

# **UN SYSTEM TASK TEAM ON THE **POST-2015** UN DEVELOPMENT AGENDA**



## **Global governance and governance of the global commons in the global partnership for development beyond 2015**

**Thematic Think Piece**

**OHCHR, OHRLLS, UNDESA, UNEP, UNFPA**

The views expressed in this paper are those of the signing agencies and do not necessarily reflect the views of the United Nations.

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Following on the outcome of the 2010 High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, the United Nations Secretary-General established the UN System Task Team in September 2011 to support UN system-wide preparations for the post-2015 UN development agenda, in consultation with all stakeholders. The Task Team is led by the Department of Economic and Social Affairs and the United Nations Development Programme and brings together senior experts from over 60 UN entities and international organizations to provide system-wide support to the post-2015 consultation process, including analytical input, expertise and outreach.

# Global governance and governance of the global commons in the global partnership for development beyond 2015

As the world becomes more interdependent, global governance, including global economic governance and the governance of the global commons, is increasingly relevant for achieving sustainable development. Deepening economic globalization, and increasing migration, trade and capital flows, and climate change and increased activities in the global commons – those resource domains that do not fall within the jurisdiction of any one particular country, and to which all nations have access – make individual States more susceptible to policies adopted by others. Therefore, increased coherence, coordination and collective decision-making at the global level, grounded in international human rights standards and guided by the human rights commitments of the international community, are necessary. Yet, government policies and international arrangements for collective decision making have not kept pace with these changes.

The new global partnership for development in the post-2015 development framework provides an opportunity to address these global economic, social and environmental issues in a coordinated, coherent and collaborative manner. In this way, the global partnership can promote a more effective, coherent, representative and accountable global governance regime, which should ultimately translate into better national and regional governance, the realization of human rights and sustainable development.

## Global governance and sustainable development

The transition to global sustainable development has not been successful yet. Economic and social development has seen progress, but numerous challenges remain, while global environmental problems have become even more acute. Partly, this is because the increasing interdependence among States has not been accompanied by sufficient adjustments in the global governance regime.

The sharp increase in trade and capital flows make global economic governance increasingly relevant for development. However, gaps in the international trade, finance and technology regimes have reinforced rather than curbed global imbalances. For example, bilateral, regional and multilateral trade agreements have eroded policy space for developing countries and pose hurdles to technology transfers, while financial market liberalization has increased their macroeconomic vulnerabilities without necessarily providing access to stable finance.

Achieving a more enabling and inclusive system of global economic governance will therefore be critical to overcoming these shortcomings and to enabling sustainable development. Perhaps most importantly, inclusive economic governance entails having a strong and effective United Nations, the only truly universal and inclusive multilateral forum. Consideration should be given to proposals that enhance coordination, cooperation, coherence and policy-making across the United Nations system.<sup>1</sup> In addition, efforts should also continue to further enhance the representation of developing countries in multilateral institutions and other norm- and standard setting bodies. Many of them remain marginalized or even excluded from global decision-making processes, for instance within the Bretton Woods institutions or the G20, which therefore lack true representativeness and accountability. More engagement and coordination between the UN, informal country groupings like the G20, regional institutions and other established multilateral institutions is also needed.

Gaps in the global governance regime also make further progress in social development more difficult. These include the absence of adequate mechanisms to regulate the movement of workers between countries, and weak protection of the rights of migrants and their families, as well as restricted access to technologies in health, agriculture and other areas.

Environmental sustainability, the third dimension of sustainable development, is similarly characterized by a weak global environmental governance regime that is very fragmented. There have been some

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<sup>1</sup> See S-G's report on "Global Economic Governance and Development", A/66/506, 10 October 2011

successes, such as the Brundtland Commission and the Earth Summit, along with other specific UN sponsored initiatives and summits that spurred environmental awareness and action in specific areas such as the Montreal Protocol on Substances that Deplete the Ozone Layer. Many gaps remain however, and overall coherence is weak.

The recent United Nations Conference on Sustainable Development, held in Rio de Janeiro in June 2012, allows envisaging a more coherent global governance framework that is inclusive, centred on sustainable development, and integrates human rights concerns, addressing above shortcomings. This would involve conceptualizing an international policy-making framework, cutting across all organizations and decision-making entities, where the three dimensions of sustainable development (economic, social and environmental) are integrated in a coherent and balanced manner, while also strengthening political engagement and governance within each of the dimensions and governance pertaining to the financing of sustainable development.

