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Revisiting the hardware of sustainable development

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Four years after the adoption of the 2030 Agenda the world is off-track to achieve the Sustainable Development Goals (SDGs). Most governments have failed to turn the transformational vision of the 2030 Agenda into real transformational policies. Even worse, xenophobia and authoritarianism are on the rise in a growing number of countries.

But there are signs of change. Social movements have emerged worldwide, many with young people and women in the lead. They not only challenge bad or inefficient government policies, but also share a fundamental critique of underlying social structures, power relations and governance arrangements.

Thus, the implementation of the 2030 Agenda is not just a matter of better policies. Meaningfully tackling the obstacles and contradictions in the implementation of the 2030 Agenda and the SDGs requires more holistic and more sweeping shifts in how and where power is vested, including through institutional, legal, social, economic and political commitments to realizing human rights.

Structural transformation has to start at the local and national level. It requires strengthening bottom-up governance and governance coherence. At the global level the upcoming review of the HLPF should be used to overcome the weakness of this body and transform it into a Sustainable Development Council.

Enhancing governance coherence requires providing those institutions which are responsible for the implementation of the 2030 Agenda and the SDGs with not only the necessary financial resources but also with effective political and legal instruments. At the global level this requires changing the recent course of relying on non-binding instruments and corporate voluntarism.

The year 2020 with the 75th anniversary of the United Nations provides an important opportunity to translate the calls of emerging global movements for economic, social and environmental justice into political steps towards a new democratic multilateralism.

Governments are off-track …

When UN Member States adopted the 2030 Agenda and its SDGs in September 2015, they signalled with the title *Transforming our World* that 'business as usual' is no longer an option and fundamental changes in politics and society are necessary. Four years later they have to admit that they are off-track to achieve the SDGs. In many areas there is no progress at all, and in some even regression.

Destructive production and consumption patterns have further accelerated global warming, increased the number of extreme weather events, created plastic waste dumps even in the most isolated places of the planet, and dramatically increased the loss of biodiversity.

Fiscal and regulatory policies (or the lack of) have not prevented the accelerated accumulation and concentration of wealth but have only made them possible, and thus exacerbated social and economic inequalities.

Systemic discrimination keeps women out of positions of power, disproportionately burdens them with domestic and care-giving labour and remunerates their formal employment less than it does that of men.

Total global military expenditure reached the historic high of US$ 1.822 trillion in 2018.[1] In contrast, net ODA by members of the OECD Development Assistance Committee (DAC) was only US$ 153.0 billion in 2018, thus less than one tenth of global military spending.[2] "The world is over-armed while peace is under-funded," declares the Global Campaign on Military Spending.[3]

Most governments have failed to turn the proclaimed transformational vision of the 2030 Agenda into real transformational policies. Even worse, national chauvinism and authoritarianism are on the rise in a growing number of countries, seriously undermining the social fabric, and the spirit and goals of the 2030 Agenda.

... but there are signs of change

Despite these gloomy perspectives, there are signs of push-back. Policies reflect interests and power relations within and between societies – and these are not carved in stone but are in constant flux and can be changed.

In response to the failure or inaction of governments, social movements have emerged worldwide, many with young people and women in the lead. Climate and economic justice issues have been championed by social movements in all regions, with indigenous communities in the front line of many of these. Movements against racial, gun and gender-based violence are growing in many countries, including the USA and India, while alliances of people with disabilities are becoming more visible, particularly at the global level. In a number of countries, most recently in Argentina, Sudan and Algeria, millions of people have taken to the streets to protest against authoritarian regimes and to demand democratic change.

The emerging global movements do not just challenge bad or inefficient government policies. What they have in common is their fundamental critic of underlying social structures, power relations and governance arrangements. It is worth mentioning that governments themselves recognized in the 2030 Agenda the "enormous disparities of opportunity, wealth and power" in the world as "immense challenges" to sustainable development.[4]

Thus, the implementation of the 2030 Agenda is not just a matter of better policies. The current problems of growing inequalities and unsustainable production and consumption patterns are deeply connected with power hierarchies, institutions, culture and politics. Hence, policy reform is necessary but not sufficient. Meaningfully tackling the obstacles and contradictions in the implementation of the 2030 Agenda and the SDGs requires more holistic and more sweeping shifts in how and where power is vested, including through institutional, legal, social, economic and political commitments to realizing human rights.

