

Seminar on Human Rights and the Millennium Development Goals

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Report

Preface

In the Millennium Declaration, states agreed to 'spare no effort' to promote democracy and the rule of law, human rights and fundamental freedoms, and resolved to strengthen their capacity to implement respect for human rights. Governments have thus officially recognised the positive efforts required to translate human rights into practice. The Millennium Development Goals (MDGs) form a central part of this transformation.

Human rights norms and instruments can be the keys to strengthen policy efforts for effective MDG realisation. There are similarities between the MDGs and human rights. This is unsurprising, given that human rights norms and development cooperation have the same origin. They are both based on the United Nations Charter and the International Bill of Human Rights. They have the common objective of promoting human dignity and well-being for all, and provide tools to hold governments accountable. Yet although the human rights perspective and the development practice have experienced periods of cooperation in recent decades, time and again they went their separate ways. This lack of structural cooperation is a real missed opportunity, because human rights and the MDGs can reinforce each other. It is a real challenge to boost the synergy between human rights and the MDGs and to translate this into practical proposals.

With this in mind, I took the initiative to organise the seminar 'Human Rights and the Millennium Development Goals', which brought together (inter)national experts from UN and donor agencies, NGOs and academic institutions from all over the world. The seminar's objective was to find effective ways for donors to mainstream human rights into development cooperation and MDG efforts.

Intensifying our efforts is urgent. We are almost five years from 2015, the year by which world leaders have pledged to achieve a significant reduction in poverty and the other Millennium Development Goals. Achieving such progress is a collective responsibility. States have the primary responsibility to implement the Universal Declaration and to achieve the human rights and principles enshrined in the Millennium Declaration towards everyone's aspirations for a better future. At the same time, international development partners must maintain, or even increase, their level of support to help countries make these standards a living reality for all, especially now in times of financial and economic crisis.

It must be stressed that mainstreaming human rights in the MDGs is not optional. The MDGs were formulated as an integral part of the Millennium Declaration, which is explicitly built on human rights. It is not a question of choice between the MDG and human rights approaches to development: they are two sides of the same coin. If we deal with them in isolation we will fall short of achieving our MDG objectives – taking them together and building cross-linkages will ensure synergies and multiplier effects.

I was pleased to see that participants in the seminar made a clear case for forging synergies between human rights and MDG instruments. The political momentum of the MDGs and the legally binding nature and focus on vulnerable groups of the human rights framework together provide powerful avenues to realise poverty eradication and enjoyment of human rights for everyone. The seminar report presents concrete cases and examples, from donor assistance in using CEDAW provisions to enhance women's land rights in Kyrgyzstan to an approach based on human rights obligations in the water sector to improve access to safe water for the poor in Kenya and Benin. Novel instruments are presented that demonstrate that it is indeed possible to make economic, social and cultural human rights measurable and to hold governments to account for their efforts for the poor and vulnerable.

Promoting human rights and achieving the MDGs are priority objectives of the Dutch government. This seminar has resulted in numerous insights and recommendations that will inspire concrete elaboration of this relationship.



Bert Koenders
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List of Abbreviations and Acronyms

AU	African Union
CCA	Common Country Assessment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESR	Centre for Economic and Social Rights
CRC	Convention on the Rights of the Child
ES rights	Economic and social rights
ESC rights	Economic, social and cultural rights
GBS	General Budget Support
GTZ	<i>Deutsche Gesellschaft für Technische Zusammenarbeit</i> (German Agency for Technical Cooperation)
HR	Human rights
HRBA	Human rights-based approach
HRBAD	Human rights-based approach to development
IBP	International Budget Partnership
ICEFI	<i>Instituto Centroamericano de Estudios Fiscales</i> (Central American Institute for Fiscal Studies)
ICESCR	International Covenant on Economic, Social and Cultural Rights
IE	Independent Expert
KNHRC	Kenya National Human Rights Commission
MDG	Millennium Development Goal
NGO	Non-governmental organisation
ODA	Overseas development assistance
ODI	Overseas Development Institute
OHCHR	Office of the High Commissioner for Human Rights
OSAR	<i>Observatorio de Salud Reproductiva</i> (Sexual and Reproductive Health Observatory)
PAF	Performance Assessment Framework
PRSP	Poverty Reduction Strategy Paper
PSNP	Productive Safety Net Programme
RtW	Right to water
RtWS	Right to water and sanitation
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme

UNEP	United Nations Environment Programme
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UPR	Universal Periodic Review



Welcome Address by Bert Koenders, Minister for Development Cooperation of the Netherlands

(A verbatim transcript)

Ladies and gentlemen,

Welcome to The Hague and to the Ministry of Foreign Affairs. It is great to have you here on this unique occasion. We are very pleased that Ms Navanethem Pillay, the High Commissioner for Human Rights, is taking part in our seminar, along with many experts in the field of human rights and the Millennium Development Goals.

MDGs and human rights: both are priorities of the Dutch government, and both are close to my heart. When I became Minister for Development Cooperation two years ago, I immediately poured all of my energies into the MDGs. I had been shocked by a report describing how the MDGs were going off the rails in various countries and I resolved to target the areas that are crucial for reaching these internationally agreed goals: Growth and Equity; Gender and Sexual and Reproductive Health Rights; Climate and Energy; and Security and Development. And shortly after I took office, we launched the Schokland Fund. It finances innovative partnerships and civil society initiatives targeting one or more of the MDGs. Development and the MDGs are not just the concern of governments

and NGOs – they are our common concern. And the great thing about the MDGs is this: 189 countries have rallied together in support of goals, targets and deadlines for poverty reduction. The MDGs are an opportunity to improve people's lives in a very real way. The challenge is to achieve maximum progress in the run-up to 2015.

The fact that I have devoted myself to the MDGs over the past two years does not mean that I have been ignoring human rights. Quite the reverse, in fact! The rights-based approach to development and reaching the MDGs rejects the notion that people living in poverty can only meet their basic needs as passive recipients of charity. That would be an essentially wrong approach to development cooperation and reaching the MDGs. The people should be the active subjects of their own development, as they seek to realize their rights. Development organisations – like my own – should seek to build people's capabilities to do so, by guaranteeing their rights to the essentials of a decent life: education, health care, water and sanitation, and protection against violence, including domestic violence.

We should stand – in my view in very practical terms – for a rights-based approach that supports the debate about equity and justice, as principles endorsed by the international community. In fact, such a rights-based approach should help governments and citizens to pursue justice.

Asserting rights can be achieved in a slow process through legal and peaceful means, but often involves moments of confrontation and struggle, when the powerful resist, often with force. I am honoured that Ms Pillay is here, who knows about this first-hand because of the struggle against apartheid. But we know, having just travelled in the poor townships of South Africa last week, that even when dramatic events are over, the struggle and negotiating for the fulfilment of rights continues. That struggle sometimes starts by speaking out, specifically, in very concrete cases.

Where necessary, I also try to speak out against human rights abuses. Silent diplomacy can be useful, but mostly active discussions are necessary. Today we speak out against the lack of access in Sri Lanka to the refugee camps. We speak out against new settlements in the Occupied Territories, which limit the possibilities for Palestinians to reach the MDGs. In Mali, for instance, I brought up the horrendous practice of female circumcision during my talks with President Touré and we discussed concrete legal and practical solutions. In Colombia, I raised the issue of the violation of the rights of trade unions and children. And most recently, in Burundi, I spoke out in support of gay rights in talks with President Nkurunziza.

As you know, the Dutch government has a constitutional obligation to promote the international legal order. So it has long been committed to the progressive development of international law in general – not forgetting the field of sustainable development. A good example is the declaration on this theme that the Netherlands and Bangladesh brought to the UN's attention in 2002. On a more practical level, in March 2008 the Netherlands recognised the right to drinking water and sanitation as a human right. This is a significant step forwards in efforts to achieve the seventh Millennium Development Goal. It gives NGOs and lobbying organisations real leverage to persuade governments to do more for the most vulnerable in society. Finally, in April 2007, at a meeting of the UN Security Council, I personally advocated using international legal instruments to tackle the impact of climate change. Here the wealthy nations have a historical responsibility.

Every day, my colleagues and I in the Dutch government work hard to improve human rights. We do not always succeed, but we do it out of a wholehearted conviction that all human beings everywhere have the right to a life of dignity; that human rights abuses are a disgrace to us all and that they destabilise regions and countries; and that we will also have to look at our own human rights record and be self-critical about the many double standards in the reality of human rights.

I do believe that human rights and the MDGs are inextricably linked. To put it simply: without human rights, especially Economic, Social and Cultural rights, there will be no MDGs. And without MDGs, there will be no human rights either – as we learn from bitter experience.

Let me illustrate this with examples from the theme of Growth and Equity. We tend to think of this solely in terms of growth percentages, currency and exchange rates. These are important issues, of course, but I believe that there are others, too, such as stamping out inequality and ending exclusion. The present financial and economic crisis hurts the poorest, who have no stake in any bonus system and take no part in the system of casino capitalism. It is therefore essential to talk about empowering disadvantaged groups. Many countries still have a lot of catching up to do in areas that have everything to do with human rights, such as the right to food and the right to social security. During this seminar, you will be discussing whether human rights instruments can effectively be deployed to achieve these aims. I look forward to hearing your conclusions.

In times of sometimes cut-throat competition in a globalized world, socio-economic rights are essential for reaching the MDGs. We should therefore be busy in multilateral forums such as the ILO and WTO, but also the Commission on the Status of Women needs to campaign for the rights of women. You do not need me to tell you that in certain parts of the world, their [women's] situation is grim. Take, for instance, the systematic abuse of the most basic sexual and reproductive rights, or the way in which payment, property and inheritance laws often discriminate against women. I am particularly shocked by the sexual violence in many parts of the world that have required legal action and have opened up the international possibilities of the prosecution of rape as an instrument of warfare.

Another good example of our multilateral efforts is the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. As you probably know, the Netherlands supported this Protocol when it was adopted in December 2008 by the United Nations. In many respects, the Protocol is a milestone. Probably the most important aspect is that with an inbuilt right to complain about violations of these rights, the Protocol enables people to advance social justice by legal means. This is extremely important if they lack the political means to do so. I look forward to the Netherlands signing the Protocol this autumn. Finally, a start is being made in giving individuals recourse in the socio-economic area.

Finally, it is important to bring together as many different parties as possible. An example of that is the Girl Child Conference, which was held here in The Hague earlier this year. At the conference, dozens of NGOs, researchers and politicians discussed how to combat violence against girls and women. First steps are being taken, as I just mentioned.

Ladies and gentlemen,
Despite all of our initiatives, I am sorry to say that in many of the places I visit, human rights and the MDGs are still often regarded as separate worlds, like ships that pass in the night. I think that is regrettable and also wrong. After all, they both spring from the same universal need for human dignity, prosperity and peace – values that underpin international law and are so well summarised in the Preamble to the Charter of the United Nations, the Universal Declaration of Human Rights and the Millennium Declaration. So it is hardly surprising that the various human rights instruments and the MDGs are very similar. They all seek to put an end to hunger, increase access to education and health care, and improve the position of women, children and other vulnerable groups. It is no coincidence that each MDG has a matching international human rights instrument, such as the International Covenant on Economic, Social and

Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women or the Convention on the Rights of the Child.

But despite all the similarities, there are also striking differences between them. Ratifying human rights treaties entails binding legal obligations, for which governments must be accountable to their citizens. By contrast, the MDGs are a political obligation on states: a best efforts' obligation for which – ultimately – they are not answerable to anyone, which creates the need to make that accountability clear in times of the severest economic crisis. It is precisely the differences that make the combination of MDGs and human rights so interesting within development cooperation policy. That is why this seminar is addressing this question: how can we make the synergy between human rights and MDGs tangible and how can we make it work? A question that is both simple and complex.

Ladies and gentlemen,

In these times of economic crisis, human rights activists and development workers need to work together even more than in the past. Now, more than ever before, every effort must be made to protect the rights of the weakest. Now, in particular, development resources must be used more effectively than ever before. If we fail to do this, the consequences will be dire.

On the eve of the G20 summit, the President of the World Bank, Robert Zoellick, warned of large-scale 'development in reverse' in parts of Africa, South America and South Asia if immediate action to address the crisis was not taken. Hundreds of millions, he feared, would fall back into poverty, in some cases extreme poverty, if countries did not receive help in implementing counter-cyclical policies. I share his fear. Failure to act by the international community will result in a humanitarian crisis on an unprecedented scale, and will delay the MDGs by many years. We cannot and must not let this happen! So I applaud the fact that the G20 focused explicitly on the plight of the poorest of the poor, that a great deal of money was released to support them, and that the Secretary-General of the United Nations created a special commission under the chairmanship of the Nobel prizewinner Joseph Stiglitz to find solutions and to keep the matter high on the political agenda. I am proud to have recently been appointed special envoy to this commission.

You may rest assured that the Dutch government, and I personally, will do all that we can to prevent a large-scale humanitarian disaster as a result of the economic crisis. We are doing so by taking measures aimed at the short term, for example by contributing

to the Rapid Social Response Fund, which was created by the World Bank. This Fund serves as a safety net for the poorest and most vulnerable population groups in developing countries.

