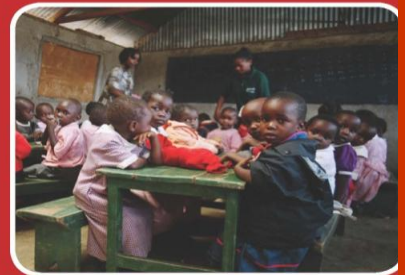




International Symposium

Millennium Development Goals and Human Rights

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Preliminary Conference Report



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1. Background

The Millennium Development Goals (MDGs) have been hailed as the single most important international initiative in the history of development cooperation. Others have labelled them a reductionist technocratic agenda that amounts to a betrayal of the universal values and human rights embodied in the Millennium Declaration and a distraction from other international commitments. A third stream has seen human rights and the MDGs as mutually reinforcing and called for bridges to be built in practice.

The design and impact of the MDGs are in the spotlight due to the High Level Review in September 2010. Moreover, a debate has already emerged on the post-2015 international development agenda. While some voices are calling for a continuation of the current framework, human rights play a prominent role in the alternative conceptions on the way forward in 2010 and beyond.

On 22-23 March 2010, a partnership of academic institutions and UN agencies hosted a meeting to explore the interaction between the two frameworks in the *past, present* and *future*. Speakers and participants from academia, UN agencies, civil society and government were invited to respond. Many of the presentations will be published in a book in 2011. This report highlights a number of themes, particularly those of relevance to the 2010 High Level Review and the road to 2015.

Malcolm Langford from the NCHR set out the key questions for the conference: (1) whether the MDGs and human rights represent complementary or conflicting agendas in historical, theoretical and empirical perspective; and (2) should

human rights be better integrated in the last period of the MDGs and any post-2015 development agenda and, if so, how? He noted that in fashioning a backward-looking human rights response to the MDGs over the last decade, one needed to appreciate historical intentions and appropriations, the political economy of development and the actual impact and influence of the MDGs in practice. In looking forward, human rights arguments need to address consequentialist critiques and be factored in the likely political economy in the post-2015 world.

2. Framing the Debate

Navanethem Pillay, the UN High Commissioner for Human Rights, noted the timeliness of this symposium in view of the MDG summit that will take place at the General Assembly in New York in September 2010. Highlighting the example of maternal mortality, Ms. Pillay noted the weakness of accountability in the MDGs, but that human rights accountability could be built into the framework. She stressed that the MDGs and human rights are mutually reinforcing, and noted the need to systematically assess the implications of MDGs on the poorest before making policy and budgetary decisions. In her view, the symposium also provided an opportunity to set up criteria of a successful summit outcome from a human rights perspective.

Realizing Rights Director, *Mary Robinson*, saw the meeting as a chance to develop a road map of where we should be heading in advancing human rights policies and principles in the MDG discussions. She focused on the need to address structural problems, drawing particular attention to MDG 5 as a goal where a human rights

approach is critical to achieving results given the pervasive role of poverty, ethnicity and discrimination. Climate change and MDGs was another such challenge, and the funding of adaption schemes. There's only been limited progress on debt relief, trade discussions, time-table for aid delivery, and debt cancellation. Thus, there is an urgent need to provide timetables on trade relief and debt reduction to enable countries to make the most of available finances to improve health systems. She suggested that advocates connect development with climate change, instigating the private sector to aid in the transfer of new green technologies.

3. Intentions and Trajectories

Sakiko Fukuda-Parr, New School, noted that the roots of the MDGs lie not only in the Millennium Declaration, but the international development conferences of the 1990s that set agendas for inclusive globalization and empowerment, in large part driven by dissatisfaction with the Washington Consensus strategies of the 1980s. However, based on an empirical analysis of targets as well as national development strategies (PRSPs), donor policies and resource flows, she argued that little has actually changed in policy and progress. Most countries pursue strategies of growth and social investment with little emphasis on targets and indicators of empowerment and justice. Characterising the MDGs as reflective of a utilitarian calculus of human welfare, Fukuda-Parr proposed an inequality MDG, which would measure inequality of poverty, equity, and basic minimal survival. This would realign the MDGs with the original vision of the Millennium Declaration, and to hold governments to account for their obligations to foster

development that is inclusive, non-discriminatory, and participatory.

Jan Vandemoortele, formerly UNDP, traced the history of the drafting of the Millennium Declaration and MDGs. He claimed that the MDGs were an attempt to revive the Millennium Declaration and that the MDGs were not intended to be operationalized at the national level or used as uniform yardsticks or as an analytical framework. Instead, they represented an international political process that sought to measure progress towards overcoming selected areas of poverty. The MDGs were thus a useful rallying point since they demonstrated a strong political commitment to eradicate poverty. He also proposed focusing on the clarity of metrics and robust data to ensure that countries employ evidence-based policymaking. Vandemoortele stressed the importance of equity, noting that most progress has bypassed the bottom 2-3 quintiles. In contrast to Fukuda-Parr, however, he cautioned against an inequality MDG (or any MDG-plus approach generally), proposing that equity-adjusted progress metrics be embedded within the existing goals.

Fantu Cheru, The Nordic Africa Institute, in his presentation took issue instead with the politics of the MDGs. He acknowledged that the MDGs helped mobilize donor support, particularly in health sectors, and have generally been more successful than national targets. However, he argued that they distracted us from keeping our eyes on the key factors that perpetuate poverty, such as inequalities of distribution. While poverty as a human rights violation was highlighted in the 1999 UNDP Human Development Report, the development record of the past 50 years has been dismal. And one if goes by the recent experience of western

governments in the rescue of their financial institutions, one can take little comfort that human rights will be accorded priority over corporate rights anytime soon. He argued that we need to break out of the liberal ideological box and move into the realm of social struggles by building alliances across the formal-informal divide. The MDGs agenda ought to focus on the underlying power structures and political power that drive this global imbalance. The global decline in income poverty is due to rapid growth in India, China, Vietnam, countries that have drummed to their own beat. He concluded by saying “Long live the MDGs, but we need to move on”. The market was important but we need to get back to a more progressive, inclusive policy change.

4. Synergies and Conflicts

Salim Jahan, UNDP Director of Poverty Practice, focused on the substantive and process linkages between the MDGs and human rights. Substantively, human rights are concretely described in the Millennium Declaration and indirectly should be regarded for their ability to protect and enhance freedom. Procedurally, human rights are able to assess both outcome and process, departing from the traditional outcome-based monitoring framework. By focusing on assessing gaps between duty holders and claimants, Jahan argued that human rights provides an accountability paradigm capable of strengthening existing MDG assessment mechanisms. He concluded by stressing the need to (i) act with urgency while sustaining the development of the MDGs to 2015 and beyond; (ii) use all available knowledge, tools, and resources to achieve the MDGs; and (iii) be conscious of the challenges of climate change, national disasters, disparity and terrorism.