In other words, a simple *software update* (of policies, norms and standards) is not enough – we have to revisit and reshape the *hardware* of sustainable development (i.e. governance and institutions at all levels)

Strengthening bottom-up governance

Revisiting the *hardware* of sustainable development has to start at the local and national level. While most governance discourses emphasize the democratic deficit, gaps and fragmentation in global governance, the major challenge for more effective governance at the global level is the lack of coherence at the national level. It is essential to reflect the overarching character of the 2030 Agenda and the SDGs in the institutional arrangements of governments and parliaments. Creating more effective and coherent global governance will be a futile exercise if it is not reflected in, and 'owned' by, effective national counterparts. Effective international arrangements

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1   See https://www.sipri.org/media/press-release/2019/world-military-expenditure-grows-18-trillion-2018.

2   See http://www.oecd.org/newsroom/development-aid-drops-in-2018-especially-to-neediest-countries.htm.

3   The statement by the Global Campaign on Military Spending (http://demilitarize.org/).

4   UN (2015), para. 14.

cannot be determined or strengthened without commitments and coherence at the national and sub-national level, in all countries. Therefore, it is necessary to strengthen bottom-up governance.

Bottom-up governance refers not only to the direction of influence from the local to the global. It also calls for more governance space to be retained at local and sub-national levels. It enables, for instance, indigenous peoples, small farmers and peasant communities to exercise their rights in retaining their seeds, growing nutritious foods without genetically modified organisms, and accessing medicines without paying unaffordable prices set by transnational companies and protected by intellectual property rights. In this regard, civil society advisory bodies like the Brazilian National Council for Food Security and Nutrition (CONSEA) play an important role, but in a growing number of countries they are under attack and face enormous political pressure (see Special Contribution 0.2).

The SDGs are characterized by the call to "leave no one behind". However, indigenous peoples have not been accidentally *left* behind; they have been systematically *pushed* behind by economic and political systems which devalue their contributions and then dispossesses them of the very things that make them strong – their relationship to their land, or territory. In order to respect the rights of indigenous peoples, governance must change its current mode of operation. This includes the universal implementation of the principle of Free, Prior and Informed Consent with regard to all development and investment project as a basic prerequisite (see Chapter IV).

Local governments and their communities are actively taking up the urban and territorial challenges to meet the SDGs and comply with global sustainability policy frameworks. To do so, they need adequate resources, authority and institutional capacity to transform cities and local communities into hubs of opportunity, sustainability and inclusion for all (see Spotlight on SDG 11).

The same is true for universal access rights to social protection. Social protection needs to be owned and governed by sub-national and national governments with fiscal space created in national budgets (see Spotlight on SDG 1). An essential element of this is the need to tackle more concretely and firmly the formalization of the informal economy. Formalizing the informal economy according to ILO Recommendation 204, supported by ILO Recommendation 202 on social protection floors, in a sustainable way is pivotal to reach the objectives of the 2030 Agenda (see Spotlight on SDG 8).

Universal, free access to essential public services are the foundation blocks of the SDGs and at the core of local governments' commitment to the 2030 Agenda. In most countries, local and regional authorities carry full or shared responsibility for water and sanitation, health and social care, waste management, education and culture. Government investment in public services is one of the most powerful policy tools to fight income inequality: it is estimated that free access to public services in OECD countries reduces this by 20 percent.[5] Building public infrastructure and services is part of strengthening democratic institutions, where people determine which public services to prioritize and how they are to be delivered and paid for (see Spotlight on SDG 9). This is especially true at the local level, where people have more direct access to their governments.

