

Means of Implementation for Development Justice in the Post-2015 Agenda

Asia Pacific Regional CSO Engagement Mechanism



Introduction

World leaders and civil society have come to another crucial moment in shaping the post-2015 development agenda. This new global development framework that will replace the MDGs will also require a global consensus on the means for implementation (MOI) that will translate development commitments into action.

We, the Asia Pacific Regional CSO Engagement Mechanism (APRCM) believe that it is important that this process should learn from the shortcomings of the MDG 8 in coming up with a framework founded on human rights and sustainable development commitments. It should also learn from its failure to address international systemic issues and in creating an international enabling environment for the realization of the right to development.

Many countries from the Global South face systemic challenges that perpetuate exclusive, unsustainable development and contribute to the long-standing problems of poverty, inequality, landlessness, unemployment, precarious employment conditions, worsening health situations, hunger and malnutrition, religious fundamentalisms, conflict environmental degradation, indebtedness, discrimination and violence. Flawed and unequal economic relations in the international and domestic economic architecture propped up by policies and rules imposed by neoliberal globalization through loan conditionalities and trade agreements robbed poor countries of resources for sustainable development. On the other hand, wealthy countries and transnational companies (TNCs) and banks greatly benefitted from this scheme. Capital flight towards tax havens mostly in the Global North and debt servicing further sap poor countries' resources away from funding critical social services and undermines their capacity to fight poverty. Meanwhile, TNCs gain increased freedoms to profit and exploit labor, exploit and deplete natural resources in poor countries, and strengthen their monopoly protection to medicines and patent biodiversity.

Indeed, we could not continue with this paradigm where financing for development are used to perpetuate the current unjust social and economic (dis) order. We need MOI and global partnerships that will lead the way to Development Justice.

Elements of Effective and Transformative Global Partnerships and Financing for Development Justice in the Post-2015 Agenda

Global partnerships for the new development agenda must address the most pressing development challenges which include, among others, food sovereignty, full and decent work, living wages, universal social protection, gender equality, ending land, water and other resource grabs, climate change, environmental sustainability, reorienting the international trade and financial architecture to address the development needs of poor countries, democratic governance and peace and security based on justice.

We are concerned that the current discourse on global partnerships leans too much towards creating partnerships between governments, multilateral agencies, and the private sector, which is disproportionately represented by transnational corporations. The unwarranted privileging of the private sector's role in partnerships poses the danger of corporations and

their lobby-groups gaining unsavory influence over the agenda-setting and political decision-making by governments. If left unmanaged and unsupervised, these partnerships may abet the corporatization of public services, to the detriment of the people's right to basic services and universal protection.

In this light, APRCEM would like to raise the following principles and concrete recommendations for a transformative and effective global partnership that will support the five foundational shifts of development justice: redistributive justice, economic justice, gender and social justice, ecological justice, and accountability to peoples.

- **Engender democratic development and democratic ownership.** This means that MOI and global partnerships must adopt a rights-based approach and contribute to a shift in power relations within and between countries, between men and women. This also means that developing countries to set their own development strategies and programs in development cooperation.

Likewise, MOI and global partnerships should ensure not only national ownership, but also democratic ownership through meaningful involvement of all stakeholders in the process and outcomes in implementing the post-2015 agenda. Stakeholders are not limited to state-representatives/government officials and private sector. Stakeholders also include CSOs that amplify the voices of the poor and marginalized, grassroots organizations, people's movements, and the citizens themselves.

- **Premised on the principle of International Solidarity** as enshrined in the Charter of the United Nations, the Covenant on Economic, Social and Cultural Rights, the Declaration on the Right to Development, in the Rio Declaration, and in the Millennium Declaration which specifies the principle:

"Solidarity. Global challenges must be managed in a way that distributes the costs and burden fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most."

This is closely related to the next point on:

- **Apply the principle of Common But Differentiated Responsibility (CBDR)** as enshrined in the Rio Declaration. In the Rio+20 outcome document, member states agreed that the SDGs must respect all Rio Principles. Development is a universal responsibility but distinguished according to the respective capacities of country. In recognition of their historical responsibility of perpetuating unsustainable extraction, production, and consumption patterns, developed countries should take lead in changing their production and consumption patterns and commit to supporting developing countries' sustainable development through finance, technology transfers, etc. Meanwhile, developing countries would maintain their developing goals but take on sustainable development methods and paths.
- **Ensure transparency and accountability.** Must graduate from voluntary basis to having strong accountability mechanisms for governments and the private sector, esp. corporations.

