

On December 4, the UN Secretary-General (SG) released a Synthesis Report on the Post 2015 Development Agenda, it is a key input into the negotiation of the post-2015 development agenda, which will continue from January to July 2015. The report, entitled “**The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet**”, is “a universal call to action to transform the world beyond 2015”. The 45-page report consists of 6 sections, with the main section on Framing the New Agenda, which includes six essential elements for delivering on the SDGs, as well as sections on means of implementation of the agenda, which includes financing, technology and capacity building, and delivering the agenda as a shared responsibility through partnership.



APWLD Formal Response to the Secretary General Synthesis Report on Post 2015 Development Agenda

APWLD welcomes the SG’s synthesis report’s clear emphasis on the universal principles of human rights, including the right to development and recognising the free, prior and informed consent of indigenous peoples; common but differentiated responsibilities; and an aim to achieve climate justice. It rightly emphasises the current challenge of gross inequality and climate change that the world currently faces, and the need for a bold commitment to a transformative development agenda. Although it includes some recommendations that are more progressive than other key inputs into the post-2015 development agenda, particularly on the issues of trade, financing and accountability, the report fails to challenge the neoliberal framework and the imperative of economic growth and does not ultimately commit to dismantling the rules and systems that enable the gross inequalities that threaten our future.



Absence of UN-NGLS Regional Recommendations

The Secretary-General's Synthesis Report acknowledged the consultation processes from a wide range of stakeholders in the Post-2015 negotiations. It referenced all but one of the formal inputs in the intergovernmental process and attempted to identify commonalities amongst them. However, it failed to cite the UN-NGLS report entitled, "Advancing Regional Recommendations on the Post-2015 Development Agenda." This was a significant synthesis of a four-month consultation process with 120 regional civil society networks and was conducted in partnership with the Post-2015 Development Planning Team of the Executive Office of the Secretary General. The report was formally tabled with the General Assembly and the Open Working Group process soon after its publication, and it therefore cannot be omitted from the Synthesis Report. We reaffirm the significance of the consultations and the recommendations made in the UN-NGLS report which were collected directly from civil society. It is important that the Secretary-General recognize and remain accountable to the processes that have made space for valuable inputs from Major Groups and civil society stakeholders.

Clustering Elements of the SDGs

Our largest concern about the report is the proposal to frame the SDGs as six essential elements, which includes: 1) **Dignity** – to end poverty and inequality, 2) **People** – to ensure healthy lives, knowledge, and the inclusion of women and children, 3) **Prosperity** – to grow a strong, inclusive and transformative economy, 4) **Planet** – to protect our ecosystem for all our societies and our children, 5) **Justice** – to promote a safe and peaceful societies and strong institutions, and 6) **Partnership** – to catalyse the global solidarity for sustainable development.

The report does not provide any clarity on the link between the OWG's 17 Sustainable Development Goals to the six essential elements, or how the OWG's 17 goals will be maintained or collapsed into the 6 elements. This risks undermining some of the goals that have been consistently pushed by G77+China (a grouping of over 130 countries) and civil society, including Goal 10 – Reduce inequality within and among nations, and Goal 17 - Means of Implementation. It also diminishes the importance of the stand-alone gender goal and instead provides cursory reference to women and groups them with children within the People element.

APWLD together with the Women's Major Group has advocated that gender equality and women's rights should be clearly articulated in a dedicated stand-alone goal, as well as being integrated throughout the other goals. We fear the clustering will further weaken the language of women's rights. Without these goals, the SDGs will not be genuinely transformative and meaningful.

Although there are considerable shortcomings within the OWG's Outcome Document and the SDGs, we believe it provided the breadth of goals that reflects the current challenges we need to address, and should be used as the main basis of the next negotiations. APWLD firmly rejects any attempt to streamline, cluster, or otherwise reduce the range of current goals.

Inequalities between and within countries

In the Synthesis Report, the issue of inequality is largely addressed under the element of Dignity – to end poverty and inequality. We welcome the emphasis of the report in terms of inequalities among a wide range of social groups, and we particularly welcome the reference of prior and informed consent of indigenous peoples. However, the section lacks the requisite emphasis and analysis of gross inequalities of wealth, power and resources between countries and within countries.

While the report has specifically stated that income inequality is one of the most visible aspects of inequality and is a challenge that the whole world must address, APWLD and other CSOs have consistently argued that income inequality is not a sufficient indicator of inequitable development. We have advocated for a wealth distribution indicator (using for example the Palma ratio), progressive taxation, and redistributive financial policies. Moreover, ability to access land is increasingly recognised as strongly correlated to poverty, and as a much a more relevant indicator of poverty than dollars per day.

The Synthesis Report incorporates some good recommendations on the issues of financing, taxation, and reform of global trade frameworks in the later section of means of implementation and financing. However, we urge that those recommendations should also be articulated in this section as part of the frame for the negotiated goals and targets.

