

**Summary Report  
Working Group Meeting**

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**Linking MDGs and Human Rights:  
Theoretical and Practical Implications**

UNDP Oslo Governance Centre, 18-19 September, 2006

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<b>Background .....</b>	<b>1</b>
<b>General Overview .....</b>	<b>1</b>
<b>Agenda Questions .....</b>	<b>2</b>
Positioning Question 1.....	2
.....	2
Positioning Question 2 .....	2
.....	2
Aggregate vs Individual.....	4
Prioritization .....	4
Accountability and Enforcement Mechanisms .....	6
 <b>Nature of the Publication – The Primer.....</b>	 <b>8</b>
 <b>Moving Forward .....</b>	 <b>9</b>
Possible Initiatives Other than The Primer .....	9
Other Considerations .....	9

What follows is a summary of the workshop proceedings. The interventions reported here have been taken out of their chronological sequence and organized thematically.

## Background

On September 18-19, the Oslo Governance Centre hosted a Working Group Meeting titled **‘Linking MDGs and Human Rights: Theoretical and Practical Implications’**. The meeting was organized as a follow-up to an e-discussion on *How to Effectively Link MDGs and Human Rights in Development?* The e-discussion was co-hosted on the HURITALK and MDGNet networks.

The e-discussion examined complementarities and differences of human rights and MDG related processes. The very rich contributions to the e-discussion underlined the need for guidance on making development processes more human rights informed. Therefore, the decision was made to make an effort to develop a short and accessible guide on this subject for UN practitioners addressing the question of making MDG processes human rights informed.

In order to ensure that the guide would realistically reflect the experience and address the questions of practitioners about making human rights (HR)–MDG linkages, it was decided to organize the two-day Working Group Meeting in Oslo. The plan was that the results of the discussions would be channelled into the guide and shared in UNDP and the wider UN system. The meeting brought together 27 practitioners who exchanged theoretical and practical views on the added value of a human rights approach to development, as well as challenges faced when implementing the approach.

The agenda of the Working Group Meeting and discussions were built around the questions frequently asked by practitioners when designing, implementing and monitoring and evaluating development programmes. The meeting started with discussions around two ‘Positioning Questions’ and continued to discussing questions on areas of ‘Accountability and Enforcement’ and ‘Prioritization’. For more details on the content of the discussions, please see the relevant sections of this report.

The Working Group Meeting brought together practitioners from the UN system (UNDP, UNICEF, OHCHR), other multilaterals (World Bank), donor development agencies (NORAD) and representatives of donor governments (France, Norway).

### General Overview of the Two-day Discussions

Based on the discussions and elaborations during the two days, Robert Archer, Executive Director of the International Council on Human Rights and drafter of the Primer, translated the re-occurring themes and issues brought up during the meeting into the following questions. The questions need to be responded to either through the Primer or other activities.

- Why do not some UN agencies, including UNDP, adopt HRs more explicitly?
- HR accentuate the political dimension of development. How do you handle this aspect in programming?
- How do you apply HR/HRBA on the ground in programming and managing work?
- How to relate MDGs as specific development targets to the larger development agenda and HRs.

Participants pointed out with regret that often HR principles were used as “buzzwords” and not as the powerful tools they are. A number of explanations were offered for this phenomenon, the majority focusing on the political nature of HR. Most agreed that often programmers were inhibited from raising HR issues because of their political effect, and that this inhibition originated as much from within the UNDP as from host States - “to deal with HR is to deal with power structures and power structures will always resist change.” Participants stressed that UN agencies, including UNDP, should place extra effort on mainstreaming HR effectively into development, given the mandate of the UN system as promoter of HR.

## Discussion Questions

### **(1) Positioning Question 1:**

- **IF HUMAN RIGHTS SET MINIMUM STANDARDS FOR ALL AND MDGs SET PRIORITIES, WHAT MAKES THEM DISTINCTIVE and DIFFERENT FROM EACH OTHER?**
- **HOW FAR SHOULD EITHER BE ADAPTED OR AMENDED TO ACCOMMODATE LOCAL OR NATIONAL CIRCUMSTANCES? \***

(\* The Working Group decided to focus in Question 1.)

