

MDGs and Human Rights: Challenges and Opportunities

“Human Rights are and should be instruments for the empowerment of the MDG agenda”

(Jeffrey Sachs, Special Adviser to the UN Secretary-General on MDGs)

Introduction

In the Millennium Declaration, the international community reaffirmed its commitment to work together to eradicate poverty. Emanating from this declaration, the eight Millennium Development Goals (MDGs) provide clear and quantifiable targets in each of the eight priority areas identified by the international community: hunger, illiteracy, gender inequality, child and mother mortality, preventable diseases, environmental degradation and international cooperation.

The Human Rights Based Approach (HRBA) is a conceptual framework for human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. Though there is no single, universally agreed HRBA, a consensus is emerging within the UN system through the adoption of the “Common Understanding on a Human Rights Based Approach in Development Cooperation”, agreed in 2003.

Hence, while the MDGs define targets and set ends, the HRBA constitutes a framework and a methodology to work towards these ends. This paper explores how the latter can be made to contribute to the achievement of the former. The main conclusion of this analysis is that, while there are important synergies and areas of mutual complementarity between the two, there are also considerable risks and challenges involved.

The paper seeks to identify these, so as to find ways in which MDGs and HRBA can be made to interact in a mutually enhancing manner. This will be done, first by exploring how the MDGs fit into the existing international human rights framework. Second, the methodological framework of the HRBA shall be analysed so as to identify how it can help improve both the efficiency of MDG achievement, as well as correcting for some of the weaknesses inherent in that approach. Finally, it will be argued that the holistic approach to development, which characterizes the HRBA, can help broaden the focus of the MDG campaign, thus enabling a more sustainable achievement of the MDGs.

Legitimacy: MDGs and International Law

MDGs and HRBA: The first contribution of the HRBA is to re-assert the principles of the UN Charter and the Universal Declaration of Human Rights and to re-anchor the work of the United Nations in those texts. As such, it constitutes a valuable reminder that *all* the work of the UN should be undertaken to promote human rights, seeing the treaties and conventions as the instruments that define its mandate and from which it derives its legitimacy. In its operations, the United Nations act as the custodian of the will of the international community. Development work undertaken by the United Nations, is not only a technical exercise to meet certain needs of individual countries, but also part of an obligation to work towards the realization of the social, economic, cultural and political rights defined by the international community.

The MDGs, on the other hand, are a political initiative, aimed at generating an international momentum towards the achievements of specific policy goals. While this is valuable in its own rights, it should not be mistaken for international law, which defines binding standards and establishes principles of conduct for the international community. The MDGs are not explicitly grounded within a human rights framework. When considered in isolation, the MDG targets may appear crude and there is a real risk that an exclusive focus on the achievement of these narrowly defined goals might lead us back into a technocratic (input/output) approach to development.

Synergies between MDGs and Human rights: This being said, the MDGs should not be seen in isolation. They are derived from the Millennium Declaration. Through this Declaration, states have committed themselves to respect and fully uphold the Universal Declaration of Human Rights, to strengthen the capacity for democracy and human rights, to implement CEDAW, to ensure respect and protection for the rights of migrant workers and their families, to work collectively for more inclusive political processes allowing genuine participation by all citizens, and to ensure freedom of the media and public access to information.

The Goals, as they stand, are fully compatible with the principles set out in the Universal Declaration and subsequent treaties, and can, in many cases, be seen as derived from more general goals defined in human rights texts, refining and specifying general goals set out therein. As such, the MDGs *may* provide quantifiable and time-bound targets to benchmark and monitor progress towards achievement of specific human rights goals. However,, while MDGs define targets, human rights commitments, through their emphasis on obligations towards the most vulnerable and on process, set minimum standards for the respect and fulfillment of related rights, which define how the MDGs should be reached.