But I do not want it to stop there. I want to see how we can do more in everyday development to link human rights and MDGs, how we as donors can encourage our partner countries to put their human rights commitments into practice, for example by placing employment creation as a central objective of economic and social policies for sustainable poverty alleviation. This is crucial if we are to improve the living conditions of people worldwide and if we want to reach the first MDG. Opportunities for productive employment are required to achieve poverty reduction, education for all, gender equality and the empowerment of women, and productive work for young people. The poor cannot afford not to work. But low-productivity work, carried out in poor conditions and without a voice for workers and employers, yields low incomes and keeps people trapped in poverty and disease. The MDGs give specific attention to 'decent work' and put the focus on youth. The concept of 'decent work' refers to productive and freely chosen employment, respecting the fundamental principles and rights at work as enabling human rights. It must involve social protection, which protects incomes and releases creative human energy. And decent work ensures participation for employers and workers through social dialogue. Here lies the essential link between the MDGs and economic and social rights.

Helping countries to put these human rights commitments into practice is a collective challenge for donors, civil society and partner countries. After all, it is the duty of governments to be accountable to their citizens and their parliaments. Of course, their efforts will depend on the means at their disposal, but also on their political will. That is why donors should continue to call partner countries to account for their efforts to provide basic services and economic opportunities for the poor.

And within the various ongoing policy dialogues, donors should encourage countries to fulfil their human rights obligations, for example by offering support for reporting on compliance with the ICESCR, the Convention on the Elimination of All Forms of Discrimination against Women [CEDAW] and the Convention on the Rights of the Child, and by helping them to implement the recommendations of the ESOCUL [Economic, Social and Cultural Rights] Committee, the Rights of the Child Committee and the CEDAW Committee. That makes sense, given the major overlap between the recommendations and development planning in sectors like education, law and order, water and so on. But there are countless other ways of deploying human rights

instruments to help countries achieve the MDGs more rapidly. A sectoral approach is one way. In 2008, for instance, the Netherlands recognised the right to water, and we are now looking to see whether our bilateral development pilot projects can be implemented under that right. In this seminar, we want to explore ways of fleshing out initiatives like these, because sectoral water policies can only work when they empower users and give them rights.

Of course, this is not just a matter for governments and Western NGOs. People in the partner countries must call their governments to account about fulfilling their international human rights obligations. They must claim their right to access to services and economic opportunities. As users of these services, they are in a better position than anyone else to initiate dialogue on the policy, chosen priorities and the progress of projects – provided that they are given the information they need, of course. And we know that this, too, is an area where a great deal of work still needs to be done.

That is why I also think it is important for donors to play a part in making and holding governments accountable – governments around the world, not just in recipient countries. I hope that you will be talking about this later today or tomorrow. After all, this seminar provides a wonderful opportunity to put radar systems into those two ships that I was talking about, so that they can spot each other in the dead of night. I wish you all a very productive seminar and I can already promise you that its outcomes will be used to take tangible steps to link Dutch and European efforts on human rights and the MDGs more effectively.

Redistributing economic and political power more fairly is often the first step towards disrupting the self-perpetuating cycle of inequality. Thousands of people are still dying of Aids each day in South Africa; millions of mothers are dying giving birth; almost none of the women raped in eastern Congo have recourse to a judge; and thousands of people are losing their jobs around the world through no fault of their own. These, together, might jeopardize the achievement of the MDGs by 2015. A rights-based approach must, and should, counter this. That is the nexus between MDGs and human rights that is now so essential.

And that, ladies and gentlemen, makes it so important for me to announce Ms Navanethem Pillay. I admire her tireless efforts for human rights. A week and a half ago, I visited her native land, South Africa, the beautiful country where she began her career and was the first woman to open her own law practice. She worked for social organisations, campaigning for women's rights and a host of other economic, social

and cultural rights. Later on, as you well know, she became a judge at the International Criminal Tribunal for Rwanda, and until August 2008, she was a judge at the International Criminal Court here in The Hague.

Navanethem,
It is my great pleasure to invite you to take the floor.



Keynote Speech by H.E. Navanethem Pillay, United Nations High Commissioner for Human Rights

Minister Koenders,
Distinguished Participants,
Ladies and Gentlemen, I wish to express my gratitude to Minister Koenders for his kind introduction and warm welcome. It is indeed a great pleasure for me to be invited to this important seminar, and to be among some of the most committed supporters of human rights.

This seminar is being held at a critical juncture for the timetable and achievement of the Millennium Development Goals [MDGs]. As the MDG agenda reached the halfway point last year, it has become crystal clear that more international support is needed in order to attain its objectives.

The UN Secretary-General warned us then that we are facing nothing less than a development emergency. Millions of people are still trapped in structural poverty and go hungry every day. In sub-Saharan Africa, despite pockets of progress, not a single country is on track to achieving the MDGs by 2015.

The global financial and economic crises now cast an even more worrisome shadow over the MDGs' prospects. The poor in developing countries, particularly in the least developed and fragile states, bear the brunt of the combined effects of the recent food emergency and of recession. Livelihoods of rural and urban poor families are deteriorating rapidly. Jobs are being lost everywhere in alarming numbers and at an alarming pace. According to current projections, more than half of all developing countries could experience an increase in extreme poverty this year. Not surprisingly, such a spike is expected to be steeper in the least developed nations.

While these crises pose serious threats to the hard-won progress that has been achieved towards the MDGs, they also force us to reflect on how our ongoing and future efforts could be made more effective and sustainable in the face of these crises and the resulting competing priorities.

20 This reflection is imperative because the MDGs display not only a significant global political commitment, but they also stand as important milestones for the realisation of often neglected human rights, particularly economic and social rights, including the right to adequate food, housing, health and education. This is the reason why the MDGs should not be disconnected, as has sometimes been the case, from the broader and bolder pledges that states expressed in the Millennium Declaration of 2000, which explicitly puts both human rights commitments and development goals at the centre of the international agenda. The Declaration also affirmed the twin principles of global equity and shared responsibility. Our main challenge is to harness the political will and the resources to pursue human rights and the MDGs in a mutually reinforcing way.

While not explicit, human rights values and principles permeate and underpin all of the eight MDGs – from the right to food which is dealt with in the first Goal, to the obligation of international cooperation as expressed in the eighth Goal. Had I been at the drafting table when the MDGs were conceptualised, I would have advocated the inclusion of a goal postulating non-discrimination in development strategies. This is because discrimination invariably represents both a cause and an effect of poverty and exclusion. Its repercussions are severe. Its consequences are lasting. To fight discrimination, we should gather and thus maximise the resources, spirit of initiative and dedication of both the human rights community and development practitioners.

Distinguished Participants,

A human rights lens keeps the critical vulnerabilities of the poor in sharp focus. It identifies the roots of discrimination, exclusion, and powerlessness. It shines a light

on failures in accountability that often compound poverty and development shortcomings.

Allow me to expand briefly on the benefits of such a human rights approach. First, a human rights framework aims at involving rights-holders as active agents of development, rather than passive recipients of munificence bestowed from above. Such agency enables them to have a say and help shape the transformation of structures and policies that have created and contributed to poverty. Both the quality of development processes and their sustainability depend on respect for civil and political rights as well as economic, social and cultural rights.

In turn, rights-holders' participation fosters 'ownership' of both development programmes and their strategic objectives on the part of individuals, communities and national human rights institutions. Further, a human rights approach helps to ensure that governments serve the interests of all, rather than cater to the privileges and perspectives of the few. It thus fosters vigilance and a constant appraisal, as well as 21 appropriate measures to correct asymmetries and inequities at different stages of the development process.

Second, a human rights-based approach focuses on building accountability for results and for omissions. It does so by framing development targets, policies and programmes as government obligations under international and national human rights law. Such accountability is crucial to ensure that gains are sustained and those unfairly excluded from the benefits of development policies have access to effective means of redress.

Third, human rights reinforce the notion of accountability in development cooperation globally. While states bear the primary responsibility for their own development as well as for the realisation of human rights of their own populations, all states have a responsibility to create a just and favourable international environment for development. Despite best intentions, it must be acknowledged that some of the development strategies and programmes supported by bilateral and multilateral donors have at times had unintended negative human rights impacts. For example, building a large dam may help reach some MDG-related targets by providing water to a water-scarce region, a renewable source of energy as well as employment opportunities. At the same time, however, such a programme can result in violations of the rights to food, housing and health of the affected local population if no adequate compensation and alternative measures are provided.

Ladies and Gentlemen,

The potential for creating synergies between the human rights and the development approaches that underpin the MDGs is readily apparent. The practical value of such a combined perspective should not be underestimated. For example, the MDGs focus on a discrete number of achievable, monitorable targets for which data is commonly available. However, such data are collected as aggregate or average figures documenting progress in the attainment of MDGs. At times this may look impressive. The problem is that rarely do aggregate and average figures explain the extent to which economic growth strategies are oriented towards the wellbeing and the empowerment of the poor. Further, these data can hardly provide an assessment of winners and losers in the development process. It does not illustrate whether increases in national wealth have been uniformly and justly distributed. Thus, an exclusive or excessive focus on global average targets and overall progress is likely to miss harsh disparities and the complex root causes of poverty.

22 Let us not forget that the MDGs were never meant to serve the purpose of abstract development strategies. Rather, they were conceived to apply and be tailored to national conditions. By accounting for structural disparities at the ground level, a human rights approach to achieving the MDGs can help to generate more inclusive development processes with equitable and sustainable outcomes.

In other words, keeping human rights at the front and centre of our analyses allows us to understand many of the reasons that hamper the realisation of the MDGs. These may include, just to list a few, entrenched cultural norms and discrimination that are fuelling maternal mortality and frustrating HIV prevention; or a lack of policies, as well as skewed priorities, that prevent needed investments in basic social services; or corrupt and inefficient institutions that undermine accountability and widen inequalities.

In the face of such well-known obstacles, the challenge is to gather broad coalitions with a diverse range of expertise that could forge a comprehensive understanding of facts, policies and practices that foster – or, conversely, hamper – equitable, transparent and sustainable development.

At the Third High-level Forum on Aid Effectiveness in Accra last September, ministers from both developing and developed countries, along with bilateral and multilateral development agencies, pledged to ensure that their aid and development policies would be consistent with their international human rights commitments. This position

represents a welcome contribution to a more explicitly human rights-based framework for development partnerships. I am looking forward to its application in practice.

Some of my Office's own recent work, including the publication *Claiming the Millennium Development Goals: A Human Rights Approach* launched last year, and subsequent regional dialogues in Africa and Asia, reveal an encouraging trend towards a wider recognition of the 'added value' of human rights in MDG-based development work. At the same time, there is a vast untapped potential to explore the synergies between the two fields.

Dear Colleagues,

Let me reiterate that as states adapt the MDG Goals and Targets to national contexts, a strong emphasis needs to be placed on aligning them closely with human rights standards and obligations under relevant international instruments.

Crucially, we must ensure that when states establish priorities in their development strategies according to resource constraints, they ensure that the type of growth they are pursuing does not harm the already disadvantaged, but corrects inequalities.

I also wish to underscore that enhancing accountability of all development actors remains a lynchpin of a human rights-based approach.

Moreover, allow me to emphasise that the MDGs and other basic human development strategies are not a matter of charity but of justice. Effective remedies and legal recourse should be made available to those that are negatively affected by development choices.

I am fully aware that my brief observations today only touch upon key aspects of the human rights and development equation. Gatherings such as this seminar will help the international community to make that fundamental linkage better understood and more readily executed. I wish you successful deliberations.

Summary of discussions and follow-up activities

The Ministry of Foreign Affairs convened the seminar to implement one of the strategic initiatives announced in the human rights strategy 'Human dignity for all', published by the Dutch government in November 2007. The seminar's objective was to identify concrete ways in which donors can use human rights (HR) instruments in order to promote achieving the Millennium Development Goals (MDGs), especially for the world's poorest and most vulnerable groups. The seminar was attended by (inter) national experts from UN and donor agencies, NGOs and academic institutions. Key issues explored were:

- Does using human rights instruments, in particular the non-discrimination and equality obligation, make a tangible difference in policy efforts, policy decisions, budget allocation and spending?
- How can donors promote the use of human rights instruments to promote the MDGs and to reach the world's poorest?

Keynote speeches were delivered by the UN High Commissioner for Human Rights, Navanethem Pillay, and the Netherlands Minister for Development Cooperation, Bert Koenders.

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During the seminar, speakers and participants examined concrete examples of donor interventions in relation to HR and the MDGs. Three sessions focused on specific MDGs: MDG7/Right to Water and Sanitation (in Kenya and Benin); MDG1/Right to Social Security and Right to Food (in Ethiopia); and MDG3/Land and Property Rights for Women (in Rwanda, Tajikistan and Kyrgyzstan). Two sessions focused on donor interventions in specific country situations (Kenya and Guatemala).

The seminar started with a discussion on how HR instruments and development cooperation instruments can reinforce each other. Finally, the concept of accountability was explored by presenting and discussing novel mechanisms and tools that hold governments accountable for how national policies and budgetary processes reflect HR standards.

Summary of Discussions

1 MDGs and HR are complementary and should reinforce each other

Seminar participants expressed broad consensus that the MDGs and HR can and should complement and reinforce each other. MDGs provide an unprecedented political

momentum, whereas a HR approach not only gives a legally binding framework that commits governments to realising the MDGs, but above all ensures a sustainable outcome. The non-discrimination principle in international HR law is vital because it ensures that the most vulnerable and poorest groups benefit, whereas the MDG approach tends to focus on groups that are the easiest to reach ('low-hanging fruit'). Moreover, the HR approach ensures quality, transparency and inclusiveness, which make the MDGs more sustainable.

