

Consolidating People's Agenda for Development Justice

Summary of Civil Society Recommendations for the APFSD

Final (2015 May 20)

We, participants of the Asia Pacific Civil Society Forum on Sustainable Development from 120 Civil Society Organizations (CSOs) met in Bangkok from May 17-18, 2015 to further the regional recommendations of CSOs for consideration and action at the Asia Pacific Forum on Sustainable Development.

As we came together at this forum, we are deeply moved by the recent devastating earthquake in Nepal which has taken a heavy toll in terms of human lives, social, economic, ecological, cultural and psychological impacts, and we extend our solidarity to all Nepalese peoples in these difficult circumstances. Clearly, there has been a reversal of all progress in development in Nepal which puts disaster preparedness at the forefront of the development agenda. We further express concern over the plight of the trafficked Rohingya and Bangladeshi people whose condition needs urgent humanitarian and decisive political actions from countries of the region especially of Southeast Asia.

Sustainable development is a major concern for the people of Asia Pacific that is a region characterized by growth on one hand, but widening inequalities in wealth, power and resources between and within countries, between rich and poor, and between men, women, LGBTIQ, across different age groups and disabilities, on the other. The UN ESCAP's Economic and Social Survey of 2014 acknowledges that there is excessive concentration of assets in the hands of a few, with ultra-high net worth individuals (UHNWIs) in the region -- around 0.001 per cent of the region's 2013 population -- held about \$7.5 trillion worth of assets or 17 times more wealth than the combined GDP of the region's least developed countries.

Widespread injustices are rooted in this system where only a few control wealth and power and thus dictate the rules of the game to favor their interests including the use of coercion, corruption, violence and war.

It is a system that brooks no bounds. It is premised on continuous growth -- in extraction, production, consumption and waste -- that is now breaching the Earth's capacity to sustain life. The climate crisis's impacts continue to claim lives and livelihoods in many areas particularly in the

Pacific islands. Disasters are becoming the new norm in the region, displacing hundreds of thousands of our people. Ecological destruction of forests, mountains, oceans, water systems and other ecosystems, often the result of the unregulated operations of large corporations, threatens the very future of the region's people.

This unjust system is perpetuated and made worse by a neoliberal model of development where the dignity of people depends on their value on the market. International finance, trade and investment rules set by the global north have diminished the capacity of States to meet their economic, social, environmental and cultural human rights obligations that lead to further concentration of wealth and power to a few families, corporations and countries.

Patriarchy, gender inequality, sexual and gender based violence and violations of women's human rights, including their sexual and reproductive health and rights, remains a persistent and entrenched problem. Women - particularly grassroots women, women with disabilities from the global south - have historically benefited the least from development, and carry the largest burden of global inequality, climate change, globalisation, militarization and growing fundamentalism.

Multiple and intersecting forms of discrimination and oppression exacerbate the marginalization of indigenous peoples, dalits, migrants, refugees, slum dwellers, people with disabilities, young people, older people, LGBTIQ), people living with and affected by HIV, sex workers, people who use drugs, criminalized populations, and others. Obstacles to their full participation in various aspects of the society are largely unaddressed.

To ensure a life of dignity for all, we need a fundamental change in the mode of development. We need Development Justice. Its overarching aim must be to ensure the wellbeing and dignity of all people without discrimination and without violating the integrity of nature.

As the world draws nearer to adopting a new development agenda that promises to leave no one behind, we urge governments especially in the region to act on the following recommendations:

Challenges and Opportunities in integrating environment and development

In the lived experience of ordinary persons, the social, economic and environmental dimensions of sustainable development are inseparable. We therefore call on Member States to adopt a people-centered approach to sustainability and development. This means respecting and empowering people to have control over own lives and futures, especially those who are presently marginalized.

One way is to ensure adequate representation of such groups and their involvement in decision-making processes. In this regard, capacity building to marginalized groups with the necessary knowledge and skills to know and exercise their rights, are essential.

Ensuring full participation of civil society in the planning, implementation and monitoring of Sustainable Development Goals (SDGs) at all levels is vital to democratic ownership of the sustainable development agenda. Community level decision-making will be critical to an integrated and holistic adoption and adaptation of the Post-2015 development agenda. The free, prior and informed consent for indigenous peoples in their lands and territories must be respected.

