



## **IF RIO+20 IS TO DELIVER, ACCOUNTABILITY MUST BE AT ITS HEART**

### *An Open Letter from Special Procedures mandate-holders of the Human Rights Council to States negotiating the Outcome Document of the Rio+20 Summit*

As independent experts of the Human Rights Council, we call on States to incorporate universally agreed international human rights norms and standards in the Outcome Document of the Rio+20 Summit with strong accountability mechanisms to ensure its implementation.<sup>1</sup>

The United Nations system has been building progressively our collective understanding of human rights and development through a series of key historical moments of international cooperation, from the adoption of the Universal Declaration on Human Rights in December 1948 to the Millennium Declaration in September 2000 that inspired the Millennium Development Goals to the and the World Summit Outcome Document in October 2005. Strategies based on the protection and realization of all human rights are vital for sustainable development and the practical effectiveness of our actions.

A real risk exists that commitments made in Rio will remain empty promises without effective monitoring and accountability. We offer proposals as to how a double accountability mechanism can be established. At the international level, we support the proposal to establish a Sustainable Development Council to monitor progress towards the achievement of the Sustainable Development Goals (SDGs) to be agreed by 2015. We recommend building a mechanism based on the Universal Periodic Review of the Human Rights Council inaugurated in 2007 to provide a peer review of the human rights records of all 193 Member States of the United Nations every four years. At the national level, we recommend establishing participatory accountability mechanisms through which people's voice can be reflected and independent monitoring can be conducted.

Rio+20 should ground global commitments in human rights. It should enable citizens to monitor the commitments of their Governments. And it should put accountability, the foundation of a human rights-based approach to development, at the core of its commitments.

Because it is urgent to shift our development paths, because progress on sustainable development has been too slow and too modest, and because the diagnosis of what is required is agreed largely upon across the international community, one of the most important contributions of the Rio+20 Summit will be strengthening the institutional framework for sustainable development. Human rights norms should be integrated into this framework; and indeed, they will make the framework stronger.

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<sup>1</sup> See Background Note, "Human Rights Essential Role for Sustainable Development," available from: <http://www.ohchr.org/Documents/HRBodies/SP/BNSustainableDevelopment.pdf>.

The scientists working on the issues discussed at the 1992 Rio Summit – climate change, the loss of biodiversity, the exhaustion of natural resources, the limits of the planet – are now calling for a “constitutional moment” similar to the post-World War II period when the United Nations and Bretton Woods institutions were created. According to the International Council for Science that represents science bodies in 140 countries, “stark increases in natural disasters, food and water security problems and biodiversity loss are just part of the evidence that humanity may be crossing planetary boundaries and approaching dangerous tipping points. An effective environmental governance system needs to be instituted soon.”<sup>2</sup> These leading scientists call for new institutions – for example an environmental equivalent to the Security Council – endowed with sufficient powers to keep us from approaching undesirable tipping points.

We share their concern that we are fast approaching these tipping points and that, in fact, some have been passed already. We are concerned that few States are ready to enter into new binding international legal agreements, when there is broad consensus among scientists that new enforceable international norms are required. We support the proposal to establish a Sustainable Development Council to succeed the Commission for Sustainable Development and to monitor progress towards the achievement of the Sustainable Development Goals (SDGs) to be agreed by 2015. We believe, however, that a key set of principles and conditions should be established if this Council and these goals are to be effective. **Below are three proposals for a more ambitious Rio+20 Summit.**

#### **Proposal 1: Frame Rio+20 in all human rights**

We call on States to integrate in the Rio+20 Outcome Document the second recommendation of the report of the Secretary-General’s High-level Panel on Global Sustainability that “Governments should respect, protect and provide for [or fulfil] human rights.” **The Rio+20 Outcome document should integrate specific references to all human rights, which are interdependent and mutually reinforcing**, complementing the two existing references to the right to food<sup>3</sup> and the right to safe and clean drinking water<sup>4</sup>. We further call on States to integrate a gender perspective in the Rio+20 process to ensure that commitments on gender equality and gender mainstreaming translate into action. This would ensure that Member States commit to full coherence between Rio+20 commitments on the one hand, and their solemn human rights obligations on the other.<sup>5</sup>

#### **Proposal 2: Define commitments and measures of success in a participatory way**

In the context of the proposed Sustainable Development Goals that should complement and strengthen the MDGs in the post 2015- development (para. 108 of the Zero Draft), we call on States to **define the indicators and measures to evaluate implementation of the commitments emanating from the Rio+20 Summit through an inclusive, transparent and participatory process with all relevant stakeholders, including civil society.**

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<sup>2</sup> International Geosphere-Biosphere Programme, “Governance experts warn UN overhaul required to govern earth system,” Press release, 23 November 2011.

<sup>3</sup> See Background Note, “The Right to Food as a Global Goal,” available from: <http://www.ohchr.org/Documents/HRBodies/SP/BNRighttoFood.pdf>.

<sup>4</sup> See Background Note, “The Human Right to Water and Sanitation for All,” available from: <http://www.ohchr.org/Documents/HRBodies/SP/BNRighttoWater.pdf>.

<sup>5</sup> Similarly, full coherence should be ensured between Rio+20 commitments and the human rights responsibilities of business enterprises. See Background Note, “Rio+20 must be aligned with UN Guiding Principles on Business and Human Rights,” available from: <http://www.ohchr.org/Documents/HRBodies/SP/BNUNGuidingPrinciplesBusinessHR.pdf>.

