
The CSD Reporting Process: A Quiet Step Forward for Sustainable Development

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Introduction

The UN General Assembly Special Session (UNGASS), held between 23 and 28 June 1997, drew the world's attention to the progress achieved in the five years since the UN Conference on Environment and Development (UNCED). Understandably, media attention focused on the presence of the 60 or so world leaders. Yet the principal institution behind UNGASS preparations, the Commission on Sustainable Development (CSD), received little attention.¹ Institutions do not make for interesting photo opportunities, and their reports, couched in diplomatic compromise language, are not the stuff of sound bites. Another pervasive reason is general disenchantment with UN institutions, and the CSD in particular, as 'talking shops'.

Focusing on these shortcomings, however, detracts from understanding the distinctive role intergovernmental organizations (IGOs), such as the CSD, can make to the achievement of sustainable development: they 'provide the crucial link between media attention and political awareness on the one hand and subsequent national policy on the other'.² Coupling of the two creates change. Political concern expressed by world leaders at events such as UNGASS can be regarded as the 'fuel' necessary to start the process of sustainable development and the IGO contribution, in this case the CSD, as the 'engine' to get us there. Neither fuel nor engine generate momentum on their own. More recently, the contribution that IGOs might make to achieving sustainable development has been analysed in terms of their contribution to improving concern, national capacity and the 'contractual environment'.³ IGO functions relating to these can be grouped as follows: arena and rule setting, monitoring, and adjudication and enforcement.⁴

This article addresses the CSD's contribution to sustainable development with respect to these functions, focusing particularly on monitoring. It asks whether the CSD reporting process has enhanced mutual accountability and whether it has generated useful information for policy makers at the international, regional, and national levels. Has reporting enhanced financial and resource flows and capacity building to developing countries or proved a drain on them? Rio expectations for the

CSD may have been unrealistically high, but five years on we need to know whether the CSD has made progress.

CSD History

The idea for the CSD was conceived during the preparatory meetings for UNCED, in particular the final meeting before Rio.⁵ Many developing countries favoured the establishment of a new institution to counter the power and inequitable governance structures of multilateral financial institutions.⁶ Others were justifiably cautious about the proliferation of institutions in the UN family at a time when the UN system was undergoing a process of reform involving restructuring, revitalizing, and streamlining. The compromise was the creation of a new institution, but one which was firmly part of the UN family and could contribute to the restructuring process. While UNCED delegates reached agreement on the Commission's functions and spelt these out in Chapter 38 of Agenda 21, they could not agree on many important organizational issues.⁷ Accordingly, the General Assembly was mandated to determine these at its 47th Session.

The General Assembly decided to set up the CSD as a high-level functional commission of the Economic and Social Council (ECOSOC) to oversee effective follow-up of the agreements made at UNCED.⁸ It decided that the Commission should meet annually for a two- to three-week period. The controversial issue of location was settled with a face saving formula allowing the Commission a choice to meet in either New York or Geneva, but the understanding was, and remains, that it will operate from New York. Membership of the Commission is to be 'high level', including ministers, comprising 53 members elected by ECOSOC for three year terms of office.⁹

The Commission reports to ECOSOC and, through it, to the General Assembly. Other member States of the UN and its specialized agencies and other observers of the UN, especially the international financial institutions and the General Agreement on Tariffs and Trade (GATT), are to attend the CSD and assist and advise the Commission on its work. To ensure the fullest participation of IGO observers and non-governmental organizations (NGOs), the General Assembly recommended that the Commis-

sion examine ECOSOC rules of procedure with a view to making appropriate changes—essentially to ensure participation of such organizations, including the European Union and NGOs in particular, on terms comparable with those established for UNCED.¹⁰

Support Mechanisms

To assist the CSD, and to provide a focal point within the UN for sustainable development, the Secretary-General established the Division for Sustainable Development within the new Department for Policy Co-ordination and Sustainable Development (DPCSD).¹¹ The DPCSD services the CSD's New York based secretariat. It also assists the Secretary-General in the exercise of his responsibilities for system wide co-ordination through its servicing of the Administrative Committee on Co-ordination (ACC) and the ACC's subsidiary organs.¹² Established in 1946, the ACC comprises the Secretary General and the heads of all organizations within the UN system.¹³ It is a critical organization for co-ordinating the work of UN organs, specialized agencies, and programmes.

After UNCED, the ACC established a new subcommittee, comprising the same membership as itself—the Inter-Agency Committee on Sustainable Development (IACSD)—*inter alia* to assist with the co-ordination function, and also to implement and monitor the role the UN system is itself called to play by the UNCED agreements.¹⁴ While clearly supportive of the CSD's role, initiatives undertaken by the IACSD are increasingly becoming influential for the work of the CSD, in particular the IACSD's system of 'task managers' and its work relating to streamlining national reporting requirements, which for this reason are discussed in more detail below.¹⁵

CSD Mandate

The objectives of the CSD are:

to ensure effective follow-up to [UNCED] as well as to enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress of the implementation of Agenda 21 at the national, regional and international levels, fully guided by the principles of the Rio Declaration . . . and all other aspects of the Conference, in order to achieve sustainable development in all countries.¹⁶

The General Assembly elaborated a number of functions for the CSD. As this article focuses on reporting and monitoring, the following functions are particularly relevant:

- to monitor progress of the implementation of Agenda 21 throughout the United Nations system through analysis and evaluation of reports from all relevant organs, organizations, programmes, and institutions of the United Nations System dealing with issues relating to environment and development, including those related to finance;
- to consider information from governments, for example, in the form of periodic communications or national reports regarding activities undertaken in implementing Agenda 21, including problems and other environmental and development issues they find relevant;
- to consider, where appropriate, information regarding the progress made in the implementation of environmental conventions which could be made available by the relevant conference of the parties;
- to review and analyse input from non-governmental organizations, including the scientific and private sector, and to enhance dialogue between these entities and the UN;
- to provide appropriate recommendations to the General Assembly, via ECOSOC, on the basis of an integrated consideration of the reports and issues relating to the implementation of Agenda 21;
- to consider the results of the Secretary-General's review of all UNCED recommendations for capacity-building programmes, information networks, task forces, and other mechanisms to support the integration of environment and development at the regional and subregional level.