One major challenge pertains to the need to create solidarity between local populations, migrants, refugees and indigenous peoples. Towards this the development of more crosscutting indicators on inequality within the SDG's is key. It is important to look at the goals collectively. Further to this, the inclusion of persons with disability, young people and older people more effectively in engagements with decision-makers at the national and international level, infuse new dimensions and approaches to sustainable development.

Another major challenge to integration is the inadequate co-operation and coherence across the UN system. And likewise for member states, there is often disconnect between how different line agencies and ministries approach sustainable development. Trade ministers and finance ministries for instance often disregard human rights considerations in negotiating trade and investment agreements. Other ministries simultaneously negotiate a new set of sustainable development goals that would be thereby undermined by such agreements. We strongly urge Member States to adopt a human rights based approach to development across all line agencies and at all levels of government to ensure that human rights serves as the cement that guides all sustainable development efforts.

On the Post-2015 Development Agenda

A. On Key Principles for the Post-2015 development agenda

For the Post-2015 development agenda to be truly transformative, just, equitable and sustainable, it must uphold Redistributive Justice, Economic Justice, Gender and Social Justice, Environmental Justice and Accountability to People.

A new Post-2015 Development Agenda must be anchored in a holistic human rights-based approach, gender-transformative and grounded on international human rights obligations, including the right to development, and ensure that the human rights principles of equality, equity, non-discrimination, inclusive participation and decision making, non-retrogression and progressive realization of economic and social rights underpin its policies and practices.

The new development agenda should be universally applicable to all countries, while taking into account different national realities, capacities and levels of development; respecting national priorities and policy space. They must uphold all Rio principles including the principle of Common but Differentiated Responsibilities (CBDR) with respective capacities, and they must not backtrack from any internationally agreed conventions, norms and principles.

The new framework must recognise that people are the real agents of sustainable development, not corporations. It should highlight the role and place of major social sectors and constituencies especially marginalized groups in the planning, monitoring, and implementation of the Post-2015 Development Agenda.

The AP-RCEM is proof that civil society can demonstrate its commitment, experience and dynamism in development activism.

B. Goals, Targets and Indicators

We acknowledge the efforts already made in drafting the 17 goals and 169 targets. However, we the CSOs of the Asia and Pacific Region feel strongly and urge all parties to make sure that when goals, targets and indicators are finally agreed at the global level and also when they are set for the national context, they be framed consistently with existing human rights obligations.

In addition, we urge member states to add additional targets and indicators on:

- Land distribution to smallholders and women
- Banning destructive technology in developing countries such as open pit mining and monocrop plantation farming
- Phaseout of highly hazardous pesticides and promotion of agro-ecological farming
- Indicators that measure responsible economic production processes and consumption processes, especially reduction of wasteful consumption
- Build the economic capacity of women in fisher/coastal communities towards and ensure provision of social services

- Recognition of indigenous peoples' collective rights to lands or territories.
- Promotion of local and indigenous knowledge and appropriate technologies
- Universal health care (rather than universal health coverage)
- Elimination of stigma and discrimination against key populations and people living with and affected by HIV and AIDS, in particular reviewing and repealing discriminatory and punitive laws and practices
- Alignment of age-related laws that would allow full access to information, services, and commodities for all young people across age groups
- Capacity-building and leadership mechanisms towards meaningful participation of children, adolescents, and young people in decision-making, implementation, and monitoring and accountability processes
- Review and repeal of discriminatory and punitive laws including laws on drug use and laws related to HIV related travel restrictions and those against people with diverse sexual orientation and gender identities and expressions, and people with diverse disabilities
- Inclusion of all irrespective of sexual orientation and gender identity and expressions
- Universal access to sexual and reproductive health and rights services and supplies, as well as comprehensive sexuality education
- Eliminate gender-based discrimination, violence and harmful practices such as early, child and forced marriage;
- Eliminate discrimination and violence against persons with disabilities and people with diverse sexual orientation and gender identities and expressions, including psychological and emotional violence
- Call for an UN convention related to the rights of climate forced migrants / disaster displaced people which should be applicable in both national and international level
- Enumerate unpaid care work in National Labour Force Data

Disaggregation of data is fundamental for addressing social exclusion and ensuring policies are in line with the principle of non-discrimination and equality enshrined in international instruments. All data must be disaggregated with regard to groups that are particularly vulnerable to discrimination (gender; age; sex; disability; geographical location; ethnicity; caste; migrant and citizenship status, age, disability, etc.). To ensure individuals are not at further risk of social exclusion, the confidentiality of data should be protected.