This first of these two general questions was designed to clarify where human rights and the MDGs share common ground, and where they differ, both in relation to each other and in relation to development and other strategic policy approaches applied to poverty reduction, such as governance.

The second question took this discussion a step further, asking how far the global objectives and values of human rights and the MDGs should be adapted to local conditions. When is adaptation essential to achieve legitimacy and pick-up? When does adaptation distort or efface their distinctive purposes and value?

The MDGs and HR were repeatedly described as being on different “moral planes”. HR were viewed as long term and “evolutionary” and MDGs as concrete “short-term” goals. It was argued that there was a tendency to exaggerate the differences between HR and MDGs. It was, however, stressed that there was little point in simply repeating our convictions on categorical harmony, and participants were encouraged to be “intellectually honest” in their recommendations. “There is a deeper problem regarding reasons why people don’t take HR seriously, and restating the categories will not get our case on that issue heard.” It was generally agreed that if there were ‘tensions’ between HR and MDGs, they existed at the level of implementation. When examining distinctive characteristics of HR, it was argued that HR are especially important at the programme conception stage to address the questions of most vulnerable and disadvantaged groups. HRs analysis will point you towards structural problems and appropriate solutions, so there is no contradiction. In general it is also overlooked that HRs remedies are always ex-post (*facto*), but development programs aim to build up systems for preventing violations in the future. Preventative thinking in HRs should be taken up by development. This applies especially well to an aggregate level.

Language was a recurrent theme. It was repeatedly noted that MDGs can be a starting point for discussing HR with programme countries otherwise resistant to such rhetoric.

In describing the differences and complementarities of HR and MDGs, it was argued that contrary to popular belief, both have a minimum standard which policies and programmes can be evaluated against. One of the main differences between HR and MDGs, as stated during the meeting, was that HR mean state *obligations*, not just minimum standards. MDGs, on the other hand, are political goals; as such they are *optional*.

### **(2) Positioning Question 2:**

- **DOES THE HUMAN RIGHTS FOCUS ON DISCRIMINATION AND PROCESS HELP EFFORTS TO ENSURE THAT MDG PROGRAMMES BENEFIT EXCLUDED GROUPS?**
- **WHERE HAVE HUMAN RIGHTS METHODS AND PRINCIPLES STRENGTHENED (OR HINDERED) MDG PROGRAMMES IN OTHER WAYS?**

These questions called for discussion of 1) the practical contributions that human rights might make to the fair and effective implementation of the MDG strategy, and 2) whether the assumed strengths of the human rights approach have been confirmed in practice.

There was a consensus that in some situations, simply targeting excluded groups could be counter-productive. The participants recommended a dual approach that targets and empowers excluded and marginalized groups, and supports established groups. The importance of disaggregated data was strongly emphasized. It was also stressed that these need to be reflected in programming strategies.

It was noted that data must be produced according to demand, and that UNDP should explore the possibilities of creating demand for widely disaggregated data (discrimination-sensitive data).

It was noted that the language of ‘discrimination’ could be alienating for governments. COs working in authoritarian regimes noted that the word ‘inclusion’ could be used instead. Attention was given to how non-discrimination analyses should address societal power structures, and show that poverty cannot be explained only through economic factors. It was also noted that the rights language has an advantage. As an example, citizenship rights language served to strengthen a number of substantive arguments in poverty reduction programmes in Turkey.

A number of incentives were listed that could be used to promote a non-discrimination approach:

- Social exclusion leads to social tension and conflict
- Conflict prevention can be posed as a pure returned-investment argument
- Argument from efficiency: those with the least access to social protection systems are probably the easiest to assist. Identifying and addressing these groups can increase the gains from programmes
- The MDGs themselves are a strong neutral argument for non-discriminatory statistics
- Financial incentives such as those exemplified by the EU’s negotiations with Turkey and the impact this has on Kurdish statistics (although the similarities between incentives and conditionality in this sense were noted)
- Widely disaggregating data will in many instances provide data sets that governments want anyway.