In undertaking these functions the Commission is to 'keep in review the dynamic nature of Agenda 21 and, after reviewing the progress of Agenda 21 in 1997, to make recommendations on the need for new arrangements related to sustainable development to ECOSOC and, through it, to the General Assembly'.¹⁷

Thematic Work Programme, 1993–97

The first organizational meeting of the CSD (24–6 February 1993) and the first substantive meeting (14–25 June 1993) resulted in the establishment of two intercessional working groups to assist, respectively, with the implementation of the adequacy of financial resources and the transfer of technology.¹⁸ The CSD's reporting requirements are related to its multi-year thematic programme. This programme is based on issue clusters to provide a framework for reviewing Agenda 21. There are nine clusters altogether. Five of these relate to cross-sectoral issues which the CSD has agreed to review annually. These

are critical elements of sustainability, financial resources mechanisms, education, science, transfer of environmentally sound technologies, co-operation and capacity building, decision-making structures, and roles of major groups. The remaining four clusters deal with sectoral issues. Each of these has been taken up once in a three year period to ensure the review of all chapters of Agenda 21 by the 1997 UNGASS review.

Table 1. Information Required for CSD Reports, 1993–97

CSD session	Cross-sectoral issues	Sectoral issues
1993	none	none—organizational session
1994	yes	health, human settlements and fresh water, toxic chemicals, and hazardous wastes
1995	yes	land, desertification, forests, biodiversity
1996	yes	atmosphere, oceans, and all kinds of seas
1997	yes	overall review of Agenda 21 for UNGASS

The CSD Reporting System

Who Reports

As defined in Chapter 38 of Agenda 21 and in Resolution 47/191, the CSD mandate requires consideration of at least five different kinds of input or report from the following entities:

- all relevant bodies in the UN system;
- national governments;
- conferences of the parties of environmental treaties;
- competent NGOs including from science and the private sector;
- the Secretary-General on post-UNCED UN reviews.¹⁹

At its first session, the CSD added a sixth category of entities—international organizations outside the UN system—and invited them to submit reports on activities related to sustainable development.²⁰ National reports or communications from governments are therefore one element of the informational framework the CSD must consider to discharge its functions. This approach rightly recognizes that sustainable development requires review of action from governments, IGOs, and NGOs at the local, national, regional, and international levels. A reporting process focused exclusively on governments would fail to engage these other actors and levels.

It is not clear, however, whether at the time Resolution

47/191 was negotiated, or later, anyone actually sat down to work out the total number of entities who might generate reports of relevance to the CSD. Not counting NGO input, an educated guesstimate might be somewhere between 400 and 500 entities, which might produce the same number of reports annually.²¹ The sheer magnitude, as well as the wide ranging subject matter the reports have to cover, make the CSD's monitoring role without precedent in international legal history. The fact that the CSD is part of the UN system, and yet is supposed to assess progress made by this system, adds an additional layer of institutional complexity. In the context of UN budgetary cuts and staff shortages, it is easier to side with the pessimists and accept that the CSD's task is doomed (or designed?) to fail.²²

Voluntary Reports

Fears that a mandatory reporting process might result in a global 'environmental watch dog', coupled with national sovereignty concerns, were prevalent at UNCED. They prompted major developing countries, such as India, China, and Brazil, encouraged by the Bush administration, to argue strongly against mandatory reporting of progress on Agenda 21.²³ Despite reservations from the progressive countries in the Organization for Economic Co-operation and Development (OECD), and from many developing ones, the fears prevailed. Chapter 38 only requires states to consider the preparation of national reports. Accordingly, the CSD's mandate does not oblige states to submit information to the Commission. Colombia, on behalf of the Group of 77 (G-77) and China, raised these sensitivities again at the organizational session by noting that information provided by governments to the CSD was voluntary.²⁴ A number of subsequent communications, including the 1996 Indian report, which carries the title 'Voluntary Exchange of Information' on its front cover, refer explicitly to their voluntary nature.

The CSD's entitlement to reports from international organizations and parts of the UN system is framed in stronger language. Resolution 47/191 requests these entities 'to report on steps they have taken to give effect to this recommendation' and to make these 'available to the CSD and ECOSOC in 1993, or at the latest, in 1994'.²⁵ It is interesting to note by contrast that the World Bank and other international, regional, and subregional financial and development institutions are only 'invited' to submit regularly their 'reports containing information on their experiences, activities and plans to implement Agenda 21'.²⁶ In practice, however, the CSD, through ECOSOC, has invited all organizations, within and outside the UN group, to submit information to the CSD

with a view to ensuring 'effective collaboration and greater complementarity of activities of intergovernmental organizations, both within and outside the United Nations system'.²⁷

The nature and frequency of reports from environmental conventions will be determined by each conference of parties. So far the Convention on Biological Diversity (CBD) has made greater efforts to liaise with and provide relevant information to the CSD than the UN Framework Convention on Climate Change (UNFCCC).²⁸ Finally, so far as inputs from NGOs are concerned, there is no requirement for the CSD actively to canvass such information or for NGOs to provide it. Where they choose to do so, however, the CSD must 'receive and analyze' relevant input.²⁹

Frequency

As the entire process of national reporting is voluntary, the CSD organizational session concluded that 'it will be up to governments to decide on [the] degree of detail and regularity' of information submitted to the CSD.³⁰ Taken as a whole, however the decisions adopted by the first session of the CSD, in particular the guidelines on reporting, create an expectation that governments are to provide information on an annual basis.

