



**From People's Rights to Corporate Privilege:
A South Feminist Critique of
The HLP Report on Post 2015 Development Agenda**

Development Alternatives with Women for a New Era [DAWN]

The High Level Panel of Eminent Persons Report on the Post 2015 Development Agenda conveys a questionable sense of optimism for women. The report at first appears to have positively responded to the world-wide call from women to have a stand-alone and expanded gender equality goal. There are targets for gender, children and young people across several of the goals, as well as possibilities for indicators on gender, children and young people to be later developed at country level. Sexual and reproductive health and rights is also explicit.

Yet, are any of these really new development commitments? We don't think so. Instead of building on previous international agreements that could move the agenda towards an integrated set of human rights for women, the HLP has chosen to privilege only certain rights. Worse, they have incorporated these rights within a text that strongly legitimizes new corporate privileges. The role of the State is also downplayed and its primary role is limited to providing an environment for business to prosper. DAWN laments the fact that the framers of this report have ignored calls for economic models and approaches that more effectively combine human development, human rights, and environmental sustainability, as well as addressing inequalities between peoples and states.

In many places in the economic south, rural areas are being opened for export oriented 'extractivist' industries. However the report does not recognize the collective rights of indigenous and other rural and remote communities where women, children and young people often bear the brunt of the effects of dispossession and mal-development. Rural people are framed as workers and consumers, and not as full rights holders.

What ought to be central to the post 2015 development agenda is attention to the kind of growth generated, and its overall contributions toward wellbeing and sustainability for all. This requires addressing the structural conditions that make economic inequality prevalent among and within countries and social groups. There is no automatic link between economic growth and poverty reduction. Several southern countries are in fact experiencing high "jobless" economic growth due to high prices of commodity exports. Studies have revealed that in some cases gender-based wage inequality had even been a stimulus to economic growth (Seguino 2000). The discussion should therefore be reoriented to identifying specific sources of economic growth, and then evaluating carefully the re-distributional effects of economic policy, as well as ensuring there is respect for human rights and ecological limits.

DAWN questions the marketized, siloized and corporatized approach to development reflected in the High Level Panel report on the Post 2015 Development agenda, and instead advances the following specific proposals:

Development must occur within ecological limits



To promote ecologically, socially and economically sound development alternatives in the scale and form that addresses our current ecological crisis will require a biosphere wide approach informed by meaningful recognition of, and investment into diverse local, indigenous, feminist and other heterodox systems of knowledge; and building on the evidence-based approach of the IPCC and other scientific bodies.

As such, environmental degradation can no longer be dismissed as an externality in economic, social development and human rights. There are boundaries to the biosphere which socio-economic-ecological development paradigms must not violate if we are to avoid danger zones with large-scale and critical biosphere thresholds or 'tipping points'.

The HLP report does not advance such an interlinked agenda, merely proposing a single climate-change related target to hold the increase in global average temperature below '2 degrees C above pre-industrial levels'. This does not however, provide a mechanism or process for how States will connect measure and simultaneously address complex issues of ecological loss and damage, community sustainability and economic viability.

'Siloed' approaches to development will never be sufficient to solve the complex problems created layer upon layer by orthodox economic policies. Toward a development paradigm aimed at economic and socio-ecological wellbeing, we need to be guided by at least the following as concerns ecological agendas: (1) a set of goals on ecological sustainability and climate change that builds on Agenda 21 concerns as reaffirmed in Rio+20, 'The Future We Want'; (b) a 'loss and damage' approach to climate justice; and (3) placing particular attention to land use change, freshwater use, aerosol loading, chemical pollution, biodiversity loss and species extinction, ocean acidification, global sea level rise, deforestation, drought, desertification, floods, extreme climate events, and more.

Further, targets must track quantifiable progress in changing the structural conditions that advance large-scale land, water and ocean appropriation by private interests; regulating mining, gas and oil projects; balancing subsistence and local oriented agricultural production vis a vis export-oriented agriculture; and shifting from export of raw materials such as minerals, fossil fuels and agricultural commodities to productive capacities in value-added products, etc. Targets must also measure the extent to which any economic policies are damaging to local communities including migrants, fisher, forest and indigenous peoples, pastoralists, and many other marginalized communities, where women are at the forefront of both production and 'care' work. Quantitative as well as qualitative sex disaggregated data must monitor progress in advancing socially-responsive sustainable alternatives.

Systemic issues and inequalities need to be addressed from a rights perspective

Women's poverty needs to be understood as the consequence of multiple violations of rights and it should be tackled as a multi-dimensional concern. It is intrinsically linked to work, education, unpaid 'care' work, access to resources, and political decision-making. It should not be narrowly defined and measured only as a matter of income. Instead, poverty measures need to move beyond income towards the multi-dimensional approaches that are now well recognized as essential and that pay attention to the exercise of rights and access to services, among other factors. Although the HLP report does seem to sympathize with a vision



that contemplates more dimensions to poverty beyond income, the indicators fall short of clearly articulating this.