Latin America was cited as one example of how the MDGs fail to capture inequality. In their presentation, *Simone Cecchini*, UN Economic Commission for Latin America and the Caribbean (ECLAC) and *Juan Ponce*, University of Quito, that despite being on track to achieving the MDGs on paper, Latin America is fraught with inequalities. Income inequality is the highest in the world and discrimination based on ethnicity, gender, area of residence, and age is widespread. When preparing its report on the region’s compliance with MDGs, ECLAC has moved beyond averages with the use of disaggregated data. More ambitious targets were agreed by States or proposed by ECLAC, such as ensuring universal accessibility to secondary school; halving poverty, not only extreme poverty; reducing *chronic* malnutrition; and violence against women. Different indicators were also used such as national poverty lines rather than the one dollar a day line. Moreover, Ecuador had developed almost 100 additional targets and indicators at the national level to try and better capture human rights dimensions, such as inequality, secondary education and women’s rights.

Participants identified a number of divergences between the MDGs and human rights in terms of substance and key principles. This included the MDG’s lack of accountability, imposition of targets from the top down and the use of aggregates and averages which can mask inequality. During the conference the slippage between MDGs and the Millennium Declaration on areas such as children, water and trade was also noted. For many, but not all, the MDGs represented the minimum international common denominator that failed to address income inequality, social

protection, violence against women and access to justice.

4.1 Equality Rights

Gay J. McDougall, UN Independent Expert on Minority Issues, emphasised that MDG reports demonstrate a dearth of attention towards minorities and indigenous persons, with less than a third noting ethnic discrimination. McDougall advocated integrating non-discrimination into the assessment of every goal and measurements of progress indicators. McDougall's primary suggestions for making minorities more visible in the MDG process included: reforming poverty collection mechanisms to enable aggregation along economic, gender, and disability lines; strengthening the legal and regulatory framework for addressing direct and indirect discrimination; and mandating inclusion of the situation of minorities in MDG country reports and PRSPs. She emphasised the need to create long-term strategies to tackle root inequalities involving community participation at all levels.

The silence of the MDGs on disability was addressed by *Michael Stein and Janet Lord*, Harvard Disability Project, and *Charlotte McClain-Nhlapo* of the World Bank. They emphasised that if the MDGs are to be effective and lower inequality, people with disabilities must be included. They dissuaded against creating a new MDG to facilitate the inclusion of the disabled, favouring instead that the disabled should be integrated into the current MDGs. They suggested that the Convention on the Rights of Persons with Disabilities (CRPD) provided a good starting framework. The presenters stressed the need for stakeholders, including the disabled, to be involved in the conception of programs, PSRPS, and monitoring schemes. Noting

that non-attendance in school was more highly correlated with disability than gender or class, they highlighted Article 24 of the CRPD, and stressed the need to reformulate educational plans to address children with disabilities; they suggested that disaggregated data be collected to determine the identities and locations of children with disabilities so as to better integrate them into the school system. They also discussed MDG 6 and the need for inclusive disability programming in HIV/AIDS policies and stressed the similarities amongst risk factors for disability and HIV/AIDS. Persons with disabilities have HIV/AIDS rates at least comparable, and often greater, than the general population despite conceptions to the contrary.

In discussion of these presentations and through the conference, evidence was presented that MDGs have not contributed to improving equality. In some cases, it might have contributed to worsening marginalisation. It was also emphasised that the target on gender equality needs to go beyond education. Some noted the importance of addressing cultural elements of human rights policy as it affects the girl-child and women. Culture and religion are often distorted as a way of subjugating women

Participants highlighted the need to push states to collect disaggregated data, that indicators should specify education for all, including children with disabilities and minorities. Amongst the identified key points to be incorporated into reviewing progress towards the MDGs include the establishment of appropriate mechanisms to establish meaningful dialogue between minority communities and development actors; strengthening the legal and regulatory framework for addressing direct and indirect discrimination for both

public and private sectors; and establishing affirmative action policies for systematically marginalised groups.

4.2 Economics and the MDGs

The conference examined the relationship between economics and rights in affecting the policy choices. *Otaviano Canuto*, Vice President of the World Bank, began by pointing out that the last two decades have seen a growing engagement between the fields of economics and human rights, but asked whether they are still talking past each other or if there has been valid productive cross-fertilization. In his view, the MDGs themselves represent the fruit of this engagement; that there have been shifts in the World Bank with a stronger focus on poverty and a gradual shift away from GDP to household productivity and winners and losers in that arena. There was also a growing emphasis on process, participation, accountability and equality with use of disaggregated methods and actionable governance indicators and work on women in business etc. He said we also know much more about poverty and human income inequality than twenty years ago, and this new information has encouraged significant new resources on how to alleviate poverty. Poverty and social impact analysis looks at the impact of distribution policies on the poor. And all of this has occurred because of the emphasis placed by the human rights agenda on the over-simplification contained in aggregate measures of growth used in institutions such as the World Bank.

However, there are still some divergences and weaknesses in the human right approach according to Canuto. When agencies want to work with countries, one has to take into account the political perspectives of those governments, even

though many countries have signed human rights treaties. The human rights framework is also systemic, so tradeoffs are difficult. When increased HIV care may divert funds from a road project, the question arises of competing interests in both rights and development. When development practitioners are considering tradeoffs, they can make sure though that tradeoffs are not made at the expense of the most vulnerable in society. Also, human rights do not provide policy content: how do we ensure adequate housing for all? Are tough rent controls the way to go, or will the market approach yield those results? But this was not to suggest that development practitioners have answers to these questions. Only that the HR approach is not self-sufficient and needs to be supplemented by an effort using economics to select what works better in certain situations, namely, evidence-based reasoning. He concluded by noting that the MDGs are incomplete as a depiction of what human rights would like to see reflected; but the Annual Report on Brazil made an enormous impact on everyone because the picture that came out was so gloomy. And there has been some progress, and unequal, strong disparity, but recent experience of growth in developing countries has been reasonably helpful in reducing poverty in some areas of the world beyond China and India.

Jean-Pierre Chauffour, World Bank and formerly IMF, took a different approach. He supported a rights-based approach to development as a genuine and potentially powerful paradigm shift but wondered which rights actually help development: civil rights and political liberties (CRPLs), economic, social and cultural rights (ESCRs), and/or some other largely missing rights? Using quantitative

indicators, he argued that CRPLs seem intimately related to development, especially in the most advanced stage of development. Yet, most developing countries get some aid regardless of their CRPLS performance. Despite the positive relationship between CRPLs and development, there is little evidence of human rights conditionality in practice. Furthermore, there is no such correlation between ESCRs and development. If anything, there was an inverse relationship. The more the state expands its scope beyond its core functions of promoting negative rights to promoting more positive welfare-rights, the less likely are government policies conducive to sustainable growth and poverty reduction, especially in the early stages of development. He argued that economic freedom is the missing human right, the right to participate in the market in a reasonable way, without undue interference from others. Empirically, there is strong and robust evidence that economic freedom is strongly related to economic growth in a causal relationship. He concluded that if one is genuinely interested in promoting fundamental human rights and economic development, the defence and promotion of negative rights, especially economic freedom, is the way to go. This could also be a direction for the MDG/human rights agenda.