The separate agendas of HR and development can benefit from each other. There was consensus that the development agenda has to gain from the HR perspective. In turn, MDGs provide a big opportunity to focus attention on HR, especially economic, social and cultural (ESC) rights.

2 MDG monitoring ignores access for the poor and quality of access

The added value of a HR approach over the MDGs can be demonstrated by the MDG monitoring framework, which fails to measure real access by poor and vulnerable groups to quality services. One example is access to safe drinking water (MDG7), which according to MDG monitoring is being realised in the slums of Kibera (in Nairobi, Kenya), whereas in reality access by the poor is very limited and the water is of low quality. Donors' investments in such cases to improve access to good-quality water and sanitation are not included in current MDG monitoring.

3 Human rights in the MDGs and prospects for the 2010 MDG Review Summit

Despite the Millennium Declaration recognising the importance of human rights, it was a deliberate omission not to include HR in the MDGs. At the 2005 World Summit, states recognised that development, peace and security and HR are interlinked and mutually reinforcing, and agreed to support the further mainstreaming of HR throughout the UN system. The 2010 MDG Review Summit and Declaration should include minimally some recognition of the importance of HR and reference to the non-discrimination principle. Participants expressed differing points of view as to whether non-discrimination could, and should, be included as a new MDG.

Various suggestions were made for improvements to existing MDG objectives and targets. MDG1 should not only focus on access to food, but adequate nutritious food, so that people can develop instead of merely being kept alive. The target on access to water should be broadened to 'sustainable access to safe water' to include HR concerns regarding quality. Another suggestion was to include an MDG target that measures

women's participation in the market and the economy, which is vital for women's empowerment and central to achieving the other MDGs. A cross-regional group of countries, including Switzerland, is holding initial discussions on the integration of HR into the MDG processes, including the 2010 Review Summit.

4 A concrete example of synergy is the maternal mortality resolution in the Human Rights Council

The UN High Commissioner and Dutch Minister Koenders both welcomed the initiative by New Zealand and Colombia to introduce a resolution, which has been adopted by the Human Rights Council, on maternal mortality and its links with the MDGs. This resolution calls for an OHCHR study (Office of the High Commissioner for Human Rights) with recommendations on the HR dimension of preventable maternal mortality and morbidity throughout the UN system, including efforts to achieve MDG5 (to improve maternal health).

5 There are concrete examples of HR in development making a difference on substance, not just processes

A HR approach assists countries in translating HR commitments into development results. For example, the reporting process to the Treaty Bodies can influence partnerships for development results. The UN Children's Fund (UNICEF) has good experiences with integrating HR in development, such as a programme in which provincial governors in Colombia combined plans for children with the obligation to allocate adequate resources and give children a voice. A number of experiences with budget analysis for children show that this is feasible.

Nevertheless, making a HR approach operational remains a challenge. Pragmatism is needed and legalism should be avoided. A particular problem is the lack of data needed to show disparities in who benefits from development outcomes and who does not.

6 In development dialogue, accountability is vital but politically sensitive

Including accountability in the development dialogue is crucial, but seminar participants stressed that many governments are reluctant to be made accountable. This is a real political obstacle. When donors remind governments of their HR obligations, tension is often created with the national ownership, yet donors should try to find ways for this dialogue even when it is difficult. Budget support is a highly political form of cooperation and provides a good opportunity for in-depth dialogue, especially on sectors in which civil society can also be involved. Development

cooperation in the form of budget support gives the donor country the possibility of asking the partner government to produce some evidence of the results that have been achieved. Even if HR are not mentioned explicitly, donors can request evidence of what has been achieved with their financial support in reaching out to the most vulnerable.

7 In political dialogue, donors should be frank about political reasons behind any lack of progress

In any political dialogue, ministers and ambassadors should, even when this is difficult, speak out clearly about issues such as corruption. For instance, children may be dying as a result of corruption.

8 The financial crisis and donor accountability

Donors also have accountability obligations. In the current financial crisis it is more important than ever that donors enhance the aid cooperation system. It was suggested that the obligation of international cooperation should be made operational in order to hold donor countries accountable. Added to this was the view that accountability is for all. Civil society should also be made accountable.

9 ESC rights should be included in the dialogue on HR and accountability ...

There was consensus that ESC rights should be included more explicitly in policy dialogue on human rights, as this currently mostly happens implicitly, one reason being that it is not clear how ESC rights can help development. Experts working on ESC rights pointed to the need and feasibility for donors to address this key question. Donors can stimulate an evidence-based and empirical dialogue on ESC rights. Important elements include how to determine whether governments are taking sufficient steps for the progressive realisation of ESC rights, the application of the non-discrimination principle and establishing when ESC rights are violated.

10 ...and new research should be used to measure progress in ESC rights

Donors can use new research on indicators, costing and affordability of ESC measures and budget processes that is being undertaken by various institutes, academics and national and international NGOs (such as the Overseas Development Institute (ODI), the Centre for ESC Rights and the International Budget Partnership). Successful examples were presented of how NGOs use budget analysis, advocacy and other accountability mechanisms (*Observatorio* in Guatemala on maternal mortality and *Fundar* in Mexico). Analytical work is being undertaken to assess the extent to which deprivations, disparities and lack of progress in MDGs can be traced back to failures of government policy.

In this respect, donors should support analytical work and efforts to strengthen budget analysis, realising the right to information and access to budget information.

11 The need for in-depth political analysis exists at the start of sector dialogue

Sectoral support offers good opportunities for an extensive policy dialogue involving aspects such as budget allocation and spending, sector performance and participation. Many participants stressed the need for in-depth analysis of political factors 'behind the façade' and of the political economy that hinder the realisation of human rights and the MDGs, and not only a focus on budgetary analysis.

12 A HR approach should be included in sectors: water, land rights and food security

The HR approach refers both to processes (participation, information and accountability) and the substance of human rights (affordability, quality and accessibility).

A key difference between MDGs and a HR approach is that human rights target the most vulnerable and poorest groups, whereas the MDG framework is centred around average outcomes in a country, thus encouraging focus on easiest-to-reach results ('the lower hanging fruit').

The United Nations Development Programme (UNDP) has developed the HR-based approach in various regions and at various levels, including in the water sector. Using HR remains a major challenge – for instance, participation is a critical HR principle – but it is costly to apply while it does not always deliver immediate results. Most success is found when focusing on a specific sector.

A real positive effect of a HR approach was experienced by GTZ (*Deutsche Gesellschaft für Technische Zusammenarbeit*) in the water sector in Kenya. Integrating HR meant a more comprehensive approach in which more ministries are involved and all actors – including providers and users – get together. This comprehensive approach used in the water sector in Kenya was instrumental in bringing about real changes on the ground. UNDP has also found that a HR approach is unique in bringing together rights-holders and duty-bearers, such as municipal authorities and communities.

The case of land rights for women in Tajikistan and Kyrgyzstan, which was presented by the UN Development Fund for Women (UNIFEM), demonstrated how the provisions and indicators in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) can be used to measure progress and as an instrument for

change. HR input in the land sector had very tangible results: landownership by women on family farms increased from 2 to 14 per cent over a few years.

The Productive Safety Net Programme (PSNP) in Ethiopia is a large donor-supported programme that was set up by the government to provide food security to 8 million people. The PSNP has many relevant HR aspects. It meets HR standards (right to food) as well as HR principles such as transparency, participation and redress. The built-in complaint mechanism is an interesting and positive example of accountability. The PSNP qualifies as a seismic shift in terms of food security and government duties. Although there is limited political space, the PSNP is an arena where HR principles can be put into practice to some degree.

13 The role of donors in sectors should extend beyond the policy level and include help with implementation

Donors should not only concentrate on the policy level, but should also help partner countries to implement HR obligations in a sector. This is important for several reasons:

- 1) In many cases the legal framework may be in place – for instance, inheritance laws provide for women’s inheritance of land titles – but implementation fails. Donors can support civil society to stimulate implementing reforms, such as land reform in Rwanda.
- 2) Donors can also support practical implementation by paying the necessary attention to essential details such as water prices, regulation of provision of services, pro-poor performance contracts and the integration of key indicators such as access to land ownership for women.
- 3) Focusing on sectors is useful in situations of political instability and fragility, such as in Kenya and Guatemala, as MDG implementation at sectoral levels is often continued in spite of governance problems at the central level. Authorities may be more accountable at a local level. At sectoral and local levels, donors can play a key role in strengthening institutions that can restore relations between citizens and the state. Donor assistance can help to address inequality through the delivery of local services based on performance contracting and service charters with in-built MDG targets.

14 Civil society and parliaments should be supported

Civil society must be given sustained support and training to lobby governments to implement HR obligations and achieve the MDGs. Donors should support local civil society organisations and should not only focus on international NGOs.

Particular attention is needed for building parliaments’ capacity to monitor budgets. It is vital that parliaments have the capacity to conduct independent research. The Inter-Parliamentary Union has useful projects in this area.

A specific recommendation was made that donors should strengthen the work of civil society organisations that are working on integrating HR and development. This concerns research-intensive work and requires long-term efforts, especially where the development and actual use of ESC rights tools and budget analysis are involved.

15 More cooperation should exist between HR and development cooperation actors

Some participants noted that in lobbying on General Budget Support, Sector Reviews and other new aid modalities, it is mainly development NGOs that are most active. HR NGOs should become more engaged in this.

HR committees such as CEDAW and the Committee on the Rights of the Child, whose core business is implementing ESC rights with the use of maximum available resources, could learn more about how budgets and aid modalities work.

16 The HR machinery should be made more MDG-sensitive

The work of the Treaty Bodies and the Universal Periodic Review are of great relevance for development and the MDGs. Reporting progress on HR is an important instrument for change. More work is needed to ensure that country reports for the Treaty Bodies and the Universal Periodic Review (UPR) include more information on realising MDGs. Equally, committees such as the ESC Committee or CEDAW Committee could be encouraged to make systematic references to the MDGs in their concluding observations. It may be useful to sensitise the Treaty Bodies on mechanisms for international cooperation and how human rights can be integrated, including promoting understanding of specific aspects of budget processes and aid modalities.

Follow-Up Activities

A number of activities were suggested to follow up on the seminar's main outcomes. These include:

- 1) The 2010 MDG Review Summit and Declaration offer important opportunities to integrate HR into MDG processes, in particular the principle of non-discrimination and equality. We will examine quality aspects of MDG targets and performance assessment and consider possible improvements.
- 2) The Permanent Mission of the Netherlands to the UN in New York, in cooperation with Amnesty International, will identify UN opportunities – such as resolutions in the General Assembly and Human Rights Council – that can increase linkages between human rights and the MDGs.
- 3) The Netherlands Ministry of Foreign Affairs intends to examine how CEDAW's provisions and indicators may be used to promote and measure progress in land rights for women in a number of partner countries.
- 4) Human rights treaties can be used to promote domestic accountability (a key condition for MDG realisation) in concrete ways. UNICEF and UNIFEM will provide case studies showing the ways in which the Convention on the Rights of the Child (CRC) and CEDAW can be used to promote domestic accountability.
- 5) Elaborating how donors can promote systematic country-level engagement with Treaty Bodies by supporting partner countries in preparing reports and implementing recommendations.
- 6) Encouraging Treaty Bodies to integrate MDGs more systematically in reporting mechanisms. It may be useful to sensitise the Treaty Bodies on international cooperation mechanisms and how human rights can be integrated, including promoting their understanding of specific aspects of budget processes and aid modalities.
- 7) A proposal was made to facilitate the establishment of a learning network on social protection in Africa, supporting the development of national social protection policies and programmes in line with agreements reached in the African Union (AU) Conference of Ministers in Charge of Social Development in Windhoek, Namibia, from 27–31 October 2008. Such a network would provide a good platform to promote the use of HR-based approaches in the development of national policies and programmes in Africa. For example, a relevant aspect of the Productive Safety Net Programme in Ethiopia is the complaint mechanism for beneficiaries.
- 8) The Centre for Economic and Social Rights, Aim for Human Rights and other organisations, such as the UNDP Oslo Centre, which are building resources for HR

monitoring, expressed the desire to work together more closely to stimulate exchange among various innovative initiatives and tools for measuring progress in ESC rights.

- 9) There was recognition of the need for more clarity on HR obligations regarding international cooperation, which has special relevance in the current financial crisis. Treaty Bodies could be encouraged to provide clarity on these human rights obligations.

1 Enhancing Synergy between Human Rights Instruments and Development Instruments

Report of the Seminar's Sessions

Enhancing Synergy between Human Rights Instruments and Development Instruments

This session's main objective was to present human rights and development instruments that are relevant to forging synergy between human rights and the MDGs. A second objective was to examine ways to use human rights instruments to enhance policy efforts for the MDGs.

Panel:

Rio Hada, *Acting Head of the MDG Unit in the OHCHR*

Yoka Brandt, *Director-General for International Cooperation, Ministry of Foreign Affairs of the Netherlands*

Elizabeth Gibbons, *Associate Director, Gender, Rights and Civic Engagement Section, UNICEF*

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Presentations

Rio Hada

The Value of International Human Rights Instruments in Achieving the MDGs

Mr Hada first pointed to 'elephants in the room', namely a number of dominant beliefs about human rights that should not be ignored. One belief is that HR are 'Western' values or expensive luxuries; another is that development should come first and rights later; and that HR do not solve hard questions and policy choices. These beliefs are not correct. Essential aspects of HR are that they are legal claims, not charity, that they give rise to duties, are nationally owned concepts backed by international treaties and national law, that they include civil, cultural, economic, political and social rights, and that they are based on human dignity.

