Institutional Framework for Sustainable Development

Summary of main recommendations

IUCN urges all governments meeting at the Rio+20 conference to strengthen institutional governance at all levels for sustainable development, by:

- Promoting inclusive and integrated decision-making, giving civil society an effective role in decisions on economic, social and environmental sustainability;

- Implementing a bottom-up/community-led approach to sustainable development, based on subsidiarity of decision-making and nested governance which empower decisions at the lowest appropriate level supported by effective governance at higher levels;

- Enabling the appropriate design and implementation of a rights-based approach, including Principle 10 of the 1992 Rio Declaration on Environment and Development concerning public access to information, participation in decision-making and access to justice;

- Adopting the non-regression principle when designing the laws and policies for environmental protection and human rights;

- Strengthening the interface between policy and science by supporting initiatives such as the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), and securing sufficient funding for this purpose.

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Introduction

Nature is our life support system, benefiting all and, at the same time, vulnerable to the actions by all. As a “system”, nature cuts across all sectors, yet most decisions affecting nature are made in silos and by stakeholders with limited knowledge of the system as a whole. Despite efforts made in the last two decades to create governance structures and policy processes that would allow for decision making that responds to the complexity of nature and the way we relate to it, we have not yet succeeded in achieving coherence across sectors and integration at national, regional and global levels.

According to the Johannesburg Plan of Implementation (2002) “good governance within each country and at the international level is essential for sustainable development”. For the International Union for Conservation of Nature (IUCN), the concept of good governance includes not only clear direction, effective performance and accountability, but also strong ethical components such as fundamental human rights and values, including fairness, equity and meaningful engagement in and contribution to decision-making. Taking lessons from the interaction of nature and people, IUCN believes that governance for sustainable development should follow three principles:

- Inclusive and integrated decision-making, giving civil society an effective role in decisions on environmental, social and economic sustainability;
- A bottom-up / community-led approach, based on subsidiarity of decision-making and nested governance, i.e. empowering decisions at the lowest appropriate level supported by effective governance at higher levels; and
- A rights-based approach to environmental governance, which protects the rights of the weakest and most vulnerable and enforces responsibilities for sustainability.

Inclusive and integrated governance

Governance of natural resources and sustainable development is shaped by norms, institutions and processes that determine how power and responsibilities over the resources are exercised, how decisions are taken, and how citizens – men and women – participate in the development and management of natural resources. That is, not only the content of decisions but also the way they were shaped up and adopted determine their effectiveness.

Sharing power, responsibility and benefits in natural resource management, as well as strengthening governance arrangements, including legal entitlements, to make decisions more transparent, inclusive and equitable, is good for people, for biodiversity and for sustainable development.

Overcoming fragmentation in the institutional framework and in decision-making is a prerequisite for sustainable development. Coherence in national level decisions on the different dimensions of sustainability is an essential precondition for coherence at the regional and global levels, thus enabling global organizations to become relevant to local action. In this context, efforts need to focus on establishing mechanisms that promote inter-ministerial and inter-agency exchanges, such as National Councils for Sustainable Development. These institutions/mechanisms must include representatives of civil society and the private sector and must be placed at the most appropriate level of the national governmental hierarchy.

At the global level, there is still much to be done to strengthen linkages and to ensure coherence among organizations working to enhance sustainability. The World Trade Organisation’s Committee on Trade and Environment (CTE) provides an example since it has contributed to identifying and promoting the relationship between trade and the environment, with a view to promote sustainable development. While greater simplicity is needed in the international institutional framework, inter-agency coordination bodies and mechanisms, such as the UN’s Environmental Management Group (EMG), should be given the appropriate means to increase coherence in their deliberations.¹

The establishment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services will significantly contribute to not only enhancing science-policy interface but also analyzing issues in a multidisciplinary and integrated manner.

IUCN calls on governments to make every effort to strengthen sustainable development governance by:

¹ The Environment Management Group (EMG) is a United Nations (UN) System-wide coordination body. Its Membership consists of the specialized agencies, programmes and organs of the United Nations including the secretariats of the Multilateral Environmental Agreements. It is chaired by the Executive Director of United Nations Environment Programme (UNEP) and supported by a secretariat provided by UNEP.
o Establishing and/or strengthening **National Councils for Sustainable Development** or equivalent with the appropriate terms of reference and composition and at the highest instance of the governmental structure, to ensure policy coherence at the national and, consequently, at regional and global levels;

o Strengthening existing **bodies and mechanisms at the international level**, such as UNEP and the EMG, to enhance the presence of the environment within the UN system and other international mechanisms.

o Promoting a strong, credible and accessible science base and policy interface, such as the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (**IPBES**), and securing sufficient funding for this purpose.