Finally, while the MDGs may not be considered as having any legal status that would make them strictly enforceable, they are derived from a carefully negotiated political consensus document, which gives them stature and a degree of legitimacy comparable to that enjoyed by international treaties. Hence, while MDGs and human rights are clearly separate concepts, they need to be seen in close interaction at the operational stage. Such interaction should be beneficial both for the achievement of the MDGs and for the realization of human rights.

Methodology: Human Rights Based Approach

While MDGs can complement human rights principles by providing clear and quantifiable targets, these targets remain silent on the process through which development goals should be achieved. The HRBA, on the other, hand provides a methodology, captured in the Common Understanding, for how development programming should be carried out. At the same time, it should be remembers that HRBA is not an alternative to good development programming. Instead it builds on it and strengthens it by placing good development practice in the context of the human rights framework.

Equality and non-discrimination: Let us start from a concrete example to show how this interaction can take form in practice. Freedom from poverty is by many recognized as a

fundamental human right (starting with the “freedom from want” statement in the preamble to the Universal Declaration of Human Rights), but is far too complex a notion to be clearly captured in any one human rights article or paragraph. Rather, the human rights treatment of poverty is spread out over a number of loosely connected conventions and treaties dealing with a number of economic, cultural and social rights, ranging from child labour to primary education, etc. While this may be adequate for a legal treatment of the concept of poverty, it will certainly fail to provide the focus and impetus that is likely to generate political momentum. MDG 1, on the other hand, seems to suffer from the opposite problem: Basing itself on the crudest imaginable definition of poverty, the one-dollar-a-day measure, it has managed to generate political momentum for the achievement of a clearly defined goal.

But the crudeness of this measure also poses certain risks. For instance, the most efficient way of achieving the goal of halving poverty by 2015, would be to focus on raising the income of those earning close to that threshold, thus leaving the extreme poor unaffected. This is where the HRBA approach, with its focus on the most vulnerable, would make a crucial difference, preventing the MDG targeting from falling into the trap of technocratic solutions which achieve the MDGs but violate the spirit of the Millennium Declaration as well as human rights treaty obligations. Thus, the HRBA provides a crucial counterbalance to the crudeness of the one-dollar-a-day measure. So, for instance, the HRBA, with its emphasis on non-discrimination and equality, would ensure that the goal would be realized in an equitable way without missing or bypassing any specific group (such as indigenous minorities or women). As the Common Understanding makes clear, however, this will require access to properly disaggregated data (both by social groups and geographically) in order to identify the target groups, which should receive priority attention.

Right-holders and duty-bearers: More generally, the HRBA approach implies a new way of looking at development.. Rather than focusing mainly on development deficiencies as the product of technical shortcomings to be filled by outside expertise or additional resources it attaches great significance to flaws in the political process by which citizens hold the state accountable for realizing their rights. The task of development practitioners is thus to bring right-holders and duty-bearers closer to each other, by empowering and strengthening the voice of the former and strengthening the institutional capacity and the resources of the latter so as to facilitate the process of social and economic progress. Hence, the HRBA approach constitutes a sound framework for approaching development issues, and could thus provide a clear roadmap for the achievement of the MDGs.

Global targets cannot be imposed on each and every country, independently of their specific situation. The quantitative MDG targets must be translated into nationally agreed targets that balance ambition with realism. Over-ambitious targets are not likely to trigger action or mobilise social actors; non-challenging targets are unlikely to mobilise extra resources or to foster pro-poor policy reforms. Tailoring and customising the MDG targets is essential for enhancing the sense of national ownership of the MDGs (in Latin America, for instance, many countries have adopted universal secondary rather than primary education as their own Millennium goal). Similarly, a human rights-based approach is dynamic, and leaves scope for tailoring it to the specific context of each

country. The approach calls for an understanding of the political, social, cultural and legal context in which people live.