Some groups, particularly the poorest in the global South and those whose livelihoods depend on access to natural resources, including local communities, subsistence farmers and indigenous peoples, are most severely affected by current global crises (e.g., climate shocks, price volatility of food and energy, desertification, loss of biodiversity) and their consequences. Often, these individuals know which solutions will work best for them. Only by listening to them and by accepting accountability and implementation responsibilities will we be able to make significant progress towards more sustainable modes of production and consumption.

Where clear mechanisms for engagement of civil society have been established at global level, such as in the Rome-based Committee on World Food Security,<sup>6</sup> international cooperation has proven to improve significantly. Participatory mechanisms at the national level can also yield benefits: such mechanisms enable States to gain from the experiences and insights of a larger pool of those concerned with the many dimensions of sustainable development, and result in more innovations and better knowledge dissemination. Such mechanisms ensure that policies and programmes empower the poor and are truly responsive to the needs of marginalized groups, which is vital to poverty alleviation<sup>7</sup>.

### **Proposal 3: Accountability mechanisms for Rio+20 commitments**

Given the nature of the issues at stake, many of which have an international dimension, we propose that accountability should be established at both international and domestic levels.

#### **3A: An international review mechanism**

We call on the proposed Sustainable Development Council to **monitor, on the basis of agreed indicators, progress on the Sustainable Development Goals** in a similar process to the Universal Periodic Review inaugurated by the Human Rights Council.

The Universal Periodic Review (UPR) is a process involving a peer review of the human rights records of each United Nations Member State every four years. This State-driven process conducted within the Human Rights Council provides an opportunity for States to explain how they are working to improve the human rights situation in their countries.<sup>8</sup> The Universal Declaration of Human Rights and the international human rights treaties ratified by the country forms the baseline of the review and the UPR culminates with recommendations to the State under consideration, which it may accept or reject.

The success of the UPR largely rests on the fact that, beyond “national reports” prepared by the State concerned, the Human Rights Council considers as well “compilations of United Nations information” prepared by the Office of the High Commissioner for Human Rights, drawing from information emanating from the United Nations human rights monitoring mechanisms and other United Nations entities, and “summaries of stakeholders’ information”

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<sup>6</sup> See note 3, above, for proposals on the relationship between Rio+20 and the Committee on World Food Security.

<sup>7</sup> See Background Note, “The Role of Comprehensive Rights-Based Social Protection in Facilitating Equitable and Sustainable Development,” available from:

<http://www.ohchr.org/Documents/HRBodies/SP/BNCComprehensiveRightsSustainableDevelopment.pdf>.

<sup>8</sup> The UPR was established through the General Assembly resolution 60/251, which also created the Human Rights Council. In October 2011, the consideration of Haiti marked the end of the first cycle of the UPR, with all 193 Member States having had their human rights records peer reviewed. For more information, see <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>.

based on information provided by non-governmental organizations, national human rights institutions and other actors (e.g., regional organizations, research institutions). In other terms, the UPR is a peer review process grounded in State reporting and in independent monitoring, which helps to ensure equality of treatment between States and quality of the process of review.

The UPR has provided a framework for exchange and dialogue at the national level across State structures as well as between the State and civil society. It also provides an opportunity for States to share best practices and has stimulated bilateral cooperation and exchanges.

We encourage States to consider creating a similar mechanism for the commitments to be made in Rio. Given the many international dimensions of sustainable development, specific focus should be placed on the duty of international assistance and cooperation in solving international problems of an economic, social, cultural or humanitarian character and on the extraterritorial human rights obligations of States.

### **Proposal 3B: National accountability mechanism**

We call on States to **establish national-level accountability mechanisms to ensure commitments made in Rio+20 are fulfilled**. These mechanisms should include independent monitoring that enables civil society participation not only in defining the indicators to measure progress, but also in providing information to evaluate implementation.

Countries that have established independent bodies to assess the enjoyment of human rights (e.g., the South African Human Rights Commission) or national institutions with balanced representation that includes both government officials and representatives of civil society to address other major issues (e.g., the Brazilian National Council on Food and Nutrition Security) have seen the concrete benefits of enabling people to hold public authorities accountable for failure to take action. In countries where such mechanisms already exist, we call on States to provide authority and resources for these bodies to monitor the implementation of the Rio+20 commitments. While some States may be wary of such mechanisms, viewing them as creating additional burdens, the reality of our experience is that empowering people contributes to lasting success.

Institutions in which civil society has a voice and include mechanisms that ensure an independent monitoring of progress towards agreed targets enable States to better understand the nature of the challenges faced, and to change policies that do not produce results. Conversely, policies not informed by the views of those they seek to serve or not monitored often are inefficient and short-lived. We strongly believe that we cannot work for the people without the people.

National accountability mechanisms would enable a structured dialogue at national level between governments and their constituencies, which would coordinate with the international human rights system and feed into the international review mechanism. Collective learning and the dissemination of best practices would be encouraged at domestic and international levels.

**We call on States to capitalize on the remaining months of the “Race to Rio” to agree on the abovementioned proposals. We need action now. We stand ready to assist States to take the necessary steps towards a world that each human being deserves – and more accountable governance, we believe, is key to achieving that objective.**

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*Special Rapporteur on the human rights to safe drinking water and sanitation*

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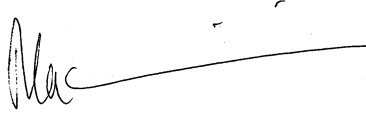
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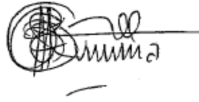
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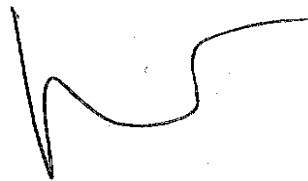
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