A human rights-based approach to monitoring, including ensuring the participation of individuals and communities in monitoring and evaluation should also be adopted. A mandatory, transparent and accountable reporting mechanism for all goals for the corporate sector should also be developed to ensure their respect for human rights.

C. Means of Implementation and Financing for Development

We call on Member States to uphold the primacy of the public sector in mobilizing the means of implementation for the Post-2015 development agenda. We are deeply concerned that the current emphasis on multi-stakeholder partnerships leans too much towards the private sector, which is disproportionately represented by transnational corporations. Governments should exercise the political will to raise public revenues by taxing corporations, assets of high net worth individuals and socially and environmentally harmful activities such as mining, financial speculation, and so on.

We urge the Member States in the region to pursue international tax conventions in the UN so that governments can coordinate national taxation regimes to ensure, for instance, minimum corporate tax rates and other measures designed to reverse the current “race to the bottom” in the area of taxation. Tax cooperation should also deal with trade mispricing and other measures used by multinational corporations to avoid paying proper taxes. Financial Transaction Taxes and other innovative sources of financing such as carbon taxes should likewise be mobilized while military budgets should be cut down and reallocated to social spending.

We call on Member States in the region to reaffirm the Means of Implementation identified in Agenda 21, the Johannesburg Plan of Implementation, the Monterrey Consensus of the International Conference on Financing for Development, the Doha Declaration on Financing for Development, the Istanbul Programme of Action for LDCs, the Vienna Programme of Action for LLDCs, and the Samoa Pathway for SIDS. We urge the developed countries to reaffirm and achieve their long-standing commitment of 0.7% of Gross National Income (GNI) as official development assistance to developing countries and 0.15-0.20% for LDCs. Indeed, member states must go beyond these and make new and additional commitments on MOI including on climate financing and global systemic reforms.

Promotion and pursuance of bilateral trade and investment agreements totally weakens multilateralism and moreover, is damaging to national sovereignty since corporations gain unparalleled power to sue national governments. All bilateral and regional trade and investment agreements, and especially the mega-FTAs and North-South FTAs, in the Asia Pacific region need to be subjected to independent human rights impact assessments as these agreements often have

provisions that make it difficult to adopt and implement measures for social and environmental goals. In particular, the investor-state-dispute-settlement (ISDS) clauses in investment protection agreements has threatened governments' ability to implement policies protecting development objectives such as public health, environment protection, and policy space.

The principle of CBDR with respective capacities should be the basis for financing developing countries and LDCs. Consensus made in Monterrey and Doha on financing for development must also be upheld.

States should integrate the LDC governments call for full cancellation of multilateral and bilateral debts owed by all least developed countries to public and private creditors and immediately. Immediate debt cancellation should be extended to Nepal recently hit by the devastating earthquake and still reeling with deadly aftershocks, to countries in crisis, and to countries heavily severely by climate change.

Member States should not only acknowledge the UNCTAD's Principles on Responsible Sovereign Lending and Borrowing but also initiate a process that will build on it and other similar efforts leading to the development of a Convention on Responsible Lending and Borrowing.

Disaster response and relief humanitarian needs should have specific approach in line with the Sendai Framework, to address the needs of women, indigenous peoples, dalits, people with disabilities, people living with HIV, young people, LGBTIQ and other socially marginalised groups, as well as accountability mechanisms to affected communities and families.

States must move away from treating remittance as a proxy financial mechanism for development as it further encourages labor exporting as de facto state policy with the consequent commodification of migrants.

