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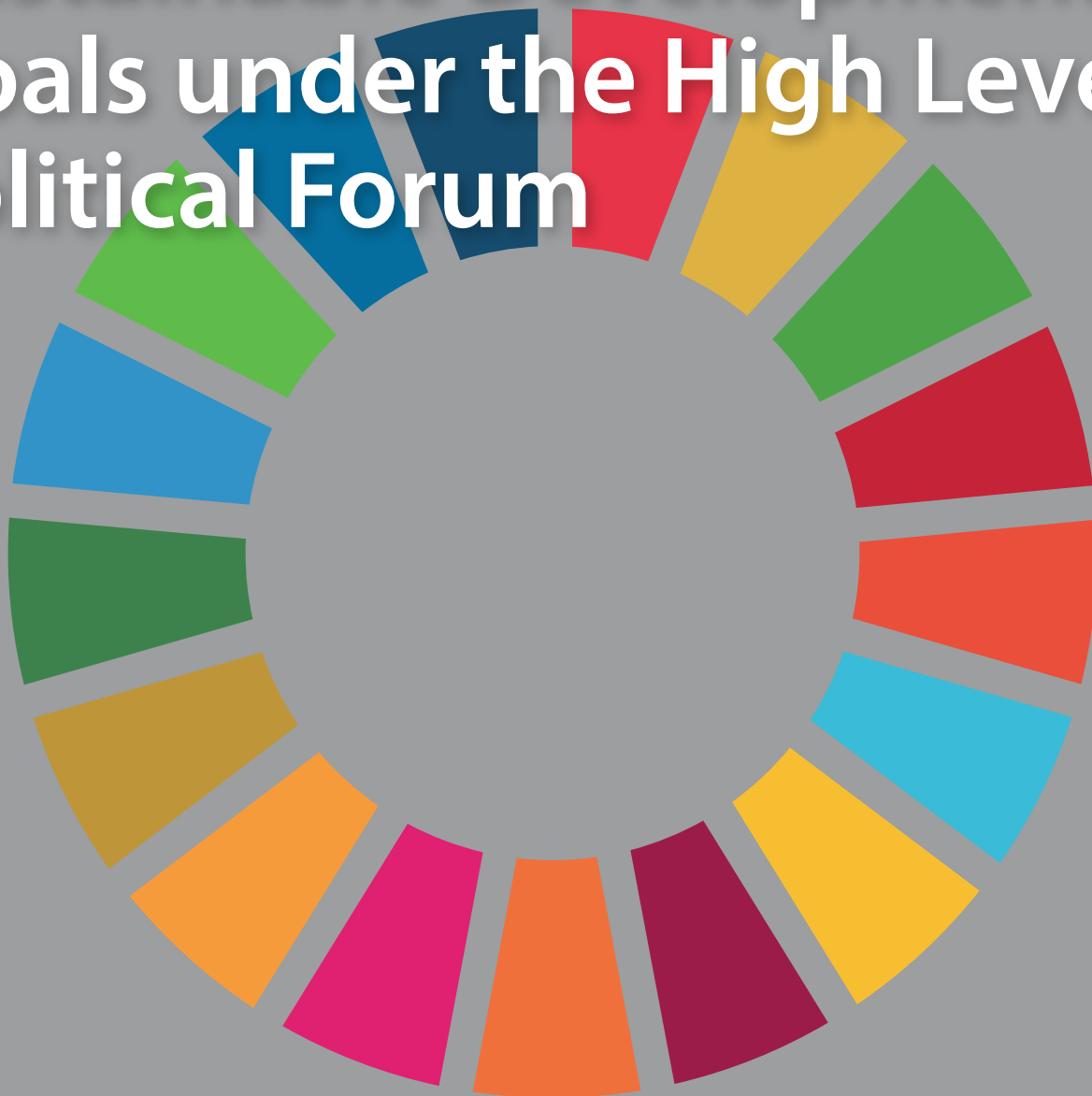# Follow-up and review of the Sustainable Development Goals under the High Level Political Forum

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Follow-up and review of the Sustainable Development Goals under the High Level Political Forum

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1. EXECUTIVE SUMMARY

The Outcome Document of the United Nations Summit for the Adoption of the Post-2015 Development Agenda, adopted by General Assembly Resolution A/Res/70/1 on September 25, 2015, emphasizes that "[g]overnments have the primary responsibility for follow-up and review, at the national, regional and global levels, in relation to the progress made in implementing the [Sustainable Development] Goals and targets over the coming 15 years."[1] States also agreed that, in order "to support accountability to …citizens," they will provide for systematic follow-up and review at global, regional, and national levels.[2] The High Level Political Forum (HLPF) that has been established under the auspices of the United Nations General Assembly and Economic and Social Council (ECOSOC) "will have the central role in overseeing follow-up and review at the global level."[3]

General Assembly Resolution 67/290 and the Outcome Document provide broad guiding principles for the HLPF's structure, modalities and functions; however, the architecture for a coherent monitoring and review process has not yet been established. Building on the principles outlined in the Outcome Document that "follow up and review" processes must be built "on existing platforms and processes, where these exist, avoid duplication and respond to national circumstances, capacities, needs and priorities"[4] and that "[d]ata and information from existing reporting mechanisms should be used where possible,"[5] this report proposes two features—Review Facilitation Teams and an Informational Database—and a set of procedural recommendations for how these features may operate to ensure credible, evidence-based follow-up and review of the Sustainable Development Goals.

These proposals and their main anticipated benefits are summarized below.

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1 Transforming Our World: The 2030 Agenda for Sustainable Development, G.A. Res. 70/1, U/N/ Doc. A/RES/70/1 at ¶ 43 (Oct 21, 2015) [hereinafter Post-2015 Outcome Document].

2 *Id.* at ¶ 43.

3 *Id.* at ¶ 82.

4 *Id.* at ¶ 74(f).

5 *Id.* at ¶ 44.

A. The creation of Review Facilitation Teams (RFTs)

Summary:

RFTs, established either for a set period or on an *ad hoc* basis, would be tasked with assisting the HLPF in both thematic and country reviews. These teams would not be purely technical or scientific in nature; rather, they would be small, specialized, and representative bodies of individuals with significant expertise or experience related to the subject matter of the Sustainable Development Goals ("SDGs"). Such individuals may be nominated by Member States or drawn from one of the many expert review and advice bodies currently in operation. For country reviews, the RFTs would examine and synthesize information from voluntary country reports and other informational sources in order to facilitate and inform the HLPF's review process. RFTs could conduct their work outside of, and leading up to, annual HLPF sessions, and could act as liaisons between the country under review and the HLPF. For thematic reviews, the RFTs could include representatives from relevant specialized agencies (e.g., the Food and Agriculture Organization for an analysis of Goal 2 on the elimination of hunger). Civil society or affected communities could be included in RFTs as appropriate.

Benefits:

- To provide an impartial, credible, and de-politicized "working level" of SDG review that will allow more time to be devoted to the examination of country reports and other information relevant for HLPF review;

- To provide review, guidance, and technical assistance at the country level;

- To add a layer of legal, social, and technical expertise in given thematic areas that may inform the HLPF's formal outcome document(s) and provide guidance to States;

- To allow for flexibility in review and contribute to positive feedback loops, i.e. through flexible priority setting for HLPF review;

- To identify and highlight potential gaps, methodological flaws, challenges, "lessons learned," and success stories contained within country reports;

- To provide the opportunity for scientific and technical advice to the HLPF regarding implementation measures or adjustments that may be useful for the State under review, thereby complementing the HLPF's intended narrative format of generalized recommendations;

- To provide focused and streamlined review of large amounts of information resulting in manageable and accessible outputs that can be used by the HLPF and other stakeholders;

- To present an opportunity to integrate members of civil society and other interested participants in the review process.

B. The creation of an SDG Informational Database

Summary:

This online, public database would provide a platform to access to data relevant to the SDGs and their targets. The database would integrate existing State-supplied informational reports, compilations, reviews, and informational tools, including those created through existing international peer review mechanisms. This would result in the inclusion of both quantitative and qualitative information, disaggregated by country and by relevant sub-national group as necessary. The database could allow users to search for information based on country and relevant target(s), and could draw on quantitative information provided to the UN Statistical Office. This would enable users to correlate data among different SDG targets and goals, thus illuminating otherwise concealed links.

Benefits:

- To minimize the global reporting burden on States;

- To provide reliable and comprehensive evidence for the follow-up-and-review process;

- To allow for interactive analysis of a broad range of information, which will facilitate the identification of inconsistencies and foster creative thinking about how to address them;

- To identify issues of regime complexity arising from overlapping international regimes relevant to the SDGs;

- To inform, encourage, and build capacity for participation by a wide range of stakeholders in local, regional, and national fora;

- To support accountability at the national level.

C. Procedural recommendations

Summary:

In order for the HLPF to function according to the mandate granted to it by General Assembly Resolution 67/290 and the Outcome Document, this report proposes that the HLPF's architecture draw on the lessons learned from existing voluntary peer review mechanisms. Accordingly, this report proposes that in preparation for HLPF country reviews, voluntary country reports be submitted to a centralized secretariat body which would upload the reports to the SDG Informational Database. The centralized secretariat (which could be the UN Department of Economic and Social Affairs or a similar pre-existing body) would then set up the *ad hoc* RFTs, which would synthesize information from the Informational Database and other relevant sources into documents summarizing their findings. These documents would highlight issues and areas that merit specific attention during country reviews at plenary HLPF sessions. RFTs would then send their reports to reviewed countries for discussion and feedback, after which a final report would be submitted to the HLPF before the annual plenary session. The authors recommend that the HLPF peer review process consist of open, interactive dialogue among reviewed and reviewing States, on the basis of which the HLPF would produce an outcome document outlining "lessons learned" and future actions that were identified during the session. This outcome document would thus help to create a "feedback loop" by informing the country's next country report and subsequent HLPF review. For thematic reviews, the RFTs would synthesize relevant information from the Informational Database and other relevant sources, engage in conversations with different stakeholders, and produce a "State of the [Theme]" report for discussion at the HLPF.

Benefits:

- To streamline the review process and avoid overburdening States while maintaining overall State ownership of the follow up and review process;

- To ensure a continuous, year-round process of preparation, information-gathering, and consolidation by all stakeholders in the lead-up to and aftermath of each HLPF review session;

- To integrate the SDG Informational Database and Review Facilitation Teams into a continuous, effective, and efficient review process;

- To foster deliberation and exchange of best practices for SDG implementation in a collaborative and non-confrontational environment.

Together, these proposals would allow for informed, evidence-based participation by Member States and other relevant stakeholders. The process would facilitate the sharing of experiences and identification of best practices, successes, and challenges by Member States, contributing to mutual learning and the successful implementation of global development targets.

Figure 1
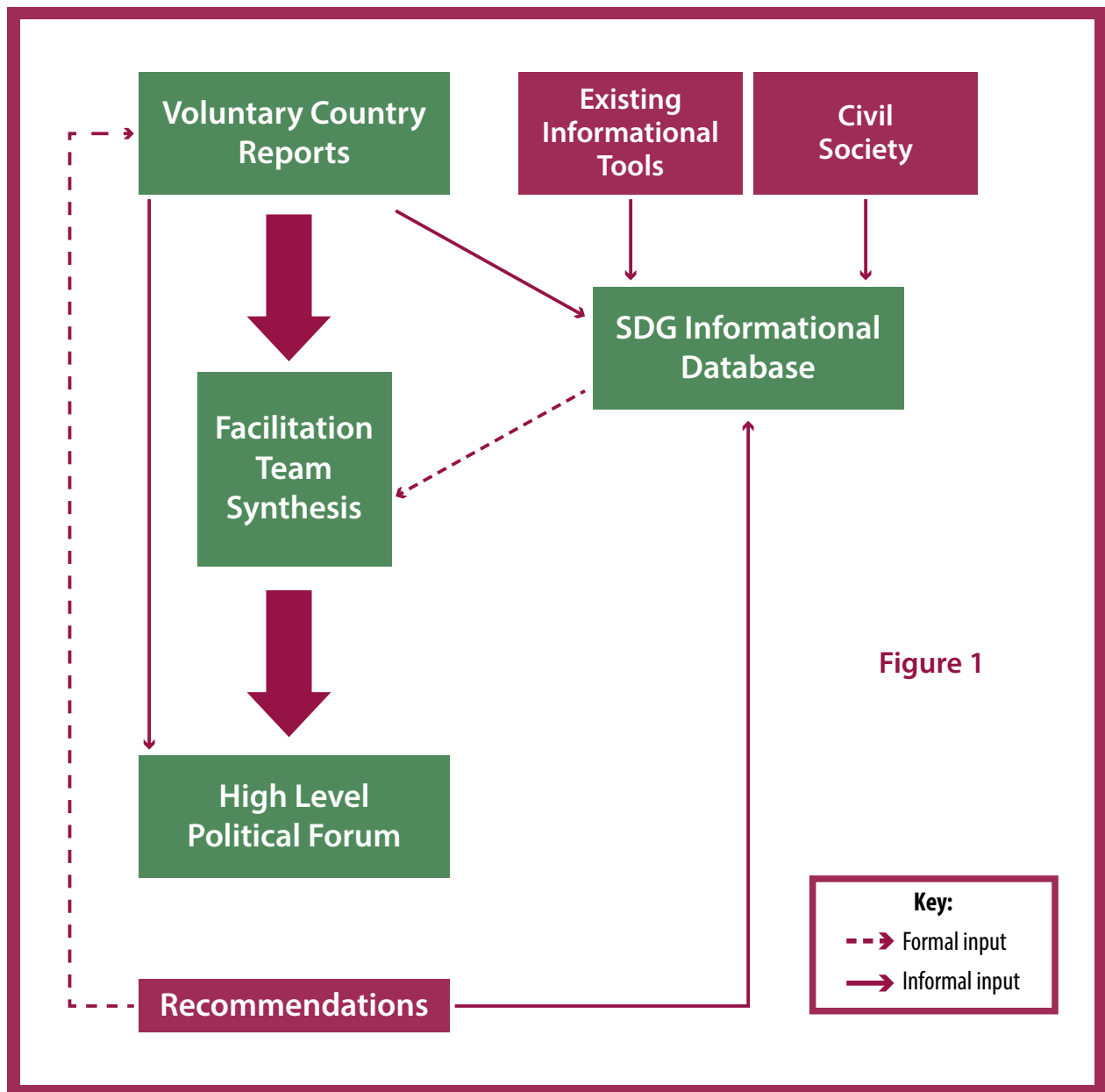
2. Introduction

In the Outcome Document of the United Nations Summit for the Adoption of the Post-2015 Development Agenda ("Outcome Document"), adopted by a General Assembly resolution on September 25, 2015,[6] States emphasized that "[g]overnments have the primary responsibility for follow-up and review, at the national, regional and global levels, in relation to the progress made in implementing the [Sustainable Development] Goals and targets over the coming 15 years."[7] The States also agreed that, in order "to support accountability to …citizens," they will provide for systematic follow-up and review at global, regional, and national levels.[8] The High-Level Political Forum (HLPF) that has been established under the auspices of the General Assembly and the Economic and Social Council (ECOSOC) "will have the central role in overseeing follow-up and review at the global level."[9]

Although General Assembly Resolution 67/290[10] and the Outcome Document provide broad guiding principles for the HLPF's structure, modalities and functions,[11] the architecture for the coherent monitoring and review process has not yet been established. This report specifically addresses the guiding principles outlined in the Outcome Document that "follow up and review" processes must be built "on existing platforms and processes, where these exist, avoid duplication and respond to national circumstances, capacities, needs and priorities"[12] and that "[d]ata and information from existing reporting mechanisms should be used where possible."[13] This report thus examines which existing reporting mechanisms may be relevant to the sustainable development agenda (and more specifically, the Sustainable Development Goals), and considers how and to

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6   *See* GA Res. 70/1, U.N. Doc. A/RES/70/1 (Oct. 21, 2015).

7   Post-2015 Outcome Document, *supra* note 1, at ¶ 43.

8   Post-2015 Outcome Document, *supra* note 1, at ¶ 43.

9   Post-2015 Outcome Document, *supra* note 1, at ¶ 43.

10   GA Res. 67/290, U.N. Doc. A/Res/67/290 (Jul. 9, 2013) [hereinafter GA Res. 67/290].

11   *See id.*

12   Post-2015 Outcome Document, *supra* note 1, at ¶ 74(f).

13   Post-2015 Outcome Document, *supra* note 1, at ¶ 44.

what extent the HLPF could build on existing mechanisms, including by harnessing relevant information and data provided by States pursuant to those mechanisms.

Part 3 of this report provides a brief overview of the HLPF, its functions and guiding principles, as well as the relevant principles of accountability that underpin its creation and which it is meant to further. Part 4 summarizes existing suggestions for the procedures and functions of the HLPF and the features that could guide its review function. Part 5 outlines this report's two main proposals to inform and guide the HLPF's review, and Part 6 draws on existing peer review models to provide procedural guidance for the implementation of these proposals.

3. OVERVIEW OF THE HIGH LEVEL POLITICAL FORUM

Figure 2

Global HLPF follow-up and review

Quadrennial High Level Meeting (UN GA)

Annual Meeting (ECOSOC)

Regional Review Processes

National Reports
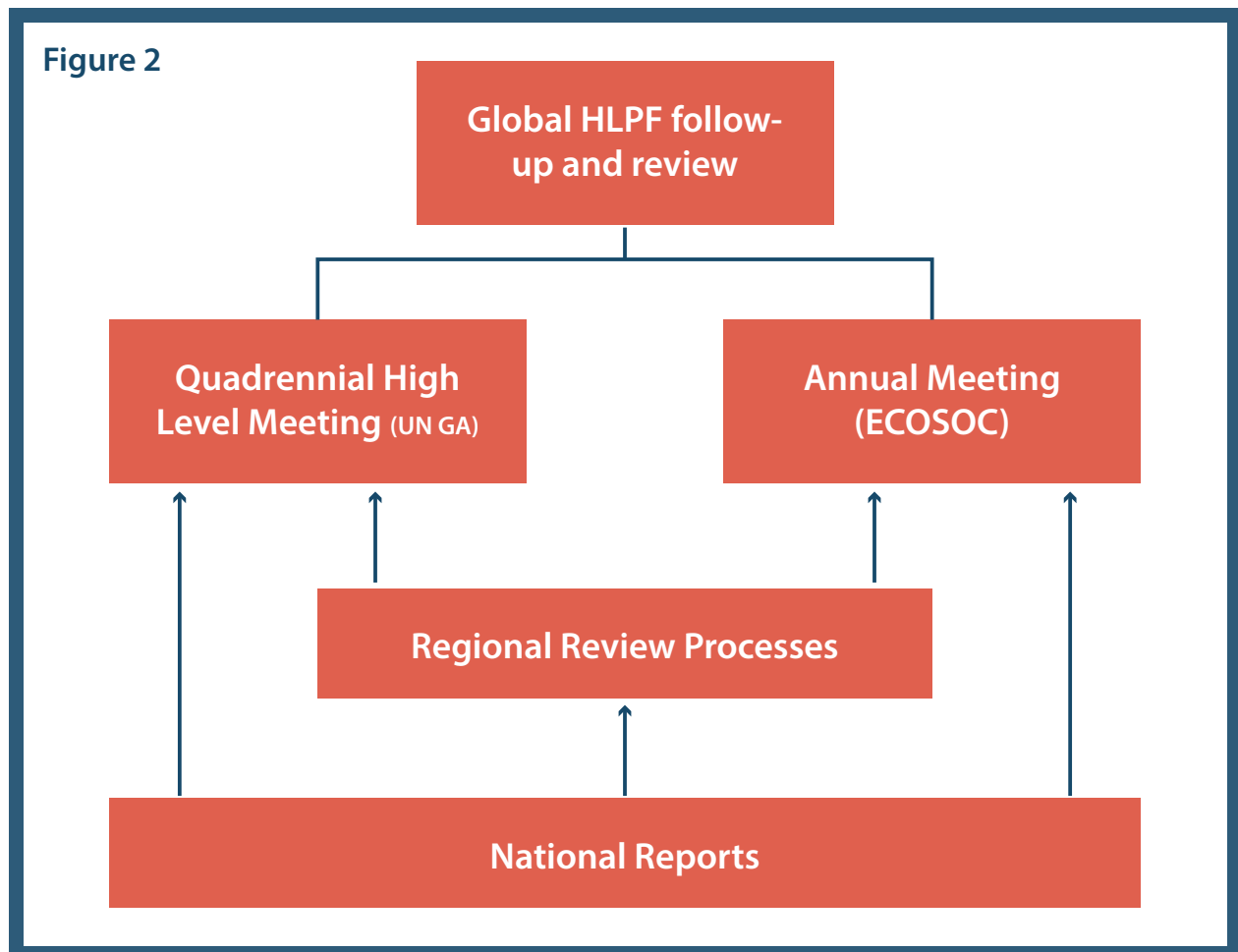
The HLPF was established as a key United Nations platform on sustainable development,[14] meant to provide political leadership, guidance and recommendations in order to review and follow-up on the implementation of sustainable development commitments.[15] Its purpose is to "facilitate sharing of experiences, including successes, challenges and lessons learned, and [to] promote system-wide coherence and coordination of sustainable development policies."[16] The HLPF, under the auspices of ECOSOC, will be convened annually for a period of eight days, including a three-day ministerial segment held during the high-level segment of ECOSOC. Every four years, under the auspices of the General Assembly, the HLPF will be convened by the President of the General Assembly for two days at the Head of State or Head of Government level.[17]

While the HLPF's formative resolution outlines its functions and procedures,[18] the Outcome Document provides guiding principles to inform the implementation of the resolution in the post-2015 development context. The Outcome Document emphasizes that the follow-up and review mechanism for the post-2015 development agenda must be robust, voluntary, effective, participatory, transparent, and integrated to make a vital contribution to implementation of the 2030 Agenda.[19] Moreover, it sets out principles to guide both the functions of the HLPF and the overall process of monitoring and review. These are summarized below.

A. Functions of the HLPF

The HLPF review mechanism is intended to track progress in implementing the SDGs and corresponding targets.[20] Its review is to be on a voluntary and country-led basis, taking into account varying national realities, capacities, and levels of development.[21] Outcomes from national level processes are envisaged as the foundation for regional and global reviews, given that the global review will be based on official national data sources.[22]

The tasks of the HLPF have been outlined to include the identification of achievements, challenges, gaps, and critical success factors to help inform policy decisions and foster mutual learning and the exchange of best practices.[23] The HLPF has been described as building on existing platforms and processes so as to avoid duplication, and to respond to national circumstances, capacities, needs, and priorities.[24] For this purpose, the HLPF is to draw, as far as possible, on the existing network of follow-up and review institutions and mechanisms.[25] Its review mechanism is to be based on evidence and informed by country-led evaluations and data that is accessible, timely, reliable, and disaggregated by various relevant factors.[26]

In this regard, the Outcome Document further emphasizes that "[e]ffective linkages will be made with the follow-up and review arrangements of all relevant United Nations conferences and processes, including on least developed countries, small island developing States and landlocked developing countries."[27]

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14   *See* HIGH-LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT, https://sustainabledevelopment.un.org/hlpf (last visited Jan. 4, 2016).
15   As of 2016, this will include post-2015 development agenda and the SDGs.
16   Post-2015 Outcome Document, *supra* note 1, at ¶ 82.
17   The General Assembly may also decide to convene the Forum on other occasions, as needed, to advance the sustainable development agenda.
18   *See* GA Res. 67/290, *supra* note 11.
19   Post-2015 Outcome Document, *supra* note 1, at ¶¶ 72-90.
20   Post-2015 Outcome Document, *supra* note 1, at ¶ 72.
21   Post-2015 Outcome Document, *supra* note 1, at ¶¶ 3, 5.
22   Post-2015 Outcome Document, *supra* note 1, at ¶ 74(a).
23   Post-2015 Outcome Document, *supra* note 1, at ¶¶ 73, 74(c).
24   Post-2015 Outcome Document, *supra* note 1, at ¶¶ 74(f), 77.
25   Post-2015 Outcome Document, *supra* note 1, at ¶ 77.
26   Post-2015 Outcome Document, *supra* note 1, at ¶ 74(g).
27   Post-2015 Outcome Document, *supra* note 1, at ¶ 82.

Follow-up and review at the HLPF "will be informed by an annual progress report on the Sustainable Development Goals to be prepared by the Secretary-General in cooperation with the United Nations system, based on the global indicator framework and data produced by national statistical systems and information collected at the regional level," as well as by the Global Sustainable Development Report.[28]

Under the auspices of ECOSOC, the HLPF is tasked with carrying out regular reviews of States, including both developed and developing countries. The reviews are to be voluntary and State-led, "involving ministerial and other relevant high-level participants," and are to "provide a platform for partnerships, including through the participation of major groups and other relevant stakeholders."[29] Additionally, the HLPF will conduct thematic reviews of progress on the Sustainable Development Goals, supported by the "functional commissions of the Economic and Social Council and other intergovernmental bodies and forums which should reflect the integrated nature of the SDGs as well as the interlinkages between them."[30] Thematic reviews "will engage all relevant stakeholders and, where possible, feed into, and be aligned with, the cycle of the HLPF."[31]

B. Guiding Principles which have been established for Monitoring and Review Processes

At all levels—global, regional, and national—the HLPF follow-up and review process is described as aiming to "promote accountability to … citizens, support effective international cooperation in achieving this Agenda and foster exchanges of best practices and mutual learning."[32] In order to do so, the follow-up and review process must be open, participatory, and inclusive, and must support reporting by all relevant stakeholders.[33] It must be people-centered, gender-sensitive, and respect human rights.[34]

C. Accountability and the HLPF: Learning from the MDG process

The Sustainable Development Goals are intended to build upon their predecessors, the Millennium Development Goals (MDGs). The lack of a systemic and thorough accountability mechanism was seen as a major flaw of the MDG process, and has been cited by many as a key reason for the shortfalls in their achievement.[35] A lack of accountability can be counter-productive to development itself, by leading to wasted resources, the spread of corruption, failure to deliver on development targets, inequality, greater citizen dissatisfaction and grounds for conflict and instability.[36]

Accountability for the post-2015 agenda has been described as "the joint commitment of the global community to monitor, evaluate, share and discuss progress towards the implementation of the agreed goals."[37] As described below, the HLPF will operate as a voluntary "follow up and review" mechanism for evaluating UN Member States' implementation of the SDGs.

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28 Post-2015 Outcome Document, *supra* note 1, at ¶ 83.

29 Post-2015 Outcome Document, *supra* note 1, at ¶ 84.

30 Post-2015 Outcome Document, *supra* note 1, at ¶ 85.

31 Post-2015 Outcome Document, *supra* note 1, at ¶ 85.

32 Post-2015 Outcome Document, *supra* note 1, at ¶ 73.

33 Post-2015 Outcome Document, *supra* note 1, at ¶ 74(d).

34 Post-2015 Outcome Document, *supra* note 1, at ¶ 74(e).

35 Amnesty International et al, Accountability for the Post-2015 Development Agenda: A Proposal for a Robust Global Review Mechanism 1 (2015).

36 U.N. Economic and Social Commission for Western Asia, Arab Consultative Meeting on an Accountability Framework for the Post-2015 Development Agenda: Chair's Summary, ¶ 10 (Sept. 15-16, 2014), http://css.escwa.org.lb/SDPD/3510/Chair.pdf.

