



## **The Mining Working Group's response to the United Nations Synthesis Report of the Secretary General on the Post-2015 Agenda, "The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet."**

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The Mining Working Group at the UN\* commends the clear emphasis on the universal principles of human rights, on the challenge of gross inequality, on the impacts of climate change that the world currently faces, and on the need for a bold commitment to a transformative development agenda - all elements contained in the Synthesis Report of the Secretary General on the Post-2015 Agenda, "The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet." For over 20 years we have seen strong rhetoric, but the dramatic increases in environmental devastation, human rights abuses, unsustainable development, and income inequality compel this rhetoric to be realized in just, transformative action.

We remain deeply concerned about ensuring the full extent of a rights-based approach to development in the Post-2015 Development Agenda. We must replace the current growth-centered model of development with a people-and-planet-centered model, and we must ensure people's human rights and harmony with Mother Earth.

### **A Rights-Based Approach to Development**

We agree with the Secretary General that in embracing "transformation" we will be better able to "more fully respond to the needs of our time and deliver on the timeless promise made at the birth of the United Nations [...] 'to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, in the dignity

and worth of the human person, in the equal rights of men and women and of nations large and small, to establish conditions under which justice and respect for international law can be maintained, and to promote social progress and better standards of life in larger freedom” (*paragraphs 5-6*). For this vision to be realized, it is essential that a rights-based approach to development be undertaken in the SDGs. Such an approach will foster social, political, and economic processes that effectively preserve, restore, or create the environmental, social, and economic conditions necessary for all persons, including future generations, to fully enjoy their civil, political, economic, social, and cultural rights.

Ensuring that the SDGs are “guided by” human rights principles is a weak aspirational commitment. What is required is an operational agenda that is rooted in substantive human rights obligations that not only guide the processes of sustainable development but also effectively become an integral part of striving towards it. The proposed goals and targets do not fully reflect the agreed upon frameworks and standards of human rights without explicitly naming existing obligations.

Mainstreaming human rights in the proposed SDGs has made them invisible. The call for human rights to be central to the new agenda cannot be satisfied by language that is left open to interpretation. The MWG exhorts the General Assembly to make the human rights framework explicit in name and structure in the SDGs.

### **Renounce The Extractive Development Model**

If the Post-2015 Development Agenda is to be truly transformative, we must move from the current model of development based upon neoliberal principles that strive for “growth at all costs” - especially through an extractive development model - without allowing for alternative and local economic paradigms to emerge. It is our fear that the SDGs will not address root causes and will merely further entrench the flawed economic structures that have led us to continuous cycles of poverty, inequality, and local economic underdevelopment, exploitation, and environmental degradation particular to the extractive development model.

As the Secretary General notes in his report, “levels of want, fear, discrimination, exploitation, injustice and environmental folly at all levels [...] are not accidents of nature or the results of phenomena beyond our control” (*paragraphs 11-12*). We must learn from the unsustainable systems and lack of holistic development that have

stemmed from these paradigms in order to develop a truly sustainable approach to development, thereby rejecting the neoliberal standards at work in our world today. Relying on the international human rights framework, the Post-2015 Development Agenda must critically re-examine and transform the growth-led extractive development model – including the violence it causes, in particular, gender-based violence and violence against indigenous peoples.

### **Human Right to Water and Sanitation**

One of the most important and contested issues in both the international human rights framework and the global development discourse is the realization of the legally binding obligations to respect, protect and fulfill the Human Right to Water and Sanitation as embodied in resolutions A/Res/64/292 and A/HRC/15/L.14 and in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and all other relevant international laws, treaties, covenants and declarations. Recognition of this right in the chapeau of the proposed Sustainable Development Goals is essential and represents a victory for the world, especially for the local communities whose priorities and concerns should be at the forefront of all development planning and agenda setting.

We regret that the Human Right to Water and Sanitation is not prioritized in the Secretary General's report. We must see water not as a commodity but as a common good, with its own inherent right and, as such, establish a hierarchy of water use that prioritizes human and ecosystem well-being, and guarantees participation, non-discrimination, and accountability. **Human rights language must be explicitly mentioned and reflected in proposed SDG 6: *Ensure availability and sustainable management of water and sanitation for all*, in order to guarantee the human right to water and sanitation for each and every person.**

In doing so we will remind our constituencies of the incredible potential of the United Nations as the only legitimate global norm-setting body, and will continue to work towards a global agenda that – through fulfillment of international obligations – prioritizes and guarantees human rights for all.

## **Rights-Based Litmus Test**

The pursuit of a rights-based approach to development compels the Mining Working Group to offer our [Rights-Based Litmus Test](#), a concrete resource for policy-makers and analysts. (\*\*See Figure 1.) This method to assess the validity of proposals for sustainable development, in accordance with States' requirements under the international human rights framework, acts as a tool to ensure adherence to a rights-based framework. A rigorous human rights-based approach is a key step to strengthen coherence, deliver results, and ensure impact at the national level.

By following four steps, the Litmus Test identifies policies that: do no harm; are people-centered; contribute to the eradication of poverty; and promote a sustainable world. This test could deepen the Secretary General's proposed elements and ensure that we are charting a truly transformative, viable, sustainable, and universal pathway.