Radhika Balakrishnan, Rutgers University, began by saying that as an economist, she had tried to ignore the MDGs. While Jeffrey Sachs had argued that development is about big economic questions, tough political choices and how to organise institutions, human rights is distinct as a concept and can nonetheless make a significant contribution. It is important to avoid traditional thinking that development is a process, that, if it

works well, will ultimately support human rights goals. Human rights can change the way that development is done according to Balakrishnan. There are obligations of conduct that have implications for macroeconomic policy. For example, one can look at a country's expenditure as a function of GDP, and then compare it with like economies, and look at the results of spending – has it slipped back or increased? She also gave an example of the obligation to protect. The financial crisis was caused by the failure to prevent changes in the US regulatory framework (e.g., repeal of Glass-Steagall Act). India was proud of the degree of financial regulations that shielded them from the financial crisis. Thus, there is a need to break the divide between development and human rights as two competing sets of technocratic goals

In the discussion, it was questioned whether Chaffour's use of GDP as an indicator was not too narrow. There is more to development than GDP. It was also questioned whether ESC rights can be captured by an indicator for the size of the social spending, when studies show it is the shape not the size of social spending that matters for both equality and growth. Another stated that economic freedoms have usually followed economic growth not the other around: economic growth leads to openness. Chaffour responded that actual government spending was not necessary a good indicator of the level of public services that people receive. And if growth leads to economic freedom (and not the other way around), one still needs to answer the question of how growth is generated in the first place. Since growth and development are not empirically associated with positive rights, rejecting the negative rights explanation means

rejecting a rights-based approach to development altogether.

It was also asked to what extent economics can answer questions over resource allocation and whether this is ultimately a question of politics. In response, Balakrishnan suggested that there is a need to bring often separate economic and political discussions together.

5. Selected Goals

5.1 Poverty and Decent Work

Thomas Pogge, Yale University, critiqued the massaging of the MDG 1 targets. He began by outlining how the world's governments have made three similar-sounding promises to halve extreme poverty by 2015. The *Rome Declaration* promised that the *number of* undernourished people would, in 2015, be no more than half of what it was in 1996. The later *Millennium Declaration* promised instead that the *fraction of world population* living in extreme poverty would be, in 2015, no more than half of what it was in 2000. This was reformulated as the *First Millennium Development Goal* (MDG-1), which promises that the *fraction of the population of the developing countries* will be, in 2015, no more than half of what it was in 1990.

Using the latest World Bank statistics about the evolution of extreme poverty in the world, he gauged the significance of the revisions. Relative to the promise of Rome, the *Millennium Declaration* adds 165 million to the number of people whose extreme poverty in 2015 will be deemed morally acceptable; and MDG-1 adds another 331 million on top of that.

In other words, MDG-1 envisages a reduction by only *20 percent* in extreme poverty: from 1,656 million in 1996 to 1,324 million in 2015. He argued that these changes add about 6 million to the number of annual deaths from poverty-related causes - relative to what this death toll would be, had we fulfilled the promise of Rome. He asked why this issue had been ignored by many politicians, experts, poverty campaigners, and the media.

He noted that this backsliding had occurred in a period of massive economic growth. The problem was that the wealthiest had captured a disproportionate share. About 70 per cent of global household income goes to the top decile, and less than 3 per cent to the bottom half of humankind. While the bottom quarter of humanity lost one third of its share between 1988 and 2005, the richest ventile gained well over twice as much as would suffice to end all severe poverty worldwide. He concluded that the world's leaders and poverty accountants had been far more effective at changing the goal than at changing the world.

Armando Barrientos from the University of Manchester looked at the relationship between social protection, the MDG Target on poverty and human rights. He noted that there has been a very significant development in developing countries in the past ten years - a quiet revolution: 750 million people are covered by such programs; in South Africa, one half of households have some form of access to grants, social assistance; in Brazil, one fifth of households. Social protection is now widely perceived to be one of the three pillars of national development strategies. In terms of social assistance, developing countries have a

different focus from the North, with more attention being paid to extreme and persistent poverty, households and transfers-plus and pathways out of poverty. There was however a wide diversity in program design from pure income transfers, to transfer plus services, to integrated poverty reduction regimes. But resources remain a challenge. Zambia has fifty offices throughout the country, whereas Egypt has almost 80,000 social workers. In many countries, programs are introduced for short periods of time without thought given to sustainability.

While social protection was not mentioned in the MDGs, the MDGs have been useful as a driver. According to Barrientos, the MDGs put pressure on CSOs and governments to think about reducing poverty in various ways. However, the framing of Goal 1.A can provide mixed messages. For example, the Government of Uganda argues that they focus on people closer to the poverty line since they can target such people using the fewest resources. In considering CPRC's and others proposals for a social protection target in the MDGs, it was noted that social protection must be nationally driven but that international aid should be really limited to the massive start-up costs of social protection (usually equivalent to 3 years of social benefits). The rest must be financed domestically. Using human rights principles to mandate social protection is good but the central challenges are how to build domestic institutions, generate domestic demand and create domestic learning.

Heather Grady from Realising Rights asserted 'Of all the targets in MDG 1, employment is worst understood and most important'. The concept of decent work is still to gain much traction amongst development practitioners. She

asserted that Goal 1.B to provide full and productive employment for all, including women and young people, means putting employment promotion at the heart of national macroeconomic policy, guaranteeing human rights for workers, getting employment for all, and increasing dialogue between governments, workers and employers. This was important since unemployment rates are higher than ever; jobless growth is happening and youth are finding it difficult to get jobs.

Several reasons were given for the limited focus on employment. This included the recent focus on neoliberal economic policy and the Washington consensus, the perceived need for poor countries to keep wages very low in order to compete globally. The World Bank reportedly instructed Cambodia and Liberia not to strengthen their labour laws in order to remain competitive. Moreover the national partners for these employment efforts in developing countries are usually the Ministers of Labour, who are frequently under-resourced and weak. There are also few champions of the right to decent work within the UN. The ILO's tripartite structure presents many drawbacks as it formally represents the workers' unions, which do not represent most informal-sector workers. Responding to the global economic crisis, she noted that governments have agreed to putting employment first in their macro policy; the G-20 recently agreed to find ways to generate jobs. However, MDG plans need to incorporate a method through which decent employment is made a priority, including on MDG 8. We need to link "decent work" and low-carbon agendas, through to new mobilisation; striking down the ordinance preventing street vending, for example,

will allow poor workers to actually sell their products.

