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Information and institutions for decision-making*

Report of the Secretary-General

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Nations Secretariat as task manager for chapters 8, 38, 39 and 40 of Agenda 21, in cooperation
with the United Nations Environment Programme; and the United Nations Development
Programme as task manager of chapter 37 of Agenda 21, with the contributions of other United
Nations agencies and international organizations. The report is a brief factual overview, which
intends to inform the Commission on Sustainable Development on key developments in the
subject area.

Introduction

1.   Sustainable development requires new ways of making public policy decisions. It requires a more integrated and holistic approach to economic, social and environmental problems, as evidenced by the amount of attention that Agenda 21,[1] gives to improving the context in which decisions are made. This includes changing institutional and legal frameworks, formulating integrated national sustainable development strategies, and improving information systems that support decision-making. The past 10 years have seen change in these areas.

I. Information for decision-making

2.   New information technologies have changed the ground rules for information flow in society. Information has traditionally been limited by the capabilities of the technologies available (printed word, telephone etc.) for its distribution. The Internet and computer-mediated information systems tend to shift the balance of control from suppliers to consumers. Such information systems empower users to make their own decisions, permitting more decentralized and locally adapted forms of management. One result has been the rapid growth in non-governmental organizations and other new structures in civil society that expand the scope of public participation in decision-making.

3.   Major initiatives have been launched to improve environmental observations and data collection, ranging from ozone monitoring under the Montreal Protocol on Substances that Deplete the Ozone Layer[2] and implementation of the three Global Observing Systems, to monitoring of forests and coral reefs by non-governmental organizations. There have also been efforts to improve coordination and cost-effectiveness, such as through the Integrated Global Observing Strategy. However, these efforts are badly under-funded relative to the need for improved data in response to global data needs such as the requirements of multilateral environmental agreements.

4.   Progress can be reported in the production of more integrated and forward-looking assessments of environment and sustainable development, including the report of the Secretary-General (E/CN.17/1997/3 and Corr.1) entitled "Global change and sustainable development: critical trends", prepared for the five-year review of the United Nations Conference on Environment and Development in 1997, the United Nations Environment Programme (UNEP) *Global Environment Outlook* reports, and the *World Resources* reports (UNEP/World Resources Institute/United Nations Development Programme (UNDP)/World Bank. However these reports need improved core data sets at the international level for many topics, to enhance the conclusions that can be drawn from the available information.

5.   Significant progress has been made both internationally and nationally in the development of indicators as tools to support national decision-making processes. One example is the Commission on Sustainable Development work programme on indicators of sustainable development, which represents the largest United Nations system-wide and country collaboration to date in the development of an indicator framework and methodology based on a consensus among more than 30 participating agencies, international organizations and Governments. It is hoped that countries will increasingly use indicators in monitoring implementation of their national sustainable development strategies and in strengthening the factual foundation of their national reports to the Commission.

6.   Another factor is the continuing technical progress in environmental observing and monitoring systems. Satellite remote sensing with ever more refined instruments and improved resolution and coverage, drifting buoys with autonomous instrument packages transmitting their measurements in real time, and more powerful computers allowing the increasing integration of data into complex models and decision-support systems such as geographical information systems (GIS), are making global data more accessible. The institutional capacity to coordinate all this is also growing through initiatives such as the Integrated Global Observing Strategy Partnership, the Global Observing Systems and global research programmes.

7.   New avenues have opened for preparing and presenting information in formats more easily understood by decision makers and the general public. Multimedia technologies, software packages, and tools such as indicators and animated graphical presentations are assisting decision makers in their sustainable development efforts. The development and use of GIS and map-based information tools have expanded rapidly in recent years. They provide helpful planning

tools allowing for visual assessment of impacts and of resources available to address problems and environmental emergencies.

8. Rapid progress in information systems has increased concern for the widening gap, the so-called digital divide, between the "haves" and the "have nots" in the information revolution. The most obvious gap is due to the deficiencies in the coverage of technological and communications systems for transmitting information.

9. A second, but continuing, information gap since Rio concerns basic data about our environment and the pressures from human activities. Even in the industrialized countries, data are often too limited or too disparate to be usable. In developing countries, even the most basic statistics are often lacking. No assessment or decision-support system can deliver results that are better than the quality of the inputs. Even where new technologies are generating masses of data, the capacity to analyse and use them is often lagging behind.