The report over-emphasizes the importance of economic growth as a driver of development, and places its hopes on spillover effects of growth to benefit the poorest. It states the following: “By 2030, most developing countries should have experienced fast enough economic growth, averaging 5 per cent per year, to bring extreme poverty down below five per cent. Specific policy measures must do the rest of the job to ensure that no one is left behind.” (2013. p18) 'Specific policies' cannot compensate for the unsustainability of orthodox economic policies that still rely entirely on largely unregulated markets. Rather, distributive issues need to be firmly addressed by innovative policy. We know that unsustainable patterns of production and consumption are already bringing about a rapid deterioration of the planet and the livelihoods of very large numbers of people.

The need to thoroughly overhaul the system of global economic governance is not reflected by the Report that states timidly that, “following the financial crisis, there is more concern that the international financial architecture must be reformed, and agreed regulatory reforms implemented consistently, to ensure global financial stability”. It adds vaguely that “recommendations and actions are being implemented, both in major individual financial centers and internationally” (2013, p 55). We believe with many others that this is hardly the case today as witnessed by the continuing and deep crisis in Europe. Serious political and technical work is essential now to move global governance beyond failed economic theories such as those of the Harvard economists Reinhart and Rogoff. Furthermore, monetary, trade, investment and financial policies should be in compliance with globally agreed human rights obligations and environmental standards. Compliance with HR needs to be clearly stated throughout any development agenda. Its effective implementation requires the considered and thorough reform of financial, monetary and, trade systems. This also requires finance, technology transfer, capacity building, the implementation of progressive and fair tax regimes, together with the effective implementation of transparency and accountability mechanisms in the international financial institutions.

Without tackling these systemic issues it will be hard to promote effective and people-centered economic transformation, combat the flexibility and informality of labor markets that deny decent working conditions and incomes to workers, or expand public expenditure for social protection systems that includes ‘care’ services and social infrastructure. It is vital that the financing of the new development agenda be publicly discussed, and be centered on public resources. Further, it requires the protection of the commons, moving away from the commodification of nature, ‘care’ and the public sector via outright privatization, private-public partnerships and other market-based mechanisms that make accountability difficult to achieve.

Business must be in the service of the larger development agenda

We call attention to the consistent foregrounding of the business sector as a fundamental driver of development throughout the HLP Report. The business sector is mentioned (also through terms such as “corporations” and “companies”) heavily throughout the document compared to far fewer mentions of governments, and civil society organizations (or CSOs).



This business-oriented language clearly defines the meaning of 'accountability' in the report, where “accountability must be exercised at the right level: governments to their own citizens, local governments to their communities, corporations to their shareholders, civil society to the constituencies they represent” (2013, p23, italics added). However, corporate shareholders’ interests are not the same as citizen’s interests, as profit is their primary declarative interest. Indeed, the reality is that business has been busily creating more and more access, leverage and lobbying capacity into national, regional and global political systems. The narrow definition of corporation accountability by the HLP report flies in the face of much work in business schools and management institutions in the last two decades towards recognizing the need for genuine corporate accountability including attention to the ‘triple bottom line’.

It is not enough to simply promote transparency in extractive industry revenue management as the Report states (2013, 13). Rather, it is necessary to step back and seriously examine the real costs of these industries to the planet’s biospheres and ecosystems and people’s livelihoods, and adopt corrective regulatory policies.

The private sector must be accountable to governments and citizens on human rights obligations and environmental standards, including extraterritorial obligations. This is especially the case today, where state and non-state military-industrial investments have major powerful vested interest in international development. Instead, the weaker targets suggested in the HLP report focus on ensuring 'stable and peaceful societies'. While important, these do not even mention accountability of the private sector and extraterritorial obligations of state interests in other sovereign territories, instead referring only to 'organized crime' as though this was the 'only external stressor leading to conflict' - and not MNCs behaving very badly.

If development is not to be defined by corporate sector interests, then multilateralism and especially the United Nations should also be reinforced in a Post 2015 Development Agenda. It is certainly necessary, for instance, to build more concrete links between United Nations headquarters work in New York, and the Geneva Human Rights processes. The UN must lead rights-based pro-development economic and financial reforms, and must respond to issues of global and regional macroeconomic policy including its social and ecological dimensions. Also, a multilateral mechanism should be adopted in order to hold governments, IFIs, private philanthropy organizations, investors and transnational corporations to account for human rights and environmental sustainability norms and standards.

Reject instrumentalizing women’s human rights

There is a deliberate utilitarian approach to women’s human rights in the HLP Report. This perspective is evident as women's rights are seen as primarily relevant insofar as they increase economic growth, for example, “Women with equal rights are an irreplaceable asset for every society and economy” (2013, p34). The Report also shows excessive dependence on connecting “people in rural and urban areas to the modern economy” as a step towards development, while asserting that progress will allow them to “follow their dreams and start a business” (2013, 7).