In his comments, *Simone Cecchini*, ECLAC, noted that employment is fundamental to MDG 1 since the job market is the primary link between poverty alleviation and the broader economy. In Latin America since the 1990s, labour market participation has increased (mostly due to women) and strong explains poverty rates. He felt that the inclusion of 1.B in the MDGs was a step in the right direction but had major limitations. There is no way to actually measure it because it is not numerical. Some of the proposed indicators don't actually take into account the wages earned by workers. So, again, ECLAC proposed three new indicators to monitor job progress in the region: GDP growth per person employed, employed people / population, % vulnerable workers, etc. But nonetheless, a number of indicators substantially worsened during the period from 1990 looking at real workers' wages and job growth. He believed though that it is too late to start adding new goals and targets, such as social protection, to the MDGs. Five years is not enough time and there could be unintended consequences. There are a variety of approaches on social protection.

In the discussion, it was asked whether domestic demand for social protection programs could be generated? What factors support internal movements for such things? Barrientos replied that, it seems that there are very few voices that argue for social protection. It's perceived to be on the donor agenda rather than the national agenda. Ordinary people don't think the government has the capacity to provide social protection, so they don't think to ask for it. The government takes very little in taxes (in Uganda, 13%). We can improve tax collection methods, but

it's tough to get people to pay taxes when they don't get very much from the government. If you can get governments to provide services, then people will be more willing to pay taxes.

Magdalena Sepulveda, Independent Expert on Human Rights and Extreme Poverty, noted that there is a danger of basic cash-transfer programs (Latin American style) in the context of Africa. There is also a risk of aggravating gender inequality, since most of the cash-transfer approaches rely on women to channel the money effectively. Conditionality (such as needing students to get certain grades, or women to do certain things) can increase the burden on women. All of these problems are human rights issues – accountability, access, equality – which can improve the actual delivery of the program.

Elisa Canqui Mollo, Member, UN Permanent Forum on Indigenous Issues asked why it is that we only focus on the medium-poor people who are easy to access for these programs. It's always an easy thing to go after certain easy people but what about the poorest, indigenous people. Barrientos noted that we need to address how social protection helps groups in extreme poverty, from an human rights perspective. The best way to progressive realisation of rights is to work on the poorest people first and then work on the average people afterwards. This creates tension between the social protection and human rights agendas because the rights community doesn't like measuring people to see who is the poorest. We have become more advanced in terms of being able to identify who the poorest people are (we can rank the poor into different grades).

In response to a question on the difference between ECLAC's idea of a

rights-based development program, and a social compact development program, *Simone* replied that the rights-based approach is the ethical justification. The practical difference is that people's entitlement to social protection and work must formally be protected in laws. In that way, the citizen knows that he actually has an enforceable right to something – such as education, healthcare, or employment. In Chile, for instance, there the bottom 40 per cent of the population has a right to a pension; in Brazil, people have an actual justiciable right to nutrition, and to a minimum income.

5.2 Health, Water and Sanitation

Alicia Yamin, Harvard University, discussed the value of human rights to accelerate the progress of MDG 5. Maternal mortality serves as the primary cause of death and disability for women in the developing world and is a key indicator of disparity between the global North and South. Yamin traced the historical removal of sexual and reproductive health from the Millennium Declaration agenda after the consensus-building ICPD and Beijing conferences. She noted that mainstream human rights organisations have however appropriated maternal mortality as a human rights issue. She focused on the ability of human rights to add the accountability framework currently missing in the MDGs, but warned against traditional individual sanction mechanisms, reliance on maternal death audits, and pay for performance incentivisations due to the systematic and structural nature of maternal mortality. She also stressed that as the causes of maternal deaths are known, additional research is not needed; rather, attention must be placed on structuring national plans of action and ensuring that measures beyond maternal

mortality rates are integrated, for example participation, maximum extent of available resources, and non-retrogression. She emphasised the need for countries to move away from primary focus on aggregate health effects and garnering funding and for the international community to look beyond simple indicators and also what countries should not be doing.

Abdelmajid Tibouti, UNICEF, addressed under-five mortality in MDG 4, emphasising the need to look beyond access and services to the underlying determinants of health. Poor children are most at risk for diseases due to where they live and lower access to interventions, hospitals, and secondary and tertiary care. Mortality differences moreover are stratified within countries and by ethnicities, and these disparities have been increasing since the 1970s. Tibouti stressed that from a human rights perspective, combining universal and targeted approaches will be most effective. He noted that presently, as the underlying and structural problems are not appropriately addressed, a decrease in donor support necessarily results in coverage decreases. Best practices he argues, will rely on dealing with all levels of causality.

Malcolm Langford, University of Oslo, examined the construction and progress of the MDGs on water and sanitation through a rights lens. While sanitation was clearly off track, the progress on water looked worse once rights criteria such as affordability, regularity and quality as well as discrimination were applied to the indicators. Indeed, affordability was included in Millennium Declaration but dropped from the MDGs without explanation. However, some progress could be seen at the very bottom

of the water and sanitation ladder, for example, open defecation had been reduced while some poor countries had been moving forward but this was not reflected in MDG 'progress'. He also emphasised the need to focus on security of tenure, urban/rural divides, capacity-based benchmarking, pro-poor allocations of funding, and participatory involvement and gave examples of how progress in South Africa looked different if resources were taken into account. In accordance with Yamin, Langford emphasised the importance of linking benchmarks to accountability mechanisms, dissuading against overly formalised rights approaches.

In comments, *Jan Vandermoortele* advocated fusing the three health MDGs into a single MDG. Mary Robinson agreed to a single health goal, suggesting as a possibility "strengthening health systems for access to health care for all," which would capture the human rights dimension. Robinson also stressed the urgency and need to focus on working with governments and influencing politicians. Yamin seconded the need for pragmatism, emphasising the need to focus on engaging with the correct indicators and accountability, rather than developing a "perfect" Beijing-Cairo approach.

Participants discussed the different MDGs relating to health, noting the lack of streamlining and again the failure to address marginalisation/vulnerabilities. Unacceptable health inequalities exist between different regions and different countries, related to structural issues including factors such as gender, ethnicity, location, income. In addition to affecting the state of health, socio economic, ethnic and physical factors also affect a person's access to adequate health care. In terms of

inequality, often people with disabilities are denied access to reproductive and sexual health services including safe sex education. Participants also highlighted a lack of accountability mechanisms under this MDG.