10. The new flood of information from remote sensing and other instruments is not being matched by a similar investment in the on-site collection of corroborating data and in the capacity to assess and add value to that information. Despite all the wonders of automation and artificial intelligence, there is still an important role for well-trained minds and mature experience, requiring an investment in people as well as technologies, as an integral part of an effective information system.

11. Developing the potential and participation of civil society groups will require more robust and adapted technologies, improved information packaging, and new marketing strategies. Specific policies are also needed to address the eradication of poverty in terms of the role that information and information technologies can play.

II. Legal and institutional structures and mechanisms for decision-making

A. International level

12. Global legally binding instruments on sustainable development concluded after the United Nations Conference on Environment and Development have worked to advance the objectives of Agenda 21 and towards amplifying the legal framework supporting sustainable development. Among the more prominent are:

(a) United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (1994);[3]

(b) Convention on Nuclear Safety (1994);[4]

(c) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995);[5]

(d) Convention on the Law of the Non-navigational Uses of International Watercourses (1997);[6]

(e) Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (1997);[7]

(f) Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998);[8]

(g) Protocol on Liability and Compensation for Damage Resulting from the Transboundary Movements of Hazardous Wastes and their Disposal (1999) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;[9]

(h) Cartagena Protocol on Biosafety (2000);

(i) Convention on persistent organic pollutants, to be adopted in May 2001.

13. The 1997 Kyoto Protocol[10] to the United Nations Framework Convention on Climate Change[11] has been the focus of particular attention because of its role in strengthening the international response to climate change. Adopted by consensus at the third session of the Conference of the Parties to the Convention on 11 December 1997, it contained new emission targets for Annex I (developed) countries for the post-2000 period. By arresting and reversing the upward trend in greenhouse gas emissions that started in these countries 150 years ago, the Protocol holds promise with respect to moving the international community closer to

achieving the Convention's ultimate objective of preventing "dangerous anthropogenic (man-made) interference with the climate system" (article 2).

14. As of November 2000, only 31 States (all developing countries) had ratified the Kyoto Protocol. The sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change left a variety of issues unresolved. Future sessions will have to decide on matters such as rules for the Protocol's clean development mechanism (article 12), its joint implementation and emissions trading systems, and other key issues.

15. The General Assembly on the occasion of the five-year review of the United Nations Conference on Environment and Development highlighted the need for greater collaboration and synergy among the various international conventions and agreements as a means to enhance their overall impact and effectiveness. UNEP, the United Nations Development Programme (UNDP) and the United Nations University (UNU) have sought to promote such coordination through meetings and discussions among the interested secretariats and United Nations system agencies. Such discussions have recognized that a certain degree of coordination already exists through joint projects undertaken between several convention secretariats, but continuing effort is required in this area.

16. In addition to the above, a variety of non-binding international instruments and mechanisms have been developed to complement the legally binding instruments. These include: the 1994 Code of Ethics on the International Trade in Chemicals, the 1995 UNEP International Technical Guidelines for Safety in Biotechnology[12] and a number of voluntary codes of conduct for industry and business developed by UNEP. The 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[13] provides an international mechanism to complement the 1982 United Nations Convention on the Law of the Sea[14] in its implementation of the provisions governing marine pollution from land-based sources. A number of new protocols to the existing regional seas conventions have also been developed since the United Nations Conference on Environment and Development.

17. Also, in October 2000, the Economic and Social Council established the United Nations Forum on Forests (UNFF), with universal membership (see Council resolution 2000/35 of 18 October 2000). UNFF is the first new subsidiary body of the Council created since the establishment of the Commission on Sustainable Development in 1993. The main objective of UNFF is to promote the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end.

18. Throughout the 1990s, the UNEP Programme for the Development and Periodic Review of Environmental Law for the 1990s (the "Montevideo Programme II") has been instrumental in the development of environmental law that addresses the sources of the problems in environment and sustainable development.

