



Human Rights and Development: Taking Stock, Moving Forward

*Report of Meeting held on September 24, 2010
at the Ford Foundation, 320 East 43rd Street, New York,*

On September 24, 2010, the Center for Economic and Social Rights (CESR) and Realizing Rights gathered together a diverse group of practitioners from the human rights and development fields to engage in a dialogue on common aims and lessons learned in advancing human rights through the Millennium Development Goals (MDGs).

Chaired by Mary Robinson, founder and president of Realizing Rights, and Alicia Yamin, in her capacity as CESR Board Chair, the meeting took place immediately after the September 2010 MDG Review Summit. Ten years on from the Millennium Declaration and two years after the adoption of a new and important legal instrument – the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights – the discussion aimed to take stock of progress made, lessons learned and challenges for the convergence of the human rights and development agendas moving forward to 2015 and beyond.

Participants at the meeting shared insights and experiences of advocacy on specific MDG issues, with the aim of distilling some underlying challenges that need to be addressed in the coming years. The meeting also identified some structural factors undermining human rights accountability in the development sphere, and explored strategies for confronting these through more concerted action across the human rights and development communities.

The meeting was one of Realizing Rights' final activities before its planned end in December 2010. Over the past eight years, Realizing Rights has worked with a range of partners to put human rights principles and standards at the heart of efforts to address the challenges emerging from increased globalization, with a particular emphasis on promoting the right to health; fostering equitable trade and decent work; strengthening corporate responsibility for human rights; promoting women's leadership on peace and security; and advocating for climate justice. Mary Robinson and the Realizing Rights team wanted to ensure that lessons from its experiences were discussed and documented, and that the work of partners and allies is highlighted and supported in the future.

The Center for Economic and Social Rights has worked for more than fifteen years to challenge global poverty and inequality as fundamental injustices, supporting efforts across the globe to hold governments, companies and other actors accountable for economic and social rights abuses. This meeting was part of CESR's ongoing efforts to integrate economic and social rights perspectives into the design and monitoring of development policy.

This summary report, prepared by **Sally-Anne Way** of CESR and **Scott Jerbi** of Realizing Rights, does not transcribe in detail the full discussions at the meeting, but rather seeks to highlight a few common points for further reflection and discussion in future dialogues, collaboration and coalition-building.

INTRODUCTION

In her opening remarks, **Mary Robinson** framed the meeting as an attempt to build conceptual, policy and legal bridges between human rights and development NGOs and other actors, as the relationship between the two had not been easy. She articulated the ambivalence that many in the human rights movement had felt around the MDGs and stressed the need to stay engaged and to learn from good practices so as to move the agenda forward.

Alicia Yamin outlined some of the challenges facing the human rights movement in this arena, including the need to translate general principles into policy prescriptions, to make human rights an effective tool of social mobilization and to address global institutional arrangements, such as those affecting development financing and donor accountability.

SESSION 1. TAKING STOCK: Lessons learnt from the MDG review process

Daniel Seymour (UNICEF), **Ingrid Srinath** (CIVICUS) and **Polly Truscott** (Amnesty International) shared some initial reflections on achievements and challenges in advancing human rights concerns through the MDG process. The following insights emerged from their remarks and the subsequent discussion:

Ambivalence about the MDG framework among both human rights and development actors

Many participants expressed a profound ambivalence in relation to the MDG framework from both a human rights perspective and a development perspective. The MDGs have played a positive role in generating high-level commitment on the human dimensions of development. The setting of agreed, time-bound targets and benchmarks, has also established a system of peer pressure and offers a limited opportunity for holding governments to account. However, many felt that the MDG framework is fundamentally flawed in the ways that it undercuts and ignores human rights standards, fails to address asymmetries of power and structural injustices at the national and global levels, and lacks any real accountability mechanisms. While the September 2010 summit outcome document is better than expected and makes new references to human rights, these appear to be rhetorical 'add-ons' to the text, and there is no new commitment to establish concrete accountability mechanisms.

