

Comments on the Zero Draft of Rio+20 outcome document

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The first version of the declaration (“Outcome Document”) for the United Nations Conference on Sustainable Development (UNCSD or “Rio+20”)¹, the “Zero Draft”, was released by the UNCSD Secretariat in January 2012. The 19-page document is based on a compilation of inputs received from United Nations (UN) member States and other stakeholders, and it outlines a vision for building a sustainable world.

This piece is part of a Caritas Luxembourg position paper sent early February 2012 to the Ministry for sustainable development and infrastructure of the Grand Duchy of Luxembourg (Ministère du Développement Durable et des Infrastructures, or MDDI), in order to inform Luxembourgish government’s position on sustainable development prior to the Rio+20 conference.

General comments

Caritas Luxembourg advocates for a holistic approach to sustainable development, a shift from resource- and carbon-intensive models that go along with extreme profits and inequalities to ethical models that work in favor of human well-being, giving priority to justice, sustainability, and responsibility (CIDSE, 2011).

The 1992 UN Conference on Environment and Development in Rio de Janeiro (Rio) established the paradigm for sustainable development in the international arena, advocating a balanced view on the ecological, economic and social dimensions of development. Developed and developing nations agreed on a common framework of rights and obligations – affirming the principles of “polluter pays”, “common but differentiated responsibilities”, and “precautionary principles” as key concepts in a framework for sustainable development. These principles also underlie the conven-



tions established as an outcome of the Earth Summit 1992 in Rio on climate, desertification, and biodiversity. However, the implementation of the sustainable development agenda has been very deceiving, in part because severe social and economic inequality between and within nations has increased significantly. While seven billion people deserve access to clean energy, land, water and “carbon space”, the enjoyment of basic socio-economic human rights remains a privilege for just a few (Evans & Steven, 2011). Many conventions, declarations and partnerships since the Rio conference are based on voluntary implementation, leaving a gap between objectives and outcomes in terms of responsibility, justice, enforcement and accountability, human rights and environmental protection goals.

The adoption of a rights-based approach should enable the Rio+20 Conference to address and eventually close these gaps and to set a credible and efficient agenda for ecological sustainability and poverty eradication. Caritas Luxembourg believes in a normative framework that supports the poorest and most vulnerable individuals and communities by integrating the human rights-based approach, defined as development strategies that prioritize the protection of human dignity. The framework must set out global goals, as well as contextualized national targets for developed and developing countries aiming to achieve sustainable and equitable global development, as well as the eradication of extreme poverty. Caritas believes that natural resources should be made accessible to all people and communities in an equitable and sustainable way, recognizing the dignity of every human being while at the same time finding ways to live that sustain human life and that of all living creatures without plundering the natural environment and destroying what we need to survive (Caritas Internationalis, 2005). Furthermore, building resilience to shocks and stresses, such as climate change impacts and commodity price spikes, is a key to saving many lives now and in the future. Small-scale farming systems and biodiversity sustaining livelihood systems along with income diversification and local economies with less reliance on large importations of goods and fuel tend to be in the longer term more resilient than large-scale production systems (such as industrial agriculture), with little capacity to absorb external shocks.

Caritas Luxembourg would like to point out the importance of governments maintaining their commitment to achieving the Millennium development goals (MDGs) by 2015, while simultaneously preparing new development agendas beyond the 2015 MDGs deadline. A more holistic post-2015 global approach must be aimed at both developed and developing countries (including least developed and middle-income countries), in contrast to the MDGs, which were largely focused on developing states. Caritas Luxembourg advocates for a bottom-up process in the formula-

tion of a post-2015 development agenda, which should be open, inclusive, participatory (involving civil society organizations), and responsive to the people most affected by poverty and injustice.

Similarly, Caritas Luxembourg believes that the success of the UN Conference on Sustainable Development Rio 2012 would depend on inclusive governance structures that take into account the voices of the most vulnerable populations and minorities. A broad consultation process should have taken place in different nations across the world in order to obtain an outcome document that reflects both the limits of the planet's physical boundaries and the needs of the poorest populations. However no evidence is given that such a consultation process has yet been conducted in any country.