HR instruments include a wide range of international and regional treaties and instruments, with the UN Charter, the Universal Declaration of Human Rights and the Human Rights Council as centrepieces. The most important HR instruments are the national protection systems (courts, the police and national institutions). Apart from the Human Rights Council (which is a UN Charter-based body), an important role is played by the Treaty Bodies, which monitor and facilitate the implementation of the



treaties, *inter alia* by reviewing state-party reports and adopting observations and recommendations.

A HR approach aims to further the realisation of human rights through a process that is guided by HR standards and principles (such as equality and non-discrimination, participation and accountability). The outcomes include a focus on developing the capacities of 'duty-bearers' and 'rights-holders'.

In the context of the links between HR and the MDGs, the progressive realisation of ESC rights is of particular relevance. The covenant allows states progressively to realise ESC rights by taking appropriate measures to the maximum of available resources, where needed through international assistance and cooperation. However, some aspects require immediate action: elimination of discrimination; the realisation of rights that are not resource-dependent; the obligation to 'take steps' and to avoid retrogressive measures; and, finally, the 'minimum core obligations', which define a minimum level of access for everyone to provisions in the Convention on Economic, Social and Cultural Rights.

Key human rights instruments are the principles of equality and non-discrimination, which oblige states to eradicate legal, institutional, interpersonal and structural discrimination.

Principles of Equality & Non-Discrimination

Equality and Non-Discrimination obliges states to eradicate Legal, Institutional, Interpersonal and Structural Discrimination.

Implications for National Protection Systems are the following:

Legal frameworks should:

- Derogate discriminatory legislation;
- Be conducive to the enjoyment of human rights by all.

Public institutions should ensure:

- Representation of marginalised or excluded groups in the public administration and in decision making bodies;
- Public services accessible and sensitive to gender, age and cultural differences;
- Appropriate judicial and administrative redress mechanisms.

Public policies should:

- Challenge models of appropriation and concentration of resources leading to structural discrimination and exclusion;
- Take affirmative steps to reduce social and economic disparities;
- Promote education and public awareness.

Rio Hada, OHCHR

This obligation has implications for legal frameworks, for public institutions and for public policies. Public policies should *inter alia* aim at redistributing resources and taking affirmative steps to reduce social and economic disparities.

In summing up, Mr Hada enumerated the value of international HR instruments in development work:

- 1) Advocacy tool: it opens opportunities for dialogue around sensitive issues;
- 2) Accountability tool: HR bodies provide transparent mechanisms to monitor government efforts;
- 3) Analytical tool: HR encourage understanding of the underlying and root causes of development problems;
- 4) Programming tool: HR help identification of specific priorities and benchmarks (such as 'minimum core standards').

With regard to the role of HR in development, four elements need to be stressed. HR should *reinforce*, not *replace*, existing good development cooperation practices. The quality of development processes could benefit when these are guided by HR principles. Furthermore, the outcomes of development (sought by the MDGs) should be aligned with human rights. Finally, it should be stressed that HR are a value basis for policy choices but do not necessarily solve hard choices and trade-offs.

Yoka Brandt *Human Rights and Development Instruments*

Human rights and the MDGs can reinforce each other and there is a real challenge in boosting synergy between human rights and the MDGs and translating this into practical proposals. This seminar was hence organised to discuss the opportunities and challenges of building a bridge between human rights instruments and development cooperation instruments in order to achieve the MDGs.

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Achieving progress towards 2015 is a collective responsibility. While states hold the primary responsibility for realising human rights, international cooperation – including development assistance – is an essential part of human rights obligations.

The seminar's key question should be: how do donors integrate social and economic human rights and equity in instruments for development cooperation? The main instruments for development cooperation should be examined and some issues on the linkages between human rights and the MDGs should be raised. Specific focus should be placed on ESC rights, because ESC rights tend to receive less explicit attention while at the same time, in many situations, the real barriers to progress on the MDGs are social and political. Yoka Brandt discussed:

- 1) **Development Policy Dialogue:** Donor countries conduct regular policy dialogues with the partner government, in which ESC rights are often mainstreamed, albeit not explicitly. For example, discussions on spending for the poorest groups in society are an indirect yet effective way of discussing human rights, as this can influence development planning and budget allocation. Donors could play a stronger role in fostering accountability in achieving the MDG and HR agendas. States that have ratified the ESC Convention have committed themselves to taking targeted measures to achieve progressively the full realisation of these rights by using all available resources. This is a long-term effort, but planning these measures can very well be integrated in a partner country's

development planning, to which development cooperation is linked. The principles of equality and non-discrimination are of particular importance – while the MDGs may well be achieved at national level in some countries, this may mask inequalities at regional, gender or ethnic levels.

During the development cooperation dialogue, donors could focus on support to institutional mechanisms. Other relevant issues include empowering marginalised groups and minimum standards in realising access to basic services for everyone.

- 2) **General Budget Support (GBS):** One of the main instruments in bilateral development cooperation is budget support, which the Netherlands provides to twenty partner countries. A GBS donor group often conducts a policy dialogue with the government, aiming jointly to establish Performance Assessment Framework (PAF) benchmarks and indicators to monitor progress. Progress is measured annually during multi-donor reviews. While the PAF has a strong relationship with ESC rights (it measures, for example, how many girls complete basic education), the linkage is largely indirect. How could the human rights perspective of the GBS dialogue and PAF be improved? Apart from a pro-poor policy agenda, should ESC rights criteria be explicitly included, and if so how?
- 3) **Sector Support:** Policy dialogue about a sector offers an opportunity to discuss specific rights-related issues and to link these to budget and policy priorities. The sectoral policy dialogue provides more space to discuss the root causes of inequalities and disparities in access to services. Crucially, the sectoral policy dialogue is often open to civil society participation. This is crucial for enhanced government accountability in specific sectors, such as the water sector, and interesting examples exist of integrating human rights in sector planning and in the dialogue. Effective sectoral policy dialogue requires analysis of the situation of different groups. Joint Sector Reviews or Annual Sector Reviews are held in many countries, in which the government, donors and civil society discuss sector performance and budget and policy priorities. How can a human rights perspective be mainstreamed in these instruments? The main challenge is to find effective ways of mainstreaming HR into development cooperation, and to establish synergies between human rights and MDG instruments.

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The key question should be: how do donors integrate social and economic human rights and equity in instruments for development cooperation? The main instruments for development cooperation should be examined and some issues on the linkages between human rights and the MDGs should be raised. Specific focus should be placed on ESC rights, because ESC rights tend to receive less explicit attention while at the same time, in many situations, the real barriers to progress on the MDGs are social and political.

Yoka Brandt, Netherlands Ministry of Foreign Affairs

Elizabeth Gibbons

Using Human Rights Principles and Instruments for Development Results

The ultimate goal of development assistance is the realisation of human rights. Using a human rights-based approach to development (HRBAD) produces higher-quality results: the results are more sustainable, democratic and effective for the poor and marginalised. This is because of the following characteristics of a HR perspective:

- 1) **Focus on the excluded:** The HR perspective highlights the situation of the excluded and marginalised, something that is not built into the MDG framework. MDGs for the poorest and most marginalised are not being adequately achieved: of the 60 million girls not in school, for example, 70 per cent are from minority, indigenous or other excluded groups. Yet there are numerous examples of excluded groups being incorporated in development assistance, such as sector support strategies for education that specifically target minority or indigenous children.
- 2) **Dialogue and accountability:** The HR approach compels the participatory formulation of policies/plans and the institutionalisation of participatory and democratic processes. Moreover, development actors can support initiatives that promote greater accountability. UNICEF has experience of good governance initiatives that focus on children. For example, in Colombia UNICEF was able to link human rights to new aid modalities such as sector approaches. Provincial governors in Colombia made sector plans for children with the additional obligation to allocate adequate resources. Children were allowed to present their views and ideas.
- 3) **A holistic view of the development context and the interdependence and indivisibility of rights:** A HR perspective looks at both causes and solutions, and includes actors at all levels, including the family, community, local and national authorities. Moreover, it addresses social, political and legal frameworks, with resulting claims, duties and accountabilities.

- 4) **The use of human rights instruments:** A HR approach assists countries in translating HR commitments into development results. The reporting processes to the Treaty Bodies can act as a catalyst for new and specific partnerships for development results.

As a final comment, experiences with a HR approach to development assistance have delivered a major lesson for the MDGs and beyond the MDGs: human rights are more fundamental than instrumental.

We are not adequately achieving the MDGs for the poorest and most marginalised: of the 60 million girls not in school, 70 % are from minority, indigenous or other excluded groups.

Elizabeth Gibbons, UNICEF

Discussion

The Role of Non-State Actors and Civil Society

The important role of civil society in budget support was reaffirmed, but one participant raised the concern that, according to figures produced by European NGOs, General Budget Support has resulted in 20 per cent less funding to civil society. How could this be reconciled with the importance of participation and equality? Ms Brandt pointed out that GBS is only provided when the recipient government meets certain criteria. But for GBS to be effective, there also needs to be accountability and built-in checks and balances. You have to partner with civil society organisations that deal with accountability issues on both a macro level and a micro level. The Netherlands spends the largest percentage of its overseas development assistance (ODA) on the funding of civil society, because it values so much the role that civil society plays.

One participant pointed to the important role of private NGOs in providing basic services. The role of private NGOs is crucial for meeting the MDG gap.

Finally, a participant stressed the need to strengthen the HR dimension in public-private partnerships, a suggestion that was welcomed by Ms Brandt.

Realising a HR Approach at Country Level

The second issue that arose during the discussion was about what UN organisations such as OHCHR are doing to realise a rights-based approach at country level. Mr Hada explained that OHCHR offers programme support, advisory work, several training

modalities and that OHCHR works with UN country teams. With limited capacity (about 45 country offices and a regional office), OHCHR works through partnering with other UN agencies (UNDP and UNICEF) to promote the rights-based approach. The UN has the five-year Development Assistance Framework (UNDAF), and over the next three years 90 countries will undergo this framework. There is also a role for national institutions to play in monitoring HR perspectives (ombudsmen and independent institutions).

Ms Gibbons stated that there is no country where you cannot ensure a HR approach, but you do have to find an entry point. A very good example is a system that fairly easily distributed reports about the raising of children in Cuba. These reports had an unexpected result. In Vietnam, disparities were shown between minorities who are living outside mainstream Vietnamese society. Ms Gibbons suggested that it is particularly difficult in strong states, but that there are always opportunities. Most countries cannot bear to see that some of their citizens are left behind.

One participant asked how far these efforts reach and do they include, for example, preparing a budget analysis of a receiving state, looking at HR implementation? Ms Gibbons explained that budget analysis for children is indeed possible and feasible. One good example is the discussion held by the Child Rights Committee in 2007 on the topic of the progressive realisation of ESC rights and the concept of maximum available resources. A major challenge is the lack of data needed to show disparities in who is benefiting and who is missing out.

Mr Hada suggested that Treaty Bodies could invest in learning about how budgets work.

Synergy between Human Rights and Development in Practice

Participants commented that in practice human rights do not play a big role in development cooperation because political obstacles exist to holding governments accountable. The speakers did agree that human rights are political. The tension between technical development and a human rights approach needs to be resolved and debates like this can be helpful. In this respect it is important that a human rights approach focuses on substance – such as the content of Poverty Reduction Strategy Papers (PRSPs) – and not only on process aspects such as participation.

Mr Hada pointed out that it is mainly development NGOs that are engaged in development, whereas human rights NGOs do not participate as much. Many human

rights NGOs focus on civil and political rights, but there could be more focus on ESC rights. This varies from country to country.

Finally, one participant suggested including advocacy as an area of cooperation between development and human rights actors. Advocacy activities are a logical part of participation and also need to be supported by development agencies.

2 MDGs, Human Rights and Donor Interventions

The objectives of the sessions on specific MDGs and country cases were to:

- Demonstrate through MDG and country cases how using human rights standards and instruments can make a tangible difference in policy efforts, policy decisions, budget allocation and spending for MDG realisation;
- Clarify the reasons why donors and NGOs do not yet fully use the potential of human rights standards and instruments, and why cross-fertilisation between human rights and development practitioners occurs less than would be possible and desirable;
- Formulate concrete recommendations on how donors can use human rights norms and instruments more systematically and frequently.

1. MDG7: Right to Water and Sanitation

Panel:

Lucinda O'Hanlon, *Special Procedures Division of the OHCHR*

Emily Filmer-Wilson, *UNDP Oslo Governance Centre*

Thomas Levin, *GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit)*

Peter de Vries, *Environment and Water Department, Netherlands Ministry of Foreign Affairs*

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Presentations

Lucinda O'Hanlon

Work Plans of the UN Independent Expert on Human Rights and Access to Safe Drinking Water and Sanitation

The Independent Expert (IE), Catarina de Albuquerque, received her mandate from the Human Rights Council in March 2008 and started her work in October 2008. Three tasks have been commissioned to the Independent Expert: to make a compendium of best practices; to undertake work on clarifying the content of HR obligations concerning water and sanitation; and to make recommendations on how to realise the MDGs. The report on sanitation is in progress and will be presented in September 2009. In 2010 the IE will focus on the role of the private sector.