Decent work and Living Wage

We are alarmed to see the UN SG's Synthesis Report dilute the commitment to the Decent Work agenda through the reference only to decent jobs. Decent Work provides a broader framework, a recognised international standard and is used consistently in the OWG negotiations, as well being clearly articulated in Goal 8 of the SDGs.

According to the International Labor Organisation, the Decent Work Agenda should have four strategic objectives, with gender equality as a cross-cutting objective. These objectives are: creating jobs (generating opportunities for investment, entrepreneurship, skills development, job creation and sustainable livelihoods); guaranteeing rights at work (including workers' representation and participation); extending social protection (guaranteeing a minimum living wage, safe working conditions, and essential social security to all in need) and promoting social dialogue (through workers' and employers' organizations' effective participation).¹

The synthesis report focuses on access to employment but does not refer to the essential elements of rights at work nor social dialogue. A commitment to rights at work should also address the right to equal pay for work of equal value, maternity and parental rights, employment security, living wages amongst others.

On the positive side, we strongly commend the reference to a living wage in the Synthesis Report. A living wage is a necessary element to reduce inequality. It should be institutionalized in order to support the ability of family to live with dignity, particularly with respect to workers in the informal sector, the rural sector, women workers, domestic workers and migrant workers.

¹ See 2008 ILO Declaration on Social Justice for a Fair Globalization: http://www.ilo.org/wcmsp5/groups/public/@dgreports/@cabinet/documents/publication/wcms_099766.pdf

Access and Control over Land Resources

APWLD has stressed the importance of guaranteeing access to and control over land, including through the elimination of land-grabbing, for poverty reduction and food sovereignty. Our key concern is that while the document includes a reference to the issue of displacement, it fails to recognise or make any references to the escalating trend of land-grabbing in developing countries. In fact, throughout the document, there are only two reference in relation to land, which are on sustainable management of marine and terrestrial ecosystem and land use (paragraph 53) and on equal access of women and girls to financial resources, and the right to own land other assets (*paragraph 69*).

While we welcome the inclusion of rights to secure access to land for women and girls, the formulation of the language on land in the document is weaker than OWG Outcome Document, as it doesn't address nor reflect the negative impact of inheritance, succession, customary and/or family laws and marriage related-practices to women's right to land.

Moreover, we have not confined our advocacy to demands that women have equal access to the increasingly small percentage of land available to poor people. Instead indicators that measure how much land is accessible and controlled by women and men over time, the ability to track land control and land-grabbing, and how much land is available to small land owners needs to be included.

Climate Change

The SG synthesis report has rightly focused on climate change as a central issue. We welcome the specific reference to climate justice and the inclusion of common but differentiated responsibilities, and the need to take actions towards sustainable production and consumption (*paragraph 75*). We feel that the narrative on climate change needs to specifically articulate the need for system change, by committing to a radical and urgent transition from extractive, profit-based economies to people-centered models that are just, equitable, gender-sensitive and locally driven.

Many CSOs and many Small Island Development States (SIDS) have argued that the target to limit global warming below 2 degrees Celsius – which was referred to in the SG Synthesis Report - is outdated. We need to commit to a comprehensive, ambitious and binding new climate agreement which aims to limit global warming below 1.5 degrees Celsius above pre-industrial levels if we want to survive the worst impacts of climate change. The plight of developing countries (particularly LDCs and SIDs) should be a priority in the new agreement, while developed countries must recognise their obligation to support adaptation measures for developing countries through finance, technology transfer, capacity building and the removal of patent and intellectual property restrictions. Mitigation should not include commercialising the climate through mechanisms that have failed to reduce emissions including REDD, REDD+ and “climate smart” agriculture among others.

We note that the SG Synthesis Report makes several references to environmental stewardship, but it will only be meaningful when traditional knowledge and practices of indigenous and rural women are retained and promoted, food sovereignty is institutionalised in laws and policies, and decision-making processes at all levels are led by those most affected by the impacts of climate change and environmental degradation, particularly women.

Peace at home, in the community and internationally

We welcome the reference to zero tolerance of violence against and exploitation of women and girls (*paragraph 69*), ending child, early, forced marriage and also the reference to ensuring meaningful participation and voice of women, LGBT groups, indigenous peoples (*paragraph 78*). We note that the next negotiations will need to provide stronger targets, means of implementation and accountability mechanisms that would require governments to act.

We are disappointed to see no reference to the urgent need to reduce militarism, accountability of military-industrial complexes in the developed countries, reducing weapons globally and to tax the arm trade which can provide both revenue and promote peace. Military spending is only mentioned once in the document in the section on technology, and only to be compared to spending on research (*paragraph 119*). There is no recognition of the considerable impact

of human rights violations by the state due to militarism, especially those who demand justice, equity and /or right of self-determination.

