

Report

# Accountability Mechanisms for Implementing the Sustainable Development Goals

A high-level roundtable discussion at the 29th session of the UN Human Rights Council

18 June 2015, Palais des Nations, Geneva, Switzerland

In September 2015, the heads of states and governments of the members of the United Nations (UN) will come together in New York to adopt the Post-2015 Development Agenda and the so-called Sustainable Development Goals (SDGs). Against this background, the Friedrich-Ebert-Stiftung Geneva Office (FES), the Office of the UN High Commissioner for Human Rights (OHCHR), and the Geneva Academy of International Humanitarian Law and Human Rights organized a high-level roundtable discussion at the 29<sup>th</sup> session of the UN Human Rights Council (HRC) on the accountability mechanisms for implementing the SDGs. The aim was to strengthen the links between the debates in New York and Geneva to ensure that international human rights standards, mechanisms and principles inform the substance of the SDGs as well as the accountability arrangements that may help to ensure their implementation.

## Panelists

*H.E. Ambassador David Donoghue*, Co-Facilitator for Post-2015 Negotiations and Permanent Representative of Ireland to the United Nations in New York

*H.E. Ambassador Joachim Rucker*, President of the UN Human Rights Council and Permanent Representative of Germany to the United Nations in Geneva

*Irene Khan*, Director-General, International Development Law Organization

*Roberto Bissio*, Executive Director, Instituto del Tercer Mundo and Coordinator, Social Watch

*Craig Mokhiber*, Chief, Development and Economic and Social Issues Branch, OHCHR

## Moderation

*Hubert René Schillinger*, Director, Friedrich-Ebert-Stiftung Geneva Office

The Post-2015 Development Agenda to be adopted in September is featuring 17 Sustainable Development Goals (SDGs) and 169 targets to replace the Millennium Development Goals (MDGs). Unlike the MDGs, the SDGs will

be relevant and applicable to all UN Member States.

While eradicating poverty remains a central goal of the agenda like in the MDGs, the SDGs

also cover issues such as the protection of ecosystems, sustainable consumption and production patterns, peace and governance, as well as the reduction of inequality within and between countries.

In his Synthesis Report on the Post-2015 Agenda UN Secretary-General Ban Ki Moon called for nothing less than a global transformational change. This change can be seen as a “shared responsibility” of humankind, implying a fair sharing of costs, responsibilities and opportunities. It will aim to leave no one behind, including by upholding the human rights principles of non-discrimination and equality. It has also been stated that the proposed SDGs should be consistent with international law, including human rights, and grounded in a strong, participatory ‘follow-up and review’ framework for accountability. However, establishing effective monitoring and review mechanisms to bring about accountability for commitments to the new global development agenda remains one of the main challenges of the Post-2015 process. Strengthening the links between the debates in New York and Geneva is crucial to ensure that international human rights standards, mechanisms and principles inform the substance of the SDGs as well as the accountability arrangements that may help to ensure their implementation.

In this context, the Friedrich-Ebert-Stiftung Geneva Office (FES), the Office of the UN High Commissioner for Human Rights (OHCHR), and the Geneva Academy of International Humanitarian Law and Human Rights organized a high-level roundtable discussion at the 29<sup>th</sup> session of the UN Human Rights Council (HRC) on the accountability mechanisms for implementing the SDGs. The event reviewed the practical experiences, working methods and potential contributions of the mechanisms of the HRC - in particular the Universal Periodic Review - to national and global reporting processes that may be established in connection with the SDGs.

## **The Recent Negotiations and the Zero Draft of the Outcome Document for the UN Summit to Adopt the Post-2015 Development Agenda**

Ambassador Donoghue briefed the audience on recent developments in the negotiation process, including the contents of the zero draft outcome document for the UN Summit to adopt the Post-2015 Development Agenda. After two years of broad consultation across the globe, and a negotiation process culminating in the proposed 17 SDGs and 169 targets, in January 2015 the intergovernmental negotiations started at the level of the UN General Assembly. In June the co-chairs submitted the zero draft outcome document on the Post-2015 Development Agenda to the General Assembly, addressing the four key components of the future agenda: an opening declaration, the SDGs and targets, the means of implementation and global partnership, and the follow-up and review process. The draft also includes three annexes comprising proposed revisions to some of the targets, a “food for thought paper” on a possible Technology Facilitation Mechanism, and the full Introduction that accompanied the Open Working Group Proposal for SDGs.

Ambassador Donoghue emphasized the relevance of human rights to the new development agenda, citing the principle of universality and the imperative that all States are accountable for the effective implementation of the SDGs at the national level. Yet it seems unlikely at this stage that the follow-up and review section will be finalized during the negotiations in New York. The outcomes of the third International Conference on Financing for Development in Addis Ababa in July 2015 as well as the 21<sup>st</sup> Conference of the Parties of the United Nations Framework Conference on Climate Change, to be held in Paris in December 2015, will have a crucial impact on the negotiations in New York. Together, the three intergovernmental negotiations in Addis Ababa,

New York and Paris will determine how sustainable development will be conceptualized and implemented over the next 15 years up to 2030.