Regarding the compendium on best practices, the IE will organise an expert meeting to identify criteria as to what constitutes good practices. She will convene stakeholder consultations to find ways to replicate good practices.

Regarding the MDGs, the IE wants to make recommendations towards a new UN MDG resolution that will benefit the achievement of all MDGs, and not focus solely on MDG7 and access to water. Human rights have an important added value in several respects. First, even if the MDG target of access to water for 50 per cent is reached, people are still left out, which is unacceptable. Therefore the target should be made universal. Second, HR offer a point of view on reaching the MDGs in a more holistic manner, for example by focusing not only on access to water but on safe water, affordability and accessibility. Third, HR also focus on process requirements, require genuine involvement and full participation of the rights-holders, and they pay special attention to ownership and non-discrimination – that is, putting the most disadvantaged groups first. This will lead to more sustainable interventions.

In conclusion, the momentum of the MDGs should be used to highlight human rights.

Emily Filmer-Wilson

UNDP's Experience with Making the Right to Water Operational

There have been significant steps forward at the policy level for the right to water (RtW). The main challenge lies in making the policy operational and implementing it on a country level. UNDP has been mainstreaming the HRBA since 1997, following the call by the UN Secretary-General to mainstream HR in all of the UN's work. The 2006 *Human Development Report* was about water and it advocated making water a human right.

In an Expert Meeting in November 2008, experts discussed how to make the RtW operational. Making a HRBA operational remains a major challenge. Most success is found when focusing on a specific sector. Both the headquarters' level and the regional/country levels are at very early stages, but UNDP offices at country and regional levels are implementing the RtW.

What are the findings so far? In terms of objectives, HR standards (water quality, availability, physical accessibility, affordability and acceptability) are far more specific than the MDG7's criteria. According to practitioners, these standards help in

monitoring how much is being achieved and in holding countries accountable. In terms of process, a new way of combining areas has been found and different actors are being involved, for instance not only the ministry of foreign affairs but also of agricultural affairs. In Guatemala, UNDP worked at the community level with both rights-holders and duty-bearers. A HRBA shows a clear need to address laws that impact on access to water and sanitation. New strategies are being used and new actors are being involved, both to assess needs and, for instance, to build capacity on how to hold municipalities accountable.

The answers to who is marginalised and who is left behind need to be known. Not only 'low-hanging fruit' should be picked. We should not use this approach as the only way to reach the MDG target. Instead, we must discover who is being discriminated against and make the poor and marginalised groups the priority for programmes, such as the Roma in Eastern Europe. This can be done, for example, through water-point mapping and assembling disaggregated data.

Challenges to making the RtW operational include the following:

- 1) There is inherent tension between achieving MDGs and complying with HR. When using the HR framework we aim to achieve universal, 100 per cent access, which will be harder to reach. However, we cannot focus only on the 'low-hanging fruit';
- 2) We need to demystify HR, for instance the right to water does not mean free water and it does not mean that there can be no privatisation;
- 3) Participation is costly in the short run, but since the sources will really be used, they definitely outweigh the costs in the long run;
- 4) We need commitment and experts.

Two major lessons were drawn. First, in trying to make the right to water operational, we learned to use existing structures and to be more pragmatic. Second, HR are value-based; they have more than an instrumental value. Empowerment is a result in itself.



Thomas Levin

The Human Right to Water and Sanitation: Translating MDGs into Practice

The central question in this presentation was how can development actors improve their activities by including HR activities? Comparing MDG monitoring with the HR approach leads to the conclusion that the HR framework makes development activities far more difficult. The small differences have significant implications. MDG monitoring gives a technical definition of access, but affordability, sustainability and accessibility are not mentioned. The HRBA instead focuses on criteria and processes. This makes development cooperation more difficult, because the standards are set higher. One cannot just give money; one has to think about the complete framework.

The differences can be illustrated with a few examples. For instance, a protected well in urban areas is sustainable access according to MDG standards, but infiltration happens, so the quality is questionable. According to HR standards, however, this is not sustainable access. Another example is a borehole, where a baseline study showed that water quality was not good enough. MDG monitoring, however, counts every person drawing water from a borehole as being covered. There is a huge gap, especially in the urban context, between MDG versus HR monitoring: according to MDG monitoring, access to safe water in Zambia is 90 per cent, although according to a baseline study by GTZ it is only 47 per cent; in Addis Ababa, Ethiopia, access is 88 per cent according to MDG monitoring, but only 28 per cent according to UN Habitat.

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The MDGs have definitely shifted attention and the process is positive, it is unique in its international efforts, but in implementing the MDGs more attention for HR is needed and the MDGs should be translated into HR criteria. More experience is required on the ground in using a HR approach, in order to be able to address specific issues such as financial sustainability, economies of scale, linkage to informal activities and cross-subsidisation.

Donors concentrate too much on the policy dialogue level. We need to go beyond that level and address implementation, which requires a comprehensive framework, involving all actors in the sector to achieve real changes on the ground. In Kenya GTZ used a comprehensive framework for implementation, with the following elements:

- 1) Policy-making, in which all actors need to be involved;
- 2) Regulation with a focus on pro-poor policies in which performance monitoring has

proven to be quite a successful approach. Through public pressure, water service providers are held accountable;

- 3) Performance contracts for providers;
- 4) Complaint mechanisms for users;
- 5) A trust fund, a basket fund with a pro-poor focus aimed at developing low-cost technologies only for the poor. The trust fund is not only about money, but also about management concepts to provide access to the poor;
- 6) Donors and NGOs have a critical role in the advocacy process and must include a HR approach in implementation.

Peter de Vries

Feasibility Study for a Pilot Project on the Right to Water and Sanitation in Benin

In March 2008 the Netherlands recognised the right to water and sanitation (RtWS). As part of this a pilot project on water was developed in our partner countries and a feasibility study was conducted in Benin, which was finalised in February 2009. Another feasibility study is currently being conducted for a pilot project in Indonesia.

The feasibility study concluded that there is potential in Benin for realising the RtWS. Benin recognises the RtWS. Key elements of the RtWS are addressed in existing laws and policies, such as the draft water code. On an institutional level, the conditions are positive – the decentralisation process, for example, contributes to this. But there are also constraints. Although the RtW is included in laws, it is not defined in specific and operational terms, and the right to sanitation has not been stated as clearly as the RtW. A further constraint is civil society's limited capacity on water and sanitation at the local level. Decentralisation is positive, but there is limited capacity and budget for planning and implementation at the municipal level. State obligations concerning sanitation lie with different actors and are not a priority.

The HR approach offers a more holistic view and provides the basis for more sustainable implementation. Major elements of a RtWS approach in Benin will include:

- 1) A detailed review of the existing operation of the RtWS and proposals for more operational definitions;
- 2) Analysis of training and capacity-building needs. A pilot training project at the local level will be part of a larger programme on domestic accountability;

- 3) Implementing capacity-building for sector organisations, local government and civil society.

How will the RtWS contribute to reaching the MDGs? First, it will lead to more focus on those who are not served – the difference between benefiting 50 or 100 per cent of the population. Second, it provides a basis for empowering local organisations and service groups. Third, it gives a basis for policy dialogue between the Beninese government and its development partners.

Discussion

Complementarity between MDGs and HR

There was consensus that the MDG and HR frameworks can complement each other. By combining the MDGs, which are political instruments, with the binding nature of HR, realisation of the MDGs can be achieved sooner. The MDGs are a tremendous political momentum that should be used to address all of the actors involved and to focus on reaching more sustainable results. MDGs should be complemented with HR standards, which are more specific because of their focus on availability, quality, accessibility and acceptability. This enables a more accurate picture of the situation on the ground. However, the availability and quality of data are problematic. One needs data, for example, to ensure non-discrimination: who gets access to water and sanitation and who does not? Moreover, there are differences in definition and monitoring frameworks. This needs to be taken into account in the preparations for the post-2015 process. MDG monitoring is being improved but still has weaknesses. This can be illustrated with the realisation of MDG7 in Kibera, a large slum near Nairobi in Kenya. Almost all of Kibera's inhabitants lack access to high-quality water, but according to MDG monitoring they do have access to water. Ironically, if donors invest in improving water quality, this does not count in MDG monitoring systems. MDG evaluation also tends to focus on technologies, whereas a HR approach focuses on what is suitable for the local environment.

There was also consensus that we should use the 2015 MDGs as an intermediate step. If the target of 50 per cent access to safe drinking water in 2015 was changed to 100 per cent, this would have big cost implications. On the other hand, it remains crucial to focus on quality. When countries set standards based on the MDGs, they can interpret them in the most modest and convenient ways, picking the 'lowest-hanging fruits'.

One specific question was about how HR approaches can help to increase the real health benefits of access to water. Frequently, even with good water points, the general health situation is not improved because of improper use.

How big is the Gap between MDG Measurement and Access according to Human Rights Standards		
	MDG monitoring	Other sources
Zambia	90 %	47% (baseline study)
Addis Ababa	88%	28% UN-HABITAT
Tanzania	85%	<50% (HBS)

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Thomas Levin, GTZ

Key Issues in Implementation

- 1) **Serving the poor:** The right to water has to be made operational in the local/national situation. For example, what is the minimum amount of water that should be available to everyone? What do accessibility and affordability mean in that specific situation? It was felt that development cooperation already has a pro-poor focus, but that the key value of a HR approach is to empower the poor to claim services that meet their needs. The poor are often discriminated against through the costs of water supply. Two examples of decreasing this kind of discrimination are cross-subsidisation and contracts with service providers, in which obligations to serve the poor are included. Users need to be involved in making this happen, as ultimately they are the ones to decide, for example, what is affordable to them.
- 2) **Costing:** UNDP has supported the government of Benin in calculating how much it would cost to include the MDGs in reaching the RtWS. The experience so far in the Dutch pilot project is that it is difficult to include costing, especially in rural areas, because most data are very basic. However, it needs to be stressed that more money should be made available for access to water and sanitation.
- 3) **Accountability of donors:** Donors also have to be transparent and accountable. They have a duty to assist in the realisation of the human right to water and sanitation.

2. MDG1: Right to Food and Right to Social Security

Creating Entitlements in the Productive Safety Net Programme (PSNP) in Ethiopia

Panel:

Wout Soer, *Team Leader at the World Bank Ethiopia for the PSNP*

Matthew Hobson, *Save the Children UK, Ethiopia*

Hans Docter, *Head of Development Cooperation, Embassy of the Kingdom of the Netherlands, Ethiopia*

Magdalena Sepúlveda, *UN Independent Expert on Human Rights and Extreme Poverty*

Presentations

Wout Soer

Ethiopia's Productive Safety Net Programme and Human Rights

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The PSNP in Ethiopia was established in 2005 with the objective of shifting away from the long history of (emergency) food aid towards predictable, appropriate and timely cash transfers to food-insecure households. These transfers are mostly in exchange for public works, but the PSNP also introduced direct support for those not capable of working. At its start, the PSNP reached 5 million people; this has now increased to 7.5 million people. Evaluations show that the PSNP works quite well, but that there is room for improvement. The PSNP targets the poor and has helped to increase food consumption and to construct productive public works.

The PSNP is a pragmatic approach towards reaching the MDGs and has both HR and pro-poor growth aspects. The PSNP should be seen in the Ethiopian context of the vulnerability of the majority of the rural population, who remain smallholder farmers. Creating entitlements for the most vulnerable means an important shift away from dependence on food aid. Looking at the principles of the PSNP from a human rights perspective, many HR aspects can be identified. First, there is the entitlement to transfers, either through public works or through direct support. The PSNP ensures that the right people receive the transfers, that transfers are sufficient to ensure that households meet basic food needs, that transfers are provided before or at the time of greatest need and that participants know what transfer they will receive when. Second, under the PSNP, accountability has been strengthened through the accounting and

auditing of resources and the monitoring of programme performance. Third, mechanisms have been introduced to enable citizens to claim their rights: an appeals mechanism, communication of the objectives and rules of the PSNP and client cards are to be introduced. Challenges for the future include securing entitlements – by creating a long-term social protection system – and supporting people in their economic development in sustainable ways. Climate change and the financial crisis need to be taken into account in this.

Claiming Rights in the Productive Safety Net Programme in Ethiopia

To secure the entitlements of the PSNP, mechanisms have been introduced to enable citizens claim these rights

- Appeals mechanism
- Communicating objectives, rules and regulations of the Programme
- Client cards to be introduced

Wout Soer, World Bank Ethiopia

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Matthew Hobson

The Productive Safety Net Programme and the Right to Food in Ethiopia

Save the Children UK is implementing the PSNP in eleven districts of the Amhara region in Ethiopia. The PSNP is the most advanced mechanism for ensuring that chronically food-insecure people meet their food needs in Africa. It has contributed to significant progress in achieving the right to food, but there is room for improvement.

How does the PSNP fit with the HR framework? Key positive elements are that the Ethiopian government is a provider of last resort of food and work, while a less positive aspect is that the PSNP meets food energy needs but not nutritional needs. Furthermore, appropriateness, predictability and timeliness are crucial elements facilitated by the PSNP. Improvements are needed, however, to meet several community concerns: the rise of food prices, which negatively affects purchasing power, and timely delivery remain a challenge in some districts.