D. On Accountability

The lack of systematic and well-defined accountability architecture has been commonly identified as a key reason for some major shortfalls in achieving the MDGs. Robust, transparent and participatory monitoring and accountability mechanisms that are regular, timely and results-oriented can improve the credibility, ownership and effectiveness of the Post-2015 and Financing for Development

agendas, and make these processes more transformative, equitable, and responsive to the needs of people and planet.

This accountability architecture must be multifaceted and reflect the key principles: universal; open, democratic, transparent, and participatory; human rights-based; gender-responsive; data-driven, evidence-based, and verifiable, promote joint or mutual accountability. An enabling environment should be created including the support of funding to ensure the meaningful participation and representation of civil society and social movements.

It requires strong mechanisms in national, regional and global levels to review periodically the targets met and challenges addressed, if any. National action plans should have further mechanisms for civil society participation, transparency, and accountability. It further includes robust systems for collecting data to effectively monitor and evaluate progress, especially in the areas of sex-segregated data creation, elimination of gender-based violence, and reduction of social /gender inequality and poverty.

The activities of Trans-National Corporations (TNCs), international financial institutions, donor agencies and so on need to be monitored and subjected to strict review and regulation from a human rights perspective under a global or regional mechanism preferably under the aegis of the UN. The actions of TNCs and other transnational actors could make it impossible to meet the sustainable goals and targets under the Post 2015 Agenda. Public private partnerships (PPPs) should comply with human rights, gender equality, labour and environmental standards.

On the HLPF and APFSD

The United Nations General Assembly adopted a resolution to create a High Level Political Forum in pursuance of the outcomes of the Rio+20 Conference to create a Forum to provide political guidance and review the sustainable development commitments and monitor progress. The SG's synthesis report further said that post 2015 development agenda needs to be supported by a review, monitoring and accountability mechanism at three levels, national, regional and global. The HLPF must seek to do away with a weak review mechanism by putting in place a mechanism that enhances political ambition and accountability. It must be a universal, state led, multi tiered and inclusive mechanism. However, it is equally important that such a global mechanism creates a downward accountability mechanism at regional and national level.

Regional Commissions of the United Nations provide best possible opportunity and space for a critical reflection, learning, regional collaboration, political ownership and accountability. In the transition phase, the APFSD has shown a willingness to provide leadership in creating an inclusive space at the Asia Pacific level. However, as the actual task of review and monitoring starts with 2016, the regional commissions must look forward to creating a robust and dynamic review and accountability mechanism, which fosters knowledge sharing, reciprocal learning and promote shared accountability for regional challenges and opportunities.

It must be based on the principles of universality and differentiation, respect to national sovereignty, simplicity, flexibility, transparency and should be anchored in human rights based approach with centrality on poverty eradication, reducing inequality and ensuring inclusion.

It must be accompanied by a structure which is competent to facilitate a meaningful and effective review processes and is not constrained by lack of human resources, expertise and experience and financial resources.

It must look forward to attain objectives of highest political attention and commitment, policy coherence, and strong synergy with downward and upward accountability.

In order to be relevant, the regional review mechanisms must be guided by a substantive Regional Road Map towards sustainable development, which includes regionally relevant issues both within and outside the Post-2015 Development Agenda. These must include assessment of impact of trade, technology and investments on the sustainability. The road map must be based on development justice anchored in redistributive justice, economic justice, social and gender justice, environmental justice and accountability.

It must allow widest possible stakeholders participation at all levels as laid down in the HLPF Resolution and ensure principle of non-regression in civil society participation. It must take lessons from the experience of other regional commissions such as African Peer Review Mechanism (AFPRM), and from other relevant mechanisms such as UPR, OECD-DAC etc. and further improve upon them with the experience. It must include strong accountability, grievance and redress mechanisms for individuals when their rights are violated.

While positive, the proposal for future APFSD put by the ESCAP Secretariat still falls short in embodying the spirit of the HLPF resolution, SG's synthesis paper, and building on the experience of available review mechanism for sustainable development and creating enabling conditions.

We urge the Commission to create a strong synergy between the Commission and APFSD to make it an effective platform for review and accountability, if we are to leave no one behind.

DEMAND RESPECT FOR CSO SELF-ORGANIZING AND SELF-SELECTION.