A HRBA to national programming on MDGs, requires identification of duty-bearers, rights holders and their claims; it strengthens the relevance of the MDG in national contexts through a participatory process involving, from the very beginning, all stakeholders; it encourages a public debate on key issues including sustainability (down to at least municipal level), resource allocation and prioritization. However, necessary for its achievements is that those taking decisions will embrace its concepts..

Sustainability: A Holistic Approach to Development

Sustainability depends very much on the extent to which development processes and gains are anchored within a culture and framework of entitlements at the national level, including laws, policies and institutions necessary to vindicate rights claims in peoples' daily lives. Thus, the issues of empowerment and accountability (claim-holders and duty-bearers) discussed above are essential for sustainability. But there is also another aspect of a HRBA that increases the chance for sustainability: its advocacy of a holistic approach to development.

Interdependence and Interrelatedness: MDG 2 aims to achieve universal primary education. However, this will not be achieved so long as traditional practices or social realities bar a large part of the population, mainly women, from access to education. Hence, the achievement of MDG 2 is in many ways dependent on progress on MDG 3. At the same time MDG 7 seeks to work for sustainable and environmentally conscious development. However, this goal might involve placing restrictions on economic growth and might therefore be in direct contradiction with MDG 1 on poverty. What these examples show is that the MDGs are interdependent, or at least inter-related in such a way that it is impossible to consider them in isolation from each other. In order to work towards the achievement of all these goals it is necessary to consider them in a full range of inter-actions and correlations.

The HRBA approach is well suited for providing this type of holistic framework for development programming.. One of the central precepts of human rights is their indivisibility. One cannot justify the violation of one human right by claiming that such a violation is necessary to realize another human right. However, when rights and interests are in conflict, as they often will be in real life, the HRBA will offer a framework for negotiating the conflicts. A HRBA involves the full range of rights, and invites consideration of how the achievement of one goal helps or harms other rights. This principle appears particularly useful when it comes to the question of civil and political rights.

Indivisibility and structural analysis: One danger of the MDGs, as they stand, is that they could be used as an excuse by authoritarian governments for repressing civil and political rights, which, it might be argued, create chaos and confusion that hampers development. While it is true that the Millennium Declaration reaffirms the importance of democratic governance in poverty reduction, this remains an instrumental defense, and, as such, is conditional on the effective realization of the MDGs. The HRBA, on the other hand, sees democratic progress as an integral part of the development process, as well as means

towards the effective realization of the MDGs. Hence, the human rights based methodology emphasizes the importance of accountability and participation at each stage of the process, when development goals are defined and implemented.

The HRBA will stress the need for thorough analysis of the structural social and economic causes of exclusion so as to understand which groups have been excluded from the political process and why. Because the HRBA seeks to address the root causes of development problems, and because it includes relevant stakeholders in the development process, it is also more likely to create a sense of ownership and a supportive constituency. The HRBA thus works for creating long-term solutions that are politically and socially sustainable in time.

Conclusion

This analysis has concluded that there are strong complementarities between the HRBA and the MDG campaign, creating opportunities for fruitful and mutually reinforcing interaction. The MDGs have the advantage of setting clear and identifiable targets and of creating a significant political momentum on which human rights initiative can capitalize to promote the goals defined in the Universal Declaration and human rights treaties.

The HRBA approach, on the other hand, provides a comprehensive framework for analyzing and addressing development issues. The MDGs set the goals, while the HRBA tailors/adapts them to the national situation and provides the methodology to reach those ends in a way that ensure that the results are sustainable and anchored in the political and social realities of each country.

The main conclusions of this analysis, are:

- 1) that the MDGs, as derived from the Millennium Declaration, are largely compatible with the human rights framework;
- 2) that the HRBA provides a sound methodological framework, which sets out means and methods for achieving the MDGs in a way that is both efficient and equitable, and
- 3) that the HRBA proposes a holistic approach to development, which may enhance the sustainability of MDGs and ensure that they are compatible with other UN commitments defined in the human rights framework.

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