



Written Submission: Stock Taking of SDGs and Post 2015 Processes “ENSURING DEVELOPMENT JUSTICE IN SDGs AND POST 2015 DEVELOPMENT AGENDA”

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 – consist 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 have been actively contributed in the process of Post-2015 as well as SDGs, both in the regional and global level. We are the chair of Asia-Pacific Regional CSO Engagement Mechanism (AP-RCEM), as well as focal point of Asia-Pacific women constituency; We are also active in the Women Major Group (WMG), and act as WMG focal point for the ICESDF process.

Background

The main intergovernmental process (the Open Working Group) has just finalised its work after 16 months of consultations and negotiations. They have produced 17 goals (below) and 169 targets. But the document is one of several that will shape the negotiations until the goals are adopted at the end of 2015. This document has the most weight to date because it was an intergovernmental, negotiated process.

Civil society has repeatedly argued that the challenges the world currently faces require bravery and a commitment to transform the very rules that our global economic order is based on. The obscene levels of inequality that allow 85 people to own more wealth than 3.5 billion people, half the Earth’s population and the growing urgency of climate change are both born from a global agreement to set rules that promote profit making over human rights. Although states have expressed similar concerns through this process we do not see a shared commitment to dismantle the rules and systems that enable such gross inequality and threaten our future. Neo-liberalism still haunts the goals and targets proposed.

At the moment the proposed goals and targets are mostly oblique references to existing unmet obligations. While the breadth of the agenda is to be appreciated and the intention to focus responsibility on wealthy countries as well as developing countries has been retained, it will be a rhetorical exercise without genuine structural reforms. This written submission consists of APWLD analysis of the OWG outcome documents, as well as the recently published report on the Intergovernmental Committee of Experts on Sustainable Development Financing.

Lacks Accountability

The [current document](#) lacks any real commitments that will actually shift inequalities and bind governments to meet their human rights obligations. It does have a range of positive gestures that could result in progress if they are accompanied by genuine commitments – either through improved indicators or through better ‘means of implementation’ targets. But sadly, the commitment to transform global architecture and collectively agree on genuinely meaningful targets, that favour people rather than corporations, the most marginalised, rather than the most powerful are so far lacking.

The post2015 framework is not a standard setting exercise. It will not produce new rights or normative language. It is supposed to be an agreed set of goals to deliver on promises already made – particularly the right to development and the urgent need for sustainability of development, while recognizing the inter-relatedness and universality of all rights. So the framework should aim to provide the enabling environments required for development rights to be enjoyed, particularly by the most marginalised. Those enablers have regularly already been identified in other processes.

This agenda should create the framework to ensure their implementation – it could create new processes, new governance structures and reforms to existing structures if there was genuine political will to do so.

But accountability, governance and genuine commitments are so far lacking.

Inequality between and within countries

APWLD with the other CSOs in the region started with a simple demand that a new development model must aim to “**reduce inequalities of wealth, resources, power and opportunities between countries, between rich and poor and between men and women**”. A key element of Development Justice is ‘redistributive justice’.

The early versions of the OWG goals did not include a goal to reduce inequalities. After lobbying by civil society and the G77 countries plus China, **Goal 10 - Reduce inequality within and among nations** was included. The failure in goal 10 reflects many of the problems with the document. There is nothing in the goal that aims to redistribute wealth between countries or even measure it. Calls to include a measurable target of wealth distribution were ignored.

A target to ‘improve regulation of global financial markets and institutions’ lacks specificity and, without specific targets around specific regulatory frameworks and institutions, will be meaningless. Restoration of the UN as the only democratic space for development, global regulation and multilateralism was resisted by developed states. There is a target to ‘ensure enhanced representation and voice of developing countries in decision making in global international economic and financial institutions’ which is a pre-existing commitment to reform World Bank and IMF governance routinely ignored and a target to implement the ‘special and differential treatment for developing countries’ within the WTO which forms part of the unresolved Doha round. Migration also features as a way to address inequality with both the facilitation of migration and remittances referred to.

Inequality within countries has more substantive reference and more potential to be meaningful. APWLD advocated for a wealth indicators (using for example the Palma ratio) but there is instead an income indicator that grow income of the bottom 40% more than the average – a fairly weak measurement that still doesn’t address obscene wealth. There are two very broad non-discrimination targets and a target to ‘adopt policies especially fiscal, wage, and social protection policies and progressively achieve greater equality’.

Decent Work and Living Wage

APWLD campaigned for the inclusion of Decent Work, living wage and specific targets to address the most vulnerable forms of employment including migrant workers, domestic workers and the informal sector. Decent Work is hidden in Goal 8: ‘Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all’.