37 Letter from the President of the United Nations General Assembly to all Permanent Representatives and Permanent Observers to the U.N.(Apr. 25, 2014), http://www.un.org/en/ga/president/68/pdf/letters/4252014Interactive_Dialogue_%20Accountability_Framework-25April2014.pdf.

A regional consultative meeting between Member States on an Accountability Framework for the Post-2015 Development Agenda highlighted that "[t]he key building blocks of accountability include measuring progress, sharing and disseminating information and engaging in a process of negotiation for change or reform."[38] This indicates the need for: (i) data and evidence to measure progress, (ii) open and transparent dialogues, and (iii) the ability to advocate, influence change and direction, and provide guidance.

Given its broad, multilateral, and international context, the elements of accountability that a well-functioning HLPF should encapsulate are:

1. Transparency (both informational and procedural);

2. Inclusiveness (involving active participation by all relevant stakeholders, who are informed and able to effect dialogue and action);

3. Deliberation (involving deliberation and input of stakeholders' dialogues into decision-making and formal reviews);

4. Responsiveness (involving prompt and effective follow-up by decision-makers);

5. Answerability (on the part of States to their citizens, and between Member States).[39]

The HLPF's review process is not intended to be an intrusive or corrective one (whereby grievances and non-compliance are identified and sanctioned).[40] However, social accountability to citizens and to civil society is often achieved through publicizing and evaluating State actions and resulting outcomes. Peer pressure and mutual accountability at the international level can provide civil society with leverage to hold States and others accountable.

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38   U.N. Economic and Social Commission for Western Asia, *supra* note 37, at ¶ 14.

39   *See* International Organizations Clinic at NYU School of Law, Accountability through Civic Participation in the Post-2015 Development Agenda 3-4 (2014); *see also* U.N. High Commissioner for Human Rights, Who Will be Accountable? ix (2013) [hereinafter *Who Will be Accountable*].

40   *Who Will be Accountable?*, *supra* note 40, at ix.

4. SURVEY OF EXISTING PROPOSALS FOR THE HLPF

Many proposals for the HLPF reflect on some of the problems identified with the MDG framework. In particular:

- The MDGs have been described as lacking a strong accountability mechanism. Civil society representatives, drawing from on-the-ground observations, have noted the lack of adequate accountability attached to the MDG framework, where a "weak feedback loop" negatively affected the delivery of MDG outcomes.[41]

- Implementation of the MDGs was government-driven, and the participation and inclusion of other voices was limited at a national, regional, and global level.[42] This affected the credibility and legitimacy of claims that were made about progress on the MDGs.[43]

- The MDG review process did not take into account the "starting points" (target baselines) of various countries, e.g. the quantitative or qualitative situation in 2000, from which progress was measured.[44]

- An "outcome-based" review led to selective reporting on the best achieved "outcomes" without examining progress on the MDGs.[45]

Drawing on lessons learned from the MDG process, institutional actors, Member States, and civil society have provided guidance as to what role the HLPF should play in the SDG accountability process and the procedures it should employ. These are briefly summarized and examined below.

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41 Comments by participants, Brainstorm on Follow-up and Review for the Sustainable Development Goals, UN Foundation (22 September 2015), http://southernvoice-postmdg.org/innovative-approaches-for-follow%E2%80%90up-and-review-of-the-sustainable-development-goals-is-there-a-role-for-southern-think-tanks/.

42 *Id*.
43 *Id*.
44 *Id*.
45 *Id*.

The role of clear indicators and national tailoring

Some proposals have emphasized that in order to avoid a long and un-monitorable "wish-list" for the purposes of securing accountability, objective indicators must exist and clearly specify who is responsible for what, and by when.[46] National tailoring of the SDGs remains important; targets should be relevant and responsive to national growth and needs, and embedded in national policy and legislative plans, with clear benchmarks and indicators. However, national tailoring should not allow States to dilute or resile from their legal and policy commitments at the global level.

Building on existing review mechanisms

Multiple existing accountability mechanisms at the global level overlap with the content of SDG targets. It is therefore critical that these mechanisms are better integrated so as to ensure synergies, reduce duplication, and ease the reporting burden on States (which will be important in incentivizing voluntary review before the HLPF). Member States, UN institutional actors and bodies, and civil society actors have all reiterated the importance of building on existing reviews and reporting mechanisms.

For example, given that Member States report to several international human rights mechanisms, including the Human Rights Council's Universal Periodic Review (UPR), it has been suggested that "a cycle of information should therefore be created that systematically feeds results from the UPR and other human rights bodies into the HLPF accountability framework."[47] In particular, the UN Office of the High Commissioner for Human Rights (UNOHCHR) has recommended that the HLPF should systematically integrate existing reports by international human rights mechanisms that are relevant to the SDGs, including the UPR, human rights treaty bodies, and Special Procedures.[48]

Relatedly, OHCHR and the Center for Economic and Social Rights (CESR) have recommended that international human rights mechanisms should be strengthened and take more consistent, explicit account of monitoring progress on the SDGs.[49] This will also allow Member States to consolidate and streamline their SDG and international human rights reporting requirements, ensuring that these mutually reinforce and draw from each other.[50] At the same time, the post-2015 development agenda is intended to be transformative, so that reliance on existing mechanisms must not fall into "business as usual," but rather be used to accelerate progress.[51]

The universal nature of the agenda

The MDG process was criticized as focusing heavily on developing countries while ignoring inequality in the developed world. The post-2015 development agenda, more than that of the MDGs, is based on universality in reach and target. Therefore, any accountability system must be global in focus, looking at the North and South in their respective capacities. While participation before the HLPF will be voluntary, *universal* participation should be encouraged, hopefully leading to the establishment of a norm of universal participation by all Member States.

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46 *Who Will be Accountable?, supra* note 40, at 60.

47 U.N. Economic Commission for Europe, Towards an Accountability Framework for the Post-2015 Development Agenda, Perspectives from the UNECE region: Questionnaire answered by Claudio Nardi (Second Secretary, Principality of Liechtenstein), 5 (Aug. 8, 2014), https://www.unece.org/fileadmin/DAM/post2015/LiechtensteinGOV.pdf.

48 U.N. Office of the High Commissioner for Human Rights, *Integrating Human Rights into the Post-2015 Development Agenda* (2015).

49 *Who Will be Accountable?, supra* note 40, at 71.

50 *Who Will be Accountable?, supra* note 40, at 71.

51 Independent Research Forum, Towards a Transformative Post-2015 Development Agenda: Informal Member State Retreat #7, Summary 3 (2015).

The need for strong feedback loops

It is important to ensure that local and national experiences inform global dialogue in the development context, and that global synthesis of lessons learned informs and directs subsequent action at regional, national, and local levels.[52] Drawing particularly on the UPR process, one proposal recommends that in each subsequent cycle of country reviews, the HLPF should follow-up on recommendations made to States at previous reviews.[53] As an example, some NGOs have recommended that the HLPF's dialogue on each State's progress on the post-2015 development agenda conclude with "targeted and human rights-based recommendations to the state under review" to inform subsequent action by the State, and review of such action at its next review.[54]

The need for disaggregated data

The removal of inequalities is key to the sustainable development agenda, in which equality is not only a standalone SDG, but also a cross-cutting issue in the achievement of all other goals.[55] Thus, the disaggregation of data is necessary to determine who benefits from measures taken to dismantle entrenched patterns of discrimination. This means that there must be enhanced data collection, disaggregation, equality benchmarking, and equality monitoring for each SDG.[56]

Proposals have recommended that the SDG follow-up and review process should monitor development progress for all in order to progress beyond the MDGs' focus on aggregates and national averages and to address the challenges of systemic inequalities.[57] This will require the disaggregation of data, where relevant, along the lines of population and categories of discrimination that are recognized by the Universal Declaration of Human Rights, including: race/ethnicity, color, sex, language, religion, political opinion, national or social origin, property, nationality, family and marital status, sexual orientation and gender identity, health status, place of residence, and economic and social situations.[58] Particular attention must be given to collective data from lower-income communities, with attention to those most excluded.[59]

Sources of data

The SDG follow-up and review process should utilize all relevant data from national sources, including: events-based data on human rights violations (where these are relevant to particular SDGs), quantitative standards-based data, national socio-economic and administrative statistics, and survey-based data.[60] Both quantitative and qualitative data measurements must be utilized.

Additionally, since the adoption of the MDGs, non-governmental stakeholders are increasingly recognized as being strong repositories of expertise and knowledge, given that many have had experience monitoring progress on MDGs and are embedded in policy processes within their own countries.[61] Therefore, multiple reports should inform the HLPF's review, including: Member States' national reports and stakeholder reports (compiled from civil society submissions into official documents by the HLPF secretariat body).[62]

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52 *Id.*
53 U.N. Office of the High Commissioner for Human Rights, *supra* note 49.
54 Amnesty International et al., *supra* note 36, at 2.
55 *Who Will be Accountable?, supra* note 40, at 68.
56 *Who Will be Accountable?, supra* note 40, at 68.
57 U.N. Office of the High Commissioner for Human Rights, *supra* note 49.
58 U.N. Office of the High Commissioner for Human Rights, *supra* note 49.
59 High-Level Task Force for ICPD, Follow-up and Review, Monitoring and Accountability of the Post-2015 Agenda; Key Messages & Recommendations 11 (2015)11.
60 *Who Will be Accountable?, supra* note 40, at 65.
61 Comments by participants, Brainstorm on Follow-up and Review for the Sustainable Development Goals, UN Foundation (22 September 2015).
62 *Who Will be Accountable?, supra* note 40.

Information used in the follow-up and review process should be made publicly available in order to facilitate input by all relevant stakeholders into the monitoring and reporting processes, and to "ensur[e] an enabling environment in which all stakeholders are free to engage without exception."[63]

Further, some suggestions encourage individuals to undertake their own monitoring, so that data collection can take place in a participatory manner. Measures like SMS technology, crowdsourcing, citizens' scorecards, local budget monitoring, and participatory methods will enable this.[64] The report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda also recommended taking advantage of new technology, crowd-sourcing, and improved connectivity to empower people with information on the progress made towards development targets.[65] The use of these new processes will maximize both the effectiveness and political legitimacy of the review process.[66]

Using existing UN bodies for the review function

A range of proposals have noted that relying on existing reviews by relevant UN bodies could reduce the need for additional resources and improve UN-wide coordination on SDG realization. As suggested by the Overseas Development Institute (ODI), appropriate UN bodies could collect data and report on the SDGs to a central coordinating agency (e.g. UN DESA) and could facilitate reporting and dialogues on thematic areas covered by the SDGs.[67] Thematic reviews that already occur in these bodies should be utilized "to minimize reporting costs for Member States and to stimulate synergies and complementarities between the already existing bodies."[68] Strengthening the interface between SDG review and specialized UN bodies would improve the efficiency and thoroughness of the HLPF review by avoiding unnecessary and costly duplication.

For example, many of the SDG targets related to "decent work" are already reviewed by the International Labour Organization (ILO). One proposal would therefore establish a unique ILO Committee to review and report on Goal 8.[69] Further, the United Nations Conference on Trade and Development (UNCTAD) could also feed relevant information into the HLPF review.[70] Such opportunities for thematic review could be scheduled or planned to "coincide with major reviews of previous commitments and existing initiatives," such as the Secretary-General's Sustainable Energy for All (SE4All) Initiative.[71]

Global and meta-review by the HLPF

While thematic reviews can help to draw attention to problematic areas where progress needs to be accelerated, the follow-up and review process should also include an overall assessment of and narrative on global progress.[72] This could draw on relevant inputs from specialized and UN bodies and refer them to a

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63 U.N. Office of the High Commissioner for Human Rights, *supra* note 49.

64 *Who Will be Accountable?*, *supra* note 40, at 65; *see also* Overseas Development Institute, Making Transparency Work (2012).

65 High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development: The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda (May 30, 2013), http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf

66 Overseas Development Institute, *supra* note 65.

67 Overseas Development Institute, Establishing a Workable Follow up and Review Process for the Sustainable development Goals 17 (2015).

68 *SDGs Thematic Reviews: What is the role of the UN Specialized Bodies?* (Side event to Post-2015 Development Agenda negotiations, hosted by UNCTAD and ILO, 23 July 2015), notes available at https://sustainabledevelopment.un.org/content/documents/8001SDGs%20Thematic%20Reviews.pdf

69 *Id.*

70 *Id.*

71 Overseas Development Institute, *supra* note 68, at 19.

72 Overseas Development Institute, *supra* note 68, at 18.

central coordinating body (such as UN DESA), with support from the UN Statistics Division. This process could provide an overview of global progress on SDG implementation and identify areas where progress is lacking, allowing the HLPF to provide a mechanism or forum for a "birds-eye view" of global progress.[73]

The Independent Research Forum, a civil society initiative, has stated that this will be particularly important for development commitments made in the form of partnerships or commitments in other international fora, and especially necessary in areas where strong incentives for action and implementation do not exist at the national level or are unlikely to galvanize sufficient action.[74]

Using human rights as a normative frame of reference

The OHCHR and CESR have recommended that all applicable human rights standards should be used as the normative frame of reference by accountability bodies when reviewing compliance with development goals or assessing claims, complaints or grievances by individuals or communities adversely affected by development-related policies.[75] Some comments by Member States have also noted that an accountability mechanism should adopt a "rights-based approach" that focuses on results and outcomes.[76] Framing development goals and targets in human rights terms has the benefit of emphasizing the duties underpinning them.[77] In this way, accountability for many of the SDGs can be highlighted as a dimension of existing legal obligations (through reporting to human rights treaty bodies) rather than depending exclusively on voluntary review.[78]

Adapting to changing global circumstances

A number of proposals have recommended that the HLPF accountability mechanism be flexible and adaptable to future changes in a complex and interlinked global society, such as transmitted risks, transitions, and new linkages across multiple sectors.[79] As contemporary challenges change over time, the HLPF review structure must be capable of adapting to address future global issues where progress is needed, and updating its monitoring systems to reflect new technologies and data availabilities.[80]

Using existing effective peer review mechanisms as examples

Peer review mechanisms are widely considered to be an effective instrument for simultaneously strengthening accountability in a multilateral context while ensuring strong ownership by participating governments.[81] Several proposals have recommended modelling the HLPF on a peer-review style mechanism for this reason. Some examples of "model" peer review mechanisms are:

- The UN Human Rights Council's Universal Periodic Review;[82]

- The Organization for Economic Co-operation and Development (OECD)'s Peer Reviews;

- ECOSOC's Annual Ministerial Review;

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73   Overseas Development Institute, *supra* note 68, at 18.
74   Independent Research Forum, *supra* note 52, at 2.
75   *Who Will be Accountable?*, *supra* note 40, at 70.
76   U.N. Economic and Social Commission for Western Asia, *supra* note 37, at ¶ 13.
77   *Who Will be Accountable?*, *supra* note 40, at ix.
78   *Who Will be Accountable?*, *supra* note 40, at ix.
79   Remarks by Marc Levy, Columbia University, at the UN GA's Second Committee panel discussion on 'Promoting Accountability at all levels: monitoring the post-2015 development agenda' (Oct. 31, 2014), http://sd.iisd.org/news/second-committee-discusses-post-2015-accountability-mechanism/
80   Independent Research Forum, *supra* note 52, at 3.
81   United Nations Economic Commission for Europe, *supra* note 48, at 5.
82   This is the subject of a comprehensive examination, *see infra* Annex 5.

- The World Trade Organization (WTO)'s Trade Policy Review Mechanism;
- The UN Economic Commission for Europe (UNECE)'s Environmental Performance Reviews.

Focusing on development partnerships

Some actors have recommended that the follow-up and review process must focus on Goal 17 (Global Partnership for Development) as central to the implementation of the entire post-2015 development agenda, with the emphasis on those States that are the primary duty-bearers in this partnership.[83] Goal 17 aims to: "[s]trengthen the means of implementation and revitalize the global partnership for sustainable development."[84] This encompasses finance, technology, capacity-building, trade, and systemic issues such as policy and institutional coherence, multi-stakeholder partnerships, and data monitoring and accountability. In this sense, Goal 17 provides the methods of implementation for many other Goals, encourages the necessary capacity-building in developing countries, and promotes the relationships between and within the global North and South that are necessary in order to do so. The OECD, for example, with its experience in monitoring and analyzing resource flows to developing countries, could play a role in measuring and monitoring external development finance.[85]

The above survey reveals that while the exact architecture of the HLPF's review process is yet to be created, many of the existing proposals from a range of governmental and nongovernmental actors, including civil society, Member States, and UN bodies, emphasize common themes of answerability, revisability, and transparency. Many of these draw on best practices from existing peer review mechanisms, lessons learned from the weaknesses of the MDG accountability process, the desire to use human rights both as a normative framework, and a high-quality informational base to guide the HLPF's review. This report aims to complement the range of existing proposals by focusing specifically on the identification of existing reporting mechanisms that are relevant to the sustainable development agenda (and more specifically, the Sustainable Development Goals) and by illustrating how the HLPF could build on existing monitoring processes by harnessing relevant data provided by States pursuant to those mechanisms.

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83   Beyond 2015, Recommendations from Beyond 2015 on the Accountability, Monitoring, and Review Framework for the Post-2015 Agenda 4 (2015); *see also* Jose Antonia Ocampo, A Post-2015 Monitoring and Accountability Framework 13 (2015).

84   Post-2015 Outcome Document, *supra* note 1, at Goal 17.

85   OECD, Beyond the Millennium Development Goals: Towards an OECD contribution to the post-2015 agenda 17 (2015), http://www.oecd.org/dac/POST-2015%20 Overview%20Paper.pdf

5. Proposals

Building on the broad principles of accountability identified in Part 3 of this report, the authors propose the following recommendations for the HLPF:

1. The HLPF should (i) provide active review of State progress on SDGs, (ii) ensure transparent informational output to inform dialogue and action by national and local stakeholders, and (iii) enable and facilitate social accountability.[86]

2. The HLPF should provide an environment for iterative learning where Member States can contribute to and learn from each other's challenges and strategies on the implementation of the post-2015 development agenda.

3. The HLPF should ensure that the information used in its review processes is credible and reliable. To that end, we propose the establishment of "Review Facilitation Teams" to filter and synthesize the relevant information which is available on State implementation from different sources, in particular from the range of existing review mechanisms. Appropriate filtering and synthesis of this kind is crucial to the credibility and legitimacy of HLPF review.

4. The outcome document or product of the HLPF should accomplish two things: (i) it should identify gaps or problem areas that need to be addressed, and (ii) it should provide guidance as to how this may be achieved. In conducting State reviews, the HLPF should draw on the outputs of the Review Facilitation Teams to recommend action in cases of non-implementation or difficulties in implementation.[87]

To achieve these goals, the report proposes that the HLPF draw on existing review mechanisms in two particular ways.

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86 Jose Antonio Ocampo, *supra* note 84, at 5.
87 *Who Will be Accountable?*, *supra* note 40, at 57.

A **Centralized Database** could be established to gather and present information derived from existing global and regional monitoring mechanisms, thereby providing the HLPF with a rich source of data that is relevant to the SDGs. This proposal, which will be further elaborated below, serves the goal of transparency and potentially enhances the participatory dimension of follow-up and review. The vast amounts of undifferentiated and complex data relevant to the SDGs will not be usable by the HLPF for follow-up and review purposes unless some kind of sifting and coordination system is put in place. To this end, drawing on a range of examples from existing monitoring mechanisms summarized below, this report proposes to integrate the use of **Review Facilitation Teams** into the HLPF and its monitoring processes.

A. Review Facilitation Teams (RFTs)

i. Proposal Overview

This report proposes the creation and use, as part of the HLPF process, of Review Facilitation Teams (RFTs). Various features of the HLPF process point to the need for a "filtering" mechanism of this kind.

It is clear that a successful follow-up and review process will entail the balancing of competing values. For instance, HLPF review is required to be inclusive and transparent, but also evidence-based. The former requirements may be best served by a system of broad engagement, wherein people's individual experiences are taken into account and are not reduced to mere figures in a dataset. By contrast, the latter requirements may suggest a need for a more technocratic approach, so as to ensure scientific accuracy and thoroughness. The authors believe that the establishment and use of Review Facilitation Teams will help to negotiate this balance.

It is also clear that the HLPF faces substantial logistical challenges. Since review at the ECOSOC level is limited to just eight days annually, there is reason for concern regarding the feasibility of conducting in-depth reviews of every country on every Goal. Ultimately, if the HLPF is to be able to perform its task with some degree of success, there will need to be a "working level" of review beyond the presentation and consideration of national reports in summary fashion at annual HLPF sessions.

With a view toward addressing these and other challenges, this report proposes that the HLPF review should incorporate the use of RFTs. RFTs would be comparatively small, *ad hoc* bodies established periodically and charged with conducting an initial examination of country reports. These teams would work on an inter-sessional basis to prepare an annotated synthesis of country reports to facilitate meaningful review at plenary HLPF sessions. The operation of facilitation teams of this kind has the potential to significantly enhance the functioning of the HLPF and to lend its work greater legitimacy.[88]

The role of such facilitation teams would be to filter, coordinate, and process the large amount of information provided in country reports, and, by highlighting elements of these reports that merit special attention, to help guide discussion of these reports by the HLPF. Moreover, RFTs may play a similar filtering role in the HLPF's thematic reviews. The utility of inter-sessional work in support of the HLPF has already been recognized by Member States (for example, see the establishment of the multi-stakeholder forum on science, technology and innovation).[89]

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88 Although in a recent review of the UN Human Rights Treaty Bodies, there was some criticism by Member States that expert bodies had exceeded their mandates and encouraged 'politicized criticism of States' by employing expert review there still remains much legitimacy in review regimes by mandating review by independent experts. Christen Broecker, *The Reform of the United Nations Human Rights Treaty Bodies*, 18 ASIL Insights (Aug. 8, 2014), https://www.asil.org/insights/volume/18/issue/16/reform-united-nations%E2%80%99-human-rights-treaty-bodies

89 Third International Conference on Financing for Development, Addis Ababa, Eth., July 13-16, 2015, *Addis Ababa Action Agenda of the Third International Conference on Financing for Development*, ¶123, U.N. Doc. A/RES/69/313 (Aug. 17, 2015) [hereinafter Addis Ababa Action Agenda].

RFTs would not constitute an additional layer of review (unlike the independent expert committees that review compliance with international human rights treaties), but instead would have the task of streamlining and assisting the overall HLPF review process.

Careful design of the composition, modalities, and functions of RFTs could enable the HLPF to harness and combine the benefits of more specialized expert review (e.g. impartiality, credibility, thoroughness) with the advantages of a more open, grassroots system. Additionally, calling attention to specific issues of note in country reports could enhance the HLPF's efficiency and ensure that meaningful review of all States can take place during its sessions.

The specific qualities of the proposed RFTs are set forth below. For now, it should be noted that there are various precedents for use of this type of body. One example, while operating in a particularly specialized and technical context, is represented by the Expert Review Teams employed by the UN Framework Convention on Climate Change (UNFCCC).[90] In the HLPF context, while issues of technical expertise may not always be present, the function of the team would be to help manage and filter the information provided from multiple sources; to identify gaps, problems, or other issues for the review; and to prepare and streamline the review process to enable the HLPF to operate more effectively.

ii. Team Composition

If the model of the UNFCCC were to be followed in the creation of RFTs for the HLPF, each Member State could nominate a specified number of reviewers to a pool. This pool could be curated by a centralized secretariat body (such as UN DESA or another permanent bureau dedicated to managing the work of the HLPF between sessions). As needed, this centralized body could select a predetermined number of reviewers from this pool to review an individual State, with an eye towards maximizing the diversity of the team—both in terms of geography and thematic expertise.

The selection of reviewers offers an opportunity to begin addressing several HLPF goals. For instance, the addition of civil society members to the facilitation team would enhance not only the inclusiveness of the HLPF's review process, but also its overall representational legitimacy. The HLPF could mandate that States nominate at least one reviewer representing a civil society organization alongside experts who have closer ties to the State's government.

It would also be advisable to nominate members with significant knowledge and experience of the issues being reviewed. By way of example, the Committee on the Rights of Persons with Disabilities (CPRD), which is tasked with reviewing State compliance with the associated Convention, is composed in part of individuals with disabilities.[91] The inclusion of individuals with this type of personal knowledge and experience is crucial to promoting the adaptability of RFTs. While the expert review conducted under the auspices of the UNFCCC is highly technical and scientific in nature, issues such as the intersection between reproductive rights and local cultural norms are less amenable to this form of analysis. Given the variety of issues that will be dealt with in country reports on the SDGs, RFTs must be able to successfully conduct both technical and non-technical review. By incorporating individuals with relevant lived experience into the HLPF process, RFTs can accomplish this goal and ensure that SDG follow-up and review is responsive to the views of a wide range of stakeholders.

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90 *See Review Process*, United Nations Framework Convention on Climate Change, http://unfccc.int/national_reports/annex_i_ghg_inventories/review_process/items/2762.php (last visited Jan. 4, 2016).

91 *Human Rights of Persons with Disabilities,* United Nations Office of the High Commissioner for Human Rights, http://www.ohchr.org/EN/Issues/Disability/Pages/DisabilityIndex.aspx (last visited Jan. 4, 2016).

As suggested above, the HLPF will draw for inspiration on the numerous existing review mechanisms that make use of specialized reviewing bodies. For example, the UNFCCC system maintains a list of potential reviewers with demonstrated competence in relevant scientific fields who have already been vetted by States for participation in a country review process.[92] The same may be said of the ten human rights treaty-based bodies, including the aforementioned CRPD, which are charged with reviewing States' compliance with the core global human rights instruments.[93] Indeed, there are existing specialized review bodies covering a wide variety of thematic areas relevant to the SDGs, including biological diversity,[94] energy consumption,[95] and food security.[96] Several such existing review bodies and their functions are highlighted in Annex 4.

In addition to these existing bodies, the multi-stakeholder forum on science, technology, and innovation for the SDGs will annually gather representatives from Member States, civil society, the private sector, the scientific community, and UN agencies to discuss implementation of the SDGs.[97] As with existing specialized review bodies, the multi-stakeholder forum provides a "shortcut" of sorts in helping to identify interested, competent individuals who might be approached to become a member of a Review Facilitation Team. In any event, the work of the multi-stakeholder forum—and that of other specialized review bodies—may be drawn upon by facilitation teams in their own work.

Ultimately, the selection of a diverse group of individuals for participation in facilitation teams should enable the HLPF to balance not only the interests in technocratic and participatory review, but also the twin needs for flexibility and predictability. The *ad hoc* nature of these teams would allow DESA (or another centralized entity) to select team members whose expertise or experience is pertinent to an individual country's priority areas of focus. This would contribute to the creation of effective feedback loops, as the HLPF's recommendations to individual countries would be taken into account when structuring the facilitation team for those countries' next cycle of reporting.

At the same time, the use of facilitation teams should enhance the predictability of the review process by promoting impartiality, accuracy, and credibility. These attributes are further discussed below.

iii. Core Team Functions

The key function of the facilitation teams would be to assist the HLPF in meeting its goal of identifying achievements, challenges, gaps, and critical success factors in countries' implementation of the SDGs.[98]

Given the time constraints imposed by the HLPF's eight-day annual review period,[99] such assistance may be crucial in ensuring that review of SDG implementation is thorough and meaningful. This viewpoint was exemplified by the non-profit International Institute for Sustainable Development, which in an April 2015

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92   *See Review Process, supra* note 91.

93   *Human Rights Bodies*, United Nations Office of the High Commissioner for Human Rights, http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx (last visited Jan. 5, 2016).

