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# Are the Sustainable Development Goals human rights-based?

## by Yuri Ramkissoo

### Introduction

In September 2015, 170 countries met in New York at the United Nations Sustainable Development Summit to take forward the post-2015 development agenda and, importantly, adopt the 2030 agenda, which consists of a set of Sustainable Development Goals (SDGs). The SDGs replace the Millennium Development Goals (MDGs), which in contrast are fewer (8 goals and 18 targets) but slightly more measurable. The successor to the MDGs contains 17 goals and 169 targets. There was much criticism of the MDGs' failure to address developmental issues from a human rights perspective.

It is essential to mention that, at its 20th session in November 1965, the General Assembly (GA) adopted resolution 2027 (XX), which recognised the need to devote attention at both national and international levels to progress in relation to human rights, and to encourage the adoption of measures designed to accelerate the promotion of respect for and observance of human rights and associated fundamental freedoms. However, at the conclusion of the application period of the

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MDGs, global evidence suggests that while some MDGs have been achieved, poverty and inequality have not decreased, let alone been alleviated, particularly in developing nations, where in some cases inequality and poverty have worsened. Clearly, while the MDGs were designed to address global development issues, it was detrimental to the achievement of these goals, ones that they were not framed from a human rights perspective.

This opinion piece seeks to ascertain if the SDGs have effectively incorporated a human rights discourse. It argues that while the SDGs are a vast improvement on the MDGs, there are areas that could have been strengthened substantially and some aspects that are lacking.

### Improvements on the SDGs

#### Engagement

At a basic level, the development of the SDGs followed a much more inclusive process than that of the MDGs. The latter stemmed from an engagement process with mainly OECD countries

and donor agencies. In contrast, the Office of the High Commission on Human Rights (OHCHR) boldly states that "the SDGs are the result of the most consultative and inclusive process in the history of the United Nations". David Hulme (2015) explains that the engagement around the SDGs has been a great improvement on the MDGs, as middle- and low-income countries have been included, whereas engagement on the MDGs was led exclusively by an aid agenda or the interests of high-income and OECD countries. The SDGs were also workshopped with civil society organisations and, importantly, the Human Rights Council to ensure the effective incorporation of human rights principles.

Of concern, however, is the fact that countries that lack strong local constituencies would not have consulted with those communities and civil society organisations representing the most marginalised people to ensure that the latter's concerns were highlighted.

As such, for much of the world, the engagement would have occurred between national governments and state departments, as well as those organisations

with sufficient funding and power to ensure a platform for asserting their agendas. Unless a state has clear and intimate knowledge of the nature and cause of problems within

communities, it is unlikely that all systemic issues will have been captured in the SDGs.

#### Dynamic, holistic and inclusive

The SDGs are built on foundations of social, environmental, political and economic justice, the requisite basis for sustainability and holistic development. Importantly, the SDGs ensure that the alleviation of poverty and inequality lies at the centre of each goal, thereby acknowledging that growth and development at a national and global level is meaningless without the emancipation of those most in need. This calls to mind the adage that a chain is only as strong as its weakest link.

This aspect of the SDGs is a significant improvement on the MDGs, which sought to monitor development, such as access to water, but not set store by the upliftment of the communities being served. As such, the poorest communities would remain poor even though the MDG would be considered as having been achieved.

Conversely, the targets of the related SDG (Goal 6) speak to universal and equitable access to safe and affordable drinking water for all. The targets relate to water management, quality, and integrated water-use efficiency. Goal 6 does not just simply refer to water as a commodity for human consumption, but addresses the linkages with environmental management and ecosystem protection.

Finally, the targets aim to foster community participation: they seek to “support and strengthen the participation of local communities in improving water and sanitation management”. One can clearly see that Goal 6, for example, emphasises the importance of achieving the overriding goal of ensuring access to water and sanitation for all. However, there are cases where the implementation at local levels in specific countries of such goals and targets lacks the requisite human rights-based planning and engagement with communities.

On the issue of inclusion, the SDGs boast of the inclusion of specific provisions for vulnerable groups of people, such as children and people with disabilities. Furthermore, there is a specific goal dedicated to gender equality. This is notable progress for vulnerable groups, who were largely ignored in the MDGs. Linkages here are important because of the cross-cutting nature of the impact of violations of human rights, particularly on vulnerable groups. This impact, although not explicitly articulated, will have to be acknowledged for effective implementation of the SDGs.

The SDGs bring the provisions of the various international treaties and conventions to life and, to some extent, recognise and encompass the requisite human rights principles. By ensuring that the SDGs neglect no population group, hopefully we can guarantee that no one falls through the cracks.