As one participant concluded children living in extreme poverty will not automatically benefit from accelerated efforts towards the MDGs and argued that a new approach based on human rights is needed for poor children to participate fully in the progress. The participant called for universal and targeted approaches that ensure convergences between MDGs and human rights and harness the role of the health sector and tackle inequalities.

6. Extra-territorial obligations and MDG 8

Mac Darrow, OHCHR, looked at MDG 8 through the prism of human-rights obligations. He noted that while the causes of poverty are often exogenous and not particular to the states themselves, MDG8 was problematically formulated. It is an accountability-free zone (no targets, no monitoring, no enforcement); it was formulated in a way that removes any blame from the donor countries; embodies a consensus on only a small number of things; doesn't necessarily tell us about the specific policies that are embedded in it; and implicitly supports a focus on aid efficiency, not effectiveness. Thus, he argued that it is very difficult to figure out how MDG 8 actually translates directly to HR compared to other MDGs.

However, on the human rights side, he noted that there is widespread disagreement about the affirmative obligations for rich countries to provide things to the poorer countries although easier to discuss negative obligations of

donor countries. Moreover, there are tensions and contradictions between legal regimes (e.g., Intellectual property, trade and human rights) and policy incoherence among countries. Thus, it is important to determine what perspective of human rights will prevail in this context, and to develop recommendations that will help strengthen the fulfilment of the MDG 8 goals. It is important though to think about evolving geo politics on human rights issues in the UN, the rise of Southern regional powers and the scepticism of many developing countries about what is perceived as a "Northern" HR agenda, the global financial crisis and the environment crises, and the competing financing needs for climate change mitigation and adaptation in developing countries, possibly in the order of US\$100 billion annually by the year 2030, on World Bank estimates.

Aldo Caliori (Bretton Woods Project) continued this presentation with a focus on aid and trade elements of MDG 8. While the goal is phrased as "more generous aid" and there has been an increase in aid, the lack of specific targets for MDG 8 makes it very difficult to actually fulfil the obligations. While the 1970s target was 0.7 per cent of GNP, the increase in aid since 2000 has been slow, partly because of the recession and domestic backlash against aid. Moreover, even if the percentage level of aid was maintained, the declining GDPs in many countries would reduce aid and there needs to be a Plan B for aid in order to lock-in commitments. Donors are also avoiding Paris Principle commitments: e.g., so far no recipient country has received an 'A' grade on their development strategy quality which allows donors to redirect their funds around their own needs. The evaluation

process does not really put pressure on the donor countries and as a growing share of donors are from non-OECD countries, so too there are different sets of obligations from those donors.

In terms of debt, he noted that there are loose targets around enhanced debt relief and making debt issues sustainable in the long term. According to Caliori, the debt sustainability level should be driven by human rights goals and debt levels should not interfere with donor/recipient ability to serve the MDGs. Previous evolutions of WB policy said that higher levels of debt could be acceptable if remittances were a large part of developing country income. His final thought was that the focus on the Doha round is misguided; the aim was increased market access but nothing has happened and a chance for increased financing of aid was perhaps missed.

Stephen Marks, Chair, Working Group on Right to Development at Harvard University, presented comments on the right to development and accountability. He discussed the mandate of the high-level task force and its relevance to the Summit in September. The mandate of the high-level task force began with looking to social impact assessments and MDGs in general from the Right to Development perspective. This morphed into a mandate to develop criteria for periodic evaluation of MDG 8 although there is tension between the taskforce and the governments over the content of the criteria. The Non-Aligned Movement in Sharm el Sheik has adopted a resolution in which countries committed to getting the UN to adopt a resolution in this area. In developing the criteria, each focuses on specific attributes of the right to development and is measurable with indicators. The themes of participation and accountability loom large among

these. He concluded with two recommendations: First, the working group may wish to introduce outcomes from taskforce relating to congruencies and deficiencies into the agenda for September. Second, mutual accountability and joint responsibility are at the heart of the right to development.

Mary Robinson noted that there has been substantial progress in human rights thinking on this issue over the past two decades but she noted that the issue of the private sector in human rights-based development needs greater attention as well as climate change and the justice of getting low-carbon sources to the developing world. Other participants noted that the Accra Action Agenda provides a basis for developed country commitments to human rights in development. Caliri said it was dangerous to use the Accra approach, since not every country is part of the Accra agenda. Brazil believes that the agenda of Accra is already driven by Western donors for example, thus Accra could drive certain South donors away. He thought we should return to the Monterrey consensus.

7. Accountability

Giorgiana Rosa, Amnesty International, presented on national and international accountability mechanisms and highlighting the disconnect between MDGs and human rights standards. She discussed how the reporting, targets and indicators of MDGs and the human rights framework currently occur on separate tracks. MDG reports make little reference to the human rights framework and treaty obligations. They also fail to use a human rights approach in the substantive portions of the report. This reflects a broader disconnect between development policy and practice and human rights.

Accountability in relation to MDGs should be seen as accountability for existing human rights obligations, including ESC rights. Accountability can range from litigation and use of the courts to “constructive accountability:” finding out what works and does not work and then doing things differently. She divided forms of accountability into categories: judicial, quasi-judicial (national committees), political accountability, administrative accountability, and social accountability. As one example, UN treaty bodies have looked at the impact on Nicaragua’s total ban on abortion, and have found it to be in breach of its international obligations. This is in stark contrast to the Nicaraguan commitment to reduce maternal mortality based on MDGs. She then discussed accountability of donors in relation to development assistance, in particular in relation to MDG Goal 8.

Tiberius Barassa, Institute of Policy Analysis and Research, Nairobi, began by discussing how power has influenced the realisation of MDGs. Manifestations of power include domination, the power to impose one’s own views and agency. Inequality, poverty, and exclusion from participation in civic rights are all signs of domination. Resistance, collaboration and transformation are also alternative manifestations of power. He addressed the contributions citizens have made, as part of human rights organisations and civil society organizations, in realising MDGs. Claiming rights is a political process played out as struggles between interests, power and knowledge of different positioned actors. For example, decentralized education in Kenya has involved local power-based systems and a devolving of power to the local communities. Yet, there was no

framework for the decentralisation process of the country, a problem the draft constitution is now seeking to address. The human rights approach has assisted in the realization of MDGs. For example, the Ogiek community, a minority community in Kenya, lives mainly in forested areas. Its source of livelihood is this forest. The government of Kenya wanted to evict this group because the forest was being depleted. These efforts were resisted by human rights organizations. He briefly discussed various strategies used by human rights organizations.

