

Human Rights and the Millennium Development Goals: contradictory frameworks?

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Overseas Development Institute



- Is a rights-based approach superfluous?
- Are the MDGs superfluous?





Overseas Development Institute
Briefing Paper
1999 (3) September



WHAT CAN WE DO WITH A RIGHTS-BASED APPROACH TO DEVELOPMENT?

A rights-based approach to development sets the achievement of human rights as an objective of development. It uses thinking about human rights as the scaffolding of development policy. It invokes the international apparatus of human rights accountability in support of development action. In all of these, it is concerned not just with civil and political (CP) rights (the right to a trial, not to be tortured), but also with economic, social and cultural (ESC) rights (the right to food, housing, a job) (Box 1).

A rights discourse which encompasses both CP and ESC rights is not new – indeed both are found in the Universal Declaration of Human Rights, and in subsequent covenants and conventions (Box 2). However, ESC rights, in particular, have been rising up the agenda: for example in statements and speeches made to commemorate the fiftieth anniversary of the Universal

Rights of the Child, adding depth and rigour. ILO Conventions, which define core labour standards, for example on safety at work or home-working, also play a part in the international system. However, the US, to take the main example, although it complies in large part with the standards laid down in international law, has never ratified key instruments of ESC rights, including the 1966 Covenant and the Convention on the Rights of the Child. Some observers have also complained that non-state actors, including the World Bank, the IMF, multinational companies, and NGOs, are formally outside the system of ratification, and cannot therefore be held accountable internationally for the degree to which they respect rights.

Some international jurisprudence is still new. For example, a 1998 treaty established the principle of an International Criminal Court, to provide a mechanism for pursuing individual



to Claim our Rights:
livelihood security, human rights and sustainable development

