainable Development (DSD) in the UN Department of Economic and Social Affairs, provides leadership and is an authoritative source of expertise within the United Nations system on sustainable development. As the substantive secretariat to the UN Commission on Sustainable Development (CSD), it promotes sustainable development through technical cooperation and capacity building at international, regional and national levels. The context for the

¹⁰⁶ CEDAW, 44th Session, 20 July-7 August 2009, Statement of the CEDAW Committee on Gender and Climate Change.

¹⁰⁷ ECOSOC. 2005. *UN Economic and Social Council Resolution 2005/1*.

¹⁰⁸ Women’s Major Group inputs to Zero Draft, *supra* note 66 at 5.

¹⁰⁹ United Nations. 1995. *Beijing Declaration and Platform for Action*. Chapter IV, Section K.

¹¹⁰ UN Women. “The Centrality of Gender Equality.”

¹¹¹ Agenda 21, Chapter 24, *supra* note 81 at para. 6-7.

Division's work is the implementation of Agenda 21, the Johannesburg Plan of Implementation and the Barbados Program of Action for Sustainable Development of Small Island Developing States.¹¹² The Goals of the DSD are to:

- Integrate the social, economic and environmental dimensions of sustainable development in policy-making at international, regional and national levels;
- Adopt an integrated, cross-sectoral and broadly participatory approach to sustainable development;
- Measure progress in the implementation of the goals and targets of the Johannesburg Plan of Implementation.

According to the DSD, the priority activities are to:¹¹³

- Facilitate intergovernmental negotiations, consensus-building and decision-making through the provision of substantive support to the work of the CSD and other related bodies;
- Provide technical assistance, expert advice and capacity building to support developing countries and countries with economies in transition in their efforts to achieve sustainable development;
- Facilitate inter-agency and inter-organizational cooperation, exchange and sharing of information, and catalyze joint activities and partnerships within the United Nations system and with other international organizations, governments and civil society groups in support of sustainable development;
- Promote and facilitate monitoring and evaluation of, and reporting on, the implementation of sustainable development at the national, regional and international levels;

Undertake in-depth strategic analyses to provide policy advice to the USG/DESA, UN system and intergovernmental for a focusing on cross-cutting and emerging sustainable development issues

4.2. United Nations Environment Program

The United Nations Environment Program (UNEP) itself is not a specialised agency, but rather it is attached to the United Nations General Assembly as a subsidiary program. Much of the current discussion about improving the IFSD is focused on options for the reform of UNEP, possibly increasing its status to a specialised agency. Other options involve establishing a new and autonomous institution to govern global environmental issues or setting up of regimes and processes to support or strengthen UNEP. These options and others have been debated intensely by governments during consultative processes from the early 2000s to present, and are currently being evaluated through a comprehensive consultative process.¹¹⁴

UNEP was designed to provide coordinated forums for policy and priority setting through the Governing Council, the Environmental Coordination Board, and more recently the Environmental Management Group. UNEP has also undertaken many projects to support national governments'

¹¹² UN Department of Economic and Social Affairs, Division for Sustainable Development (DSD). *About*. Online: <http://www.un.org/esa/dsd/dsd/dsd_index.shtml>.

¹¹³ *Ibid.*

¹¹⁴ The 5 Options Paper, *supra* note 20. See also a range of research papers from the Global Environmental Governance Project, directed by Maria Ivanova, which can be found online at: <www.environmentalgovernance.org>.

efforts. UNEP's primary work in the field of environmental governance is to support a coherent international decision-making processes for environmental governance by¹¹⁵:

- assisting the Governing Council/Global Ministerial Environment Forum to promote international cooperation in the field of environment and set the global environmental agenda;
- keeping the state of the environment under review on a regular basis through authoritative assessment processes and identify emerging issues in order to support sound science-based decision-making at the national and international levels;
- cooperating with the MEAs and supporting collaboration among them for their effective implementation, respecting the mandate of each entity, as well as partnering with the governing bodies and secretariats of other intergovernmental processes to enhance mutually supportive regimes between the environment and other related fields;
- providing support and policy inputs on environmental governance to the Chief Executives Board for Coordination and other inter agency forums;
- using the Environment Management Group to promote joint action by all agencies and multilateral environmental agreement secretariats.

UNEP was initially created to perform the tasks of an anchor institution in the global environmental governance system. According to the Nairobi Declaration on the Role and Mandate of the United Nations Environment Program,¹¹⁶ the role of UNEP was to be the "leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the UN system, and serves as an authoritative advocate for the global environment."¹¹⁷

Maria Ivanova, Director of the Global Environmental Governance Project at the Yale Center for Environmental Law and Policy, writes in a working paper entitled "Assessing UNEP as Anchor Institution for the Global Environment: Lessons for the UNEO Debate" that "anchor institutions are the primary, though not the only, international organizations in certain global issue areas and typically perform three core functions: 1) overseeing monitoring, assessment, and reporting on the state of the issue in their purview; 2) setting an agenda for action and advancing standards, policies, and guidelines; and 3) developing institutional capacity to address existing and emerging problems." She goes on to suggest that while the UNEP was chartered to perform these three primary tasks, it has failed in many ways.¹¹⁸

Monitoring, assessment, and reporting is the area in which the UNEP has had the most success. UNEP is thought to do relatively well in the arena of global environmental assessment and publishes the Global Environmental Outlook (GEO) which is highly respected.¹¹⁹ However, it often fails to analyze environmental issues at the state level, and responsibility for monitoring, assessment, and reporting is allocated to all eight divisions of UNEP, creating redundancies. Additionally, the UNEP system of reporting is seen as disorganized and difficult to access. "The

¹¹⁵ UNEP, *UNEP's Work*. Online:

<<http://www.unep.org/environmentalgovernance/UNEPsWork/tabid/347/Default.aspx>>.

¹¹⁶ UNEP. 1997. *Nairobi Declaration on the Role and Mandate of the United Nations Environment Program*

¹¹⁷ UNEP. 1997. Annex to the *Nairobi Declaration on the Role and Mandate of the United Nations Environment Program* at para. 2.

¹¹⁸ Ivanova, Maria. 2005. "Assessing UNEP as Anchor Institution for the Global Environment: Lessons for the UNEO Debate Yale Center for Environmental Law and Policy." Working Paper Series, Working Paper No.05/01. Online: <<http://www.yale.edu/gegproject/uneo-wp.pdf>>.

¹¹⁹ *Ibid.*

public cannot use UNEP's publications and benefit from the organization's work to the fullest due to the lack of a single easily accessible, searchable, and sortable database or catalogue of publications."¹²⁰

UNEP and Gender

UNEP has recognized that the cost of failing to focus on gender issues would be enormously high and would reduce not only the culture of cooperation, but also productivity and economic benefits for all.¹²¹ UNEP publicly recognizes that progress for women is progress for all and that women's empowerment is an effective tool to combat poverty, hunger and environmental degradation.¹²²

The global policy context provides UNEP with a number of legislative mandates to address gender equality in the field of the environment, as follows:¹²³

- (a) Principle 20 of the Rio Declaration;
- (b) Paragraph 20 of the United Nations Millennium Declaration² and goals 3 and 7 of the internationally agreed goals of the Millennium Declaration;
- (c) Paragraph 20 of the Johannesburg Declaration on Sustainable Development.

Mandates also stem from the following UNEP policy tools:

- (a) The Bali Strategic Plan for Technology Support and Capacity-building, which requests UNEP to integrate specific gender-mainstreaming strategies, as well as education and training for women, in formulating relevant policies, and to promote the participation of women in environmental decision-making;
- (b) Governing Council decisions 17/4 of 21 May 1993, 18/6 of 26 May 1995, 19/7 of 7 February 1997 and 20/9 of 5 February 1999 on the role of women in environment and development.

The *UNEP Gender Plan of Action* (GPA) was developed in 2006¹²⁴ in collaboration with the Women's Environment Development Organization (WEDO), and in consultation with UNEP staff and stakeholders. It focuses on four main spheres: Policy, Organisational, Delivery and Constituency.¹²⁵

It contains clear guidelines and timelines for the practical and effective inclusion of gender perspectives in environmental policies and programs, describes measures regarding resource mobilization and human resources management, and outlines activities and methodologies to strengthen capacities and accountability systems for all staff.¹²⁶

¹²⁰ *Ibid.*

¹²¹ Interview with UNEP's Senior Gender Advisor, Ms. Janet Macharia on Mainstreaming Gender in UNEP's Programs, in *UNEP: Educator: Environmental Education Newsletter* Vol 2, Issue 2.

¹²² UNEP GC/GMEF. 2006. "Progress Report on the Implementation of Governing Council Decision 23/11 on Gender Equality in the Field of the Environment." Twenty-fourth session of the Governing Council/Global Ministerial Environment Forum Nairobi 5-9 February 2007, Item 4(d) and 6 of the provisional agenda, Policy issues: coordination and cooperation with civil society. UNEP/GC/24/8, 25 October.

¹²³ UNEP, World Conservation Union and Women's Environment and Development Organization (WEDO). 2006. *UNEP Gender Plan of Action*. 22 September.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

The Plan aims to ensure that gender is fully integrated into the work that UNEP does both at the internal and external levels.¹²⁷ This entails not only development of targeted and relevant action plans within the respective divisions, but also building capacity of UNEP staff to ensure that they are able to integrate gender into their work. Externally, the Plan calls for UNEP to build capacity of its partners in integrating gender into environmental management programs from global to local levels. This entails development of partnerships with key partners, generating debate and discussions on the intricate and inextricable links between gender and environment.

Strengths and Weaknesses

Many analysts have found that its activities have not achieved the necessary results.¹²⁸ However, many have found that UNEP offers¹²⁹ a strong comparative advantage in the information domain that should be developed and utilized fully.

Critics of UNEP often suggest that being a subsidiary program restricts the influence and effectiveness of UNEP's work.¹³⁰ That in not having the same stature as other UN organisations, it is hindered in its ability to achieve its aims.¹³¹ UNEP also does not have a direct communication channel to the General Assembly, as it reports through the Economic and Social Council (ECOSOC). This is a process that is also widely criticised as restricting the influence of UNEP's 'voice.'¹³² It has been suggested that in choosing the information to transmit to the General Assembly, ECOSOC acts as a filter which risks weakening the messages from UNEP.¹³³ Leading authorities and academics in the field of global environmental governance argue that "while UNEP was explicitly charged with the functions of an anchor institution, it was not endowed with the necessary capacities and structural conditions from the onset."¹³⁴

Examples of such limited capacity include limited funding and a smaller budget than other agencies such as the UN Development Program (UNDP). In addition, the programs are financed by voluntary contributions from member states, which can allow rich contributing countries greater control over the agenda set by UNEP and can result in an imbalance of country agendas being represented at the program level.¹³⁵ This weakness of UNEP, perceived or actual, underpins many of the calls for strengthening the role and mandate of UNEP reviewed for this paper.

Many of UNEP's struggles can be traced back to a lack of funding, and that lack of funding can be traced back to the UNEP's unique funding system. Unlike other international organizations, UNEP does not have mandatory assessments, but instead is reliant on the voluntary contributions of UN member states. "UNEP's unreliable and highly discretionary financial arrangement compromises the financial stability of the organization, its ability to plan beyond the current budget cycle, and its autonomy" as well as making the UNEP too dependent on certain member states which then hold undue influence in UNEP agenda setting.¹³⁶

¹²⁷ Macharia, *supra* note 121.

¹²⁸ Ivanova, 2011, *supra* note 23 at 16.

¹²⁹ *Ibid.*

¹³⁰ Much like the challenges of UNIFEM that eventually led to UN Women.

¹³¹ See Harada, Narito. 2003. "Campaign for a Global Environmental Organization :A French Perspective," prepared for the *Global Environmental Governance: the Post-Johannesburg Agenda*, Yale Center for Environmental Law and Policy. Online: <<http://www.agirpourenvironnement.org/pdf/harada.pdf>> at 4.

¹³² Ivanova, 2011, *supra* note 23.

¹³³ The Pocket Guide, *supra* note 16 at 8.

¹³⁴ Ivanova, Maria, 2005, *supra* note 118.

¹³⁵ The Pocket Guide, *supra* note 16 at 8.

