

PEOPLES' SUSTAINABILITY TREATY ON RIGHTS FOR SUSTAINABILITY

I. PREAMBLE

The *People's Sustainability Treaty on Rights for Sustainability*¹ endorses the Universal Declaration of Human Rights and the Convention on the Rights of the Child and calls for a continuous care for their implementation in all aspects of human life. It further recalls the human rights-related principles of the Rio Declaration² and acknowledges the many other rights-related declarations that have emerged since then. We state that sustainable development is impossible without a continuous respect and care for the implementation of human rights as made explicit in the above mentioned texts.

However, in considering the relation between the challenge of implementing human rights on the one hand and the challenge of implementing sustainable development on the other hand, we also call for an awareness of the insight that a full implementation of human rights would not automatically lead to sustainable development. This claim advances from the recognition that *fair and effective sustainable development governance concerns a fair and effective organisation of our human socio-economic interactions* (hereafter called the 'global socio-economic dynamic', including the local, the national and the regional).

This socio-economic dynamic is a mean for sustainable development and not an end in itself. In addition, the fair and effective organisation of this socio-economic dynamic has to take into account two boundary conditions that are essential for the well-being of humanity. The first is the recognition that all human beings are equal and have equal rights in enjoying social and cultural freedoms when striving to live a meaningful life. The second is the recognition that the well-being of humanity is inextricably bound up with the well-being of its natural environment. In other words: human well-being implies the well-being of nature and our earth as such and vice-versa.

Furthermore, we recognise that acknowledging and implementing rights for sustainability requires a short term and a long term view. It requires tackling current ecological and humanitarian crises now as well as a foresight on enabling long-term bottom-up possibilities for citizens to give them influence as actor in the socio-economic dynamic and to organise confrontation and critical pressure on policy themselves. In other words: the survival of humanity is as much about saving it now as it is about providing it with capacities to take care of itself in the future.

¹ The Rights for Sustainability Treaty is part of a set of Treaties drawn up and discussed under the People's Sustainability Treaties initiative (<http://sustainabilitytreaties.org/>). It relates to the other theme-oriented Treaties by rationalising right for sustainability as the 'basics' for sustainable development on which the other Treaties advance with respect to concrete sustainable development themes.

² A consolidation of the 1992 Rio Declaration Principles is taken up in annex to this Treaty.

All this implies that fair and effective sustainable development governance requires *rights and responsibilities* for every human being. As we claim that *before we all can become equally responsible, we first need to have equal chances*, the rights in relation to fair and effective sustainable development governance concern three principles, being:

- Principle #1** the right to be protected from unjust excrescences *of* the global socio-economic dynamic and the right to have access to and participate *in* the global socio-economic dynamic;
- Principle #2** the right to participate in policy-supportive knowledge generation and deliberation for sustainable development governance;
- Principle #3** the right of future generations to enjoy own freedoms of choice in deliberating sustainable development governance.

These principles are further elaborated in the next section.

While the principles as such may benefit from broad support by people concerned with social justice and sustainable development, the claim that a full implementation of human rights would not automatically lead to sustainable development may require more explanation. Indeed, taking into account the fact that sustainable development governance is essentially an exercise in coordinating complex systems of interlinked socio-economic processes in a dynamic of increasing globalisation, a fair and effective dealing with sustainable development challenges will always be troubled by the difficulty of negotiating a consensus that integrates and balances reasonable but often incommensurable and conflicting interests. Not only do we have to deal with the complexity of acquiring knowledge about those systems and of their relation to our natural and technical environment, we also need to take into account the fact that our global challenges are essentially cases of moral pluralism. That is: even if we would all agree on the knowledge base of a specific sustainable development-related problem, then opinions could still differ about the acceptability of proposed solutions. Indigenous knowledge and the natural and social sciences can inform us about the character of options, they cannot always clarify the choice to make. Moral pluralism thus requires us to acknowledge that, in many cases, we have to deal with *limits to knowing of* problems and solutions and with a *plurality of opinions on* problems and solutions.