Redistributive Justice

Reforms in the financial and monetary structure

- **Establish a global regulatory system for financial justice.** In order to ensure financial, fiscal and economic justice, it is imperative to put in place a global regulatory system in line with human rights obligations and commitments that the countries have signed on to. The system should enable the interests of all to be promoted and protected, and not just those with wealth and power.
- Increase public spending to secure adequate investments to **ensure universal access to comprehensive and quality social protection systems**, infrastructure and inclusive social services, such as health, and education and care services. Agree to complement national efforts with additional international support as part of the global partnership for development, particularly to LDCs and other vulnerable countries, to ensure that by 2030 all people, irrespective of race, gender, age, sexual orientation, class or disability, every woman, every child and every family have access to a minimum package of essential services.
- **Create taxation schemes for pollutive and extractive industries** such as logging and mining to create sources of revenue for developing country governments to finance social services. However, these taxation schemes should also serve as regulatory mechanisms that can be used by developing countries to promote sustainable development.
- Strengthen national regulation and international cooperation to **combat illicit financial flows (IFF), tax evasion, tax avoidance and corruption**, and agree to work to progressively reduce opportunities for tax evasion, as well as tax avoidance
- **Private capital flows should be strongly regulated** to ensure stability, channel finance to productive sectors, and promote access for the poor.
- **Developed countries must fulfill their ODA** commitments must be met and also must be scaled up, for achieving gender equality and women's human rights, fulfill existing financing commitments such as the implementation of Cairo Programme of Action, and ensure that additional funding is in place to implement the Sustainable Development Goals, while respecting principles of human rights and democratic ownership. This also applies to climate finance and other forms of development finance. That 70% of the allocated ODA rotated in the market of developing countries and increase the potential of developing countries by allocation of the ODA, 40% of which total amount on scientific researches and development in the field of the public benefits. In the case of the most marginalised and vulnerable least developed countries (LDCs) comprising also landlocked developing countries (LLDCs) and small island developing states (SIDS), the 0.15-0.20% target must be achieved as well as reviewed in 2015 for further enhancement as reaffirmed in the current Istanbul Programme of Action (IPoA).

Debt

- We reiterate that debt injustice has a strong geopolitical and political economy dimension, exacerbated by historical nonpayment of agreed ODA levels, and increased exposure of risk through currency speculation, commodities trading, vulture fund trading, especially in sovereign debt, and other newer forms of high frequency electronic trading that further exposes governments to aid, trade and development risks.
- Install a just system of sovereign debt workout to assist countries burdened by debt servicing channel those funds instead to social services and development goals.
- The issue of illegitimate debt must be back on the agenda as the problem of unsustainable and illegitimate debt is more sharply linked not only to lending, borrowing and debt

management policies, but to other economic policies such as trade and investment strategies, agreements and relations. Unfair, imbalances and inequitable trade and investment policies and agreements contribute significantly to huge net resources transfers from developing countries to developed countries. These form part of the roots of development financing deficit, which then serves as the backdrop, basis and justification for over reliance on borrowing and the vulnerability to loan peddling.

- UNCTAD's principles on Responsible Sovereign Lending and Borrowing acknowledged by member states must be furthered leading to the development of a Convention on Responsible Lending and Borrowing.
- Debt audits are critical towards shaping and improving policies on managing outstanding debts and debt service but also on borrowing and lending and therefore, must be anchored.
- LDC governments' call for full cancellation of multilateral and bilateral debts owed to public and private creditors must be fully integrated and further extended to countries in crisis and countries heavily affected by climate change

Gender and Social Justice

- **Rethink the remittance-driven strategy** as a source of finance for development. Current migration is widely a result of underdevelopment and decades of systematic labor migration. Such a strategy of over-reliance on remittance does not address the economic, political and social costs of current international migration, skirts off the human rights issues of migrants, and covers up the flaw and mismatch of sustainable development with forced migration and labor export programs.
- Governments and stakeholders must **commit to respect, protect and fulfill women's humanrights and to fulfill commitments to gender mainstreaming** in the formulation and implementation of development policies, including financing for development policies at all levels and in all sectors, and to implement policies to ensure women's full access to and control over economic resources.
- It is critical that the final post 2015 framework adequately **supports its gender equality and women's rights ambition through a strong package of financial and non-financial MOIs**. This should include investment and support for gender sensitive data collection, disaggregation and analysis; gender-responsive budgeting; capacity building and training of public institutions on gender equality and women's rights; support for women's organisations and programmes to support women to participate in and influence decision-making in political, economic and public life.
- Reaffirm our commitment to **eliminate gender-based discrimination in all its forms**. Commit to ensure that all men and women, in particular the poor and the vulnerable, have equal rights and access to economic resources, as well as access to social services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance, services that do not exacerbate gender inequalities or contribute to the over indebtedness of women. Enforce private sector compliance with women's human rights obligations, ILO labor standards and prevent discrimination against women in the workplace.