It was proposed that the failure of States to collect non-discriminatory data sets can itself lead to or constitute violations of human rights, but it was acknowledged that the question of how to collect data and what data to collect rested solely with States and could not be dictated by UNDP. When States do collect data discriminately, it was suggested that UNDP has two options: 1) to work with governments to change data collection procedures, and 2) to allow other actors to comment on the discriminatory nature of the data, and use it in their advocacy for better MDG programming.

It was suggested that “Poverty Observatories” and national HR Commissions could be effective channels through which to advocate for non-discriminatory MDG programmes and data sets.

### ***(3) ‘Aggregate vs Individual Benefits’:***

- **IF MDG PROGRAMMES FOCUS ON AGGREGATE BENEFITS AND HUMAN RIGHTS ON PROTECTION OF INDIVIDUALS, HOW CAN ONE RECONCILE THE TWO APPROACHES?**
- **WHAT COLLISIONS OCCUR? WHAT DILEMMAS HAVE PARTICIPANTS EXPERIENCED?**
- **WHAT PRACTICAL SOLUTIONS HAVE BEEN HELPFUL?**

These questions addressed a well known concern, that human principles highlight individual rights, whereas much economic and development planning highlights aggregate benefits. One approach is alleged to be preoccupied with those who lose out and to disregard general benefits, while the other is alleged to favour macro-economic indices of progress at the expense of individual gain. Are these stereotypes helpful or accurate?

Some participants argued that there was no difference between projects that supported the aggregate benefits and individual rights in practice. The real challenge is the achievement of MDGs at the individual level as a result of programs. In practice there is no difference. "We need to remember the big picture, the whole objective is to change the lives of individuals in both contexts."

Other participants took a more principled stance. Some argued that HR were naturally suited to individual realization because of the *post facto* nature of their remedies, while development was forward looking and thus better suited to aggregate fulfillment. Another argued that it was essential, based on UNDP's mandate, to begin with the assumption of HR as non-negotiable at the individual level. "The conceptual and moral value of cost and cost effectiveness is not the same as the conceptual and moral value of HR. We should start from HR because we are the UN and not start with aggregate vs individuals."

In addressing the aggregate vs. individual perspectives, the example of China and its achievement of MDG 1 was brought up. While China is on route to achieving MDG 1 targets, the ILO Conventions regarding labour standards have been violated in the process.

#### **(4)'Prioritizing'**

- **SINCE HUMAN RIGHTS ARE CONSIDERED TO BE OF EQUAL VALUE, THEY DO NOT PRIORITIZE. YET, DEVELOPMENT PLANNERS AND MDG PROGRAMMES MUST PRIORITIZE TO BE EFFECTIVE. HAVE PARTICIPANTS ENCOUNTERED HUMAN RIGHTS DILEMMAS WHEN THEY HAVE TRIED TO PRIORITIZE?**
- **HOW HAVE THEY RESOLVED THESE?**
- **HOW SHOULD HUMAN RIGHTS TERMS SUCH AS "PROGRESSIVE REALIZATION", "UNIVERSALITY", "INDIVISIBILITY" AND "INTERRELATEDNESS" BE UNDERSTOOD AND APPLIED?**

This is also a familiar question that focuses on whether the human rights approach is a screening methodology, that does not prioritize between "good" outcomes (ones that are consistent with human rights), or can set priorities by explaining why some choices between "good" outcomes are better than others. The third question examined whether the formal language of rights – systematic, abstract, legal – can be translated into the vernacular for practical purposes; and asked whether this issue matters.

It was suggested the question was leading, and that there was no conflict in choosing between HR and MDGs. Actual programming always chooses to emphasize certain rights over others, but this does not imply a theoretical prioritization, nor must it contravene broad HR principles such as non-discrimination.