¹³⁶ *Ibid.*

While UNEP has had considerable success in the creation of treaties and multilateral environmental agreements, it has struggled to coordinate the efforts of the numerous international environmental regulatory bodies after their inception. “UNEP has not succeeded in becoming the central forum for debate and deliberation in the environmental field, like the WTO for trade or the WHO for health.”¹³⁷ According to Ivanova, this lack of a central coordinating authority has led to an erosion in the efficacy of global environmental governance.¹³⁸ “UNEP has not been able to fulfill its coordination mandate effectively in its two key areas of responsibility (1) coordination of multilateral environmental agreements and (2) coordination of the environmental activities of other international organizations.”¹³⁹

UNEP has struggled to establish its role in the International system and this has led to it also having difficulty in capacity development. The UNEP mandate calls for it to play a primarily normative role in GEG, however “the organization now views implementation as its primary strategy.”¹⁴⁰ This shift has been necessitated by a desire from states for fewer treaties and more concrete actions, and the need for the UNEP to provide tangible results for potential governmental and private sources of funding, upon which the UNEP is dependent. However, in moving away from a normative role, UNEP has moved away from its strengths: “information provision, development of common norms and principles, and institutional capacity development.”¹⁴¹

UNEP has still not developed a comprehensive gender policy, and is considered “woefully under-resourced”¹⁴² to carry out the ambitious activities in the Plan of Action. UNEP is supposed to coordinate the Network of Women Ministers and Leaders for the Environment to ensure the responsiveness of UNEP and its partners to gender equality in environmental management¹⁴³ and while their meeting of 2009 concluded with a series of recommendations, it is difficult to for a ‘network of ministers’ to monitor implementation of policy. Nor are the meetings held regularly with continuity, as Ministers and governments change.¹⁴⁴

UNEP as currently structured does not have the capacity to deliver on Rio commitments on gender equality and the empowerment of women and sustainable development.

5. Mechanisms for International and Inter-agency Cooperation

5.1. United Nations Development Group

¹³⁷ Ivanova, 2011, *supra* note 23.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

¹⁴² IUCN, *Harmonizing Gender*, *supra* note 91.

¹⁴³ UNEP GC/GMEF. 2009. “Report of the Network of Women Ministers and Leaders for the Environment and United Nations Environment Program High-level Gender Forum.” Twenty-fifth session of the Governing Council/Global Ministerial Environment Forum, Nairobi, 16-20 February. Online: <<http://www.unep.org/GC/GC25/Docs/Report-gender-ENG.pdf>>.

¹⁴⁴ Although there was a meeting hosted by Deputy Minister of Water and Environment, Rejoice Mabudafhasi, in South Africa in August 2010 and the process is not considered to be very useful.

The United Nations Development Group (UNDG) Task Team on Environmental Sustainability, Climate Change and Rio+20 prepared a survey on readiness for Rio.¹⁴⁵ The survey response highlighted a number of key areas that warrant further consideration and action. They found that a significant challenge for Rio+20 and beyond is that countries and UNCTs mainly define sustainable development as an environmental issue. They noted that greater effort is needed to better balance the social, economic and environmental aspects of sustainable development initiatives. Another finding was that support for the development of coordination mechanisms for UNCTs and governments – and between the two – around these issues are needed to create fora where multi-sectoral viewpoints can be better balanced. There is a lack of clarity and understanding around the Rio+20 themes, particularly IFSD, at both the UNCT and government level. At the same time, UNCTs found a lack of prioritization by and capacity within governments for these issues. A lack of clear data, indicators and outcomes to inform sustainable development activities was noted as a challenge; as was a lack of up-to-date information on international conference decisions and their actionable implications at the country level.¹⁴⁶

5.2. Chief Executives Board

The UN Secretary-General has decided to establish a dedicated “Principals Group” to advise him on the UN system’s contribution to the two themes of the UNCSD: a green economy in the context of sustainable development and poverty eradication, and the institutional framework for sustainable development.¹⁴⁷ The Principals Group will seek to ensure that all parts of the UN system work together to support the mandates given by member States. The CEB reviewed and adopted the reports of the three pillars of the CEB: the High-level Committee on Programs (HLCP), High-level Committee on Management (HLCM), and UN Development Group (UNDG). While at the time it was noted that it was a “major opportunity” for the UN system to lend unified, coherent support to member States in organizing and delivering on the sustainable development agenda, these arcane and internal UN processes accomplish little.

5.3. United Nations Development Assistance Framework

The United Nations Development Assistance Framework (UNDAF) process often identifies desired outcomes related to gender equality, but these are rarely linked to environmental sustainability and climate change issues. UNDG guidance on the UNDAF “Programming Principles” which guide the UNDAF process is one of the few UN documents which clearly describes these links and provides useful examples.¹⁴⁸ The UNDAF programming principles include 3 normative principles: human rights and the human-rights based approach, gender equality, and environmental sustainability; and 2 enabling principles: capacity development and results-based management.

The SG report “Quadrennial Comprehensive Policy Review” (previously the Triennial Comprehensive Policy Review) is a mechanism through which the General Assembly assesses the effectiveness, efficiency, coherence and impact of UN operational activities for development. While

¹⁴⁵ Summary of the Findings from a Survey of UN Country Teams on Rio+20 Themes Prepared by UNDG Task Team on Environmental Sustainability, Climate Change and Rio+20 as input for the Rio+20 Compilation Document.

¹⁴⁶ *Ibid.*

¹⁴⁷ For more details see: <http://biodiversity-l.iisd.org/news/ceb-takes-action-on-biodiversity-climate-sustainable-development-ddr/>

¹⁴⁸ United Nations Development Group (“UNDG”). 2010. *Guidance Note: Application of the Programming Principles to the UNDAF*. Online: <<http://www.undg.org/docs/11190/UNDAF-Guidance-Principles%20April%202010.pdf>>.

there is little regard for gender, these reports could add some additional information on the attention to gender equality and women's empowerment in the UNDAFs.¹⁴⁹

In addition, the UN Development Group has undertaken some gender analysis of the UNDAFs that discuss the challenges of developing gender outcomes in the UNDAFs or gender mainstreaming in UNDAFs.

6. Mechanisms for Stakeholder Consultations and Involvements

Some groups, particularly the poorest in the global South and those whose livelihoods depend on access to natural resources, including local communities, subsistence farmers and indigenous peoples, and especially women and children, are most severely affected by current global crises (e.g., climate shocks, price volatility of food and energy, desertification, loss of biodiversity) and their consequences. Often, these individuals know which solutions will work best for them. Only by listening to them and by accepting accountability and implementation responsibilities will we be able to make significant progress towards more sustainable modes of production and consumption.¹⁵⁰

Where clear mechanisms for engagement of civil society have been established at global level, such as in the Rome-based Committee on World Food Security, international cooperation has proven to improve significantly. Participatory mechanisms at the national level can also yield benefits: such mechanisms enable States to gain from the experiences and insights of a larger pool of those concerned with the many dimensions of sustainable development, and result in more innovations and better knowledge dissemination. Such mechanisms ensure that policies and programs empower the poor and are truly responsive to the needs of marginalized groups, which is vital to poverty alleviation.¹⁵¹

6.1. Major Groups

Civil society organizations, including business and industry, have been represented by the nine major group sectors since 1992. Agenda 21, through Chapters 37¹⁵² and 28¹⁵³, established the concept of the nine "Major Groups": farmers, women, the scientific and technological community, children and youth, indigenous peoples and their communities, workers and trade unions, business and industry, non-governmental organizations, and local authorities.¹⁵⁴ Several of these

¹⁴⁹ Preparations for 2012 Quadrennial comprehensive policy review of the General Assembly, *Assessing the costs and benefits of simplifying and harmonizing business practices of UN entities at the country-level*.

¹⁵⁰ An Open Letter from Special Procedures mandate-holders of the Human Rights Council to States negotiating the Outcome Document of the Rio+20 Summit, at 4.

¹⁵¹ See Background Note, *The Role of Comprehensive Rights-Based Social Protection in Facilitating Equitable and Sustainable Development*. Online:

<<http://www.ohchr.org/Documents/HRBodies/SP/BNComprehensiveRightsSustainableDevelopment.pdf>>.

¹⁵² Countries are urged to involve all relevant interest groups in building national consensus on Agenda 21 implementation.

¹⁵³ Local authorities are urged to engage in dialogue with its citizens, local organizations and private enterprises for the formulation of a local Agenda 21.

¹⁵⁴ For a longer detailed account of the MG history and process, see Karlsson-Vinkhuyzen, Sylvia I. 2012. "From Rio to Rio via Johannesburg: Integrating Institutions Across Governance Levels in Sustainable Development Deliberations" in *Natural Resources Forum* 36:3-15.

constituencies are well organized through representational membership organizations spanning national and global levels. Some Major Groups (MG) focus on well defined issues, while others address a much broader array of concerns.¹⁵⁵ While this process has not yielded any formal power from states in global decision making, it has provided a potential for actors, or stakeholders, at lower levels to influence global agenda setting and deliberation, as well as encouraging more involvement in implementing global goals.¹⁵⁶

The Major Groups (MG) Program of the DSD is responsible for engaging and liaising with major groups sectors and for enhancing their participation in the work of CSD and in its inter-sessional processes. The CSD meetings have provided innovative spaces for the participation of non-governmental actors with the overall purpose of informing the Commission's decision-making processes. Major groups participate in interactive dialogues, develop coordinated statements for each MG sector, and lobby for particular initiatives that they feel should be supported. Participation by non-governmental actors in the CSD is subject to the rules of participation of the UN Economic and Social Council (ECOSOC) and it is coordinated through sector specific Organizing Partners (OP).

All the practices involving the MGs have developed over years with Multi-Stakeholder Dialogues (MSDs) becoming an official part of the meetings since WSSD. MGs were invited to present written reports with their assessment of implementation and future priorities and encouraged to develop partnerships.¹⁵⁷

6.2 Women's Major Group

The Women's Rio 2012 steering committee is the coordination and decision making body of the Women's MG for Rio 2012. The steering committee includes a number of international women's networks working on sustainable development issues.¹⁵⁸

- ENERGIA International Network on Gender on Sustainable Energy
- IUCN Gender Department
- GFC Global Forest Coalition
- VAM Voices of African Mothers
- WEDO Women Environment Development Organisation
- WECF Women in Europe for a Common Future
- WOCAN Women Organizing for Change in Agriculture and NRM

¹⁵⁵ UNEP. 2009. "Guidelines for Participation of Major Groups and Stakeholders in Policy Design at UNEP." Online: <<http://www.unep.org/civil-society/Portals/59/Documents/Guidelines-for-CSO-participation-Aug2609.pdf>>.

¹⁵⁶ Karlsson-Vinkhuyzen, *supra* note 154 at 6.

¹⁵⁷ WSSD partnerships, also called Type II outcomes, constituted a new element to the official outcome of a UN summit – voluntary agreements not subjected to intergovernmental negotiations which could be submitted to the Secretariat by different actors. *Ibid.* at 6, footnote 6.

¹⁵⁸ UN Women Chief of Economic Empowerment Section Yassine Fall is concerned that the WMG primarily represents primarily women from the North and not the Global South, especially Africa, (primarily through its coordinating partners of WECF and WEDO), and that the process must be reformed. However this author has no concrete recommendations for a new process for the WMG and suggests that this be taken up in Rio with the coordinating committee. UN Women is in a good position to influence this process by providing funding and capacity building to Global South women's organizations to participate in a post Rio+20 WMG process. It also could have a lot to do with where feminists choose to put their energies, and working for UN reform is not always the most effective venue.

- Earth Day Networks, Earth Care Africa, Eco-Forum Kazakhstan, UNISON Kyrgyzstan, Commonwealth, Black Sea Women Club, as well as many other regional and national women and sustainable development organisations.

Its mandate is to coordinate the participation of the global women's movement in the UNCSD process, for example, coordinating women's input to the Zero Draft process and ensuring that the Rio documents and process includes the concerns of women's empowerment and gender equality. However, at a recent side event at the CSW meetings¹⁵⁹, the Irish Ambassador to the UN assured the audience that the UN process is one of countries negotiating agreements, and that the MG process was not likely to be influential. Rather, women should work with and lobby their delegates and country representatives to ensure that their concerns are represented in the process. The MG position papers and draft documents however, can be extremely helpful for this activity.

6.3 Stakeholder Forum

The purpose of the Stakeholders Forum ¹⁶⁰which previously was called the "Global Civil Society Forum", is to increase major groups and stakeholders influence and inputs into decisions adopted by the GC/GMEF by informing the Major Groups (MGs) and relevant stakeholders about UNEP's procedures and arrangements of the upcoming GC, providing information about the latest developments on substance, allowing the different Major Groups the opportunity to have an exchange of views, and to facilitate the development of possible common positions of the Major Groups related to the topics discussed at the GC/GMEF.

6.4 Civil Society Advisory Group on International Environmental Governance

As we know, reform of the current system of international environmental governance is high on the political agenda. In 2009, governments set up a consultative process to discuss possible reform options. In February 2010, they agreed "to seek relevant inputs from civil society groups from each region in the process of further strengthening international environmental governance."¹⁶¹ Following up on this decision and civil society requests, in October 2010, UNEP created a Civil Society Advisory Group on International Environmental Governance¹⁶². The purpose of the Advisory Group is to utilize the significant knowledge and expertise of civil society to inject new ideas in the ministerial discussions, provide a link with experts and stakeholders across sectors and around the world, and advance both thought and action in international environmental governance. The Advisory Group was established to serve as the principal body through which input from major groups and stakeholders will be channelled into the intergovernmental process, and to provide systematic input to the processes in the run up to and following Rio+20. Fifteen core members comprise the Advisory Group. Each of the nine UN major groups and each of the six world regions are represented. Alternates have also been selected and will step in to represent their respective region or major group if the full member cannot be present. They will collaborate closely with the core members of the Advisory Group and be engaged in deliberations. The selection was done by UNEP's Major Groups and Stakeholders Facilitating Committee¹⁶³. The Women's Major Group is

¹⁵⁹ Ambassador Anne Anderson at *Combating the Effects of Climate Change on Rural Women in Africa*, CSW, Feb 28 2012.