From a human rights perspective, this requires us to engage in processes of deliberate knowledge generation and decision making that would generate societal trust primarily by their open, inclusive and deliberate method instead of only by the rationality of their envisaged solutions. There is no single objective path for sustainable development. Sustainable development relies as much on human individual and collective *creativity* as it relies on human individual and collective *responsibility*. In this respect, we are aware that there will always remain a vague line between what should be 'enforced' in the interest of human rights, human equality and human solidarity on the one hand and what should be 'left open' to contingent dynamics relying on the power of individuals and communities to employ creativity, commitment and solidarity on the other hand.

In this sense, sustainable development is a *collective human responsibility* that also implies *specific individual human rights* with regard to 'knowing', 'expressing opinions' and 'decision making'. In other words, human rights for sustainable development are not only about combating poverty and providing equal access to basic needs (water, food, energy, health care and shelter) and justice, but also about having equal access to that kind of knowledge generation and decision making that recognises limits to knowing and plurality of opinions, and that aims to make sense of and give meaning to the world, ourselves and the issues at stake.

2. PRINCIPLES

Taking into account the previous rationale, *the principles that underpin a human rights based approach to sustainable development governance relate to the possibility to protect, enable and stimulate the full potential of the human being for sustainable development governance*. This idea unfolds in three People's Rights for Sustainability principles, being

Principle #1 Sustainable development implies a fair and effective organisation of the global socio-economic dynamic. Taking into account the two boundary conditions to this socio-economic dynamic that are essential for the well-being of humanity, being

- the recognition that all human beings are equal and have equal rights in enjoying social and cultural freedoms when striving to live a meaningful life;
- the recognition that the well-being of humanity is inextricably bound up with the well-being of its natural environment;

a fair and effective organisation of the global socio-economic dynamic implies

1.1 the right for every human to be protected from unjust excrescences of that global socio-economic dynamic, requiring

- a solidary global policy to alleviate people from and to protect them from falling into extreme poverty;
- a fair, inclusive and pragmatic multi-level policy to minimise, balance and compensate for burdens emerging from that global socio-economic dynamic, being among them technological risk, environmental occupation, occupational instrumentalisation, market dependency, information mediation and heritage depletion.

1.2 the right for every human to have access to and participate in the global socio-economic dynamic, requiring an awareness of and preparedness to remove *economic or political power-induced barriers to equal access to*

- natural resources, energy, labour, finance, markets and institutions;

- fresh water, clean air & healthy food, decent housing and means of mobility, cultural support;
- health care and sanitation;
- education, training and research;
- justice.

Principle #2 Sustainable development implies the right to participate in policy-supportive knowledge generation and deliberation for sustainable development governance, requiring an intellectual capacity building that is also able to fairly and effectively deal with *limits to knowing of* problems and solutions and with a *plurality of opinions on* problems and solutions.

The recognition of limits to knowing of problems and solutions and the plurality of opinions on problems and solutions as factors that affect any sense-making of sustainable development governance informs the need for education, research and deliberation to be inspired by curiosity, reflexivity, transparency, mutual respect and solidarity. In other words, *fair and effective sustainable development governance needs fair and effective human intellectual capacity building*.

This implies a threefold human capacity building principle, ensuring

- 2.1** the right for every human to enjoy free, open and pluralist education and a personal socio-cultural intellectual development in free interaction with other human beings;
- 2.2** the right for every human to join and contribute to informal and formal processes of knowledge generation aimed to inform sustainable development assessment and policy;
- 2.3** the right for every human to join and contribute to informal and formal processes of political deliberation and decision making in the context of sustainable development governance.

We state that practical limits to the implementation and organisation of this threefold human capacity building principle may not be used to question its normative grounds.

We further recognise that the implementation of this principle goes together with a special attention to ensuring gender equity and the specific needs of women in developing countries and the specific needs of children.