**Subsidiarity and “nested governance”**

IUCN emphasizes the need to empower and strengthen local and national governance systems, as they are closer to the ecosystems and the livelihoods of the people who depend on them. National, regional and global structures need to apply a bottom-up approach and respond to local needs. In line with the principle of subsidiarity, international governance structures can and should play a vital role in empowering local decisions on sustainable development since they are part of an international network of governance levels. At the national level, central governments must empower local governance structures including through the provision of adequate financial and human resources, and by allowing for their meaningful involvement in decision-making processes.

IUCN believes that such a model of “nested governance”, linking decision-making processes at multiple levels, has proven to be most appropriate and effective. Governance institutions at all levels – local, national, regional and global – should be mutually reinforcing. As one moves from the local to the global, interests and agendas tend to get more aggregated. The challenge of nested governance is to maintain the agendas at a level of relevance that is mutually reinforcing.

Still, decisions must be made at the right level, as in the case of transboundary biomes and bioregions, which require regional level governance to achieve effective management of natural resources. National governments should cooperate with neighboring countries in order to address environmental issues that cannot be solved at the local and national level.

At the global levels, efforts should be focused on responding closely to regional, national and local needs through, for example, capacity-building, the provision of scientific information, knowledge management or facilitating the transfer of technology.

- In the context of subsidiarity and nested governance for sustainability, IUCN calls on governments to:
  - Decentralize decision-making powers to local and community levels whenever this is effective and feasible; and
  - Encourage and develop partnerships with neighboring countries to strengthen regional cooperation and address transboundary issues.

**A rights-based approach to good governance - civil society at the centre of governance**

Governing for sustainability is about people. It is essential to adopt rights-based approaches to conservation and natural resource management, including through the implementation of Principle 10 of the Rio Declaration on Environment and Development (access to information, participation in decision-making and access to justice) to advance open, inclusive, transparent decision-making and promote accountability at all levels.

Adopting a rights-based approach implies focusing on the need for civil society to exercise its right to access relevant information, to participate in decision-making processes and to have access to justice. Such an approach means taking into account the rights of those people whose human health and wellbeing can be affected by unsustainable development, such as forced resettlement, exclusions, economic and cultural impoverishments, impacts on livelihoods through contamination, droughts resulting from climate change, unregulated extraction of natural resources, etc. The rights-based approach also acknowledges the particular vulnerability of women, indigenous peoples and marginalized groups.

Underpinning the rights-based approach is the obligation of States, individuals and all actors of
civic life to exercise their citizenship responsibly and sustainably. The sum of individual rights and obligations constitutes a system of accountability with human rights-related responsibilities of state as well as non-state actors, including the private sector, financial institutions, development banks, NGOs and environmental organizations.

In the context of accountability, corruption is a major challenge in the governance of sustainable development. Corruption is one of the main sources of unsustainable exploitation of natural resources, unequal distribution of wealth and, simply, poverty. The need for transparency to fight corruption is of paramount importance.

The rights-based approach (and Principle 10 of the Rio Declaration) includes rights, to ensure that procedures designed to provide access to information, public participation and administrative proceedings are respected and properly implemented.

This approach can also build capacity for self-organization and enhance the sense of ownership which, accompanied with the appropriate level of decentralization, will make societies more resilient to environmental degradation, climate change or other threats. IUCN is currently drafting a rights-based approach policy.

In implementing a rights-based approach, governments should adopt the non-regression principle. That is, any change in existing legislation and policy should represent a step forward and an improvement for humans and the environment, rather than a step backward that diminishes the level of protection.

- IUCN calls on national and local governments to:
  - Ensure the appropriate design and implementation of a rights-based approach by implementing Principle 10 and by inter alia:
    - Facilitating access to information, e.g. through the drafting or sharing of impact statements to ensure accountability;
    - Ensuring that policy making mechanisms include all relevant actors, particularly those directly affected by those decisions; and
    - Put in place and/or strengthen enforcement mechanisms (Courts, enforcement agents, etc.) that ensure the protection of human rights.
    - Adopting the non-regression principle when designing the laws and policies for environmental protection and human rights.