¹⁶⁰ See: <<http://www.earthsummit2012.org/> and www.stakeholderforum.org>.

¹⁶¹ UNEP Governing Council Decision SS.XI/1.

¹⁶² For more details see: <<http://www.environmentalgovernance.org/reform/cs/ag/>>.

¹⁶³ The selected members of the Advisory Group include nationals and residents of 21 countries – Bangladesh, Brazil, Bulgaria, Chad, Costa Rica, Ethiopia, Finland, France, Germany, India, Japan, Kenya, Lebanon,

represented on this body and strives to include language and advocacy on women's empowerment and gender equality in all the work of the Group.

6.5 Advocacy by Civil Society

As this is such a crucial issue almost days away from Rio+20, it is important to see the advocacy undertaken by civil society.¹⁶⁴ This statement is produced in full as its message is one that UN Women echoes:

"We - the civil society organizations and social movements who have responded to the call of the United Nations General Assembly to participate in the Rio+20 process - feel that it is our duty to call the attention of relevant authorities and citizens of the world to a situation that severely threatens the rights of all people and undermines the relevance of the United Nations. Remarkably, we are witnessing an attempt by certain countries to weaken, or "bracket" or outright eliminate nearly all references to human rights obligations and equity principles in the text, "The Future We Want", for the outcome of Rio+20.

This includes references to the right to food and proper nutrition, the right to safe and clean drinking water and sanitation, the right to development and others. The right to a clean and healthy environment, which is essential to the realization of fundamental human rights, remains weak in the text. Even principles previously agreed upon in Rio in 1992 are being bracketed – the Polluter Pays Principle, Precautionary Principle, Common But Differentiated Responsibility (CBDR).

Many member states are opposing prescriptive language that commits governments to actually do what they claim to support in principle and act as duty bearers of human rights, including the provision of finance, technology and other means of implementation to support sustainable development effort in developing countries. On the other hand, there is a strong push for private sector investments and initiatives to fill in the gap left by the public sector. This risks privatizing and commoditizing common goods – such as water – which in turn endangers access and affordability, which are fundamental to such rights.

Although economic tools are essential to implement the decisions aiming for sustainability, social justice and peace, a private economy rationale should not prevail over the fulfillment of human needs and the respect of planetary boundaries. Therefore a strong institutional framework and regulation is needed. Weakly regulated markets have already proven to be a threat not only to people and nature, but to economies and nation states themselves. Markets must work for people, people should not work for markets.

From the ashes of World War II humanity gathered to build institutions aiming to build peace and prosperity for all, avoiding further suffering and destruction. The Universal

Netherlands, Oman, Spain, Sweden, Switzerland, Uganda, the United Kingdom, and the United States. A larger 100-person group on international environmental governance has also been formed, composed of experts who had expressed interest to contribute and be engaged in the governance discussions.

¹⁶⁴ Open Letter To The Secretary General For The United Nations Conference On Sustainable Development (UNCSD), Co-Chairs Of The Bureau For Rio+20 And Member-States Of The United Nations, Ibon International, 27/03/2012.

Declaration of Human Rights spells out this collective will, and the United Nations organization was created to make it a reality. Alarmingly, this very institution is now being used as a platform to attack the very rights it should safeguard, leaving people without defence and putting the very relevance of the UN at stake.

We urge member states to bring the Rio+20 negotiations back on track to deliver the people's legitimate agenda and the realization of rights, democracy and sustainability, as well as respect for transparency, accountability and non-regression on progress made.

We call on the UN Secretary General to stand up for the legacy of the United Nations by ensuring that Rio+20 builds on the multi-generational effort to strengthen rights as the foundation of peace and prosperity. We urge our fellow citizens of the world to stand up for the future we want, and let their voices be heard.

7. Financing for Sustainable Development

7.1. The Global Environment Facility

Established in 1991 as a US\$1 billion pilot program of the World Bank, the Global Environment Facility (GEF) is now an independent financial organization representing 182 member governments in partnership with international institutions, nongovernmental organizations and the private sector. Currently the world's largest financier of environmental projects, the GEF has allocated \$10.7 billion, supplemented by more than \$50 billion in co-financing, for more than 2,900 projects in more than 165 developing countries and countries with economies in transition.

GEF grants support projects related to biodiversity, climate change, international waters, land degradation, sustainable forest management, the ozone layer and persistent organic pollutants. It serves as the financial mechanism for the Convention on Biological Diversity (CBD), United Nations Framework Convention on Climate Change (UNFCCC), Stockholm Convention on Persistent Organic Pollutants (POPS), and the UN Convention to Combat Desertification (UNCCD). GEF also manages the Least Developed Countries Fund (LDCF), the Special Climate Change Fund (SCCF), and GEF Small Grants Program.

GEF projects are implemented by one or more of the ten designated GEF Agencies: the United Nations Development Program (UNDP), the United Nations Environment Program (UNEP), the World Bank, the UN Food and Agriculture Organization (FAO), the UN Industrial Development Organization (UNIDO), the African Development Bank (AfDB), the Asian Development Bank (ADB), the European Bank for Reconstruction and Development (EBRD), the Inter-American Development Bank (IADB), and the International Fund for Agricultural Development (IFAD).

The GEF did not have an explicit gender policy until 2011.¹⁶⁵ It had a gender 'practice'¹⁶⁶. This 'practice' did not entail systematic application of gender integration or prompt project evaluators to

¹⁶⁵ In 2010 GEF assessed GM in GEF projects. Online: <<http://www.thegef.org/gef/node/1548>>. The GEF Council approved the gender mainstreaming policy at its 40th session in June 2011. The report is available online: <http://www.thegef.org/gef/sites/thegef.org/files/documents/C.40.10.Rev_1.GEF_Policies_on_Safeguards_and_gender.May_25_2011.pdf>. For the decision see: <http://www.thegef.org/gef/sites/thegef.org/files/documents/C.40_Joint_Summary_of%20the%20Chairs_0.pdf>.

examine gender issues, in large part due to GEF's operational structure. As GEF's Gender Expert, Yoko Watanabe,¹⁶⁷ explains, "GEF's goal is climate change, not gender equality."¹⁶⁸ With a current portfolio of over 600 individual projects, GEF does not have the capacity to get into the details of project implementation."¹⁶⁹ GEF therefore strives to 'finance the incremental costs of projects related to the provision of global environmental benefits,' while relying on national actors to attend to environmental benefits at the local level.¹⁷⁰

The GEF finances its projects through implementing agencies, which it selects based on fiduciary requirements and baseline social standards that do not mention gender. GEF expects these agencies to apply their own social policies, including gender, to GEF funded projects. Rather than superseding the policies of implementing agencies, GEF's own policies are presumed to act as a "second check."

To address this gap, the GEF Council finally approved a gender mainstreaming policy in May 2011 which 'aims to further the goal of gender equity in the context of GEF operations.'¹⁷¹ The GEF Policy on Gender Mainstreaming includes policy provisions that will apply to both the GEF Secretariat and the GEF Agencies. It is presumed to go further than safeguards—which are designed to 'do no harm'—by taking a more proactive approach that uses analysis, indicators, and other tools to 'do good'¹⁷²). The policy stipulates that the GEF Secretariat and GEF Partner Agencies must establish (a) policies, (b) strategies, or (c) action plans that promote gender equality in order to access funding. These tools must satisfy the minimum gender mainstreaming criteria included in GEF's gender policy.

The policy states that GEF will "coordinate the development of corporate-wide guidance for use by GEF Agencies and GEF Secretariat program managers on the inclusion of gender aspects in the design of projects and on the monitoring and evaluation of gender dimensions in the context of its projects," while taking into account that "not all GEF projects involve gender aspects in equal measure, depending on the focal area and scope of the project."¹⁷³

The GEF has stated that it is also currently developing Socioeconomic and Gender Guidelines, to accompany its gender policy, although this author has not seen any drafts of these guidelines. They are being developed to provide project managers with gender questions and considerations needed for project evaluation.

¹⁶⁶ All references to Personal Communication are to Watanabe, Personal Communication, 2011 as cited in the Gender Action report, *supra* note 165.

¹⁶⁷ Requests were made by this author to interview the GEF Gender Expert in November 2011, however it was not possible. However, Watanabe did confirm with the author by email that her comments in the Gender Action report were agreed to. Hence the information used here comes from the Gender Action report, *supra* note 165, as it is assessed to be the most current.

¹⁶⁸ *Ibid.*

¹⁶⁹ According to Senior Monitoring Analyst Dima Reda (Personal Communication), 2011, in Gender Action report, *supra* note 165.

¹⁷⁰ Global Environment Facility (GEF). 2011. "GEF Policies on Environmental and Social Safeguards and Gender Mainstreaming." GEF Council Meeting, Washington, D.C., 24-26 May. Agenda Item 15. GEF/C.40/10. Online: <http://www.thegef.org/gef/sites/thegef.org/files/documents/C.40.10_GEF_Policies_on_Safeguards_and_Gender.April_26_2011.pdf>.

¹⁷¹ *Ibid.*

¹⁷² Watanabe, Personal Communication, 2011, *supra* note 167.

¹⁷³ GEF, "Environmental and Social Safeguards," *supra* note 170.

At the corporate level, GEF assesses each project three times: at baseline, midline, and completion. It also receives annual implementation reports on each project, which do not include data collection. In general, most of GEF's monitoring and evaluation reports, "do not include a specific section to report on progress and results related to gender elements of the project, unless these were specifically included in the project results framework as a project outcome, output, or indicator."¹⁷⁴ However, in May 2011, GEF is said to have introduced a new monitoring and evaluation tool for adaptation projects that looks at some gender differentiated impacts. This assessment tool, to be used with projects financed by GEF's Least Developed Countries Fund (LDCF) and Special Climate Change Fund (SCCF), requires sex-disaggregated data for 8 of its 47 outcome indicators. Gender is also an explicit reporting requirement in the grant-making of GEF's Small Grants Program (SGP), which focuses on community-based grants and accounts for approximately US\$401 million of GEF financing (out of US\$9.2 billion). This will be reviewed further, below.

The GEF Policy on Gender Mainstreaming has not yet been implemented in GEF projects, so the following section can only illustrate the intent of the policy, not report on its implementation. The policy aims to enhance the degree to which the GEF and its Agencies promote the goal of gender equality through GEF operations. The policy calls on the GEF and its Agencies to mainstream gender into GEF operations, including efforts to analyze and address in GEF projects the specific needs and role of both women and men, as appropriate to each intervention.

The Policy includes several requirements for the GEF Secretariat and GEF Partner Agencies, including the following:

- (a) In order to be eligible to receive GEF financing for GEF projects, all GEF Partner Agencies will be required to have established either (a) policies, (b) strategies, or (c) action plans that promote gender equality;
- (b) The policies, strategies, or action plans of each GEF Partner Agency will need to satisfy the minimum criteria on gender mainstreaming that are included in the policy for the Agency's systems to be assessed as adequate;
- (c) To support the application of the gender policy, the GEF Secretariat will coordinate the development of corporate-wide guidance for use by the GEF Agencies and GEF Secretariat program managers on the inclusion of gender aspects in the design of projects and on the monitoring and evaluation of gender dimensions in the context of its projects. Such guidance will take into account that not all GEF projects involve gender aspects in equal measure, depending on the focal area and scope of the project.
- (d) The GEF Agencies shall incorporate such guidance into their project and program proposals submitted to the Secretariat for review.

The GEF Accreditation Panel will include an expert on environmental and social safeguards and gender mainstreaming policies and their application. The GEF Accreditation Panel will assess whether each applicant has the policies and systems in place to ensure that the applicant is able to meet the criteria contained in both policies and apply the relevant safeguards and measures to their GEF projects. The lack of gender expertise in the accreditation process has been of great concern to the few of us within the GEF who had any interest in gender.

GEF's reliance on implementing agencies' policies, including UNEP and UNDP, can be seen to have proven to be inadequate with regard to gender integration. Although most agencies had 'social

¹⁷⁴ GEF. 2008. *Mainstreaming Gender at the GEF*, *supra* note 165.

assessment' requirements in their work, GEF found that the agencies perceived GEF projects as 'environmental projects' to which their individual social or gender policies did not routinely apply.¹⁷⁵ The two agencies that implement the most GEF funds, the World Bank and UNDP, both have institutional gender policies, but "despite many years of practice, neither of these organizations is at the point of proficiency in gender mainstreaming that GEF can totally rely."¹⁷⁶ World Bank and UNDP staff "do not get pressure from the GEF units to do a gender analysis of their projects;" this creates "an undifferentiated approach to project design and implementation,' which results in 'weak project effectiveness [and] missed opportunities for sustainability of outcomes."¹⁷⁷

GEF faces challenges related to 'double-mainstreaming,' in that GEF is primarily trying to 'mainstream the environment,' rendering gender an 'added layer of complexity' that is often subordinated to other concerns.¹⁷⁸ By 2006, only 12 percent of GEF projects had included social analysis at the design stage and "in some instances, the lack of adequate gender analysis and awareness led to negative impacts on women."¹⁷⁹ Between 2003 and 2006, only 4 out of 36 climate change projects integrated gender in some way.¹⁸⁰ Gender budgeting proved particularly weak because it is "impossible to determine exact gender budgets [...] given that gender-related activities are often embedded in a larger project component."¹⁸¹ However, this justification relies on the faulty assumption that such project components equally benefit women and men without proactive intervention.