- It is imperative to ensure that **the post-2015 agenda addresses the importance of universal access to comprehensive sexual and reproductive health and rights** including sexual and reproductive health information and services with access to a full range of contraceptive methods; safe abortion services; HIV prevention and treatment; counseling, quality treatment, including empathetic and trained health service providers; comprehensive sexuality education provided across different settings; and context-specific, rights-based continuum of quality care for reproductive health. Services and programmes for SRHR, HIV and AIDS and gender-based violence need to be inter-linked, rights-based, gender-sensitive, disability-friendly, and available even in times of conflict, disasters, migration and displacement.
- **Gender responsive budget should be institutionalized across all policies and sectors and that SRHR should be a component of it.** Governments must commit to dedicate resources and to ensure all national and sectoral plans and policies to achieve gender equality, the empowerment of women and that the realization of women's and girls' human rights are fully costed and adequately resourced to ensure their effective implementation.

Economic Justice

Reforming Trade

- Ensure that trade and investment treaties do not constrain domestic policies to reduce inequality, protect the environment, fulfill human rights obligations or ensure adequate tax revenues. Trade and investment agreements that prevent developing countries from pursuing their sustainable development goals must be rescinded.
- The basic corporate-led principles and goals underlying the WTO must be overhauled in order to correct existing imbalances and to allow developing countries more policy space to pursue sustainable development for trade which formed the basis of the development mandate of the Doha Development Agenda. Proposals on Special and Differential Treatment (SDT), implementation issues and the LDC package which are priority issues of developing countries must be on the agenda and accomplished.
- Trade policies must be subjected to public deliberation and debate, which should ensure meaningful participation from, presumed beneficiaries and affected stakeholders.
- Endeavour to significantly increase intra-regional trade in a manner to ensure the consistency of bilateral and multilateral trade agreements with regional integration agendas, in particular to the benefit of the LDCs.
- By 2020, commit to attaining at least 40% of all goods and services in the world of exports of goods and services from developing countries.
- Develop and support the negotiation capacity and resources of developing countries to enable them to effectively represent their interests and welfare in trade negotiations.
- Expedite conclusion of Doha Development Round to enable full duty free quota free access, which has remained unfulfilled for decades, expedited action on Non Tariff barriers, sanitary and phyto-sanitary standards (SPS) and technical barriers to trade (TBT), and elimination of subsidies in agriculture, fisheries and cotton

- Engage health professionals as well as human rights experts in trade negotiations in order to ensure that health is protected within human rights framework in trade policy and agreements. On the other hand trade professionals should also participate on health issues to build understanding of epidemiologic, medical, economic and social implications of limitations on health services, products and innovations.

Technology, innovation and capacity building

- We are disappointed to see over emphasis on technology and technological innovation at the expense of social innovation and investment in building human resource capacity, especially since para 31 (Zero Draft Addis Ababa Accord) introduced a clear promise of a new basic social compact to invest in people. Capacity building is more than technical and knowledge inputs but about strengthening individual and community capacities to lead their own development.
- Technology facilitation and international technology cooperation need to talk about not only transformational change but also transitional change, in light of the fact that if people have to stay within 0.7 TOE per person, technology must factor in the challenges posed by peak oil, peak gas, peak coal etc.
- IPR regimes extremely restrictive for developing countries. Developed countries should lead by paying for IPR to their business from market-based approaches etc.

South-South Cooperation

- We welcome the mention of the financial transaction tax as one of the additional innovative finance mechanisms, although it is important to emphasize that innovative sources of financing are complementary to and are in no way a substitute for North-South cooperation and global partnership.
- Likewise, SSC is not to replace traditional North-South ODA although it continues to be a crucial aspect of development cooperation since it addresses global challenges and the global public goods which include health, environmental and intellectual commons, and international trade and finance. Northern nations also have the ethical obligation to actively deal with the inequities in the Global South that came from the centuries of colonization, exploitation, and political and economic subjugation.
- SSC must also follow the principles of development effectiveness; including transparency by full disclosure by government officials managing SSC project. It must be based on solidarity, mutual respect and benefit therefore, must not be inclined towards a replication of existing dominant top-down global partnership as it goes against the very fundamental nature of the partnership.

Ecological Justice

- Funding organisations should stop their support to harmful economic activities which affect the environment and people's health, particularly in the areas of mining, nuclear energy, and chemicals.
- Direct investment promotion and other relevant agencies to focus on project preparation, prioritizing projects aligned with sustainable development, by ensuring a global transition so that every origin and destiny of flow of resources have zero fossil fuel emissions and no

nuclear, including those with the greatest potential for sustainable industrialization and decent jobs.

- Member states from must phase out all direct and indirect fossil fuel subsidies in developed countries by 2020 and in developing countries a call for rationalizing fossil fuel subsidies and enhancing subsidies for renewable energy.
- Member States must establish a multilateral initiative to create a global price on carbon, to contribute to the multilateral climate finance institutions, which form part of a package of measures to phase out fossil fuels.
- Climate finance should be new and in addition to ODA and accounted for separately. Based on historical responsibility and equity, reparations for climate debt owed by the rich industrialised developed countries most responsible for climate change and the delivery of climate finance as part of reparations. Climate finance must be immediate, new and additional, public and non-debt creating.