APWLD opposed the merger of Decent Work with growth and raised concerns that the growth focus positions decent work as purely a result of growth rather than an obligation. The goal includes targets to achieve decent work, provide equal pay for work of equal value. While our proposed reference to domestic workers didn’t get into the document we were pleased to finally see the target “protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment”. We think that the indicators for this target could include codification of domestic worker rights. As much as we welcomed the inclusion of migrant workers, it needs to move away from the paradigm of promoting the neoliberal export strategy as means to alleviate and to mobilise resources for sustainable development. Remittance-driven development will only increase the vulnerability of migrants to violations of their rights, promote temporary/guest workers

programs in destination countries, and systematise labour exports instead of generation of decent work in source countries.

While paid domestic work was not explicitly included, a new, welcome addition to the goals is the target in Goal 5 on unpaid care and domestic work “recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies, and the promotion of shared responsibility within the household and the family as nationally appropriate”.

The living wage was predictably opposed by the US and others (who regularly use the line ‘we don’t know what it means’ to avoid commitments) and hasn’t been included but there’s an additional reference in goal 10 that could be used to advocate for living wage indicators: “adopt policies especially fiscal, wage, and social protection policies and progressively achieve greater equality”. This target needs significant work to develop indicators, particularly at the national level.

Access and Control over Resources

APWLD stressed the importance of land access and control, land distribution, land-grabbing and sustainability for women’s rights, poverty reduction and food sovereignty. There are several references to land in the document but we are worried that the references will not be interpreted in a way that will track land control.

The strongest reference in Goal 1 is : ‘by 2030 ensure that all men and women, particularly the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services including microfinance’. This clause may be interpreted as a non-discrimination clause but we would like to see an indicator that tracks land control and land-grabbing under this target.

Other land references need close scrutiny to ensure they don’t open the door for further agrobusiness or commercial inputs. For example “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 ”

In Goal 5 there is a ‘means of implementation target’ to undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources in accordance with national laws

Peace at home, in the community and internationally

Ending violence against women features in the Gender Equality Goal (5) “eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation” while a separate goal (16) is dedicated to promoting ‘peaceful and inclusive societies’. While it is an achievement to get governments to recognise the importance of ending violence against women for sustainable development, there is no ‘means of implementation’ or accountability that would require governments to act.

APWLD had suggested that the target on VAW be accompanied with targets to reduce weapons globally and to tax the arms trade (providing both revenue and promoting peace). We also suggested policy ‘MOI’ targets which could simply be drawn from existing obligations like the Beijing Platform of Action target to produce National Plans of Action to eliminate violence against women. This is another target that needs more work to be meaningful.

Voice

Increasing women's decision making at home, in the community, nationally, regionally and internationally was one of APWLD's targets. We insisted that this should not only be a numerical target but that democratic and localized decision making be advanced through the agenda. Increasing democratic processes is included in both Goal 5 "ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life" and Goal 16. 'develop effective, accountable and transparent institutions at all levels' and 'ensure responsive, inclusive, participatory and representative decision-making at all levels.' It's pleasing to see our demand to have all aspects of decision making included rather than just national parliaments. Again these broad targets will remain rhetorical without clear means of implementation and targets.

International trade and finance systems

The proposed SDGs have failed to convincingly address one of the biggest structural impediments to just and equitable development, which is an 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 imbalance is evident in the functioning of international trade, capital markets, and international financial institutions and agencies, which not only favour developed countries, but favour corporate interests in developed countries above all else. This is why the G77 bloc of countries plus China (altogether 134 countries) specifically called in the negotiations of the SDGs for "breaking the dominance of finance and corporate interest in the formulation of policies and operation of global markets."

While there is language in the SDGs on the need to "respect each country's policy space...to establish and implement policies for poverty eradication and sustainable development", there is a lack of commitment to the specific reforms that are necessary for that to occur. For example, despite the profound impact of the global financial crisis, there is no language on the need to urgently reduce speculative investment and ensure that capital markets play a constructive role in the global development agenda.

Similarly, despite the fact that tax evasion and tax minimisation strategies are used by companies to deprive developing countries of hundreds of billions of dollars each year, tax evasion is not addressed at all in the SDGs, other than a weak reference to improving the capacity of developing countries for tax collection.

On the issue of trade, the language in the SDGs largely reflects the status quo within WTO negotiations. Predictably, the focus of the trade-related negotiations was tariff and non-tariff barriers to trade, despite the fact that these issues are far from being the most powerful or coercive aspects of contemporary multilateral trade agreements. The "mega" trade agreements that are currently being negotiated between the US, EU and countries in the Asia Pacific region and Latin America are much more concerned with creating favourable conditions for foreign investment by restricting the right of governments to enact regulations in the public interest that might restrict the profitability and free movement of foreign capital. To that end, calls by the G77 and China to include a provision ensuring "fair, equitable and development friendly [trade] rules and protection of national policy space in bilateral and plurilateral trade and investment agreements" were ignored.