Caroline Moser & Andy Norton
with Tim Conway, Clare Ferguson, Polly Vizard

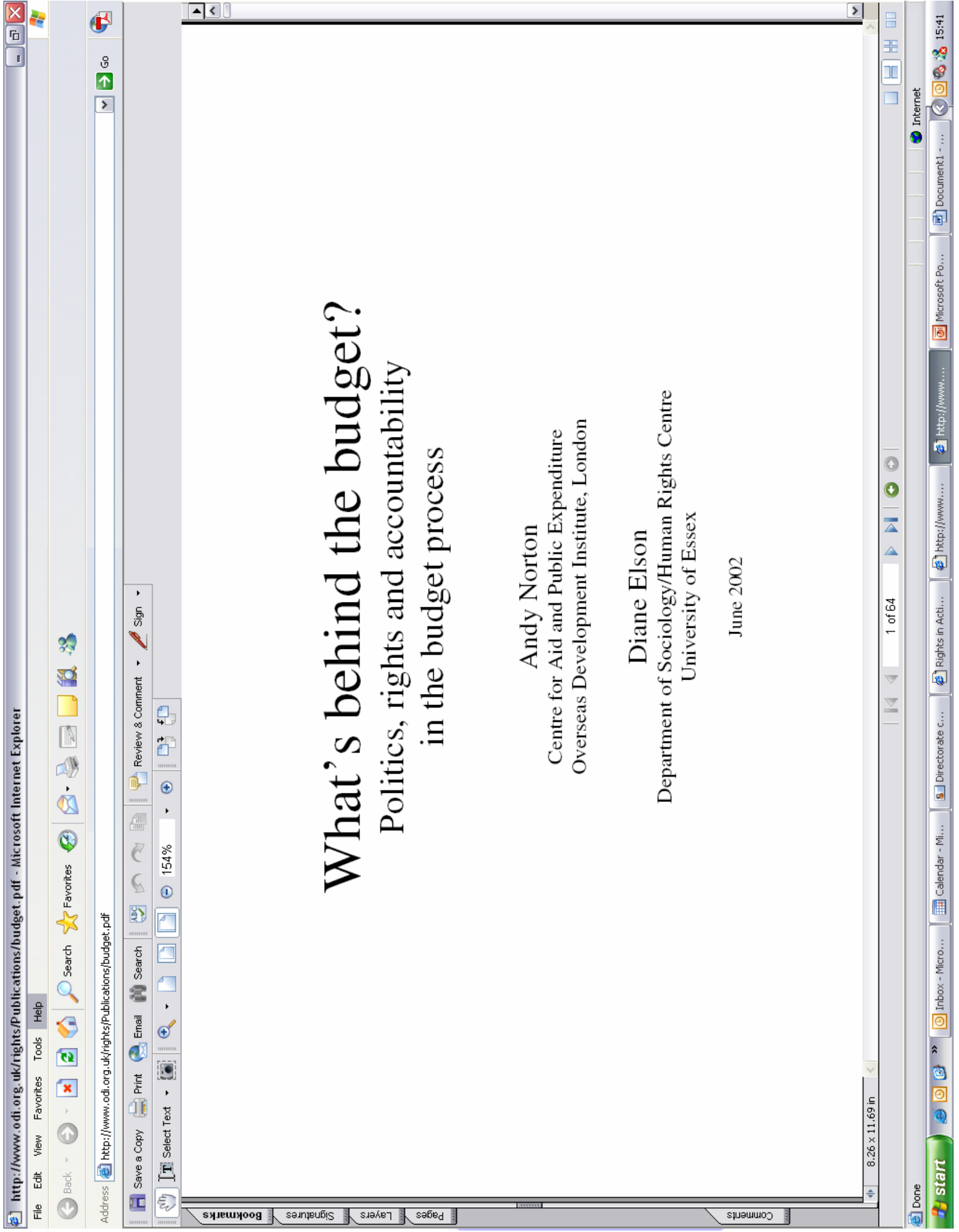


November 2001 Economic Theory, Freedom and Human Rights: The Work of Amartya Sen

This Briefing Paper reviews the ways in which the Nobel Prize winning economist Professor Amartya Sen has focussed international attention on the significance of fundamental human freedoms and human rights for development theory and practice. In the past, dominant approaches have often characterised development in terms of GDP per capita; food security in terms of food availability; and poverty in terms of income deprivation. Emphasis was placed on economic efficiency – with no explicit role being given to fundamental freedoms, individual agency and human rights. In contrast, Sen’s research has highlighted the central idea that, in the final analysis, market outcomes and government actions should be judged in terms of valuable human ends. His work has contributed to important paradigm shifts in economics and development – away from approaches that focus exclusively on income, growth and utility, with an increased emphasis on

expanding the types of variables and influences that are accommodated in theoretical and empirical economics. His contributions include far-reaching proposals for incorporating individual entitlements, functionings, opportunities, capabilities, freedoms and rights into the conceptual foundations and technical apparatus of economics and social choice. These proposals reflect a number of central recurring themes including:

- the importance of pluralist informational frameworks that take account of both the *well-being* aspect of a person (relating to his or her own personal physical and mental well-being) and the *agency* aspect (relating to the goals that a person values, desires and has reasons to pursue; and being sensitive to *processes* as well as to *outcomes* – reflecting the intrinsic value of individual choice and



What's behind the budget?

Politics, rights and accountability in the budget process

Andy Norton
Centre for Aid and Public Expenditure
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Diane Elson
Department of Sociology/Human Rights Centre
University of Essex

June 2002

Welcome to the 'Rights in Action' Programme

Established in 2003, this multi-disciplinary team, comprised of economists, political and social scientists, natural resource specialists, and lawyers, seeks to assess the practical value of human rights for poverty reduction and humanitarian protection. Some researchers are sceptical of the relevance of the normative international human rights framework to the lives of the very poorest, believing that what matters most are the national political processes surrounding the claiming of rights, or a greater understanding of informal norms and rules. Others see in the international framework an entry point into improving the practice of aid delivery and the analysis of poverty and humanitarian crises. All parties want to promote better exchange and understanding between the 'aid' and 'human rights' communities.