Minar Pimple, Deputy Director of Asia, Millennium Campaign, examined the role of the Millennium Campaign, which was to inspire and support citizens and hold governments accountable. They have focused attention on often ignored constituencies in development: the media, parliamentarians and legislatures and local governments, young people and corporations. He highlighted the importance of the Millennium Declaration, the soul of the MDG body with its focus on dignity. The Millennium Campaign takes the position that all MDGs are people's entitlements and governments are to be held accountable for delivering these entitlements to the people. One example is a book on designing strategies around elections to promote MDGs, which was implemented in the Philippines. Another example of a campaign was in India: 1 million children wrote to the finance minister and said that 6 per cent of the GDP of India must be spent on education, and 3 per cent on health as it is "right." The Prime Minister announced in parliament that these exact allocations would be spent. Another example of political action is the forming of committees in parliament: in Nepal, the

Philippines, etc., legislatures were given a mandate to review legislation from the MDG perspective. Each year, the Millennium Campaign hosts major campaign for "stand-up against poverty." Last year, 173 million people participated. He discussed goals for outcomes of the Summit. These include participation, accountability of the states to the citizens, and local monitoring of MDGs by using mobile technology. It also include addressing inequalities in terms of gender, social groups, and geography. If MDGs are not achieved with equality, aggregate achievement of MDGs is not enough. The Summit must address who has been left out of the process.

Participants highlighted the lack of accountability of donors and world financial institutions, and the need for these entities to respect human rights law and principles. Participants were unanimous that the upcoming summit must establish accountability for achieving the MDGs for all at the state and international level. Increased accountability of donors would as a minimum constitute the principle of 'doing no harm'. On a more proactive level it would ensure that development assistance gives priority to the most marginalised.

Participants noted a clear difference between the UN human rights and MDG accountability mechanisms, but some potential for overlap. Special procedures, especially those relating to ESC rights can monitor progress towards MDGs for all, as can the treaty monitoring bodies. One participant asked whether the right to development could be used to give bite to MDG 8 and improve accountability for donors. However given political impasse over the right to development another participant doubted whether it would be

useful. At the national level, one positive example mentioned was the Canadian ODA Accountability Act that requires the assistance provided to meet three tests including compliance and/or consistency with human rights standards. Concerns were expressed though about the new international maternal and child health action plan by one presenter, as we have a long established set of treaties and covenants that provide us with existing obligations and we've failed to meet those; why create more?

However, concern was expressed as to whether the human rights community was sufficiently addressing the countervailing forces that cause these things not to happen. There was a need to get more specific on how to hold political leaders accountable as well as private sector and foundations like Gates foundation.

8. Post-2015 Agenda

Andy Sumner, IDS, began by noting how the post-2015 question is the 'elephant' in the 2010 review room. He posited that (i) the MDGs emerged in a relatively benign/stable/fiscal period and argued that they have been useful but limited; (ii) any post-2015 architecture should address the key deficiencies of the MDGs and fit to the post-crisis context - one of increased uncertainty/variability; (iii) and the process for any post-2015 framework work needs to be led by someone who is credible in both North and South on poverty reduction. He noted: that there is understandable caution discussing the post-2015 questions but much is going on behind the scenes; that there are actually good reasons to discuss these questions after the MDG summit is completed, and very much in 2011 because the core concerns of the MDGs are likely to remain valid; that the MDGs took ten years of

gestation of various UN processes to produce something quickly is challenging; and there is a vast amount of innovation around indicators, poverty, etc.

Taking stock of MDG experience is important. Sumner noted the MDGs strengths as a rallying call for actors: as a commonly shared understanding of poverty reduction, targets and indicators, and for increasing pressure for more data. This fits well with the weaknesses of the MDGs in defining human development outcomes rather than opportunities to achieve outcomes; in a limited unifying theory on the structural causes of poverty; in weaknesses on social justice, equity, rights, vulnerability and exclusion; and a misperception (perhaps) of being donor-led. The new context is led by a number of 'global drivers' 2010-2020. First, a set of post-crisis shifts in governance, economic and social policy (the G20, the very real chance that developing countries will look to China on economic policy; social protection is on the agenda) as well as wider game-changers such as climate, demographics, technology, etc. In sum, the outlook 2010-2020 is one of rising oil prices, instability, climate-change and adaptation, periodic crises, changes in global power, and the emergence of innovative and climate finance. For a number of countries, notably oil importers, or those dependent on commodity exports, there will be some drastic discontinuity.

Meera Tiwari, University of East London, then addressed the symposium on post-2015 ideas. She asked how radical we should be. Could we have more of the same with a new deadline or could we be more radical? She noted three options. First, more of the same: extend the deadline to 2025 and blame the crisis and build on MDG successes. Second, building

on MDGs with a core group and maybe locally defined indicators. Third, something more radical around global solidarity – beyond aid to climate or financial taxes or a global “new deal”, more broadly defined around equity and climate adaptation, etc.

Charles Gore, UNCTAD argued that MDGs themselves are quite innocent, but are being used in the wrong way. He posited that at the moment we are stuck with global policies using national explanations and national norms. We need to ask what does it mean to do an international analysis of poverty, and how do we have global norms of justice which are global, and are not the translation of a national frame of reference into a global context? He noted that the MDGs are part of emergence of an aid regime, and that aid regime is in transition - if you look at the climate/financing debate, then the future has to be global development. In the 1950s the goal was international economic development. In the 1990s, this was challenged by the human development approach. In this mix, the poorest countries are caught in a double bind, when they are trying to achieve global goals, but certain policies mean they can't achieve these goals. The key to LDCs creating productive jobs and livelihoods for rapidly growing populations, is refocusing the attention on productive capacities. Charles summed up, that we are at the end of a development era now, and we need a new organising principle, and we need a new consensus. It must integrate climate change but can't ignore global income inequality. The aid regime needs to be transformed to more global means to achieve development goals.

Daniel Seymour, Chair, OECD/ DAC Human Rights Task Team and Chief, Gender &

Rights Unit, UNICEF noted that many people are saying that the MDGs are not bad, but they are misinterpreted. He argued that essentially human rights and MDGs communities want the same thing and that structures should be in place to ensure that rights are protected. We cannot achieve the MDGs without focusing on the most marginalised. He suggested that there is definitely a place for inequity and non-discrimination targets; we need to make explicit the link between these targets and human rights standards; and we need to be clear about the role of international institutions. In moving to a post-2015 agenda, he noted that this is a time of crises, and these expose the fragility of governments. In the context in which one talks about the prospect of a high level panel, including the voice of the poor into the panel, requires time and a sense of urgency; on the human rights side, we need to loosen the grip of those of us with a legal perspective and develop more of a view of human rights as social norms: not just of rights, but also of duties. We need to take this enterprise beyond this room and these corridors in a way that embraces universalism around human rights.

In the discussion it was asked if migration rights could be part of the post-2015 solution, going beyond liberalisation of goods and services. One presenter answered that is a complex solution to a complex problem, migration is not the answer for unskilled workers because quality of life does not significantly improve; it is difficult to look at conflict situations as well. Another answered that it is interesting that migration has not been discussed as part of the MDGs.