Caritas Luxembourg supports a new framework that ensures policy coherence between development, human rights, trade, finance, security, environment, market and consumption policies. Moreover such a framework must clearly lay out binding accountability mechanisms at national, regional and global levels including national oversight and independent review mechanisms on the international level.

In addition to these general considerations on the Zero Draft document, Caritas Luxembourg has identified some specific issues that need particular attention:

Challenges and threats: The Zero Draft severely lacks the necessary ambition and urgency to address the challenges that we face. An analysis of the causes of the multiple crises currently facing humanity is missing. Furthermore, no concrete actions or goals are proposed, no time-bound roadmap with measurable objectives and impact assessment indicators are specified, and there is no system identified to hold governments accountable. The original text of the Zero Draft stresses the importance for reinforcing "sustainable development globally through our collective and national efforts, in accordance with the principle of common but differentiated responsibilities" (United Nations, 2012 - Paragraph 9). However, the reference to the "principle of the sovereign right of states over their natural resources" (United Nations, 2012 - Paragraph 9) maintains the present risk of encouraging uncontrolled exploitation of natural resources by inefficient or corrupt authorities. The outcome document should instead promote the principle of peoples' autonomous right to manage and use natural resources in order to fulfill their daily needs in terms of food, land, water, and other basic natural resources in a sustainable way, which permits individuals and communities the possibility of freely pursuing their economic, social and cultural development.

The role of the private sector: Major emphasis is put on the private sector's "key role in promoting sustainable development." (United Na-

tions, 2012 - Paragraph 116) Caritas Luxembourg believes that it is important to differentiate between different actors within the private sector, as the effects of small local businesses on a community cannot be compared to the impacts of large transnational companies. While we acknowledge the important role of the private sector in boosting economies, fostering innovations and providing services, its primary goal is to make profit. Private companies, namely large transnational corporations, need to be held accountable for what they do: how they respect and protect the human and labor rights of their workers and local communities, how transparent they are in reporting financial gains, and to what extent they have an impact on the global footprint. The 1992 Rio Conference only achieved agreement on voluntary actions in the private sector instead of enumerating commitments to legally binding regulations. However, over the past two decades this voluntary approach has proven to be insufficient. Caritas Luxembourg welcomes the new opportunities that Rio + 20 offer to further reflection on binding strategies to improve accountability in arenas related to human and natural resources.

Green economy: The document needs to provide a clearer definition of the concept of “green economy”. Does it mean green growth? Does it address issues of access and inequality? A clear relationship between economic growth and poverty reduction is not proven, and existing economic models based on economic growth have proven to be unsustainable. “Green economy” is a rather vague concept that can incorporate all kinds of economies, regardless of their size, levels of poverty, and access to resources. This concept should take into account inequalities, scarcities, and lack of access rights to resources and power. Caritas Luxembourg believes that the green economy should lead to poverty eradication and explicitly integrate the social dimensions of sustainable development. While there are some welcomed statements in the document, such as: “the green economy should be ‘people-centred and inclusive,’” the rhetoric needs to be matched by concrete proposals and commitments towards the centrality of human development.

Trade: Requesting developing states, among them the least developed countries, to unconditionally remove trade barriers – as requested under the WTO and numerous regional and bilateral free trade agreements – might damage their national economies as domestic products in many cases cannot compete with imports of subsidized products from developed countries. Furthermore, Caritas Luxembourg regrets the absence of clear objectives and a timeframe to phase out market distorting and environmentally harmful subsidies that impede the transition to sustainable development, including those on fossil fuels, agriculture and fisheries, with safeguards to protect vulnerable groups.

Agriculture and the right to food: Caritas Luxembourg welcomes the emphasis made on the “right to food”, but supports a clearer formulation, stating the need for organic small-scale local farming. This could avoid misinterpretations in favor of industrialized intensification of big agri-business. The Outcome document should refer to the recommendations of the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) in order to best ensure domestic food security for present and future generations. Furthermore, the call for “improved access to local and global agri-food markets”, as well as “improved access to land, water and other resources” (United Nations, 2012 - Paragraph 65) is very ambiguous if not explicitly oriented in favor of the poorest and most vulnerable populations. In numerous cases access to local resources has been given for commercial use to foreign investors, without receiving prior informed consent of local communities. Caritas Luxembourg would recommend explicit reference to economic, social and cultural rights in the Outcome document.

