Reforming global sustainable development governance: a rights-based agenda
IBON International Working Paper

Achieving sustainable development entails a global transition—away from prevailing inequitable and ecologically destabilizing patterns of development, to modes of development based on shared prosperity and environmental protection. Global governance plays a crucial role in this shift. Global governance refers to the complex of institutions, mechanisms, norms, and policies that shape global processes, mediate relations between actors, and provide a framework for cooperation in addressing global challenges. Currently, it includes the United Nations system, the Group of 20, the World Trade Organization, international financial institutions, and hundreds of international treaties and soft law instruments on trade, the environment, and development.

In the context of a transition, global governance needs to enable a transformation of economic   and social processes and structures to achieve development and environmental sustainability; to integrate areas of policy making to achieve co-benefits; and to address consequences (e.g. of environmental and economic changes to the poor) of their interactions. It will need to effectively regulate the behavior of states and non-state actors, mobilize resources, implement and enforce commitments, and give countries the space and capacities to successfully chart their own pathways to change.

Global governance for sustainable development will by no means be neutral. The process of sustainable development will have winners and losers: old technologies, practices, and forms of social organization – and actors invested in their persistence – have to give way to new ones. Global governance will need to steer this process in favor of the marginalized and voiceless: the poor and future generations. Governance for sustainable development requires a democratic, pro-poor, inclusive, and rights-based stance.

Core elements of sustainable development governance
The first Earth Summit – the UN Conference on Environment and Development in 1992 – described the general contours or guidelines of global governance for sustainable development through the Rio Declaration on Environment and Development, Agenda 21, and the Rio Conventions.

International action and cooperation
Governments of individual nations remain primarily responsible for implementing sustainable development, through national strategies, policies, plans and processes. But no nation can achieve sustainable development on its own. Environmental problems such as climate change are trans-boundary or global in nature and thus requires international responses. Moreover, underdevelopment and poverty in developing countries are to a large extent the result of unfavorable international economic relations, such as in trade, debt and development finance. Deepening international integration and interdependence expose poor countries to instability and uncertainty in other parts of the global economy. International cooperation and governance play a crucial role in shaping international economic processes, managing environmental problems, and providing enabling conditions for the success of sustainable development efforts in individual countries, especially developing countries.

Differentiated action: the principle of common but differentiated responsibilities
International cooperation must follow the principle of common but differentiated responsibilities, whereby action demanded of countries is differentiated according their contribution to causing unsustainable development and capacity to respond to it. This translates to developed countries taking on greater commitments and supporting poorer countries by providing assistance such as finance and technology to enable them implement their own sustainable development commitments.

"Polluter pays" principle
Parties that are responsible for environmental damage must bear the costs of paying for or avoiding them.

Policy integration and coherence
Economic, social and environmental factors are interconnected. Sustainable development rests on the simultaneous and positively reinforcing advance of objectives in each of the three areas (e.g. poverty eradication, social empowerment, and environmental conservation). This requires the integration of economic, social and environmental concerns and goals in the design and implementation of policy interventions and legal frameworks. Coherence of approaches and policies across all sectors is also necessary to ensure that efforts in one sector support rather than undermine efforts in others.

Enhanced access to participation, information, and justice
Sustainable development requires the empowerment of a broad range of actors to participate in all levels of decision-making, including women, youth, indigenous people, non-government organizations, workers and trade unions, farmers, the scientific community, local businesses and local authorities. Authorities should foster public awareness and education, and people should have access to information relevant to their environment and development. People must also have access to means of redress and remedy. In short, governance must be based on democracy, inclusiveness, transparency, accountability, justice, and active citizenship.

Precautionary principle
Institutions of governance should allow for the use of caution when confronted with the threat of harm, despite the absence of scientific certainty on the likelihood or magnitude of the threat. Moreover, in the lack of scientific certainty than an action or policy is harmful, the burden of proof that it is not harmful falls on actors taking the action.