Although most of the organizations participating in the meeting had been involved in international advocacy around the MDG process, broader civil society and social movement engagement with the MDG process is still limited. Many organizations have chosen not to engage at all, because of the way in which:

- the MDG framework appears to have narrowed the development discourse;
- sidelined existing human rights commitments; and
- reversed some of the gains made by civil society in the 1990s in challenging the neoliberal economic paradigm as expressed in the Washington Consensus and structural adjustment policies.

Human rights actors have generally been absent from major specialized discussions on issues relating to the MDGs, such as international technical meetings on maternal mortality.

The MDG framework addresses the symptoms, not the causes of poverty and inequality

The MDG framework has been successful in directing attention away from a single-minded focus on economic growth as the only measure of development, towards an acceptance of the human capabilities aspects of development through a focus on malnutrition, health, education and other human development indicators. However, there was widespread concern in the meeting that the MDG framework integrates dimensions of human development as an add-on to the pre-existing neoliberal framework, rather than challenging the economic paradigm as a whole. This may have brought more attention and public spending on social issues, but it has left the basic liberalization agenda largely intact. There is

a marked lack of attention in the MDGs to inequality issues, and little attention to examining the structural causes of why people are so poor that they cannot afford food or schooling.

The MDG framework affirms rhetorically that ending global poverty is a global responsibility, but at the same time it has airbrushed out the demands for a fairer international economic order that equalizes power and economic opportunities between countries. For example, it provides little space to look at how human development is conditioned by international power relations and inequitable global institutional arrangements, for example with regard to trade liberalization or debt burdens. Nor is there space to assess how power relations at the national level perpetuate and exacerbate inequality and poverty, through inequitable fiscal policies related to tax, debt and the redistribution of wealth. The MDG process may indeed have distracted attention away from what amounts to a "pro-rich policy agenda" – a redistribution of wealth upwards, rather than to the poor. This has been particularly evident in government policy responses to the global financial crisis.

The MDG framework has proved inadequate for holding governments accountable

While the MDGs have been successful in generating political commitment around a limited set of clear, common goals, this commitment has remained at the level of promises, rather than concrete action. There are no mechanisms in the MDG framework or in the recent MDG summit outcome document for holding governments to account for non-compliance. Much of the progress made on certain indicators has come about without intentional government action. Many governments have made multiple and overlapping commitments, but few of these have any enforcement teeth. Implementation is also inhibited by the persistent lack of resources and capacity of government agencies, particularly in developing countries – a situation that has deteriorated since the financial crisis and declines in government revenues.

There are many avenues for accountability; human rights perspectives tend to focus on judicial processes, but other avenues for public policy accountability need to be explored. International human rights mechanisms have been called on to monitor government compliance with their MDG commitments, yet it is questionable how equipped they are to do so. There is also a need to focus more on the bottom-up accountability at the local level – including supporting rights-holders to challenge their governments on service delivery and their MDG commitments from a human rights perspective. Accountability efforts should recognize the indivisibility of civil and political rights and economic, social and cultural rights – e.g. transparency, freedom of information and freedom of association are essential in the struggle to fulfil the MDGs and the economic and social rights duties underpinning them.

Building bridges between human rights and development has not been easy

The MDG process has provided an opportunity to build bridges between human rights and development organizations that have engaged in advocacy around the MDGs. Development, human rights and social justice organizations have individually engaged in both national and international advocacy. With rare exceptions, however, (such as HIV/AIDS campaigns) this work has not been done collaboratively across these strands of advocacy. Building bridges between the human rights and development communities has not been easy – given different languages, different forums and arenas of work.