An institutional framework and enforcement: The document shows no clarity about regulatory frameworks to achieve a sustainable and equitable development for all. Public and private actors should be held accountable for their actions. While voluntary commitments pose serious questions about the effectiveness of any accountability framework and assessment mechanisms, the establishment, for example, an internationally binding system to oblige corporate companies to respect human rights norms, has not been successful thus far.² In the same logic, policy coherence for development can only be understood and implemented if there is a clear framework to hold governments accountable in the areas of development, climate change, ecosystem protection, agriculture, trade, finance, human rights etc.

Setting an agenda for Luxembourg

Caritas Luxembourg recognizes that attempts to frame a global agenda for sustainable development and poverty reduction in times of economic recession and budgetary constraints pose important challenges. Although the details of the roadmap Rio+20 are still uncertain, Caritas Luxembourg believes that many of the issues addressed in the Zero Draft document are of significance for Luxembourg’s sustainable development policies. Luxembourg could play a leading role and set an example by tackling important issues addressed in the document at once, regardless of the outcomes of the Rio+20 conference.

The “common but differentiated responsibilities” principle is highly relevant for a country that has disproportionately benefited from unsustainable practices in the past – Luxembourg’s ecological footprint or the analysis of Luxembourg’s climate obligations (as informed by the Greenhouse Development Rights approach) being an illustration for the country’s responsibilities in terms of (un)sustainable development. Caritas believes that urgent action is needed to reduce the proportionally large footprint of Luxembourg.

Furthermore, Luxembourg – while staying committed to the achievement of the MDGs by 2015 – could take a leading role in proactive initiatives by insisting on a roadmap for “Beyond 2015,” including time-specific milestones to develop such a framework. Luxembourg’s foreign assistance to developing countries recognized worldwide as a positive example shows that even a small country with limited political weight can play a leading role in global affairs.

The ratification of texts signed by Luxembourg would strengthen the recognition of essential rights. To give two examples: In September 2009, Luxembourg signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. However, Caritas notes that the protocol has so far not been ratified by Luxembourg, which is especially significant given that ratification by only ten countries would permit the Protocol to enter into force. The Convention on Indigenous and Tribal Peoples (No.169) adopted by the ILO in 1989, has also not yet been ratified by Luxembourg. By ratifying texts of significant importance with regards to human rights, Luxembourg would acknowledge the due value of these texts.

In terms of governance, there are a number of issues of global importance that should also be addressed in Luxembourg: broad public participation in decision-making, the right to access information, and the promotion of coherence across institutions are but three examples of issues on which Caritas Luxembourg believes progress is still needed in Luxembourg.

With Article 208 of the Lisbon Treaty, Policy Coherence for Development (PCD) became a treaty obligation, meaning that EU policies must support developing countries’ development needs, or at least not contradict the aim of poverty eradication. Luxembourg played a key role in promoting policy coherence for development within the European Union in 2005 when it held the Presidency of the European Council. In order to promote, monitor, and evaluate policy coherence, including for development, in a systematic manner so as to arbitrate between policies, Caritas Luxembourg believes that the coordination of policies aiming at policy

coherence, sustainable development, and social justice should be under the responsibility of the Ministry of State; that Parliament and civil society should be consulted when establishing laws and policies; and that information concerning these issues should be made public. Caritas Luxembourg strongly advocates an inclusive process in implementing and monitoring its National Sustainable Development Strategy finalized in 2011, in integrating the conclusions of the Rio+20 Summit into national policy, and in establishing a roadmap for a coherent development agenda beyond 2015.

NOTES

1. Conference held in Rio de Janeiro, Brazil, from 20 to 22 June 2012.
2. Due to fierce opposition from various States and from the majority of the business community the attempt by a Sub-Commission of the UN Commission on Human Rights to win approval for a set of binding corporate human rights norms, the so called 'Norms on the Responsibilities of Transnational Corporations (TNCs) and Other Business Enterprises with Regard to Human Rights' was abandoned in 2005. Although in June 2011, the UN Human Rights Council endorsed the "Guiding Principles on Business and Human Rights" proposed by UN Special Representative John Ruggie, a number of southern NGOs have criticised this framework to be ineffective and not really providing guidance on the regulation of TNCs.

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