Watanabe points out that the challenges in collecting sex-disaggregated data arise from a lack of baseline information. For example, in order to measure access to energy or firewood, one needs sex-disaggregated data *prior* to project implementation in order to monitor project outcomes and impacts, but the data are often unavailable.

Ultimately, "GEF has a mandate to address gender equality in its work through gender mainstreaming."¹⁸² It is crucial to conduct a gender analysis at the onset of projects, as this "provides an entry point for gender mainstreaming" and "reveals connections between gender relations and the environmental problem to be solved under the project."¹⁸³ Watanabe emphasizes that gender mainstreaming must then be maintained throughout the project cycle by: linking performance indicators to project objectives, outcomes and activities; providing sex-disaggregated data; using different incentives for the participation of men and women; conducting awareness raising and training activities; and involving women's organizations in project design and implementation.¹⁸⁴ However, one of the problems with the project cycle to date is that the GEF can take on average between 2-4 years for a project to begin from the time the Project Document is accepted. Many projects that had been approved, and then start up for a 4 year cycle, did not have gender mainstreaming in their project and more importantly, in their budget, are not able to find the funds to do gender mainstreaming.¹⁸⁵

¹⁷⁵Watanabe, Personal Communication, 2011, *supra* note 167.

¹⁷⁶ Awori, 2009, cited in Gender Action report, *supra* 165.

¹⁷⁷ *Ibid.*

¹⁷⁸ Watanabe, Personal Communication, 2011, *supra* note 167.

¹⁷⁹ Awori, *supra* note 176.

¹⁸⁰ GEF, *Gender Mainstreaming at the GEF*, *supra* note 165.

¹⁸¹ *Ibid.*

¹⁸² Awori, *supra* note 176.

¹⁸³ GEF. 2008. *Mainstreaming Gender at the GEF*, *supra* note 165.

¹⁸⁴ *Ibid.*

¹⁸⁵ The author of this paper was a GEF Project Manager for three years, and spent this time trying to get a gender mainstreaming project proposal of the International Waters portfolio submitted to GEF Sec by UNDP. At the time of this writing, the proposal has still not been submitted to GEFSEC.

Through its Small Grants Program (SGP), the GEF has also made more than 13,000 small grants directly to civil society and community based organizations, totalling \$634 million. The GEF Small Grants Program (SGP)¹⁸⁶ of the UNDP has been recognized for its success in promoting gender equality and the empowerment of women. The GEF Small Grants Program (SGP) is a key GEF funding modality reaching out to indigenous and local communities, including women's group worldwide. Launched in 1992, the SGP is designed to support grassroots initiatives with community-based and nongovernmental organizations in developing countries, aiming to deliver global environmental benefits while contributing to poverty reduction and local empowerment.

Gender is one of the mandatory cross-cutting requirements in the global SGP grant making criteria and is therefore incorporated in the SGP project cycle. About 17 percent of the SGP projects supported worldwide have focused specifically on the involvement of women. Unfortunately, throughout the GEF, the SGP experiences have never been adopted by the Medium Size Projects (MSP) and the Full Size Projects (FSP).¹⁸⁷

The following are a few key elements of why the GEF SGP seems to accomplish gender mainstreaming, taken from a UNDP report.¹⁸⁸ These could be adapted to other forms of gender mainstreaming that could incorporate women's empowerment and gender equality principles into various structures of IFSD.

- The GEF SGP promotes mainstreaming of gender at the earliest stages of the project cycle. This creates an enabling environment for both men and women to participate in the initial stages of project conception, project approval stages, and subsequent stages of project implementation. The result is projects with strong gender components.

- Needs assessment is done at the project development phase and is used to define the roles of women and men early in the project. This helps minimize conflict among different stakeholders during and after the project cycle with respect to roles in project activities and sharing of project benefits.

- SGP Country Programs encourage increased attention to documenting the contribution of women's knowledge to project activities in key areas where women already figure prominently (e.g., biodiversity management, in situ conservation of agro-biodiversity, conservation of medicinal plants, etc.). This contributes significantly to enhanced integration of gender considerations in current and future projects.

- SGP National Steering Committees employ checklists and criteria to assess and screen projects for how they mainstream gender. Projects that are found to successfully integrate gender dimensions while also addressing environmental targets are allocated higher ratings and are more likely to be approved for funding. Moreover, some SGP countries have developed gender guidelines to mainstream gender into the project cycle.

- SGP's demand-driven approach at the local level increases the likelihood of receiving proposals from women and marginalized groups with lower levels of formal education. SGP holds "write-shops" for proposal developers and also is able to receive projects in local languages—even in oral

¹⁸⁶ IUCN, *Harmonizing Gender*, *supra* note 91.

¹⁸⁷ It is hoped that now that there is finally a mandatory policy, its implementation will be monitored and reported on.

¹⁸⁸ UN Development Program ("UNDP"), Environment and Energy Group. 2007. *Gender Mainstreaming: A Key Driver of Development in Environment and Energy: Portfolio Review and Assessment*.

format through video proposals— thus encouraging maximum participation by marginalized and vulnerable groups, such as women and youth.

The SGP is definitely the only strength for the GEF regarding gender. The weaknesses have been outlined in the first section, above, regarding GEF's lack of any gender policy into 2011. However, now that one has been adopted, it will be important to monitor its implementation. Other recommendations on the linking of the Convention Commissions under the GEF auspices will also address some of the weaknesses. Another weakness is in the lack of integrating gender into environment projects implemented by other agencies, e.g. UNDP (which implements approximately 80% of the GEF projects) where they are not mainstreaming gender into their own projects.

There has clearly been no political will within the GEF to engage in gender mainstreaming until now. The current CEO's term ends at Rio in June 2012, and we can hope that her leadership on this issue will be carried forward by the next GEF head. Celebrating International Women's Day 2012, Monique Barbut, CEO and Chairperson of the GEF, said that sustainable development and environmental protection efforts cannot succeed without attention to gender and without the active participation of women.¹⁸⁹ For that reason, she said, the GEF has designed programs paying attention to the relationship of women to the environment of developing countries. "Issues of gender equality are an integral part of the work we do at the GEF. Many of our environmental initiatives seek to redress the special burdens borne by women in the developing world -- the hours spent hauling water, the raising and harvesting of crops by hand," said Barbut.

"The GEF designs and supports environmental programs that expressly take into account the concerns and needs of women throughout the developing world, those whose voices are seldom heard, who silently suffer, who fight for their freedom and their livelihood," Barbut said. "Today, on International Women's Day, we at the GEF say that women are our concern every day."

Women, while sometimes the 'victims' of environmental degradation, also serve as the 'agents' for change and improvement in environmental and economic conditions, according to Barbut. In the developing world, women are often the managers and caretakers of the local environment and natural resources such as water and fuel.

7.2. Financing for Sustainable Development Through a Gender Lens

The Monterrey Consensus represents an important recognition that financing for development has implications not just for financial markets but for sustainable development. The process draws attention to the value of bringing more representatives from a broad spectrum of interests into discussions about financing for development. The Monterrey Consensus encompasses the wider aspects of development such as democratic institutions responsive to the needs of all people, respect for human rights, and a commitment to just and democratic societies, including gender equality.¹⁹⁰ Such a framework offers the potential for integrating initiatives for financing for gender equality as part of these broader processes of sustainable development. Nevertheless, one of the key shortfalls of the Monterrey Consensus in terms of financing for gender equality concerns the lack of coherence between economic policies that emphasize low inflation and mobility of capital on

¹⁸⁹ GEF press release, March 8 2012.

¹⁹⁰ United Nations. 2002. "Monterrey Consensus of the International Conference on Financing for Development." Adopted at the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March, at para. 11.

the one hand, and the social commitments to poverty reduction, human rights and gender equality on the other. The latter commitments often require public spending to support social provisioning and to stabilize the social imbalances that result from deflationary policies.

Several references are made to women's empowerment and gender equality, the importance of gender equality and women's empowerment to development is thus recognized in the Consensus document. However, recognizing this in practice and reality is completely different. This exemplifies that gender rhetoric has become common place within the UN and IFI systems with absolutely no political will to create the conditions to alleviate gender inequality, women's poverty, the lack of any real sustainable development, and the continuation of the 'development as growth' trajectory.

As the Division for the Advancement of Women (DAW)¹⁹¹ noted in 2007, attention to gender equality and women were not directly integrated throughout the key areas for action – mobilization of domestic resources for development;¹⁹² trade; private capital flows; official development assistance; debt and systemic issues related to the international financial system. There is a call for gender-sensitivity in applying policies and programs without a clear time frame or a set of institutional arrangements for implementing gender mainstreaming objectives in the context of other development goals. Furthermore, the distributive and social consequence of market liberalization and other economic policies referred to in the Consensus are not considered from a gender equality perspective.¹⁹³

Gender equality and the empowerment of women have received limited attention in the follow-up processes to Monterrey to date. In the General Assembly only one of the eight ministerial roundtables during the first High-level Dialogue on Financing for Development in 2003 addressed gender equality and made specific proposals, such as integrating women's issues and rights into the other MDGs. During the 2005 High-level Dialogue on Financing for Development, participants emphasized that domestic resource mobilization policies should incorporate the international commitment to gender equality and recommended using gender-responsive budgeting to ensure that the relevant commitments are resourced, to upgrade the employment of women in the value chain, and to increase women's access to assets and property rights. Similarly, the annual Special High-level Meetings of the Economic and Social Council with the Bretton Woods Institutions and the World Trade Organization (WTO) have paid limited attention to gender perspectives.¹⁹⁴

The most recent ¹⁹⁵follow-up to Doha and Monterrey was held in December 2011. The Deputy Secretary-General, Asha-Rose Migiro, noted that much more needed to be done to address all the foundations of the partnership for development, as set out in the Monterrey Consensus and the Doha Declaration, including domestic resource mobilization, investment, trade, aid, debt relief and reforms of global economic governance.¹⁹⁶ She stressed that the international community should do more to enable long term public investments in infrastructure, green technology, human capital, public services and social protection. Fresh efforts were needed to extend debt relief to the poorest

¹⁹¹ This agency has now been merged into UN Women.

¹⁹² DAW. 2007. *Financing for Gender Equality and the Empowerment of Women*. Report of the Expert Group Meeting. EGM/FFGE/2007/REPORT. Hereafter "The DAW Report."

¹⁹³ *Ibid.*

¹⁹⁴ *Ibid.*

¹⁹⁵ Summary by the President of the General Assembly of the fifth High-level Dialogue on Financing for Development. New York, 7 and 8 December 2011. A/66/678

¹⁹⁶ *Ibid.*

and most vulnerable countries and, more broadly, to explore how to deal with debt distress more effectively and fairly. She called for enhanced coordination, coherence and effective policymaking across the entire United Nations system. More effective global economic governance should give developing countries a greater voice. Ongoing quota reforms at the Bretton Woods institutions were important steps in that direction. While the values and principles contained in the Millennium Declaration remained as relevant as ever, such new development challenges as inequality, climate change and food and energy security should also be recognized. In conclusion, she stated that the UNCSD provided a crucially important opportunity to give new life to that objective.¹⁹⁷ And nowhere in this meeting or the report thereof is any mention made of women's empowerment and gender equality.

Gender-responsive budgeting¹⁹⁸ has been identified as a public finance strategy in a range of international commitments on gender equality and financing for development including the Beijing Platform for Action, the outcome of the twenty-third special session of the United Nations General Assembly, as well as the Monterrey Consensus. Gender-responsive budgeting has also been identified as a crucial element of the full implementation of CEDAW and the achievement of the Millennium Development Goals, most specifically MDG3 on gender equality and the empowerment of women.¹⁹⁹ It has also been cited as critical to the development and implementation of national poverty reduction strategies. The increasing focus given to gender-responsive budgets is underpinned by compelling economic, social, good governance and rights based rationales, a growing body of theoretical work and analytical tools, and more than 20 years of practical experiences and their lessons.²⁰⁰

Ideally these assessments and decisions should take place throughout the budget cycle, cover both revenues and expenditures, involve a range of actors (including finance ministries, national machineries for the advancement of women, sector ministries, statistical and planning bureaus, parliamentarians, media, donors and international organizations and civil society) and be fully integrated into budgetary and policy procedures and decision-making. In practice, a wide range of interventions for integrating a gender perspective into public finances have emerged – varying in scope, resource commitments, institutional embeddedness, political commitment and sustainability.²⁰¹

Participatory budgeting and analysis – whether pro-poor, environment-sensitive or gender responsive – offers a new innovative means for ensuring government accountability to international and national commitments as well as a more balanced distribution of public resources. It needs to be combined with other measures to produce policies that create sound outcomes in terms of social and gender equality. There are a number of compelling reasons why gender-responsive budgets offer a link between the commitments to financing for development and the more specific goals of attaining resources to meet the goals of achieving substantive gender equality in the context of sustainable development.²⁰²

¹⁹⁷ *Ibid.*

¹⁹⁸ Gender-responsive budgeting (GRB) provides a range of methodologies for analysis of expenditure and revenue streams by gender, enabling policy makers, analysts and governments to understand any differential impacts on men and women of policy decisions. GRB was first developed in Australia for the 1985 UN Women's Conference in Nairobi, and adapted and expanded by South African feminists Debbie Budlender and Pregs Govender in 1995.

