

A RIGHTS-BASED APPROACH TO SUSTAINABLE DEVELOPMENT: 5 PROPOSALS FOR THE RIO +20 OUTCOME DOCUMENT

Text proposals are based on the Co-Chairs' Suggested Text for discussion during "Informals"

(April 23-May 4)

As the Rio+20 UN Conference on Sustainable Development in June 2012 nears, the international community is once more faced with the challenge of integrating a complex array of environmental, social and economic issues within the umbrella of sustainable development. There is an urgent need for a restructuring of the global economy given the current state of our overstressed environmental systems, the deterioration of which threatens the lives and livelihoods of peoples and communities around the world. There is also a need for Rio+20 to clarify and deepen the linkages between governance and human rights in the institutional framework for sustainable development.

Rio+20 thus provides an opportunity for the international community to reaffirm its commitment to a model of sustainable development that respects human rights and the rights of nature. This document identifies FIVE overarching objectives in advancing a rights-based approach to sustainable development in the Zero Draft as well as specific textual proposals to achieve these objectives:

1. REAFFIRM THE INTERNATIONAL COMMUNITY'S COMMITMENT TO INTERNATIONAL HUMAN RIGHTS

- Integrate human rights norms and standards in the design and implementation of sustainable development activities, particularly in relation to natural resources
- Recognize that human rights obligations apply not only to States, the United Nations, and its specialized agencies, but also to international financial institutions (including the World Bank) and transnational corporations
- Establish legally binding commitments rather than voluntary initiatives to ensure progress toward fulfilling human rights

2. REINFORCE THE RIGHT TO A HEALTHY ENVIRONMENT AND ESTABLISH EFFECTIVE MEANS OF IMPLEMENTATION

- Strengthen the integration of human rights and the environment by explicitly reinforcing the right to a healthy environment
- Recognize the inherent value and rights of nature, as well as its social, cultural and economic value, and ensure the equitable use of natural resources within the capacity of the Earth's regeneration
- Strengthen the linkages between the right to a healthy environment and the rights to access to information (Para. 18), rights of indigenous peoples as articulated in UNDRIP (Para. 21), right to food (Para. 64), and right to water (Para. 67), among others

3. OPERATIONALIZE THE RIGHTS ENSHRINED IN RIO DECLARATION'S PRINCIPLE 10

- Reaffirm and elaborate the UN's commitment to the rights to access to information, public participation, and access to justice by launching negotiations for regional instruments and a global convention on Principle 10
- Recognize the need to strengthen access to information and civil society participation at all levels of decision-making as well as implementation, monitoring, compliance, and dispute settlement processes
- Call for enhanced opportunities for and increased funding to support the participation of local communities, indigenous peoples, women, youth, and other underrepresented groups

4. PROMOTE TRANSPARENCY AND ACCOUNTABILITY THROUGH INSTITUTIONAL SAFEGUARDS, PROCESSES AND MECHANISMS

- Recognize the need for coherent and rights-based safeguards (including safeguard policies, monitoring systems, and accountability mechanisms) that are developed and applied at the institutional level by UN agencies and other international institutions
- Establish a grievance process or mechanism open to complaints from individuals, peoples and communities (both human and environmental), whose rights may be impacted by sustainable development activities
- Establish an Ombudsperson or High Commissioner for Future Generations whose mandate is to protect the rights and interests of future generations, including the right to a healthy environment

5. APPLY A RIGHTS-BASED APPROACH TO THE SUSTAINABLE DEVELOPMENT GOALS

- Integrate human rights norms and standards in the design, content and implementation of sustainable development goals (SDGs), consistent with the right to development and the principle of common but differentiated responsibilities
- Create a Sustainable Development Council to monitor progress in achieving the SDGs through a mechanism similar to the Universal Periodic Review established by the UN Human Rights Council

PROPOSED TEXTUAL AMENDMENTS TO RIO +20 OUTCOME DOCUMENT

In addition to the textual proposals outlined in **bold red** below, it is essential that Parties maintain the references to rights in the current draft including: **access to information** (Para. 18), **rights of indigenous peoples as articulated in UNDRIP** (Para. 21), **right to food** (Para. 64), and **right to water** (Para. 67).

1. COMMITMENT TO INTERNATIONAL HUMAN RIGHTS

PARA 44: We recognize that effective governance at local, sub-national, national, regional and global levels representing the voices and interests of both women and men is critical for advancing sustainable development. The strengthening and reform of the institutional framework should not be an end in itself, but a means to achieve sustainable development. We therefore call for a strengthened institutional framework **that is based on international human rights norms and standards**, which will, among other things:

2. RIGHT TO A HEALTHY ENVIRONMENT AND EFFECTIVE MEANS OF IMPLEMENTATION

PARA 4: We reaffirm our commitment to **the rights to life, health, and a healthy environment, for the benefit of present and future generations, by** strengthening international cooperation and addressing the persistent challenges related to sustainable development with a view towards enhancing gender equality and equal opportunities for all. We also reaffirm that protection of the environment, and conservation and sustainable use of the earth's ecosystems and natural resources are a fundamental basis for eradicating poverty and improving human well-being.