However, the privatization of public infrastructure and services and various forms of public-private partnerships (PPPs) often have had devastating impacts on service accessibility, quality and affordability. Responding to these experiences, counter-movements emerged in many parts of the world. Over the past 15 years there has been a significant rise in the number of cities and communities that have taken privatized services back into public hands – a phenomenon called "remunicipalization". Research from 2017 listed 832 such cases since the year 2000, involving 1,600 municipalities in 45 countries, in relation to water, energy, waste, transport, health and social care, education and other local government services.[6]

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5 Oxfam (2014).

6 Kishimoto/Petitjean/Steinfort (2017).

However, local and national (fiscal) policy space is often limited by external interventions. The International Monetary Fund (IMF) plays a central role in this regard, particularly in countries of the Global South. Although the IMF presents itself as neutral economic arbiter, its approach is in fact deeply rooted in certain economic orthodoxies, many of which have proven incompatible with the achievement of the SDGs. In many countries, for instance Egypt and Brazil, IMF recommendations and loan conditionalities have led to deepening of social and economic inequalities and threats to human rights (see Spotlight on SDG 10).

Domestic policy space is further limited by trade and investment agreements. In March 2019, the UN Committee on Development Policy warned governments of the global South: "Unfortunately if you sign bilateral trade and investment agreements or regional agreements with rich countries, then your freedom for action is vastly reduced. So please don't sign any of these."[7]

Achieving the SDGs will not happen without an *enabling environment* at international level. But what we often see is a *disabling environment*, that makes it difficult to raise the urgently needed domestic resources to finance public systems of social protection (see Spotlight on SDG 1) and essential public services, particularly in the area of health, education (see Spotlight on SDG 4), water and sanitation (see Spotlight on SDG 6) and sustainable energy (see Spotlight on SDG 7).

In endorsing the 2030 Agenda governments committed to enhancing policy coherence for sustainable development (SDG target 17.14) and to respect each country's policy space and leadership to establish and implement policies for poverty eradication and sustainable development (SDG target 17.15). The achievement of these targets is constantly undermined by the inherently asymmetric nature of the global governance system with the IMF and World Bank dominating discourse and policies. Thus, policy

coherence will not be possible without overcoming governance incoherence.

No policy coherence without governance coherence

The current system of global (economic) governance is marked by systematic asymmetry (see Chapter I). While the IMF, the World Bank, the WTO and various organizations of global club governance (see Chapter II), particularly the OECD, have financial resources and regulatory instruments to influence policies and laws (mainly in the interest of transnational investors and powerful national elites), the UN has successfully been kept 'out of their business' over decades.

The most striking example is the asymmetry between human rights and investor rights. Today's trade and investment agreements give transnational corporations far-reaching special rights and access to a parallel justice system to enforce them, the Investor-State Dispute Settlement (ISDS) system. In a joint letter to the UN Commission on International Trade Law (UNCITRAL) in March 2019, leading human rights experts criticized the lack of investors' human rights obligations and addressed the urgency to "remedy the power imbalance between investors and States" (see Chapter I).[8]

Removing the ability of investors to sue States in the ISDS system and similar rules in investment and trade agreements would be a first step in reducing the systematic asymmetry in global governance. It would also be a step towards governance coherence for sustainable development.

Enhancing governance coherence also means that the relevant UN bodies, particularly the High-level Political Forum (HLPF), must be strengthened and no longer *de facto* be subordinated to the international financial institutions and informal clubs like the G20.

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7   Power point presentation, Committee on Development Policy session "The Future of Multilateralism," 12 March 2019, UNHQ.

8   Deva et al. (2019).

Overcoming the weakness of the HLPF

In the 2030 Agenda governments underlined

> the important role and comparative advantage of an adequately resourced, relevant, coherent, efficient and effective United Nations system in supporting the achievement of the Sustainable Development Goals and sustainable development.[9]

They established the HLPF as a universal body and gave it "a central role in overseeing a network of follow-up and review processes at the global level".[10] But compared to other policy arenas, such as the Security Council or the Human Rights Council, the HLPF remained weak with fewer working days and a smaller UN budget allocation than the Commission on Sustainable Development, the body it replaced.