¹⁹⁹ The DAW Report, *supra* note 192 at 16.

²⁰⁰ *Ibid.*

²⁰¹ *Ibid.*

7.3. Gender Equality and Aid Effectiveness

The Paris Declaration on Aid Effectiveness (2005)²⁰³ endorses the Monterrey commitments (2002) to increase volumes of aid and other development resources to achieve the MDGs; and establishes principles and time-bound targets for formulation of effective delivery mechanisms to improve development performance. The Paris Declaration is clear that the objective of these reforms is “*reducing poverty and inequality, increasing growth, building capacity and accelerating achievement of the MDGs.*”²⁰⁴ The principles established towards achieving this correlate well with those espoused in gender equality and women’s empowerment objectives and strategies. However, apart from one significant commitment to gender analysis and gender impact assessment, the Declaration itself is not explicit on gender dimensions and much of the initial reform agenda was developed without input from gender equality experts.²⁰⁵ Thus far, the Paris Declaration reforms have primarily focused on improving the efficiency of financial and administrative arrangements necessary to improve aid delivery. There is growing awareness, however, that to have the desired development impact, these essential changes need to be accompanied by adequate analysis to capture the role and functional necessity of gender equality and women’s empowerment (and other key elements) in achieving development effectiveness. Without this, there is significant risk that the opportunities provided by the Declaration will not be realized and the proposed reforms will not have the desired development impact.

Gender equality advocates have highlighted the opportunities and raised concerns about the risks and challenges posed in a number of fora, through analysis, research, debate and workshops. Such analyses and workshops have concluded that gender equality and women’s empowerment: (i) is a fundamental cornerstone for achieving good development results; (ii) can be advanced through implementing the principles and partnership commitments of the Paris Declaration; and (iii) must be harnessed to advance the implementation of the Paris Declaration.²⁰⁶

The most recent 4th High Level Forum on Aid Effectiveness was held in November 2011 in Korea. The Busan Partnership for Effective Development Cooperation Outcome Document²⁰⁷ emphasizes that gender equality and women’s empowerment are critical to achieving development results. This marks a turning point for international development cooperation.

The text reads:

20. We must accelerate our efforts to achieve gender equality and the empowerment of women through development programs grounded in country priorities, recognising that gender equality and women’s empowerment are critical to achieving development results. Reducing gender inequality is both an end in its own right and a prerequisite for sustainable and inclusive growth. As we redouble our efforts to implement existing commitments we will:

²⁰² All findings drawn from: Williams, Mariama. 2007. “Financing Gender Equality and the Empowerment of Women: Some Theoretical and Practical Issues from a Trade and Macroeconomic Policies Perspective.” UNDAW, Expert Group Meeting on Financing for Gender Equality and the Empowerment of Women, Oslo, Norway 2-7 September. EGM/FFGE/2007/EP.15. UNDAW. 2007. “Financing for Gender Equality and the Empowerment of Women.” Report of the Expert Group Meeting, Oslo, Norway 4-7 September. EGM/FFGE/2007/REPORT at 17.

²⁰³ The Paris Declaration on Aid Effectiveness. 2005.

²⁰⁴ *Ibid.* at paragraph 42.

²⁰⁵ The DAW Report, *supra* note 192 at 25.

²⁰⁶ *Ibid.*

²⁰⁷ Fourth High Level Forum on Aid Effectiveness, Busan, Republic of Korea, 29 November–1 December 2011.

- a) Accelerate and deepen efforts to collect, disseminate, harmonise and make full use of data disaggregated by sex to inform policy decisions and guide investments, ensuring in turn that public expenditures are targeted appropriately to benefit both women and men.
- b) Integrate targets for gender equality and women's empowerment in accountability mechanisms, grounded in international and regional commitments.
- c) Address gender equality and women's empowerment in all aspects of our development efforts, including peacebuilding and statebuilding.

Drawing on a decade of broad experience around the world with gender-responsive budgeting and gender and aid effectiveness, UN Women has advocated for women at global aid effectiveness debates since 2005, including by highlighting successes in integrating gender equality in aid and development policy processes. In preparation for Busan, UN Women worked very closely with national governments, donor agencies, civil society and women's organizations and the host country Korea to ensure that gender equality is recognized for its central role in effective development.

Despite some signs of progress, much more needs to be done to make aid and development fully responsive to gender equality goals. Only 4.5 percent of aid has gender equality as a principle objective; nearly 67 percent does not target gender equality at all. The gender equality financing gap may be as high as US \$30 billion a year.²⁰⁸

UN Women documented some of the key challenges that undercut aid and development effectiveness for women including:²⁰⁹

- Weak frameworks for ensuring that economic policies uphold women's rights;
- Mechanisms for managing aid and development that do not adequately translate commitments to gender equality into planning, program design, implementation and assessment; and
- The concentration of gender-focused aid on a small number of issues, mainly in the social sectors, with limited targets and indicators to measure impact.

UN Women is also calling for a number of concrete measures including:

- Scaling up investment in gender equality and broadening the scope of support to women;
- Adopting special policy measures for financing women's priorities in fragile and post-conflict countries, in line with UN Security Council resolutions;
- Strengthening the capacities of people and institutions to mainstream gender in national plans and budgets, and in aid management instruments and processes; and
- Improving and institutionalizing systems to track resources and monitor results to ensure accountability in financing for gender equality.

There are many recommendations on aid effectiveness for gender equality and women's empowerment that would be essential for ensuring the realization of women's role in sustainable development²¹⁰ that could be adopted by UN Women to integrate into a more effective IFSD.

²⁰⁸ See UN Women Report on Busan Conference: <<http://www.unwomen.org/2011/11/the-oecd-dac-fourth-high-level-forum-on-aid-effectiveness/#agenda>>.

²⁰⁹ *Ibid.*

²¹⁰ The DAW Report, *supra* note 192 at 29-35.

7.4. Financial Transactions Tax – “The Tobin Tax”

One fundamental stepping stone towards a global funding architecture could be a Financial Transactions Tax (FTT). The Union Major group²¹¹ submission to Rio +20 has outlined the FTT, also called the Tobin Tax.²¹² A tax on currency transactions is not a new idea, having been first suggested in 1972 by the Nobel prize-winning economist James Tobin, “who suggested...[that] a small levy on foreign exchange transactions of 0.05 per cent would “throw sand into the wheels of our excessively efficient international money markets.”²¹³

It has been estimated that the international community needs US\$324-336 billion per year between 2012 and 2017²¹⁴ to fund global public goods at a time when developed countries are already running budget deficits at unprecedented levels as a result of the global crisis. The FTT could reduce the risk of witnessing more speculative bubbles in the financial markets and generate revenue for financing global public goods, including development, social protection and climate action. According to the Austrian Institute for Economic Research, a global transaction tax of 0.1% could yield between US\$410 billion and US\$1060 billion a year.²¹⁵ The FTT could be designed with different rates for each party (large banks, other financial institutions including hedge funds, and non-financial corporations) and per market (‘traditional’ foreign exchange markets, exchange-traded derivatives, over-the-counter derivatives).

The FTT idea has recently gained some momentum and political backing proposed by the Leading Group on Innovative Financing for Development²¹⁶ as a potential new funding instrument. The Leading Group, founded in 2006, is a body of 60 countries and various international organizations and NGOs who convene to discuss and promote new innovative means of financing development. In October 2009 the Leading Group put together a Taskforce on International Financial Transactions for Development made up of the world’s leading financial experts, economists, scholars and bankers with the aim of proposing realistic financial mechanisms for ‘plugging’ the funding gap, required to meet global environmental and development goals, particularly the Millennium Development Goals.²¹⁷

The comprehensive report, published in July 2010, details several different mechanisms for achieving this, including both a nationally-collected single currency transaction tax and a centrally collected multi-currency transaction tax. The report indicates that a 0.005% tax on British Sterling, Euro, Japanese Yen and US Dollar international financial transactions would generate approximately \$35 billion each year and would contribute significantly to the estimated \$300 billion financial deficit for 2012-2017. The report shows that a global currency transaction tax

²¹¹ *Ibid.* at 4.

²¹² A tax on currency transactions is not a new idea, having been first suggested in 1972 by the Nobel prize-winning economist James Tobin; hence the tax is usually referred to as the Tobin Tax.

²¹³ Tobin, J. in Boyle, D. and Simms, A. 2009. “Why did China pay for the Iraq War?” *The New Economics: A Bigger Picture*, Earthscan, London, at 51. Cited in the Pocket Guide, *supra* note 16 at 76.

²¹⁴ Union Major Group paper, November 1, 2011, at 4.

²¹⁵ *Ibid.*

²¹⁶ Innovative Financing to Fund Development Leading Group. 2010. *Globalizing Solidarity: The Case for Financial Levies*. Report of the Committee of Experts to the Taskforce on International Financial Transactions and Development. Online: <http://www.leadinggroup.org/IMG/pdf_Financement_innovants_web_def.pdf>.

²¹⁷ Conclusions from the Taskforce meeting, September 1, 2010. Online: <http://www.diplomatie.gouv.fr/en/france-priorities_1/development-and-humanitarian-action_2108/innovative-ways-to-fund-development_2109/events_7039/innovative-financing-fordevelopment-conclusions-from-the-taskforce-meeting-01.09.10_14191.html>.

would be technically and legally feasible and more stable compared to a tax collected on a national level. The UN has also acknowledged that a currency transaction tax is feasible and could be more sustainable and less volatile in the long term compared to other sources of development funding. Significantly, this proposal for a global currency transaction tax is gaining popularity and has received strong support from Europe in particular. On September 1st 2010 the 60 countries of the Leading Group, which includes France, Japan and the UK agreed to a Statement supporting a tax on international financial transactions, which was submitted to Heads of State at the Millennium Development Goals (MDG) Summit held at the end of September 2010.²¹⁸ So far six countries (Japan, Belgium, France, Spain, Norway and Brazil) have officially signed a declaration supporting a tax on financial transactions.²¹⁹

Many feminist organizations see a FTT as a feasible and much needed tax to generate financing to support development and human rights and to contribute in a decisive manner to alleviate the lack of resources for development. Women's rights organizations, women's groups have been actively involved in the broader Financing for Development debates at the UN. The Women's Working Group on Financing for Development (WWG on FfD) has called for a the implementation of FTT as a way to "tackle and control financial speculation" and a means for the "financial sector to pay for the crisis they created."²²⁰

Women's rights advocates are essential to ensuring that discussions and actions on FTTs, as well as on the broader international financial system, are grounded in human rights and serve the well-being of the most marginalized. Additionally, women's rights advocates have been pointing out and can continue to underscore that while FTT is a way to raise additional funds for development, it is not a substitute for overall systemic and structural reform of the international financial system. FTTs can be a part of a broader reform of the international financial architecture – which, itself, must be in line with human rights - but must not take its place. As the WWG on FfD states, "we need to examine the underlying causes of inequalities and obstacles to peoples' and countries' development and rights and to address these in an integrated and sustainable manner."²²¹

7.5. Bretton Woods Institutions, the World Trade Organization and the International Finance Institutions

There have been a plethora of feminist critiques of these institutions written by, amongst many, DAWN, Gender Action and the Women's Working Group on Financing for Development (WWG on FfD).²²² They address macro-economic policies, trade liberalization, multilateral issues, transparency and accountability mechanisms, and many other critical issues for development.²²³ However, there is not a specific position on sustainable development from a feminist perspective in their documents that would be particularly helpful for the Rio+20 process. The important lesson is that feminist economists and economic justice activists have worked hard to develop a feminist

²¹⁸ High Level Event on innovative financing, New York, September 21, 2010. Online: <<http://www.leadinggroup.org/article720.html>>.

²¹⁹ The Pocket Guide, *supra* note 16 at 77.

²²⁰ See: <http://www.dawnnet.org/advocacy-un-ny.php>.

²²¹ WWG on FfD (2010) "Policy Coherence with Gender Equality, Equity and Rights in Development Cooperation," WWG on FfD Statement at the 2010 ECOSOC High Level Segment, 28 June -2 July 2010. Online: <<http://www.awid.org/eng/About-AWID/AWID-News/Women-s-Working-Group-on-FfD-Statment-at-the-2010-ECOSOC-High-Level-Segment>>.