## Where the SDGs fall short

### Not couched in human rights

Despite the assertion that the SDGs are founded on the Universal Declaration of Human Rights, there is no explicit mention of human rights in the text of the 17 goals. While human rights are implicit in the language used and many of the goals are intrinsically human rights-based, the lack of actual mention of “human rights” is a missed opportunity for explicit and unambiguous articulation and commitment to such universal principles. This lack of purposive articulation is worrying for many developmental organisations and human rights institutions.

As Neil Hicks, an international policy advisor for Human Rights First, explains, “Omission of the actual term is notable and is indicative of a global climate where more and more states are assertively pushing back against universal human-rights standards and labelling international pressure to encourage compliance as unacceptable interference in their sovereignty” (Hicks 2015: 1).

Related to this obvious exclusion is the lack of targeted interventions in relation to human rights and poverty.

While conventional thinking defines poverty according to the amount of money an individual or a family earns per day, progressive measures acknowledge that poverty is more than just a dollar value

They consider the services that people have access to (or lack), manifestations of deprivation such as hunger, and the authority people command (i.e. power relations). Importantly, it is the lack of dignity and franchise that distinguishes the haves and the state from the poor, where the poor do not have the power to make their voices heard. Ensuring that people have money will not change that. What will, is ensuring that people are engaged, allowed a platform to voice their opinions and given access to information which is understandable to them.

In South Africa, we often find that accompanying a lack of access to services, rights and information is a sense of hopelessness or apathy due to the poor responsiveness by state departments to complaints from impoverished communities. This leads to service

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delivery protests, violence and further hostility between communities and the state. If the state were to ensure that services were provided to poor communities, and thus meet the SDGs but in a non-participatory manner, all that the state would be doing is making communities passive recipients of welfare-like services. And this does nothing to build communities in terms of knowledge, power and ownership.

Neither does it adhere to basic human rights principles such as adequacy and appropriateness.

Express mention of human rights principles may alter the way in which these goals are implemented and ultimately affect the outcome. Ramcharan explains that a clear pronouncement of human rights wording would send a signal that human rights are essential to the conception and implementation of the SDGs (Ramcharan 2015). He offers the example that “Goal 1 is ‘End poverty in all its forms everywhere,’ and one could easily add ‘enhance human dignity and rights.’ ... Goal 5 is ‘Achieve gender equality and empower all women and girls,’ and one could easily add ‘to achieve the universalisation of their inalienable human rights’” (Ramcharan 2015: 2).

### Numerous and perhaps over-ambitious?

The SDGs consist of 17 goals (nine more than the MDGs) and a mammoth 169 targets. The MDGs had just 21 targets, which countries, particularly developing ones, found difficult to achieve. In fact, while satisfied with the progress made in relation to the MDGs, the United Nations itself conceded in its 2015 MDG report that “although significant achievements have been made on many of the MDG targets worldwide, progress has been uneven across regions and countries, leaving significant gaps. Millions of people are being left behind, especially the poorest and those disadvantaged because of their sex, age, disability, ethnicity or geographic location” (United Nations 2015: 8).

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Therefore, while the broad and aspirational aims of the SDGs are highly commendable, it is worrying that the goals and targets are so numerous and ambitious. One is left to wonder if the SDGs are setting up countries, and ultimately the globe, for failure. Which then raises the question: if there is a failure to achieve the SDGs, will the lives of the poorest people in the world be changed at all? If in the next decade developing countries like South Africa concede that progress is being made but universal poverty has not been eradicated, how will we ensure that those who have always been vulnerable or impoverished have been targeted for development initiatives?

It is important to note that South Africa has a history of celebrating national progress in poverty alleviation and inequality reduction, but that since 1994 the lives of the most impoverished in the country remain unchanged. For example, the state celebrates meeting the MDG to halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation. While that right may indeed have been achieved statistically, the state's measurements do not take into account the number of households that do not have functioning infrastructure, or the quality of the service that has been delivered. Additionally, that state has not provided information disaggregated by district and community, which will illustrate severe under-development at a local level in the poorest communities of the poorest provinces in the country.

A study by the Centre for Applied Legal Studies entitled *Water Services Fault Lines: An Assessment of South Africa's Water and Sanitation Provision Across 15 Municipalities*, highlighted the problem associated with disaggregated data. Despite the fact that at a national level South Africa had improved vastly in the provision of drinking water to households, and that at that stage the MDG (namely, to halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation) was likely to be met, the poorest 15 municipalities in the country had no access to water at all.

Clearly, in South Africa it will be essential to look beyond statistics to ensure that the SDGs are in fact reducing inequality and that we are reaching a group of people who have always been vulnerable and lacked access to services.

### Consumption patterns

The world population continues to grow unchecked, and it is estimated that by 2050 it will reach approximately 9.5 billion (United Nations 2016). We have already exceeded the earth's carrying capacity and are fast depleting finite natural resources like water, minerals and oil on which we are heavily reliant.