Reforming global sustainable development governance: to what end?
The world today is not lacking in laws, norms and institutions for advancing economic, social and environmental goals (see Table 1). A set of specialized global institutions in the economic and social-development domains were established around the United Nations system in the immediate post-war era. This includes the International Monetary Fund, the World Bank, the General Agreement on Tariffs and Trade (later the World Trade Organization), and various specialized UN agencies such as the International Labour Organization, the Food and Agriculture Organization and the World Health Organization, as well as UN funds and programs such as the UN Development Programme and the UN Children's Fund (United Nations 2009). The 1972 UN Conference on the Human Environment kicked off the development of global environmental governance with the establishment of the UN Environment Programme in 1975 and the negotiation of a large number of international environmental agreements in the decades that followed. In 1992, the Earth Summit attempted at a convergence of development and environmental governance through the program of

With the support of diakonia

action contained in Agenda 21. The Commission on Sustainable Development was also created to monitor and review progress towards sustainable development.

Table 1. Institutions and laws in global governance, according to main mandate			
	Economic Economic growth and stability	*Social* Social welfare and equity	*Environmental* Environmental protection
Institution	- Group of Eight/Group of Twenty - World Trade Organization - International Monetary Fund - World Bank Group - UN Conference on Trade and Development	- International Labour Organization - Food and Agriculture Organization - World Health Organization - UN Education, Scientific and Cultural Organization - UN Children's Fund - UN Women	- UN Environment Programme - Global Environment Facility
	- UN Economic and Social Council		
	- Commission on Sustainable Development		
Law (soft and hard)	- Uruguay Round agreements	- Millennium Development Goals - Declaration on the Rights of Indigenous Peoples - Convention on the Elimination of All Forms of Discrimination Against Women	- Rio Conventions - Kyoto Protocol - Other international environmental agreements
	- International Covenant on Economic, Social and Cultural Rights		
	- Agenda 21 - Rio Declaration on Environment and Development		

Despite this impressive body of laws and institutions, the world finds itself far off track in realizing the vision of sustainable development. Global economic growth continues to severely strain the environment. Humanity's ecological footprint now exceeds the planet's biocapacity by over 50%, and three of nine planetary boundaries that define the safe operating space for human life on Earth have been breached (Rockström et al. 2009). Inequality is on the rise. In 2005, the ratio of the per capita income in the richest 20 countries to that in the poorest 20 was $59 to $1, from $42 to $1 in 1990 (IMF 2010). One out of three persons today or about 1.75 billion people live in acute deprivation in terms of health, education and material standard of living (UNDP 2010). There are 80 million more income-poor people in 2005 compared to 1981 if the fast-growing economies of the BRIC countries (Brazil, Russia, India and China) are excluded. And close to a billion people do not even have the very basic condition for human existence that is adequate food.

This failure reflects partly to shortcomings in the global sustainable development governance, at which there have been efforts of reform starting at least from the 2002 World Summit on Sustainable Development in Johannesburg. The perceived inadequacies of global sustainable

With the support of diakonia

development governance often center on institutional weaknesses and gaps, particularly the lack of integration, fragmentation, incoherence, weak implementation, and the weakness of the environmental pillar:

- Current sustainable development institutions are too weak and fragmented;
- Fragmentation – of treaties, financing, and overall authority for environmental and sustainable development governance – has resulted in a lack of policy coherence;
- The three pillars of sustainable development – environmental, economic, and social – lack integration in the UN system and in global, regional, and national policies;
- Enforcement capability is lacking in many cases, as are financial resources to aid implementation and/or build capacity for sustainable development, leading to a "policy-implementation disconnect";
- Integration of sustainable development into decision-making is lacking at all levels, especially in the wider macro-economic policy domains of finance and trade;
- When considered in the context of international or global governance institutions as a whole, including the UN system and International Financial Institutions (IFIs), the environmental pillar is weak in authority, priority and profile, and capacity relative to the economic pillar (Bernstein and Brunnée 2011).