The group nevertheless managed to address prioritization of HR and of MDG initiatives at the national and sub-national levels. It was generally argued that the main advantage of RBA in prioritization lies in the power and depth of its analysis. HRBA's attention to accountability and capacities are especially important in this regard. It was also suggested that true participation helps us prioritize: "vulnerable and disadvantaged groups always know what they want prioritized."

### **i. Prioritizing Among HR:**

The interrelated nature of rights received significant attention. It was argued that the body of HR was inherently resistant to prioritization. It was also suggested that the interdisciplinary nature of rights could be advantageous, in that programmes can promote many rights through concentrating on one or two. The issue of a 'tension' between civil and political rights (CPRs) and economic, social and cultural rights (ESCRs) was equally contentious.

It was suggested that prioritizing between HR often manifests itself as a choice between designating money to projects with different HR labels, but that this is misleading. It was suggested that there are many ways to promote rights that do not have a cost, and this was important to consider under the 'progressive realization' discussion. There was general agreement that a good analysis could certainly guide HRBA in prioritization through CCA and UNDAF country processes.

#### National Prioritization of MDG Policies:

It was argued that any prioritization at the national level would be integrated into a variety of national and international political concerns, and complicated bargaining processes. In this respect, MDGs tend to be an effective tool because they represent pre-existing agreements, but also represent the lowest common denominator of consensus. It was noted that HR are generally not even on the table in these negotiations. It was argued that negotiations leading up to prioritization entertain a variety of different arguments, and not to represent HR among those arguments would be a terrible failure, even if HR do not offer absolute solutions to prioritization problems. If HR are not included in these processes, it was argued, then of course they will not be respected in programming. It was also argued that prioritization will often hinge as much on capacities as on principles or needs.

There was certain tension between those who wanted HR to provide guidance in prioritization at the national level, i.e. when States choose between programmes and policies that are "all good", and those who insisted that HR could not, and should not, provide an answer to this question. It was eventually conceded by the latter party that HR could *inform* this decision, but the former party remained preoccupied by States' lack of accountability in political processes of prioritization.

It was suggested that for HRBA to make a real contribution to prioritization at the country level, it needed to become a cross-disciplinary exercise, and that ways must be found to integrate cost benefit analyses so that the advantages of HRBA can be costed.

### **ii. Sub-National Prioritization of MDG Programmes:**

It was argued the analyses in CCAs and UNDAFs should be rights-based which would clearly contribute to prioritization on the country level.

The contributions to be made by HR methodologies and instruments included:

- HR jurisprudence and tests, such as the European Court’s test for limitations and restrictions on rights (they must be lawful, proportionate, and necessary in a democratic society).
- HR concepts and methodologies such as the tripartite modalities of HR obligations (respect, protect and fulfill) and the four A’s for ESCRs (the fulfillment of ESCRs needs to consider Accessibility, Availability, Adequacy and Accountability).
- The recommendations and conclusions of Human Rights Treaty Bodies
- The Country Reports of the OHCHR
- Treaty Body reporting guidelines could be applied to MDG reports.

### iii. Human Rights Principles

Participants suggested changing the word ‘principles’ in the question to ‘features’ or ‘characteristics’ in order to capture the elements listed above. It was stressed that the great benefit of using HR principles in programming is that they are easily adapted to individual contexts, and lend legitimacy without forcing programmers to function as courts in processes of prioritization. It was also noted, however, that there was significant resistance in the development world to such non-conventional development sources.

Regarding HR principles, the principle of ‘progressive realization’ was considered important to help MDG prioritization and project monitoring.