Goal 12 of the SDGs aims to "[e]nsure sustainable consumption and production patterns". The targets refer to sustainable consumption and production, the efficient use of natural resources and minimising food wastage. However, despite the specificity of the targets listed under this goal, it remains vague on the meaning of consumption and silent on the differences between developing and developed nations in respect of consumption patterns and population growth, which ultimately fuels consumption. The focus on the "demand side" is not as powerful as it should be.

While it is true that developed nations, particularly in Europe, are taking the lead in the investment and use of renewable energy, the unsustainable consumption patterns of these nations have not been addressed.

The resource-intensive consumption patterns of wealthy individuals and countries is often a taboo subject, given the focus on free-market economic systems, and again is not adequately addressed in the SDGs. States must begin to encourage consumers to question their own needs versus their consumption patterns. For example, a couple without children should indeed question their need for more vehicles than are necessary, or for large vehicles that consume high volumes of petrol. Similarly, water and energy usage should also be questioned and discouraged via steep tariffs for high-volume usage.

Indeed, the United Nations Environment Programme (UNEP) shared this view in its Post 2015 Note, stating that "achieving sustainable consumption patterns is more technically and politically complex than changing production patterns, because it raises important issues such as human values, equity and lifestyle choices" (UNEP 2014: 2).

Until we begin to question the demand-intensity of developed countries and wealthier individuals and communities across the globe, we are not going to achieve sustainable consumption patterns. Ultimately, we will not be able to ensure the sustainable use of finite natural resources and will battle to reduce fossil fuel emissions and manage waste. And it is important to note that it is the poorest communities in the world which suffer the harshest effects of poor environmental practices and climate change.

### 3.4 Private sector accountability

Given how long the list of SDGs is, the lack of goals to ensure private sector accountability and economic reform is extremely disappointing. The solitary explicit mention of business is under Goal 12, target 12.6., which aims to "[e]ncourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle". A single target is completely inadequate in the case of a formidable sector that wields substantial power over states and is responsible for minor to gross human rights violations across the globe. This is especially so given the recent progress made by the United Nations in relation to the production of guidelines for private sector operations.

There are additional goals that speak to state responsibilities in relation to economic growth, labour and industrialisation. But these are optional for business. Goal 12.8 seems promising in its aim to "[b]y 2030, ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature". However, this target refers mainly to environmental reporting, which is hugely beneficial, but misses the mark in terms of vital social, labour and supply chain information.

At the very least, given the focus on the three spheres of sustainability (economic, social, environmental), targets should have been developed to ensure uninhibited access to information, transparency, and further articulation of guiding principles such as the duty of business to respect and provide remedies. This should also have been combined with human rights-based principles applicable to business, such as ensuring engagement, transparency and so forth.

At best, the SDGs should have aimed to transform inequitable business practices and international agreements that disadvantage developing countries, to assist with alleviating poverty and inequality. For example, targets should have aimed to begin rewording international trade

agreements into which developing countries were coerced by developed ones, or to question the ownership of seeds by one company to assist farmers in developing countries to produce more food at a lower cost.

Finally, one or more targets should have required states to hold private sector companies accountable for human rights violations and the transgression of other national laws and policies that ultimately exacerbate levels of poverty and inequality in those countries.

## Conclusion

Ultimately, as in the case of the MDGs, the devil will be in the detail. Despite the numerous goals and targets and gaps therein, if strong partnerships are developed between the state, civil society and the private sector, and effective plans of action developed, valuable progress can be made in alleviating poverty and inequality. The role of independent organisations, such as Chapter Nine (C9) institutions in South Africa, will be vitally important to monitor progress in relation to the SDGs, disaggregate data by demographics like gender and disability, and ensure adherence to human rights principles.

While C9 institutions sometimes have limited room or authority to undertake extensive mandates, effective partnerships will be the key in realising all or part of the SDGs. As the Danish Institute for Human Rights states:

Many NHRIs [National Human Rights Institutes] face obstacles when it comes to promoting human rights accountability in development contexts, including narrowly drawn mandates, constraints on their independence, and limited technical capacity.

In order to unleash their potential, these barriers will have to be lifted. States and other sources of support to NHRIs should assist them in strengthening their capacity, mandate and independence, as a worthwhile investment in a very distinctive and constructive part of the SDG implementation and accountability architecture (Jensen et al. 2015: 6).

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## Introduction

The development of the right to education can be tracked from the 1948 Universal Declaration of Human Rights, which mentions the terms “fundamental” and “elementary education”, to the International Covenant on Economic, Social and Cultural Rights (1966), which refer to “primary education”, to the World Declaration on Education For All and Framework for Action to Meet Basic Learning Needs (1990), which introduced the term “basic education”.

2 Exploring the link between fundamental, elementary, primary and basic education by Chiedza Simbo