94   *See Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)*, Convention on Biological Diversity, https://www.cbd.int/sbstta/ (last visited Jan. 5, 2016); *see also Animals and Plants Committees*, Convention on International Trade in Endangered Species of Wild Fauna and Flora, https://www.cites.org/eng/disc/ac_pc.php (last visited Jan. 5, 2016).

95   *See Energy Efficiency Country Reviews*, Energy Charter Treaty, http://www.energycharter.org/what-we-do/energy-efficiency/energy-efficiency-country-reviews/ (last visited Jan. 5, 2016).

96   *See High-Level Panel of Experts on Food Security and Nutrition*, Food and Agriculture Organization, http://www.fao.org/cfs/cfs-hlpe/en/ (last visited Jan. 5, 2016).

97   Addis Ababa Action Agenda, *supra* note 90, at ¶ 123.

98   Post-2015 Outcome Document, *supra* note 1, at ¶¶ 73, 74(c).

99   GA Res. 67/290A/RES/67/290, *supra* note 11, at ¶ 7(a).

commentary noted that the HLPF's "ambitious agenda" ought to lead Member States to "consider whether the eight-day meeting requires a preparatory process."[100] Two specific types of preparatory work might be undertaken by Review Facilitation Teams in the period of time leading up to annual HLPF sessions.

First, these facilitation teams could be tasked with technical review of the data and methodologies employed by States in the national reports that they volunteer to the HLPF. This is similar to the role occupied by expert review teams in the UNFCCC context, and would have the effect of "keeping States honest" while still allowing them to lead the national review process. A facilitation team would identify any potential methodological issues with the way a national report was conducted, any major gaps in the State's analysis, and areas that merit further consideration. Additionally, the team would highlight any areas in which the State under review had made a substantial amount of progress. This process could involve incorporation and in-depth analysis of scientific and technical data, as well as qualitative information derived, for instance, from surveys. Where such information is sparse in country reports, facilitation teams could draw on information from an SDG database (see below) for purposes of gap-filling and comparison. The findings of facilitation teams would be passed on to the HLPF in a synthesized, summarized document, where they could be adopted or modified as deemed appropriate. The ultimate outcome of the entire review process could be a set of non-binding recommendations issued by the HLPF during its annual session.

Secondly, an alternative or parallel function for facilitation teams would be to provide scientific, technical, and other expert or experience-based advice to the HLPF regarding the particular challenges faced by the individual country under review. This type of assistance is exemplified by entities such as the Convention on Biological Diversity's (CBD) Subsidiary Body on Scientific, Technical and Technological Advice.[101] Here, the goal would be to provide more generalized information on what type of implementation measures are likely to be successful at combating the unique challenges faced by each reviewed country. In this function, facilitation teams would not necessarily undertake a critical analysis of country reports, but would nonetheless draw on the information contained in these reports to help to improve the efficiency of HLPF review. Among other things, the advice provided by facilitation teams may reduce the amount of time the HLPF plenary body would need to spend discussing potential areas for country improvement. It would also help to ensure that the HLPF's recommendations maintain a high standard of scientific and technical accuracy. In this sense, facilitation teams would provide a more specific and country-tailored complement to the multi-stakeholder forum on science, technology, and innovation.

While facilitation teams would be most effective if empowered to undertake both in-depth examination of country reports *and* expert advice, it is possible that the latter may be more readily acceptable to States.

iv. Secondary Functions and Externalities

In addition to their role as facilitators of country-specific reviews, RFTs may be of use for the HLPF's thematic reviews. Thematic reviews are meant to "engage all relevant stakeholders" and take into account the interlinkages between the SDGs.[102] The flexible nature of RFT composition will allow for tailoring of the teams to the specific goals under review, facilitating consideration of links between different regimes. For instance, inclusion of experts on agricultural subsidies and local food security advocates will facilitate analysis of the links between trade and human rights and their impact on SDG realization. Moreover, RFTs would allow for the inclusion in the review process of individuals with a personal stake in the particular issues at hand.

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100   International Institute for Sustainable Development, Architecture for Review and Follow-Up of the SDGs: Options for the High-Level Political Forum 2 (2015), https://www.iisd.org/sites/default/files/publications/architecture-review-follow-up-sdg-options-hlpf.pdf

101   *Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)*, *supra* note 95.

102   Post-2015 Outcome Document, *supra* note 1, at ¶ 85.

Ultimately, RFTs could produce a report on the general state of implementation of particular SDGs, drawing upon unique experiences and expertise to highlight areas of progress and concern. As with review of country reports, accessibility of quality information may be a challenge for RFT participation in thematic reviews. This issue may be addressed by reliance on a database of information relevant to the SDGs (see part 5(B), below).

RFTs may also help determine the parameters of State reporting. For example, the team could advise that a particular State's reporting in future cycles should focus on certain sets of SDGs (e.g. those that can easily be grouped thematically and that are most relevant for the State). Such differential reporting would be consistent with diversity of priorities among different States. The use of facilitation teams to determine areas of focus would ensure that the self-interest of States does not lead to reports focused on their successes at the expense of reporting on areas where SDG realization may be lagging. Such use of differential reports is not unprecedented. For example, the UNFCCC maintains different reporting requirements for developed and developing States.[103] Such focused review may ease the burden on the administrative entities tasked with conducting and facilitating review at annual HLPF sessions by allowing them to concentrate on certain key areas.

Additionally, the ongoing use of RFTs may create a positive feedback loop by allowing reviewers to impart specialized knowledge while simultaneously being exposed to the reviewed State's best practices. The expert member in question could then report these best practices back to their home State. The exchange of best practices could occur in informal settings between the annual meetings of the HLPF at the ECOSOC level.

As suggested above, feedback loops could also be reinforced through formal outcome documents of the HLPF. The outcome document could contain recommendations to the State being reviewed. The State would then take actions to implement these recommendations and report on its subsequent actions and progress in its next national-level country report(s). These progress reports could then be the topic of discussion at the State's next HLPF review at the GA level. These feedback loops could be implemented through a system of flexible priority-setting by the HLPF and any associate centralized administrative body, which could set the agenda for reporting at future sessions and structure facilitation teams accordingly. This could be similar to existing processes which empower the relevant administrative body to set subject-area priorities for reporting. Here, the paradigmatic example is the CBD, which allows the Conference of the Parties to specify certain focus areas for reporting in advance.[104] Additionally, the CBD Conference of the Parties is empowered to specify when reports shall be due.[105] Similarly, some human rights committees provide a "list of issues" for States to specifically address in their periodic reports.[106]

It is anticipated that the use of RFTs in the manner described above and the "feedback loop" approach would enhance the accountability function of the HLPF and facilitate the process of iterative learning.

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103   *Reporting and Review for Annex I Parties under the Convention and the Kyoto Protocol*, United Nations Framework Convention on Climate Change, http://unfccc.int/national_reports/reporting_and_review_for_annex_i_parties/items/5689.php (last visited Jan. 5, 2016); *National Reports from Non-Annex I Countries*, United Nations Framework Convention on Climate Change, http://unfccc.int/national_reports/non-annex_i_natcom/items/2716.php (last visited Jan. 5, 2016).

104   *See, e.g., Guidelines for the Fifth National Report*, Convention on Biological Diversity, https://www.cbd.int/doc/nr/nr-05/NR5-guidelines-en.pdf (last visited Jan. 5, 2016).

105   Convention on Biological Diversity art. 26., June 5, 1992, 1760 U.N.T.S. 79.

106   *See* Office of the High Commissioner for Human Rights, *Lists of Issues (LOI & LOIPR)*, *available at* http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=18&DocTypeID=25

v. Summary of Advantages

The use of RFTs as described above would have the following advantages:

1. Impartiality and Credibility

Given that the HLPF will consist of representatives from Member States and naturally operate as a political body, there is merit in considering a more impartial level of review. Commentators such as the Quaker United Nations Office, have noted that "technical review by a team of independent experts can increase Party confidence in a system by ensuring that evaluations are completed by a trusted and qualified group."[107] The use of facilitation teams operating independently from Member State control may help to respond to the risk of excessive politicization and to provide an informed, even-handed review of progress on the SDGs.

Additionally, delegating a certain portion of pre-review preparation to facilitation teams would add a layer of legal, social, and technical expertise and experience in given thematic areas that may inform the HLPF's formal outcome documents. This is particularly important given that several elements of the SDGs (particularly those dealing with environmental matters) involve issues of significant technical and scientific complexity. Member States and other stakeholders would thus have greater reason to trust the accuracy and helpfulness of HLPF recommendations.

All told, this increased impartiality and credibility may serve to enhance the predictability of the HLPF review process. Member States would have less reason to fear biased criticism from geopolitical rivals which, by nature, will vary considerably depending on the global political climate. More importantly, by facilitating the incorporation of scientific standards, RFTs may make it easier for States to identify solid benchmarks against which to measure their implementation of the SDGs. Such benchmarking would be considerably more difficult if HLPF review was entirely limited to a broad narrative format and generalized recommendations.

2. Specificity and Tailoring

The delegation of data-filtering and review facilitation to RFTs is meant to enable highly in-depth review and guidance at a country-specific level as well as tailored review of chosen SDG themes. Facilitation teams may also identify areas in which State capacity is lacking and where the State could benefit from technical assistance.

Both of these advantages stem from gains in overall HLPF efficiency, as facilitation teams should have significantly more time to devote to examination of country reports or themes than will the plenary HLPF sessions. Similarly, they should have more time to formulate in-depth and helpful expert advice.

Efficiency gains and effective national tailoring may also serve to meet the HLPF's goal of universal participation by enhancing the ability of the review process to thoroughly review all countries by 2030.

3. Flexibility

The *ad hoc* constitution of RFTs and the wide variety of potential reviewers that may be called into action would help to ensure that this stage of HLPF review is adapted to the specific needs of each individual country. This flexibility would contribute to positive feedback loops, i.e. through flexible priority setting. This could give the SDG review process a significant advantage over its MDG predecessor since, as described above, the lack of positive feedback loops was a significant criticism of the latter's system.

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107   Increasing Trust and Effectiveness under the UNFCCC: Learning from International Monitoring Processes, Quaker United Nations Office 2 (2014).

Notably, such a flexible system may also help to guard against "diluted" reporting, wherein States devote a majority of their attention to areas where they are performing well while ignoring areas that require improvement. Facilitation teams would be adjustable, as necessary, to concentrate expertise on areas that deserve the most attention.

4. Opportunities for Inclusiveness

The use of RFTs also presents an opportunity to integrate members of civil society or other interested participants in the review process, especially if the lessons of existing mechanisms, such as the Committee on the Rights of Persons with Disabilities, are taken into account.

To the extent that RFTs represent a more specialized or expert approach to HLPF review, they may nevertheless be employed to complement the more open, accessible, transparent, and participation-enhancing features of the second proposal of this report: namely, the establishment of an SDG Informational Database. As suggested above, facilitation teams could draw upon the information contained within the database to fill gaps in the analysis contained within country reports or to compare portions of these reports to other assessments of SDG fulfillment. Since the database would incorporate both quantitative and qualitative information from a very broad range of stakeholders, its use by facilitation teams may give civil society, the private sector, and other actors an additional indirect voice in the review process.

B. SDG Informational Database

A review of existing treaty-body mechanisms illustrates that States already report on a wide range of existing obligations which are directly relevant to the SDGs and their targets. Further, a range of relevant information and data that would be useful in analyzing countries' progress and realization of the SDGs is already gathered, monitored, and used by existing bodies within broader structures (such as the FAO). To reduce the burden on States of additional reporting, existing country reports from these other mechanisms and informational tools could be synthesized and integrated into both the national and thematic review function of the HLPF, for use by all stakeholders. To this end, this report proposes the creation of an online, public database-style platform that would provide a range of data and information from existing review mechanisms and informational bodies.

Member States have stated that two of the priorities for SDG follow-up and review are to minimize additional reporting burdens for national administrations by building on existing platforms and processes,[108] and to ensure that this follow-up and review be evidence-based.[109] With these mandates, and with a view to providing a comprehensive, accessible, and organized data tool to inform action and review by all relevant stakeholders, this report proses **an online, public, and interactive database that draws on existing surveys, informational tools, and international treaty body reports.**

Such a database could either build on an existing platform or be newly formed. For example, the Secretary-General launched the website of the Integrated Implementation Framework in 2012 as an instrument to better track the commitments made by Member States in support of the MDGs. This included searchable information on what governments and the international community were doing to support the achievement of the MDGs. It has been pointed out that "transparent tracking of voluntary commitments can make important

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108   Post-2015 Outcome Document, *supra* note 1, ¶ 74(f).
109   Post-2015 Outcome Document, *supra* note 1, ¶ 74(g).

contributions to accountability, by strengthening expectations that promises should be honoured."[110] During its initial stages, the database could build on or otherwise utilize information and data stored in this existing online platform.

This type of informational platform could provide integrated, compiled, and readily available information to all stakeholders (such as the HLPF secretariat, HLPF participants and State representatives, and civil society). It could include other reports and information—such as global monitoring exercises conducted by the UN Secretariat, the World Bank, and the OECD Development Assistance Committee (OECD-DAC)—and could be linked to existing databases by the UN Statistical Division. In particular, it may reduce the burden on centralized review agencies by allowing any relevant stakeholder to access information in real-time and to prepare responses inter-sessionally. Given that annual HLPF review under ECOSOC is scheduled to take place over an eight day period, a comprehensive source of information that is accessible year-round could reduce the need to undertake in-depth discussion of information itself at HLPF sessions and free more time for substantive discussions of solutions to SDG implementation problems. The creation of a database may also help facilitate more meaningful civil society involvement, depending on the modalities of civil society participation in HLPF sessions.

The international system provides several useful examples of approaches to data aggregation and publication that may serve as a model for the HLPF. Annex 4 sets forth five examples of informational tools that offer particularly pertinent lessons for SDG follow-up.

Based on an examination of several extant informational tools (focused on those relevant to Goals 2 and 10)[111] and their features which may be relevant or helpful to review of the SDGs, this report proposes that a potential database exhibit the following characteristics:

i. Interactivity

An online SDG Informational Database should be interactive in several ways. Rather than merely compiling and presenting data relevant to development goals, it should actively empower users—be they governments, RFTs, civil society actors, NGOs, local communities, regional bodies, or individuals—to be able to use the database in multiple ways for the purpose of critical analysis and review. This would serve to empower stakeholders in their own reviews and analysis of SDG progress through the meeting of development targets. Stakeholders could utilize or draw on such data to prompt action and further inform dialogues at local, national, or regional levels, whether country-specific or thematically based. To this end, such a database would further the principles of inclusiveness, transparency, and social accountability that are vital to the follow-up and review process of the post-2015 development agenda.

In order to be appropriately accessible for a wide range of stakeholders' needs, the database platform should allow users to view all relevant data (including where the data is sourced from) across all available targets and indicators; to compare country, thematic, and regional progress; and to submit feedback where usability is lacking or hampered for various reasons.

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110   *Who Will be Accountable?, supra* note 40, at 54.

111   *See infra* Annexes 2 & 3.

ii. Country Comparability and Data Disaggregation

The post-2015 agenda proposes relying on "quality, accessible, timely and reliable disaggregated data" to measure progress and to inform decision-making.[112] In particular, it envisages supporting "developing countries, particularly African countries, LDCs, SIDS and LLDCs, in strengthening the capacity of national statistical offices and data systems to ensure access to high-quality, timely, reliable and disaggregated data."[113]

By its nature, such a database will contain large amounts of data from a wide range of sources and across varying time periods. Therefore, allowing specific disaggregation of its information must be a prime feature. Targeted disaggregation according to user selectivity will allow not only tailored monitoring of progress on specific SDGs and targets, but also increase the usability of the database and reduce any tendency towards "information overload." Allowing data to be selectively viewed across available indicators should allow database users, such as RFTs, civil society, and other HLPF participants, to extract and view specifically targeted information. Accordingly, data should be disaggregated by country (and if relevant, sub-national units) to allow for comparison of national indicators and performance.

Along with disaggregated data, country comparisons should allow users to take note of starting levels or base-points for each country in order to draw a more representative and accurate picture of progress achieved. Cross-regional comparisons may also be a feature of such a database. The authors note, however, that the quality and amount of data available for each country will greatly vary, both in official government-sourced data and data held by other international expert or regional bodies. While this may make direct cross-country comparison difficult in some areas, every attempt should be made to allow comprehensive cross-country reviews using all credible, available data sources. Such a tool would be especially relevant and useful for all parties and stakeholders in a range of development partnerships, as its resulting transparency would enable mutual accountability between development partners.

iii. Comprehensiveness

As a useful resource to inform and aid the work of the RFTs, as well as for possible use by HLPF representatives, the database would need to incorporate all or as much relevant information as possible. To this end, it should incorporate information from a wide variety of potential sources, including the voluntary national country reports, reports from a range of relevant human rights and environmental treaty review bodies,[114] information from regional bodies, specialized global entities, and relevant UN entities. Further, given the vital importance of including the private sector in the review process,[115] the database may also include reporting by private stakeholders (e.g. Communications of Progress submitted to the UN Global Compact).[116]

The Informational Database should include all relevant qualitative and quantitative data, provide links to other informational tools, and allow for data to be built and added over time across all SDGs and targets. The authors note that the comprehensive nature of such a database may be impaired by gaps in available national statistics. However, compiling information from international or regional technical or non-governmental sources may allow users to make informed estimates of statistics where gaps are present, relying on non-official sources. However, these would not inform official review by the HLPF.

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112   Post 2015 Outcome Document, *supra* note 1, at ¶¶ 44, 74(g).

113   Post 2015 Outcome Document, *supra* note 1, at ¶ 76.

114   *See infra* Annex 1, which shows broadly the range of treaty bodies relevant to each SDG.

115   *See* Post-2015 Outcome Document, *supra* note 1, ¶ 84.

116   *See Reporting,* UN Global Compact, https://www.unglobalcompact.org/participation/report (last visited Jan. 6, 2016).

One further benefit of such a database is that the compilation of widespread data may help identify areas where national information and data-gathering and processing capacity is lacking, and where country data-gathering or monitoring capacity can be strengthened pursuant to the post-2015 Outcome Document.[117] Drawing on such a platform to inform SDG follow-up and review will also ensure that the process remains evidence-based and credible.

However, if such an informational database is to be genuinely useable and accessible to the widest possible range of stakeholders—not all of whom will be experts or familiar with the range of tools or language used – it should avoid being overly technical or a mere "compendium" of inaccessible data. The platform should therefore include glossaries and identifiers of key terms to help stakeholders make sense of the data, and possible user "guides" to navigating the wide amounts of data available.

A useful example to draw on in this respect is the World Health Organization (WHO)'s Framework Convention on Tobacco Control (FCTC) Implementation Database.[118] Here, the WHO has published a glossary of terms used in the FCTC and its instruments as well as an instructional document for the employment of these terms.

iv. Inclusiveness of qualitative information

Where possible, the database ought to incorporate non-numerical data that reflects the experiences of individuals, in the vein of surveys that seek to document and track individual experiences of development-related outcomes (e.g. the Food Insecurity Experience Scale).[119] By ensuring that it does not rely exclusively on quantitative data, the SDG Informational Database will avoid the problematic MDG reliance on aggregates and national averages. Quantitative data should be complemented with narrative style or qualitative information across a large range of SDG areas in order to make the database more useful and accessible.

A risk of excessive reliance on data and informational sources (which, according to the case studies in Annexes 2 and 3, are plentiful in the international system) may detract from actual citizen-State accountability. Critiques have pointed out that excessive reliance on technocratic, abstract data (e.g. on food and agricultural outputs, subsidies, etc.) may remove individuals and communities as the centers and beneficiaries of "development." Excessive reliance on such data may obscure or impede measurement of how development policies within States are actually benefitting citizens. The OHCHR has pointed out that measurement and monitoring must be done in a participatory manner, rather than purely as "data extraction," in order to empower individuals as the drivers of development.[120]

This is why it is imperative to balance the use of technocratic, informational bodies with more localized, context-specific, and citizen-sourced data. This is particularly the case for Goals and targets that are difficult to evaluate in quantitative measures. For example, review of Goal 5 and its first three targets (dealing with discrimination against women and girls, violence in private and public spheres, and harmful practices) must rely on local, citizen-based and generated information. Here, review may be better achieved by analyzing accounts of private discrimination and other harmful practices that are not always subject to State-wide survey. This would serve to avoid reliance on purely technical or quantitative data which risks focusing on aggregates and national averages.

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117 Post 2015 Outcome Document, *supra* note 1, at ¶ 76.
118 *See infra* Annex 4 for details on this informational tool.
119 *See infra* Annex 4 on Existing Informational Tools.
120 *Who Will be Accountable?*, *supra* note 40, at 65.

v. Providing for "Meta-analysis" and review of data across all SDGs

The database should, in the vein of the WHO FCTC Implementation Database or the Integrated Food Security Phase Classification (IPC),[121] include information about the indicators used and facilitate the development of a common language relative to SDG monitoring. In addition to providing target and indicator-specific, and localized data, the database must also show global, aggregate efforts and progress on the realization of all SDGs, and across major thematic areas. In this way, the database may particularly be utilized for thematic reviews alongside national reviews.

vi. Linking into other UN platforms and allowing direct input from stakeholders

The database as an informational hub would also benefit from being linked to and allowing direct feedback from civil society and non-governmental stakeholders on the information available. For example, civil society should be able to submit proposals for new surveys or data sets to be implemented in target areas where information is lacking or inadequately covered.

Where relevant, the database should include links to UN-launched surveys and online outreach activities, such as the My World Survey undertaken in preparation for the post-2015 development agenda.[122] Further, the recent establishment of the Technology Facilitation Mechanism for Achieving Sustainable Development Goals[123] envisages the creation of an online platform as a gateway for information on existing science, technology, and innovation initiatives, mechanisms and programs. Such an online platform could also be fed into the database.

vii. Conclusion

In order for HLPF review to be rigorous and "identify achievements, challenges, gaps and critical success factors"[124] in SDG implementation, the creation of a database should not be treated as an end unto itself, but rather as a means of facilitating meaningful national and thematic review by independent actors based on the information provided by States. The wealth of already-available information will avoid duplicating reporting requirements and over-burdening States in this manner.

It is clear that the time constraints and logistical limits presented by annual eight-day HLPF reviews will significantly shape the level, scope, and depth of review that can be achieved. However, the maintenance of an SDG Informational Database should help to mitigate some of these problems by facilitating year-round, informal review by non-HLPF actors on State progress across SDG areas. This may be particularly important where certain Member States are not before an annual HLPF review, or for the purposes of comparing a particular State's progress with that of others in its region and income-level. Further, such a tool could also be relevant and useful for governments and sub-national actors involved in the formation and implementation of development policies.

A realistic appraisal of the functions that the HLPF can meaningfully carry out suggests that it will not be possible for the HLPF to engage in thorough follow-up and review of all Sustainable Development Goals on a great or equivalent level of specificity. While a focus on targets may be included, the HLPF will not necessarily examine Member State progress at the level of indicators. However, much of the data and informational

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121   *See infra* Annex 4 on Existing Informational Tools.

122   *See My World 2015*, United Nations Foundation, http://www.unfoundation.org/features/my-world-2015.html?referrer=https://www.google.com/ (last visited Jan. 6, 2016).

123   *See* Addis Ababa Action Agenda, *supra* note 90, at ¶ 123; Post-2015 Outcome Document, *supra* note 1, at ¶ 70.

124   *See* Post-2015 Outcome Document, *supra* note 1, at ¶ 74(c).

tools available in the proposed database should enable review of indicators at a much more specific level by other, non-HLPF stakeholders. In this way, the database could empower informal or extra-HLPF review by stakeholders who are not be encumbered by the political sensitivities that may temper robust review by the HLPF.

There are clearly a number of practical challenges in establishing the proposed database. First and foremost, the wealth of existing informational databases and tools that are relevant to the SDGs needs to be identified and meaningfully incorporated into the database. This information will need regular updating as newer information and data becomes available or is released. Incorporating existing reporting into such a database will also be hindered by factors such as the routine delays on the part of States in reporting to other review mechanisms (such as treaty bodies) on time.[125] Presenting a wealth of information in an accessible, wieldable, and user-friendly manner will also require consideration on how to design the database and render it navigable.

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125   U.N. High Commissioner for Human Rights, *Strengthening the United Nations Human Rights Treaty Body System: A Report by the United Nations High Commissioner for Human Rights* 21 (2012) (noting that only 16% of states report to UN Human Rights Treaty Bodies on time).

6. A PROPOSED PROCEDURAL MODEL FOR THE HLPF

This section illustrates how the two proposals made in this report could operate in practice. The SDG Informational Database and the Review Facilitation Teams are envisaged in this report as part of an SDG follow-up and review cycle culminating in the annual HLPF sessions under the auspices of UN Economic and Social Council. This framework, as represented by Figure 1 above, would ensure a continuous, year-round process of preparation, information-gathering, and consolidation by all stakeholders in the lead-up to and aftermath of each eight-day HLPF review session. The model procedure suggested by this report draws on elements of existing voluntary peer-review models which have demonstrated success in fulfilling their follow-up and review mandates in other spheres. The authors suggest that such a procedure could facilitate the HLPF's work by avoiding the overburdening of States while maintaining overall State ownership of the process, allowing for meaningful follow-up and review of States' progress on the implementation of the SDGs.

The formal HLPF process would begin with the completion of a national report by each State being voluntarily reviewed in the annual HLPF session (see Figure 1 above). National reports are to be compiled by States with the aim of enabling assessments of progress and identifying challenges in SDG implementation at the domestic, regional, and global levels.[126] The content and production of these reports is to be informed by guidelines developed by an Inter-Agency Task Team on data and national reporting of the SDGs, which at the time of writing have not yet been completed.

The authors envisage that each national report would then be submitted to a centralized body or secretariat charged with managing the work of and carrying out secretariat functions for the HLPF between sessions. As discussed above, this body could operate as part of UN DESA or a similar institution (something which has not yet been decided at the time of writing this report). Once the secretariat receives each country report, it would submit the report for inclusion in the SDG Informational Database and form an *ad hoc* Review Facilitation Team (RFT) for the country in question.

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126   *See* Post-2015 Outcome Document, *supra* note 1, at ¶ 77.

The country report would then be submitted to the RFT, which would comprise the "working level" of the HLPF process proposed here. The RFT would conduct intersessional preparation for the HLPF session by filtering the information contained in each country report and identifying issues worthy of special attention for each country, which would inform the HLPF's review of each country as discussed above. The RFT would also have access to information from the SDG Informational Database in order to make comparisons between State reports and other assessments of SDG-related issues and to identify gaps in States' substantive reporting. The RFT may also provide more generalized examination of what type of implementation measures are likely to be successful in combating the unique challenges faced by each country under review, as discussed above.

Ultimately, each RFT would produce a summary document synthesizing its findings. Such findings could include (i) issues relating to the data and methodology used by each country in compiling its country report, (ii) an examination of States' progress towards SDG targets, (iii) gaps in the substance of the State's report, (iv) areas that merit special attention, and (v) areas in which the country has made significant progress. It could also provide scientific, technical, or other expert advice concerning the particular challenges faced by the individual country. In light of these considerations, the RFT may recommend that the State's future reporting to the HLPF focus on a certain set of SDGs in order to ease the burden on States and administrative bodies while ensuring that the State's future reviews before the HLPF are as efficient, effective, and meaningful as possible. This synthesis document would then be submitted for review to the HLPF.