²²² Coordinated by DAWN and includes FEMNET, AWID, FTF-GCAP, GPF, ITUC, WEDO, NETRIGHT, WIDE.

²²³ See: <http://www.un.org/esa/ffd/civilsociety/WWG_on_FfD-info_sheet.pdf>.

macro-economic analysis addressing debt, structural adjustment, trade, neo-liberalism, but these historically had been marginalized from other feminist agendas for women's development issues such as violence, sexual and reproductive health,²²⁴ and the countering of the present right wing political agenda and fundamentalism that we saw all too recently at the 2012 CSW meeting. In the run up to Rio and during and after the 2008 economic crisis, we have seen much greater integration of these issues, which will be critical for Rio's themes of IFSD and the Green Economy.

7.6. Climate Financing

In recent years there has been much debate about engendering climate change, and a critical area is that of climate financing. Again, it is not possible to reduce this complex and comprehensive body of knowledge and advocacy tools to a few paragraphs. Suffice for the purposes of this paper that the paper²²⁵ *Governing Climate Funds: What will work for women?* by Gender Action, WEDO and Oxfam present us with recommendations that could be adapted to the larger issue of financing for sustainable development, and are therefore reproduced below.

At a minimum, climate fund gender policies require:

- A commitment to women's human rights
- The collection, analysis and application of sex-disaggregated data
- Balanced participation of men and women in adaptation and mitigation efforts
- Gender balance in climate fund governance
- Measures to ensure full implementation of the gender policy through the development of an action plan or gender mainstreaming guidelines
- Measures to hold staff accountable for their performance on gender in annual performance reviews
- A robust communications and advocacy strategy that highlights the importance of gender mainstreaming and addresses resistance to it
- A comprehensive framework for building gender capacity within the climate fund

Climate funds should fully integrate gender:

- Allow countries to directly access finance without going through intermediaries such as the World Bank or UNDP
- Maintain smaller funding windows as well as a dedicated reserve fund specifically for women and other marginalized groups
- Allow and encourage women's groups to apply for finance directly for adaptation and mitigation activities
- Offer grants—not loans—for all developing countries in order to avoid new debt and compensate for past climate debt

²²⁴ Barton, Carol. 2005. "Integrating Feminist Agendas: Gender justice and economic justice." *Development* 48(4):75-84.

²²⁵ Arend, Elizabeth. 2011. "Holding Financial Institutions Accountable for Gender Equality in Agriculture, Extractive Industry and Climate Investment." Stakeholder Forum, Earthsummit 2012. Online:<<http://www.earthsummit2012.org/blog/item/267-gender-action>>.

- Play a ‘catalytic role’ at the country-level to raise awareness of gender inequality with regard to climate change and build country staff’s capacity to respond to it
- Provide gender training for all staff and identify an internal gender task team to monitor gender capacity building activities
- Maintain gender balance within their Boards, Secretariats and general staff
- Conduct genuine consultation with women in project areas at all project cycle stages— identification, design, implementation, and monitoring and evaluation. Gender-sensitive consultation should be required for project approval. Working with local partners can help determine barriers to female participation in project areas. Further, as women and men respond differently to incentives for participating in consultations, gender-distinct incentives can encourage greater female participation
- Mandate gender analysis, including use of sex-disaggregated data, which must be conducted up front in order to integrate a gender perspective into all project cycle stages, including project identification, design, implementation, and monitoring and evaluation
- Establish external independent evaluation mechanisms to assess the implementation of gender policies
- Implement gender-sensitive complaint and redress mechanisms for country-level gender policy violations
- Ascertain necessary connections between climate change and gender issues by drawing on local expertise within partner countries

7.7. Reducing Emissions from Deforestation and Forest Degradation (REDD+)

REDD+ is designed as a new financial mechanism under the auspices of the UNFCCC to compensate developing countries for measureable, reportable and verifiable reductions in emissions from specific activities in the forest sector. The *Business Case for Mainstreaming Gender in REDD+*²²⁶ report by UNDP Gender, FAO and UNEP employs a rights based approach to development as the core to its business case. Using CEDAW, BPfA, and other international instruments, this report illustrates the methodological approach that can be used to mainstream gender to result in improved sustainability of climate and development outcomes to increase efficiency, efficacy and sustainability.

As a model that can be adapted to a wide range of SD initiatives, designing gender-responsive REDD+ policies, programs and measures requires recognizing women as primary users of forests with valuable knowledge and experience, clearly communicating the potential benefits to women, and developing enforceable measures that ensure those benefits are both protected and delivered. Gender analysis is needed at the national and international levels.²²⁷ Gender safeguards, indicators, standards and inclusive and participatory designs are important tools to protect, incentivize and facility accountability for gender-responsive frameworks.²²⁸

7.8. Sustainable Funding for the Women’s Movement

²²⁶ UNDP Gender, FAO and UNEP. 2011. *The Business Case for Mainstreaming Gender in REDD+*.

²²⁷ *Ibid.* at 7.

²²⁸ *Ibid.*

Gender equality and women's rights are not achievable without the strong and effective presence of feminist groups and women's movements and organizations working at all levels, on a diversity of issues.²²⁹ The agenda of women's rights and gender equality requires strong actors and commitments from all stakeholders, given the need for a comprehensive approach to address the complex and interwoven nature of women's rights violations and issues such as violence against women, HIV/AIDS, the feminization of poverty, maternal and infant mortality, lack of representation in all levels of decision-making, illiteracy, and discrimination. This implies recognition of the different and complementary role of different stakeholders, government, civil society and the private sector. Substantial investments are required to scale up the capacity of women's organizations, as well as provide support for the infrastructure and architecture of women's movements. Another critical issue is the need for long-term sustainability of women's rights organizations and women's movements.

Research carried out by the Association for Women's Rights in Development (AWID) clearly shows that the majority of women's organizations' budgets are very small and have been decreasing over the years that they have carried out their "Where is the Money for Women's Rights – FundHer" reports.²³⁰ Most organizations are unable to secure predictable and multi-year funding for their programs, and support for institutional costs are extremely difficult to negotiate. The Division for the Advancement of Women Report outlines fifteen detailed recommendations on increasing funding to autonomous women's civil society organizations which won't be reproduced here,²³¹ however, they can all be adapted to recommend increased funding for women's organizations for sustainable development.

8. Human Rights, Equity and Sustainable Development

It is imperative that we use evidence based advocacy to be effective in our work in the UNCSD process. Two recent documents can contribute to this area on human rights and equity. A real risk exists that commitments made in Rio will remain empty promises without effective monitoring and accountability. Rio+20 should ground global commitments in human rights. It should enable citizens to monitor the commitments of their Governments. And it should put accountability, the foundation of a human rights-based approach to development, at the core of its commitments.²³²

UN Women should call for the reiteration of absolute commitments to strengthening a human rights framework within all discussion on the IFSD. It appears that even maintaining the original commitments from Rio and within Agenda 21 will be a key battle in Rio. At the most recent UN Rio+20 UNCSD inter-sessional meetings in March 2012 held in New York, there was grave concern that the concerted attempts by most delegates to either significantly weaken all references to human rights obligations in the negotiated text, or remove them all together. A number of side

²²⁹ The DAW Report, *supra* note 192 at 31.

²³⁰ Data on the funding situation of women's organizations has been taken from the Fundher research reports 2006 and 2008 produced by the Association for Women's Rights in Development (AWID), which can be accessed at <<http://www.awid.org/About-AWID/AWID-News/FundHer-Brief-2008-Money-Watch-for-Women-s-Rights-Movements-and-Organizations>>.

²³¹ The DAW Report, *supra* note 192. at 32-34.

²³² An Open Letter from Special Procedures mandate-holders of the Human Rights Council to States negotiating the Outcome Document of the Rio+20 Summit, at 1.

events focused on such topics as Rights for Sustainability and Sustainable Development Governance.

“Progress on sustainable development has been too slow and too modest. The diagnosis of what is required is agreed upon across the international community through this UNCSD process, therefore one of the most important contributions of the Rio+20 Summit will be strengthening the IFSD by integrating human rights norms into this framework.”²³³ By definition this includes gender equality, equity and women’s empowerment.

The proposal from an independent group of UN human rights experts makes this concern very clear:

“We call on States to integrate in the Rio+20 Outcome Document the second recommendation of the report of the Secretary-General’s High-level Panel on Global Sustainability that ‘Governments should respect, protect and provide for [or fulfil] human rights. The Rio+20 Outcome document should integrate specific references to all human rights, which are interdependent and mutually reinforcing, complementing the two existing references to the right to food ²³⁴and the right to safe and clean drinking water.²³⁵ We further call on States to integrate a gender perspective in the Rio+20 process to ensure that commitments on gender equality and gender mainstreaming translate into action. This would ensure that Member States commit to full coherence between Rio+20 commitments on the one hand, and their solemn human rights obligations on the other.⁵

The 2011 UNDP Human Development Report ²³⁶ offers a contribution to the global dialogue on how sustainability is inextricably linked to basic questions of equity that provide important evidence for arguments to strengthen gender equality and women’s empowerment. Understanding the links between environmental sustainability and equity is critical. The continuing failure to reduce the grave environmental risks and deepening social inequalities threatens to slow decades of sustained progress by the world’s poor majority— and even to reverse the global convergence in human development, an outcome more likely if we do not at least sustain the existing Rio agreements.

Analysis in the Report shows how power imbalances and gender inequalities at the national level are linked to reduced access to clean water and improved sanitation, land degradation and deaths due to indoor and outdoor air pollution, amplifying the effects associated with income disparities. Gender inequalities also interact with environmental outcomes and make them worse.²³⁷

The UNDP Gender Inequality Index (GII), illustrates, for example, how reproductive health constraints contribute to gender inequality. This is important because in countries where effective control of reproduction is universal, women have fewer children, with attendant gains for maternal and child health and reduced greenhouse gas emissions. The Report finds that substantial unmet need persists worldwide, and evidence suggests that if all women could exercise reproductive choice, population growth would slow enough to bring greenhouse gas emissions below current levels. Meeting unmet need for family planning by 2050 would lower the world’s carbon emissions

²³³ See Background Note, “Human Rights Essential Role for Sustainable Development.” Online: <<http://www.ohchr.org/Documents/HRBodies/SP/BNSustainableDevelopment.pdf>>.

²³⁴ See Background Note, “The Right to Food as a Global Goal.” Online:

<<http://www.ohchr.org/Documents/HRBodies/SP/BNRighttoFood.pdf>>.

²³⁵ See Background Note, “The Human Right to Water and Sanitation for All.” Online:

<<http://www.ohchr.org/Documents/HRBodies/SP/BNRighttoWater.pdf>>.

²³⁶ See UNDP HDR 2011. Online: <<http://hdr.undp.org/en/reports/global/hdr2011/>>.

²³⁷ *Ibid.*

an estimated 17 percent below what they are today.²³⁸ This is of critical importance for Rio+20 as we witnessed both at the CSW meetings and the Rio+20 inter-sessional the deliberate attempt to undermine women's reproductive rights. UN Women must be able to make this link between progressive feminist policies on women's reproductive choice and health with sustainable development.

The GII also focuses on women's participation in political decision-making, highlighting that women lag behind men across the world, especially in Sub-Saharan Africa, South Asia and the Arab States. This has important implications for sustainability and equity. Because women often shoulder the heaviest burden of resource collection and are the most exposed to indoor air pollution, they are often more affected than men by decisions related to natural resources. Recent studies cited in the Report reveal that not only is women's participation important but also how they participate—and how much. And because women often show more concern for the environment, support pro-environmental policies and vote for pro-environmental leaders, their greater involvement in politics and in nongovernmental organizations could result in environmental gains, with multiplier effects across all the MDGs, and if created, the SDGs. These arguments are not new, but they reaffirm the value of expanding women's participation in decision-making has both intrinsic value and instrumental importance in addressing equity for SD and combating environmental degradation.

9. Conclusion

These conclusions incorporate the recommendations and findings from the UN Women submission to the Outcomes Document for Rio +20 of November 2011. Regardless of what is determined at Rio+20, an effective institutional framework must contribute to ensuring and strengthening the coherence of international environmental governance as well as its integration with international economic and social governance institutions and mechanisms. Overcoming fragmentation within the current international environmental governance structure and system would better ensure that gender equality and the empowerment of women are addressed in a coherent and integrated manner – across the entire spectrum of multilateral environment agreements, conventions, and governance mechanisms, including financing and technology-related mechanisms.²³⁹

It is essential to promote coordination, coherence and integration within and among institutions and processes to implement commitments and the outcome of Rio + 20 and other relevant normative frameworks, including CEDAW, the Beijing Platform for Action and Chapter 24 of Agenda 21. Any such governance structure must be accountable to both women and men and fully recognize and integrate the gender perspectives in its over-all mandate of promoting sustainable development. It would also be beneficial to find ways of strengthening institutional frameworks for governance across the three pillars of sustainable development.²⁴⁰ These are also important at the local, national and regional levels.

Sustainable development, like gender equality, is foundational and must create symbiotic relationships. For example, poverty eradication is an essential requirement for sustainable development and Chapter 3 of Agenda 21 recognizes specifically that granting rights to women for

²³⁸ *Ibid.* at 26.