As the figures in Table 2 indicate (see p. 58), 80 out of 114 countries that have reported to the CSD since 1993 have done so on more than one occasion.³¹ Although lamented by those closely following the CSD process, such figures compare favourably with the track record of other environmental conventions.³² In fact when the track record of developing countries alone is looked at, the CSD's achievements seem extraordinarily high, with the overwhelming majority of developing countries, including the least developed among them, having reported at least once. If the 1992 national reports for UNCED are included, the majority of them have reported at least twice in five years.³³

Format and Timing

In keeping with their voluntary nature, the content, format and timing of reports is ultimately for governments to determine. The Commission's lack of mandatory authority to determine these matters has led to intense discussion, in particular at the first CSD session (14–25 June 1993).³⁴ Based on the experience of reports for UNCED, the preparatory documentation submitted for the first session by the Secretary General had made a number of 'suggestions' which CSD delegates might consider for adoption.³⁵ These included:

- that governments consider maintaining the sustainable development committees or similar structures established for UNCED with a view to these continuing the task of national co-ordination and international reporting;
- allowing the CSD to make use of the United Nations Development Programme (UNDP) country offices to facilitate communication;
- recommending that the CSD secretariat analyse country reports in a fashion similar to UNCED but modify the analysis to focus on present and planned activities for the implementation of Agenda 21;
- recognition that countries might find it helpful to follow some standardized format in preparing their reports, which would ensure that a more focused and coherent analysis of information and data was received.³⁶

The document then went on to make some specific suggestions for the format and timing of reports, including that they should:

- be in one of the official UN languages;
- follow a suggested format and length not exceeding 50 pages and be presented more in the manner of statistical sheets offering hard facts and less text;
- refer to specific facts and data in the UNCED report and reflect any change, improvement, or deterioration, presented on a sectoral or cross-sectoral basis reflecting the structure of Agenda 21;
- be submitted at least three months before the beginning of the CSD session at which they might be considered.

By the end of the session, countries tacitly recognized that the work of the Commission requires some kind of common format and some degree of guidance to governments. To avoid adopting decisions of a 'mandatory' nature, delegates at the first session agreed that:

- the Secretary-General should prepare reports using a standardized format, which governments may wish to follow, taking account of Agenda 21;³⁷
- the information to be provided in any given year be relevant to the Agenda 21 clusters of sectoral and cross-sectoral issues to be discussed that year, that it be concise and not more than 50 pages;
- it should be submitted at least six months before the Commission's session, updated if necessary;
- the first set of reports should be for the second CSD session in 1994.³⁸

The set of general guidelines agreed at the session are ostensibly for the secretariat to follow. Governments, however, are encouraged to 'take [these] into account to, inter alia, facilitate the task of the secretariat'.³⁹ Taking into account the clusters envisaged in the multi-year thematic programme, the information to be provided includes:

- policies and measures adopted to meet the objectives of Agenda 21;
- institutional mechanisms to address sustainable development;
- measures taken to achieve sustainable production and consumption patterns, combat poverty, and limit demographic impact on the life-supporting capacity of the planet;
- experiences gained from such policies/projects;
- specific problems and constraints encountered;
- the adverse impact on sustainable development of trade restrictive and distortive policies;
- assessments of capacity and needs for external assistance;
- implementation of Agenda 21 commitments related to finance, particularly related to the UN target of 0.7 per cent of gross national product for official development assistance;
- any other relevant environment and development issues, including those relating to youth, women and other major groups.⁴⁰

The actual guidelines of the reports came in the form of a two part questionnaire, one for sectoral issues, and one for cross sectoral issues. Initially each part had approximately 20 to 30 pages of questions for the country to answer regarding steps taken to implement sustainable development.

Streamlining National Reporting

By the deadline for the second CSD session when the first set of reports were due, few reports were completed, and by March still only 26 replies had been received.⁴¹ This was not only because governments were not notified until August 1993 that responses were requested by November 1993, but also because the guidelines were too complex, and many countries, particularly developing ones, lacked the capacity for providing the information.

As a result of problems encountered in this first reporting year, it was decided that the secretariat would simplify its guidelines so as to achieve more concise reports for future sessions, in particular by presenting information 'in tabular form, supplemented by brief descriptive texts'.⁴² The CSD also suggested that governments 'may

wish to include relevant national indicators already in use' to facilitate the CSD's exchange of information.

By 1995 it was becoming evident that, in the period after UNCED, states were being confronted with a growing number of reporting requirements in the field of sustainable development stretching scarce national resources. At its fifth meeting, the IACSD 'agreed on the need to review, after the [CSD's] third session the current reporting arrangements and modalities for agency preparation with a view to both streamlining the reporting process and facilitating the work of the Commission'.⁴³ In a related vein, ECOSOC discussed follow-up to major post-UNCED conferences, and in its agreed conclusion 1995/1 requested the Secretary-General to prepare a standardized and simplified format that could be used by governments in preparing information on a single subject or clusters of subjects.⁴⁴

A decision further to 'streamline and simplify the guidelines for the 1996 CSD session' was taken at the third CSD session to 'allow country reports to focus on identifiable achievements and lessons learned'.⁴⁵ Responding in part to the Secretary-General's recommendations on streamlining, the General Assembly requested that the CSD secretariat begin to put together country profiles to be included in the Secretary-General's report for the 1997 fifth CSD session on the assessment of overall progress in the implementation of Agenda 21.⁴⁶

Because all of the sectoral issues had been discussed after the fourth session, the 1997 country profiles were to take the place of the usual national reports. The secretariat was instructed to compile the profiles using all past reports to that date and then send them to their respective governments for updates and corrections. The 1997 profiles came in the form of Agenda 21 chapter-by-chapter status reports, based on the compilation of information contained in past reports for countries to correct and update where necessary. Draft profiles were submitted to the governments during the spring and summer of 1996 and were then returned to the secretariat for inclusion in the final 1997 profiles. Blank country profile forms were sent to those countries that had not previously participated in the national reports.

At its February 1997 meeting, the IACSD considered a number of background papers on the subject of streamlining national reports.⁴⁷ Responding to the CSD's request at its fourth session that the Secretary-General provide the Commission with proposals on this subject, the IACSD agreed a number of principles:

- all relevant organizations in the UN system and secretariats of conventions should participate in the streamlining process;

- governments should not be requested to provide the same information to more than one UN organization or convention secretariat, as this would be shared by these organizations;
- information mandated by legally binding processes or intergovernmental institutions should continue to be provided, but the respective secretariat should make this available to the CSD;
- country profiles being prepared by the DPCSD should serve as the basis for streamlined socio-economic information of relevance to sustainable development;
- streamlining should be linked to the parallel exercise of developing common access to UN databases and establishing a sustainable development web site also mandated by the CSD;
- development of a longer term programme to include the establishment of country-owned sustainable development web sites, a manual on reporting, and consideration of core data sets recognizing that capacity building is required to establish and maintain web sites and reports in electronic formats;
- streamlining should begin in a limited manner but be broadened over time to include data other than mandated national reports.