The human rights community has tended to focus on reminding governments about their human rights obligations and castigating them for violations, and tends to operate in forums dedicated specifically to human rights. This has been important in shifting the debate around poverty as a cause and consequence of human rights violations. However, there is a need to offer more concrete prescriptions for operationalizing human rights principles in public policies and programmes. This will require a greater depth of engagement and collaboration with experts on specific issues within the development community, including with progressive economists on broader macroeconomic policy frameworks. It was also recognized that, while many development NGOs have adopted new approaches now anchored in human rights, this is far less true of the academic and policymaking community in development. The

human rights paradigm has not penetrated mainstream development thinking, nor even that of most heterodox economists.

CASE STUDY. MDG 5 - Learning lessons from advocacy on preventable maternal death

Ximena Andion (Center for Reproductive Rights) initiated the discussion by assessing the extent to which the MDGs had been an opportunity or a setback for human rights accountability in relation to preventable maternal death. Her reflections and the threads of the discussion which followed are summarised below:

Unprecedented attention to maternal mortality but still lagging behind on the MDG 5 target

The inclusion of MDG 5 on maternal mortality has brought unprecedented attention to the issue of so many women dying unnecessarily in childbirth and pregnancy, and has galvanized efforts and dialogue across the development and human rights communities. While the target offers some hope for holding governments to account, this is the goal on which least progress has been made. Yet there is little debate on the human rights-related reasons why this is so, nor on holding governments accountable to the targets they set themselves.

Important focus on outcomes, but ignores the quality of care

The goal on maternal mortality has offered a useful mechanism for monitoring improvements and assessing progressive realization from a human rights perspective. However, the indicators chosen have also served to focus attention narrowly on outcomes in relation to maternal mortality ratios. Target 5b was supposed to refocus attention on the provision of universal access to reproductive health care, but there is little attention to the quality of care. As the target provides only an aggregate statistic, it fails to reveal internal inequalities within countries between different groups, as well as avoiding examining the global inequalities. There are also important questions to be asked about the statistics in terms of how the information is being produced and on what terms, and whether there are other more useful indicators.

Narrowing the terms of debate on reproductive rights and instrumentalizing women

While the focus on maternal mortality marks enormous progress in raising the profile of this issue, it has also narrowed discussion of the much broader issue of sexual and reproductive rights, marking a stark reversal on important commitments in the Beijing Declaration and important advances made in the 1990s and 2000s in relation to sexual and reproductive rights. The time-bound, narrow approach makes it difficult to advance the more structural, systemic change demanded by the women's rights and other movements. This also reflects the politics of a conservative and religious agenda that has opposed sexual and reproductive rights (exacerbating the impacts of the United States de-funding of reproductive health care over the last decade). Particular concerns were raised about how women are being instrumentalized in the MDG discussions over women and child health, where women appear to be valued only in their roles as mothers.

New sources of private finance, but this brings risks

While there are important new sources of finance from large, private foundations on health and maternal health, concerns were raised in relation to the politics and practices that may threaten the inclusion of reproductive rights and women's rights more broadly within the context of maternal mortality. This has also brought a marked shift away from an integrated health systems approach to a narrower, vertical approach that brings threats as well as opportunities for health systems. It also risks shifting attention away from the idea of universal access to health care.

SESSION 2. MOVING FORWARD: Convergence and complementarity to 2015 and beyond

Irungu Houghton (Oxfam), **Sakiko Fukuda-Parr** (New School) and **Radhika Balakrishnan** (Center for Women's Global Leadership) outlined some of the factors shaping the advocacy landscape over the next five years, and identified challenges and opportunities for more collaborative advocacy across the human rights and development communities, both within and beyond the MDG context. The points below summarise the themes emerging from their remarks and from the discussion that followed.

There are grounds for optimism on the possibility of changing the dominant paradigm

There is some reason for optimism – the MDG 2010 outcome document is much stronger on human rights than anticipated. It reflects what appears to be an emerging political consensus of the need to focus on the poorest and most marginalized. Politically, international shifts in power with the change in the U.S. administration and the emergence of other powerful countries from the G77 and a multi-polar system may bring some new impetus for positive change, although G20 processes are now undermining certain UN processes. The global financial crisis has also laid bare the systemic imbalances and unsustainable inequities in the global economic system, bringing impetus for structural change – although this impetus is already weakening as the economic crisis fades in the attention of the minds of the wealthy, if not in its impact on the lives of the poor. There is also reason for some pessimism – exacerbated by the closing of space for public protest and civil society activism in the name of the 'war on terror', and the reduced funding of these movements on the ground as a result of the economic crisis. There were also concerns that we are entering a new conjuncture of overlapping crises – food, fuel, climate, infectious disease, finance – that will require more integrated and holistic approaches.