Using human rights standards for the PSNP contributes to improved accountability through appeal mechanisms, an emphasis on participation, attention to non-

discrimination (such as the elderly) and human rights-based monitoring systems. Realisation of this, however, depends to a great extent on the development of institutional mechanisms to improve the accountability of government agencies.

The PSNP is a seismic shift in terms of food security and government duties. Looking at the future, the challenge is to invest in social protection initiatives that reduce vulnerabilities and guarantee the rights contained in legal instruments. Social protection is a basic human right that strengthens the social contract between states and citizens – a cornerstone of economic advancement, livelihood improvement and political stability. Regarding the MDGs, if there is a second round of MDGs to be achieved in 2030 (as a follow-up to 2015), it is important to include specifically the right to adequate nutritious food, which means that people can develop instead of merely being kept alive.

The Productive Safety Net Programme is a seismic shift in terms of food security and government duties.

Matthew Hobson, Save the Children Ethiopia

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Magdalena Sepúlveda

Cash Transfer Programmes and Human Rights

As UN Independent Expert on Extreme Poverty, Magdalena Sepúlveda produced a report on cash transfer programmes and human rights. Her conclusion was that direct support programmes have the potential to contribute to strengthening human rights, but deficiencies in programme implementation can lead to HR violations. A HR approach is not a panacea or alternative but should strengthen development cooperation.

From a HR perspective, key implementation requirements include the following:

- 1) Targeting is the most important issue. Targeting cash transfer programmes to specific groups risks discrimination and exclusion and is an expensive mechanism. Systems with universal access are therefore preferable from a HR perspective;
- 2) In order to prevent discrimination, programmes need to be transparent and must have a built-in mechanism to provide information. This information must be accessible to all and be provided in a culturally sensitive manner;
- 3) Meaningful participation is not just aimed at improving the programme but is a

right of beneficiaries. It is crucial to take into account the beneficiaries' local power structure, in particular with regard to gender. For example, it is not enough simply to have women in the room, as the role that women play often prevents them from talking in a meeting. Women should participate in the design and implementation of the programme, because the distribution of cash can shift the balance of power within a household;

- 4) Graduation is crucial: cash transfer programmes should be part of wider social protection structures;
- 5) Strengthened international cooperation is necessary, built on ownership and domestic support, especially in this time of international economic crisis.

Hans Docter

A Donor's Perspective on the PSNP and MDG1

The Netherlands' efforts as a donor to achieve MDG1 are not restricted to work on safety nets. Supporting safety nets simply gives time for building other programmes that are aimed at combating poverty for the group of average farmers who are not rich, but who are not targeted in safety nets. Perhaps more focus is necessary on people with potential and on preventing people from falling back into poverty. In spite of its inherent faults, the PSNP is a very useful instrument because food aid is still a problem.

Discussion

PSNP and Civil and Political Rights

The question was raised as to whether the PSNP is really HR-based, because in that case a first step should be to give freedom rights to the people. Could a programme like the PSNP enable people to use and expand the space for civil and political rights? Mr Hobson answered that there is little space, but that it should be appreciated that the programme makes practical efforts for the poor. Mr Soer said that the PSNP is a bottom-up programme, where people learn to participate.

Appeals Mechanism: A Possible Best Practice?

It was noted that if the appeals mechanism in the PSNP is effective – that is, it is evident who is in the panel and the panel's responsibilities are clear – this sounds like a best practice that could perhaps be implemented in other countries as well.

Sustainability

Concerns were raised about the programme's sustainability, especially when such programmes depend on donor financing. Speakers emphasised that this is not a donor-driven programme. The Ethiopian government is dedicated to this programme, which has a large budget and is implemented through the government. The government holds strong ownership and demonstrates political will to continue the programme. Dr Sepúlveda stressed the need for grounding cash transfer programmes in the national legal framework, because otherwise it is very hard to establish entitlement.

Accountability of Donors under International HR Law

The accountability of the donor community under international HR law tends to be neglected in the discussion. There is a binding obligation on donors to fulfil HR obligations regarding international cooperation, especially in the context of the financial crisis. A paradigm shift is needed to strengthen this as both a moral and transnational obligation.

Root Causes and Not Just Symptoms should be Observed

One participant missed the analysis of root causes in the discussion. However, according to Mr Hobson, the PSNP has been created exactly to address the root causes of the lack of food. The programme does not simply stick on plasters but does confront the causes. For instance, the public works include irrigation activities, as drought is one of the main causes of food insecurity. A household study mapping the different livelihood situations across the country is a magnificent step forwards in ensuring that interventions correspond with the causes.

Hans Docter added that economic structures in Ethiopia are a root cause that can, however, be changed with proper management aided by foreign expertise. Ethiopia is a country that has the potential to export food.

3. MDG3: Land and Property Rights for Women

Panel

Annie Kairaba, Director, Rwanda Institute for Sustainable Development and LandNet
Lee Waldorf, Human Rights Adviser, UNIFEM

Presentations

Annie Kairaba

The Linkage of Women's Land Rights, MDG3 and Human Rights in Rwanda

In examining the link of women's rights, MDG3 on gender equality and HR, the central question is how and in what sectors of society are women participating? Rwanda is making good progress in the MDG3 target on gender equality. For instance 56 per cent of Rwanda's members of parliament are women – a world record. There is also successful legal gender equality. Inheritance law and organic land law put emphasis on gender equality. However, these laws are not sufficient to secure women's land rights. The challenge of implementation remains and monitoring is needed. For instance, expropriation has become a big form of violence against women, as women lose their land rights.

58 Opportunities in Rwanda are the political commitment of the government to combat violence against women, and the role of civil society is also acknowledged. The challenges are twofold. First, how can a MDG indicator be included that measures women's participation in the market and the economy? This is the key to women's empowerment and central to the achievement of the other MDGs. Second, how can donors be attracted to build the capacity of civil society to monitor the implementation of land reform?

Ms Kairaba's recommendations were to:

- 1) Promote monitoring of the implementation of land reform;
- 2) Make women's land rights an accountable target of the government;
- 3) Ensure that donors show greater commitment to supporting civil society on a long-term basis to protect women's rights, including land rights (research, monitoring, awareness and partnership with the government).

CEDAW and the MDGs: Women's Right to Land in Central Asia

Overall indicator of success as a result of UNIFEM programme

- Between 2002 and 2008, the percentage of dehkan (family-type) farms owned by women in Tajikistan rose from 2% to 14%

Key human rights inputs

- CEDAW-based analysis of legal frameworks
- Extensive advocacy with government and public awareness raising on women's right to land ("Land in the Right Hands!")
- Engagement with CEDAW Committee – actions recommended in concluding observations for Kyrgyzstan
- CEDAW based indicators were used to engender national planning processes
- HRBA was reflected in all aspects of programme design and implementation

Lee Waldorf, UNIFEM

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Lee Waldorf

Women's Right to Land in Central Asia

With regard to CEDAW and the MDGs, what can HR standards contribute towards achieving the MDGs at the country level? The added value of HR standards to the realisation of MDG3 at a country level is mostly analytical. Article 16 of CEDAW defines equality as the equality of results.

There are no legal discriminatory norms against women in Central Asia. De facto discrimination, however, was extensive in Kyrgyzstan and Tajikistan and this threatened to deepen feminised poverty in both countries. UNIFEM worked with the governments to make them accountable in this field. Supported by CEDAW-based legal analysis and advocacy, gender elements were introduced into land laws. Also at the macro level, harmonised CEDAW, Beijing and MDG indicators were applied in national development planning. Tajikistan's indicators for the national development strategy now include measurement of women's access to land. Local planning and budgeting now include gender elements. At the micro level, legal advice and assistance is given to women and cultural change is supported.



Discussion

Reasons behind the Difficulty in Implementing Land Laws

The question was raised of what the reasons are behind the difficulty to implement land laws. Ms Kairaba explained that land inheritance is now possible for women in Rwanda, but that there are cultural and political obstacles. With equal inheritance, boys will have priority over girls and more than 80 per cent of women do not claim land ownership as they are afraid that this will be seen as a sign of lack of respect for their husband. Women's land rights are a highly political issue. A UNICEF/UNEP programme on women's land rights in Rwanda in 2001 was not implemented because of lack of political will.

How were HR Indicators Developed and Can this Method be Used in Other Countries?

Indicators were developed over time in Central Asia, based on CEDAW and with the assistance of technical experts. UNIFEM is active on developing indicators. The CEDAW Committee could play a role in promoting the use of CEDAW indicators. Following criticism, the CEDAW Committee has engaged in work on this area, and as a result, the CEDAW Committee can now use more refined indicators. One participant mentioned that the UN Economic Commission for Africa is working on the development of indicators for women's participation in the economy.

How Can Donors Push for Implementation of Laws and Support Capacity-Building?

One view was that donors face conservative powers that do not want change. The way forward is to think through other ways to promote human rights and certainly not to give up. Donors can also use the MDGs as an opportunity to influence human rights issues. The question of who benefits from development should always be asked. It is important for donors to support and link up with the local human rights NGOs.

As a result of the UNIFEM programme, in Tajikistan ownership by women of family-type farms rose from 2 to 14 per cent between 2002 and 2008.

The key human rights inputs were:

- 1) CEDAW-based analysis of legal frameworks;
 - 2) Extensive advocacy with the government and public awareness-raising about women's right to land;
 - 3) Engagement with the CEDAW Committee's actions that were recommended in the concluding observations for Kyrgyzstan;
 - 4) CEDAW-based indicators were used to engender the national planning process;
 - 5) A HRBA was reflected in all aspects of programme design and implementation.
- Donors can maximise the contribution of HR standards to achieving the MDGs by encouraging, *inter alia*, the development of harmonised indicators at the country level and by identifying strategic entry points: CEDAW sessions, MDG reports, the planning of national development and poverty reduction strategies, and national budgeting.

3 Country Cases: MDGs, Human Rights and Donor Interventions

The objectives of the sessions on specific MDGs and country cases were to:

- Demonstrate through MDG and country cases how using human rights standards and instruments can make a tangible difference in policy efforts, policy decisions, budget allocation and spending for MDG realisation;
- Clarify the reasons why donors and NGOs do not yet fully use the potential of human rights standards and instruments and why cross-fertilisation between human rights and development practitioners occurs less than would be possible and desirable;
- Formulate concrete recommendations on how donors can use human rights norms and instruments more systematically and frequently.

Integrating Human Rights into MDG-Based Planning

Julia Kercher and Gonzalo Pizarro, UNDP

UNDP introduced current work to integrate HR in existing tools for MDG-based planning at the country level. This means that the HRBA framework is integrated in the MDG process in a country – that is, in sector planning, linking the MDGs to PRSPs, implementation and monitoring. UNDP assists countries throughout the whole process, in particular in preparing needs assessments and MDG reporting. A needs assessment aims to create a detailed inventory of public goods and services that must be provided if the MDGs are to be reached by 2015, and then to fill the deficit via foreign aid. A needs assessment identifies interventions, specifies the targets of these interventions and estimates the resource needs.

What difference does a HRBA review of these needs assessments make? One example is the water and sanitation sector. First, a needs assessment based on a HRBA will involve civil society from the start. In the area of interventions, instead of only focusing on infrastructure such as water connections, new elements are included in sector planning and management (such as analysing the impact on poor and vulnerable groups, interministerial coordination and attention for water quality). In targeting, it is recommended to focus on improving the lowest standards. In the area of financing strategies, options are added for tariffs and pricing that differentiate among users.

Integrating a HRBA in the MDG process right from the beginning helps us to understand where a country is lagging behind in realising the MDGs and what the key bottlenecks are. Once these bottlenecks have been targeted, actions can be identified

to address them. A HRBA will also be used in solving these obstacles to MDG realisation. The actions will be translated in a country action plan and resource allocation. An example is the lack of progress in realising MDG2 on universal primary education that occurred in Malawi. After a good start, Malawi deviated from the line of progress, whereas by contrast Zambia – after a slow start – achieved good progress, while both countries had similar programmes. UN country offices had no explanation and were unable to give a programmatic response to the situation in Malawi. Then a rights-based analysis showed that the numbers of children in school dropped because Malawi had not built schools with separate toilets for girls.

UNDP will develop fully HRBA-integrated tools, followed by a roll-out in CCA/UNDAF countries (Common Country Assessment and the United Nations Development Assistance Framework). A further step will be to identify bottlenecks and solutions to scaling-up across sectors at the country level and to provide common support to help countries achieve breakthroughs towards realising the MDGs. The needs assessment and planning tools are intended for UN country offices, to assist countries in the MDG process.

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Kenya: Measuring Progress

Panel:

Wambui Kimati, *Kenya National Human Rights Commission*

Kees van Baar, *Head of Political Affairs, Embassy of the Kingdom of the Netherlands, Kenya*

Esther Loeffen, *Embassy of the Kingdom of the Netherlands, Uganda*

Presentations

Wambui Kimati

Political Instability: A Cause or a Consequence of Non-Achievability of Human Rights and MDGs?

The Kenya National Human Rights Commission (KNHRC) is an independent national HR institution established by the Kenyan government. Its core mandate is the protection and promotion of HR in Kenya. After functioning for six years, the KNHRC has come to the conclusion that political instability is both the consequence and cause of the non-achievement of HR and the MDGs.