Country reviews by the HLPF would then take place during the annual eight-day review period at the ECOSOC level. Review would be based on the country report as well as the RFT synthesis document and would be conducted by the country's peers (UN Member States) as represented in the HLPF. In structuring this review, the authors recommend implementing certain features of existing models of effective voluntary, peer-based review systems in other arenas, as described below.

Firstly, in order to best implement the goals of a universal, periodic review, ECOSOC-level review sessions would take place within a broader cyclical structure in which each UN Member State, regardless of its idiosyncrasies including level of wealth or development (and subject to the overall voluntary nature of the process) would be reviewed once within a given cycle. This would build towards a norm of universal participation—which has been identified as a crucial element of a global voluntary peer review system[127]—and would ensure that each State conducting the review in one session would be subject to review by the other States sometime within the same cycle. This strategy has proven effective in other review mechanisms by enhancing the cooperative element and producing a more collaborative, non-confrontational environment to facilitate meaningful and effective review on an equal treatment basis.[128]

The authors recommend that this broader cycle (during which all 193 UN Member States are reviewed) should ideally be completed once every four years, so that each UN Member State would be reviewed once at the ECOSOC level prior to each HLPF session at the UN General Assembly level. This would enable the comprehensive identification of global best practices and thematic issues during the GA-level HLPF sessions, allowing for more effective and meaningful review of overall Member State progress. This cyclical structure would also ensure that each Member State would undergo voluntary peer review multiple times before the end of the post-2015 Development Agenda, reinforcing a norm of universal participation and allowing for the utilization of feedback loops in the follow-up and review process for each individual Member State.

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127   *See* U.N. Office of the High Commissioner for Human Rights, *supra* note 49.

128   *See infra* Annex 5.

A four-year cyclical format would require the HLPF to review 48 or 49 Member States at the ECOSOC level each year. However, the HLPF is currently scheduled to meet for only eight days per year at this level.[129] The authors recognize that, even with the facilitative role played by the RFTs, it may be difficult to achieve such extensive review in such a short period of time. They therefore recommend that the annual HLPF sessions be extended to a period of six weeks, which could be dispersed across multiple sessions within each year.[130] This would make universal participation more feasible without compromising the effectiveness of individual country review. Such a format has proven effective in other global voluntary peer review mechanisms which allow for the universal participation of all 193 UN Member States within a four-year cycle.[131]

The authors recommend that each country review session in this model consist of an "interactive dialogue" between UN Member States (facilitated by a "Working Group" of reviewing State representatives) and the State under review.[132] This dialogue procedure would allow representatives of reviewing States to publicly interact with the State under review, along with other domestic and international stakeholders in attendance (although these stakeholders would not necessarily have the opportunity to comment). This "interactive dialogue" session could also be web-cast live to the public via the internet, similar to existing peer review procedures. This would foster engagement with the HLPF follow-up and review process by those who are meant to benefit from the SDGs: individuals at the local level.

In this "interactive dialogue" model, the State under review would present itself for questioning and comment by reviewing States on its country report and the issues identified in the RFT synthesis document. Reviewing States would also publicly present recommendations to the State under review on how it may better implement its SDG commitments. The State under review would then be given the opportunity to respond to reviewing States' comments, recommendations, and concerns. Once reviewing States' recommendations had been provided, the State under review would either accept or reject each recommendation in writing. Accepting a recommendation would be a voluntary commitment by the State under review to implement the terms of the recommendation and would be expected to include a brief description of the steps the State intends to take in this regard.

This process would help to address issues specific to the country under review by fostering deliberation and exchanging best practices for SDG implementation in a collaborative way. It would foster effective discussion of issues and best practices for the implementation of SDGs and enable States to make voluntary commitments, all while allowing States to maintain ownership of the review process.

The outcome of the HLPF "interactive dialogue" review process would consist of a set of non-binding recommendations specific to the State being reviewed, which the State has publicly and voluntarily accepted. These recommendations would be issued by the HLPF during its annual session in the form of an outcome document compiled by the Working Group, which would consolidate the comments, questions, recommendations, best practices, and State responses made during the dialogue into a single outcome product. This document would then be included in the SDG Informational Database upon completion of the country review and considered by the next GA-level HLPF session in a broader, thematic context.

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129   GA Res. 67/290, *supra* note 11, at 4.

130   Alternatively, the HLPF could conduct reviews during simultaneous parallel sessions within the annual eight-day period. However, this may undermine the effectiveness of the "interactive dialogue" process (discussed below) by making it difficult for reviewing States to provide comments and recommendations to multiple States being reviewed in simultaneous sessions.

131   *See infra* Annex 5; *see also UPR Sessions*, United Nations Office of the High Commissioner for Human Rights, http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRSessions.aspx (last visited Jan. 6, 2016).

132   This procedure has developed through other voluntary peer review mechanisms and has produced effective results. *See infra* Annex 5.

Each State would then be expected to report on the difficulties, achievements, and actions taken to implement these recommendations in its next report to the HLPF. The HLPF would then discuss the country's progress towards implementing these recommendations in the country's subsequent HLPF review session at the ECOSOC level. This would create a "feedback loop" in which the outcomes from previous HLPF review sessions are fed back into the process as inputs for the State's next HLPF review by informing its next national report and contributing to the SDG Informational Database, which would inform the work of the next RFT. The employment of such feedback loops has proven to be an essential element of effective voluntary peer review mechanisms in other spheres.[133]

The authors anticipate that, by following this procedural model, the HLPF could effectively integrate the SDG Informational Database and Review Facilitation Teams into a continuous, effective, and efficient SDG review process. This is supported by the use of similar models in other successful voluntary peer review structures.[134] By using this framework, the HLPF process would avoid overburdening States while supporting thorough and meaningful review of the implementation of the SDGs.

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133   *See infra* Annex 5.
134   *See infra* Annex 5.

7. CONCLUSION

This report has aimed to explore the possible implementation of the goals and purposes of the HLPF (as reflected in the Outcome Document of the UN Summit to adopt the post-2015 Development Agenda and in proposals made by other stakeholders, including civil society). Having mapped existing State reporting on obligations which are relevant to the SDGs and their targets, this report has examined how existing information from a complex and overlapping range of sources could be utilized to inform the HLPF's review while remaining accessible to other stakeholders. Drawing on existing literature and a study of treaty mechanisms, regional processes, and specialized agencies, the report has made two main proposals for the HLPF's structural components and processes.

Firstly, the establishment and use of Review Facilitation Teams (RFTs) would ensure the impartiality and credibility of the review process. By enabling the filtration of mass amounts of existing reported information and country reports into something usable by the HLPF, RFTs would constitute a valuable and necessary "filter" to enable the HLPF to engage in meaningful, thorough, and data-based review. Further, they would allow for flexibility of the review system by individualizing review to each country's circumstances in a manner that the HLPF may not, due to logistical limitations, be able to do on its own. The authors anticipate that the outcome documents of these RFTs would also be usable by a broad range of stakeholders, including those outside the HLPF.

Secondly, the proposal for an SDG Informational Database would result in a comprehensive, unified platform that compiles relevant quantitative and qualitative information and is sufficiently accessible and interactive to empower and inform a range of stakeholders (including the RFTs) on SDG implementation and progress. Given that information from a vast range of sources is relevant to analysis of progress on the SDGs, it is anticipated that compiling and integrating information from such sources will enable SDG review to be far more thorough, evidence-based, and representative than MDG review. Ensuring that the database is appropriately updated and searchable by disaggregated features will also enable it to inform current, meta-review of global progress on the realization of the SDGs. Such a database is thus crucially important to HLPF review and would also exist as a useful tool outside the formal review process for all stakeholders to engage with and use year-round.

The authors envisage that these two proposals will further a range of accountability principles identified by Member States and civil society as underpinning the SDG follow-up and review process, including flexibility, transparency, responsiveness, inclusiveness, and the creation of credible, evidence-based review processes.

Finally, given that several existing peer review mechanisms enjoy significant support from States while providing fairly effective accountability in a multilateral context, the procedural model proposed by this report draws on such mechanisms to recommend procedural guidelines for the HLPF's follow up and review process. By following these recommendations, the HLPF could effectively integrate the SDG Informational Database and Review Facilitation Teams into a continuous, effective, meaningful, and universal review process.

ANNEXES

ANNEX 1: TABLE OF GOALS AND CORRESPONDING REPORTING MECHANISMS

Treaty	International Covenant on Civil & Political Rights	International Covenant on Economic, Social & Cultural Rights	International Convention on the Elimination of Racial Discrimination	Convention on the Elimination of Discrimination Against Women	Convention Against Torture	Convention on the Rights of Persons with Disabilities	Convention on the Rights of the Child	Convention for the Protection of All Persons from Enforced Disapperence	Convention on the Protection of the Rights of All Migrant Workers	UNESCO Convention against Discrimination in Education
Treaty	168	164	177	189	158	157	195	50	48	101
Goal #1 Poverty		■	■	■		■			■	
Goal #2 Food Security		■	■	■		■				
Goal #3 Health/Well-being		■	■	■		■				
Goal #4 Education	■	■	■	■		■			■	■
Goal #5 Gender Equality	■	■	■	■					■	
Goal #6 Water & Sanitation		■		■		■				
Goal #7 Energy				■						
Goal #8 Sustainable Growth	■	■	■	■					■	
Goal #9 Infrastructure/Innovation		■								
Goal #10 Inequality	■	■		■		■	■		■	
Goal #11 Sustainable Cities		■	■			■				
Goal #12 Consumption		■								
Goal #13 Climate Change										
Goal #14 Marine Resources										
Goal #15 Life on Land										
Goal #16 Peace/Justice	■			■	■		■	■		
Goal #17 Partnerships								■		

Convention on the International Trade in Endangered Species	UN Convention to Combat Desertification	Stockholm Convention on Persistent Organic Pollutants	Basel Convention on the Transboundary Movement of Hazardous Wastes	World Heritage Convention	ILO Forced Labour Convention	UN Framework Convention on Climate Change	Montreal Protocol	UN Convention on Biological Diversity	Cartagena Protocol on Biodiversity	International Treaty on Plant Genetic Resources	WHO Framework Convention on Tobacco Control	UN Convention on the Law of the Sea	Total
191	195	179	183	191	178	196	197	196	170	131	180	167	**Total**
													6
										X			6
		X	X						X	X	X		10
													8
													7
													3
						X							2
					X								7
	X	X	X			X							6
					X								7
X						X							4
			X			X	X		X			X	6
						X	X						2
		X						X				X	4
X	X	X				X		X	X				6
					X								8
						X	X		X				4

ANNEX 2: GOAL 2 CASE STUDY AND GAPS ANALYSIS

A) Background and Methodology

Mapping substantive gaps in reporting across all targets for all SDGs would be beyond the scope of this report. Therefore, in order to assess an example of coverage and gaps in reporting and information, the authors undertook a case study based on Goal 2, which pertains to food security and sustainable agriculture. The case study method presented the most feasible and efficient means of achieving the research aims of this report, given the large quantity of pertinent information available for each of the 17 Goals and 169 targets. While the nature of substantive "gaps" in existing reported information will depend to some extent on the specific content of each SDG, the case study method employed here yields general information about the prevalence and activities of development-oriented international regimes, and as such, has some applicability beyond the context of Goal 2. Further, procedural and practical gaps, such as lack of adequate reporting under human rights regimes, are likely to be relevant across many if not all SDGs.

The choice of Goal 2 was informed by the authors' prior research. As seen in Annex 1, the authors determined that Goal 2 fell near the median in terms of its coverage by binding treaty mechanisms. Moreover, its representativeness is enhanced by the fact that its subject matter is strongly linked to environmental, economic, and human rights concerns, all of which are central to the fulfillment of the post-2015 development agenda.

Framework for Analysis

The international commitments analyzed as part of this case study can be broken down into the following four categories.

1. Binding multilateral treaties with reporting mechanisms

These instruments represent substantive commitments States have made that are relevant to the SDGs and are indicative of States' amenability to mandatory reporting requirements.

2. Commitments and activities of specialized intergovernmental agencies

While these commitments are generally not legally binding, they often have enormous influence on State behavior and have been incorporated by reference into other binding regimes. The activities of specialized agencies will inevitably affect the ability of States to fulfill their SDG commitments, as these agencies are key facilitators and disseminators of information. Additionally, discussions with UN personnel and analysis of civil society proposals for the HLPF have reinforced the idea that SDG follow-up and review will necessarily draw upon the work of these specialized agencies.

3. Trade commitments

The provisions of certain agreements administered by the World Trade Organization (WTO) have wide-reaching implications, and in some cases directly bear on the subject matter of SDG targets. These commitments are especially significant as they are subject to binding dispute resolution, providing an additional push toward compliance.

4. Commitments made through regional organizations

Commitments made by States through regional organizations may have a unique importance. Harnessing reports and information generated at the regional level can ease the burden on the HLPF as it conducts its annual review.

Commitments falling under the above four categories are evaluated against the following set of specific Goal 2 targets:

- **2.1:** by 2030 end hunger and ensure access by all people, in particular the poor and people in vulnerable situations including infants, to safe, nutritious and sufficient food all year round;

- **2.2:** by 2030 end all forms of malnutrition, including achieving by 2025 the internationally agreed targets on stunting and wasting in children under five years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women, and older persons;

- **2.3:** by 2030 double the agricultural productivity and the incomes of small-scale food producers, particularly women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets, and opportunities for value addition and non-farm employment;

- **2.4:** by 2030 ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters, and that progressively improve land and soil quality;

- **2.5:** by 2020 maintain genetic diversity of seeds, cultivated plants, farmed and domesticated animals and their related wild species, including through soundly managed and diversified seed and plant banks at national, regional and international levels, and ensure access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge as internationally agreed;

- **2.a:** increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development, and plant and livestock gene banks to enhance agricultural productive capacity in developing countries, in particular in least developed countries;

- **2.b:** correct and prevent trade restrictions and distortions in world agricultural markets including by the parallel elimination of all forms of agricultural export subsidies and all export measures with equivalent effect, in accordance with the mandate of the Doha Development Round;

- **2.c:** adopt measures to ensure the proper functioning of food commodity markets and their derivatives, and facilitate timely access to market information, including on food reserves, in order to help limit extreme food price volatility.[135]

B) Binding Multilateral Treaties

The authors' prior analysis determined that six binding treaty mechanisms with reporting requirements are relevant to Goal 2. However, the Convention on Biological Diversity was added to this list upon further exploration of its relevance. Each treaty and the Goal 2 targets it addresses are set forth below, along with a brief description of the relevant treaty provisions.

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135   *Goal 2*, Sustainable Development Knowledge Platform, https://sustainabledevelopment.un.org/?page=view&nr=164&type=230&menu=2059 (last visited Jan. 6, 2016).

International Covenant on Economic, Social and Cultural Rights (ICESCR)

- Parties: 164[136]
- Mapped to Targets: 2.1, 2.2., 2.3, 2.4

Article 11 of the ICESCR recognizes a universal right to food and requires States Parties to take steps to ensure the realization of this right.[137] Article 11(2) indicates specific measures, including improved production, conservation and distribution of food, dissemination of knowledge regarding nutrition, and agrarian reform geared towards efficient development of natural resources.[138] As such, the ICESCR directly addresses the emphasis on hunger and malnutrition in Targets 2.1 and 2.2, respectively. Further, it calls upon States to effect improvements in agricultural productivity (Target 2.3) and sustainable food production (Target 2.4).

Convention on the Rights of Persons with Disabilities (CRPD)

- Parties: 159[139]
- Mapped to Targets: 2.1, 2.2

Article 28(1) of the CRPD requires States Parties to ensure an adequate standard of living and social protection for persons with disabilities.[140] In particular, this provision recognizes a right to "adequate food,"[141] addressing the food security issues covered by Targets 2.1 and 2.2.

International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

- Parties: 177[142]
- Mapped to Targets: 2.1, 2.2, 2.3, 2.4

Article 2(2) of CERD provides a general proscription against racial discrimination in the enjoyment of economic, social, and cultural rights.[143] Additionally, Article 5(e) mandates that States Parties accord equal protection under their laws to individuals of all races with respect to economic, social and cultural rights.[144] In so doing, CERD reinforces the protections articulated in the ICESCR; therefore, its national reports will necessarily contain material pertinent to Targets 2.1 – 2.4.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

- Parties: 177[145]
- Mapped to Targets: 2.1, 2.2, 2.3, 2.4

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136   *International Covenant on Economic, Social and Cultural Rights*, STATUS OF RATIFICATION INTERACTIVE DASHBOARD, OHCHR, http://indicators.ohchr.org/ (last visited Jan. 6, 2016).

137   International Covenant on Economic, Social and Cultural Rights art. 11(1), Dec. 16, 1966, 993 U.N.T.S. 3 [*hereinafter* ICESCR].

138   *Id.* at art. 11(2)(a).

139   *Convention on the Rights of Persons with Disabilities*, STATUS OF RATIFICATION INTERACTIVE DASHBOARD, OHCHR, http://indicators.ohchr.org/ (last visited Jan. 6, 2016).

140   Convention on the Rights of Persons with Disabilities art. 28(1), U.N. Doc. A/RES/61/106 (Jan. 24, 2007) [*hereinafter* CRPD].

141   *Id.* at art. 28(1).

142   *International Convention on the Elimination of All Forms of Racial Discrimination*, STATUS OF RATIFICATION INTERACTIVE DASHBOARD, OHCHR, http://indicators.ohchr.org/ (last visited Jan. 6, 2016).

143   Convention on the Elimination of All Forms of Racial Discrimination art. 2(2), Dec. 21, 1965, 660 U.N.T.S. 195 [*hereinafter* CERD].

144   *Id.* at art. 5(e).

145   *Convention on the Elimination of All Forms of Discrimination Against Women*, STATUS OF RATIFICATION INTERACTIVE DASHBOARD, OHCHR, http://indicators.ohchr.org/ (last visited Jan. 6, 2016).

Like CERD, CEDAW contains a provision[146] barring discrimination against women with regard to legal rights, presumably including all economic, social, and cultural rights. Article 3 further calls on States Parties to "ensure the full development and advancement of women,"[147] which is of particular relevance given the emphasis on women in Targets 2.2 and 2.3. Article 12(2) requires States Parties to ensure adequate nutrition to women during pregnancy and lactation[148]—an issue specifically addressed by Target 2.2. Finally, Article 14 is concerned with the rights of rural women and mandates that States Parties shall eliminate discrimination against women in rural settings.[149] In particular, the Convention recognizes the right of women to have access to agricultural credit and loans, appropriate technology, and equal treatment in land and agrarian reform.[150] This is especially relevant to the emphasis in Target 2.3 on improving the agricultural productivity of women farmers.

Convention on the Rights of the Child (CRC)

- Parties: 196[151]

- Mapped to Targets: 2.1, 2.2

The CRC contains two general provisions which respectively mandate that "the best interests of the child shall be a primary consideration" in governance[152] and that States Parties "shall ensure to the maximum extent possible the survival and development of the child."[153] These provisions are of particular relevance to Targets 2.1 and 2.2, which specifically call for the need to address hunger in infants and malnutrition in young children and adolescent girls. Further, Article 24(2)(c) requires Parties to combat malnutrition through the provision of adequate nutritious foods.[154] Finally, Article 27(3) requires States Parties to provide material assistance and support in case of need, "particularly with regard to nutrition."[155]

International Treaty on Plant Genetic Resources for Food and Agriculture (PGR)

- Parties: 136[156]

- Mapped to Targets: 2.3, 2.4, 2.5, 2.a, 2.b

The PGR treaty features a large number of highly relevant provisions. With respect to Target 2.3, PGR Article 6.2(f) specifically calls upon States to "promote increased food production compatible with sustainable development."[157] With regard to Target 2.4, Article 6.2(f) calls upon States to "reduce crop vulnerability and genetic erosion,"[158] therefore addressing the issue of agricultural resilience. All subparagraphs of Article 6.2 are relevant to Target 2.5, as they prescribe various methods of ensuring the diversity of plant genetic resources

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146 Convention on the Elimination of All Forms of Discrimination Against Women art. 2(c), Dec. 18, 1979, 1249 U.N.T.S. 13 [*hereinafter* CEDAW].

147 *Id.* at art. 3.

148 *Id.* at art. 12(2).

149 *Id.* at art. 14(2).

150 *Id.* at art. 14(2)(g).

151 *Convention on the Rights of the Child*, Status of Ratification Interactive Dashboard, OHCHR, http://indicators.ohchr.org/ (last visited Jan. 6, 2016).

152 Convention on the Rights of the Child art. 3(1), Nov. 20, 1989, 1577 U.N.T.S. 3 [*hereinafter* CRC].

153 *Id.* at art. 6(2).

154 *Id.* at art. 24(2)(c).

155 *Id.* at art. 27(3).

156 *List of Contracting Parties*, International Treaty on Plant Genetic Resources for Food and Agriculture, http://www.planttreaty.org/list_of_countries (last visited Jan. 6, 2016).

157 International Treaty on Plant Genetic Resources for Food and Agriculture art. 6.2(f), Nov. 3, 2001 [*hereinafter* PGR].

158 *Id.* at art. 6.2(f).

so as to enhance their sustainable use.[159] Additionally, Article 9.2(b) codifies farmers' rights to equitably share benefits from the utilization of plant genetic resources.[160] Various PGR articles contain provisions geared toward enhancing investment in agriculture through international cooperation,[161] and thus thoroughly addressing Target 2.a. Finally, the PGR treaty addresses Target 2.b by calling for the pursuit of "fair agricultural policies"[162] and the fair and equitable sharing of plant genetic resources among countries.[163]

Convention on Biological Diversity (CBD)

- Parties: 196[164]

- Mapped to Targets: 2.4 2.5, 2.a

Articles 6 and 8 – 10 of the CBD are directly relevant to Targets 2.4 and 2.5 in that they call for sustainable use of biological resources for agriculture and prescribe various measures for the conservation of plant and animal diversity.[165] Further, Article 19 calls on States Parties to ensure the fair and equitable sharing of biotechnologies.[166] Article 21, which establishes a financial mechanism through which developed States are to assist developing States in fulfilling their obligations under the Convention, arguably maps to Target 2.a. That target's emphasis on increasing investment in agriculture in least developed countries through international cooperation, including through gene banks, would likely be addressed by increased funding for measures to conserve biological diversity and genetic resources.

In summary, there is substantial overlap between the provisions of the seven aforementioned treaties and the Goal 2 targets. Each of those treaties incorporates a mandatory reporting requirement that nominally covers the subject matter of the first seven targets of Goal 2. Notably, however, Target 2.c does not appear to be directly addressed by any treaty-based reporting mechanism, and therefore represents a substantive gap. Additionally, these treaty mechanisms do not address Target 2.b with a great deal of specificity. This is likely due to the fact that distortions in global food markets are largely within the domain of trade agreements (see below).

C) Commitments and Activities of Specialized Intergovernmental Agencies

In this Section, the authors observe the degree to which specialized agencies (i.e. international organizations with a mandate to operate in a particular subject area) address the substance of the Goal 2 targets. Importantly, only agencies of an intergovernmental character or subsidiary bodies subject to such an agency's close supervision are considered. As such, there is a nexus between the commitments and activities of these agencies and the commitments and activities of States themselves.

As noted above, the value added from an analysis of specialized agencies stems largely from the fact that the norms they promulgate and the strategic frameworks they adopt have been very influential on State behavior, despite their legally non-binding nature. Additionally, because these agencies serve as crucial facilitators for State action and are repositories of information, States will not be able to fulfill their SDG

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159 *Id.* at art. 6.2(a)-(g).

160 *Id.* at art. 9.2(b).

161 *See, e.g., id.* at arts. 7.2(a)-(b), 8, 13.2, 14, 16, 17, 18.4(c)-(d).

162 *Id.* at art. 6.2(a).

163 *Id.* at art. 10.2.

164 *List of Parties*, CONVENTION ON BIOLOGICAL DIVERSITY, https://www.cbd.int/information/parties.shtml (last visited Jan. 6, 2016).

165 Convention on Biological Diversity arts. 6, 8-10, June 5, 1992 [*hereinafter* CBD].

166 *Id.* at art. 19.

commitments without relying on specialized agencies for support. As such, analyzing how the activities of specialized agencies interact with SDG targets is an important step toward understanding gaps and barriers to SDG implementation.

Below, four examples of specialized intergovernmental agencies operating in the food security and agriculture area are highlighted. These exemplars are meant to demonstrate not simply the most important actors in this field, but also to provide a sense of the range of characteristics and commitments embodied by specialized agencies. A more comprehensive list of such organization, and the Goal 2 targets they address is set forth in Figure 1 below.

Food and Agriculture Organization (FAO)

The FAO is a specialized agency of the United Nations. It is comprised of 194 Member States, 2 associate members, and 1 member organization (European Union).[167] In addition to undertaking actions in its own right, the FAO serves as an umbrella organization and sponsor for a variety of other niche agencies, several of which are described below.

At the highest level, the FAO is guided by 5 Strategic Objectives:

- Help eliminate hunger, food insecurity and malnutrition;
- Make agriculture, forestry and fisheries more productive and sustainable;
- Reduce rural poverty;
- Enable inclusive and efficient agricultural and food systems;
- Increase the resilience of livelihoods to threats and crises.[168]

These guiding principles on their face indicate that the FAO is committed to addressing the subject matter of Targets 2.1, 2.2., 2.3 and 2.4. A closer analysis reveals that the fourth Strategic Objective commits the FAO to pursue "regulations and other frameworks that promote fair and safe trade and enhance global and regional market opportunities and participation"[169] and therefore addresses Target 2.b as well.

In pursuit of these and other objectives, the FAO has been instrumental in getting States (or more accurately, their representatives) to sign on to global food security strategies. Perhaps the best examples of this are the outcome documents produced through the Second International Conference on Nutrition (ICN2). This Conference, held in November 2014, involved over 2,200 participants representing over 170 governments.[170] The Parties adopted the Rome Declaration on Nutrition and the closely associated Framework for Action, which set forth a series of recommendations.[171]

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167   *FAO Members*, Legal Office, Food and Agriculture Organization of the United Nations, http://www.fao.org/legal/home/fao-members/en/ (last visited Jan. 6, 2016).

168   *What We Do*, Food and Agriculture Organization of the United Nations, http://www.fao.org/about/what-we-do/en/ (last visited Jan. 6, 2016).

169   *Enable inclusive and efficient agricultural and food systems*, Food and Agriculture Organization of the United Nations, http://www.fao.org/about/what-we-do/so4/en/ (last visited Jan. 6, 2016).

170   *ICN2*, Food and Agriculture Organization of the United Nations, http://www.fao.org/about/meetings/icn2/en/ (last visited Jan. 6, 2016).

171   *See* Second International Conference on Nutrition, Conference Outcome Document: Framework for Action, ICN2 2014/3 Corr. 1 (Nov. 21, 2014).

Notably, the delegates called on States to:

- Integrate nutrition objectives into food and agriculture policy;

- Strengthen local food production and processing by smallholder farmers, with a particular focus on women;

- Promote diversification of crops;

- Improve storage and preservation to reduce seasonal insecurity;

- Increase resilience to climate change;

- Improve the nutrient content of foods;

- Encourage governments, UN agencies, the World Trade Organization and others to identify opportunities to achieve global food and nutrition targets through trade and investment policies;

- Improve availability and access of food supply through appropriate trade agreements and policies, and ensure that these policies do not have a negative impact on food security in other countries.[172]

The Framework for Action therefore specifically addresses the subject matter of all Goal 2 targets but Target 2.c.