Principle #3 Sustainable development requires humanity to provide freedoms of choice for future generations in deliberating sustainable development governance.

The recognition of limits to knowing of problems and solutions and with a plurality of opinions on problems and solutions as factors that affect any sense-making of

sustainable development governance implies that we cannot think and decide ethically for future generations. Ensuring the rights of future generations implies for current policies not only a responsible dealing with potential future burdens of current actions, but also to acknowledge and to take into account an intergenerational equality that enables future freedoms of choice. An intergenerational social equality would thus enable the right and possibility for the global society to continuously rethink its own moral stances with regard to the situation in view of the future.

3. COMMITMENTS

In the spirit of this People's Rights for Sustainability Treaty, acknowledging as well our own specific roles and responsibilities as the need to cooperate and seek synergies in the interest of sustainable development governance, we governments, business, civil society, communities and individuals will commit to

- taking action to tackle extreme poverty and to further protect human beings from unjust excrescences of the global socio-economic dynamic, as made explicit in principle 1 of this Treaty;
- implementing local, national and international social and financial support mechanisms and enacting local, national and international legal measures to ensure access to and participation in the global socio-economic dynamic for every human being, as made explicit in principle 1 of this Treaty;
- democratising the participation in policy-supportive knowledge generation and deliberation for sustainable development governance for every human being, as made explicit in principle 2 of this Treaty;
- fostering cultures that enable and stimulate every human being to enjoy free, open and pluralist education and a personal socio-cultural intellectual development in free interaction with other human beings, as made explicit in principle 2 of this Treaty;
- giving account to future generations by acknowledging and taking care of potential future burdens of current actions, as made explicit in principle 3 of this Treaty;
- leaving future generations own freedoms of choice in deliberating sustainable development governance, as made explicit in principle 3 of this Treaty.

4. SIGNATORIES

name	organisation	country
1. Gaston Meskens	Centre for Ethics and Value Inquiry, University of Ghent http://www.cevi-globalethics.ugent.be/	Belgium
2. Uchita de Zoysa	Centre for Environment and Development http://centreforenvironmentdevelopment.blogspot.com	Sri Lanka
3. Stella joy	Active Remedy Ltd. http://www.activeremedy.org.uk/pages/	United Kingdom

5. ANNEXURES

1. ACTION PLAN

We the undersigned civil society organizations, institutions, communities and individuals hereby commit to the following concrete actions within the specified time frame:

(The following section aims to contain ideas for action that will be received from participating treaty circle members. These and other proposals to be received will be developed as actionable projects with clearly defined objectives, goals, strategies, timelines, and commitments.)

2. RECALLING THE HUMAN RIGHTS-RELATED PRINCIPLES OF THE RIO DECLARATION

Bearing in mind that a principle aim of the 2012 Rio+20 conference is to recognise the 1992 Earth summit agreements and to promote their full implementation, the Peoples' Sustainability Treaty on Rights for Sustainability recalls here the human rights-related principles of the Rio Declaration and insists that they be fully implemented forthwith.

- The right to development shall be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.
- In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.
- All shall co-operate in eradicating poverty as an indispensable requirement for sustainable development. The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority.
- States shall co-operate to conserve, protect and restore the health and integrity of the Earth's ecosystems.
- The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment.
- At the national level, each individual shall have access to information concerning the environment that is held by public authorities, and the opportunity to participate in decision-making processes.
- States shall facilitate and encourage public awareness and participation by making information widely available.
- Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.
- States shall enact effective environmental legislation.
- States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage.
- In order to protect the environment, the precautionary principle shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.

- National authorities shall ensure the internalization of environmental costs.
- National authorities shall ensure the application of the polluter pays principle.
- Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment.
- National authorities shall ensure the full participation of women to achieve sustainable development.
- States shall recognize and support the identity, culture traditions and interests of indigenous people and their communities and other local communities and enable their effective participation in the achievement of sustainable development.