Kenya has a complex social and political environment. Good policies have been achieved in reform of the social sectors and allocations in the national budget for social sectors. Yet progress is difficult to measure and the priorities of the post-independence Kenyan government – the elimination of poverty, ignorance and disease – are still urgent.

The KNHRC has its own theory of change: that the enhancement of protection and respect for human rights is a collective responsibility, in which the state has the responsibility to protect and citizens have to respect the rule of law. Key issues that should be addressed are the culture of impunity and the wider responsibility of Kenyan society in condoning this culture of impunity. There are three factors that determine the realisation of human rights: the political process; good policies; and the environment ('good luck').

In the *political process*, the main issue is accountability caused by weak national ethos and citizens' distrust in public institutions. Rebuilding this trust should therefore become a priority and donors can support this. This can be achieved only by trying to involve groups that are otherwise excluded from Kenya's political process. Accountability should not only come from the top but also from the bottom-up.

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Developing and achieving *good policies* requires an analysis of what each individual gets, when and how. As little of this has been done in Kenya, certain ethnic communities were left out and felt mistreated by the government. Policy blindness to discrimination has created winners and losers over the years and has led to acute social and regional disparities between ethnic communities. Historical grievances have been politicised and used in mobilising anger for partisan ends. Donors should support policies that alleviate grievances.

Kenya is *susceptible to global shifts*, in particular the financial crisis and rising food prices, as well as conflicts in the region. The response from development partners is crucial here. There are opportunities in enabling recovery from the post-election violence in 2007. Donors can support this, not only at the national level but also focused on strengthening local governments. Local governments should be given the possibility of accessing national resources for local service delivery. Performance contracting and service charters with in-built MDG targets are crucial in addressing inequality.

Policy blindness to non-discrimination has led to acute social and regional inequalities. Politicization of historical grievances has become effective in mobilising anger for partisan ends.
Wambui Kimati, Kenya National Human Rights Commission

Kees van Baar

Promoting MDGs via Human Rights Instruments

The political situation in Kenya can be characterised as fragile. The root causes for this fragility are inequality and exclusion, which need priority attention because they could potentially lead to further instability and conflict. The Dutch embassy works in an integrated manner on political, economic and development issues. Making progress is possible in areas that are not in the spotlight of political attention.

66 The Dutch embassy actively supports the right to equal economic opportunities. Diminishing the burden for small business entrepreneurs (especially women finding it difficult to start their own business) and land and property rights for women are key areas. Governance, access to justice, gender rights and support to human rights defenders (HRDs) are other activities in which the Dutch embassy is engaged.

The existing culture of impunity and the fact that the Kenyan government does not take sufficient measures to meet its international HR obligations make it difficult to use human rights to realise the MDGs. This would require Kenyan citizens to claim their rights and have space to make the government do what is necessary to achieve the MDGs. The government does not, however, give this space – freedom of speech and freedom of association – so in the Kenyan situation, classic human rights are the main obstacle to realising ESC rights and the MDGs.

Esther Loeffen

Integrating Human Rights in Budget Support Dialogue: Experiences from Uganda

Budget support gives a good opportunity to support and promote HR, even though HR are not the main focus of budget support. Budget support is aligned with the government's development priorities and therefore it is possible for donors to raise HR issues while at the same time respecting national ownership. It is often thought that the budget support modality is only technical and financial, but as donors bring the HR dimension forwards, this is a highly political form of cooperation.

The biggest challenge is how can donors convince the government to take action and how to ensure that donors and the government have the same interpretation of the MDGs? General Budget Support provides sufficient tools to discuss the macroeconomic dimension in most cases. The experience of the Dutch embassy in Uganda shows that the best way is engagement in various sectors. In Uganda, the Netherlands has been actively engaged in the justice and education sectors, thus giving opportunities to address some ESC rights and to engage the government at the planning level. Development cooperation in the form of budget support gives the donor country a possibility to ask the partner government to produce some evidence of the achieved results. Even if human rights are not mentioned explicitly, donors can ask to be shown what has been done with the financial support received for reaching out to the most vulnerable.

Donor engagement in specific sectors requires specialist expertise with a strong focus on budget reading. Moreover, donors should ensure the involvement of local civil society with a capacity for independent monitoring.

To conclude, sector support provides an excellent opportunity and may be the best way forwards, provided that you are well prepared. It requires much time and much trust.

Development cooperation in the form of budget support gives the donor country a possibility to ask the partner government to produce some evidence of the achieved results. Even if human rights are not mentioned explicitly, donors can ask to be shown what has been done with the financial support received for reaching out to the most vulnerable.

Esther Loeffen, Netherlands Embassy Kampala, Uganda

Discussion

The Role of Civil Society and National Ownership

It was pointed out that the concept of national ownership should encompass non-state actors such as NGOs, the private sector and faith-based organisations. The Universal Periodic Review (UPR) process was mentioned as an excellent opportunity for all stakeholders to raise human rights and MDG issues. Stakeholders prepare their own report, so recommendations resulting from the UPR dialogue should include all stakeholders.

The Role and Accountability of Donors

It was suggested that donors in sector dialogues should try to go into more detail in order to address human rights issues, such as price increases in water delivery, even if this is difficult. In this respect the question was raised of to whom donors are accountable.

Guatemala: Human Rights and Inequality

Panel

Annemarie de Ruiter, *Embassy of the Kingdom of the Netherlands, Guatemala*

Mirna Jeaneth Montenegro, *Observatorio de Salud Reproductiva*

Ignacio Saiz, *Centre for Economic and Social Rights*

Presentations

Annemarie de Ruiter

How to Use HR for the Promotion of the MDGs in a Fragile Context

The Dutch embassy in Guatemala focuses on strengthening the environment that enables the Guatemalan government to realise the MDGs. This should be seen against the following background. Guatemala is a fragile state characterised by inequality (the second-worst level in Latin America, with 56 per cent of the population living below the poverty line) and a climate of impunity, in which government mechanisms are weak, basic needs are not met and the tax rate in this middle-income country is low. Discrimination of indigenous groups is one of the reasons behind the high maternal mortality rate. An indigenous woman runs roughly three times more risk of maternal mortality than an urban *ladina*. A traditional technical development approach to maternal mortality is therefore likely to fail to solve the problem.

The Guatemalan government's response to this situation is the Cohesion Social programme, which includes conditional cash transfer programmes. Laudable as these programmes are, the Cohesion Social is only part of the solution as it does not tackle the root causes of development problems in Guatemala: skewed power relations; lack of solidarity; and discrimination. The excluded lack HR awareness, the skills to organise themselves and the space for meaningful participation. Meanwhile, the powerful elites, the influential military and sinister drug gangs have not created an environment that is conducive to the rule of law and democratic accountability.

The Dutch embassy sees its added value in holding a constant political dialogue with the Guatemalan government, the private sector and civil society on these issues, including in the context of EU coordination. Projects that can strengthen the quality of the state and civil society organisations and their dialogue are supported. One example is the funding of the creation of a HR monitoring body within the Guatemalan ministry of foreign affairs.

Monitoring Maternal Mortality in Guatemala

In March of 2008 a civil society movement for sexual and reproductive rights established an alliance with the Congress of Guatemala and established a Sexual and Reproductive Health Observatory (OSAR, acronym in Spanish) with the participation of universities and professionals associations. This observatory's main activity is the analysis of information and formulation of proposals. OSAR has a monitoring system to evaluate progress on international obligations such as CEDAW, MDG5, Beijing and Cairo.

In this year, the OSAR has worked on the measurement of maternal mortality. The president has declared that this has been reduced 22% in 1 year, which is technically impossible. Moreover, there exists no register of births of the final 3 months of 2008 due to an introduction of a new system.

Result of discussions and consensus with the Congress and the Ministry were:

- Agreement with Ministry of Health to improve monitoring of data on maternal health;
- Declaration of the president against the budget cut for the budget of Ministry of Health;
- Decentralisation of accountability processes through four regional OSAR platforms;
- Public awareness via over 20 press releases on maternal health after meetings with journalists.

Mirna Montenegro, Observatorio de Salud Reproductiva

Mirna Jeaneth Montenegro

Generating Alliances: Holding Government Accountable for Sexual and Reproductive Rights

Guatemala has a high rate of adolescent pregnancy (40 per cent), a fecundity rate of 4.4 and a high maternal mortality rate of 153 per 100,000. The reasons behind the high maternal mortality rate are that most childbirths take place at home and that family planning is difficult in a Catholic country. In March 2008 a civil society movement for sexual and reproductive rights made an alliance with the Congress of Guatemala and established a Sexual and Reproductive Health Observatory (OSAR). University medical



Ignacio Saiz
Advocating for the Accountability of Economic and Social Rights in Guatemala

Mr Saiz presented the experience of a project conducted by the Centre for Economic and Social Rights (CESR) and the Central American Institute for Fiscal Studies (ICEFI) on the human rights dimension of the poor development outcomes that have been realised in social sectors in Guatemala. The project examines the adequacy of the Guatemalan government's policy efforts from the perspective of its HR obligations. Moreover, it aims to determine whether policy failures result from a genuine lack of resources or lack of political will. Finally, the project advocates for accountability and policy change.

Looking through a HR lens puts the focus on the HR duty to ensure minimum essential levels for the entire population, non-discrimination and progressive realisation using maximum resources. The project focused on the example of maternal health. With the joint highest maternal mortality rate in Latin America (with Bolivia), Guatemala does not meet its core obligation to provide safe motherhood. The non-discrimination obligation is also not met, as three-quarters of maternal deaths occur among indigenous women, despite comprising less than half of the population. Statistics show that Guatemala has made little progress in comparison with Bolivia, despite having more resources. Guatemala performs worse than countries with a similar GDP per capita and this also applies to other social sectors. Looking at how Guatemala meets the HR standards of making necessary health services available, accessible, of good quality and culturally appropriate, statistics show that obstetric and public health services and birth attendances by skilled health personnel are less available in the regions with highest mortality rates and to the poor and indigenous groups than to non-poor and urban groups. The project then analysed budgets and found that Guatemala spends less on health than its poorer Central American neighbours, and that health spending was lower in 2008 than in 2001 and does not benefit the most disadvantaged areas. This conclusion also applies to other social sectors. Social spending in Guatemala is among the lowest and most inequitable in Latin America. The root cause behind this is unfair fiscal policies.

CESR and ICEFI conclude that HR principles can be used as a guide to policy programming. HR can also be used to broach the sensitive issue of fiscal policy reform. On the positive side, the Guatemalan government has made recent HR commitments and shows a greater openness to international HR scrutiny.

faculties, various medical professional associations and NGOs for women's health participate in the observatory. The observatory's main activity is analysis of information and translating this into policy proposals. OSAR has a monitoring system to evaluate progress on international obligations such as CEDAW, MDG5, Beijing and Cairo.

As the Congress of Guatemala is a member, OSAR has access to ministers and direct influence in lobbying for laws and budgets. Universities and specialists provide the expertise to analyse statistics. Civil society groups secure the links with rural areas. OSAR keeps the general public informed through press conferences, and OSAR has regional branches that call local government to account.

As a result of measuring maternal mortality, OSAR has succeeded in an agreement with the Guatemalan ministry of health to improve data monitoring on maternal health, a declaration by the President against a cut in the health budget, decentralisation of accountability processes through four regional OSAR platforms, and public awareness was raised by more than 20 press releases on maternal health.

Discussion

Focus on Local Government and the Role of the Church

It was pointed out that donor investment in local government works well, because authorities are more accountable at local levels and it is possible to create a demand that goes up from the people, building community capacity in that way.

It is useful to work with the Church, as it can be a powerful advocate. UNICEF has good experiences of working with the Church on the Child Code, when despite early opposition, the Church finally saw that 'our goals were the same'.

Look beyond Resources and Formal Power Structures

A comment was made that we should not focus solely on resources, as there is no straight relation between spending levels and development outcomes. The solution is not simply to spend more resources. Participants agreed that it is important to look at how the available resources are spent. Another comment was that it would be useful to determine how the HR framework can be used to address instability and power structures by tackling the underlying informal problems and drivers.

Support both Civil Society and the State

Some participants stressed the need not to focus only on the state but to place more emphasis on supporting civil society. In response, it was explained that the Dutch embassy used to focus only on civil society, but the problem became clear that if the state remains weak, it cannot respond to proposals from a strong civil society. Support is therefore now provided to both the state and civil society.

4 MDGs, Human Rights and Accountability

This session's objective was to present and discuss innovative ways to hold governments accountable for the steps that they take and budgets that they allocate and spend to implement HR obligations, with a strong focus on ESC rights. Accountability is a key aspect of human rights instruments that donors can use to promote the realisation of MDGs.

Panel

Marta Foresti, *Overseas Development Institute*

Ann Blyberg, *Human Rights Programme of the International Budget Partnership*

Warren Krafchik, *International Budget Partnership*

Eitan Felner, *independent consultant*

Presentations

Marta Foresti

MDGs, Human Rights and Accountability

Social justice is firmly on the development agenda. An important question is what can economic and social (ES) rights contribute? First, the steps that governments should take to comply with their obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) need to be identified. ICESCR provides overall criteria, but not enough detail. Efforts so far to identify measures to be taken by governments tend to bypass economic and fiscal conditions. An unanswered question, for example, is whether government X can maintain expenditure in education given the fiscal conditions?