In his report to the fifth CSD session the Secretary-General recommended that national reporting to the Commission continue but that 'rather than preparing new comprehensive reports on an annual basis, countries be requested to update the country profiles on an annual basis.' Countries that have not submitted a profile would be requested to prepare a comprehensive profile. And finally, consistent with the proposals for streamlining national reporting requirements, 'countries need to report separately to the Commission only on those issues on which they do not have to report to conference of parties of international conventions and other inter-governmental bodies.'

Since UNGASS, the CSD has kept the country profiles on file so that much of the general information will not have to be repeated on a yearly basis. By July 1997 country profiles from 75 countries and five IGOs were available on the CSD's web site, some providing extremely comprehensive information, others less complete but nonetheless extremely useful first points of contact.⁴⁸ For the sixth CSD session in 1998 the national reports will again focus on the new multi-year thematic programme following the pre-1997 format, but without each government having to repeat information already contained in its profile. This will allow the report to focus more on the new sectoral and cross-sectoral issues to be discussed.

Evaluation of Reports

The CSD reporting process has been evolving since 1993, and clearly the learning phase is not yet complete. It is timely, however, to consider two questions, firstly, whether the information contained in national reports is accurate, and secondly, whether it has been useful to the CSD and others. As much recent political science research has focused on quality and effectiveness of information review systems, it may be worth bearing these other experiences in mind in reviewing the CSD process.⁴⁹

Accuracy

Chayes and Chayes point out that the widespread use of self-reporting raises a general question about the reliability of information provided.⁵⁰ They provide some 'spectacular instances' of deliberate misreporting but find systematic falsification rare. Non-reporting or provision of incomplete information is a more typical state reaction: generally states see few incentives to provide information showing their own lack of compliance.⁵¹ An additional problem is that, where officials responsible for reporting are also in charge of substantive implementation programmes, there is an incentive to make their own performance look good, and perhaps better than it actually is in practice. The CSD faces all of these challenges.

So far as the quality of information is concerned, one major problem for the CSD is deciding what counts as a 'baseline' for measuring current performance. Most environmental treaties provide for a goal and some kind of quantified baseline against which national performance can be assessed. But the multiple goal and wide-ranging nature of Agenda 21 would appear to preclude such an approach. A second problem is that much of the information reported is of a qualitative nature, making any kind of aggregation as well as verification difficult. The CSD secretariat 'found that information submitted in 1994 was, generally speaking more difficult to quantify.'⁵² They also point out that, 'although the guidelines for 1995 sought more precise information than in 1994, many of the responses are based on estimates rather than on statistically exact data.'⁵³ The CSD has responded constructively to these problems. The Secretary-General's reports on national information highlighted the need to develop, and for countries to use, sustainable development indicators. It is clear that in the period beyond 1997, reporting to the CSD will continue to take the form of country profiles with an increased use of indicators.⁵⁴

So far as the multiple goal and lack of baseline problem is concerned, the CSD has taken an interesting approach—focusing reporting attention on what countries proposed in the way of future policies and programmes. By doing so, it has not only 'forced' countries to submit

historical data but, much more importantly, also provided some impetus for countries to engage in strategic planning across all areas relevant to sustainable development.⁵⁵ The clearest explanation of the underlying rationale to this approach can be found in the work of the IACSD. A background discussion document about the reporting process and its relationship to the CSD's role in monitoring progress at the national level in the implementation of Agenda 21 states that:

[I]t is understood that the primary activity at the national level should be the formulation of sustainable development strategies and, where appropriate, related sectoral strategies and/or plans. Submitting these strategies [to the CSD] would, in principle, suffice. Reporting is thus a secondary objective. However, not many countries have developed such strategies and the reporting may become a first step towards the formulation of such a strategy.⁵⁶

Part 1 (cross-sectoral issues) of the 1996 CSD guidelines for national information states that, if a government has a National Agenda 21 or a National Sustainable Development Strategy or Plan 'that adequately covers the chapters/issues raised by these guidelines, there may be no need to complete this information again.'⁵⁷ From these statements, it is clear that, at this stage of the CSD's institutional history, its attention is weighted to performing its 'catalytic' role—getting countries to plan and do things—rather than its 'monitoring' role—checking if they have done what they have reported and, if so, what effect this has for the environment and for development.

Usefulness

Initially, the secretariat made limited use of the information provided in assessing progress at the national, regional, and global levels. The first sets of reports, for example, arrived too late for analysis.⁵⁸ The secretariat thus compiled them into a database and used them only as an internal tool for preparing its own reports for the 1994 second session. The picture was not that much better by 1995, as no reports were received by the deadline; when reports were finally received, there were too few to make global conclusions.⁵⁹

But since then, as the numbers of reports have increased and the secretariat's database has grown, the information generated has been subject to greater analysis, and the secretariat has attempted to present the information in charts and matrices to make it more digestible.⁶⁰ This contrasts with a number of other international reporting processes where the reports are neither reviewed by members nor discussed.⁶¹

By 1996 the Secretary-General's report indicated much more analysis and use of the information provided to the secretariat. The report to the fifth CSD session concluded that the

country profiles have contributed to two separate and important processes . . . the outward looking reporting process, which permits countries to establish baseline data, monitor their own progress, provide transparency and share experience and information with others, and indicate areas of priority, progress and constraint. The second is the internal, inward-looking process that brings together an array of stakeholders at the national level to review their progress.⁶²

As the country profiles are completed, the secretariat's web site page containing these is likely to become an increasingly important source of information for anyone interested in gaining a snapshot of a country's efforts towards sustainable development, and that might also assist more advanced researchers interested in specific areas. While the secretariat's analysis and matrices provide some useful information to policy makers, any global assessment loses the wealth of information about national government policy, existing and future legislation, and the relevant actors involved that is contained in each national report. Arguably, the country reports themselves are, and perhaps will remain, the most useful of the 'CSD documents'.⁶³

Certainly, from a national perspective, it appears that the majority of countries reporting to the Commission find the reporting process useful.⁶⁴ This is because the process of compiling CSD reports allows interaction between different ministries and stakeholders, collection of up to date data, and assessment of what each national agency has done for that year.⁶⁵ There is also anecdotal evidence that countries enjoy the opportunity to present their Agenda 21 experience on particular topics at CSD sessions.⁶⁶ The major constraints identified by national officials to reporting was insufficient time, although lack of staff and data and irritation at duplication of requests for information were also mentioned. These did not, however, appear to make the process of reporting unduly burdensome. Thus the Secretary-General's conclusions about the reporting process contributing to the outward and inward processes would appear to be well founded.