²³⁹ UN Women. 2011. "The Centrality of Gender Equality and the Empowerment of Women for Sustainable Development." Contribution to the Outcome Document, 1 November at point 5.

²⁴⁰ *Ibid.* at Section IV.

participation, education, equality, rights to land, is a way to promote sustainable development. This was further articulated in the WSSD Plan of Implementation.²⁴¹

In keeping with advancing gender equality and the empowerment of women, any institutional framework, mechanisms and tools for implementation including financing, capacity- building, technology transfer and development, should ensure women's equal participation and representation in governance and decision making and gender-responsive planning and allocation of resources in all cases at all levels. Women's equal access to financing and technology would enable them to meaningfully contribute to implementing sustainable development practices and obligations.

For women to become active agents of change and catalysts for sustainable development, their economic, social and political rights need to be strengthened to ensure their ability to own land, control rights to natural resources, obtain necessary education and training, access information, raise financing and acquire relevant technology. Efforts are also required to develop and disseminate women-friendly technologies, freeing up women's time, reduce their menial labour, and enable both women and men to combine their jobs with child and elder care responsibilities.

The integration of a gender perspective in the design and implementation of resource management mechanisms, production techniques, and infrastructure at all levels must be ensured.²⁴² Similarly, greater and more dedicated investments (including provision of adequate financing and transfer of technology and knowledge) in programs and projects with gender equality and women empowerment components and/or targeting women as direct beneficiaries must be supported and encouraged. Gender considerations must be taken into account in all stages of sustainable development finance, including within the governance bodies of finance mechanisms; establishment of funding criteria; during planning and implementation; and in monitoring and evaluation to ensure equitable access and benefits to finance and the services it provides.

It is time to turn commitments on sustainable development, climate change, gender equality and women's empowerment into action on the ground. Indeed, we must see the Rio+20 process as the last hope for the planet and future generations. A return to the noble statements of Agenda 21 and the Rio Declaration should provide us with the direction we must go in. Instead of re-affirming these commitments with fiscal and political will, the language for Rio+20 is becoming about sustainable "growth", about green economy allowing for continued exploitation of resources, removing women's equality, increasing financial obligations from the North to the South, technology transfer and the decimation of environmental protection.

The Rio+20 Conference can and must provide a greatly needed opportunity to reaffirm, renew, strengthen and implement commitments with regard to gender equality and the empowerment of women. While affirming the Rio Principles, the Conference should bring renewed attention to gender equality as an imperative for sustainable development. Political commitment to gender equality is needed from the highest levels of international institutions to national governments to local governance institutions.

²⁴¹ World Summit on Sustainable Development. *Plan of Implementation*. Online: <http://www.johannesburgsummit.org/html/documents/summit_docs/2309_planfinal.htm>.

²⁴² *Ibid.* at section 6.

10. Recommendations

10.1. Recommendations from UN Women inputs to Zero Draft March 5 2012

We reiterate Principle 20 of the Rio Declaration recognizing women's vital role in environmental management and development and that their full participation is therefore essential to achieve sustainable development. We recall the international community's endorsement for the full, equal and beneficial integration of women in development activities, including Agenda 21, the Nairobi Forward-looking Strategies for the Advancement of Women, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Beijing Declaration and Platform for Action adopted in 1995. Chapter 24 of Agenda 21 particularly recognized that "effective implementation of these programs will depend on the active involvement of women in economic and political decision-making and will be critical to the implementation of Agenda 21."²⁴³

We recognize that progress on gender equality has been made in some areas but the potential of women to engage in and contribute to sustainable development as leaders, participants and agents has not been fully realised. Yet women's historical and ever more increasing role as consumers, producers, caretakers, educators, farmers, and leaders in research, science, business and politics are crucial to promoting and achieving a convergence of the three pillars of sustainable development.

To invest in women is to invest in sustainable development. Women can be among the greatest contributors to promoting, sharing and practicing sustainable development methods and practices if they are allocated equal access to opportunities and resources as well as methods and technology and are afforded critical decision-making roles to realize their agency for sustainable development.

We reiterate the need to accelerate implementation of commitments to gender equality and women's empowerment and urge governments to implement Agenda 21's call for national governments "to formulate and implement clear governmental policies and national guidelines, strategies and plans for the achievement of equality in all aspects of society, including the promotion of women's literacy, education, training, nutrition and health and their participation in key decision-making positions and in management of the environment, particularly as it pertains to their access to resources, by facilitating better access to all forms of credit, particularly in the informal sector, taking measures towards ensuring women's access to property rights as well as agricultural inputs and implements;"²⁴⁴

We call for the effective implementation of Section K of the Beijing Platform for Action on Women and the Environment, in particular, to (1) involve women actively in environmental decision-making at all levels; (2) integrate gender concerns and perspectives in policies and programs for sustainable development; and (3) strengthen or establish mechanisms at the national, regional and international levels.

In addition to instituting gender-sensitive enabling policy frameworks and investments in infrastructure support, special measures may need to be put in place such as incentive schemes, quota allocations, and targeted social protection, to ensure that women have access to resources, employment, finance, technology and training, and decision-making.

²⁴³ Agenda 21, *supra* note 81 at paragraph 24.1.

²⁴⁴ Agenda 21, *supra* note 81 at chapter 24.2 (f).

We further call for removing any remaining barriers that have prevented women from being full participants in the economy and unlocking their potential as drivers of sustainable development, and agree to prioritize measures to promote gender equality in all spheres of our societies, including education, employment, ownership of resources, access to justice, political representation, institutional decision-making, care giving and household and community management.

We support the mandate and work of UN-Women in promoting and achieving gender equality and the empowerment of women in all aspects of life and bringing greater attention to the linkages between gender equality and the promotion of sustainable development. We will strive to ensure sufficient financial support to UN-Women's work on the inter-linkages between gender equality and women's empowerment and sustainable development.

We call on the international community – donors, international organizations including the UN System organizations, IFIs, regional banks, major groups, the private sector, to take into account the important inter-linkages between gender equality and women's empowerment and sustainable development. They should endeavour in their program planning, budgeting, implementation and monitoring and reporting to take conscious account of gender considerations and impacts of their programs and activities on sustainable development.

10.2. General Recommendations

UN Women urges all delegates to Rio +20 to re-commit to the original spirit of the Women's Action Agenda 21 for a sustainable, gender sensitive and environmentally sound development framework.

We recognize that strong governance at local, national, regional and global levels, representing the voice and interests of women and men, is critical for advancing sustainable development. The strengthening and reform of the institutional framework should, among other things:

- a) Integrate the three pillars of sustainable development and promote the implementation of Agenda 21 and related outcomes, consistent with the principles of universality, democracy, transparency, cost-effectiveness and accountability, keeping in mind the Rio Principles, in particular common but differentiated responsibilities.
- b) Provide cohesive, government-driven policy guidance on sustainable development and identify specific actions in order to fulfil the sustainable development agenda through the promotion of integrated and representative decision making at all levels.
- c) Monitor progress in the implementation of Agenda 21 and relevant outcomes and agreements, at local, national, regional and global levels.
- d) Reinforce coherence among the agencies, funds and programs of the United Nations system, including the International Financial and Trade Institutions.

Gender mainstreaming must be undertaken within the entire sustainable development governance structure, based on CEDAW, the Beijing Platform for Action, Agenda 21 and the MDGs.

Gender-responsive budgeting should be applied to all relevant sectors which could ensure more effective and equitable resource allocations, benefits and service delivery in the areas at the core of sustainable development at all levels of governance.

Governance of sustainable development should be placed at the highest level of the UN, reporting directly to the UN General Assembly.

Women make a valuable contribution to sustainable development – we must place gender at the centre of economic and political policies and decision making mechanisms.

We must recognise the links between sustainable development and poverty reduction and the transformative influence women's leadership can have on identifying solutions to these challenges.

An adequately financed UN Women is essential to implement programs on strengthening women's role in sustainable development, and coordination between all UN agencies on gender and sustainable development.

The IFSD requires strengthening and better coordination and coherence among existing international institutions, regardless of which of the 5 options is adopted.

High-level political commitment is required to ensure gender mainstreaming across the Rio Conventions for the long-term achievement of their objectives - the Conventions are encouraged to establish a Joint Coordination Group on Gender.

Gender budgeting mechanisms must be established in all institutions of the IFSD.

Closer links must be institutionalized between UN Women and the Commission on the Status of Women and any new IFSD that may emerge from Rio +20.

Women must be empowered to participate in policy making at the community, national, regional and international levels.

Governments should integrate a gender perspective into all follow-up intergovernmental and multilateral processes relating to financing for development, with particular attention to establishing coherence between economic and social policies, including gender equality policies.

There must be reform of the international finance, economic and trade organizations, to assure priority for equitable social development and environmental protection. There have been several, but entirely separate, efforts to "mainstream" gender equality and environmental sustainability into development programming, with some success, but linkages between the two topics are generally missed. IFSD reforms should promote stronger operational linkages between these two cross-cutting issues which might include strengthening formal cooperation arrangements between lead environmental agencies and programs.

There is a disconnect between key drivers of the IFSD, particularly the MEAs, and the core UN development assistance programming mechanisms. Key among these is the process for UN multi-agency planning: Country Analysis and UN Development Assistance Framework (UNDAF). The UNDAF process often identifies desired outcomes related to gender equality, but these are rarely linked to environmental sustainability and climate change issues.

The Poverty-Environment Initiative (PEI), a joint program of UNDP and UNEP (with other bilateral agencies) supports innovative, country-led efforts to mainstream poverty-environment linkages into national development planning. The program was started in 2005 and scaled up on 2007. There are opportunities for integrating gender equality into PEI programming that might be enhanced through more formal linkages of the PEI with UN Women.

Many effective approaches to linking poverty and environmental improvement have emerged, from successful community-level interventions to macro-level policy changes which aim to protect and expand the environmental assets of poor and vulnerable groups. But there are significant policy and institutional barriers to widen application of these approaches. These are linked to the broader issues of governance, power and politics that strongly influence how the environment is managed, and how benefits and costs are distributed – issues that are generally beyond the control of environmental institutions.

For environmental management to contribute more fully to poverty reduction, pro-poor growth and the MDGs, a fundamental shift is needed to more people-centered and gender-based approaches that build on poor men and women's priorities and capabilities; that effectively engage all stakeholders in addressing the root causes of environmental degradation; and that empower poor and vulnerable groups with the assets, rights and entitlements they need to improve their lives through sound environmental management.

Strengthening environmental governance includes improving political and institutional arrangements, and addressing power imbalances and inequities in access to natural resources and decision-making on sustainable development. This includes promoting gender equality, accountability and leadership.

New and innovative financing mechanisms must be developed to realize sustainable development, including the Tobin Tax. A percentage of the Tobin Tax would be assigned to UN Women to fund its work on sustainable development.

Governments and international donors should scale up their efforts to achieve the Millennium Development Goals to eradicate poverty and to reduce inequalities as top priorities for attaining sustainable development.

Governments should accelerate the implementation of commitments to advance gender equality and women's rights, including through the repeal of discriminatory laws slows population growth, helps end poverty passed on and removal of formal barriers, the reform of institutions and the development and adoption of innovative measures to address informal and cultural practices that act as barriers.

All Major Groups should be given the opportunity to submit suggestions and wording which would then be added to the official text for consideration, indication of support or deletion, and potential inclusion by governments and the UNCSD Secretary General must ensure that Major Groups have a seat at the table and a voice in the room where the negotiations are taking place.

Particular emphasis should be given to: a. Ensuring that women have full and equal access to and control over productive resources through the equal right to own property and the right to inherit, and equal access to credit, financial and extension services along the entire value chain;

b. Ensuring women's equal rights and opportunities in political decision-making processes that are participatory, responsive, equitable and inclusive; c. Ensuring universal access to quality and affordable family-planning and other sexual and reproductive rights and health services.

States should establish national-level accountability mechanisms to ensure commitments made in Rio+20 are fulfilled. These mechanisms should include independent monitoring that enables civil society participation not only in defining the indicators to measure progress, but also in providing information to evaluate implementation. National accountability mechanisms would enable a structured dialogue at national level between governments and their constituencies, which would coordinate with the international human rights system and feed into the international review mechanism. Collective learning and the dissemination of best practices would be encouraged at domestic and international levels.

10.3. Sustainable Development Goals

There have been many recommendations for developing Sustainable Development Goals (SDGs) in Rio²⁴⁵. Since this is going to be a significant negotiating point in Rio, UN Women should consider some relevant points for the SDGs. This brief section provides a review of some of these most recent ones.