The main options for reform being considered attempt to address these weaknesses (see Box 1). These options can be grouped into three main actions: strengthening the integration and coordination of the economic, social and environmental pillars; enhancing the environmental arm of global governance; and institutional streamlining.

Box 1. Institutional options for IFSD reform

Enhancing UNEP. *Universal membership in the UNEP Governing Council (from current 58 members). No change to mandate and minimal financial implications. Some analysts conclude that broad and active participation in the Governing Council and the Global Ministerial Environmental Forum of observer countries amounts to de facto universal membership.*

Establishing a new umbrella organization for sustainable development. *New institution exercising executive functions, possibly founded on existing intergovernmental and secretariat entities. It would enhance integration of sustainable development in the work of institutions covering economic, social and environmental pillars. Established by General Assembly resolution or legal instrument.*

Establishing a specialized agency such as a world environment organization. *Specialized agency based on the model of United Nations agencies such as the World Health Organization (WHO) and FAO, which are hybrid normative and operational entities. It would be the global authority on the environment, providing policy guidance to other United Nations entities working on the environment and multilateral environmental agreements.*

Reforming the Economic and Social Council and the Commission on Sustainable Development. *In relation to the Economic and Social Council, possibilities that have been raised include strengthening the coordination of role of the Council in relation to sustainable development, for example, by establishing a "sustainable development segment" to engage more closely with the reports of the various functional commissions and entities such as UNEP. Another possibility involves merging the Economic and Social Council with the Commission on Sustainable*

With the support of diakonia

> *Development into a council on sustainable development. Mention has also been made of upgrading the Commission to a sustainable development council, which could be achieved through a General Assembly resolution.*
>
> ***Enhancing institutional reforms and streamlining existing structures.*** *A consortium arrangement for environmental sustainability, headed by a high-level governing body. An instrument or set of instruments would structure relationship with existing institutions.*
>
> Source: United Nations General Assembly 2010.

These options have their merits. Still, often overlooked are deeper systemic issues essential to sustainable development governance.

Vision
Despite the strong consensus for reform, there is little evidence of a shared vision of sustainable development (Bernstein and Brunnée). The lack of institutional coherence is to a large extent rooted in differences in perspectives and approaches to achieve sustainable development. For many governments, the pursuit of economic growth at all cost through market-enhancing policies remains the overriding approach to development and goal of governance. Global economic institutions also promote economic policies that undermine the achievement of social and environmental goals pursued in other pillars of governance. For instance, economic liberalization policies – enforced through adjustment lending by the Bretton Woods Institutions and binding trade rules in the WTO – have curtailed the space and capacity of developing country governments to provide social services, to pursue endogenous economic development, and protect their domestic economies from unfair competition and external sources of instability.

Power
Power relations underpin governance: what interests prevail determines what kinds of policies and rules are enforced; which actors are positioned to shape, influence, and ultimately benefit from them; and whose rights are constrained. Global governance is characterized by power asymmetries between the global North and South, and also between elites and the poor and marginalized within them. Governments of developed countries use their influence over global economic institutions and forums to advance the interests of transnational corporations and international finance (Nayyar 2010). These asymmetric structures have led to asymmetric outcomes. Neoliberal economic policies promoted by global economic institutions in the last three decades have increased the freedoms and entitlements of multinational corporations, international finance, and technology proprietors, while eroding social rights, environmental protections, and policy space for developing countries. These asymmetries also explain why rules in areas that are of interest to developing countries and the poor are weak or do not exist, such as formal rules in sovereign debt renegotiation, rules for corporate behavior, or a global social floor for workers.

Moreover, global governance structures remain state-centric. Although there is a general trend of non-state actors given formal recognition in multi-stakeholder processes at global, regional, country levels, there is also a counter-trend of narrowing policy space for CSOs in many areas.