## ***(5) ‘Accountability and Enforcement Mechanisms’***

- **IS THE HUMAN RIGHTS LEGAL MODEL OF ACCOUNTABILITY AND ENFORCEMENT APPROPRIATE FOR DEVELOPMENT RELATIONSHIPS AND MDG PROGRAMMES THAT ARE CHARACTERIZED BY ASYMMETRICAL POWER RELATIONSHIPS AND RESOURCE SHORTAGES? WHAT DILEMMAS IN RELATION TO ACCOUNTABILITY AND ENFORCEMENT HAVE PARTICIPANTS ENCOUNTERED?**
- **HOW HAVE THEY DEALT WITH THEM? WHAT INCENTIVES AND DISINCENTIVES HAVE BEEN EFFECTIVE?**
- **INTERNATIONAL ACTORS ARE NOT ACCOUNTABLE OR SUBJECT TO ENFORCEMENT AT ALL IN RELATION TO RESOURCE TRANSFERS OR THEIR MDG COMMITMENTS. WHAT STEPS MIGHT BE TAKEN TO IMPROVE ACCOUNTABILITY AT ALL LEVELS?**

This question was designed to enable the participants to discuss the different issues of enforcement and inducement that arise when several parties are implementing policies in association. How can the issue of unequal power be managed? Do human rights provide a model of enforcement that is preferable to conditionality or dialogue? The third question, finally, asked about international accountability.

Participants specified that they were discussing accountability mechanisms in relation to the MDGs, not in isolation or as a theoretical concept. Participants identified three levels of accountability that can be strengthened by HR and injected into the MDG process:



- **Accountability for action:** Duty-bearers and rights-holders: the State; citizens, donors, national institutions - parliaments, NGOs, etc.
- **Legal Accountability:** Legal mechanisms, such as public interest litigation, which turn action into law; and
- **Programmatic accountability:** The relationship between donors and the State, and accountability within development programmes themselves.

Participants stressed the important of the two principle HR Covenants and argued that RBA contributes to accountability vis-à-vis the MDGs by focusing on duty-bearers and rights-holders. However, identifying these actors in a programme context may be complicated, and the roles are in some instances interchangeable (a community may, for example, have the responsibility to mobilize and demand the fulfillment of its own rights, but development programmes may also have an obligation to empower the community to do so). It was also noted that there may be a mismatch between levels of (bureaucratic) accountability between different state actors. The accountability of donors to a country was stressed and it was noticed that the International Community will be accountable for the success or failure of the MDGs.

Participants noted a number of challenges to the accountability and enforcement of development and HR obligations. The challenge posed by corruption and non-transparency was mentioned. The language of HR could also backfire, if States react politically. Sometimes diplomacy and consensus override the accountability discussion, especially when it arises at the end of political processes. Participants noted a need to approach accountability constructively, and suggested focusing on capacity gaps. They stressed the importance of avoiding over-abstraction, and the need to focus on concrete issues for each MDG.

Participants reached the following conclusions:

- HR help to specify who is accountable for the MDGs.
- HR assist in understanding the capacity of duty bearers. Consequently, a HRBA can help identify where to focus actions and what to monitor.
- Linking MDGs to specific HR may provide an international framework for holding governments accountable for their MDG commitments.
- The normative basis of HR can mobilize people to use the law for accountability.
- It is important when mobilizing society to demand accountability, that different actors assume different roles. UNDP can name accountability issues to governments, and if that does not help, can pass on to other actors for shaming.

Importantly, RBA helps to focus on capacities and capacity gaps. This is helpful in strategizing, and may be a good way to 'sell' HR to governments, because it does not focus on absolute demands. HR also casts the political obligations of MDGs as States' legal obligations, rhetorically strengthening accountability. Participants were uncertain of how to address the role of international HR law instruments, especially CESC, and whether this should be addressed in the Publication.

## **Nature of the Publication – The Primer**

### **i. Audiences and Aims of the Primer**

It was argued at various times and by various participants that the Publication should be aimed at:

- governments forced to prioritize among developmental objectives;

- micro-economists, people governing resources, and people working with governments on PRSPs—because of their practical and political influence;
- national programme officers—because they are the ones who interact most with mid-level government officials;
- governments, but as a secondary audience;
- UN practitioners, including non-HR and non-UN practitioners;

Participants also wondered if SURFs/Regional Centres could use the document, and if it should be thought of as a how-to guide that will be used as guidance material on the regional and country levels.