The SDG Summit in September 2019 and the HLPF review process to take place in 2019-2020 are opportunities to reposition the HLPF more firmly in the General Assembly machinery, similar to the direction taken by the Member States for the Human Rights Council (HRC) and the Peacebuilding Commission (PBC) in 2005. With an agenda of equal importance and intimately connected to those of the HRC and PBC, the General Assembly should transform the HLPF to a third such body, a Sustainable Development Council, supported with complementary machinery at regional and thematic levels (see Chapter I).

This must include also the annual Financing for Development (FfD) Forum and the Science, Technology and Innovation (STI) Forum as parallel review streams of two crucial means of implementation for the 2030 Agenda. The HLPF Review should address concerns on how the mechanism created to support the achievement of the SDGs through STI could effectively deliver in the face of disparate UN approaches towards new technologies. The untapped potential of the STI Forum must be harnessed by bringing together the various initiatives of the UN on new and emerging technologies under one umbrella. This should enable deliberations on how frontier technologies are redefining established norms and impacting on the achievement of the SDGs, and how these should be governed (see Spotlight on SDG 17).

But the claim to make the UN system 'fit for purpose' requires more than upgrading the HLPF and its related fora. It requires a commitment to overcome the inequitable distribution of access to participation and decision-making in key areas of global governance. In this regard, advancing gender equality, women's empowerment and women's human rights are essential, particularly with regard to debt relief, global trade, technology transfer and institutional coherence (see Spotlight on SDG 5). Strengthening participation and voice for women's rights in global governance requires ensuring direct participation by women's rights and feminist organizations in governance fora and bodies, not through women philanthropists or women entrepreneurs (see Special Contribution II.1).

Enhancing governance coherence also requires filling global governance gaps in areas that are still dominated by exclusive policy clubs like the OECD (on tax cooperation) and the Paris Club (on debt policy). This is of utmost importance as the past months exposed the worrisome combination of increasingly unsustainable debt levels, financial market volatility and currency instabilities, all generating concerns about the possible eruption of another global financial crisis (see Chapter III). Two recommendations that are most cited and give concrete examples of the kind of institutional reforms that are needed, are first, the establishment of an intergovernmental tax body under the auspices of the UN, with the aim of ensuring that all UN Member States can participate equally in the reform of global tax rules; and second, the creation of a Debt Workout Institution within the UN system, independent of creditors and debtors, to facilitate debt restructuring processes.

Democratic governance requires democratic funding

Adequate funding at all levels is a fundamental prerequisite to improve the governance of SDG implementation. At the global level this requires the

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9   UN (2015), para. 46.

10 Ibid., para. 82.

provision of predictable and reliable funding to the UN system. The total assessed contributions to the UN regular budget in 2017 were only meagre US$ 2.8 billion.[11] Contributions to the operational activities for development of all UN funds, programmes and specialized agencies amounted to US$ 33.6 billion in 2017,[12] but only 20.6 percent of the total supports the core work of the UN Development System with the balance mainly earmarked to favour individual donor priorities (see Chapter I).

Governments should reverse the trend towards voluntary, non-core and earmarked contributions as well as the increasing reliance on philanthropic funding. Democratic governance requires democratic funding instead of unpredictable support from private foundations of wealthy individuals that reduces the flexibility and autonomy of the organizations. This is particularly relevant for WHO and UNESCO. As the coordinating agency, UNESCO represents a commitment to the full scope of SDG 4. But the responsibility for leading the SDG 4 efforts came with no new money. On the contrary, UNESCO has faced an existential financial crisis after the USA pulled its funding in 2011, leaving a hole of 22 percent in the already stretched UNESCO budget (see Spotlight on SDG 4).

Similarly, UN budget shortfalls seriously undermine the work of the Human Rights Treaty bodies. As the Office of the High Commissioner for Human Rights (OHCHR) warned in May 2019, six of these bodies are very likely to have sessions in 2019 cancelled for financial reasons.[13] This means, according to OHCHR, that reviews already scheduled with States, as well as consideration of complaints by individual victims of serious human rights violations – including torture, extra-judicial killings, enforced disappearances and gender-based discrimination and violence – will not take place as scheduled.