There is a need to work together to define a compelling alternative agenda

It was felt that we need to move beyond the 'MDGs versus human rights' discourse to build a common vision around the complementary goals and purposes of the progressive development and human rights communities: the protection of human dignity as the central concern of human rights and human development; the pursuit of genuinely inclusive growth as a means to eradicate poverty and tackle socio-economic inequality; and the fight against discrimination whether for reasons of identity or social status. The challenge was posed: can we coalesce around one central common agenda on poverty, inequality and non-discrimination within a human rights framework? Can human rights reinforce the struggle against poverty by helping to understand poverty as a denial of power? How can we make the language of human rights, often seen as legalistic, rarefied and alienating, more compelling to movements defending human dignity on the ground? How can we guard against governmental co-optation and dilution of the language of human rights and accountability, as we are beginning to see in the current stage of the MDG process?

A number of participants spoke about the need for an ambitious, coordinated campaign coalescing around a common vision and a concise set of simple messages. The Global Call for Action against Poverty, it was noted, was holding a strategy meeting to discuss next steps in its MDG campaigning. Many spoke of the need for further coalition building and convergence between parallel campaigning efforts, combining the clout of human rights and development NGOs with the powerful voices of social movement networks, including those of the women's rights movement. It was recognized that it is difficult to find funding for ambitious, multi-country coalitions, but that it might be possible to convince some funders to take up this challenge. It was also necessary to guard against competition between NGOs and civil society groups over agendas and scarce funds. One important lesson from the MDG process is that simple messaging is fundamental. This poses a challenge given the holistic, complex and wide-ranging nature of the human rights agenda. The specific demands of particular groups facing discrimination and disadvantage need to be reflected in ways that avoid a fragmentation of the agenda.

Working together on structural causes and solutions

Bringing the focus back to the structural causes of poverty and inequality is essential. This requires addressing issues of economic policy that human rights organizations have rarely worked on, but which are better understood within the development community. At the meeting, a number of issues demanding increased collaboration across the disciplines of human rights and development were suggested, including the need to address the basic macroeconomic framework for development, the need to interrogate monetary and fiscal policy from a human rights perspective, particularly in relation to the financial crisis, and more broadly giving increased attention to the relationship between human rights realization and the redistribution of wealth, both nationally and globally.

Other specific issues on which human rights perspectives have rarely been heard include:

- the imposition of deficit limits and new property rights regimes by the IMF and World Bank;
- the liberalization of finance as well as trade in the Global South;
- the impact of commodity speculation in the financial economy; and
- the persistence and invisibility of illicit capital flows, building on initiatives such as the Tax Justice and Publish What You Pay initiatives.

From a human rights perspective, this will require the further development and promotion of the normative framework on 'maximum available resources' and the concept of 'minimum core obligations'. The time is ripe for asserting the idea that human rights should be an ethical framework for economic policy. It is essential to overcome the perception that issues of economic policy are too technical and complex to be broadly understood and subjected to scrutiny by civil society and ordinary citizens – a perception voiced by a leading development figure who described human rights as “merely aspirational”, whereas development related to the world of “real policy”. Public awareness-raising tools are urgently needed to mobilize attention to these issues and to ensure that this area of public policy is subject to democratic debate like any other.