Achieving these objectives would require a partnership at the global level between all countries, multilateral organizations, civil society and other stakeholders. At the same time, putting in place an enabling and inclusive system of global governance would create an international enabling environment and would thus strengthen the global partnership for development in many ways, translating into a more coherent framework for achieving sustainable development at regional and national levels.

## **Governance of the global commons**

The governance of the global commons represents a specific aspect of global environmental governance. Stewardship of the global commons cannot be carried out without global governance. Global commons have been traditionally defined as those parts of the planet that fall outside national jurisdictions and to which all nations have access.

International law identifies four global commons, namely the High Seas, the Atmosphere, the Antarctica and the Outer Space. These resource domains are guided by the principle of the common heritage of mankind. Resources of interest or value to the welfare of the community of nations – such as tropical rain forests and biodiversity - have lately been

included among the traditional set of global commons as well, while some define the global commons even more broadly, including science, education, information and peace. The implementation of the common heritage principle and common responsibilities relates directly to the four key enabling factors which have been identified as cornerstones of the Post-2015 development agenda: inclusive social development, inclusive economic development, environmental sustainability and peace and security.

Historically, access to most of the resources found within the global commons has been difficult and they have not been scarce. However, the advancement of science and technology in recent years and the increased demand for resources is leading to an increase in activities such as fisheries, bioprospecting, navigation, flight, scientific research, and the laying of submarine cables. At the same time, our planet is facing critical environmental challenges, most importantly climate change and global warming, the depletion of the Ozone layer, and rapid environmental degradation in the Antarctica. If business as usual prevails, these trends will likely worsen and will negatively impact the global commons' capacity to provide ecosystem services for human well-being.

The international community acknowledges the need to conserve these resource domains for development and human well-being, and has adopted a number of conventions and treaties to govern global commons. They include the United Nations Convention on the Law of the Sea (UNCLOS) of 1982 and instruments governed by the International Maritime Organization and UNEP's Regional Seas Conventions to govern the high seas; the Antarctic Treaty System (ATS) ensuring the protection of the Antarctica fauna and flora; a multitude of international environmental treaties that administer and protect the atmosphere and deal with the air pollution and atmospheric depletion, like the UNFCCC and the Montreal Protocol on Substances that Deplete the Ozone Layer; and the Treaty on Principles governing the Activities of States in the Exploration and Use of Outer Space.

Nonetheless, many gaps and challenges remain. The frameworks covering the global commons are complex and fractured. Many of the older agreements do not fully consider the impacts of human activities on ecosystems and non-target species. Numerous new activities do not have detailed international rules and standards. In the high seas,

bioprospecting is not regulated by UNCLOS, and other activities such as deep-sea fishing, mining and research, hydrocarbon exploration and extraction, carbon sequestration and storage, and ocean fertilization are expected to increase as well. Moreover, modern conservation principles such as the ecosystem and precautionary approach, and tools such as marine protected areas (MPAs) are not comprehensively incorporated in the frameworks. There also remain geographical gaps in the regional regimes, which leave large parts of the global commons without a regional agreement.

Developing countries face a particular challenge in undertaking expensive environmental impact assessments or monitoring of the global commons, and they often lack sophisticated technology to carry out exploitation or environmental conservation activities. Landlocked developing countries and other geographically disadvantaged countries need to be supported to promote their effective participation in the activities related to ocean fisheries, mining and exploration of global commons, as stipulated in UNCLOS.

Lastly, there is growing interest, in particular amongst regional economic and military alliances, in access to the global commons from a trade, security and critical resources perspective. A global governance regime, under the auspices of the UN, will have to ensure that the global commons will be preserved for future generations.

## **Global Governance and the Global Partnership for Development**

In light of this, having a target of the attainment of an inclusive and equitable system of global governance and governance of the global commons could be a way of incorporating a global partnership into a possible post-2015 development agenda. The sub-components of this target may comprise, for example, enhancing participation of developing countries in multilateral institutions, increasing their representativeness and accountability, and the establishment of a UN-led monitoring and accountability mechanism with a focus on equitable growth, environmental sustainability and peace and security.

However, political sensibilities are likely to arise in terms of refining the institutional mandates of intergovernmental organizations, as well as implementing reforms concerning the adequate level of representation of hitherto underrepresented Member States. A further factor of contention could be the relationship with informal decision-making bodies like the G20, yet there is a need for predictable and consistent engagement with the G20 and other established multilateral and regional institutions, with greater coordination of their objectives and activities in support of development. Consequently, to address these sensitivities, governance targets should be concrete, where possible, yet must allow for political compromise and flexibility.