PARA 50: We reaffirm the need to strengthen international environmental governance within the context of the institutional framework for sustainable development, in order to promote **the right to a healthy environment and** a balanced integration of the economic, social and environmental pillars of sustainable development, and to this end:

PARA 57: We ~~agree to further consider~~ **support** the establishment of an Ombudsperson, or High Commissioner for Future Generations, ~~to promote sustainable development.~~ **to serve as an advocate for the rights and interests of future generations, including their right to a healthy environment in the context of sustainable development and to help provide an integrated approach at the highest level of UN decision making, policies and programmes.**

3. RIGHTS ENSHRINED IN RIO DECLARATION'S PRINCIPLE 10

PARA 22: We commit to improving governance and capacity at all levels – global, regional, national and local – to promote integrated decision making, to fill the implementation gap and promote coherence across institutions. **Effective governance systems rest upon the procedural dimensions of the right to a healthy environment, including access to information, public participation and access to justice.**

PARA 44(B): Enhance linkages at all levels, and ensure full and effective participation ~~of all countries, particularly developing countries~~ **in decision making at all levels.**

PARA 58: We encourage action at the national, regional and local levels to promote access to information, public participation, and access to justice in environmental matters, ~~as appropriate.~~ **and in particular to launch negotiations for regional instruments and a global convention on Principle 10 of the Rio Declaration.**

4. TRANSPARENCY AND ACCOUNTABILITY THROUGH INSTITUTIONAL PROCESSES AND MECHANISMS

PARA 44(F): Increase effectiveness and efficiency through limiting overlap and reinforcing coordination and cooperation **transparency and accountability within and coherence** among the agencies, funds and programs of the United Nations system, including the International Financial Institutions (IFIs), as well as other relevant organizations, such the World Trade Organization, within their respective mandates.

PARA 54: We recognize that sustainable development **and human rights** should be given due consideration by the IFIs, especially the World Bank, the International Monetary Fund, the regional development banks, **and-as well as** the United Nations Commission on Trade and Development (UNCTAD) and the WTO in relation to trade, **finance and investment**, in accordance with their respective mandates. In this regard, we **call on** the IFIs to review their programmatic strategies with the view of mainstreaming sustainable development **and human rights** in their respective mandates, programs, strategies and decision-making processes in support of developing countries' efforts in the implementation of sustainable development. **We commit to ensuring that business and industry respect human rights, including through the development, periodic assessment, and effective enforcement of laws that do not constrain but rather enable business enterprises to respect human rights.**

PARA 116: We reaffirm the key role of the private sector **and major groups** in promoting sustainable development including through multi-stakeholder partnerships. Public policy should create a stable investment climate and **strong** regulatory framework conducive to long-term investment and socially and environmentally responsible behaviour by business and industry. **We shall ensure that business and industry comply with international human rights norms and standards, including through the development and enforcement of laws and policies that do not constrain but rather enable business to respect human rights.**

5. A RIGHTS-BASED APPROACH TO THE SUSTAINABLE DEVELOPMENT GOALS

PARA 49 ALT: We resolve to transform the CSD into a Sustainable Development Council that will serve as the authoritative, high-level body for consideration of matters relating to the integration of the three dimensions of sustainable development, **in a manner that respects and protects the full and effective enjoyment of human rights, including the right to development and consistent with the principle of common but differentiated responsibilities.**

PARA 49 ALT BIS: The work of the Council should be based on fundamental documents on sustainable development such as Agenda 21, the Rio principles and related outcomes. The Council should, inter alia, fully carry out the functions and mandates of the Commission for Sustainable Development. It would be guided by the need to promote integration of the three pillars of sustainable development, promote effective implementation at all levels and promote effective institutional coherence. It should ~~help in enhancing~~ **ensure** the **meaningful and effective** involvement of all stakeholders, particularly major groups, **through inclusive, transparent and participatory processes** in the **implementation of commitments made at follow-up of Rio+20.**

PARA 108 BIS: We decide to set off a process for a single post 2015 framework in order to further develop the SDGs; define appropriate targets and indicators and to ~~develop a mechanism for periodic follow-up and reporting on~~ **monitor and evaluate, on the basis of agreed targets and indicators**, progress made towards the achievement of such goals. To this end, we recommend to the General Assembly to establish a Group of Experts integrated by representatives of governments and **major groups and other** relevant stakeholders and from specialized agencies with expertise in the environmental, social and economic aspects of sustainable development.