A rights-based approach to global sustainable development governance reform
To address the abovementioned concerns, rights should be at the center of international sustainable development governance reforms. It will have the following characteristics:

With the support of diakonia

Redefining the goal of governance

A rights-based approach reframes the processes and outcomes of sustainable development as entitlements to which people individually and collectively possess an inherent claim. As claims, they yield duties and responsibilities on other actors and institutions to fulfill them. In this approach, the goal of governance becomes that of advancing and protecting - as a matter of duty - the whole array of substantive and procedural rights associated with sustainable development.

Addressing power imbalances

A rights-based approach leads to an analysis of constraints to the realization of rights embedded in power structures. It demands that institutions of governance work to secure social arrangements where rights can be best realized. This usually involves countervailing the power of actors behind unsustainable development. Moreover, translating sustainable development governance processes and outcomes as rights increases the "assets" of poor and vulnerable groups vis-à-vis powerful actors, and facilitates systemic transformation.

Addressing policy integration and coherence

Various substantive rights such as the right to work, education, and health offer bridges across the economic, social, and environmental dimensions of sustainable development. A rights-based approach provides tools for institutions and actors to consider the impact of their policies on the realization of other rights and development goals. By focusing on individual and collective human dignity, a rights-based approach can also strengthen the social pillar and the establish proper balance and interaction among the three pillars.

Addressing implementation and accountability

Strengthening rights mechanisms enhances the capacity of the poor and marginalized to claim entitlements and push duty-bearers to deliver on their sustainable development commitments. A rights-based approach also leads to an analysis of responsibilities of actors and institutions when rights are unfulfilled, and thus facilitates in locating accountability and in seeking remedy.

Recommendations for strengthening a rights-based framework for international sustainable development governance

- Institutions of global governance should adopt rights-based approaches in their mandate and approaches.
- Begin a rights-based assessment of the policies and procedures of major institutions of global governance, including IFIs, the WTO, and the UN. This should include an assessment of their consistency with international human rights norms, such as the rights to food, self-determination, and development. This should lead to institutional reforms not just of formal structures but more importantly of normative standards.
- Institute balanced and equitable representation for developing countries in global economic institutions, as well as formal representation of major social groups in decision-making.
- Institute a binding international code of conduct for transnational corporations.
- Establish a sovereign debt workout mechanism that will protect the rights of debtor nations and their publics especially the poor and marginalized.
- Establish an international court for the environment.
- Establish time-bound sustainable development goals, with strong mechanisms for monitoring, review, and compliance.

REFERENCES

American Political Science Association (APSA). 2011. "Democratic Imperatives: Innovations in Rights, Participation, and Economic Citizenship." Draft report of the Task Force on Democracy, Economic Security, and Social Justice in a Volatile World, August 2011. Accessed 17 Jan 2012. http://higherlogicdownload.s3.amazonaws.com/APSANET/4cc6a12e-43bb-4821-b00e-ee272e67bc16/UploadedImages/TF_Democracy_Report1_DraftC2.pdf

Bernstein, Steven and Jutta Brunnée. 2011. "Options for Broader Reform of the Institutional Framework for Sustainable Development (IFSD): Structural, Legal, and Financial Aspects." Accessed 18 Jan 2012. http://www.uncsd2012.org/rio20/content/documents/322IFSD%20FIVE%20OPTIONS%20REPORT%20-%20FINAL%20VERSION%201%20NOV%20for%20posting.pdf

Bosselmann, Klaus. Ron Engel and Prue Taylor. 2008. *Governance for Sustainability – Issues, Challenges, Successes*. International Union for Conservation of Nature (IUCN) Environmental Policy and Law Paper No. 70. IUCN, Gland, Switzerland. Accessed 17 Jan 2012. www.iucn.org/dbtw-wpd/edocs/EPLP-070.pdf