B. National level

1. Legal instruments

19. To implement international legal instruments, the parties thereto are required to undertake national legal or administrative measures in accordance with the provisions of such instruments. Such measures may be carried out in the form of, for example, national legislation, institutional arrangements and action plans.

20. Developing countries often require technical assistance to develop their own national environmental legislation and institutions. To meet such needs, UNEP, through its Montevideo Programme and in partnership with UNDP, the Food and Agriculture Organization of the United Nations (FAO), the World Bank, the International Union for Conservation of Nature and Natural Resources — World Conservation Union (IUCN) and other relevant organizations, has provided technical assistance and expert advice to them, including advisory services for the preparation of draft environmental laws and revision of the existing laws as well as training and awareness-raising activities.

21. A number of the secretariats of conventions such as the Basel Convention, the Vienna Convention for the Protection of the Ozone Layer, and the United Nations Convention on the Law of the Sea have prepared model national legislation, regulations and guidelines for the implementation of certain provisions of these conventions.

22. UNEP, the United Nations Institute for Training and Research (UNITAR) and the United Nations Centre

for Human Settlements (Habitat) have cooperated with a number of other United Nations and international bodies in conducting training programmes in environmental law and administration at global regional and national levels to assist in the formulation of legislation and policy.

23. Amendments to national regulatory frameworks have contributed to greater political integration of the sustainability dimension (constitutions, laws and regulations). Among the factors contributing to these amendments are: the growing participation of local governments resulting in the formulation and implementation of local sustainable development agendas; progress in intersectoral cooperation and coordination, which has promoted the integration of various sectoral public policies in relation to the concept of sustainable development; and regional sustainable development initiatives.

24. One of the major needs in all countries is the development of a framework of national laws and regulations, policy guidelines and relevant institutional frameworks to support the sustainable development process in its entirety. Whereas most countries already have some process in place to develop integrated strategies and develop plans on a regular basis, fewer have comparable routine processes in the area of law.

25. Legislative reform requires a strong cadre of people trained in law and well versed in the demands of sustainable development. There is little evidence that these cadres exist to any great extent in most countries. Much of the lawmaking on sustainable development seems to be ad hoc and piecemeal or has not been endowed with the necessary institutional machinery and authority for enforcement and timely adjustment.

2. National sustainable development strategies

26. The concept of national sustainable development strategies was introduced in Agenda 21 and the call for them was further strengthened in the Programme for the Further Implementation of Agenda 21,[15] including setting a target for the formulation of such strategies by the year 2002 (para. 24 (a) of the Programme). While no single model has been agreed, the purpose of national sustainable development strategies is to build upon and harmonize the various sectoral economic, social and environmental policies and plans that are operating in the country.

27. The key idea is to unify and integrate economic, social and environmental issues in decision-making by bringing together in the strategy process governmental ministries and decision makers representing finance, planning, environment, health and other key ministries as well as sectors of civil society that have a stake in policy outcomes. According to national reports received from Governments, about 85 countries have produced national Agenda 21 plans, national sustainable development strategies or environmental action plans.

28. The establishment in some countries of participatory institutional structures or forums such as national councils for sustainable development or inter-ministerial commissions, among others, has had some impact on high-level decision-making and in consensus-building for the formulation and implementation of national sustainable development strategies.

29. UNDP, through its Capacity 21 programme initiated in 1993, has played an important role in building the capacities of developing countries to formulate and implement national strategies of sustainable development. Capacity 21 has worked in close partnership with Governments, civil society and the private sector to develop country-owned, country-driven processes that influence and support national sustainable development processes.

3. National councils of sustainable development

30. Since the Earth Summit in 1992, some 70 countries have created national councils of sustainable development or comparable structures. The character, composition, structure and purpose of national councils of sustainable development differ considerably from country to country and region to region and their impact on policy-making and the preparation of national sustainable development strategies is uneven. Moreover, councils still do not exist in many countries.

31. Despite differences, national councils have tended to undertake four essential tasks: (a) facilitating the participation of civil society in government decision-making, (b) promoting an integrated approach to economic, social and environmental issues, (c) localizing global agreements and (d) assisting civil society in United Nations processes and deliberations.