With regard to global climate policy, calls for ambitious goals must be accompanied by calls for ambitious financial support to countries of the Global South. Under the Paris Agreement on climate change, countries agreed that a new collective quantified finance goal should be decided before 2025 that would take into account the needs of developing countries in climate change adaptation and mitigation. A needs determination process is under way in the UN Framework Convention on Climate Change (UNFCCC) and must lead to increased funding commitments by rich countries (see Spotlight on SDG 13).

Parallel to the global level the widening of the public governance space requires, among other things, changes in fiscal policies at national level. Governments can pursue proactive tax policies to resource environmental and social policy goals and simultaneously fulfil their human rights obligations (see Spotlights on SDG 1 and 10). This includes, for example, taxing the extraction and consumption of non-renewable resources, and adopting forms of progressive taxation that prioritize the rights and welfare of poor and low-income people (e.g., by emphasizing taxation of wealth and assets). Fiscal policy space can be further broadened by the elimination of corporate tax incentives (including tax holidays in export processing zones), and the phasing out of harmful subsidies, particularly in the areas of industrial agriculture and fishing, fossil fuel and nuclear energy. Instead of engaging in a new arms race, governments should reduce military spending and reallocate the resource savings, *inter alia*, for civil conflict prevention and peacebuilding (see Spotlight on SDG 16).

But as the massive protests by the yellow vests movement in France against rising fuel prices just recently demonstrated, interdependencies between environmental and social policy goals and targets require particular attention. Many environmental policy instruments have regressive effects on income distribution. For example, a low-income household spends a larger proportion of its income on heating than its higher-in-come neighbours, so an energy tax or cuts in subsidies might weigh more heavily on the former group than on the latter. In another scenario, improving environmental quality in a neighbourhood may

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11 UN General Assembly (2018).

12 UN General Assembly/UN Economic and Social Council (2019), p. 7.

13 See https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24621&LangID=E.

cause an increase in rents and prices in the area. Several policy options exist for anticipating and countering such negative distributional effects in advance, and it is important to observe the right order. But if priorities are properly defined and interdependencies effectively anticipated, fiscal policies can become a powerful instrument to reduce socioeconomic inequalities, eliminate discrimination and promote the transition to sustainable production and consumption patterns.

The necessary reforms should not be limited to the national level. The strengthening of public finance is necessary at all levels, including the development of municipal fiscal systems and sufficient financial support for local authorities (see Spotlight on SDG 11).

Revitalizing global norm-setting – rejecting corporate voluntarism

Enhancing governance coherence requires providing the institutions responsible for the implementation of the 2030 Agenda and the SDGs not only with the necessary financial resources but also with effective political and legal instruments. At global level this requires changing the current course of relying on non-binding instruments and corporate voluntarism. This is particularly relevant in areas where significant governance and regulatory gaps exist.

In recent discussions on a post-2020 global biodiversity framework all countries have been invited to consider developing "voluntary" biodiversity "commitments".[14] But a *voluntary* commitment is not a real commitment, it is just a pledge. While the Aichi Targets are international obligations on State Parties to implement, the nature of targets in the post-2020 framework and its relationship with national pledges remains to be seen. While voluntary contributions from various sectors of society are in principle welcome, this must not detract from State Parties' legally binding obligations to conserve and sustainably use biodiversity in their territories, and to share the benefits equitably. Mixing the two obfuscates obligations by State Parties and voluntary contributions by other actors, diluting and lessening State Parties' obligations. Therefore, the post-2020 framework should include binding targets and implementation commitments for State Parties, in accordance with the principle of common but differentiated responsibilities (CBDR) (see Spotlight on SDG 15).