### **Accountability Mechanisms of the Human Rights Council**

Ambassador Rücker outlined the extent to which the UN human rights bodies have at various stages made reference and provided inputs to the discussion on the SDGs. For example, among others, concrete inputs and recommendations were provided by the Special Rapporteurs on extreme poverty and on the right to safe drinking water and sanitation as well as by the UN Treaty Bodies.<sup>1</sup> Recalling the speech of the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, in opening this year's 29<sup>th</sup> session of the HRC, we are at a crucial turning point in the integration of human rights into the new development agenda. Ambassador Rücker outlined the working methods of the HRC, in particular the mechanism of the Universal Periodic Review (UPR), to help inform the review and follow-up processes of the SDGs at the global level. The UPR is a cooperative, state-driven process that functions as a peer-to-peer evaluation, and ensures equal treatment for every country while assessing their human rights situations. This periodic process, applicable to every state, generally results in increased mutual accountability and commitment, systemic self-correction, and a general improvement through periodic recommendations. As a result of its key principles and working methods, the UPR process now enjoys a universal, 100% participation rate, in spite of its voluntary nature. Although the UPR is a primarily state-driven mechanism, Ambassador Rücker highlighted the crucial role played by civil society actors and other stakeholders like National Human Rights Institutions

(NHRIs) in the review process, by providing important information to UN bodies and strengthening human rights protection and implementation at the national level. A similar process could be developed for any new review mechanisms established for monitoring the implementation of the SDGs. By focusing on the imperatives of implementation and preventive action, review processes can serve not only as an accountability mechanism, but also as early warning systems for retrogression, as in the case of the UPR. Ambassador Rücker concluded with a strong call for human rights as a central pillar of the new development agenda, as human rights lie at the core of sustainable development. Integrating human rights in the negotiations in New York would moreover strengthen goals for the fulfillment of both the human rights and development agendas, through open dialogue and genuine cooperation.

### **The Rule of Law and Accountability of Private Actors**

Irene Kahn of the International Development Law Organization emphasized the need to anchor the rule of law in the SDGs as the baseline for accountability. What differentiates *rule of law* from *rule by law* are human rights. She argued for strengthening Goal 16 with respect to access to justice. Integrating a human rights approach into the SDGs further reflects a change of perspectives and new expectations of development. Here, national accountability is of crucial significance, as the development agenda is always embedded in a national context and relies on national ownership. Follow-up and review mechanisms at the national level need to be strengthened in the zero draft, as the current two general paragraphs addressing this aspect are not sufficient. Establishing comprehensive national accountability

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<sup>1</sup> See also [Julia Kercher, The Sustainable Development Goals – Contributions of the Human Rights Council to the debate so far.](#)

mechanisms requires the strengthening of engagement of civil society actors and other stakeholders at the local level, including parliaments and NHRIs.

In his remarks, Roberto Bissio, Third World Institute and Coordinator at Social Watch, drew attention to the role of the private sector in development partnerships. He stressed the fact that not only states, but also private actors, including corporations, play a central role in development and thus need to be held accountable. In particular, he mentioned the failure of Public Private Partnerships (PPPs) as a result of a lack of clearly defined pathways of responsibility and accountability, and called for rules to regulate the partnership between the UN and corporations, similar to those regulating the partnerships between the European Union and civil society actors. Existing principles of a voluntary nature, such as the UN Guiding Principles on Business and Human Rights, are not sufficient to establish an effective mechanism for accountability.

Another central challenge in this regard remains to shift the perspective from international trade rules to human rights standards. While Mr. Bissio praised the draft outcome document on the new development agenda as an extraordinary document based on a broad consultation process and the principles of universality and equality, he identified its implementation and the accountability of all relevant actors, including corporations, as the defining gaps and remaining challenge.

### **A Paradigm Shift**

Craig Mokhiber (OHCHR) highlighted that the new development agenda reflects a paradigm shift at the UN, as it refers to accountability not only between Member States, but also between governments and their people. The proposed Sustainable Development Goals and targets outlined in the zero draft outcome document go much further than the MDGs, and are

underpinned by a strong commitment to a universal and transformative agenda grounded in human rights. As such, the new development agenda should be implemented in line with international human rights law, with the proposed three levels of review – national, regional and global – emphasizing countries' obligations in this regard. The modalities for the participation of civil society actors will need to be more clearly defined, as will arrangements for UN human rights mechanisms to contribute to the process. There remains a gap between the important role outlined for the private sector on the one hand, and a lack of private sector accountability on the other. This needs to be addressed, including through a reference to the UN Guiding Principles on Business and Human Rights. The implementation of the SDGs will be the next key challenge and requires going beyond only rhetorical commitments by Member States, towards broad and effective implementation efforts, including investment in capacity-building and the meaningful participation of all stakeholders throughout the monitoring and review process. While the implementation and accountability process will remain primarily in the national domain, the global review process is also of major importance for accountability, and should enable periodic, public and universal follow-up and review.

### **Conclusions**

The event reflected a shared view that human rights and the existing review mechanisms of the HRC could play a crucial role in the effective monitoring and review of the SDGs. The UPR process of the Human Rights Council provides an example of a successful voluntary, periodic, peer-to-peer global review process which enjoys the universal participation of all UN Member States. Human rights review mechanisms including the UPR and treaty body reporting processes can, on one hand, provide practical

lessons towards the establishment of an effective review process for the SDGs, and on the other, provide vital information that can feed in and inform any new review mechanisms established for monitoring the SDGs. Furthermore, collaboration is called for in strengthening the role of stakeholders and their contribution to the follow-up and review processes, both in terms of private sector accountability and the free and open participation of all stakeholders, in particular civil society. Close on-going cooperation between New York and Geneva will be essential to ensure that the follow-up and review process established for SDGs brings about accountability, and that sustainable development is realized in line with human rights.

#### On the author

Nina Fink studied Social Work, Political Science and Sociology at the University of Applied Sciences Koblenz and the University of Potsdam.

The views expressed in this publication are not necessarily the ones of the Friedrich-Ebert-Stiftung.

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