Besides, the Report seems to be homogenizing cultures and threatening sustainable livelihoods while asserting that all persons are inclined to start a business as an ideal way of living. Such language invisibilizes the clear majority role of women in sustainable small-scale agriculture and in the preservation of



livelihoods. Effective recognition must go beyond palliative measures in disaster management, climate change adaptation and such, and move forward in guaranteeing inheritance rights, access to credit and land ownership, recognition of intellectual, cultural and social rights, and property rights among others.

It is unacceptable that the unpaid 'care' work of women is absent in the Report. The document ignores the unpaid contributions to development made by women at all levels, which in many cases represent the fundamental pillar of rural livelihoods and community well-being. Social protection, whether of the formal or informal types, cannot be discussed as an issue of 'bare minimums' but rather as a set of systems that facilitate the full realization of human rights and the sustainability of life, and where poor women are recognized as being at the center of the analysis. This must also include recognition of the ways in which the 'care' economy includes chains and labor supply lines that cross national boundaries and where poor, undocumented women migrants are often at the center.

Gender discrimination in the labor market also needs to be effectively addressed. The new development framework requires effective measures to eliminate the gender pay gap in every country as well as to ensure universal and affordable access to social protection and public services to all, recognizing the informal and precarious nature of most labor markets as well as the unpaid work that sustains our everyday lives.

The continued use of the term "good job" as an alternative to "decent job" in the Report represents a clear threat to the advancement of labor conditions worldwide (2013, 46-47). This differentiation seems to institutionalize a double set of labor standards, one for the Global North and another for the Global South. This distinction is highly problematic and opens the space for further distinction between rights of diverse citizens, for instance, according to the place where they were born, and where they work.

Even more problematic is the privileging of business over the rights of women. This is reflected in Target 1b of the 'Ending Poverty' goal which states, "Increase by x% the share of women and men, communities, and businesses with secure rights to land, property, and other assets". It presupposes a false equivalence of land and property rights to people and businesses. Moreover, it does not take into account the unfair distribution of assets among social actors, and can promote further inequalities since securing 'rights of business' can exacerbate violations of women's and community right to land, food, water, etc.

The instrumental use of women's human rights in the report is reminiscent of the old "add women and stir" forms of gender mainstreaming that have had meagre effects on attaining real equality amongst all gender identities, sexual orientations, and various other intersectional identity status. For example, if gender equality and social justice are to be achieved in any effective and universal way, the rights of intersex people and people with non-heteronormative sexual orientation and gender identity need to be fulfilled. States must ensure that all forms of discrimination and violence based on misogynist, homophobic, lesbian phobic, and trans-phobic ideas must end. Specific attention is also needed to address the violence and discrimination faced by sex workers, women working in conflict and militarized contexts, and women human rights defenders, among others, none of which is addressed in the Report. States must also ratify, continuously implement and progressively realize the provisions of the Convention on the Rights of Persons with Disabilities (CRPD), and domesticate the CRPD through the development of legislation and policies with allocation of maximum available resources.



Finally, we are deeply concerned about the assertion in the High Level Panel Report that, “Women should be able to live in safety and enjoy their basic human rights” (2013,p 34). As DAWN has asserted throughout the Post 2015 Development Agenda Thematic Consultations and reiterated in the HLP meetings and OWG sessions, any development agenda must be firmly based on principles of non-regression and recognition of universal human rights, not some vague notion of 'basic rights' and 'safety' that is hard to define, and even harder to measure. Rather, women's rights and gender equality advancements must be firmly rooted in human rights obligations and commitments as agreed by States from the UN conferences of the 1990s, and gains made through their follow up processes at national, regional and global levels.¹

The High Level Panel of Eminent Persons Report on the Post 2015 Development Agenda falls significantly short of providing substantive direction and support to Member states. The framework it promotes downgrades the importance of human rights and environmental sustainability in favor of a model of corporate driven economic growth. But as responsible global and national citizens, we cannot allow the Post 2015 Development Agenda to be a corporate or donor driven agenda. Therefore, DAWN will continue to work with our partners and allies to advance an agenda that truly leads to sustainable and fair development.

¹ This includes the Convention on the Elimination of all Forms of Discrimination against Women and Optional Protocol, Convention on Rights of Persons with Disabilities, Convention on the Elimination of all forms of Racial Discrimination, Declaration on the Rights of Indigenous Peoples, International Covenant on Economic Cultural and Social Rights, Convention on the Rights of the Child, Convention on the Rights of Migrant Workers, Convention against Torture, Convention on Biodiversity; Convention on the Law of the Sea; Programme of Action of the International Conference on Population and Development; Security Council Resolutions 1325, 1820, 1888 and 1960, and the relevant conventions of the International Labour Organization; Platform for Action of the Fourth World Conference on Women; Monterrey Consensus on Financing for Development; UN Conference on the World Financial and Economic Crisis and Its Impact on Development. We also recognise the importance of the Yogyakarta Principles on the application of human rights law in relation to sexual orientation and gender identity.