32. National councils face certain constraints and tensions that limit their effectiveness including

(a) competing priorities within the government and among civil society groups, (b) the lack of human and financial capacity, (c) the difficulty of forging a consensus among contending interests, (d) the lack of representation of all groups, (e) the lack of sufficient political will at the highest political level, (f) the different roles and responsibilities of Governments and civil society, (g) the lack of expertise on all the topics covered by sustainable development, and (h) the difficulty of integrating the local, regional, national and international dimensions of the sustainable development process.[16]

III. Issues for further consideration

33.   The System of integrated Environmental and Economic Accounting (SEEA) developed by the United Nations Statistics Division of the Department of Economic and Social Affairs of the United Nations Secretariat will require further work and adoption, as appropriate, by a broader range of countries.

34.   There is continuing need for the harmonization and rationalization of reporting requirements. Efforts are under way by the Economic and Social Council and elsewhere to standardize development data in an attempt to address the growing number of data requirements of United Nations system programme activities. There is also a critical lack of basic statistical data at the country level and an urgent need to build and enhance national statistical capacity.

35.   To integrate environment and development in the policies and practices of each country effectively, it is necessary to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. Programmes also need to be established to review and enforce compliance with the laws, regulations and standards that are adopted.

36.   While it seems unlikely that countries will agree to an overarching, unitary structure for global governance in the area of international conventions and agreements, further study and interaction among countries is required to see how coordination and cooperation between the conventions can be further enhanced.

37.   There is need to address trade-related aspects of environmental protection and sustainable development. The interrelationship between the trade-related

provisions of multilateral environmental agreements and international trade rules under the General Agreement on Tariffs and Trade (GATT)/World Trade Organization need to be actively examined at international forums in the context of the development and implementation of the multilateral environmental agreements and the World Trade Organization.

38.   Further work is needed to prepare internationally agreed guidelines and criteria for national sustainable development strategies.

39.   Building institutional capacity across ministries and departments to achieve an integrated approach to economic, social and environmental goals of sustainable development remains a significant challenge to be addressed.

40.   The wide diversity among national councils of sustainable development presents special challenges in developing common approaches and goals. There is need, as appropriate, to promote greater networking among national councils at the regional and subregional levels.

41.   In accordance with General Assembly resolution 55/199 of 20 December 2000, preparations for the 2002 World Summit on Sustainable Development should, inter alia, address ways of strengthening the institutional framework for sustainable development and evaluate and define the role and programme of work of the Conference on Sustainable Development. Sustainable development provides an overarching framework for United Nations system-wide activities in the economic, social and environmental fields. Achieving sustainable development also involves a broad range of global and regional development and financial institutions. It calls for strengthened local, national, regional and international institutional structures that further promote policy integration and participation and thereby support more effective systems of governance for sustainable development at all levels. Suggestions on these issues will be forthcoming in the Secretary-General's report prepared for the next sessions of the Commission acting as the preparatory committee for the Summit. A particular contribution to the preparatory process is also expected from the Intergovernmental Group established by the UNEP Governing Council/Global Ministerial Environment Forum to present options for strengthened international environmental governance, which is an

important component of a more effective institutional framework for sustainable development.

Notes

[1] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[2] United Nations, *Treaty Series*, vol. 1522, No. 26369.

[3] A/49/84/Add.2, annex, appendix II.

[4] See International Atomic Energy Agency, INFCIRC/449.

[5] *International Fisheries Instruments* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

[6] General Assembly resolution 51/229 of 21 May 1997, annex.

[7] See GOV/INF/821-GC(41)/INF/12, appendix I.

[8] UNEP/FAO/PIC/CONF/5, annex III.

[9] United Nations, *Treaty Series*, vol. 1673, No. 28911.

[10] FCCC/CP/1997/7/Add.1, decision 1/CP.3, annex.

[11] A/AC.237/18 (Part II)/Add.1 and Corr.1, annex I.

[12] See UNEP/Global Consultation/Biosafety/4, annex II.

[13] A/51/116, annex II.

[14] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

[15] General Assembly resolution S-19/2, annex.

[16] See report of the International Forum of National Councils of Sustainable Development (NCSDs) held from 17 to 19 April 2000 in New York under the joint sponsorship of the Department of Economic and Social Affairs of the United Nations Secretariat and the Earth Council.

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