Measurement of extreme poverty at \$1.25 a day

APWLD has described the poverty measurement of \$1.25ppp a day (as measured in Target 1 of Goal 1), as a starvation indicator. Yet the widely discredited indicator has been retained. No developed country accepts a measurement of poverty for their citizens of less than ten dollars a day, and most have poverty lines that are much higher than that. In the Asia Pacific region, the poverty line is also measured above \$1.25 a day. This is because \$1.25 is not an amount that allows even a minimum quality of life—it is not enough to secure sufficient food, housing, healthcare and education, let alone to live a life of dignity.

Multi-dimensional indicators of poverty are required that recognise that monetary measurements are poor indicators and the more marginalized people rely on money, the more likely they are to live in poverty. At a minimum, poverty should be measured at \$10 a day, which is closer to the poverty line adopted by developed countries of about \$15 a day. This is more appropriate as a standard that will allow people to acquire basic necessities and live a life in which they are not irrevocably condemned to poverty. There are clear incentives for defining extreme poverty at a lower, less ambitious standard—particularly for donors and technocrats—but it is fundamentally at odds with the idea that sustainable development is about creating a just and equitable world that ensures the realisation of human rights for all.

Absence of universal social protection

The SDGs do not include a target for universal social protection, instead requiring governments to “implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.” This falls far short of APWLD’s minimum demand for universal social protection that requires countries to have a national floor for social protection that includes income security, access to essential health care, and access to services.

There is mounting evidence that social protection systems contribute significantly to reducing the prevalence and severity of poverty, to curtailing inequalities, and to creating sustainable and equitable societies. Yet 75-80% of families today have no access to social protection. The obligation to provide universal social protection has been recognized by governments¹ including in ILO Recommendation 202: Recommendation concerning National Floors of Social Protection (2012), which recommends that governments establish social protection floors as a fundamental element of their national security systems.

Ideally, we would have preferred to see an even more ambitious approach to social protection. There is a growing movement for universal income – a guaranteed basic wage for all people regardless of employment. Radical proposals like this are required to re-think global economic systems yet are absent so far in the post2015 debate.

Lacks targets to shift to a new sustainable model of consumption and production and ensure environmental justice

While there are four (4) goals to limit global warming, it does not provide for clear measures in achieving environmental justice, and lack ambition or specificity. While clearly UNFCCC processes need to be harmonized to the SDGs, the target for climate change mitigation goal is missing from the outcome document.

The target to live within the planetary boundaries is missing. No concrete language in promoting community-owned and managed renewable energy sources. It is still lacking in reviewing and regulating unsustainable and destructive large scale development projects like extractive industries such as mining, infrastructure industries like large dam projects that prolong the environmental and social injustices, and further impoverished women. It fails to set up a safeguard for the peoples – including rural, indigenous women – that are dependent on biodiversity, environments and natural resources.

Partnership(s)

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

¹ See, e.g., the outcome document of the High-Level Plenary Meeting of the GA on the MDGs, Keeping the Promise (para. 70(g)); Rio+20 Outcome Document, The Future We Want (2012), para. 156

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.

This completely ignores the primacy of developed countries’ obligation to assist and support developing countries, which is based on the principle of international solidarity enshrined in multiple international instruments, including the Universal Declaration on Human Rights and the Millennium Declaration. This principle recognises that governments are the principal duty-bearers of human rights obligations and that development assistance is essentially a fulfilment of the duty of States to assist other States to fulfil their human rights obligations.

There is a clear move to give the private sector a high-profile role in aid assistance, which is a dangerous development. The private sector itself has been strongly advocating for the advancement of public-private partnerships, blended finance, and other modalities for private sector involvement in the post-2015 development agenda. Private sector narratives, however, rarely acknowledge the historical responsibility of corporations for creating and perpetuating a fundamentally inequitable model of development, including engaging in human rights violations and generally resisting regulation and accountability. Further, the development challenges we face today are too great and too complex to answer to a simple profit motive.

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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 – can only we will be able to deliver sustainable, just and equitable development.

Open Working Group Goals

1. End poverty in all forms everywhere
2. End hunger, achieve food security and improve nutrition and promote sustainable agriculture
3. Ensure healthy lives and promote well-being for all ages
4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
5. Achieve gender equality and empower all women and girls
6. Ensure availability and sustainable management of water and sanitation for all
7. Ensure access to affordable and reliable modern energy for all
8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
9. Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation
10. Reduce inequality within and among nations
11. Make cities and human settlement inclusive, safe, resilient and sustainable
12. Ensure sustainable consumption and production patterns
13. Take urgent action to combat climate change and its impact
14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification and halt land degradation and halt biodiversity loss
16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
17. Strengthen the means of implementation and revitalize the global partnership for sustainable development Finance