Assessing the costs of steps to realise ES rights is useful to address the argument that ES rights are 'too expensive in resource-constrained countries'. Costing (for example, the extra salaries needed and infrastructure) can enable a realistic debate on where resources could come from. Back-of-envelope calculations are possible and can be valuable.

Assessing affordability is the hardest part, but this is necessary as it addresses key issues such as fiscal space. Often the answer is not clear and uncertainties remain, but at least this can stimulate an 'empirical dialogue on ES rights'. In moving towards more evidence-based examination of the realisation of rights, it is important to be strategic

about defining the problem, to be selective and to identify realistic and operational entry points. Finally, a focus on ES rights is called for, because rights tools and strategies used for civil and political rights may not be effective for ES rights.

Assessing Costs of Economic and Social (ES) rights

- Economic and Social rights, like all rights, have costs;
- Estimate of costs are useful to address the argument that ES rights are 'too expensive in resource constrained countries';
- Costing can help to break down a right in practical components: e.g. infrastructures, salaries etc. Also to specify additional services and goods;
- Costing can help a realistic debate on where resources could come from (e.g. revenues, aid etc.);
- 'Back of envelope calculations' are possible and can be valuable.

Marta Foresti, Overseas Development Institute

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Ann Blyberg and Warren Krafchik

How Can Budget Analysis and Advocacy Support Human Rights and MDG Monitoring and Realisation?

During the 1990s, growth took place in civil society's capacity to monitor budgets. This was congruent with greater independent oversight of budgets and an expansion of the effective role of parliaments in the budget process. The effectiveness of budget analysis and advocacy from a HR perspective was shown in a number of case studies by the International Budget Partnership (IBP) and the Institute for Development Studies. The studies show significant examples of improvements in budget policies, allocations and outcomes. Civil society's budget work can also make positive contributions to the realisation of human rights and the MDGs. Civil society has tools to work with and to influence government and budget spending. Using advocacy as a tool resulted in an opportunity for civil society to open areas of policy that were previously closed.

HR budget analysis can be made on the basis of four broad steps:

- 1) Make initial assessments as to whether a situation of concern raises a human rights issue;

- 2) Make initial determination as to whether the government's budget plays a significant role and what that role is;
- 3) Analyse the budget using HR guarantees (such as the right to health) and government obligations (such as non-discrimination and use of maximum available resources);
- 4) Develop recommendations for modifications in the government's budget based on this analysis.

An example is the 'Milk for Children' project in Guatemala. The Guatemalan government was involved in this project, but some of the groups that most needed this support did not receive any, the project was not available for indigenous peoples, and the price of milk was too high for poor people.

The conclusion is that the tools for budget analysis and advocacy are effective and can make a positive contribution to the realisation of HR and the MDGs. However, the use of these tools can be strengthened. The right to information and budget information is crucial for this.

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Civil society's budget work can also make positive contributions to the realisation of human rights and the MDGs. An example is the 'Milk for Children' project in Guatemala. The Guatemalan government was involved in this project, but some of the groups that most needed this support did not receive any, the project was not available for indigenous peoples, and the price of milk was too high for poor people.

Ann Blyberg and Warren Krafchik, International Budget Partnership

Eitan Felner

Combining Human Rights and Development for the Monitoring and Advocacy of MDGs

Human rights have a unique power to help hold governments accountable because they speak the moral language of our time, they are universal obligations and are a source of political legitimacy. The basic challenge is to make governments accountable for insufficient progress and disparities in MDG achievement. Various reasons can result in lack of progress and disparities and only a few can be attributed to government actions or inactions. Citing statistics or referring to HR standards is not sufficient to hold governments accountable. What are therefore needed are simple tools to assess to what extent deprivations, disparities and lack of progress in MDGs

can be traced back to failures of government policy.

A four-step methodological framework is proposed to identify the:

- 1) Deprivations and disparities in enjoyment of ESC rights (measuring minimum core obligations and unequal enjoyment of social and economic rights);
- 2) Main determinants of MDG-related deprivation and inequalities;
- 3) Inadequacy of policy efforts to address determinants (such as failure to provide adequate services, budgets, fiscal and sector policies and socio-economic policies);
- 4) Structural causes behind inadequate government efforts such as unequal power distribution, corruption, clientelism, discrimination and elite capture).

Discussion

78 Engaging Civil Society in Budget and ES Rights' Work

Budget work is a very useful area. An important question is how to make civil society enthusiastic about entering this area. Civil society needs to be engaged more directly, which can be promoted by making knowledge available in an accessible format and by showing how promising the results are. Communities will be interested if budget information is open to them, for instance by making it public on websites. The International Budget Partnership meets a lot of interest and offers learning programmes. For more in-depth budget work, long-term investment is required as it is complex.

A specific issue is that parliaments, which approve budgets, often do not have access and knowledge of budget processes. Parliaments need an independent research capacity in order to improve their role in approving budgets.

Regarding ES rights, they have the same status as political rights, but this should be communicated to the public. There is in fact a lot of engagement in civil society on the subject of ES rights. If it can be shown that policy outcomes are related to policies and budgets, then technical issues become much more alive.

Involving Donors to Make Budget and ES Rights' Work Sustainable

Donors should provide long-term support to this work, which concerns research-intensive issues.

Local Budget Analysis is the Most Valuable

There is a clear need to monitor and trace how budgets allocated at the national level are actually spent at local levels. Local budget analysis is the most valuable, because at that level all local factors can be taken into account.

Concluding Remarks

This seminar was organised to discuss the opportunities and challenges of building bridges between human rights instruments and development cooperation instruments provided by a range of partners to achieve the Millennium Development Goals. In the keynote speeches, presentations and discussions, the human rights perspective and the operational response to development challenges have intersected at many levels and in very concrete ways.

Participants discussed possible links between instruments, examined donor interventions in three specific MDGs and country cases and explored ways to use and enhance accountability mechanisms. Participants were witnesses to what could be called a marriage between the development and the human rights communities, at least for the two days of the seminar. It can be concluded that this union is full of potential, as can be seen in the broad consensus on the need to bring human rights and the MDGs together and the many suggestions for concrete steps forwards.

Annexes

Annex 1 Programme

Seminar Human Rights and the Millennium Development Goals

25-26 May 2009, Ministry of Foreign Affairs, Van Kleffenszaal, The Hague

Monday 25 May	
09.30 – 09.40	Opening by Chairperson, <i>Bram van Ojik</i> , Director of the Policy and Operations Evaluation Department, Ministry of Foreign Affairs
09.40 – 09.55	Welcome Address by <i>Bert Koenders</i> , Minister for Development Cooperation
09.55 – 10.15	Keynote Address by <i>Mrs Navanethem Pillay</i> , High Commissioner for Human Rights
10.15 – 10.30	Q&A
10.30 – 11.00	Coffee/Tea break
11.00 – 12.30	Panel Enhancing synergy between human rights instruments and development instruments
11.00 – 11.45	Part one: <i>Two sets of instruments</i> Presentation of relevant human rights and development instruments
	Speakers: <ul style="list-style-type: none"> • Human rights instruments: <i>Mr Rio Hada</i>, Acting Head MDG Unit OHCHR • Development instruments: <i>Ms Yoka Brandt</i>, Director General for International Cooperation, Ministry of Foreign Affairs • Experience of a multilateral agency: <i>Ms Elizabeth Gibbons</i>, Head Gender Rights and Civic Engagement Section, UNICEF
11.45 – 12.30	Part two: <i>How to use human rights instruments for the MDGs?</i> Discussion panel-participants on ways to use human rights instruments to enhance policy efforts for the MDGs. Particular attention to the obligation of non-discrimination and equality.
12.30 – 14.00	Lunch Break

14.00 – 17.30	MDGs and Donor Interventions Key questions: <ul style="list-style-type: none"> • Does using human rights instruments, in particular the non- discrimination and equality obligation, make a tangible difference in policy efforts, policy decisions, budget allocation and spending? • How can donors promote the use of human rights instrument to reach the poorest of the poor?
14.00 – 15.30	Panel MDG7 Right to Water and Sanitation <ul style="list-style-type: none"> • <i>Ms Lucinda O’Hanlon</i>, Special Procedures Division OHCHR: presentation of work plans of the IE on Human Rights and Access to Water and Sanitation • <i>Ms Emily Filmer-Wilson</i>, UNDP Oslo Governance Centre: operationalising the Right to Water • <i>Mr Thomas Levin</i>, GTZ’s work on Right to Water in Kenya • <i>Mr Peter de Vries</i>, Environment and Water Department, NL Ministry of Foreign Affairs presents feasibility study for a pilot Right to Water in Benin
15.30 – 16.00	Tea/coffeebreak
16.00 – 17.30	Panel MDG1 Right to Food, Right to Social Security <ul style="list-style-type: none"> • <i>Mr Wout Soer</i>, Team Leader World Bank for Productive Safetyynet Programme Ethiopia (PSNP) • <i>Mr Matthew Hobson</i>, Save the Children Ethiopia • <i>Mr Hans Docter</i>, Head of Development Cooperation Embassy of the Kingdom of the Netherlands, Addis Ababa: donor perspective on Productive Safetyynet Programme Ethiopia • <i>Dr Magdalena Sepúlveda</i>, UN Independent Expert on Human Rights and Extreme Poverty
17.30 – 17.40	Wrap-up by Chairperson
17.30 – 19.30	Reception with Drinks and Snacks, Lounge

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Tuesday 26 May	
09.00 – 10.30	MDGs and Donor Interventions continued
	Country Cases: Actors and Instruments <ul style="list-style-type: none"> • <i>Mr Gonzalo Pizarro</i>, UNDP, MDG Support Team: Integrating human rights into planning instruments for achievement of the MDGs Parallel Sessions <i>Kenya: Measuring Progress</i> <ul style="list-style-type: none"> • <i>Ms Wambui Kimati</i>, Kenya Human Rights Commission: non-achievement human rights/MDGs as root causes of political instability • <i>Mr Kees van Baar</i>, Head Development Cooperation Embassy of the Kingdom of the Netherlands Nairobi: promoting the MDGs via human rights instruments • <i>Ms Esther Loeffen</i>, Embassy of the Kingdom of the Netherlands, Kampala: Integrating human rights in budget support dialogues, experiences from Uganda. <i>Guatemala: Human Rights and Inequality</i> <ul style="list-style-type: none"> • <i>Ms Mirna Jeaneth Montenegro</i>, Observatorio de Salud Reproductiva (observatory of reproductive health): presentation of an experience from Guatemala how to use human rights as a tool to monitor reproductive health. • <i>Ms Annemarie de Ruiter</i>, Embassy of the Kingdom of the Netherlands, Guatemala: donor perspective on the (potential) role of human rights in promoting the MDGs, equality and social justice, • <i>Mr Ignacio Saiz</i>, Centre for Economic and Social Rights: CESR’s project ‘<i>Derechos o privilegios</i>’, experiences in efforts to calling the Guatemalan government to account with regard to economic, social and cultural rights.
10.30 – 11.00	Coffee/tea break

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11.00 – 12.30	Panel MDG 3 Land and Property Rights for women <i>Women's Land Rights in Rwanda and Kirgizstan</i> <ul style="list-style-type: none"> • Ms Annie Kairaba, Director Rwanda Institute for Sustainable Development and LandNet: Human Rights, MDG3 and Land Rights • Ms Lee Waldorf, Human Rights Adviser UNIFEM, New York: Gender and Land rights in Kyrgyzstan
12.30 – 13.30	Lunch break
13.30 – 15.00	Panel MDGs, Human Rights and Accountability <ul style="list-style-type: none"> • Ms Marta Foresti, ODI: assessing the affordability and progressive realisation of ESC-rights • Ms Ann Blyberg: Human Rights Programme of the International Budget Partnership • Mr Eitan Felner: measuring maximum available resources and non-discrimination and equality
15.00 – 16.00	Conclusions from the panels
16.00	Closure by Chairperson

Annex 2

List of participants

Name	Organization	Country
Achilli, Emma	European Commission	Belgium
Ahlers, Rhodante	UNESCO	Netherlands
Alberda, Janet	Ministry of Foreign Affairs	Netherlands
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Böcker, Roeland	Ministry of Foreign Affairs	Netherlands
Bollemeijer, Iris	Wemos Foundation	Netherlands
Bonaventure, Kiti	Social Watch Benin	Benin
Brasz, Rosalie	Dutch Section of the International Commission of Jurists (NJCM)	Netherlands
Bruggen, Frits van	Ministry of Foreign Affairs	Netherlands
Bruijn, Bart de	Ministry of Foreign Affairs	Netherlands
Charrin, Jean-Benoit	Centre on Housing Rights and Evictions (COHRE)	Switzerland
Conille, Garry	UNDP	USA
Dahlström, Anette	Swedish International Development Cooperation Agency (SIDA)	Sweden
Del Rocío Muñoz Rufo, María	Ministry of Foreign Affairs and Cooperation	Spain

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Harpe, Jean de la	International Water and Sanitation Centre (IRC)	Netherlands
Hees, Ted van	Oxfam Novib	Netherlands
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Peña, Patricia	Canadian International Development Agency	Canada
Peters, Theo	Permanent Mission of the Netherlands at the EU	Belgium
Pizarro, Gonzalo	UNDP	USA
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Singeling, Mascha	Netherlands Water Partnership	Netherlands
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