Cheema, G. Shabbir and Linda Maguire. 2002. "Democracy, Governance and Development: A Conceptual Framework." Background Paper of the 4th Global Forum on Re-inventing Government, "Citizens, Businesses and Governments: Dialogue and partnerships for Development and Democracy," Marrakech, Morocco, 10-13 December 2002. New York: United Nations. Accessed 17 Jan 2012. http://unpan1.un.org/intradoc/groups/public/documents/un/unpan005781.pdf

Commission on Growth and Development (CGD). 2008. "The Growth Report: Strategies for Sustained Growth and Inclusive Development." Washington, DC: IBRD/World Bank. Accessed 17 Jan 2012. http://cgd.s3.amazonaws.com/GrowthReportComplete.pdf

Drexhage, John and Deborah Murphy. 2010."Sustainable Development: From Brundtland to Rio 2012." Background Paper prepared for consideration by the High Level Panel on Global Sustainability, 1st meeting, 19 September 2010. Accessed 17 Jan 2012. http://www.un.org/wcm/webdav/site/climatechange/shared/gsp/docs/GSP1-6_Background%20on%20Sustainable%20Devt.pdf

Group of 77 and China. 2011."Submission by the Group of 77 and China for the compilation document of the United Nations Conference on Sustainable Development (RIO+20)." Accessed 17 Jan 2012. http://moef.nic.in/downloads/public-information/Inputs_of_G77_&_China_for_Rio_+20.pdf

International Institute for Sustainable Development. 1997. *Assessing Sustainable Development: Principles in Practice*. Accessed 17 Jan 2012. http://www.iisd.org/pdf/bellagio.pdf

International Monetary Fund. 2010. *World Economic Outlook Database.* April 2010 Edition. Accessed 30 May 2010. http://www.imf.org/external/pubs/ft/weo/2010/01/weodata/index.aspx

Johnson, Craig and Timothy Forsyth. 2002. "In the Eyes of the State: Negotiating a 'Rights-Based Approach' to Forest Conservation in Thailand." *World Development* 30 (9): 1591-1605. Accessed 18 Jan 2012. http://personal.lse.ac.uk/FORSYTHT/eyes_of_state.pdf

Kemp, René, Saeed Parto and Robert B. Gibson. 2005. "Governance for sustainable development: moving from theory to practice." *International Journal of Sustainable Development* 8 (1/2):12-30. Accessed 18 Jan 2012. http://kemp.unu-merit.nl/pdf/IJSD%208(1)%2002%20Kemp%20et%20al.pdf

Khan, Mushtaq H. 2007."Governance, Economic Growth and Development since the1960s: Background paper for World Economic and Social Survey." DESA Working Paper No. 54. Accessed 18 Jan 2012. http://www.un.org/esa/policy/backgroundpapers/khan_background_paper.pdf

Nayyar, Deepak. 2010. "Reinventing globalization: fair is feasible." Background paper prepared for the *World Economic and Social Survey 2010: Retooling Global Development*. http://www.un.org/esa/analysis/wess/wess2010workshop/wess2010_nayyar.pdf

North, Douglass, Daron Acemoglu, Francis Fukuyama and Dani Rodrik. 2008. *Governance, Growth, and Development Decision-Making*. Washington, DC: World Bank. Accessed 19 Jan 2012. http://siteresources.worldbank.org/EXTPUBLICSECTORANDGOVERNANCE/Resources/governanceandgrowth.pdf

Organisation of Economic Co-operation and Development (OECD). 2006. *Good Practices in the National Sustainable Development Strategies of OECD Countries*. Accessed 18 Jan 2012. www.oecd.org/dataoecd/58/42/36655769.pdf

Rockström, Johan et al. 2009. A safe operating space for humanity. Nature 461: 472-475. Accessed from http://www.environment.arizona.edu/files/env/profiles/liverman/rockstrom-etc-liverman-2009-nature.pdf

South Centre. 2011. "Proposals on the institutional framework for sustainable development (IFSD)," submitted for consideration of the Rio Plus 20 Process. Accessed 18 Jan 2012. http://www.uncsd2012.org/rio20/content/documents/485Informal%20Note%20IFSD%20July%202011.pdf