TAKING THE AGENDA FORWARD

In his concluding remarks, **Ignacio Saiz** noted the positive energy that the discussion had generated, and the palpable enthusiasm shared by the human rights and development practitioners around the table to work closely together to construct a proactive agenda for advancing human rights in international development, both in the run up to 2015 and beyond. CESR was committed to taking the conversation forward, as stronger collaboration across disciplines is needed if we are to build a truly transformative agenda that addresses the structural and systemic injustices left untouched by current efforts. **Mary Robinson** closed the meeting by saying that, although Realizing Rights was coming to an end, she hoped CESR would take the discussion forward bringing together a broader range of actors with an important role to play.

Appendix 1: Agenda

09.15: Arrival and refreshments

09.30: Welcoming remarks from Mary Robinson and Alicia Yamin

09.50: Introductions

10.15: SESSION 1. TAKING STOCK: Lessons learnt from the MDG review process

- What have been the most tangible successes in advancing a human rights agenda through the MDG process so far? What have been the most critical failures or missed opportunities?
- What are the prospects of using the human rights framework to strengthen existing MDG accountability frameworks/mechanisms?
- What assumptions underpinning the MDG process need to be challenged in order to bring about a paradigm shift in approach?

Three opening reflections followed by discussion.

11.30: CASE STUDY. MDG5: opportunity or setback for human rights accountability in relation to preventable maternal death?

12:30: Buffet lunch

1.15: SESSION 2. MOVING FORWARD: Human rights and development – convergence and complementarity to 2015 and beyond

- What factors will shape the advocacy landscape over the next five years (for example the continuing economic crisis)?
- Which aspects of economic and social policy-making need to be given greater attention from a human rights perspective? Which aspects of the human rights agenda remain unexplored or neglected in development processes?
- What innovative policy proposals are emerging from within the development and human rights fields on which there could be more concerted advocacy across disciplines? How can human rights and development advocates best work together to achieve common aims over the next five years?

Three opening reflections followed by discussion.

3.00: Taking the agenda forward: Mary Robinson and Ignacio Saiz

3.30: End of meeting

Appendix 2: List of participants

- Dianna Aguiar, AWID
- Gaby Ore Aguilar, CESR
- Cathy Albisa, NESRI
- Ximena Andion, Center for Reproductive Rights
- Lydia Alpizar , AWID
- Judit Arenas, Clinton Global Initiative
- Radhika Balakrishnan, CWGL
- Alfonso Barragues, OHCHR
- Irina Bazarya, Realizing Rights
- Zac Bleicher, UN NGLS
- Gorel Bogarde, Save the Children
- Flavia Bustreo, Partnership for Maternal, Newborn and Child Health
- Cathleen Caron, Global Workers Justice Alliance
- Lesley Carson, Wellspring
- Annie Chan-Fairchild, CESR
- Patrick Cheah, Realizing Rights
- Melinda Ching, OHCHR
- Alexandre Cote, IDA Disability
- Mac Darrow, OHCHR
- Deirdre de Buca
- Jose Luis Diaz, Amnesty International
- Ellen Dorsey, Wallace Global Fund
- Susana Fried, UNDP
- Heather Grady, Realizing Rights
- Gergana Halpern, Amnesty International
- Irungu Houghton, Oxfam
- Scott Jerbi, Realizing Rights
- Cornelika Keizer, Equalinrights
- Nicolas Lusiani, ESCR-Net
- Susana Markham, OHCHR
- David McNairn, Tax Justice
- Veerle Opgenhaffen,, NYU Center for Global Justice
- Sakiko Fukuda Parr, New School
- Jeremy Perelman, Columbia Law
- Mary Robinson, Realizing Rights
- Ignacio Saiz, CESR
- Daniel Seymour, UNICEF
- Ingrid Srinath, CIVICUS
- Pollyanna Truscott, Amnesty International
- Monika Kaira Varma, Robert F. Kennedy Center for Justice and Human Rights
- Lurdes Viviera, Ford Foundation
- Rachel Ward, Amnesty International
- Sally Anne Way, CESR
- Sam Worthington, Interaction
- Alicia Yamin, CESR
- Monette Zard, the Ford Foundation