Reporting Process Problems

Despite its evolving nature, a number of problems remain with the CSD reporting process. The following section discusses some of the most common criticisms.

Lack of Mandatory Basis for Reporting

Many writers have lamented the absence of a clear, obligatory reporting process in the CSD's mandate and cited the lack as a major factor in limiting its ability to improve the 'contractual environment'.⁶⁷ There is merit to these views but the following factors must be borne in mind.

When contrasted with the record of other international

Table 2. Number of National Reports Received by the CSD

Year	Total number of reports	Number from developed nations	Number from developing nations	Number from economies in transition ¹
1992 ²	154	22	121	11
1994 ³	53	22	27	4
1995	59	23	34	2
1996	41	20	19	2
1997 ⁴	97	24	65	8

Notes:

- Using the Annex 1 listing from the Framework Convention on Climate Change. Several countries have reported to the CSD which are not parties to the FCCC and therefore may fall under this heading, such as: Albania, Armenia, Croatia, Kazakhstan, Slovakia, Slovenia, and Uzbekistan. These countries have been counted here as developing.
- 1992 reports were submitted to the Preparatory Committee for the UN Conference on Environment and Development over the period 1991–2.
- There were no reports for the year 1993 as this was the CSD organizational year.
- 1997 national reports were in the form of ‘National Profiles’.

Source: 1992 figures from INTERAISE (1996), *World Directory of Country Environmental Studies*, May; 1994–7 figures from Mary Pat Silveira, United Nations Division for Sustainable Development, Department of Economic and Social Affairs (1997).

environmental organizations, the basis for this criticism does not seem well founded, as the CSD has been very successful in eliciting reports from national governments, particularly because it is still a ‘young’ organization. Table 2 illustrates a steadily increasing number of governments submitting reports, including by 1997 virtually all developed countries and the majority of developing ones. More detailed information from the DPCSD indicates that more than 250 reports have been submitted by 114 governments since 1993.⁶⁸ Only 34 of these appear to have reported just once; most have reported at least two or three times.⁶⁹

It is clear that the lack of mandatory powers has not led to a paucity of reports. As it is difficult to explain whether this relative success has occurred despite the Commission’s lack of powers or because of it, any recommendation to the effect that the CSD clarify or strengthen its legal mandate to demand reports seems premature. Recent scholars examining the effectiveness and compliance of international environmental regimes are only too aware that binding reporting requirements in environmental treaties are generally honoured in the breach.⁷⁰ With few exceptions, the majority of parties for the majority of treaties do not appear to honour their reporting commitments or do so only partially.⁷¹ And this for treaties that are sectoral in nature and, so one would have hoped, relatively straightforward to report upon when contrasted with the complexity and quantity of information required for reporting on the 40 cross-cutting and sectoral chapters of Agenda 21.

Too Much Paper or Not Enough

In the public, and activist, mind, too much (UN) paper connotes inefficiency and lack of ‘real’ action.⁷² Talk of

CSD ‘paper mountains’ is rife among the cynics. Yet if reporting were to become mandatory (and honoured) the CSD might have hundreds of detailed reports requiring the secretariat’s analysis and subsequent government consideration.

This begs the question what kind of reporting process is appropriate for something as wide ranging as Agenda 21. Reporting processes under other international environmental treaties do not deal with the kind or quantity of information the CSD is expected to handle. Synthesizing this information in a meaningful way is itself a new challenge and one which is taking time and resources to crack.⁷³ The nearest environmental comparison is the Climate Change Convention, but here there is a clear objective and quantified information on baselines and inventories that can be provided.⁷⁴

The problems of self-reporting are well known. To be meaningful, the assessment and review process would require an injection of secretariat resources and much more time. Seven people sitting in an office in New York cannot be expected to assess the accuracy and reliability of hundreds of reports each year and to tell others anything useful about them (even if this amounts just to stating that the information is incomplete or statistically flawed).⁷⁵ The ‘streamlining’ process may reduce the size of the CSD’s task, but this still remains enormous, because not all parts of Agenda 21 have a treaty or secretariat analysing national reports. Information analysis across the full range of Agenda 21, even on the basis of information provided by other secretariats, will generate enormous amounts of paper and will require a much larger CSD secretariat and budget. Policy makers will also have to devote more time to understanding this information before acting. It is fanciful to think otherwise.

Frequency of Reporting

It is fair to say that the frequency of national reports was determined to a large degree by the timetable imposed by the five year review of Agenda 21 undertaken by UNGASS, rather than whether governments wanted to or were capable of preparing such reports or the CSD secretariat of analysing them. Given that national reports are also becoming due for the Climate Change and Biodiversity conventions and under all the major UN summits held since 1992,⁷⁶ governments' complaints about the frequency of national reporting, and the frequent duplication of information demanded by various parts of the UN system, appear to be solidly grounded.⁷⁷

As noted by the Secretary-General, the numbers of reports required (of countries and the secretariat) 'cannot be discussed without also raising the issue of the numbers of meetings of subsidiary bodies of the [ECOSOC] and the Assembly . . . It is meetings that generate documentation.'⁷⁸ This can be dealt with by cutting the numbers of subsidiary bodies or cutting the numbers of requests for reports or both. Making increased efforts at biennialization or triennialization of specific agenda items or indeed of whole meetings is also possible. UNGASS did not reduce the annual nature of CSD sessions. Nor did it endorse calls, made, for example, by Chancellor Kohl, for a World Environment Agency that might have brought the different environment-related UN agencies under one organizational roof, and ultimately rationalized reporting requirements.⁷⁹ It did, however, call for conferences of the parties to give consideration, *inter alia*, 'to integrating national reporting requirements'.⁸⁰ UNGASS also adopted the CSD's new multi-year work programme for 1998–2002 which appears to reduce the numbers of agenda items considered annually.⁸¹ The adoption of poverty/consumption and production patterns as overriding issues for the next four sessions and the elimination of annual examination of all cross-sectoral issues should also reduce the frequency of national reports dealing with these elements.