The SDGs should complement and strengthen the MDGs in the post 2015- development²⁴⁶. States should define the indicators and measures to evaluate implementation of the commitments emanating from the Rio+20 Summit through an inclusive, transparent and participatory process with all relevant stakeholders, including civil society.²⁴⁷ The independent human rights mandate holders open letter called for an international review mechanism similar to the Universal Periodic Review (UPR) process carried out by the Human Rights Council. The Universal Periodic Review (UPR) is a process involving a peer review of the human rights records of each United Nations Member State every four years. This State-driven process conducted within the Human Rights Council provides an opportunity for States to explain how they are working to improve the human rights situation in their countries. The Universal Declaration of Human Rights and the international human rights treaties ratified by the country forms the baseline of the review and the UPR culminates with recommendations to the State under consideration, which it may accept or reject. The UPR has provided a framework for exchange and dialogue at the national level across State structures as well as between the State and civil society. It also provides an opportunity for States to share best practices and has stimulated bilateral cooperation and exchanges.²⁴⁸

We conclude with the impassioned words of Doris Mpoumou, speaking on behalf of the Women's Major Group, on March 27:

“Recent reviews of MDG3 and MDG5 have shown that some progress has been achieved in some areas, but that overall, MAJOR gaps still remain. For example, MDG5 on Universal access to RH is the most off-track MDG. Still 250.000 women die each year because they lack

²⁴⁵ While this was not part of the mandate for this paper, there are some important points to make.

²⁴⁶ Women's Major Group inputs to Zero Draft, *supra* note 66 at paragraph 108.

²⁴⁷ See Background Note, “Human Rights Essential Role for Sustainable Development.” Online: <<http://www.ohchr.org/Documents/HRBodies/SP/BNSustainableDevelopment.pdf>>.

²⁴⁸ Open Letter from Special Procedures mandate-holders of the Human Rights Council to States negotiating the Outcome Document of the Rio+20 Summit, at 4. Cited in Background Note, “Human Rights Essential Role for Sustainable Development.” Online: <<http://www.ohchr.org/Documents/HRBodies/SP/BNSustainableDevelopment.pdf>>.

access to sexual and reproductive health and rights. These deaths are unnecessary and preventable! Governments have failed women! They have NOT kept their promises made at the 1994 International Conference on Population and Development (ICPD). If the Rio+20 outcome document outlines the content of the SDGs, it's essential to include sexual and reproductive health. This should be a priority area for any development agenda!

We are dismayed at the lack of reference to gender equality as an important thematic area for the Sustainable Development Goals. As long as women continue to die each day, because their governments continue to deny them access to sexual and reproductive health and rights, continue to deny their human rights, refuse to have women participate in decision making, we cannot talk about Sustainable Development Goals! Integrating a gender perspective to the SDGs is not optional. We need to continue to address gender equality issues as cross-cutting priority issues, and as stand-alone priority issues. And For Rio+20, governments should firmly enshrine gender equality as one of the key principles for any sustainable development goal or any post 2015 development agenda."

ANNEXES

ANNEX A – AGENDA 21, CHAPTER 24

Global Action For Women Towards Sustainable And Equitable Development Program Area

Basis for action

24.1 The international community has endorsed several plans of action and conventions for the full, equal and beneficial integration of women in all development activities, in particular the Nairobi Forward-looking Strategies for the Advancement of Women, which emphasize women's participation in national and international ecosystem management and control of environment degradation. Several conventions, including the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex) and conventions of ILO and UNESCO have also been adopted to end gender-based discrimination and ensure women access to land and other resources, education and safe and equal employment. Also relevant are the 1990 World Declaration on the Survival, Protection and Development of Children and the Plan of Action for implementing the Declaration (A/45/625, annex). Effective implementation of these programs will depend on the active involvement of women in economic and political decision-making and will be critical to the successful implementation of Agenda 21.

Objectives

24.2 The following objectives are proposed for national Governments:

- (a) To implement the Nairobi Forward-looking Strategies for the Advancement of Women, particularly with regard to women's participation in national ecosystem management and control of environment degradation;
- (b) To increase the proportion of women decision makers, planners, technical advisers, managers and extension workers in environment and development fields;
- (c) To consider developing and issuing by the year 2000 a strategy of changes necessary to eliminate constitutional, legal, administrative, cultural, behavioural, social and economic obstacles to women's full participation in sustainable development and in public life;
- (d) To establish by the year 1995 mechanisms at the national, regional and international levels to assess the implementation and impact of development and environment policies and programs on women and to ensure their contributions and benefits;
- (e) To assess, review, revise and implement, where appropriate, curricula and other educational material, with a view to promoting the dissemination to both men and women of gender-relevant knowledge and valuation of women's roles through formal and non-formal education, as well as through training institutions, in collaboration with non-governmental organizations;
- (f) To formulate and implement clear governmental policies and national guidelines, strategies and plans for the achievement of equality in all aspects of society, including the promotion of women's literacy, education, training, nutrition and health and their participation in key decision-making positions and in management of the environment, particularly as it pertains to their access to resources, by facilitating better access to all forms of credit, particularly in the informal sector, taking measures towards ensuring women's access to property rights as well as agricultural inputs and implements;
- (g) To implement, as a matter of urgency, in accordance with country-specific conditions, measures to ensure that women and men have the same right to decide freely and responsibly the number and spacing of their children and have access to information, education and means, as appropriate,

to enable them to exercise this right in keeping with their freedom, dignity and personally held values;

(h) To consider adopting, strengthening and enforcing legislation prohibiting violence against women and to take all necessary administrative, social and educational measures to eliminate violence against women in all its forms.

Activities

24.3 Governments should take active steps to implement the following:

(a) Measures to review policies and establish plans to increase the proportion of women involved as decision makers, planners, managers, scientists and technical advisers in the design, development and implementation of policies and programs for sustainable development;

(b) Measures to strengthen and empower women's bureaux, women's nongovernmental organizations and women's groups in enhancing capacity-building for sustainable development;

(c) Measures to eliminate illiteracy among females and to expand the enrolment of women and girls in educational institutions, to promote the goal of universal access to primary and secondary education for girl children and for women, and to increase educational and training opportunities for women and girls in sciences and technology, particularly at the post-secondary level;

(d) Programs to promote the reduction of the heavy workload of women and girl children at home and outside through the establishment of more and affordable nurseries and kindergartens by Governments, local authorities, employers and other relevant organizations and the sharing of household tasks by men and women on an equal basis, and to promote the provision of environmentally sound technologies which have been designed, developed and improved in consultation with women, accessible and clean water, an efficient fuel supply and adequate sanitation facilities;

(e) Programs to establish and strengthen preventive and curative health facilities, which include women-centred, women-managed, safe and effective reproductive health care and affordable, accessible, responsible planning of family size and services, as appropriate, in keeping with freedom, dignity and personally held values. Programs should focus on providing comprehensive health care, including pre-natal care, education and information on health and responsible parenthood, and should provide the opportunity for all women to fully breastfeed at least during the first four months post-partum. Programs should fully support women's productive and reproductive roles and well-being and should pay special attention to the need to provide equal and improved health care for all children and to reduce the risk of maternal and child mortality and sickness;

(f) Programs to support and strengthen equal employment opportunities and equitable remuneration for women in the formal and informal sectors with adequate economic, political and social support systems and services, including child care, particularly day-care facilities and parental leave, and equal access to credit, land and other natural resources;

(g) Programs to establish rural banking systems with a view to facilitating and increasing rural women's access to credit and to agricultural inputs and implements;

(h) Programs to develop consumer awareness and the active participation of women, emphasizing their crucial role in achieving changes necessary to reduce or eliminate unsustainable patterns of consumption and production, particularly in industrialized countries, in order to encourage investment in environmentally sound productive activities and induce environmentally and socially friendly industrial development;

(i) Programs to eliminate persistent negative images, stereotypes, attitudes and prejudices against women through changes in socialization patterns, the media, advertising, and formal and non-formal education;

(j) Measures to review progress made in these areas, including the preparation of a review and appraisal report which includes recommendations to be submitted to the 1995 world conference on women.

24.4 Governments are urged to ratify all relevant conventions pertaining to women if they have not already done so. Those that have ratified conventions should enforce and establish legal, constitutional and administrative procedures to transform agreed rights into domestic legislation and should adopt measures to implement them in order to strengthen the legal capacity of women for full and equal participation in issues and decisions on sustainable development.

24.5 States parties to the Convention on the Elimination of All Forms of Discrimination against Women should review and suggest amendments to it by the year 2000, with a view to strengthening those elements of the Convention related to environment and development, giving special attention to the issue of access and entitlements to natural resources, technology, creative banking facilities and low-cost housing, and the control of pollution and toxicity in the home and workplace. States parties should also clarify the extent of the Convention's scope with respect to the issues of environment and development and request the Committee on the Elimination of Discrimination against Women to develop guidelines regarding the nature of reporting such issues, required under particular articles of the Convention.

(a) Areas requiring urgent action

24.6 Countries should take urgent measures to avert the ongoing rapid environmental and economic degradation in developing countries that generally affects the lives of women and children in rural areas suffering drought, desertification and deforestation, armed hostilities, natural disasters, toxic waste and the aftermath of the use of unsuitable agrochemical products.

24.7 In order to reach these goals, women should be fully involved in decision-making and in the implementation of sustainable development activities.

(b) Research, data collection and dissemination of information

24.8 Countries should develop gender-sensitive databases, information systems and participatory action-oriented research and policy analyses with the collaboration of academic institutions and local women researchers on the following:

- (a) Knowledge and experience on the part of women of the management and conservation of natural resources for incorporation in the databases and information systems for sustainable development;
- (b) The impact of structural adjustment programs on women. In research done on structural adjustment programs, special attention should be given to the differential impact of those programs on women, especially in terms of cut-backs in social services, education and health and in the removal of subsidies on food and fuel;
- (c) The impact on women of environmental degradation, particularly drought, desertification, toxic chemicals and armed hostilities;
- (d) Analysis of the structural linkages between gender relations, environment and development;
- (e) The integration of the value of unpaid work, including work that is currently designated "domestic", in resource accounting mechanisms in order better to represent the true value of the contribution of women to the economy, using revised guidelines for the United Nations System of National Accounts, to be issued in 1993;
- (f) Measures to develop and include environmental, social and gender impact analyses as an essential step in the development and monitoring of programs and policies;

(g) Programs to create rural and urban training, research and resource centres in developing and developed countries that will serve to disseminate environmentally sound technologies to women.

(c) International and regional cooperation and coordination

24.9 The Secretary-General of the United Nations should review the adequacy of all United Nations institutions, including those with a special focus on the role of women, in meeting development and environment objectives, and make recommendations for strengthening their capacities. Institutions that require special attention in this area include the Division for the Advancement of Women (Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna), the United Nations Development Fund for Women (UNIFEM), the International Research and Training Institute for the Advancement of Women (INSTRAW) and the women's programs of regional commissions. The review should consider how the environment and development programs of each body of the United Nations system could be strengthened to implement Agenda 21 and how to incorporate the role of women in programs and decisions related to sustainable development.

24.10 Each body of the United Nations system should review the number of women in senior policy-level and decision-making posts and, where appropriate, adopt programs to increase that number, in accordance with Economic and Social Council resolution 1991/17 on the improvement of the status of women in the Secretariat.

24.11 UNIFEM should establish regular consultations with donors in collaboration with UNICEF, with a view to promoting operational programs and projects on sustainable development that will strengthen the participation of women, especially low-income women, in sustainable development and in decision-making. UNDP should establish a women's focal point on development and environment in each of its resident representative offices to provide information and promote exchange of experience and information in these fields. Bodies of the United Nations system, governments and nongovernmental organizations involved in the follow-up to the Conference and the implementation of Agenda 21 should ensure that gender considerations are fully integrated into all the policies, programs and activities.

Means of implementation Financing and cost evaluation

24.12 The Conference secretariat has estimated the average total annual cost (1993-2000) of implementing the activities of this chapter to be about \$40 million from the international community on grant or concessional terms. These are indicative and order of- magnitude estimates only and have not been reviewed by Governments. Actual costs and financial terms, including any that are non-concessional, will depend upon, inter alia, the specific strategies and programs Governments decide upon for implementation.

ANNEX B – RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT

RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT

The United Nations Conference on Environment and Development,

Having met at Rio de Janeiro from 3 to 14 June 1992,

Reaffirming the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972, a/ and seeking to build upon it,

With the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among States, key sectors of societies and people,

Working towards international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system,

Recognizing the integral and interdependent nature of the Earth, our home,

Proclaims that:

Principle 1

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

Principle 2

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Principle 3

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

Principle 4

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.

Principle 5

All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

Principle 6

The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

Principle 7

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

Principle 8

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.

Principle 9

States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.

Principle 10

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Principle 11

States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

Principle 12

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing

transboundary or global environmental problems should, as far as possible, be based on an international consensus.

Principle 13

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

Principle 14

States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.

Principle 15

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Principle 16

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

Principle 17

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

Principle 18

States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted.

Principle 19

States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith.

Principle 20

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

Principle 21

The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all.

Principle 22

Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Principle 23

The environment and natural resources of people under oppression, domination and occupation shall be protected.

Principle 24

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.

Principle 25

Peace, development and environmental protection are interdependent and indivisible.

Principle 26

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations.

Principle 27

States and people shall cooperate in good faith and in a spirit of partnership in the fulfilment of the principles embodied in this Declaration and in the further development of international law in the field of sustainable development.

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