Voice

APWLD has advocated for increasing women's decision making at all levels; at home, in the community, nationally, regionally and internationally. We recognize the statement to "accommodate the voices of women, youth and minorities, seek the prior and informed consent of indigenous peoples..." in regards to ending poverty and fighting inequalities (paragraph 68). This was also echoed in the importance of an enabling environment under the rule of law for the "free, active and meaningful engagement of civil society and advocates reflecting the voices of women..." (paragraph 78). However, while the Report acknowledges the value of women's voices, it falls significantly short of the demands of civil society and language already put forth in the OWG outcome document. Goals 5 and Goal 16 in the OWG document call for women's effective participation and equal opportunities for leadership at all levels and aspects of decision making. On the other hand, the Secretary General's Synthesis Report does not distinguish between the need for women's leadership. Ideally it would reaffirm our call, one that has already been broadly recognized in the OWG process, for women's participation and leadership through democratic and localized decision making.

Means of implementation and Financing

APWLD advocates for the need to urgently address the asymmetrical international economic order that has historically stripped developing countries of their resources and limited their domestic policy space to implement development and human-rights-oriented decisions. This is apparent in the functioning of international trade, capital markets, and international financial institutions and agencies. In general, the Synthesis Report provides stronger and more equitable elements than both the OWG and ICESDF report.

- We welcome the recognition of the need for 'urgent action to correct the inequities of international system to the disadvantage of developing countries, a more equitable multilateral trading system, fair representation of emerging and developing countries in international financial and economic decision making, better regulation in the international financial and monetary system, and sustainable debt solutions, and the need to remedy the policy incoherence between current modes of international governance in matters of trade, finance, and investments; and norms and standards for labour, the environment, human rights, equality and sustainability (paragraph 95). This should act as basis principle for the next negotiations of Post 2015 Development Agenda.
- We also welcome the specific call for developed countries to meet the 0.7% target and agree to concrete timetables to meet ODA commitments, and also to ensure that the proportion of ODA going to LDCs does not decline but is increased, be better targeted, more efficient, more transparent and that leverages additional resources (paragraph 79). However, we regretted that the SG synthesis report does not explicitly prohibit the attachment of harmful conditionalities to ODA and other forms of financing by international financial institutions and nor does it provide for binding obligations of states to meet their commitments.
- We are pleased to see that report highlights the need to predicate private sector involvement on social/environmental accountability, and has taken up our call to ensure investment policies are in line with international standards on business and human rights, core labour standards of the ILO, and the United Nations environmental standards (paragraph 105). However, it is alarming that the report still emphasises 'the urgent action to mobilise, redirect and unlock

the transformative power of trillions of dollars of private resources to deliver on sustainable development objectives, including the need for foreign direct investment (FDI) in critical sectors, such as sustainable energy, infrastructure and transportation’ (paragraph 92). Again, governments are encouraged to provide incentive structures to attract investments. This, we fear will further justify the liberalization of investment in land and resources, agriculture, promoting large-scale land purchases or leases, escalating land grabbing and violence, and further impoverishing rural, indigenous women. The elevated role of the private sector in development cooperation undermines the principle of international solidarity and a global partnership for development, and also further strengthens the dominance and corporate interest in the formulation of policies and operation of global markets, that has been one of the basic reasons for the current inequities globally, as well as the climate crisis.

- APWLD together with the WMG reiterates our position in the response to ICESDF report on the need to fundamentally re-examine the role, accountability and governance of International Financial Institutions. We regret that the report instead only recommend for IFI to ‘consider establishing a process to examine the role, scale and functioning of multilateral and regional development finance institutions to make them more responsive to the sustainable development agenda’ (*paragraph 109*). This call is weak, considering the historical harmful role, policies and practices of IFI – particularly in developing countries.
- We support the call to consider establishing an intergovernmental committee on tax cooperation under UN auspices (*paragraph 115*). This was a critical suggestion in the earlier discussion in ICESDF which was unfortunately dropped in the final report. We also appreciate the strong encouragement to implement tax reforms, including financial transaction taxes (*paragraph 112*), which is necessary for improving domestic resource mobilization for sustainable development. However, key recommendations from civil society for global corporate taxation and taxation on harmful industries are not recognized in the report. Recommendations still fall short of addressing the redistribution of wealth and full realization of human rights.
- The report rightfully recognizes the rights of migrants. Importantly, under the section of “Financing our Future” calls for “reduce costs on the transfer of remittances” (*paragraph 117*), in a way that is fully consistent with the rights of migrants. This is a critical recommendation for moving away from remittance-driven development that only increases the vulnerability of migrants to violations of their rights and systematizes labor exports. Lubricating the flow of remittances does not address the root causes of forced migration and vulnerable employment. Priority should instead be given to realizing decent work and living wages in sending countries.