Steurer, Reinhard. 2009. "Sustainable development as a governance reform agenda: An aggregation of distinguished challenges for policy-making." Institute of Forest, Environmental, and Natural Resource Policy (INFER) Discussion Paper 1-2009. Accessed 18 Jan 2012. http://www.wiso.boku.ac.at/fileadmin/_/H73/H732/_TEMP_/InFER_DP_09_1_SD_as_governance_reform_agenda_final.pdf

Stoddart, Hannah, ed. 2011. *A Pocket Guide to Sustainable Development Governance*. First edition for comment by 15 July 2011. London, U.K.: Stakeholder Forum. Accessed 19 Jan 2012. http://www.uncsd2012.org/rio20/content/documents/A%20Pocket%20Guide%20to%20Sustainable%20Development%20Governance.pdf

Third World Network. 2011. "Third World Network Submission for the Compilation Document of the UN Conference on Sustainable Development 2012 (Rio+20)." Accessed 19 Jan 2012. http://www.un-ngls.org/gsp/docs/TWN%20Submission%20on%20UNCSD%202012.pdf

United Nations (UN). 2009a. "Report of the Commission of Experts of the President of the United Nations General Assembly on Reforms of the International Monetary and Financial System." 21 September. New York, United Nations. Accessed 19 Jan 2012. http://www.un.org/ga/econcrisissummit/docs/FinalReport_CoE.pdf

_____ . 2009b. *Report on the World Social Situation 2010: Rethinking Poverty*. New York: United Nations.

United Nations Commission on Sustainable Development (UNCSD) Secretariat. 2011a. "IFSD: Issues related to an intergovernmental body on SD." RIO 2012 Issue Briefs No. 3 (October). Accessed 19 Jan 2012. http://www.uncsd2012.org/rio20/content/documents/209Issues%20Brief%203%20-%20IFSD%20SD%20Body_final_final_111111.pdf

_____ . 2011b. "Regional, national and local level governance for sustainable development." RIO 2012 Issue Briefs No. 10 (December). Accessed 19 Jan 2012. http://www.uncsd2012.org/rio20/content/documents/229draft_15Dec7pm_formatted730am.pdf

United Nations Development Programme (UNDP). 2010. *Human Development Report 2010. The Real Wealth of Nations: Pathways to Human Development*. New York: United Nations.

United Nations Environment Programme (UNEP). 2007. *Global Environment Outlook 4*: *Environment for Development*. Valletta, Malta: Progress Press Ltd. Accessed 19 Jan 2012. http://www.unep.org/geo/GEO4/report/GEO-4_Report_Full_en.pdf

United Nations General Assembly. 2010. "Objectives and themes of the United Nations Conference on Sustainable Development. Report of the Secretary-General." 22 December. A/CONF.216/PC/7. Accessed 17 Jan 2012. http://www.uncsd2012.org/rio20/content/documents/N1070657.pdf

United Nations Research Institute for Social Development (UNRISD). 2011. "Green Economy and Sustainable Development: Bringing Back the Social." UNRISD Submission to the UNCSD, 1 November. Accessed 19 Jan 2012. http://www.unrisd.org/80256B42004CCC77/(httpInfoFiles)/44AC8E087556E45AC125793D0056E4B7/$file/UNCSD%20input_UNRISD.pdf

United Nations University Institute of Advanced Studies (UNU/IAS). 2002. "International Sustainable Development Governance: The Question of Reform: Key Issues and Proposals." UNU/IAS Final Report, August 2002, prepared for the World Summit on Sustainable Development. Accessed 19 Jan 2012. http://www.uncsd2012.org/rio20/content/documents/ISDGFinalReport.pdf

Weiss, Thomas. 2009. "The UN's Role in Global Governance." UN Intellectual History Project. Briefing Note Number 15. (August). Accessed 18 Jan 2012. www.unhistory.org/briefing/15GlobalGov.pdf