Beyond strategic frameworks, the FAO is engaged in a significant and varied amount of concrete action with regard to the substance of Goal 2. Much of this work is done through the Committee on Agriculture (COAG), FAO's main technical advisory committee in this area. COAG is comprised of 126 Member States, all of whom have notified the FAO Director-General of their desire to participate in the Committee's work.[173] It can thus be said that a majority of States feel that the Committee's work is significant enough to merit an investment of time and resources. COAG's principal functions consist of, *inter alia:*

- Conducting periodic reviews and appraisals of agricultural and nutritional problems, with a view to proposing concerted action by FAO Member States;

- Advising the FAO Council and Director-General on activities related to agriculture, livestock, food, nutrition, and natural resource management, with particular emphasis on social, technical, economic, institutional, and structural aspects of these issues;

- Providing advice and recommendations to the FAO Conference on global agricultural policy and regulatory matters.[174]

In support of COAG's review and appraisal activities, the FAO makes use of several informational tools. These include the Monitoring and Analyzing Food and Agricultural Policies (MAFAP) program, through which the FAO collects policy-relevant data such as food commodity prices, market access costs, and public expenditures on agriculture, as well as information on national policy decisions.[175] This information is then used to strengthen national policy monitoring systems, identify policy problems affecting food producers, and eventually enable a policy reform process.[176] This program is highly relevant to Target 2.c in that it is

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172   *Id*. at 2-7.

173   *GSB: Committee on Agriculture*, Food and Agriculture Organization of the United Nations, http://www.fao.org/unfao/govbodies/gsbhome/coag/en/ (last visited Jan. 6, 2016).

174   *Id*.

175   *Monitoring and Analysing Food and Agricultural Policies*, Food and Agriculture Organization of the United Nations, http://www.fao.org/in-action/mafap/programme-overview/en/ (last visited Jan. 6, 2016).

176   *Id*.

specifically geared toward gathering and disseminating information regarding food commodity markets and addressing the problems related to food price volatility. In a similar vein, the FAO maintains a Food Price Index which tracks monthly changes in international prices for five major "baskets" of food commodities.[177]

Other more general informational tools maintained by the FAO include FAOSTAT, a searchable database containing country-specific information on food security, production, trade, investment, and agricultural and land-use emissions, among other factors.[178] Similarly, the State of Food Insecurity in the World (SOFI) is an ongoing project that provides data on undernourishment, disaggregated by country and region.[179] SOFI originally was meant to track States' progress in achieving the MDG hunger goal,[180] but as of October 2015 it was in the process of being repurposed to monitor SDG Goal 2.[181] Through country-specific reports and other means, the 2015 SOFI report analyzed the effects of various phenomena on food security statistics, including economic growth, agricultural labor productivity, social protection, instability, climate change, and trade liberalization. As such, SOFI (like FAOSTAT) is a repository of information that is relevant across all or nearly all Goal 2 targets.

Finally, certain FAO activities have a direct connection to Targets 2.5 (maintaining the genetic diversity of seeds) and 2.a (increasing investment in agriculture). Through the Global Partnership Initiative for Plant Breeding Capacity Building (GIBP), the FAO aims to improve States' institutional capacity for crop variety development and acts as an information clearing house for sustainable use of plant genetic resources.[182] Through its Technical Cooperation Department, FAO runs an Investment Center which leads FAO's efforts to generate public and private investment in agriculture and rural development.[183]

FAO is arguably the single most important agency involved in food security issues. This is reflected in its broad mandate that touches upon each of the Goal 2 targets in several ways, leaving few (if any) substantive gaps. Since its inception, the FAO has been seen as a provider of critical assistance, particularly to developing countries, in achieving food security.[184] As such, integration of its activities and expertise into the SDG follow-up and review process would likely be particularly helpful to the HLPF.

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177   *World Food Situation: FAO Price Index*, Food and Agriculture Organization of the United Nations, http://www.fao.org/worldfoodsituation/foodpricesindex/en/ (last visited Jan. 6, 2016).

178   FAOSTAT, http://faostat3.fao.org/home/E (last visited Jan. 6, 2016).

179   *The State of Food Insecurity in the World 2015*, Food and Agriculture Organization of the United Nations, http://www.fao.org/hunger/en/ (last visited Jan. 6, 2016).

180   *Id.*

181   Report of the 42nd Session of the Committee on World Food Security (Rome, 12-15 October 2015) at ¶ 13.

182   *Global Partnership Initiative for Plant Breeding Capacity Building*, Food and Agriculture Organization of the United Nations, http://www.fao.org/in-action/plant-breeding/en/ (last visited Jan. 6, 2016).

183   *FAO Investment Center*, Food and Agriculture Organization of the United Nations, http://www.fao.org/tc/tci/en/ (last visited Jan. 6, 2016).

184   Nora McKeon, Global Governance for World Food Security: A Scorecard Four Years After the Eruption of the "Food Crisis" 3 (noting that developing countries have "attached considerable importance to FAO as an instrument that could help them valorize their agricultural commodities and achieve food security").

Committee on World Food Security (CFS)

CFS is another intergovernmental body jointly overseen by FAO, the World Food Program, and the International Fund for Agricultural Development (which comprise its Secretariat).[185] It is currently comprised of 139 Member States.[186] Its primary goals include facilitating coordination at the global level and promoting policy convergence—aims that it pursues through the promulgation of non-binding guidelines on certain food security-related topics.[187]

Instruments promulgated by CFS include:

- The "Right to Food Guidelines"[188]—which address Targets 2.1 and 2.2;

- Principles for Responsible Investment in Agriculture and Food Systems[189]—Target 2.a;

- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security (VGGT)[190]—Targets 2.3 and 2.5;

- Framework for Action for Food Security and Nutrition in Protracted Crises[191]—particularly relevant to the resilience provisions of Target 2.4;

- High-Level Forum on Connecting Smallholders to Markets[192]—Target 2.3.

More recently, CFS has been developing a Global Strategic Framework (GSF) which purports to draw upon existing food security instruments to articulate a cohesive unified policy.[193] The GSF sets forth a variety of policy recommendations, most notably the following:

- Twin-track approach: direct action to immediately tackle hunger, long-term action to build resilience (relevant to Targets 2.1, 2.4);

- Increasing smallholder sensitive investment in agriculture (Target 2.a);

- Addressing excessive food price volatility (Target 2.c);

- Addressing gender issues in food security and nutrition (Targets 2.1, 2.2);

- Increasing agricultural productivity and production in a socially, economically, and environmentally sustainable manner (Target 2.3).[194]

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185 *Committee on World Food Security*, Food and Agriculture Organization of the United Nations, http://www.fao.org/cfs/cfs-home/en/ (last visited Jan. 6, 2016).

186 *GSB: Committee on World Food Security*, Food and Agriculture Organization of the United Nations, http://www.fao.org/unfao/govbodies/gsbhome/cfs/en/ (last visited Jan. 6, 2016).

187 *Id.*

188 *Voluntary Guidelines to Support the Progressive Realization of the Right to Food in the Context of National Food Security*, Food and Agriculture Organization, http://www.fao.org/3/a-y7937e.pdf (last visited Jan. 6, 2016).

189 *Principles for Responsible Investment in Agriculture and Food* Systems, Food and Agriculture Organization, http://www.fao.org/3/a-ml291e.pdf (last visited Jan. 6, 2016).

190 *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of Food Security,* Food and Agriculture Organization, http://www.fao.org/docrep/016/i2801e/i2801e.pdf (last visited Jan. 6, 2016).

191 *Framework for Action for Food Security and Nutrition and Protracted Crises*, Food and Agriculture Organization, http://www.fao.org/fileadmin/templates/cfs/Docs1415/FFA/CFS_FFA_Final_Draft_Ver2_EN.pdf (last visited Jan. 6, 2016).

192 *High Level Forum on Connecting Smallholders to Markets 25 June 2015, Chair's Summary,* Food and Agriculture Organization, http://www.fao.org/fileadmin/templates/cfs/Docs1415/Events/HLF_Small/CFS_HLF_Smallholders_Chairs_Summary.pdf (last visited Jan. 6, 2016).

193 *Global Strategic Framework for Food Security and Nutrition, Third Version*, Food and Agriculture Organization, http://www.fao.org/fileadmin/templates/cfs/Docs1314/GSF/GSF_Version_3_EN.pdf (last visited Jan. 6, 2016).

194 *Id.* at 15 – 27.

CFS is thus another example of an intergovernmental body that has promulgated numerous non-binding recommendations and guidelines that cover nearly every Goal 2 target. Target 2.b remains the only substantive gap in CFS's activities.

Codex Alimentarius

Established under the auspices of the FAO and the World Health Organization (WHO), the central function of the Codex Alimentarius is to establish international food standards, guidelines, and codes of practice that contribute to the safety, quality and fairness of international food trade.[195] 186 States, plus the European Union, participate in Codex Alimentarius.[196]

As of October 2015, Codex Alimentarius had promulgated 212 "Standards" related to food product characteristics, 51 "Codes of Practice" related to the life-cycle of food products, and 73 "Guidelines" which relate to food policy generally.[197] Member States can and do propose draft standards which are reviewed by "Codex Committees" and may subsequently be adopted as a worldwide standard.[198]

The work of Codex Alimentarius is most directly relevant to Target 2.1, which calls for access to "safe" food. However, the important role the Codex has as a harmonizer of food safety regulations is also relevant to trade, and therefore to Target 2.b. This has been recognized in the World Trade Organization's Agreement on Sanitary and Phytosanitary Measures, the preamble of which calls upon States to adopt uniform standards such as those promulgated by Codex Alimentarius.[199]

Agricultural Market Information System (AMIS)

AMIS was established at the request of the assembled G20 agriculture ministers in 2011, and encompasses those States plus Spain, the Philippines, Vietnam, Thailand, Ukraine, Egypt, Kazakhstan, and Nigeria.[200] It is an inter-agency platform to enhance food market transparency, and it seeks to strengthen collaboration and dialogue among the main agriculture-producing and -exporting States.[201] Further, AMIS contains a Global Food Market Information Group—an assembly of technical representatives from all AMIS participating countries – to provide reliable, accurate, timely and comparable food data.[202]

AMIS brings together a wide variety of important international actors. Its Secretariat is composed of the FAO, WTO, World Bank, OECD, World Food Program, UN Conference on Trade and Development, International Fund for Agricultural Development, International Food Policy Research Institute, International Grains Council, and the UN High-Level Task Force on the Food Security Crisis.[203]

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195   *About Codex*, Codex Alimentarius, http://www.codexalimentarius.org/about-codex/en/ (last visited Jan. 6, 2016).

196   *Codex Members and Observers*, Codex Alimentarius, http://www.codexalimentarius.org/members-observers/en/ (last visited Jan. 6, 2016).

197   *Standards*, Codex Alimentarius, http://www.codexalimentarius.org/standards/en/ (last visited Jan. 6, 2016).

198   *See, e.g.*, Proposed Draft Codex Standard for Aubergines, Codex Committee on Fresh Fruits and Vegetables, CX/FFV 15/19/5, July 2015 (reviewing a draft standard prepared by a working group led by India).

199   *See* WTO Agreement on the Application of Sanitary and Phytosanitary Measures, preamble, Apr. 15, 1994, 1867 U.N.T.S. 493.

200   *About*, Agricultural Market Information System, http://www.amis-outlook.org/amis-about/en/ (last visited Jan. 6, 2016).

201   *Id.*

202   *Id.*

203   *Secretariat*, Agricultural Market Information System, http://www.amis-outlook.org/amis-about/secreteriat/en/ (last visited Jan. 6, 2016).

In addition to its role in market monitoring and statistics, AMIS engages in capacity development and outreach in an attempt to facilitate policy coordination.[204] As such AMIS plays an important informational and practical role. These activities are especially relevant to Target 2.c, which calls for the provision of information on markets and food reserves.

D) Trade Commitments

A variety of agreements administered by the WTO are directly relevant to Target 2.b, which references the Doha Round of trade negotiations and calls for the end of distortions in international food markets. All WTO Member States (161 States plus the European Union) are party to the following agreements, which are enforceable before the WTO's Dispute Settlement Body and Appellate Body.

Agreement on Agriculture (AoA)

Negotiated as part of the Uruguay Round in 1994, the Agreement on Agriculture requires WTO members to make alterations to three categories of policy: (1) those affecting market access, (2) policies supporting domestic industries, and (3) export subsidies.[205]

The market access provisions require States to eliminate all non-tariff barriers to trade in agricultural goods.[206] The agreement also requires both developed and developing countries to reduce agricultural tariffs (albeit by a larger percentage for developed countries).[207] Least Developed Countries are exempt from this requirement.[208]

With regard to domestic support policies, the AoA requires that those policies which most distort trade be cut back by certain percentages for developed and developing countries respectively, calculated according to the WTO's "total aggregate measure of support" formula.[209] Least Developed Countries are again exempt from this requirement.[210] Domestic support policies that do not significantly distort trade, including some payments to farmers for limiting production, are not prohibited by the AoA.[211]

Finally, the AoA prohibits export subsidies unless States opt in by including them in a list of commitments provided to the WTO.[212] Even then, these subsidies must be cut back by certain percentages for developed and developing countries.

The AoA thus addresses three categories of policy that have the potential to distort food trade, making it highly relevant to Target 2.b. Its differential treatment of developed and developing countries is reflective of the SDGs' general emphasis on taking into account national circumstances. However, it should be noted that the AoA does not go so far as to call for the parallel elimination of *all* export subsidies, and thus falls slightly short of Target 2.b's prescription.

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204 *About*, Agricultural Market Information System, http://www.amis-outlook.org/amis-about/en/ (last visited Jan. 6, 2016).
205 World Trade Organization, Understanding the WTO 27 (2011).
206 *Id.*
207 *Id.* at 28.
208 *Id.*
209 *Id.* at 28-29.
210 *Id.* at 29.
211 *Id.*
212 *Id.*

Agreement on the Application of Sanitary and Phytosanitary Measures (SPS)

This Agreement bears upon both Targets 2.1 and 2.b, as it governs the relationship between national food safety standards and international food trade.[213]

The SPS Agreement allows countries to set their own food safety standards, but mandates that these standards and regulations must be based on science and should be applied only to the extent necessary to protect human, plant or animal life.[214] Member countries are encouraged by the SPS Agreement to adopt international standards where they exist, including—as mentioned above—those standards promulgated through the Codex Alimentarius.[215] States which have adopted these standards are unlikely to be challenged legally in a WTO dispute.[216]

The Agreement also includes provisions on control and inspection procedures and mandates that governments provide advance notice in any change to their regulations.[217] They must also provide a national enquiry point to provide information to potential trading partners.[218]

Agreement on Subsidies and Countervailing Measures (SCM)

The SCM agreement is a broader instrument that disciplines the use of subsidies and regulates the actions countries can take to counter the effect of subsidies.[219] The SCM Agreement is in effect a *lex generalis* that applies to agricultural subsidies subject to the provisions of the AoA.[220] Therefore, export subsidies and domestic supports which are in full compliance with the AoA are not prohibited by the SCM Agreement, although some may be subjected to countervailing duties.[221] In this sense, the SCM Agreement may go slightly further toward achieving the aims of Target 2.b, as it provides a disincentive for otherwise lawful trade-distortions. Most notably, the SCM Agreement applies in full to agricultural subsidies that are not explicitly covered by the AoA, such as import substitution subsidies.[222] The impact of this is uncertain. By extending a more stringent regime to subsidies such as those related to import substitution, the SCM Agreement may actually make it more difficult for developing States to develop local agriculture.

Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)

The TRIPS Agreement is the WTO's principal instrument on the protection of intellectual property in the context of international trade.[223] The relevance of this agreement to Goal 2 stems largely from its treatment of patents for biological processes for the production of plants and animals. While TRIPS normally mandates that States must accord at least 20 years of patent protection to products and processes originating from trading partners, it allows governments to exclude plants and animals, as well as biological processes for their production, from this requirement.[224] Plant varieties, however, must be protectable by patents or by a

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213 *Id*. at 30.
214 *Id.*
215 *Id.*
216 *Id.*
217 *Id.*
218 *Id.*
219 *Id*. at 45.
220 *Agreement on Subsidies and Countervailing Measures: Overview*, World Trade Organization, https://www.wto.org/english/tratop_e/scm_e/subs_e.htm (last visited Jan. 6, 2016).
221 *Id.*
222 *See* Appellate Body Report, *United States – Upland Cotton*, ¶ 547, WT/DS267/AB/R (March 3, 2005).
223 Understanding the WTO, *supra* note 207, at 39.
224 *Id*. at 41.

special system (such as the breeder's rights provided for in the conventions of the International Union for the Protection of New Varieties of Plants). This regime has implications for Target 2.5, as it provides a backdrop against which States must pursue the fair and equitable sharing of the benefits of plant genetic resources.

E) Regional Commitments

African Union (AU)

The AU's Agriculture and Food Security Division is charged with coordinating continent-wide initiatives on agriculture, climate change, and nutrition.[225] It also plays a significant role in the implementation of food security commitments made by the 54 Member States of the Union. One such commitment is the Maputo Declaration on Agriculture and Food Security, through which AU members pledged to allocate 10% of their national budget to agriculture.[226] This directly addresses Target 2.a's call for increased investment in agriculture within developing States.

Out of the Maputo Declaration came the Comprehensive Africa's Agricultural Development Program (CAAPD).[227] The CAAPD is a policy framework that aims to eliminate hunger and reduce poverty through agriculture.[228] It is premised on four pillars: (1) sustainable land and reliable water control systems, (2) private sector development, rural infrastructure, and improved trade & market access, (3) increasing food supply and reducing hunger, and (4) agricultural research and dissemination of agricultural technology.[229] AU Member States sign "country compacts" through which a specific plan of implementation of CAAPD goals is established[230] and subjected to review by independent teams of technical experts.[231]

These African Union commitments are significant, not only because they clearly map to Targets 2.1, 2.2, 2.3, and 2.4. They also provide an example of regional-level commitments to undertake wide-ranging policy reform and of acquiescence to independent review by technical experts. Thus, the AU contains further evidence of the widespread coverage of SDG targets and potential lessons for HLPF architecture.

Organization of American States (OAS)

On June 5, 2012, the OAS adopted the Declaration of Cochabamba on Food Security with Sovereignty in the Americas.[232] This Declaration specifically identified the following policy priorities, among others:

- Promoting sustainable increase of agricultural production and productivity with a view to increasing food supply (Target 2.3);

- Promoting efficient land use and sustainable agricultural activities, taking into account the degree of vulnerability of smallholders to hunger and poverty (Target 2.3);

- Promoting public-private investment in the agriculture sector, with particular attention to smallholders (Target 2.a);

- Establishing strategies and mechanisms to respond to food crises (Target 2.4);

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225 *Agriculture and Food Security Division*, African Union, http://rea.au.int/en/division/AFSD (last visited Jan. 6, 2016).

226 Declarations of the Assembly of the African Union, Second Ordinary Session (10-12 July 2003), Assembly/AU/Decl.4-11. (II).

227 *Id.*

228 *Comprehensive Africa Agriculture Development Programme*, NEPAD, http://www.nepad.org/foodsecurity/agriculture/about (last visited Jan. 6, 2016).

229 *Agriculture and Food Security*, NEPAD, http://www.nepad.org/foodsecurity (last visited Jan. 6, 2016).

230 *Country Compacts*, CAAPD, http://nepad-caadp.net/country-compacts (last visited Jan. 6, 2016).

231 *Independent Technical Review Reports*, CAAPD, http://nepad-caadp.net/independent-technical-review-reports (last visited Jan. 6, 2016).

232 Organization of American States, Declaration of Cochabamba on Food Security with Sovereignty in the Americas, AG/DEC. 69 (XLII-O/12), June 5, 2012.

- Fostering an open, transparent and equitable system of international trade in agricultural commodities (Target 2.b);

- Advancing biodiversity protection (Target 2.5);

- Developing national strategies on food and nutrition security, taking into account challenges posed by excessive volatility in food prices (Target 2.c);

- Developing legal and institutional frameworks to realize the right to adequate food (Targets 2.1, 2.2).[233]

The OAS has thus adopted a framework that is highly relevant to each of the Goal 2 targets. However, this has yet to translate into any concrete institutional efforts to coordinate activity related to food security within the OAS.

Association of Southeast Asian Nations (ASEAN)

The ASEAN Member States, along with China, Japan and Korea, have established a Food Security Information System (AFSIS) designed to strengthen food security in the region through systematic collection, analysis and dissemination of food security-related information.[234] In addition to information collection, AFSIS undertakes human resources development to provide relevant personnel in ASEAN Member States with the necessary skills to conduct statistical evaluation relevant to food security.[235] AFSIS does not itself embody any commitments on the part of ASEAN Member States, other than a general drive towards promoting regional food security. As such, it may be said to map to Targets 2.1 and 2.2, but it is more important as an example of the existence of information gathering regimes at the regional level. Such regimes may be crucial components of a future HLPF database.

F) Conclusion (Gaps Analysis)

The Goal 2 case study indicates that, particularly when the role and possible value of non-binding informational mechanisms are factored in, there are very few substantive gaps in coverage of the targets (i.e., much information and data exists that is relevant to the achievement of all targets). Therefore, substantive "gaps" in information are not the issue; rather, the question arises about how relevant this information will be to actually examining the progress of Member States in their realization of these targets.

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233 *Id*. at 5-7.
234 *About us*, AFSIS, http://www.afsisnc.org/aboutus (last visited Jan. 6, 2016).
235 *Id*.

Figure 1: Mapping of Specialized Agency Commitments/Activities to Goal 2

Target 2.1 Hunger	**FAO:** Strategic Objective #1 – Help eliminate hunger, food insecurity and malnutrition ICN2 Framework for Action State of Food Insecurity in the World (SOFI) FAOSTAT Food Security Information Network (FSIN) Food Insecurity Experience Scale (FIES) **CFS:** Right to Food Guidelines Global Strategic Framework for Food Security and Nutrition Codex Alimentarius World Organization for Animal Health (OIE) World Food Program World Health Organization (2025 Nutrition Goals) International Atomic Energy Agency (IAEA) – Nutritional and Health-Related Environmental Studies (NAHRES) International Fund for Agricultural Development (IFAD) International Portal on Food Safety, Animal and Plant Health International Plant Protection Convention (IPPC) International Food Safety Authorities Network (INFOSAN) UN Standing Committee on Nutrition (UNSCN) Scaling Up Nutrition (SUN) Movement Renewed Effort Against Child Hunger (REACH) G20 – Global Agriculture and Food Security Program G8 – L'Aquila Declaration (2008)
Target 2.2 Malnutrition	**FAO:** Strategic Objective #1 – Help eliminate hunger, food insecurity and malnutrition ICN2 Framework for Action State of Food Insecurity in the World (SOFI) FAOSTAT Food Security Information Network (FSIN) Food Insecurity Experience Scale (FIES) **CFS:** Right to Food Guidelines Global Strategic Framework for Food Security and Nutrition World Food Program World Health Organization (2025 Nutrition Goals) International Atomic Energy Agency (IAEA) – Nutritional and Health-Related Environmental Studies (NAHRES) International Fund for Agricultural Development (IFAD) UN Standing Committee on Nutrition (UNSCN) Scaling Up Nutrition (SUN) Movement G20 – Global Agriculture and Food Security Program G8 – L'Aquila Declaration (2008)

Target 2.3 Increased Productivity	**FAO:** Strategic Objective # 2 – Make agriculture more productive and sustainable Strategic Objective # 3 – Reduce Rural Poverty Strategic Objective #4 – Enable inclusive and efficient agricultural and food systems ICN2 Framework for Action State of Food Insecurity in the World (SOFI) FAOSTAT **CFS:** Voluntary Guidelines on the Responsible Governance of Tenure of Land Global Strategic Framework for Food Security and Nutrition High-Level Forum on Connecting Smallholders to Markets World Food Program International Fund for Agricultural Development (IFAD) UNEP – International Assessment of Agricultural Knowledge, Science and Technology for Development G20 – Global Agriculture and Food Security Program G8 – L'Aquila Declaration (2008)
Target 2.4 Sustainability Resilience	**FAO:** Strategic Objective # 2 – Make agriculture more productive and sustainable Strategic Objective # 5 – Increase the resilience of livelihoods to threats and crises ICN2 Framework for Action State of Food Insecurity in the World (SOFI) FAOSTAT **CFS:** Framework for Action for Food Security and Nutrition in Protracted Crises Global Strategic Framework for Food Security and Nutrition World Food Program (Vulnerability Analysis and Mapping) G20 – Global Agriculture and Food Security Program
Target 2.5 Genetic Diversity	**FAO:** ICN2 Framework for Action State of Food Insecurity in the World (SOFI) FAOSTAT Global Partnership Initiative for Plant Breeding Capacity Building (GIBP) Seeds for Development Project **CFS:** Voluntary Guidelines on the Responsible Governance of Tenure of Land

Target 2.a Increased Investment	**FAO:** ICN2 Framework for Action State of Food Insecurity in the World (SOFI) FAOSTAT Technical Cooperation Department – Investment Center FAO Statistics Division Investment Statistics Program **CFS:** Principles for Responsible Investment in Agriculture and Food Systems Global Strategic Framework for Food Security and Nutrition G8 – L'Aquila Declaration (2008)
Target 2.b Trade Distortions	**FAO:** Strategic Objective #4 – Enable inclusive and efficient agricultural and food systems ICN2 Framework for Action State of Food Insecurity in the World (SOFI) FAOSTAT Codex Alimentarius Commission G8 – L'Aquila Declaration (2008)
Target 2.c Commodity Markets	**FAO:** MAFAP Program Food Price Index **CFS:** Global Strategic Framework for Food Security and Nutrition Agricultural Market Information System (AMIS) World Food Program (Vulnerability Analysis and Mapping)

ANNEX 3: GOAL 10 CASE STUDY AND GAPS ANALYSIS

A) Background and Methodology

Given the highly visible and universal nature of food security issues, the authors had cause to believe that the level of attention paid by States to Goal 2 targets might be anomalous in relation to the other SDGs. In order to corroborate the results obtained through the case study of Goal 2—namely, that there appear to be few substantive gaps in the coverage of SDG targets by existing informational processes—the authors undertook a second case study of Goal 10, pertaining to inequality. A carefully chosen second case study allowed a more thorough analysis of possible gaps in SDG coverage without sacrificing the efficiency advantages of the case study method.

Goal 10 provides a particularly useful point of comparison with Goal 2, as it is very thematically distinct and features several specific and unique targets. The initial mapping exercise (as seen in Annex 1) indicates that Goal 10 is addressed by a higher number of binding treaties than Goal 2. However, unlike in the food security arena, there are few obvious specialized intergovernmental agencies dedicated to addressing inequality.