Partnership

One of the most alarming aspects of the SDGs is the lack of a commitment to a renewed and strengthened global partnership for development, at the heart of which is cooperation between developed and developing country governments. Goal 8 of the MDGs specifically called for a Global Partnership for Development, whereas the SDGs buries calls to enhance the global partnership below the heading “multi-stakeholder partnerships” (Goal 17.16) and dangerously encourages the promotion of other kinds of partnership.

The SG Synthesis Report clearly articulates the need to revitalize global partnership for sustainable development based on the Millennium Declaration and Monterrey and Johannesburg commitments. We also welcome the call to anchor a global partnership in the principle of international solidarity that recognises that governments are the principal duty-bearers of human rights obligations and that development assistance is essentially a fulfillment of the duty of States to assist other States to fulfill global human rights obligations and structural, globalised

causes of violations and poverty. The principle of international solidarity was nowhere to be found in the OWG document.

However, we remain cautious about the emphasis on inclusive and transformative partnership(s) as a key feature of implementation at all level, by the inclusion and full participation of multi-stakeholders. APWLD and WMG has previously flagged the “multi-stakeholder” approach as a problematic model that treats all actors, including civil society and the private sector, as equal and sharing a common interest. While we are certainly in favour of the inclusion of marginalised groups and the principle of gender equality in all consultations, multi-stakeholder approaches often obscure the disparities in power and conflicting goals among actors (including among the private sector, e.g. large corporations have overwhelming dominated spaces for the private sector at the exclusion of small and medium-sized enterprises). For example, a model that claims to give space in consultations to the private sector and civil society does not acknowledge the considerable political influence that large corporations already wield, nor the fact that corporations have acted in the past to actively undermine the advocacy of civil society. Similarly it does not recognize that corporations are legally bound to act in the interests of share-holders while civil society is primarily bound to act in the interests of constituents.

Accountability

We reaffirm our position that an accountability framework in the Post-2015 agenda should aim to provide the enabling conditions required for development rights to be enjoyed, particularly by the most marginalized. Those enabling environments have been identified in other processes, and therefore we welcome the report’s call for full consistency with current political commitments and existing obligations under international law (*paragraph 60*). The Synthesis Report also recognizes the need to predicate private sector involvement on social and environmental accountability by citing the UN’s Guiding Principles on Business and Human Rights, core labour standards of the ILO and the UN’s environmental standards (*paragraph 105*). We appreciate this bold commitment which has exceeded anything outlined in the SDGs or ICESDF reports.

However, the Synthesis Report is inconsistent in its elaboration of an accountability framework. We are concerned about the report’s recommendation for ‘mutual accountability’ that promotes ‘public-private- people partnerships’ (*paragraph 81*). This idea was also reinforced in the call for ‘a new paradigm of accountability,’ (*paragraph 146*) which ceases to recognise the historical responsibility of the North and shrouds the disproportion of power and conflicting goals among actors outlined in this section.

The Report acknowledges the need for stronger accountability and calls for a universal periodic review that is ‘voluntary, state-led, participatory, evidence-based, and multi-tiered process to monitor progress’ (*paragraph 148*). The voluntary nature and nationally focused lens of this review will replicate the existing failures of states to implement existing human rights obligations at both national levels and, critically, the obligations to regulate the private sector and the extra-territorial obligations of states.

It is surprising that the report failed to refer to the resolution of the Human Rights Council to produce a binding treaty to regulate Trans-National Corporations (res no. A/HRC/26/L.22/Rev.1). As states have recognized the importance of new systems to hold the private sector to account, a new development agenda must include that obligation and institution in its work.

We remain concerned about the rhetorical nature of both the OWG and Synthesis Report and reiterate that transparent, regulatory, democratic institutions are required to ensure the aspirations of the new development agenda are delivered.

Unless there is genuine transformation to put people above profit and transform the international order in ways that protect human rights and livelihoods above all, the development goals will simply allow the wealthiest and corporations to continue benefit on development. APWLD asserts the call for Development Justice, a global call for a redistributive framework with 5 transformative shifts – Redistributive Justice, Economic Justice, Gender and Social Justice, Environmental Justice and Accountability to the Peoples.

Asia Pacific Forum on Women, Law and Development (APWLD) is a feminist regional network with 189 members in 25 countries in Asia and the Pacific. Our members – consisting of lawyers, academics and rural, indigenous, migrant women organisation – work to empower women in the region to use research, training, advocacy and activism to claim and strengthen women’s human rights as enshrined in UN international human rights instruments. We are the chair of the Asia-Pacific Regional CSO Engagement Mechanism (AP-RCM), as well as the focal point of the Asia-Pacific women’s constituency. Further, we are the Women’s Major Group (WMG) Organising Partner for Asia and Pacific, and act as the WMG focal point for the ICESDF process.