With regard to the governance of the oceans, there are a number of relevant UN legal instruments, yet each is aimed at a different use or need. Shipping is governed by the International Maritime Organization (IMO), while fisheries are governed by the Fisheries Stocks Agreement although managed by regional fisheries management organizations (RFMOs). Deep sea minerals are governed by the International Seabed Authority (ISA) while the UN Convention on the Law of the Sea (UNCLOS) primarily governs the oceans. Matters relating to trade such as fisheries subsidies are dealt by the WTO. But there is currently no mechanism that coordinates the different legal frameworks, making it difficult to effectively address conflicts of interest. This is particularly relevant with regard to deep sea mining (DSM). While the potential negative environmental impacts of DSM are increasingly being documented, less attention is being paid to the human rights violations, particularly of indigenous peoples and communities. There are significant gaps and a need for strong accountability mechanisms to resolve what are clear conflicts between different users in areas beyond national jurisdictions to ensure the health of the oceans for future generations. To overcome these governance gaps may require even a new UN body on Oceans (see Spotlight on SDG 14).

There is also a need for a legally binding agreement to tackle plastic pollution. Many civil society organizations and legal experts have identified huge gaps in the existing frameworks addressing plastics and plastic pollution. The United Nations Environment Programme (UN Environment) agreed that "current governance strategies and approaches provide a fragmented approach that does not adequately address marine plastic litter and microplastics."[15] The EU (surprisingly) demonstrated in early 2019 that it is

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14 UN Doc. CBD/COP/DEC/14/34.

15 UN Environment (2017), p. 5.

possible to make progress in this regard, when its members agreed on pioneering new laws to reduce the environmental impact of certain plastic products, the so-called Single-Use Plastics Directive.[16] As a next step civil society groups call for a new global Convention on Plastic Pollution with a mandate to manage the lifecycle of plastics, including production and waste prevention, building upon and complementing existing regional and global frameworks (see Spotlight on SDG 12).[17]

Governance and regulatory gaps exist as well in the global digital economy. Self-regulation of internet companies will not work, and regulation through e-commerce trade agreements will not work either. The Internet Governance Forum (IGF) of the UN has the potential to advance in this arena, but it lacks authority and does not have the mandate to make any rules. There is an increasing risk of a small group of countries making the rules on data from the vantage of trade deals (see Chapter V).

Corporate social responsibility initiatives, such as the UN Global Compact, and voluntary guidelines, such as the UN Guiding Principles on Business and Human Rights (UNGP) have particularly failed to hold corporations systematically and effectively accountable for human rights violations. The Human Rights Council took a milestone decision in establishing an intergovernmental working group to elaborate a legally binding instrument (or 'treaty') to regulate the activities of transnational corporations and other business enterprises. This 'treaty process' offers the historic opportunity for governments to demonstrate that they put human rights over the interests of big business. This will also be a critical prerequisite for implementing the 2030 Agenda, not least the goal to ensure sustainable consumption and production patterns.

Similarly, the UN should address the risks of multi-stakeholder partnerships (see Spotlight on SDG 2) and develop a regulatory framework for UN-business interactions. This should set minimum standards for the participation of the UN in global partnerships and for the shape and composition of UN initiatives involving the private sector.

UN2020 – democratic global governance at the crossroads

Scientists warn that the world is moving fast towards tipping points with regard to climate change and the loss of biodiversity, that is, thresholds that when exceeded can lead to irreversible changes in the state of the global ecosystem. Similarly, the system of global governance is facing tipping points that, when transgressed, lead to irreversible changes. Multilateralism is in crisis. But, as medical doctors tell us, a crisis points to a moment during a serious illness when there is the possibility of suddenly getting either worse or better.

There is still the danger of exacerbating authoritarianism and national chauvinism, and of not only shrinking but vanishing space for civil society organizations in many countries. But there is also a rapidly growing global movement for change, a movement that takes the commitment of the 2030 Agenda to "work in a spirit of global solidarity" seriously.[18] The year 2020 with its official occasions, particularly the 75th anniversary of the United Nations, provides an important opportunity to translate the calls of the emerging global movements for social and environmental justice into political steps towards a new democratic multilateralism.

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16 See https://data.consilium.europa.eu/doc/document/ST-5483-2019-INIT/en/pdf.

17 CIEL et al. (2018).

18 UN (2015), para. 39.

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