Framework for Analysis

As with the prior case study, the international commitments considered in this case study have been broken down into four categories:

1. Binding multilateral treaties;

2. Commitments and activities of specialized intergovernmental agencies;

3. Trade commitments;

4. Commitments made through regional organizations.

Commitments falling under the above four categories are evaluated against the following set of Goal 10 targets:

- **10.1:** by 2030 progressively achieve and sustain income growth of the bottom 40% of the population at a rate higher than the national average;

- **10.2:** by 2030 empower and promote the social, economic and political inclusion of all irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status;

- **10.3:** ensure equal opportunity and reduce inequalities of outcome, including through eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and actions in this regard;

- **10.4:** adopt policies especially fiscal, wage, and social protection policies and progressively achieve greater equality;

- **10.5:** improve regulation and monitoring of global financial markets and institutions and strengthen implementation of such regulations;

- **10.6:** ensure enhanced representation and voice of developing countries in decision making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions;

- **10.7:** facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies;

- **10.a:** implement the principle of special and differential treatment for developing countries, in particular least developed countries, in accordance with WTO agreements;

- **10.b:** encourage ODA and financial flows, including foreign direct investment, to States where the need is greatest, in particular LDCs, African countries, SIDS, and LLDCs, in accordance with their national plans and programs;

- **10.c:** by 2030, reduce to less than 3% the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5%.[236]

B) Binding Multilateral Treaties

International Covenant on Civil and Political Rights (ICCPR)

- Parties: 168[237]

- Mapped to Targets: 10.2, 10.3, 10.7

Article 2 of the ICCPR requires each State Party to respect and ensure the rights in the Covenant to all individuals within its territory and subject to its jurisdiction without distinction of any kind, including on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.[238] Furthermore, Article 3 requires States to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant.[239] Through these two articles the ICCPR directly addresses Targets 10.2 and 10.3.

These requirements are reiterated in other articles, including Article 26, which requires that all persons be considered equal before the law and receive the equal protection of the law without discrimination.[240] Article 26 also requires laws that prohibit any discrimination and guarantee equal and effective protection against discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status, addressing Target 10.3.[241] Article 24 (which requires that every child have the right to certain measures of protection "without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth"[242]), Article 25 (which recognizes the right of every citizen to take part in public affairs "without any of the distinctions mentioned in article 2"[243]), and Article 20 (which requires laws forbidding any advocacy of national, racial or religious hatred inciting discrimination, hostility or violence[244]) further emphasize the principles outlined in Articles 2 and 3. These provisions address Target 10.2 and promote legislation pursuant to Target 10.3.

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236   *Sustainable Development Goals*, Sustainable Development Knowledge Platform, https://sustainabledevelopment.un.org/?menu=1300 (last visited Jan. 6, 2016).

237   *International Covenant on Civil and Political Rights*, Status of Ratification Interactive Dashboard, OHCHR, http://indicators.ohchr.org/ (last visited Jan. 6, 2016).

238   International Covenant on Civil and Political Rights art. 2, Dec. 16, 1966, 999 U.N.T.S. 171 [*hereinafter* ICCPR].

239   *Id.* at art. 3.

240   *Id.* at art. 26.

241   *Id.*

242   *Id.* at art. 24.

243   *Id.* at art. 25.

244   *Id.* at art. 20.

Additionally, Article 12 requires that everyone lawfully within a State possess freedom of movement, including the freedom to choose his or her residence and the freedom to leave any country.[245] This addresses Target 10.7.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

- Parties: 164[246]

- Mapped to Targets: 10.2, 10.3, 10.4

Article 2 of the ICESCR requires that the rights in the Covenant be exercised without discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.[247] Article 3 requires States Parties to undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant.[248] The ICESCR therein directly addresses Targets 10.2 and 10.3, respectively.

The ICESCR also articulates more specific requirements for the implementation of equality throughout the Covenant. For example, Article 7 recognizes the right of all employees to fair wages and equal remuneration for work of equal value without distinction of any kind, as well as the right to an equal opportunity to be promoted in employment subject only to considerations of seniority and competence.[249] Article 9 recognizes the right of everyone to social security, including social insurance.[250] Article 10 recognizes the need for special protection for mothers before and after childbirth, including paid leave or leave with adequate social security benefits,[251] as well as the need for special protection and assistance for all children and young persons without discrimination on the basis of parentage or other status.[252] Article 13 recognizes the right of everyone to education,[253] recognizing that primary education shall be compulsory and universally available free of cost, and secondary and higher education shall be made equally accessible to all.[254] The ICESCR therein also addresses Target 10.4 by requiring the adoption of certain fair wage and social protection policies with a view towards progressively achieving greater equality.

Convention on the Rights of Persons with Disabilities (CRPD)

- Parties: 159[255]

- Mapped to Targets: 10.2, 10.3, 10.4

The stated purpose of the CRPD is to "promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities."[256] As such, the entire Convention is geared toward the fulfillment of Goal 10, and more specifically Targets 10.2 and 10.3, in relation to persons with

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245 *Id.* at art. 12.

246 *International Covenant on Economic, Social and Cultural Rights*, Status of Ratification Interactive Dashboard, OHCHR, http://indicators.ohchr.org/ (last visited Jan. 6, 2016).

247 ICESCR, *supra* note 139, at art. 2.

248 ICESCR, *supra* note 139, at art. 3.

249 ICESCR, *supra* note 139, at art. 7.

250 ICESCR, *supra* note 139, at art. 9.

251 ICESCR, *supra* note 139, at art. 10(2).

252 ICESCR, *supra* note 139, at art. 10(3).

253 ICESCR, *supra* note 139, at art. 13(1).

254 ICESCR, *supra* note 139, at art. 13(2).

255 *Convention on the Rights of Persons with Disabilities*, Status of Ratification Interactive Dashboard, OHCHR, http://indicators.ohchr.org/ (last visited Jan. '16)

256 CRPD, *supra* note 142, at arts. 1, 5.

disabilities. It establishes obligations by States Parties to protect and promote the human rights of disabled persons without discrimination on the basis of disability,[257] including by adopting all appropriate legislative, administrative, and other measures for the implementation of these rights[258]; by taking all appropriate measures—including legislation—to modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against persons with disabilities[259]; and by taking all appropriate measures to eliminate discrimination on the basis of disability by any person, organization, or private enterprise.[260] These provisions address Targets 10.3 and 10.4 by promoting legislative and social protections. Rights and protections for disabled persons are further defined throughout the Convention, including in relation to employment, education,[261] social inclusion,[262] women with disabilities,[263] and children with disabilities.[264]

International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

- Parties: 177[265]

- Mapped to Targets: 10.2, 10.3, 10.4, 10.7

Article 5 of the CERD requires States Parties to prohibit and eliminate racial discrimination[266] and to guarantee the rights of everyone—without distinction as to race, color, or national or ethnic origin—to equality before the law and to the enjoyment of certain rights as laid out in the Convention.[267] These include the right to freedom of movement;[268] the right to freedom of thought, conscience, and religion;[269] the right to work, to equal pay for equal work, and to protection against unemployment;[270] the right to education;[271] and the right to public health, medical care, social security, and social services.[272] The entire Convention is therefore aimed at the fulfillment of Goal 10, and more specifically Targets 10.2 and 10.3. Its provisions also address the need for legal and policy reform in the interest of equality and social protection, pursuant to Targets 10.3 and 10.4.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

- Parties: 177[273]

- Mapped to Targets: 10.1, 10.2, 10.3, 10.7

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257 CRPD, *supra* note 142, at art. 4.
258 CRPD, *supra* note 142, at art. 4(1)(a).
259 CRPD, *supra* note 142, at art. 4(1)(b).
260 CRPD, *supra* note 142, at art. 4(1)(e).
261 CRPD, *supra* note 142, at art. 24.
262 CRPD, *supra* note 142, at art. 19.
263 CRPD, *supra* note 142, at art. 6.
264 CRPD, *supra* note 142, at art. 7.
265 *International Convention on the Elimination of All Forms of Racial Discrimination*, Status of Ratification Interactive Dashboard, OHCHR, http://indicators.ohchr.org/ (last visited Jan. 6, 2016).
266 Racial discrimination is defined as any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of impairing the human rights or fundamental freedoms. *See* CERD, *supra* note 145, at art. 1.
267 CERD, *supra* note 145, at art. 5.
268 CERD, *supra* note 145, at art. 5(d)(i).
269 CERD, *supra* note 145, at art. 5(d)(vii).
270 CERD, *supra* note 145, at art. 5(e)(i).
271 CERD, *supra* note 145, at art. 5(e)(v).
272 CERD, *supra* note 145, at art. 5(e)(iv).
273 *Convention on the Elimination of All Forms of Discrimination Against Women*, Status of Ratification Interactive Dashboard, OHCHR, http://indicators.ohchr.org/ (last visited Jan. 6, 2016).

CEDAW imposes obligations on States Parties to pursue by all appropriate means the elimination of discrimination against women[274] and to take all appropriate measures, including legislation, to guarantee women the exercise and enjoyment of human rights on an equal basis with men.[275] These rights as laid out in the Convention include equal rights and opportunities to education;[276] rights to employment and equal wages;[277] and rights to social security, social services, and maternity leave.[278] These rights are to be realized by, **inter alia**, adopting appropriate legislative and other measures prohibiting discrimination against women;[279] establishing effective legal protection of the rights of women on an equal basis with men;[280] taking all appropriate measures to eliminate discrimination against women by private persons, organizations, or enterprises;[281] and taking all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.[282] The entire Convention is therefore aimed at the fulfillment of Goal 10 through Targets 10.2, 10.3, and 10.4. Its provisions also address the need for legal and policy reform in the interest of equality and social protection, pursuant to Targets 10.3 and 10.4.

CEDAW also requires special measures to ensure the rights of women in rural areas, who represent a particularly vulnerable and impoverished demographic.[283] These measures are intended to ensure that rural women benefit from rural development through access to training and education,[284] agricultural credit and loans,[285] and self-help groups and cooperatives,[286] all of which are meant to help them obtain equal access to economic opportunities through employment or self-employment. These provisions therefore indirectly address Target 10.1 by promoting the economic advancement of a particularly impoverished demographic.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)

- Parties: 48[287]

- Mapped to Targets: 10.2, 10.3, 10.7

The extensive provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families are directly relevant to the implementation of safe and responsible migration policies required by Target 10.7. Its provisions include those on non-discrimination, human rights of migrant workers and their families, and the promotion of sound, equitable, humane, and lawful conditions

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274 Discrimination against women is defined as any distinction, exclusion, or restriction on the basis of sex which has the effect or purpose of impairing the recognition, enjoyment, or exercise by women on a basis of equality of men and women of human rights. *See* CEDAW, *supra* note 148, at art. 1.

275 CEDAW, *supra* note 148, at art. 3.

276 CEDAW, *supra* note 148, at art. 10.

277 CEDAW, *supra* note 148, at art. 11.

278 CEDAW, *supra* note 148, at art. 11.

279 CEDAW, *supra* note 148, at art. 2(b).

280 CEDAW, *supra* note 148, at art. 2(c).

281 CEDAW, *supra* note 148, at art. 2(e).

282 CEDAW, *supra* note 148, at art. 2(f).

283 CEDAW, *supra* note 148, at art. 14.

284 CEDAW, *supra* note 148, at art. 14(2)(d).

285 CEDAW, *supra* note 148, at art. 14(2)(g).

286 CEDAW, *supra* note 148, at art. 14(2)(e).

287 *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, Status of Ratification Interactive Dashboard, OHCHR, http://indicators.ohchr.org/ (last visited Jan. 6, 2016).

in connection with international migration of workers and members of their families. Further, under Article 73 of the Convention, State Parties periodically report to the Convention's Committee on the legislative, judicial, administrative and other measures they have taken to give effect to the Convention's provisions.

1951 Refugee Convention and its 1967 Protocol

- Parties to the Convention: 145

- Parties to the Protocol: 146

- Mapped to Targets: 10.7

- NOTE: States Parties to the Protocol – which can be ratified or acceded to by a state without becoming a party to the Convention – simply agree to apply Articles 2 to 34 of the Convention to refugees as defined in Article 1 of the Convention.

The 1951 Convention Relating to the Status of Refugees is the key legal document in defining refugees, their rights, and the legal obligations of States in relation to them. Provisions particularly relevant to Target 10.7 and migratory policies are those on expulsion,[288] identity papers and travel documents,[289] and freedom of movement.[290] States Parties must provide statistical data and information to the OHCHR or any competent UN body on its implementation of the Convention, the condition of refugees in its territory, and its laws and regulations relating to refugees. Further, under Article 36 of the Convention, States Parties must communicate to the UN Secretary-General the laws and regulations which they may adopt to ensure the application of the Convention.

C) Commitments and Activities of Specialized Intergovernmental Agencies

International Financial Institutions - General

- Mapped to Targets: 10.5, 10.6, 10.c

The activities of international financial institutions (IFIs) are directly relevant to Target 10.6, which calls upon States to ensure enhanced representation of developing States in those institutions. The activities of the International Monetary Fund (IMF) in particular are also relevant to Target 10.5 as it is the primary international organization with a role in regulating global finance.

1. International Monetary Fund

The IMF is an organization of intergovernmental character with 188 Member States.[291] In recent years, the organization has enacted several measures to reform its governance. The 2008 Quota and Voice Reforms, which went into effect in 2011, enhanced the voting rights of developing economies by increasing their quotas of special drawing rights (SDR).[292] SDR quotas determine the weight of a country's vote.[293] In 2010, the IMF Executive Board approved additional reforms to the Fund's quota system and overall governance which

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288 Convention Relating to the Status of Refugees, art. 32, July 28, 1951, 189 U.N.T.S. 137.

289 *Id.* at arts. 27-28.

290 *Id.* at art. 26.

291 *List of Members*, INTERNATIONAL MONETARY FUND, https://www.imf.org/external/np/sec/memdir/memdate.htm (last visited Jan. 6, 2016).

292 International Monetary Fund, *The IMF's 2008 Quota and Voice Reforms Take Effect*, Press Release No. 11/64, March 3, 2011, http://www.imf.org/external/np/sec/pr/2011/pr1164.htm (last visited Jan. 6, 2016).

293 *Fact Sheet: IMF Quotas*, INTERNATIONAL MONETARY FUND, https://www.imf.org/external/np/exr/facts/quotas.htm (last visited Jan. 6, 2016).

are currently going through the ratification process.[294] Under these reforms, there will be an additional 6% shift in SDR quotas from over-represented to under-represented members (i.e. "dynamic emerging market and developing countries").[295] Additionally, voting shares will be specifically set aside for low-income countries.[296]

The IMF also routinely undertakes activities devoted to the monitoring and regulation of global financial markets. The Global Financial Stability Report, issued biannually, examines current market conditions and highlights systemic issues that could pose a risk to financial stability and to sustained market access by emerging economies.[297] The thematically broader World Economic Outlook Reports contain the IMF's biannual surveys of the global economy, separately analyzing industrial and developing countries.[298] The Fiscal Monitor was launched in 2009 and is accompanied by an online database of global financial indicators.[299]

Beyond monitoring, the IMF engages in bilateral and multilateral "surveillance" of national financial systems and provides technical assistance to enable States to undertake financial reforms.[300] Perhaps most notably, the IMF has subjected 25 "systemically important" national financial systems (including countries such as the United States, China, and Germany) to mandatory stability assessments under the Financial Sector Assessment Program (FSAP).[301]

2.   The World Bank Group

The World Bank Group has in recent years taken steps to increase the voice of developing countries in its decision-making processes. In October 2008, the World Bank's Development Committee agreed to what it calls "Phase 1" of voice and participation reforms.[302] These reforms increased the voting power of developing and transition countries (DTCs) in the International Bank for Reconstruction and Development.[303] Additionally, an elected Executive Director for Sub-Saharan Africa was added to all of the World Bank Group Boards.[304] There has been a consensus going forward from Phase 1 that a further increase in DTC voting power should result from future voice reforms.[305]

In addition to these reforms aimed at increased representativeness, the World Bank's Vice Presidency for Financial and Private Sector Development (FPD) plays a role in the regulation and monitoring of global financial markets. For instance, the FPD works to enhance the integrity of global financial markets by helping

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294   International Monetary Fund, *IMF Executive Board Approves Major Overhaul of Quotas and Governance*, Press Release No. 10/418, Nov. 5, 2010, http://www.imf.org/external/np/sec/pr/2010/pr10418.htm (last visited Jan. 6, 2016).

295   *Id.*

296   *Id.*

297   *Global Financial Stability Report*, International Monetary Fund, https://www.imf.org/external/pubs/ft/gfsr/index.htm (last visited Jan. 6, 2016).

298   *World Economic Outlook Reports*, International Monetary Fund, https://www.imf.org/external/ns/cs.aspx?id=29 (last visited Jan. 6, 2016).

299   *Fiscal Monitor Database*, International Monetary Fund, https://www.imf.org/external/pubs/ft/fm/2011/02/app/FiscalMonitoring.html (last visited Jan. 6, 2016).

300   *Fact Sheet: Financial System Soundness*, International Monetary Fund, https://www.imf.org/external/np/exr/facts/banking.htm (last visited Jan. 6, 2016).

301   International Monetary Fund, *IMF Expanding Surveillance to Require Mandatory Financial Stability Assessments of Countries with Systemically Important Financial Sectors*, Press Release No. 10/357, Sept. 27, 2010, http://www.imf.org/external/np/sec/pr/2010/pr10357.htm (last visited Jan. 6, 2016).

302   *Enhancing Voice and Participation of Developing and Transition Countries in the World Bank Group: Update and Proposals for Discussion,* WORLD BANK DEVELOPMENT COMMITTEE, http://siteresources.worldbank.org/DEVCOMMINT/Documentation/22335196/DC2009-0011(E)Voice.pdf (last visited Jan. 6, 2016).

303   *Id.* at 3.

304   *Id.*

305   *Id.* at 4.

countries combat money laundering and financial terrorism.[306] The FPD also features a Global Remittances Working Group, which assists countries in reforming their participation in international remittance markets.[307] Thus, the work of the Bank is relevant to Target 10.c.

3.   Other Financial Institutions and Regulators

Other than the IMF and the World Bank, several smaller IFIs undertake activities relevant to Targets 10.5 and 10.6. The Bank for International Settlements (BIS) counts 60 Member States which collectively account for 95% of global gross domestic product.[308] Its primary activities include the promotion of cooperation between central banking authorities, the dissemination of statistics and analysis to inform national monetary policy, and the provision of banking services to central banks.[309] BIS operates a Financial Stability Institute, which aims to promote cross-sectoral and cross-border cooperation in the supervision of financial markets and assists in the implementation of supervisory standards.[310]

A component organization of the BIS is the Basel Committee on Banking Supervision, which provides a forum for regular cooperation on banking supervisory matters.[311] Similar forums are provided by the International Organization of Securities Commissions,[312] the International Association of Insurance Supervisors,[313] and the Financial Stability Board.[314]

In 2002, the UN Conference on Financing for Development produced the Monterrey Consensus.[315] 50 heads of state, along with over 200 government ministers, agreed that the BIS, Financial Stability Board, and other such organizations should "enhance their outreach and consultation with developing countries" and "review their membership to allow for adequate participation of developing countries."[316]

The foregoing analysis thus illustrates that States, acting through a range of IFIs, have committed to enhance the regulation of financial markets and to increase the participation of developing States in IFI governance. As such, the subject matter of Targets 10.5 and 10.6 is thoroughly covered.

World Bank Database ("World DataBank")
- Mapped to Targets: 10.1, 10.3

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306   *Assessments*, WORLD BANK FINANCIAL SECTOR & PRIVATE DEVELOPMENT GROUP, http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/
        EXTFINANCIALSECTOR/0,,contentMDK:21995901~menuPK:6115875~pagePK:210058~piPK:210062~theSitePK:282885,00.html (last visited Jan.
        6, 2016).

307   *Payment Systems and Remittances Overview,* The World Bank, http://www.worldbank.org/en/topic/paymentsystemsremittances/overview#1 (last
        visited Jan. 6, 2016).

308   *About BIS*, Bank for International Settlements, http://www.bis.org/about/index.htm?l=2&m=1%7C1 (last visited Jan. 6, 2016).

309   *BIS Activities*, Bank for International Settlements, http://www.bis.org/about/functions.htm?m=1%7C3 (last visited Jan. 6, 2016).

310   *Id.*

311   *Basel Committee on Banking Supervision*, Bank for International Settlements, https://www.bis.org/bcbs/ (last visited Jan. 6, 2016).

312   International Organization of Securities Commissions, http://www.iosco.org/ (last visited Jan. 6, 2016).

313   International Association of Insurance Supervisors, http://iaisweb.org/index.
        cfm?event=showHomePage&persistId=04B6D30C155D89A40686F9875C541FFD (last visited Jan. 6, 2016).

314   *See FSB Members*, Financial Stability Board, http://www.financialstabilityboard.org/about/fsb-members/ (last visited Jan. 6, 2016).

315   *Perspectives on the Governance of Global Financial Regulation*, Commonwealth Secretariat, www.stephanygj.net/papers/Governance-Global-Financial-
        Regulation.doc (last visited Jan. 6, 2016).

316   *Id.*

The World Bank's mission, to end extreme poverty and boost shared prosperity by fostering the income growth of the bottom 40% for every country, is relevant to Goal 10 and directly addresses Targets 10.1 and 10.3. This means that all of the Bank's activities, projects, and programs are relevant to the realization of these targets. More specifically, the World Bank hosts a database called the World DataBank,[317] which compiles development-related data and databases into an accessible online platform. This is meant to provide free and open access to development-related data concerning all countries around the world. The DataBank includes the World Bank's World Development Indicators database,[318] which provides access to development indicators (organized on national, regional, and global levels) compiled by the Bank from a variety of officially-recognized international sources. The World Development Indicators database also includes variables based on the share of income held by the highest through lowest segments of the population, making it useful for the monitoring of Target 10.1. The DataBank also includes a variety of other databases, including the Poverty and Equity Database,[319] which is particularly relevant to Target 10.1. The Poverty and Equity Database includes tools which allow users to track trends in inequality, visualize poverty and inequality data, and access regional and country "dashboards" which display the latest data and trends concerning poverty and inequality disaggregated by regions and countries.

World Income Inequality Database (WIID)

- Mapped to Targets: 10.1

The World Income Inequality Database (WIID)[320] is compiled and administered by the United Nations University. The database, which is updated annually, includes data and observations on income inequality for developed, developing, and transition countries. The database also includes a data visualization tool,[321] which allows for the visualization of data filtered by country, region, and indicator. This database is directly relevant to the monitoring of income inequality under Target 10.1.

UN High Commissioner for Refugees (UNHCR) Global Trends Report

- Mapped to Targets: 10.7

The annual UNHCR Global Trends Report presents and analyses trends in global forced displacement. It presents information on populations of concern to UNHCR, many of whom will overlap with the migration-focused Target 10.7—including refugees; asylum-seekers; internally-displaced persons and those in like situations; returned refugees; and those under the UNHCR's statelessness mandate.[322] Its annexes also provide country-specific data, disaggregated by demographic and "group" of concern, and by regional grouping.[323]

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317   The World DataBank, http://databank.worldbank.org/data/home.aspx (last visited Jan. 6, 2016).

318   *World Development Indicators*, The World DataBank, http://databank.worldbank.org/data/reports.aspx?source=world-development-indicators (last visited Jan. 6, 2016).

319   *Poverty and Equity Database*, The World DataBank, http://databank.worldbank.org/data/reports.aspx?source=poverty-and-equity-database (last visited Jan. 6, 2016).

320   *World Income Inequality Database (WIID3c)*, UNU-WIDER, https://www.wider.unu.edu/project/wiid-world-income-inequality-database (last visited Jan. 6, 2016).

321   *Id.*

322   *See, e.g.*, U.N. High Commissioner for Refugees, Global Trends – Forced Displacement in 2014 (2014).

323   *Id.* at 44-53.

ILO Migrant-Specific Instruments

1. *Migration for Employment Convention (Revised), 1949 (C097) and Migration for Employment Recommendation (Revised), 1949 (R086)*

   - Parties: 49[324]

   - Mapped to Targets: 10.7, 10.3, 10.c

This Convention requires ratifying States to facilitate international migration for employment by establishing and maintaining a free assistance and information service for migrant workers[325] and taking measures against misleading propaganda relating to emigration and immigration.[326] It includes provisions on appropriate medical services for migrant workers[327] and the transfer of earnings and savings.[328] States are required to apply treatment no less favorable than that which applies to their own nationals in respect to a number of matters, including conditions of employment, freedom of association, and social security.[329] The Migration for Employment Recommendation includes specific legislative and policy-based recommendations to implement the Convention.[330]

Further, ILO Convention No. 97 states that "[e]ach Member for which this Convention is in force undertakes to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of the migrant for employment as the migrant may desire."[331] While relevant, this provision is considerably broader than the specific nature of Target 10.10.

2. *Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and Migrant Workers Recommendation, 1975 (No. 151)*

   - Parties: 49[332]

   - Mapped to Targets: 10.7, 10.3

This Convention provides for measures to combat clandestine and illegal migration while setting forth the general obligation to respect the basic human rights of all migrant workers.[333] It also extends the scope of equality between legally resident migrant workers and national workers beyond the provisions of the above 1949 Convention.[334] It ensures equality of opportunity and treatment regarding employment and occupation,

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324 *Ratifications of C097 – Migration for Employment Convention (Revised), 1949 (No. 97)*, International Labor Organization, http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312242 (last visited Jan. 6, 2016).

325 C-97 Migration for Employment Convention (Revised) art. 2, July 1, 1949.

326 *Id.* at art. 3.

327 *Id.* at art. 5.

328 *Id.* at art. 9.

329 *Id.* at art. 6.

330 *R-086 – Migration for Employment Recommendation (Revised), 1949 (No. 86)*, International Labor Organization, http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:312424 (last visited Jan. 6, 2016).

331 C-97 Migration for Employment Convention, *supra* note 237, at art. 9.

332 *Ratifications of C143 – Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)*, International Labor Organization, http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312288 (last visited Jan. 6, 2016).

333 C-143 Migrant Workers (Supplementary Provisions) Convention art. 1, June 24, 1975.

334 *Id.* arts. 10-14.

social security, trade union and cultural rights, and individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within a ratifying State's territory.[335] It calls upon ratifying States to facilitate the reunification of families of migrant workers legally residing in their territory.[336]

ILO Multilateral Framework on Labour Migration ("Non-binding principles and guidelines for a rights based approach to labour migration")

- Mapped to Targets: 10.7, 10.c

This Framework represents a considered response to widespread demands for practical guidance and action with a view to maximizing the benefits of labor migration for all Parties. The Framework addresses the major issues faced by migration policy-makers at national and international levels and responds to demands from constituents for guidance and assistance. It is a comprehensive collection of principles, guidelines, and best practices which provides practical guidance on the development and improvement of labor migration policies.[337] The Framework focuses on decent work for all, good governance of labor migration, migrant workers' rights, development linkages, and international cooperation, while maintaining respect for the sovereign right of all nations to determine their own migration policies.[338] It recognizes the crucial role of social partners, social dialogue, and "tripartism" in migration policy, and advocates for gender-sensitive policies that address the special problems faced by female migrant workers.[339] The ILO plans to regularly update the compilation of best practices contained in Annex II of this Framework in partnership with its constituents.[340]

Further, this Framework highlights that "the contribution of labour migration to employment, economic growth, development and the alleviation of poverty should be recognized and maximized for the benefit of both origin and destination countries."[341] Among the guidelines that may prove valuable in giving practical effect to the above principle are: providing incentives to promote the productive investment of remittances in the countries of origin; reducing the costs of remittance transfers, including by facilitating accessible financial services; reducing transaction fees; providing tax incentives; and promoting greater competition between financial institutions.[342]

ILO Labour Migration Branch Good Practices Database

- Mapped to Targets: 10.7

The ILO maintains a database of good practices from around the world that are searchable by region, country, thematic areas (such as "protection" or "evidence-based policy making"), and respective employment sectors. The information in this database is directly relevant to the implementation of safe and responsible migration policies under Target 10.7, as well as the human rights of migrant workers mentioned in various international instruments.