Conclusions

It is important to understand that, within the UN system, reporting is one kind of compliance and enforcement mechanism to induce and compel states to carry out their legal obligations.⁸² Typically, reporting mechanisms require submission of a report in accordance with guidelines and review of the report. The submission may lead to questions being asked, and in some cases detailed enquiry, resulting in an official report that notes discrepancies between the state's conduct and the requirements of the treaty or applicable law.⁸³

Currently, the CSD reporting process cannot function in this 'characteristic' way. One constraint is the CSD's lack of mandatory authority to demand reports and undertake questioning or detailed enquiry of individual states. But, like the United Nations and its specialized agencies, the CSD was not conceived as a legislative body or given compulsory jurisdiction. It is unrealistic to think somehow it (or another body) will be given such powers in the near future.

A bigger constraint for the reporting process, however, is the nature of Agenda 21 itself. Even if it had mandatory powers, the CSD would find it difficult to direct state behaviour, as Agenda 21 does not provide rules to be applied to particular situations. Agenda 21 is more like a cookery book containing many recipes that together combine to make a healthy diet, but the individual recipes, ingredients, and processes can be infinitely varied—and to good effect. It will take time, but certain 'cooking rules' and common ingredients (perhaps in the form of sustainable development indicators) are bound to emerge, as is consensus that some recipes are completely unpalatable and others everyone's favourite. The CSD reporting process will generate the common ingredients as well as provide menus of suitable recipes.

A third, more practical limitation is that of resources. Reporting imposes burdens on states and secretariats. Many practical, legal, and institutional difficulties stand in the way of 'integrated' reports or streamlined reporting processes. The pursuit of both will generate costs and upheaval. But these steps are undoubtedly in the right direction and, if successful, will put the UN and other international bureaucracies at the service of governments pursuing sustainable development.

So far as rule making is concerned, the CSD has fostered other processes that might lead to new or clearer rules. The CSD's Intergovernmental Panel on Forests is a notable success, even though a new treaty has not resulted, as it has clarified the purpose and nature of rules that might be developed in the future.⁸⁴ Intercessional workshops sponsored by individual governments, such as those on chemical safety, have also been highly successful in generating consensus and concern.⁸⁵ Time is needed, but the practice of intergovernmental panels on specific topics, together with government- and NGO-sponsored intercessional workshops, might facilitate rule making. Ultimately, the rules will probably be promulgated by bodies other than the CSD, but the CSD's contribution is no less real than that of the UN General Assembly, which, although not a legislative body, has developed international law in a subtle but effective way.⁸⁶

The CSD's mandate was to 'monitor' progress by the UN system, states, and international organizations to-

wards sustainable development. Due to the constraints outlined above, it is difficult for the CSD to undertake 'monitoring' which might be related to compliance and enforcement issues. Rather, at this stage in time, the CSD's reporting process can best be understood as attempt to create the conditions necessary for future monitoring. In political science vocabulary, the CSD is still engaged in agenda setting and prospective rule making rather than in monitoring, adjudication, and enforcement. This is a much needed function, as environment and development issues have slipped down the scale of public and political importance since Rio.

The empirical evidence also suggests that, for the time being, the CSD's agenda-setting strategy is useful and is generating results. Scores of national sustainable development commissions have been set up, in part as a response to the CSD process.⁸⁷ The development of national action plans or Agenda 21 strategies has undoubtedly been given a boost by the CSD reporting process. In addition, through its requests for information, the CSD has galvanized co-operation between different national ministries and stakeholders. Finally, its rather onerous reporting requirements have set in train the whole 'streamlining' process, which has led to increased co-operation within the UN and in particular with the international financial institutions. In this respect the CSD is contributing positively to the revitalization and restructuring of the UN as a whole.

Of course there is no conclusive answer as to whether this will lead to sustainable development, and, if so, over what period of time. But the CSD reporting process is helping to generate the kind of data, national co-ordination, and international institutional responses needed for progress—although this is happening more slowly than the health of the planet demands. It may not prove enough but for now the reporting process is beginning to look as if it may emerge as one that has the potential to keep all on track. For that it should be applauded as a quiet but significant step towards sustainable development.

Notes and References

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1. Tom Biggs and Felix Dodds (1996), 'The UN Commission on Sustainable Development', in *Agenda 21: The Way Forward* (London: Earthscan).
2. Helge O. Bergesen and Trond K. Botnen (1996), 'Sustainable