In the ensuing discussion on the architecture of post-2015, Seymour noted that that we have to make sure the

demands are placed on all of us. We can bemoan as much as we like the inadequacy of ODA and attention to climate justice; the fact is these governments behave rationally, and if they don't care enough about this, it is because we have failed to make them care enough.

Thomas Pogge was asked if a global resources dividend was a solution. Pogge responded that the basic idea is to have all natural resources belong at least to some extent to all people of the world, so we take a small dividend of any extracted funds, which in turn contributes to a global development fund, as an alternative fund; this does good things in two ways by discouraging resource-costly consumption, and also by encouraging global financing for development. Globalisation has also meant a significant shifting of the rules, and as these rules shift up, they become even harder to reach, and there is a very small group of actors that can really influence the rule-making. Those with expertise and power shape the rules in their own favour and then harvest the rewards. An example of this is the TRIPS agreement, which is why he has proposed the health impact fund which can encourage innovation for NTDs.

9. Taking stock: Conclusions and way forward

For the most part, participants identified a number of divergences between the MDGs and human rights both in terms of substance and key principles. This included the MDG's lack of accountability, the imposition of targets from the top down, the use of aggregates and averages which can mask inequality. During the conference the slippage between MDG and the Millennium Declaration on areas such as children, water and trade was also

noted. For many, the MDGs represented the minimum international common denominator, that failure to address income inequality, social protection, violence against women, access to justice.

However, participants noted the positive experiences learnt from the MDG process including a clear rallying call, a common shared understanding, targets that motivate policy decisions, provide political accountability and provide pressure for more data on poverty.

It is clear that the applicability and relevance of the MDGs have been challenged by a changing context. Given that they first emerged in a relatively benign, stable period, participants doubted their applicability in a changing and more volatile environment both economically and politically, with shifts in economic and social policy including a renewed and important emphasis on social protection.

Although the core concerns of the MDGs remain valid, namely: health; education; and nutrition, it became clear that some repackaging and rethinking was necessary. Participants emphasised the importance of not just looking at the September review but beyond. However, there was a range of views from those who wanted to fix some of the shortcomings of the MDGs through to those who advocated a different paradigm, for example a focus on power and transformation, greater use of the human rights system or a re-imagining of the international systems and a move towards global social rights and linking human rights clearly with a move to a low carbon economy.

As an immediate priority, participants discussed how to frame discussions in terms of the summit in September and

what messages to highlight. They highlighted the need to be pragmatic, and put forward specific examples including best practices with a focus on implementation. Amongst the components of the core message to be transmitted to states are the lack of progress on inequality, addressing chronic poverty and the need for rights based forward action. Several participants cautioned against using costs and economics to motivate policy makers to address issues of discrimination and marginalisation. However there certainly should be more dialogue between the various fields involved. While some participants favoured incorporating new goals and indicators in the Declaration, the majority repeatedly preferred instead to mainstream concepts such as inequality, discrimination, the situation of vulnerable groups within the current text.

Programme

DAY 1 (Afternoon) - 22 March 2010

INTRODUCTORY SESSION (14:00-14.30)

Chair:
Elizabeth Gibbons,
Deputy Director, Policy and
Practice, UNICEF

Welcoming Address:
Alicia Ely Yamin, Harvard University

Opening Addresses:
Navanethem Pillay, UN High Commissioner for Human Rights (Video address)
Mary Robinson, President of Realizing Rights: The Ethical Globalization Initiative
and former President of Ireland and UN High Commissioner for Human Rights

Background to the MDGs and Human Rights Debates
Malcolm Langford, Director, Socio-Economic Rights Programme, NCHR,
University of Oslo

KEYNOTE SESSION 1 (14.30-15:30)

Chair:
Magdalena Sepúlveda Carmona,
UN Independent Expert on Human
Rights and Extreme Poverty
and Associate Research Fellow,
University of Oslo

PERSPECTIVES ON MDGS AND HUMAN RIGHTS

Inequality or poverty? Contestations over international development agendas 1980-2010
Sakiko Fukuda-Parr, Professor, New School University, New York

MDGs and human rights in a historical context - intentions and trajectories
Jan Vandemoortele, Independent researcher and formerly UNDP and UNICEF

16.15-18:00

Chair:
Siobhán McInerney-Lankford,
Counsel Environment & Interna-
tional Law, Legal Vice-Presidency,
World Bank

Integrating the Agendas: Possibilities, Practice & Politics

The Economics of Human Rights and MDGs in Practice
Otaviano Canuto, Vice President, World Bank

Millennium Development Goals and Human Rights: Analytical and Process Linkages
Selim Jahan, Director, Poverty Practice, United Nations Development Programme

Adapting the MDGs to the Development Challenges of Latin America
Simone Cecchini, UN Economic Commission for Latin America and Caribbean and
Juan Ponce, Latin American Faculty of Social Sciences, Quito

Cocktails and Tapas for all Participants beginning at 18:00

DAY 2 - 23 March 2010

KEYNOTE SESSION 2 (9:00-11:00)

Chair:
Mary Robinson,
President of Realizing Rights: The
Ethical Globalization Initiative

EXTRA-TERRITORIAL OBLIGATIONS, MDG 8 AND THE ECONOMICS OF HUMAN RIGHTS AND MDGS

Extra-territorial human rights obligations and MDG 8 practice
Mac Darrow, Coordinator, Millennium Development Goals Unit, UN/OHCHR (on special leave
2009/10) and Aldo Caliari, Rethinking Bretton Woods Project

Economic Freedom as a Human Right and Development Paradigm
Jean-Pierre Chauffour, Lead Economist, International Trade Department, World Bank

Economic Policy through an Ethical Lens
Radhika Balakrishnan, Director, Centre for Women's Global Leadership, Rutgers