Accountability to Peoples

Reinforcing Meaningful Civil Society Participation

- The role the civil society can play in the FfD process is wider than mobilizing support and awareness. Civil society should be seen as vital actors in all aspects of the FfD discussions in the run up to, during and beyond Addis (July). Development processes should be ensured in line with the right to participate in public decision-making, which should be reflected in substantive inclusion of civil society, including feminists and women's rights organizations, in development processes. Participation should not be instrumentalised but be supported by an overall enabling environment for CSOs in all diversity.
- Volunteerism (as stated in the Synthesis report) should be recognized as powerful crosscutting Means of Implementation and adequately supported, for example through investment in training, support structures, appropriate policies and other enabling mechanisms. By investing in and supporting volunteering, the Post-2015 agenda will ensure that volunteer action can complement the work of the paid workforce, facilitate more bottom up solutions to development problems and extended the reach of the development agenda to some of the hardest-to reach groups.
- Conversations about how to implement and fund the Sustainable Development Goals (SDGs) must extend beyond a focus purely on money or technology transfer and incorporate support for **people led approaches** to implementation and **human capital investment** that needs to be supported, sometimes financially, to make this agenda implementable and sustainable. Investment and support for capacity building and volunteering are both areas for inclusion in this regard.

Review and Monitoring

- We are disappointed to see little reference to financing to support the 'data revolution' needed and much talked about within Post-2015 agenda.
- Political action and an enhanced ambition on global partnership are needed to implement effective and appropriate data collection. We note that data collection is a political, as well

as a technical choice. It is not just the selection of indicators that is important but also who collects the data, where the data comes from, the scale at which the data is collected (i.e. the individual or household level) and how the data is interpreted. Current targets/indicators are completely depoliticized especially where actions are expected from rich countries.

- Data collection, disaggregation and analysis must be supported by financial means and engage **new approaches** such as the use of self-reported measures. Data collection processes themselves need to be gender sensitive by, for example: reviewing coding and terminologies; delivering gender training for data collectors; recruiting female enumerators; and carrying out data collection in a manner that is sensitive to the different needs of men and women in terms of, for example, privacy, time of day, and work and caring responsibilities.
- At the UN level, there is a need to establish an open, transparent and participatory intergovernmental space for oversight, monitoring and review of any partnership developed in the name of the UN.
- Monitoring and review should be done in a bottom up approach to monitoring with wide stakeholder participation including and beyond the Major Groups.
- National and parliamentary oversight should be strengthened, incorporating ambitions on implementing elements of SDGs (as permissible by the national circumstances) in national legislations.
- UNSC should organize discussions with member states and CSOs beyond the Major Groups on progress (in each negotiating sessions).
- **A Sexual and Reproductive Health Sub accounts** is a crucial tool for setting priorities, allocating budgets, and advocacy as well as for increasing transparency and drawing accountability from governments tasked with providing RH services. This should be set up by all the states and ensure implementation and monitoring on a regular basis.
- Monitoring of health systems should have clear indications on resources spent on each program in compliance with the recommendations of WHO.
- The governments should establish a tracking system of budgetary allocations, flows and expenditures and the tracking of the allocations should be done against expenditures of all financial flows that are dedicated to sexual and reproductive health and rights.

Binding Regulatory Systems, Accountability Mechanisms

- In order to ensure financial, fiscal and economic justice, it is imperative to put in place a global regulatory system in line with human rights obligations and commitments that the countries have signed on to. The system should enable the interests of all to be promoted and protected, and not just those with wealth and power.
- Policy and regulatory environment should support financial market accountability and stability. Capital markets regulation should promote sustainable management of natural resource wealth and global public goods, effective and fair governance of natural resources.
- TNCs must be subject to the UN GP on Business and Human Rights, which must be bolstered with binding enforcement measures.

- Governments must regulate the private sector. In countries where public private partnerships (PPPs) are implemented, the benefit of such partnership especially for poor and marginalized should be reassessed.
- To better align business practices with sustainable development, adopt binding regulatory frameworks that foster a dynamic and well-functioning business sector, while protecting labour rights and environmental and health standards in accordance with internationally agreed norms, including the labour standards of the International Labour Organization and key Multilateral Environmental Agreements.
- Strengthen safeguards in trade agreements and investment treaties, especially by proper review of investor state dispute settlement (ISDS) clauses, to ensure the right to regulate is retained in areas critical for sustainable development, including health, the environment, employment, infrastructure (including electricity and transport), public safety, macro prudential regulations and financial stability