- Principles or Sustainable Institutions? The Long Way from UNCED to the Commission on Sustainable Development', *Forum for Development Studies*, 1, 35–61.
3. Referred to as the three Cs. Peter Haas, Robert Keohane, and Marc Levy (eds.) (1995), *Institutions for the Earth* (Cambridge, MA: MIT).
4. The arena function relates to the provision by the IGO of an institutionalized setting in which governments can interact, express common concerns, agree general principles, and, ideally, promulgate specific rules and standards prescribing (or prohibiting) state behaviour. Where this happens, the IGO may develop monitoring functions to promote mutual accountability. Adjudication and enforcement become necessary where governments need to know that others are honouring their commitments and that breaches will result in corrective action. Bergesen and Botnen (1996), 'Sustainable Principles and Sustainable Institutions?', 35.
5. Chris Mensah, 'The United Nations Commission on Sustainable Development', in Jacob Werksman (ed.) (1996), *Greening International Institutions* (London: Earthscan). See also UN Docs A/CONF151/PC/L.74, A/CONF151/PC/128, and A/CONF151/2.
6. Mensah (1996), 'The United Nations Commission on Sustainable Development', 25.
7. A/CONF.151/26 (Vol. I–III) Report of the United Nations Conference on Environment and Development, Annex II 'Agenda 21', 14 August 1992.
8. United Nations General Assembly Doc. A/47/191 (1992). The UNCED agreements include the Rio Declaration on Environment and Development and the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus of the Management, Conservation and Sustainable Development of all Types of Forests (Forest Principles).
9. A third are up for election each year and are drawn from members of the UN. Seats are allocated on a regional basis: 13 for Africa, 11 for Asia, 6 for Eastern Europe, 10 for Latin America and the Caribbean, and 13 from Western Europe and North America.
10. E/CN.17/1993/3/Add.1, 30 June 1993.
11. Mary Pat Williams Silveira (1995), 'International Legal Instruments and Sustainable Development: Principles, Requirements and Restructuring', *Willamette L. Review*, 31: 2, Spring.
12. Ibid.
13. ECOSOC Resolution 13/III, 1946.
14. ACC/1992/32 (1993).
15. For an explanation of the role, and value, of the IACSD, see Report of the Ninth IACSD, ACC/1977/1.
16. UNGA, A/RES/47/191.
17. Ibid.
18. E/1993/25/Add.1, paras. 50 and 51 (30 June 1993).
19. Report of the UN Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, Vol. I, Resolution adopted by the Conference, para. 38.13(b). UN General Assembly Resolution 47/191, para. 3 (1992).
20. E/CN.17/1993/L.2/Rev.1, 'Issues Relating to the Future Work of the Commission on Sustainable Development'.
21. Counting 200 odd members of the UN, 100 bodies within the UN system, including subsidiary bodies for the main organs (ECOSOC alone has just under 40 subsidiary bodies), and an estimated equivalent for those outside the UN system. In addition, the DPCSD has elaborated a working list of over 70 treaties that might be said to comprise the international treaty law on sustainable development, as reported by Mary Pat Williams Silveira (1995), 'International Legal Instruments'.
22. For an account which manages to straddle the optimistic and pessimistic perspectives, see Martin Khor, 'The Commission on

- Sustainable Development: Paper Tiger or Agency to Save the Earth', in Helge O. Bergesen and Georg Parmann (eds.), *Green Globe Yearbook of International Co-operation on Environment and Development 1994*, Vol. 2 (Oxford: Oxford University Press). For more optimistic accounts of the CSD's role, often speaking of the 'challenges' that lie ahead, see Nitin Desai (1995), 'Acting on Agenda 21: Commission on Sustainable Development', *Ecodcision*, Winter 1995, and Tom Biggs and Felix Dodds (1996), 'The UN Commission on Sustainable Development'.
23. Bergesen and Botnen (1996), 'Sustainable Principles or Sustainable Institutions?'
 24. *Environmental Policy and Law* (1993), Vol. 23. No. 5.
 25. Para. 21. There is a high degree of co-operation and co-ordination in the production of reports by UN agencies and organizations. Although no explicit format is followed, the following approach is generally taken by the agencies involved; for each issue under deliberation by the CSD the agencies will consider broadly what progress has been made to achieve the objectives decided on at UNCED. The results of this work are incorporated into the final report of the Secretary-General, who specifies which agencies were involved in the preparation of the report. Interview with Kenneth Russing, DPCSD, August 1997.
 26. Para. 23. There is no deadline for first reports. The financial institutions such as the World Bank and the International Monetary Fund (IMF) are not part of the UN system and therefore their participation in the CSD reporting process is dependent on their voluntary co-operation. In practice these institutions do co-operate closely with the UN agencies and organization.
 27. E/CN.17/1993/L.2/Rev.1, 'Issues Relating to the Future Work of the Commission on Sustainable Development'.
 28. See the decisions taken by the UNFCCC and CBD bodies reported in Farhana Yamin (1997), *Draft Case Study on the CBD and the FCCC* (London: FIELD), which compares, *inter alia*, the approach of the two conventions to international liaison and co-ordination.
 29. Synthesis Paper on NGO Priorities and Concerns for the 1997 General Assembly Special Session (<http://www.igc.apc.org/habitat/csd-97/synthes.html>).
 30. E/CN.17/1993/L.3/Rev.1 'Guidelines for National Reporting' (E/CN.17/1993/3/Add.1 Report of the CSD on its first session).
 31. DPCSD Table, Years in which Countries have Reported to the CSD (on file with author).
 32. US General Accounting Office (1992), *International Agreements are Not Well Monitored* (USA: GAO) (hereinafter GAO Survey), found the following: only 23 per cent of the Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 1973/78) reported in 1990; for the Montreal Protocol the figures were approximately 50 per cent of the Parties for 1991 and 60 per cent by 1992, but many of these reported incomplete data; for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) only 25 per cent of the 114 Parties reported; only 22 out of 47 reports were submitted to the International Tropical Timber Agreement (ITTA) (many of which were incomplete and inaccurate). Abram Chayes and Antonia Chayes (1995), *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, MA: Harvard University Press), 154–173, describe as 'abysmal' the record of human rights treaties: for the International Covenant on Civil and Political Rights slightly more than half (59 of 113) had an up to date record; and for the International Covenant on Economic and Social Rights, less than half (46 of 116).
 33. *Ibid.* The GAO Survey found that many developing countries were unable to file reports because of lack of personnel, resources, technical capability, and data. These findings have led scholars to examine in more detail the sources of non-compliance and to favour provision of assistance and incentives over punitive measures for improving treaty compliance. See, for example, Ron Mitchell (1994), *International Oil Pollution at Sea: Environmental Theory and Non-Compliance* (Cambridge, MA: MIT Press). See also Jacob Werksman (ed.) (1995), *Compliance* (London: Earthscan).
 34. *Environmental Policy and Law* (1993), Vol. 23, No. 5. See <http://www.mbnet.mb.ca/linkages/vol05> (Earth Negotiations Bulletin).
 35. E/CN.17.1993/6, 'National Reporting on Agenda 21'.
 36. *Ibid.*
 37. E/CN.17/1993/L.3/Rev.1, 'Guidelines for National Reporting'.
 38. E/1993/25/Add.1, 30 June 1993, para. 22 and 24. Report of CSD on its first session.
 39. E/CN.17/1993/L.3/Rev.1
 40. *Ibid.*
 41. E/1994/33, E/CN.17/1994/20. See also E/CN.17/1994/9, General discussion on progress in the implementation of Agenda 21, focusing on the cross-sectoral components of Agenda 21 and the critical elements of sustainability.
 42. *Ibid.*
 43. ACC/1995/3, Report of the 5th IACSD Meeting, para. 17.
 44. E/CN.17/1997/6. Proposals for the streamlining of requests for national reporting.
 45. E/1995/32 and ECN.17/1995/36.
 46. UNGA Resolution 50/113 of 20 December 1995, para. 13. For the Secretary-General's report, see E/1996/59.
 47. ACC/1997/1. See also ACC/IACSD/VII/1996/CRP.6, Background report prepared by the United Nations Department of Policy Co-ordination and Sustainable Development (UNDPDSD) on streamlining of national reports and ACC/IACSD/VIII/1996/CRP.7, a discussion paper on the same subject.
 48. See <http://www.un.org.dpcsd>. Broken down into regions, the 75 profiles are from Africa (11), Asia (19), Eastern Europe (13), Latin America and the Caribbean (14), Western Europe and others (18).
 49. Chayes and Chayes (1995), *The New Sovereignty*, Ch. 7.
 50. *Ibid.*
 51. *Ibid.* See, for example, the case of the Soviet Union's systematic falsification of records submitted to the International Whaling Commission, 156–7.
 52. E/CN.17/1995/24.
 53. *Ibid.*
 54. ACC/IACSD/VIII/1996/CRP.7. The UNGASS final report recognizes the important role indicators will play in monitoring progress towards sustainable development at the national level and in facilitating national reporting. Para. 114.
 55. Chayes and Chayes (1995), *The New Sovereignty*, 167, though not commenting on the CSD, describe the growing tendency to require information on future plans and programmes as a positive development, particularly as they regard policy and programme reporting as a powerful instrument for managing compliance.
 56. ACC/IACSD/VIII/1996/CRP.7.
 57. The guidelines are available from the DPCSD, Division for Sustainable Development, National Information Analysis Office, UN, New York.
 58. E/CN.17/1994/9. National Information, Report of the Secretary General.
 59. E/CN.17/1995/24, paras 6 and 7.
 60. See, for example, E/CN.17/1996/19 and E/CN.17/1996/Annex I/Rev.1, status matrices of chapters 9 and 17 of Agenda 21. One problem with the matrices is that they are not generally available on the web. As the originals are in colour, ordinary photocopies, available from the DPCSD, are not always useful for researchers.