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335 *Id.* art. 10.

336 *Id.* art. 13.

337 *See generally ILO Multilateral Framework on Labour Migration*, International Labor Organization, http://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@migrant/documents/publication/wcms_178672.pdf (last visited Jan. 6, 2016).

338 *Id.*

339 *Id.*

340 *Id.* at 35.

341 *Id.* at 29.

342 *Id.* at 29-30.

In addition, there are a host of Selected Conventions and Recommendations containing specific provisions on migrant workers.[343]

International Commission on Population and Development (ICPD) Beyond 2014 Monitoring Framework

- Parties: 179[344]
- Mapped to targets: 10.2, 10.4

The ICPD 2014 Program of Action recognizes reproductive health and rights, as well as women's empowerment and gender equality as cornerstones of population and development programs.[345] Its monitoring framework will provide a basis for national and global reporting on progress that can enhance the review and appraisal of the implementation of the Program of Action by the General Assembly, ECOSOC, and the Commission on Population and Development. It is envisaged that the Program's global "score card" and global report will provide readily available input for any monitoring under the post-2015 development agenda.[346] Reporting on commitments related to the Program of Action in treaty bodies or in the intergovernmental bodies of the United Nations—separately or independently—will be more easily integrated into the processes of the Commission on Population and Development.[347]

ILO World Social Protection Report

- Mapped to Targets: 10.2, 10.4

This biannual report by the ILO provides information on social security trends and social protection systems, coverage, benefits and expenditures in over 190 countries. It includes valuable and comprehensive statistical annexes with the latest social protection data, including on health coverage, maternity leave, unemployment benefits, old-age pensions, disability benefits, employment injury, and social protection for children.

OECD International Development Statistics (IDS) online databases

- Mapped to Targets: 10.1, 10.b

These databases maintained by the OECD cover bilateral, multilateral aid (ODA), private providers' aid, and other resource flows to developing countries.[348] These databases allow data to be disaggregated by: aid flows by provider (which provides comprehensive aggregate data on the volume, origin and types of aid and other resource flows); flows by provider and recipient (which provides comprehensive aggregate historical and forward-looking data on the volume, origin and destination of resource flows); and flows based on individual projects (which provides information on individual aid activities, such as sectors, countries, project descriptions etc. used to derive aggregate data). These databases include the OECD Income Distribution Database (IDD),[349] which uses annually-updated data to benchmark and monitor income inequality and poverty across countries. Tools within the database allow for the comparison of income distribution and poverty across countries and regions. This database is directly relevant to the monitoring of Target 10.1.

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343   *See International Labor Standards on Labor* Migration, INTERNATIONAL LABOR ORGANIZATION, http://www.ilo.org/global/topics/labour-migration/standards/lang--en/index.htm (last visited Jan. 6, 2016).

344   *See International Conference on Population and Development Programme of Action*, UNITED NATIONS POPULATION FUND, http://www.unfpa.org/publications/international-conference-population-and-development-programme-action (last visited Jan. 6, 2016).

345   *See id*.

346   U.N. Secretary-General, *Framework for Action for the Follow-up to the Programme of Action of the International Conference of Population and Development Beyond 2014* 199, U.N. Doc. A/69/62 (Feb. 12, 2014).

347   *Id*.

348   *See International Development Statistics (IDS) Online Databases*, OECD, http://www.oecd.org/dac/stats/idsonline.htm (last visited Jan. 6, 2016).

349   *See OECD Income Distribution Database*, OECD, http://www.oecd.org/social/income-distribution-database.htm (last visited Jan. 6, 2016).

UN Conference on Trade and Development (UNCTAD) Statistics

- Mapped to Targets: 10.b

As the United Nations' focal point for the integrated treatment of trade and development and interrelated issues in the areas of finance, technology, investment and sustainable development, UNCTAD compiles, validates and processes a wide range of data collected from national and international sources. Many of these date back to 1948 and exist for almost all economies in the world. These data are disaggregated by more than 150 indicators; those particularly relevant to Target 10.9 include international trade, foreign direct investment, and external financial resources.[350]

UNCTAD Multi-year Expert Meeting on Investment for Development

- Mapped to Targets: 10.b

The Expert Meeting analyzes the development impact of both domestic investment activities and, in particular, foreign direct investment, including the interaction between the two. It will also analyze public-private partnerships.[351] This meeting combines the inputs of experts, government policymakers, and representatives of transnational corporations, civil society, and academia to address the development implications of investments. The Meeting utilizes both foreign and domestic sources to design and prepare effective and active policies to boost the productive capacities and international competitiveness of developing and transition economies, making it particularly relevant to Target 10.9.

The World Bank Remittance Prices Worldwide Database

- Mapped to Targets: 10.c

Launched in 2008, the World Bank Remittance Prices database provides data on the cost of sending and receiving remittances for 213 "country corridors" worldwide.[352] The corridors studied flow from 31 major remittance-sending countries to 91 receiving countries, representing more than 60% of total remittances to developing countries.[353] This is of direct relevance to Target 10.9, as its intended uses include: benchmarking improvements, allowing comparisons among countries, supporting consumers' choices, and putting pressure on service providers to improve their services.[354]

General Principles for International Remittance Services

- Mapped to Targets: 10.c

Prepared by the Committee on Payment and Settlement Systems and the World Bank, these General Principles have subsequently been endorsed by the G-8, the G-20, and the Financial Stability Forum. The one-off report, which elaborates the only international standards in this field, covers areas such as transparency and consumer protection, payment system infrastructure, legal and regulatory environments, market structure and competition, and governance and risk management. The Report also identifies what the role of the remittance service providers and authorities should be in order to achieve the public policy objective of a safe and efficient market for remittance services.

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350 *See UNCTAD Statistics,* United Nations Conference on Trade and Development, http://unctad.org/en/Pages/Statistics.aspx (last visited Jan. 6, 2016).

351 *See* Fifty-Fifth session of the Trade Development Board, TD/B/55/9, 1 October 2008.

352 *Remittance Prices Worldwide*, World Bank, https://remittanceprices.worldbank.org/en (last visited Jan. 6, 2016).

353 *See Remittances Activities and Projects*, THE WORLD BANK, http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTFINANCIALSECTOR/ EXTPAYMENTREMMITTANCE/0,,contentMDK:20887531~menuPK:2554329~pagePK:210058~piPK:210062~theSitePK:1943138,00.html (last visited Jan. 6, 2016).

354 *Id*.

To implement these Principles, a Private-Public Sector Partnership (PPP) on remittances under the World Bank Group's leadership was launched during the World Bank Global Payments Week in 2008. The PPP aims to develop a practical and actionable mechanism to implement the General Principles. For example, one of its initial tasks is to better structure the international discussion between regulators and the industry on legal and regulatory issues related to remittances.

Global Remittances Working Group

- Mapped to Targets: 10.c

The Working Group is chaired by the World Bank Vice Presidency for Finance and Private Sector Development (FPD), and counts on a small secretariat and an International Advisory Committee to ensure quality assurance and technical guidance. It works in four Thematic Areas (organized around the seven Recommendations on Remittances): 1) Data; 2) Interconnections with Migration, Development and Policy; 3) Payment and Market Infrastructure; and 4) Remittance-linked financial products and Access to Finance.

D) Trade Commitments

- Mapped to Targets: 10.a

Any WTO agreement that provides for differentiation between developed and developing countries is directly relevant to Target 10.a. Several such agreements and their key provisions are highlighted below.

General Agreement on Tariffs and Trade (GATT)

The GATT contains numerous provisions designed to foster the economic development of developing countries. Notably, Article XVIII—entitled "Government Assistance to Economic Development"—allows developing countries "to maintain sufficient flexibility in their tariff structure … required for the establishment of a particular industry."[355] Included in this flexibility is the authority to temporarily deviate from the other provisions of the GATT, provided that the economy of the country in question "can only support low standards of living."[356] Developing States are given unique authority to withdraw or modify trade concessions with the approval of the other Contracting Parties[357] and to implement import restrictions.[358]

Part IV of the GATT, entitled "Trade and Development," affirms that there is a "need for positive efforts designed to ensure that less-developed Contracting Parties secure a share in the growth in international trade commensurate with the needs of their economic development."[359] This section also affirms that GATT Contracting Parties should collaborate with international lending agencies to alleviate the burdens that developing States assume in the interests of their economic development, suggesting a connection to Target 10.b.[360] Accordingly, the GATT sees developed States commit to prioritizing the elimination of barriers against exports from developing States.[361] It also mandates that all Contracting Parties take action to implement the principles of special and differential treatment.[362]

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355   General Agreement on Tariffs and Trade art. XVIII(2), Oct. 30, 1947, 55 U.N.T.S. 194.

356   *Id*. at art. XVIII(4)(a).

357   *Id*. at art. XVIII(7)(a)-(b).

358   *Id*. at art. XVIII(9).

359   *Id*. at art. XXXVI(3).

360   *Id*. at art. XXXVI(6).

361   *Id*. at art. XXXVII(1)(a).

362   *Id*. at art. XXXVIII(1).

Agreement on Agriculture (AoA)

Article 15 of the AoA sets forth the basic requirement for special and differential treatment of developing States and exempts least-developed countries from commitments to reduce agricultural tariffs.[363] Other passages provide for more specific means of differentiation.

For example, government measures of assistance to encourage the development of rural agriculture in developing States are exempt from domestic support reduction commitments that would otherwise apply under the AoA.[364] Developing countries are explicitly exempt from provisions pertaining to export prohibitions, unless they are a net exporter of the foodstuff in question.[365]

More generally, the AoA establishes differentiated schedules for the reduction of barriers to agricultural trade, imposing more modest obligations on developing States and allowing them a greater amount of time to meet them.[366]

Agreement on the Application of Sanitary and Phytosanitary Measures (SPS)

In addition to a general provision mandating special and differential treatment for developing countries,[367] the SPS agreement requires the provision of technical assistance to developing States, either bilaterally or through international organizations.[368] Developing countries are also empowered to request and receive time-limited exceptions from the agreement, with a view toward ensuring their ability to comply with its provisions.[369]

Technical Barriers to Trade Agreement (TBT)

The TBT agreement contains a provision on technical assistance with an eye toward facilitating the preparation of technical regulations.[370] Additionally, Article 12 (entitled "Special and Differential Treatment of Developing Country Members") requires Member States to accord more favorable treatment to developing countries.[371] Relatedly, developing countries are not required or encouraged to adopt international standards that are incompatible with their development needs.[372]

Agreement on Safeguards

This agreement prohibits the use of safeguard measures against products originating in developing countries, subject to certain exceptions.[373] Meanwhile, developing countries have the right to extend the application of a safeguard measure beyond the period specified in the agreement,[374] thus affording developing States a second form of differentiated and preferential treatment.

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363   Agreement on Agriculture art. 15, Apr. 15, 1994, 1867 U.N.T.S. 410.

364   *Id.* at art. 6(2).

365   *Id*. at art. 12(2).

366   Understanding the WTO, *supra* note 207, at 28.

367   Agreement on the Application of Sanitary and Phytosanitary Measures, *supra* note 201, at art. 10.

368   *Id*. at art. 9.

369   *Id*. at art. 10(3).

370   Agreement on Technical Barriers to Trade art. 11.1, Apr. 15, 1994, 1868 U.N.T.S. 120.

371   *Id*. at art. 12.1.

372   *Id*. at art. 12.4.

373   Agreement on Safeguards art. 9(1), Apr. 15, 1994, 1869 U.N.T.S. 154.

374   *Id*. at art. 9(2).

In addition to the agreements discussed above, the following WTO instruments specifically mandate special and differential treatment for developing States:

- Agreement on Textiles and Clothing (ATC);[375]

- Agreement on Subsidies and Countervailing Measures (SCM);[376]

- Agreement on Import Licensing Procedures;[377]

- Antidumping Agreement;[378]

- Agreement on Customs Valuation;[379]

- Agreement on Trade-Related Investment Measures.[380]

In conclusion, Target 10.a, which calls upon States to implement the principle of special and differential treatment for developing States, is thoroughly addressed by a number of WTO agreements. These agreements have binding effect and are enforceable before the Dispute Settlement Body and Appellate Body of the WTO. All WTO members (161 States and the European Union) are Parties to the above listed agreements.

E) Regional Commitments

- Mapped to Targets: 10.5

Several regional development banks provide an enhanced voice for developing countries in international financial and economic affairs. Notably, several such regional banks are primarily (and in some cases exclusively) made up of developing States. These include the African Development Bank,[381] the Inter-American Development Bank,[382] the Islamic Development Bank,[383] and the Asian Development Bank.[384]

F) Conclusion

This case study confirms the results of the prior analysis of Goal 2. The subject matter of each of the Goal 10 targets is addressed by existing international commitments States have made through binding treaty mechanisms, specialized agencies, trade commitments, or regional commitments (see Figure 1 below for a summary). These findings lend further support to the approach taken in the main body of this report, which focuses on how to draw upon these existing commitments as part of the SDG follow-up and review process, rather than undertaking a comprehensive analysis of substantive gaps in the coverage of the SDGs.

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375   *See* Agreement on Textiles and Clothing art. 6(6)(a), Apr. 15, 1994.

376   Agreement on Subsidies and Countervailing Measures art. 27, Apr. 15, 1994, 1869 U.N.T.S. 14.

377   *See* Agreement on Import Licensing Procedures art. 3(5)(j), Apr. 15, 1994, 1868 U.N.T.S..

378   Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 art. 15, https://www.wto.org/english/docs_e/legal_e/19-adp.pdf (last visited Jan. 6, 2016).

379   Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 art. 20, https://www.wto.org/english/docs_e/legal_e/20-val.pdf (last visited Jan. 6, 2016).

380   *See* Agreement on Trade-Related Investment Measures art. 4, https://www.wto.org/english/docs_e/legal_e/18-trims.pdf (last visited Jan. 6, 2016).

381   *Countries*, AFRICAN DEVELOPMENT BANK, http://www.afdb.org/en/countries/ (last visited Jan. 6, 2016).

382   *Countries*, INTER-AMERICAN DEVELOPMENT BANK, http://www.iadb.org/en/inter-american-development-bank,2837.html (last visited Jan. 6, 2016).

383   *Islamic Development Bank Group in Brief,* ISLAMIC DEVELOPMENT BANK GROUP, http://www.isdb.org/irj/go/km/docs/documents/IDBDevelopments/Internet/English/IDB/CM/Publications/IDBGroupBrief2013.pdf (last visited Jan. 6, 2016).

384   *Members*, ASIAN DEVELOPMENT BANK, http://www.adb.org/about/members (last visited Jan. 6, 2016).

Figure 1: Mapping of Existing International Commitments to Goal 10

Target 10.1 Income Growth	**Treaties:** CEDAW World DataBank OECD Income Distribution Database World Income Inequality Database
Target 10.2 Inclusion	**Treaties:** ICCPR ICESCR CRPD CERD CEDAW CMW CRC **International Labor Organization:** ILO Worst Forms of Child Labour Convention (No. 182) ILO Equal Remuneration Convention (No.100) ILO Discrimination [Employment and Occupation] Convention (No.111) ILO World Social Protection Report
Target 10.3 Equal Opportunity	**Treaties:** ICCPR ICESCR CRPD CERD CEDAW CMW CRC **International Labor Organization:** ILO Equal Remuneration Convention (No.100) ILO Discrimination [Employment and Occupation] Convention (No.111) Migration for Employment Convention Migrant Workers Convention
Target 10.4 Social Protection Policies	**Treaties:** ICESCR CRPD CERD **International Labor Organization:** ILO Forced Labour Convention (No.29) ILO Abolition of Forced Labour Convention (No.105) ILO Worst Forms of Child Labour Convention (No. 182) ILO Equal Remuneration Convention (No.100) ILO Discrimination [Employment and Occupation] Convention (No.111)ILO World Social Protection Report

Target 10.5 Financial Market Regulation	**International Monetary Fund:** Global Financial Stability Report World Economic Outlook Fiscal Monitor Financial Sector Assessment Program **World Bank:** Financial and Private Sector Development Bank of International Settlements Financial Stability Board International Organization of Securities Commissions International Association of Insurance Supervisors
Target 10.6 IFI Representative-ness	**International Financial Institutions:** International Monetary Fund World Bank Group Bank of International Settlements Financial Stability Board **Regional Development Banks:** African Development Bank Inter-American Development Bank Islamic Development Bank Asian Development Bank UN Conference on Financing for Development (Monterrey Consensus)
Target 10.7 Safe Migration	**Treaties:** ICCPR CERD CEDAW CMW 1951 Refugee Convention (and Protocol) **International Labor Organization:** Migration for Employment Convention Migrant Workers Convention Multilateral Framework on Labor Migration UNHCR Global Trends Report
Target 10.a Differential Treatment in Trade	**WTO Agreements (including):** GATT AoA SPS TBT Safeguards

Target 10.b Financial Flows	OECD-IDS Online Databases UNCTAD Statistics UNCTAD Multi-Year Expert Meeting on Investment for Development
Target 10.c Migrant Remittances	**International Labor Organization:** Migration for Employment Convention Multilateral Framework on Labor Migration **World Bank:** Global Remittances Working Group Remittance Prices Online Database **Other:** General Principles for International Remittance Services Global Remittances Working Group

ANNEX 4: EXAMPLES OF EXISTING INFORMATIONAL TOOLS AND REVIEW TEAMS

This Annex highlights certain existing informational tools and specialized review processes that the authors have drawn upon in formulating this report's proposals. This is not an exhaustive list of relevant mechanisms, but rather provides detailed descriptions of several paradigmatic examples.

A) Informational Tools

WHO Framework Convention on Tobacco Control – Implementation Database[385]

The WHO Framework Convention for Tobacco Control (FCTC) provides a paradigmatic example of a database drawn from country reports. Under this regime, mandatory State reports are compiled by the Convention Secretariat into the WHO FCTC Implementation Database. This is a publicly accessible online tool that is searchable by country, by treaty article, and by implementation measure. The WHO supplements this tool by publishing an **"Indicator Compendium"** aimed at facilitating access to treaty-specific indicators and their usage by States Parties. Additionally, the WHO has published a **glossary of terms** used in the FCTC and its instruments, as well as a "step-by-step instructions document" for the employment of these terms. The WHO expects that this glossary will enable the development of normative documents and implementation work by Parties to the FCTC, in particular by facilitating the creation of national strategies for tobacco control.

The FCTC database thus possesses several important characteristics: (1) it allows for **country comparability, (2) it specifically addresses individual treaty commitments, and (3) it supplements its data with explanation of the relevant indicators,** rather than simply presenting raw data. These three means of addressing implementation information may be of significant value to HLPF review.

FAO Informational Tools

The Food and Agriculture Organization, as one of the largest and most diversified specialized intergovernmental agencies, makes use of a variety of information tools to handle a large quantity of data. Three such tools merit specific mention.

- FAOSTAT Database[386]

This database, run by the FAO's statistics department, is the broadest informational tool employed by the Organization. It compiles data across 14 "Data Domains" related to the FAO's work, including such diverse subjects as food trade, agricultural emissions, investment, demographic statistics, and emergency response. Notably, FAOSTAT **features "Country Profiles," which allow for the visualization of data in all relevant domains for each FAO Member State** along with some sub-national entities. FAOSTAT's database is also highly interactive, featuring a **"Compare Data" function** which allows any user to compare chosen statistics from several countries over a specified period of time. FAOSTAT thus represents more than a collection of information; rather, it facilitates critical analysis of States' approaches to food security and other related issues.

- Integrated Food Security Phase Classification (IPC)[387]

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385   *See Reporting on the implementation of the Convention*, World Health Organization, http://www.who.int/fctc/reporting/en/ (last visited Jan. 6, 2016).

386   *See* FAOSTAT, http://faostat3.fao.org/home/E (last visited Jan. 6, 2016).

387   *About IPC*, IPCINFO, http://www.ipcinfo.org/ipcinfo-about/en/ (last visited Jan. 6, 2016).

The IPC is a set of standardized tools aimed at providing a "common currency" for classifying the severity of food security issues. It is a program based upon ideals of technical consensus and quality assurance that is currently being implemented in over 40 developing States across Asia, Africa and the Americas. The IPC is not conceived of as an independent information system, but rather as an "add-on" to existing information systems, intended to facilitate the coordination of response efforts to food security crises.

IPC is notable in that, like the WHO FCTC, it is focused not simply on the provision of information but rather on building capacity related to the use of information and creation of consensus relative to indicators. Such an approach may be crucial for the HLPF, which will necessarily rely on a wide variety of indicators across several subject areas.

- Food Insecurity Experience Scale[388]

As its name suggests, FIES is an **experience-based metric of the severity of food insecurity,** reliant upon the direct responses of individuals to surveys on access to food. The FIES Survey Module consists of eight questions focused on self-reported behaviors relative to food, as well as descriptions of access constraints. FIES is a "psychometric scale," similar to those employed in measurements of intelligence, personality and other such traits.

FIES is an important complement to **purely quantitative informational tools and serves to avoid the problem of treating individuals solely as numbers.** Such a tool may thus be more consistent with a human rights-centric approach to SDG assessment by avoiding excessive reliance on quantitative data measures.

Agricultural Market Information System (AMIS)[389]

AMIS was established at the request of the assembled G-20 agriculture ministers in 2011. Its purpose is to engage in market monitoring and aggregation of statistics related to food commodities. Additionally, it engages in capacity building by facilitating the exchange of best practices regarding agricultural market monitoring among Member States.

Notably, AMIS is an inter-agency monitoring platform, with a secretariat composed of the FAO, WHO, World Food Program, WTO, World Bank, OECD, and five other agencies particularly devoted to food security issues. AMIS thus represents an example of the viability of an informational tool that draws upon the expertise of a wide variety of different international institutions. **The particular modalities of its information compilation procedure may ultimately be of use to the HLPF in that regard.**

B) Use of Review Teams

A number of existing review mechanisms (under the auspices of both treaties and intergovernmental agencies) each contain a specialized body which, through on-going independent activities, helps to inform decisions made by a larger, plenary body charged with ultimate authority over the actions of an institution. The following discussion provides an illustration of how different mechanisms make use of such expert review teams.

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388 *Food Insecurity Experience Scale*, Food and Agriculture Organization, http://www.fao.org/economic/ess/ess-fs/voices/fiesscale/en/ (last visited Jan. 6, 2016).

389 *About AMIS*, Agricultural Market Information System, http://www.amis-outlook.org/amis-about/en/ (last visited Jan. 6, 2016).

Treaties

i.   *United Nations Framework Convention on Climate Change (UNFCCC)*

Under Article 12 of the UNFCCC, each of its 196 Member States must communicate information to the Conference of the Parties regarding implementation of the Convention.[390] Reporting requirements—and by extension the review process—differ for developed ("Annex I") and developing ("Non-Annex I") States.[391] One commonality, however, is that review is consistently subject to a two-step process. For instance, Greenhouse Gas Inventories submitted by Annex I States are first preliminarily reviewed by the UNFCCC Secretariat, which aims to ensure that the technical requirements for reporting were met and identifies issues for further consideration.[392] Then, a more in-depth review is conducted by an Expert Review Team (ERT), charged with examining the data, methodologies, and procedures used in preparing the inventory.[393] Similarly, review of "National Communications"—reports on steps taken to implement the Convention[394]—is conducted by an "international team of experts" which aims to provide a "comprehensive, technical assessment of a Party's implementation of its commitments."[395] After a desk-based study and an in-country visit, the expert team issues a report that aims to facilitate the work of the Conference of the Parties in reviewing States' implementation of the UNFCCC's provisions.[396]

Over 150 experts are involved in this process on an annual basis.[397] They are nominated to a "roster of experts" by States Parties to the Convention and by international organizations, and are then selected for participation on an Expert Review Team by the Secretariat on an **ad hoc** basis.[398] They are selected in such a way as to ensure coverage of all inventory sectors and to achieve balance in participation between developed and developing States.[399]

The UNFCCC Secretariat itself has identified several purported advantages of this system. It considers that ERT review enhances the thoroughness, objectivity, and credibility of reporting, as well as its recognition by the Parties.[400] Beyond the reports themselves, however, the UNFCCC also considers ERT review as part of an important feedback loop wherein individual experts provide technical advice to the States they review while also being exposed to best practices from those States. The experts can then apply these best practices in their home countries.[401] This process of review may therefore also have a capacity-building side-effect.

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390   United Nations Framework Convention on Climate Change art. 12, May 9, 1992, 1771 U.N.T.S. 107 [*hereinafter* UNFCCC].

391   *National Reports*, United Nations Framework Convention on Climate Change, http://unfccc.int/national_reports/items/1408.php (last visited Jan. 6, 2016).

392   *Review Process*, United Nations Framework Convention on Climate Change, http://unfccc.int/national_reports/annex_i_ghg_inventories/review_process/items/2762.php (last visited Jan. 6, 2016).

393   *Id.*

394   *National Communications Annex I*, United Nations Framework Convention on Climate Change, http://unfccc.int/national_reports/annex_i_natcom_/items/1095.php (last visited Jan. 6, 2016).

395   *In-Depth Review Reports*, United Nations Framework Convention on Climate Change, http://unfccc.int/national_reports/annex_i_natcom/idr_reports/items/2711.php (last visited Jan. 6, 2016).

396   *Id.*

397   *Review Process, supra* note 394.

398   *Review Process, supra* note 394.

399   *Review Process, supra* note 394.

400   *Review Process, supra* note 394.

401   *Review Process, supra* note 394.

ii. Convention on Biological Diversity (CBD)

Article 26 of the CBD mandates that all Contracting Parties shall present to the Conference of the Parties reports on their implementation of the Convention's provisions.[402] In order to facilitate this process, Article 25 calls for the establishment of a Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), which is to provide the Conference of the Parties with advice relating to implementation matters.[403] Among its crucial functions are the provision of scientific and technical assessments of the status of biological diversity[404] and the preparation of scientific and technical assessments of the effects of measures taken in accordance with the Convention.[405] The SBSTTA is composed of government representatives "competent in the relevant field of expertise."[406] It is important to note that these representatives are not diplomats, but rather members of specialized ministries, research institutes, or national universities.[407] Meetings of the SBSTTA take place prior to meetings of the Conference of the Parties,[408] and assessments take place pursuant to a mandate from that body.[409] While the SBSTTA is not formally involved in the review process, its inter-sessional work enables the Conference of the Parties to undertake its review in a more informed, precise and objective manner. Similarly to UNFCCC Expert Review Teams, the SBSTTA lessens the burden on the centralized reviewing body by eliminating the need for that body to undertake in-depth and highly scientific review of measures taken in accordance with the Convention.

iii. International Human Rights Conventions

The Convention on the Elimination of All Forms of Racial Discrimination (CERD) is emblematic of similar human rights conventions in that it establishes a Committee charged with review of States' implementation of the Convention.[410] The Committee is composed of "eighteen experts of high moral standing and acknowledged impartiality" who are elected by States Parties.[411] Nearly identical provisions (albeit with differing numbers of experts) can be found in the Convention Against Torture,[412] the Convention on the Elimination of All Forms of Discrimination Against Women,[413] and the Convention on the Rights of Persons with Disabilities,[414] among others. Individuals Committee members serve in their personal capacity and not as representatives of their States.[415]

The example of CERD differs from those of the UNFCCC and the CBD in that its expert committee does not conduct work on an inter-sessional basis in service of some larger, ultimately more authoritative reviewing body (e.g. a Conference of the Parties). Nevertheless, it serves as proof that the trend of entrusting review—or at the very least, advice that informs review—to an expert body extends into the international human rights sphere.