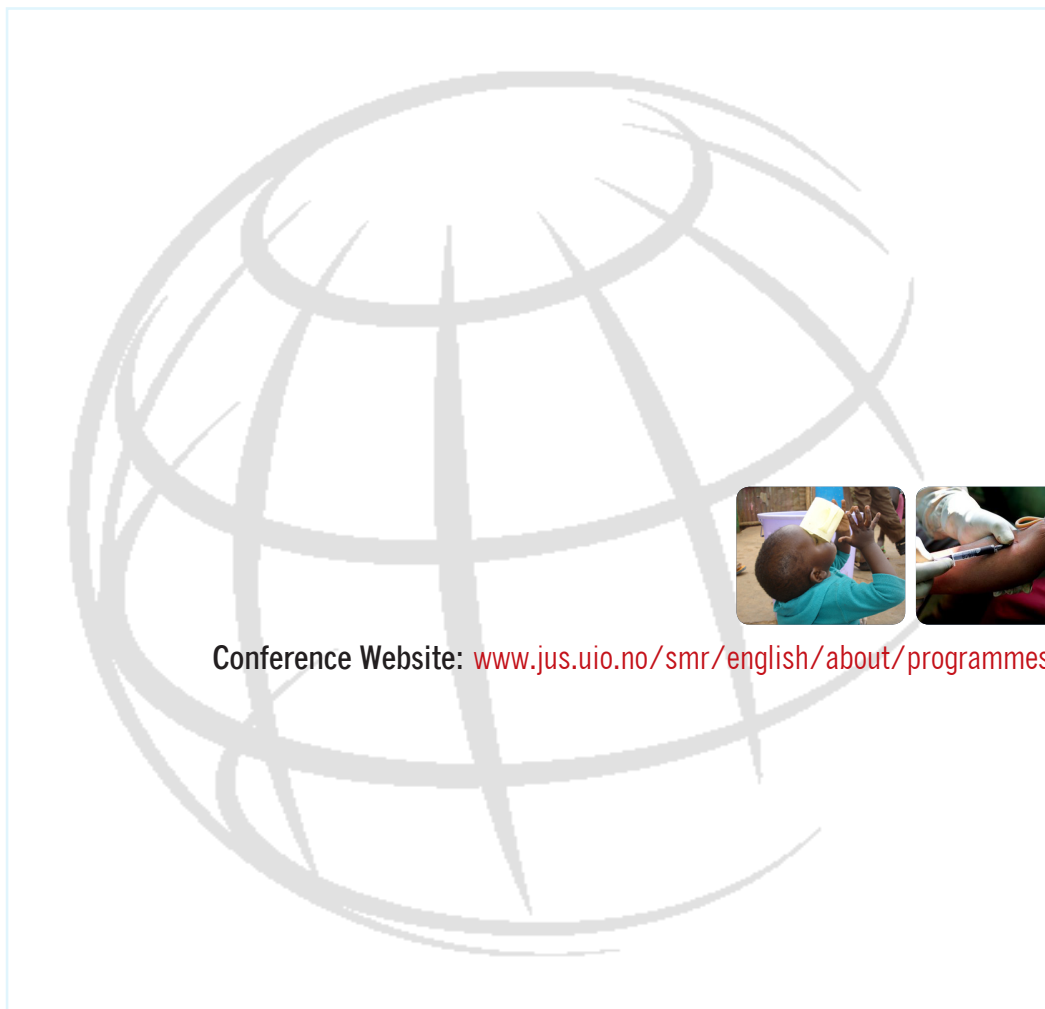
MDGs and Human Rights: Daring to Breaking out of the Liberal Box
Fantu Cheru, Professor Emeritus and Research, Nordic-Africa Institute



SESSION 3 (11:15-13:00)	EXPLORING CONVERGENCE BETWEEN HR AND SELECT MDGS
<p>PARALLEL SESSION A: Income Poverty in Human Rights Perspective</p> <p><i>Chair:</i> Magdalena Sepúlveda Carmona, <i>UN Independent Expert on Human Rights and Extreme Poverty</i></p>	<p>Social Protection in the MDGS? Armando Barrientos, Manchester University</p> <p>Decent Work and MDG 1 Heather Grady, Managing Director, Realizing Rights: The Ethical Globalization Initiative</p> <p>Comment: Right to Social Security, Food and Land in the MDGs Michael Windfuhr, Bread for the World</p>
<p>PARALLEL SESSION B: The Health Goals</p> <p><i>Chair:</i> Carmen Barroso, <i>Regional Director, IPPF/WHO</i></p>	<p>Accountability for What? A Rights Framework to Safe Motherhood and Development Practice Alicia Ely Yamin, Harvard University</p> <p>Panel: HIV/AIDS Sindi Blose, Just Associates (JASS) & former Treatment Action Campaign, South Africa</p> <p>Child mortality and health Abdelmajid Tibouti, Senior Advisor, Health Financing, UNICEF</p> <p>Right to water and sanitation: Beyond a Binary Approach Malcolm Langford, Director, Socio-Economic Rights Programme, NCHR, University of Oslo</p>
Lunch	
SESSION 4 (14:00-15:30)	CROSS-CUTTING ISSUES
<p>PARALLEL SESSION D: Participation and Accountability</p> <p><i>Chair:</i> Alfonso Barragués, <i>Office of the High Commissioner for Human Rights</i></p>	<p>Power, Participation and the MDGs in Kenya Tiberius Barassa, Institute of Policy Analysis and Research, Nairobi</p> <p>National and International Accountability Mechanisms Giorgiana Rosa, Amnesty International</p> <p>Comment: Civil Society, Human Rights and the MDGs Minar Pimple, Millennium Campaign</p> <p>Comment: Right to Development and Accountability Stephen Marks, Chair, Working Group on Right to Development and Harvard University</p>
<p>PARALLEL SESSION E: Equality Minority Rights</p> <p><i>Chair:</i> Elisa Canqui Mollo, <i>Member, UN Permanent Forum on Indigenous Issues</i></p>	<p>Equality Minority Rights Gay J. McDougall, UN Independent Expert on Minority Issues</p> <p>Disability Rights, the MDGs and Inclusive Development Michael Stein and Janet Lord, Harvard Disability Project, Harvard University and Charlotte McClain-Nhlapo, World Bank and South African Human Rights Commission</p>



PLENARY SESSION 5 (16:00-17:30)	MDGS AND HUMAN RIGHTS: 2015 AND BEYOND
<i>Chair:</i> Richard Morgan, <i>Director, Policy and Practice,</i> <i>UNICEF</i>	<p>Rights, Capabilities and Human Wellbeing: Assessing Options for a MDG-Plus (Post-MDG) Global Architecture Andy Sumner, Research Fellow, Institute for Development Studies - Sussex Meera Tiwari, University of East London</p> <p>MDGs, International Development Aid and Human Rights after 2015: A Vision to Disentangle the Muddle Charles Gore, Special Coordinator for Cross Sectoral issues, UNCTAD</p> <p>MDGs and Human Rights: An Agenda for the Future Daniel Seymour, Chair, OECD/ DAC Human Rights Task Team and Chief, Gender and Rights Unit, UNICEF</p>
	<p>Closing Remarks Thomas Pogge, Leitner Professor of Philosophy and International Affairs, Yale University and Research Director at the Centre for the Study of Mind in Nature, University of Oslo</p>
DAY 3- 24 March 2010 (Morning - 9:00-11:00)	
Informal Meeting at the Sheraton Hotel Commander, Cape Cod Room	How to take forward conference findings to 2010 UN MDGs Review Process?



Conference Website: www.jus.uio.no/smr/english/about/programmes/serp/conferences/MDG.html