61. Chayes and Chayes (1995), *The New Sovereignty*, 157, give MARPOL 1973/78 as an example. A notable exception is the Climate Change Convention, which is developing the 'in-depth review' process whereby the secretariat organizes a team of government experts to review the Annex I Parties' national communications.
62. E/CN.17/1997/5. Assessment of progress in the implementation of Agenda 21 at the national level.
63. It is unfortunate therefore that these are not available on the web. They are available from individual governments.
64. For this article, a number of interviews were conducted with officials from Barbados, Thailand, the European Union, the UK, Malaysia, India, and the Philippines. All except one country supported this statement.
65. Ibid.
66. Ibid.
67. Bergesen and Botnen (1996), 'Sustainable Principles or Sustainable Institutions?', 54, write that 'the CSD has never been given a clear mandate to go beyond the arena function, and as long as its functions are confined in this way [g]overnments interested in knowing whether others are making progress towards sustainable development . . . will look in vain for helpful information among the piles of paper produced by the CSD.'
68. Memorandum on years in which countries have reported to the Commission, provided by Mary Pat Silveira, DPCSD, 28 July 1997 (on file with author).
69. Ibid.
70. The most comprehensive book on the subject is Chayes and Chayes (1995), *The New Sovereignty*.
71. Ibid. Ch. 7, on reporting and data collection. See also the USA General Accounting Office Report (1992), 'International Environment: International Agreements are Not Well Monitored', January. The exception seems to be the International Labour Organization (ILO) and the Convention on Long-Range Transboundary Air Pollution (LRTAP) with reporting rates of 80 to 90 per cent of the Parties as required.
72. See, for example, the title of Martin Khor's CSD piece, 'Paper Tiger or Agency to Save the Earth.'
73. Chayes and Chayes (1995), *The New Sovereignty*.
74. Reports are due from all except the least developed Parties. It is clear, however, that these are taking up significant resources at the national level as well as at the secretariat which synthesizes them and conducts 'in-depth reviews' for reports from developed country Parties.
75. There are 208 people in the DPCSD and 45 people in the Division of Sustainable Development. The section which deals with national reports is called the National Information Analysis Unit, in which there are only seven people. Interview with Kenneth Russing, DPCSD, August 1997. These numbers are likely to change on account of the restructuring of the DPCSD.
76. These summits, mandated by Agenda 21, also establish non-binding commitments to create programmes or national action plans, and include the Barbados Small Island Developing States Summit, the World Conference on Human Rights, the World Summit on Social Development, the Fourth World Conference on Women, the International Conference on Population and Development, and HABITAT II.
77. E/CN.17/1994/20 and E/CN.17/1995/36, Reports of CSD on its Second Session and Third Session.
78. E/1994/88, Modalities of reporting in the economic, social and related fields.
79. The final UNGASS report does not mention the Agency, although it does reinforce the Nairobi Declaration on the Role and Mandate of UNEP adopted in February 1997 and UNEP Governing Council Decision of 4 April 1997.
80. UNGASS Report, para. 118.
81. The sectoral chapters of Agenda 21 appear to be clustered under the following themes: freshwater, oceans and seas, integrated planning and management of land resources, and atmosphere and energy.
82. Oscar Schachter (1997), 'The UN Legal Order: An Overview', in Christopher Joyner (ed.) (1997), *The United Nations and International Law* (Cambridge: Cambridge University Press), 13. Other kinds of compliance and enforcement mechanisms include facilitative mechanisms, imposition of penalties, such as expulsions, non-military enforcement, such as sanctions, armed force, and judicial settlement.
83. Ibid.
84. E/CN.17/1997/12, Final report of the IPF.
85. E/CN.17/1994/20, Report of the second CSD session reviewing toxic chemical and hazardous wastes.
86. Christopher Joyner (ed.) (1997), *The United Nations and International Law*.
87. E/CN.17/1994/9, National Information, Report of the Secretary-General.