



## **IF RIO+20 IS TO DELIVER, ACCOUNTABILITY MUST BE AT ITS HEART**

### **Background Note: *Human Rights Essential Role for Sustainable Development*<sup>1</sup>**

#### **Going beyond the “Zero Draft” is vital**

We, as independent experts mandated by the Human Rights Council to promote the full realization of human rights, welcome the Rio+20 Zero Draft (*The Future We Want*) and the report of the Secretary-General’s High-level Panel on Global Sustainability (*Resilient People, Resilient Planet: A future worth choosing*).

A real risk exists that commitments made in Rio will remain empty promises without effective monitoring and accountability. Member States have an opportunity in Rio to create the transformative changes needed or else fare no better than in previous global initiatives at making substantive changes. We are far from halving poverty and the proportion of people suffering from hunger.

The Zero Draft rightly acknowledges this “accountability challenge.” It insists on the importance of measuring global progress and suggests a roadmap that contains indicative goals and a timeline (para. 43). It also emphasizes the importance of accountability and monitoring progress in the implementation of Agenda 21 and other relevant outcomes and agreements, at local, national, regional and global levels (paras. 44 and 128). The proposals, however, do not suggest effective monitoring and accountability systems. While some operational aspects can be negotiated between 2012 and 2015, agreement must be found now on the overarching principles that should guide this venture.

We should draw on the lessons learned from the MDGs to identify the core elements for the accountability mechanisms that should be built into Rio+20. We must also incorporate the international human rights framework, the single most important set of norms to achieve universal recognition to date. All human rights are interlinked and mutually reinforcing and they belong to the universal and indivisible core values and principles of the United Nations. Human rights are not only transformative ideals, but also they are binding legal obligations of States, and as such accountability is central to their realization. Human rights obligations monitored through independent mechanisms are especially important in times of economic, financial and environmental crises, where Governments are often tempted to cut back on social services and programmes.

#### **The contribution of human rights**

The Zero Draft covers a number of thematic issues that have been framed in international human rights norms and standards over the past decades. It also refers to specific human rights, including the right to adequate food (para. 64) and the right to safe and clean drinking water (para. 67). Among the possible Sustainable Development Goals, the Zero Draft also includes a goal for “sustainable consumption and production patterns as well as priority areas such as oceans; food security and sustainable agriculture; sustainable energy for all; water

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<sup>1</sup> See also *Open Letter from Special Procedures mandate-holders of the Human Rights Council to States negotiating the Outcome Document of the Rio+20 Summit*.

access and efficiency; sustainable cities; green jobs, decent work and social inclusion; and disaster risk reduction and resilience” (para. 107).

Despite references to the rights to food, water and sanitation, the Zero Draft does not integrate the full range of human rights linked with sustainable development, despite the considerable developments in human rights norms since the 1992 Rio Summit. In addition, the text omits key elements such as mechanisms to ensure that policies and programmes designed to meet the Rio+20 commitments benefit, as a matter of priority, the poorest and most marginalized and vulnerable groups.

The 1992 Rio Declaration on Environment and Development notes in Principle 1 that *“human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.”* It also emphasizes in Principle 3 the right to development – a right recognized by the General Assembly in 1986 – as essential to sustainable development.

But for Rio+20 we must move beyond mere words on paper. Since 1992, the progress in human rights has been great. But human rights implementation – including economic, social and cultural rights – has been slow. Human rights today provide an accurate compass to guide public policies and the activities of private actors. Meaningful and informed participation, empowerment, accountability, transparency, equality, non-discrimination, equality between the sexes, sustainability, international cooperation and attention to the most marginalized and vulnerable groups are central features of the human rights-based approach to development. Human rights-based approaches are meaningful operational tools that help deliver results.

We are convinced that the pursuit of sustainable development can only take place when human beings become the central concern. In many parts of the globe, marginalized and vulnerable groups are denied their human rights for reasons related to inadequate development or the pursuit of development paths that have marginalized them politically and economically. As special procedures mandate holders of the Human Rights Council, we witness such exclusion on a daily basis. We seek to convince States that by empowering, rather than marginalizing, groups side-lined by inequitable globalization and development, they will not only discharge their obligations under international human rights law, but also derive positive development gains in the short and long run.

### **The lessons of the Millennium Development Goals**

In 2000, world leaders adopted the Millennium Declaration, and made historic commitments to tackle wide-ranging issues from hunger to health to the environment, through the Millennium Development Goals (MDGs). While welcomed by the international development community, the eight MDGs were met with considerable scepticism and sometimes antipathy by human rights advocates. Many questioned the wisdom of framing as political commitments issues that were codified as legal obligations in international human rights law. They noted that the MDGs contained no explicit reference to human rights, the right to development or human rights-based approaches. What was more, the MDGs were an incomplete list (not reflecting all rights) with insufficient objectives (e.g., not seeking to eradicate all poverty, not seeking to end all preventable maternal mortality).

With 2015 fast approaching, the promise of the MDGs remains distant for far too many, exacerbated by increasing inequalities between and within countries. The agreed global partnership for development to achieve the MDGs never materialized sufficiently, States

recognized the need to change course, and the 2010 MDGs Review Summit Outcome Document acknowledged that human rights are indispensable to achieving the MDGs, and sought to integrate principles of human rights-based approaches to development. For millions in the global South, however, this development came too late, and at a time when it seemed as though the financial and economic crises would make the MDGs even more difficult for States to meet.

The 2010 MDGs Review Summit did not establish effective accountability mechanisms for the MDGs, including for donor countries. The alignment of development goals and human rights was proclaimed, but the governance tools, such as mechanisms to monitor implementation, consequences for failures to meet targets and remedies for victims or marginalized communities, remained absent.

As independent experts mandated by the Human Rights Council to monitor and report on the situation of human rights around the world, we regularly provide recommendations to ensure that development goals are aligned with human rights. This means strengthening central and local accountability mechanisms. It means ensuring that national laws are harmonized with international human rights law, with justiciable duties clearly spelled out. It means aligning economic incentives on legal duties to respect, protect and fulfil human rights. It means fostering greater knowledge of and buy-in to national reporting processes under the international human rights treaties. It means aligning regulation and guidance for the human rights responsibilities of business actors with international standards that are now converging around the Guiding Principles on Business and Human Rights to implement the United Nations “Protect, Respect and Remedy” framework.<sup>2</sup> And it means encouraging greater recourse to human rights special procedures and international petition procedures available under the international human rights treaties.<sup>3</sup>

With political will, and leadership from the highest levels of Government, all this can be done. If Rio+20 must learn one thing from the MDGs when it considers Sustainable Development Goals, it is that policies geared to fulfilling human rights, particularly economic, social and cultural rights, also contribute to the achievement of development goals. Accountability should be seen as a policy outcome and a prerequisite for the achievement of the goals to be agreed upon.

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<sup>2</sup> See A/HRC/17/31 (Annex to the report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises), endorsed by Human Rights Council in its resolution 17/4.

<sup>3</sup> See United Nations, *Claiming the Millennium Development Goals: A Human Rights Approach*, New York and Geneva, 2008, (UN ref. HR/PUB/08/3), for more details on how human rights and development are mutually reinforcing.