## ii. Process and Form

Significant interest was expressed in including economists and social and economic practitioners in the publication process to promote trans-disciplinarity. It was argued that an inter-agency peer review and endorsement would bolster the document’s authority. It was noted that trans-disciplinarity would benefit the defining of theoretical concepts for non-specialists. The format of OHCHR’s FAQ on HRBA publication was mentioned and admired repeatedly.

## iii. Substance:

It was suggested that the Primer should:

- Reinforce the Human Development Target
- Make a solid and convincing argument about the complementarity of HR and MDGs
- Consider results-based evaluation in programming and how this can take account of individuals
- Ask the question “can you achieve MDGs without regard to violation of human rights?”
- Mention how qualitative social analysis is necessary to account for power structures and social patterns that reinforce poverty
- Make an argument about the Integrated Package of Services (UNDP MDG Services) and where HR can be introduced into this tool
- Make an argument that will help practitioners “to hop out on a leap of faith with theoretical arguments and try these things in practice”
- Many participants asked for examples, such as a set of examples of local circumstances and adaptations for MDG localizing.

# Moving Forward

## ***Possible initiatives other than the Primer***

Participants argued that though the Primer could not address all the important issues for HR and MDGs, it could lead to other initiatives.

- *UNDP Global HR Programme*: Funds are available under the programme for projects that address links between HR and MDGs, and participants noted that the need for such projects is pressing.
- *Tools*: The most common tools discussed during the workshop were ‘master checklists’, ‘HR filters for programming’, and modelling. (*all tools will be specified*). A short list of

resources at the back of the document would direct programmers to sources for tools. The need for a tool on how to use RBA as a “project filter” was also mentioned.

- *Modelling* received a great deal of attention. Participants explained that there was a difference between modelling and gathering good practice. Modelling addresses the types of RBA projects and tools used, as well as issues of transportability from one national context to another.
- *Template*: Some participants expressed a need for a template for human rights analysis. One participant suggested an analogy between the state of HR in development and Social and Environmental impact assessment tools used in the WB and Asian Development Bank. The increasingly sophisticated use of these tools had a number of effects, including policies on indigenous peoples and resettlement.
- *Costing tool*: Participants also asked for tools for costing and resource allocation which were developed jointly by social and economic and HR practitioners.
- *Research*: A proposal was put forward to commission research on specific topics related to linkages between HR and MDGs / poverty reduction and development.

## **Other Considerations:**

### **i. Costing**

MDG costing received much attention, especially the importance of highly contextual and short term costing. Participants wanted to develop tools for costing the value added of HR and RBA.

### **ii. Data Sets and Non-discrimination**

The idea of developing a standard UN protocol for discrimination-sensitive data collection and statistics generation created much excitement during the meeting.

### **iii. HR as a Solution or a Set of Options, ‘what’ vs ‘how’, choice vs process**

One of the most prominent and pervasive issues of the discussion was that of rhetoric. The response of governments and non HR professionals to HR language was raised several times in a principled context. One participant proposed that there were four “established criteria” by which development programmes were judged: efficiency, effectiveness, legitimacy and political authority, and RBA would contribute to assessments of the last two, indirectly impacting the priority choice, and functioning as an indirect ‘solution’.

### **iv. Language and Rhetoric**

Many participants asserted that the differences between MDGs and HR were rhetorical, or that the *only* differences were rhetorical differences. Others phrased this same approach as a question of “perception”. While there was much agreement that the two are different instruments, motivated by common principles and targeting complementary aims, many participants rejected the idea that tension surrounding HR in development circles could be blamed on terminology.

It was generally agreed, however, that language provided an important strategic element in dealing with governments. It was agreed that the political or rhetorical charge of terms varied greatly from country to country and context to context.

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