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402   CBD, *supra* note 167, at art. 26.
403   CBD, *supra* note 167, at art. 25(1).
404   CBD, *supra* note 167, at art. 25(2)(a).
405   CBD, *supra* note 167, at art. 25(2)(b).
406   *Subsidiary Body on Scientific, Technical and Technological Advice*, *supra* note 95.
407   *See SBSTTA Bureau*, Convention on Biological Diversity, https://www.cbd.int/sbstta-bureau/default.shtml (last visited Jan. 6, 2016).
408   *Consolidated* Modus Operandi *of the Subsidiary Body on Scientific, Technical and Technological Advice*, Convention on Biological Diversity ¶ 11, https://www.cbd.int/convention/sbstta-modus.shtml (last visited Jan. 6, 2016).
409   *Id*. at App'x C.
410   CERD, *supra* note 145, at arts. 8-9.
411   CERD, *supra* note 145, at art. 8(1).
412   Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 17, Dec. 10, 1984, 1465 U.N.T.S. 85.
413   CEDAW, *supra* note 148, at art. 17.
414   CRPD, *supra* note 142, at art. 34.
415   *See* CERD, *supra* note 145, at art. 8(1).

There thus appears to be widespread recognition that review processes in the binding treaty context are enhanced, if not best-served, through the formal input of experts. A variety of interests are served by this procedural trait. Expert review or assessment may occur inter-sessionally, as is the case for the UNFCCC or CBD, and thus facilitate the work of centralized reviewing bodies. The experts may be formally independent from the governments who nominated them, as in the UNFCCC or the human rights treaties, and therefore imbue the review process with a greater appearance of objectivity. In any event, the use of experts enhances the accuracy and credibility of review, particularly when the subject matter to be reviewed consists of highly technical or "niche" information (which may be said of some of the SDGs).

Specialized Agencies

As is discussed in Annex 2, specialized intergovernmental agencies play an important role in the international system as promulgators of non-binding (yet influential) norms and guidelines and providers of information. Thus, their procedures may provide useful lessons that can be applied to HLPF review. Several examples of the monitoring processes used by relevant specialized agencies are described below.[416]

i. Food and Agriculture Organization (FAO) – Committee on Agriculture

Within the sprawling FAO, the Committee on Agriculture (COAG) is one of the technical committees whose tasks include "periodic reviews and appraisals, on a highly selective basis, of agricultural and nutritional problems, with a view to proposing concerted action by Member Nations and the Organization."[417] COAG may propose concerted action by Member States and the FAO and may make recommendations to the FAO council, though it has no binding authority.[418] Membership in the COAG is voluntary: States must notify the Director-General in writing of their desire to become Members of COAG and participate in its work "not later than 10 days before the opening date of a session."[419] Currently, COAG has 126 Member States.[420] The delegates themselves are generally officials in their States' respective ministries of agriculture. For instance, Mr. Vimlendra Sharan, currently COAG's Chairperson from the Asia region, is also India's Minister of Agriculture.[421] COAG's role within the FAO, and its composition, serve as further evidence of the trend within international institutions to entrust review to specialized bodies with a demonstrated expertise in the subject matter at hand.[422]

By delegating review to representatives from States that have affirmatively "opted in" to the process by indicating their desire to participate in COAG's activities, the FAO is guaranteeing a strong level of engagement on the part of those taking part in review activities.

ii. Committee on World Food Security (CFS)

CFS is an important intergovernmental platform dealing with food security and nutrition issues.[423] As part of a 2009 reform process, CFS created the High-Level Panel of Experts on Food Security and Nutrition

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416 The highlighted agencies were deemed to have particularly pertinent procedural qualities during the course of the Goal 2 analysis.

417 *Committee on Agriculture*, Food and Agriculture Organization, http://www.fao.org/unfao/govbodies/gsbhome/coag/en/ (last visited Jan. 6, 2016). It also appraises global agricultural and nutritional problems, reviewing the work programs of the FAO, and addressing any other matter relating to agriculture, food or nutrition that has been referred to it by FAO governing authorities or Member States. *Id.*

418 *Id.*

419 *Id.*

420 *Id.*

421 *Embassy Officials*, Embassy of India, Rome, http://www.indianembassyrome.in/eoi.php?id=Officials (last visited Jan. 6, 2016).

422 In this respect, COAG is similar to the SBSTTA under the CBD – a body of government representatives with an acknowledged expertise in the field of agriculture, that undertakes review in service of a larger, more authoritative body (in this case the FAO Conference).

423 *About the HLPE*, Committee on World Food Security, http://www.fao.org/cfs/cfs-hlpe/about-the-hlpe/en/ (last visited Jan. 6, 2016).

(HLPE), designed to assess and analyze the state of global food security, provide science-based advice to the CFS Plenary Body on relevant policy issues, and identify emerging challenges in the field.[424] HLPE is led by a Steering Committee of 15 "internationally recognized experts in a variety of food security and nutrition-related fields."[425] The Steering Committee can then create Project Teams, drawn from a "roster of experts,"[426] to report on particular issues on an *ad hoc* basis.[427] CFS stakeholders can nominate experts any time via the CFS website.[428]

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424   *Id.*

425   *Id.*

426   *Structure*, Committee on World Food Security, http://www.fao.org/cfs/cfs-home/cfs-about/cfs-structure/en/ (last visited Jan. 6, 2016).

427   *Id.*

428   Rules and Procedures for the Work of the High Level Panel of Experts on Food Security and Nutrition ¶18 (Jan. 27, 2010).

ANNEX 5: VOLUNTARY PEER REVIEW CASE STUDY - UNIVERSAL PERIODIC REVIEW

Almost all SDGs have human rights components; the HLPF may therefore benefit from drawing substantial data and reports from the Human Rights Council's Universal Periodic Review (UPR) mechanism. Proposals by the UN OHCHR have noted that the HLPF is **already mandated** "to build on existing review mechanisms, relevant reports and recommendations coming from the international human rights mechanisms should be systematically integrated into the review process"[429] and argues that "this should include making use of reports and recommendations from Human Rights Council's UPR monitoring process."[430] In this vein, the OHCHR has proposed that the cycles of the HLPF could be harmonized with existing UPR cycles.

However, the UPR may be even more valuable to the nascent HLPF by providing procedural modalities and best practices which could be drawn on to form the structure and procedures of the HLPF. For example, the OHCHR has also recommended using several UPR modalities—including building in a "feedback loop" in which reviews during each HLPF cycle would follow-up on recommendations made in previous HLPF review cycles—to improve both the efficiency and effectiveness of the HLPF review process.[431] It also suggests that inputs for the review may, similarly to the UPR, include: "a Government report, a national stakeholder report, with contributions from national nongovernmental actors, and a report compiling existing information and data from UN agencies and international financial institutions, all based upon globally harmonized formats."[432] Remarks by the President of the UN Human Rights Council[433] also recommend drawing on the experiences of the UPR to form a "strong, transparent, inclusive and credible follow-up and review mechanism for the SDGs."[434]

In light of these factors, the UPR is a crucial element in any discussion of potential HLPF structure. It is based on principles almost identical to those that inform the HLPF, and is structurally analogous to the proposed HLPF architecture. Both are voluntary, cooperative, universal peer review structures that emphasize the full involvement of States and the need to complement and integrate existing accountability mechanisms into their processes in order to avoid redundancy and unnecessary duplication of review efforts.[435] These similarities have led to proposals for the UPR as a model for the HLPF by various actors, as discussed above.

However, regardless of the political feasibility of an explicit adaptation of the UPR as a model for the HLPF (the analysis of which is beyond the scope of this report), much can be learned from the UPR process in terms of potential methodologies for the effective implementation of accountability principles in the HLPF's voluntary peer review mechanism. This is because the UPR is widely considered to be a successful and effective peer

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429   U.N. Office of the High Commissioner for Human Rights, *supra* note 49, at 2.

430   *Id.*

431   *Id.*

432   *Id.*

433   *See Remarks of HRC President on side event entitled "Sustainable Development Goals: Accountability Mechanisms",* United Nations High Commissioner for Human Rights, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16113&LangID=E (last visited Jan. 6, 2016).

434   *Id.*

435   *See* Felice D. Gaer, *A Voice Not an Echo: Universal Periodic Review and the UN Treaty Body System,* 7 Human Rights Law Review 1 (2007).

review mechanism,[436] boasting a 100% participation record among UN Member States[437] and resulting in States entering into voluntary commitments for the implementation of their human rights obligations. Moreover, it does so in a public forum that fosters exchange of best practices and the development of individualized, achievable goals.[438] The UPR has therein moved past the confrontational, country-specific "naming and shaming" approach of previous review mechanisms and into the realm of a performance review based on peer-to-peer accountability.[439] Since this is nearly identical to the approach established for the HLPF, we should learn from the structures and procedures of the UPR in order to produce a similarly effective review mechanism under the HLPF.

A) Principles

The UPR began with the establishment of the United Nations Human Rights Council, which replaced the ineffective and discredited United Nations Commission on Human Rights ("the Commission").[440] The Human Rights Council ("the Council") was established in March 2006 by UN General Assembly Resolution 60/251 and was given the task of promoting universal respect for the protection of human rights, addressing human rights violations, and making recommendations thereon.[441] According to Resolution 60/251, the Council's work must be "guided by the principles of universality, impartiality, objectivity, and non-selectivity, constructive international dialogue and cooperation."[442]

Resolution 60/251 goes on to proclaim that the Council "shall … [u]ndertake a universal periodic review … of the fulfilment by each State of its human rights obligations and commitments" as part of its mandate.[443] Although the Resolution does not provide any details on the structure or procedures of such a review, it specifies that the review must be a "cooperative mechanism" that ensures "universality of coverage and equal treatment with respect to all States" based on "objective and reliable information."[444] It must be based on an "interactive dialogue" with the "full involvement of the country concerned" and give "consideration … to [the country's] capacity-building needs."[445] The review also must "complement and not duplicate the work of [existing human rights] treaty bodies."[446]

The implementation of this review was established by a Human Rights Council document entitled "United Nations Human Rights Council: Institution-Building," which was formally adopted by the Human Rights Council in June 2007 and lays out the UPR's basis of review, guiding principles and objectives, periodicity, modalities, and outcome and follow-up procedures.[447] The document establishes the objectives of the UPR mechanism, which are to improve the human rights situation on the ground, ensure the fulfilment of States' human rights

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436   *See e.g.* Milewicz & Goodin, Deliberative Capacity Building through International Organizations: The Case of the Universal Periodic Review of Human Rights (2015) (obtained from authors); Gaer, *supra* note 438.

437   Milewicz, *supra* note 439, at 12.

438   David Frazier, Evaluating the Implementation of UPR Recommendations: A Quantitative Analysis of the Implementation Efforts of Nine UN Member States (2011).

439   Gaer, *supra* note 438, at 115.

440   *See* Elvira Dominguez-Redondo *The Universal Periodic Review - Is There Life Beyond Naming and Shaming in Human Rights Implementation?,* 4 New Zealand Law Review 673 (2012); Gaer, *supra* note 438, at 109-39.

441   G.A. Res. 60/251, ¶ 1-3, U.N. Doc. A/RES/60/251 (Apr. 3, 2006).

442   *Id.* at ¶ 4.

443   *Id.* at ¶ 5(e).

444   *Id.*

445   *Id.*

446   *Id.*

447   Human Rights Council, *Institution-building of the United Nations Human Rights Council*, U.N. Doc. A/HRC/RES/5/1 (18 June 2007) [hereinafter A/HRC/RES/5/1].

obligations and commitments (including "assessment of positive developments and challenges faced by the State"), enhance the State's capacity through technical assistance and consultation with the State, and share best practices among States and other stakeholders.[448]

It also reiterates certain principles that should inform the UPR process, specifying that the UPR should "[b]e a cooperative mechanism[449] based on objective and reliable information and on interactive dialogue"; should "ensure universal coverage and equal treatment of all States"; and should "[f]ully involve the country under review."[450] It further establishes, *inter alia,* that the review should be a State-driven intergovernmental process conducted in an "objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner" that is not "overly burdensome" to the States.[451] Finally, it specifies that the review must "take into account the level of development and specificities" of States and "ensure the participation of all relevant stakeholders."[452]

These principles and objectives closely resemble the values laid out for the HLPF, as discussed above. Most significantly, both mechanisms emphasize voluntariness and cooperation, transparency, universal coverage, capacity-building, and non-confrontational peer review processes.[453] They also both focus on State-to-State accountability, aiming to share best practices between States in order to improve each State's implementation of its human rights and sustainable development commitments. Finally, the guiding principles of both the UPR and the HLPF acknowledge the importance of existing review, monitoring, and accountability mechanisms and attempt to avoid unnecessary duplication of efforts in this regard. Both regimes explicitly emphasize the intent to complement existing mechanisms, rather than to re-tread the same ground.

B) Procedures

The UPR process reviews States on the basis of (a) the Charter of the United Nations; (b) the Universal Declaration of Human Rights; (c) human rights instruments to which the State is party; and (d) voluntary pledges and commitments made by States.[454] Review of individual States is based on three documents: (1) a "national report" of no more than 20 pages, consisting of information prepared by the State under review ("SuR"); (2) a distillation of the information from reports of human rights treaty bodies, special procedures, and "other relevant official United Nations documents" concerning the SuR (compiled by the UN Office of the High Commission of Human Rights [UNOHCHR] and being no more than 10 pages); and (3) a summary of additional "credible and reliable" information regarding the SuR provided by other relevant stakeholders (also compiled by the UNOHCHR and being no more than 10 pages).[455] According to the UNOHCHR, these

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448 *Id.* at ¶ 4.

449 The term "cooperative mechanism" has in practice meant that decisions are reached only with the voluntary participation of the State under review. Gaer, *supra* note 438, at 128.

450 A/HRC/RES/5/1, *supra* note 450, at ¶ 3(b)-(c), (e).

451 A/HRC/RES/5/1, *supra* note 450, at ¶ 3(g)-(h); *see also* Gaer, *supra* note 438, at 122.

452 A/HRC/RES/5/1, *supra* note 450, at ¶ 3(l)-(m).

453 *See* U.N. Office of the High Commissioner for Human Rights, *supra* note 49; GA Res. 67/290, *supra* note 11; Post-2015 Outcome Document, *supra* note 1.

454 A/HRC/RES/5/1, *supra* note 450, at ¶ 1.

455 A/HRC/RES/5/1, *supra* note 450, at ¶ 15; *see also* Milewicz, *supra* note 439, at 9.

"other relevant stakeholders" may include NGOs, national human rights institutions, academic institutions, regional organizations, and civil society organizations.[456] States are encouraged to produce their national report through "a broad consultation process" with all relevant stakeholders at the national level.[457]

The review is conducted by a Working Group consisting of the 47 members of the Human Rights Council.[458] A group of three rapporteurs, known as a "troika," facilitates the review and prepares the report of the Working Group. Reviews are conducted on a universal basis, meaning that each UN Member State, regardless of the human rights treaties they have ratified, is reviewed once within each four-and-a-half year rolling cycle.[459] The review consists of a three-and-a-half hour "interactive dialogue" within the Working Group between the SuR and the Council, in which reviewing States publicly comment on the SuR's report and present their recommendations on how the SuR may improve its implementation of its human rights commitments. Other relevant stakeholders may attend the interactive dialogue process, but may not comment. The SuR may briefly respond to these comments and recommendations.

Once all comments and recommendations from Member States are made, the SuR responds in writing to each recommendation by accepting it, rejecting (known as "noting") it, or in some cases providing a more equivocal response.[460] Accepting a recommendation is an expression of voluntary commitment by the SuR to carry out the recommendation, and the SuR's written acceptance is expected to include a brief explanation of the steps the SuR intends to take to implement it.

At the end of the review process, the "troika" of rapporteurs consolidates comments, questions, and recommendations made during the interactive dialogue, as well as the SuR's responses to individual recommendations, into a single "outcome report."[461] Member States and other relevant stakeholders may then comment on the report, which is adopted at the next plenary session of the Council after discussion with the SuR, other Member States, and NGOs. The process of accepting or rejecting recommendations by other Member States and the deliberative process through which the outcome report is adopted ensures that the SuR is "fully involved" in the outcome, as required by the Council's Institution-Building document.[462] This outcome is expected to be implemented primarily by the SuR and other relevant national stakeholders.[463]

During the SuR's next UPR review, the Working Group examines the country's implementation of the outcomes of its preceding UPR review process.[464] The SuR is expected to report on the implementation status of the recommendations it accepted during the previous UPR process as well as its difficulties and achievements in advancing its domestic human rights compliance.[465] This creates a "feedback loop" in which the outcomes from the previous review are fed back into the process as inputs for the SuR's next UPR review. This type of feedback is invaluable to an effective review process.

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456 *Universal Periodic Review – Documentation*, United Nations Office of the High Commissioner for Human Rights, www.ohchr.org/en/hrbodies/upr/pages/Documentation.aspx (last visited Jan. 6, 2016); *see also* Milewicz, *supra* note 439, at 9.

457 A/HRC/RES/5/1, *supra* note 450, at ¶ 15(a).

458 A/HRC/RES/5/1, *supra* note 450, at ¶ 18.

459 Milewicz, *supra* note 439.

460 A/HRC/RES/5/1, *supra* note 450, at ¶ 32; *see also* Milewicz, *supra* note 439, at 9.

461 Milewicz, *supra* note 439, at 9.

462 A/HRC/RES/5/1, *supra* note 450, at ¶ 28.

463 A/HRC/RES/5/1, *supra* note 450, at ¶ 33.

464 A/HRC/RES/5/1, *supra* note 450, at ¶ 34.

465 Milewicz, *supra* note 439, at 10.

C) Effectiveness

Since its inception, the UPR has been widely considered to be a successful review mechanism for UN Member States' human rights practice. One study, for example, found that "the UPR effectively sets in motion a deliberative process to promote human rights around the globe" and has been a "deliberative force for good."[466] This is supported by the fact that the UPR review process was affirmed without major revision by a working group of the Human Rights Council in its Review of the Work and Functioning of the Human Rights Council,[467] which examined the effectiveness of the Council and its structures (which include the UPR) five years after its establishment.

The effectiveness of the UPR in implementing its goals and values can be explored through various means. For example, one study on the effectiveness of the UPR mechanism examines (1) the extent to which SuRs agree over the course of their UPR process to undertake specific actions they had not previously undertaken; (2) the extent to which SuRs progress toward implementation of human rights commitments from one UPR review session to the next; and (3) the extent to which that progress can be plausibly attributed to the UPR process.[468] The study found that SuRs accept about half of observer States' "specific" recommendations, which it defines as requiring specific actions that depart from the SuR's previous practice.[469] The authors point out that the fact that SuRs had agreed to do things through the UPR process that they could previously have done (such as ratifying a certain treaty) is circumstantial evidence that the UPR process is effective in inducing States to agree to comply with human rights standards.

They also conclude based on their data that SuRs generally do progress – in many cases, substantially – towards the implementation of their commitments between the adoption of specific recommendations and the follow-up on these recommendations during the next review cycle. In other words, "virtually all States under Review" had taken appropriate actions towards implementation of their accepted recommendations during the time between their UPR review processes.[470] The study concludes that such progress can reasonably be attributed to the UPR process, since specific recommendations (such as treaty ratifications) occurred largely in the immediate run-up to the SuR's next UPR review session.

The question then becomes: **why** is the UPR effective in implementing its goals and values? This report concludes that several factors within the UPR's architecture are key to its effectiveness.

First, the mechanism's universal, cyclical periodic structure[471] gives States the ability to reward or punish their peers in successive rounds, tempered by the fact that the State doing the punishing will always at some point be reviewed by those it has punished. In other words, the process is a "repeat game" among the same players.[472] This enhances the cooperative element of the UPR by putting all States on an equal playing field, regardless of idiosyncrasies such as levels of wealth or development. These built-in counter-balances create a more trusting, non-adversarial relationship between SuRs and their reviewers; this type of relationship has been identified as producing the most successful peer review mechanisms.[473] It results in a more collaborative,

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466 Milewicz, *supra* note 439, at 3, 16.
467 Human Rights Council, *Review of the work and functioning of the Human Rights Council*, U.N. Doc. A/HRC/RES/16/21 (Apr. 12, 2011).
468 Milewicz, *supra* note 439, at 16.
469 Milewicz, *supra* note 439, at 19.
470 Milewicz, *supra* note 439, at 20.
471 *See* Gaer, *supra* note 438, at 116.
472 Milewicz, *supra* note 439, at 24.
473 Gaer, *supra* note 438, at 112.

rather than confrontational, atmosphere that is "more conducive to the furthering of shared purposes and goals."[474] A similar structure may be useful for the HLPF, as it could implement the principles of universality and equal treatment in an effective and positive way.

Second, the sources of information on which the SuR is questioned (the national report, the treaty body report, and the stakeholder report) are a crucial element of the UPR's effectiveness. This process provides transparency and "de-monopolizes states as suppliers of information" within the UPR process.[475] It ensures that the review is based on objective and reliable information and prevents States from presenting biased information to their peers. In particular, the stakeholder reports have been essential for assessing SuRs' human rights practices because they allow for the detection of discrepancies between the national reports and the other reports, enabling more critical and informed judgments about SuRs' actual human rights achievements.[476] Furthermore, the data-gathering process encourages a dialogue within the SuR, as the SuR is meant engage all relevant stakeholders in a broad national consultation process in preparation of its national report.[477] As one study notes,

> [T]he requirement that states present themselves for questioning induces … high-quality deliberation in the run-up to and the backwash of the open session. There are protracted discussions within the government of the SuR—and with and among stakeholders—in formulating the national report … and in anticipating challenges that might arise during it. There are protracted discussions within the UNOHCHR and between them and stakeholders in preparing the stakeholder report, and within the UNOHCHR in preparing its own submission to the UPR.[478]

These requirements result in dialogic processes within and between States and civil society, producing more opportunities for monitoring and meaningful engagement by various groups.

The UPR source requirements also incorporate a key element of both the UPR and the HLPF: the complementing and integration of existing accountability mechanisms. The UPR avoids duplication of the work of existing human rights treaty bodies by formally incorporating the outcomes from their reporting processes into its data sources through the compilation of a report by the UNOHCHR.[479] This accomplishes the goal of avoiding overburdening States and provides a possible model for integrating existing accountability mechanisms into the HLPF process, making States more likely to participate in a meaningful and inclusive way.[480]

Third, the authors attribute the UPR's effectiveness in large part to its "interactive dialogue" procedure in which the SuR presents itself for questioning by other Member States based on the three documents discussed above. This allows for effective deliberation by providing for highly-visible "information-sharing" that engages a wide range of national and international stakeholders.[481] The interactive dialogue is a "highly public moment" of State-to-State accountability where national governments are questioned on their human rights performance by other States, with NGOs and other stakeholders in observance and citizens watching live or

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474   Milewicz, *supra* note 439, at 7.

475   Milewicz, *supra* note 439, at 13.

476   Milewicz, *supra* note 439, at 9.

477   A/HRC/RES/5/1, *supra* note 450, at ¶ 15(a).

478   Milewicz, *supra* note 439, at 11.

479   Gaer, *supra* note 438.

480   *See* Gaer, *supra* note 438, at 122.

481   Milewicz, *supra* note 439, at 7.

archived webcast of the proceedings.[482] One study points out that, in some cases, this process is the first time citizens are able to see their leaders publicly held to account for their human rights records. It points out that "the Saudi delegation seems to have felt this particularly, coming to their first UPR with an exceptionally large, senior and well-prepared delegation."[483] This visibility is enhanced by the existence of the UPR Extranet,[484] which provides public access to the pre-session source documents, lists of questions submitted in advance, statements delivered by SuRs and observer States, and outcome reports of the Working Group for each UPR session. These elements of the UPR help to implement the values of transparency, inclusiveness, and equal treatment and enable the beneficiaries of States' commitments (citizens and civil society) to engage with the review process in line with the participation principles outlined in Part 3 of the report above.

Finally, the authors conclude that one of the main factors in the UPR's effectiveness is its employment of feedback loops. These loops occur through follow-up procedure in which the SuR reports on and is examined on its implementation of the outcomes of previous UPR reviews. This is a powerful factor because States want to look good in front of their peers and are driven by the fear of damage to the reputation of the State as a whole.[485] This process can result, for example, in "discursive entrapment" of a State.[486] This means that, once a government rhetorically accepts certain norms (e.g. by accepting an observer State's recommendation) in order to decrease domestic and international pressure, it will be held increasingly responsible by itself and others for respecting and implementing those norms.[487] In the UPR, this entrapment occurs through the follow-up process, in which the SuR will have to account for the implementation of its previously accepted recommendations to its peers. At this point, States are likely to want to report progress on these recommendations in order to once again decrease domestic and international pressure. This type of peer pressure could account for the study's finding that the high percentage of SuR implementation of recommendations in the run-up to its next review can be attributed to SuRs' anticipation of having to give a public progress report to its peers in the next UPR review session (see above).[488]

The presence of feedback loops also has a positive effect on the process that States undergo before and after their UPR review sessions. As one study notes, "responding to the last Interactive Dialogue blends into preparing for the next, as part of an ongoing dialogic process."[489] In other words, the UPR process catalyzes extensive deliberation both within and between States in both the "run-up to" and "backwash of" the UPR process.[490] This means that States are engaged in constant evaluation and re-evaluation of their fulfilment of their human rights obligations through dialogue with national civil society and other relevant stakeholders. In the context of the UPR, this seems to have had a positive effect on States' fulfilment of their human rights commitments.[491] This is a good way of ensuring that States are the main actors in charge of implementation of outcomes and that the norms in question, whether human rights norms or SDG targets, are continuously addressed at the local, regional, and global levels. Feedback loops similar to those found in the UPR could

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482 Milewicz, *supra* note 439, at 10.

483 Milewicz, *supra* note 439, at 10-11.

484 *UPR Extranet*, United Nations Office of the High Commissioner for Human Rights, https://extranet.ohchr.org/sites/UPR/Pages/default.aspx (last visited Jan. 6, 2016).

485 Milewicz, *supra* note 439, at 25.

486 Milewicz, *supra* note 439, at 25.

487 Milewicz, *supra* note 439, at 26.

488 Milewicz, *supra* note 439, at 23.

489 Milewicz, *supra* note 439, at 12.

490 Milewicz, *supra* note 439, at 7.

491 Milewicz, *supra* note 439, at 12.

therefore be a crucial element of the HLPF, as they would encourage domestic and international dialogues on SDG progress and implementation and enable the HLPF to harness reputational pressures without invoking binding legal commitments or enforcement mechanisms.

Together, all these factors result in effective, high-quality deliberative dialogue between equal, mutually-respected participants. Significantly, the study discussed above emphasizes that, while many observer State comments and recommendations predictably consist of politically-motivated lies and polite fictions, the authors identified "plenty of apparently genuine, non-strategic comments and recommendations [that were] made over the course of the UPR."[492] This indicates that the process has successfully implemented the concepts of universality, inclusiveness, and equal treatment, which are elucidated in the UPR's founding documents. This standardized, universal process of equal treatment among peers has produced a 100% participation rate, meaning that all UN Member States have been voluntarily reviewed by their peers, and has resulted in progress in States' human rights practices. This report has therefore looked to the UPR's structures and processes to inform its proposals for the HLPF.

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492   MILEWICZ, *supra* note 439, at 13.