Analyzing the Secretary General's six Essential Elements, we ask: How will this agenda guarantee a truly transformative shift towards development justice? From our standpoint, much work remains to be done throughout the post-2015 process to center on people's human rights, in particular on the human right to affordable, acceptable, available, and quality water and sanitation. We offer our Litmus Test for Member States as a guide to achieving the necessary transformations.

## **Justice: Private Sector Accountability**

We appreciate the Secretary General's highlighting private sector involvement predicated on social/environmental accountability, and international standards on business and human rights (*paragraph 105*). However, we are concerned that the "essential element" of "Justice: to promote safe and peaceful societies, and strong institutions" outlined in the Synthesis Report does not mention the imperative to strengthen and ensure legally binding accountability of the private sector to institutions of democratic governance.

It is surprising that the report failed to refer to the resolution of the Human Rights Council to produce a binding treaty to regulate Trans-National Corporations (res. no. A/HRC/26/L.22/Rev.1).

Key recommendations from civil society for global corporate taxation and taxation on harmful industries are not recognized in the report.

Multi-stakeholder approaches often obscure the disparities in power and conflicting goals among actors. For example, the Synthesis Report fails to acknowledge the considerable political influence that large corporations already wield in development. The fact that corporations have used their power in the past to actively undermine a just, sustainable and equitable development model is not acknowledged. Similarly, such approaches do not recognize that corporations are legally bound to act in the interests of shareholders while civil society is primarily bound to act in the interests of constituents.

### **Freedom of Assembly and the Rule of Law**

There is still a void in proposed Sustainable Development Goal 16: *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels* and its targets on the rule of law and freedom of assembly. This omission is especially pertinent to the multitudes of people worldwide who are criminalized and persecuted for critiquing practices of mining corporations and the extractive development model.

We applaud the Secretary General's recognition of this gap and his focus on freedom of assembly.

The MWG proposes the addition of the following targets under proposed Sustainable Development Goal 16:

- Ensure ratification of legally binding instruments on business and human rights and local and national monitoring.
- Ensure that all sectors of society – including women, indigenous peoples, and other groups most at risk – are able to exercise their rights to freedom of expression and information, freedom of peaceful assembly, freedom of association, their right to strike, and their right to public participation without discrimination.

- Ensure a safe and enabling environment, in law and practice, for human rights defenders, including civil society organizations, which guarantees their independence and right to carry out their work without fear of harassment, intimidation, stigmatization, reprisals, criminalization or violence of any sort.

## **Conclusion**

The Mining Working Group and civil society advocacy have emphasized human rights as a non-negotiable normative base for the Post-2015 Development Agenda. As explained in the “Joint Statement on Human Rights for All Post-2015” signed by over 300 human rights organizations, a Post-2015 Development Agenda anchored in human rights “moves from a model of charity to one of justice,” with people as rights-holders; States as primary duty-bearers to promote, respect, protect, and fulfill human rights; and all development actors with varying degrees of responsibility for guaranteeing human rights. A rights-based approach to sustainable development guarantees the achievement of the interlinked objectives of Rio+20 by ensuring rights to local autonomy and rights to participation in natural resource management.

To move towards this people-centered model of justice we must transform systemic and structural imbalances in power to eradicate poverty and create an equitable and inclusive world. Redistribution of wealth and resources is critical as a foundation of equality and non-discrimination, particularly regarding the rights of women and the collective rights of indigenous peoples and peasants over natural resources including land.

We continue to encourage the Secretary General in his role as leader of this international body founded on the promotion and defense of human rights, to insist on a human rights-based approach in the SDG process. In particular, we implore Member States to include an explicit reference to guarantee the human right to water and sanitation in the SDGs. If the United Nations does not stand up for human rights, who will?

## **NGO Members of the Mining Working Group**

Claretian Missionaries

Congregation of the Mission

Congregation of St. Joseph

Dominican Leadership Conference

Edmond Rice International

Feminist Task Force

Franciscans International

Greek Orthodox Archdiocesan Council (GOAC)

International Presentation Association of the Sisters of Presentation of the Blessed Virgin Mary

Loretto Community

Marianists International

Mennonite Central Office

Medical Mission Sisters

Missionary Oblates of Mary Immaculate (OMI)

Passionists International

Religious of the Sacred Heart of Mary

Salesian Missions

Sisters of Charity Federation

Sisters of Mercy, Mercy International Association

Sisters of Notre Dame de Namur

Society of the Sacred Heart

Temple of Understanding

UNANIMA International

VIVAT International

Women's Division of the General Board of Global Ministries, the United Methodist Church

**For more information about the Synthesis Statement and additional resources on MWG,**

please visit the MWG website: [www.miningwg.com](http://www.miningwg.com)

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**\*The Mining Working Group at the UN (MWG)** is a coalition of non-governmental organizations (NGOs) that, in partnership with our members and affected local communities, advocates at and through the United Nations for human and environmental rights as related to extractive industries.



**\*\* Figure 1: Examining Policies Promoted by the SDGs from a Human Rights Perspective**