Another option to consider is the integration of global governance targets and requirements within each of the four core dimensions of the 2015 development agenda – economic development, social development, environmental sustainability, and peace and security – as a way of supporting improved implementation and accountability.

## Conclusion

To achieve coherence in global governance, all three dimensions of sustainable development – sustainable economic growth, social inclusion and protection of the environment and the global commons – need to be integrated at the global level. The establishment of a high-level political forum<sup>2</sup> during UNCSD is an essential step in this direction and serves to mainstream sustainable development into post-2015 processes and the agendas of the United Nations system. At the same time, for the UN to effectively play its role as convener and principal forum for coordination, consideration should also be given to proposals that have been made to enhance coordination, cooperation, coherence and policy-making across the United Nations system.<sup>3</sup>

In a more interdependent world, a more coherent, transparent and representative global governance regime will be critical to achieve sustainable development in all its dimensions – economic, social, and environmental. The global partnership for development can

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<sup>2</sup> A/RES/66/288

<sup>3</sup> See S-G's report on "Global Economic Governance and Development", A/66/506, 10 October 2011



contribute to achieving this vision by integrating global governance targets firmly into the post-2015 development agenda.

## UN System Task Team on the Post-2015 UN Development Agenda

### Membership

*Department of Economic and Social Affairs (DESA), Co-Chair*

*United Nations Development Programme (UNDP), Co-Chair*

*Convention on Biological Diversity (CBD)*

*Department of Public Information (DPI)*

*Economic Commission for Africa (ECA)*

*Economic Commission for Europe (ECE)*

*Economic Commission for Latin America and the Caribbean (ECLAC)*

*Economic and Social Commission for Asia and the Pacific (ESCAP)*

*Economic and Social Commission for Western Asia (ESCWA)*

*Executive Office of the Secretary-General (EOSG)*

*Food and Agricultural Organization of the United Nations (FAO)*

*Global Environment Facility (GEF)*

*International Atomic Energy Agency (IAEA)*

*International Civil Aviation Organization (ICAO)*

*International Fund for Agricultural Development (IFAD)*

*International Labour Organization (ILO)*

*International Maritime Organization (IMO)*

*International Monetary Fund (IMF)*

*International Organization for Migration (IOM)*

*International Telecommunication Union (ITU)*

*Joint United Nations Programme on HIV/AIDS (UNAIDS)*

*Non-Governmental Liaison Service (NGLS)*

*Office of the Deputy Secretary-General (ODSG)*

*Office of the High Commission for Human Rights (OHCHR)*

*Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (OHRLLS)*

*Office of the Special Advisor on Africa (OSAA)*

*Peace building Support Office (PBSO)*

*United Nations Children's Fund (UNICEF)*

*United Nations Conference on Trade and Development (UNCTAD)*

*United Nations Convention to Combat Desertification (UNCCD)*  
*United Nations Educational, Scientific and Cultural Organization (UNESCO)*  
*United Nations Entity for Gender Equality and Empowerment of Women (UN Women)*  
*United Nations Environment Programme (UNEP)*  
*United Nations Framework Convention on Climate Change (UNFCCC)*  
*United Nations Fund for International Partnerships (UNFIP)*  
*United Nations Global Compact Office*  
*United Nations High Commissioner for Refugees (UNHCR)*  
*United Nations Human Settlements Programme (UN-HABITAT)*  
*United Nations Industrial Development Organization (UNIDO)*  
*United Nations International Strategy for Disaster Reduction (UNISDR)*  
*United Nations Institute for Training and Research (UNITAR)*  
*United Nations Millennium Campaign*  
*United Nations Office for Outer Space Affairs (UNOOSA)*  
*United Nations Office for Project Services (UNOPS)*  
*United Nations Office on Drugs and Crime (UNODC)*  
*United Nations Population Fund (UNFPA)*  
*United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA)*  
*United Nations Research Institute for Social Development (UNRISD)*  
*United Nations System Chief Executives Board for Coordination Secretariat (CEB)*  
*United Nations University (UNU)*  
*United Nations Volunteers (UNV)*  
*United Nations World Tourism Organization (UNWTO)*  
*Universal Postal Union (UPU)*  
*World Bank*  
*World Food Programme (WFP)*  
*World Health Organization (WHO)*  
*World Intellectual Property Organization (WIPO)*  
*World Meteorological Organization (WMO)*  
*World Trade Organization (WTO)*