The cross-group programme is organised around three sets of issues:

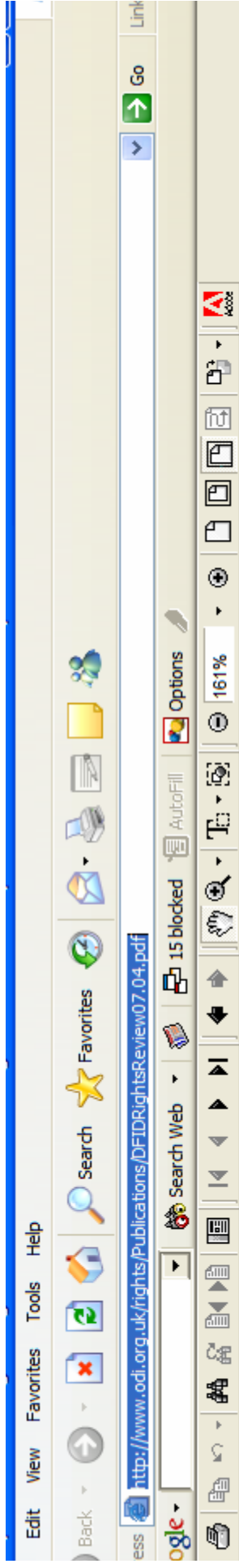
- (i) Human rights, aid and international politics
- (ii) Citizenship and rights
- (iii) Human rights and protection from abuse

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DFID Human Rights Review

*A review of how DFID has integrated
human rights into its work*

Laure-Hélène Piron

Overseas Development Institute

Francis Watkins





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Behind the rhetoric: the relevance of human rights for development and humanitarian action

Laure-Hélène Piron

In May 2004, images of torture, degrading and inhuman treatment of Iraqi detainees by US soldiers hit the front pages of the international press. Worldwide condemnation was immediate. There was moral outrage, but also a demand for accountability. There were calls for high-level resignations and some soldiers were brought to trial. The going beyond human rights to examining citizenship, Over the past year, ODI has developed a body of research and policy advice on the relevance of human rights for development and humanitarian assistance. A multidisciplinary 'Rights in Action' team has been set up aiming to assess the practical relevance of the 'rights' agenda –

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Box 1: A summary of Human Rights

Human rights necessary for survival and dignified living include:

- The rights to life and liberty
- The right to a standard of living adequate for health and wellbeing of the individual and his/her family
- The right to social protection in times of need
- The right to the highest attainable standard of physical and mental health
- The right to work and to just and favourable conditions of work
- The rights to food, and housing
- The rights to privacy and to family life

Human rights also cover those rights and freedoms necessary for human dignity, creativity and intellectual and spiritual development for example:

- The right to education and to access to information
- Freedoms of religion, opinion, speech, and expression
- Freedom of association
- The right to participate in the political process
- The right to participate in cultural life

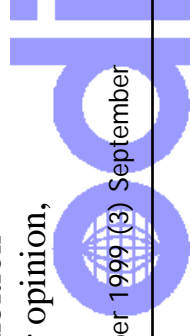
They also include those rights necessary for liberty and physical security for example:

- Freedom from slavery or servitude
- The right to security of person (physical integrity)
- The right to be free from arbitrary arrest or imprisonment
- Freedom from torture and from cruel, inhuman or degrading treatment or punishment.

Cross-cutting are the twin principles of the equal rights of women and men, and the prohibition of discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Source: Häusermann 1998:56t

Source: Maxwell, ODI Briefing Paper 1999 (3) September



Key Debates

- Is there a hierarchy of rights?
- How to balance individual & collective rights (and responsibilities)?
- Is progressive realisation meaningful? Morally defensible?
- What is the role of international and non-state ‘duty-bearers’?
- Are performance standards necessary for accountability?
- Does accountability imply legal recourse?

Principles

- It is legitimate and worthwhile to take a holistic approach to rights, including both CP and ESC rights;
- Rights need to be complemented by individual responsibility, and they cannot be unbounded if they impose costs on others;
- Nevertheless, rights are real, and states have the duty to respect rights, and to help promote, protect and fulfil rights ‘even if all they can do is make a start with progressive realisation;
- Because rights are universal, the wider international community has at least a moral duty to support rights, including financially, in partnership with states;



Principles (contd)

- This obligation may extend to non-state actors, particularly international financial institutions, TNCs, and NGOs;
- The implementation of a rights-based approach requires performance standards to be set, though these are best negotiated locally;
- Accountability can and probably should imply justiciability in the courts, but there are many complementary approaches involving monitoring, reporting, public debate, and greater citizen participation in public service delivery.

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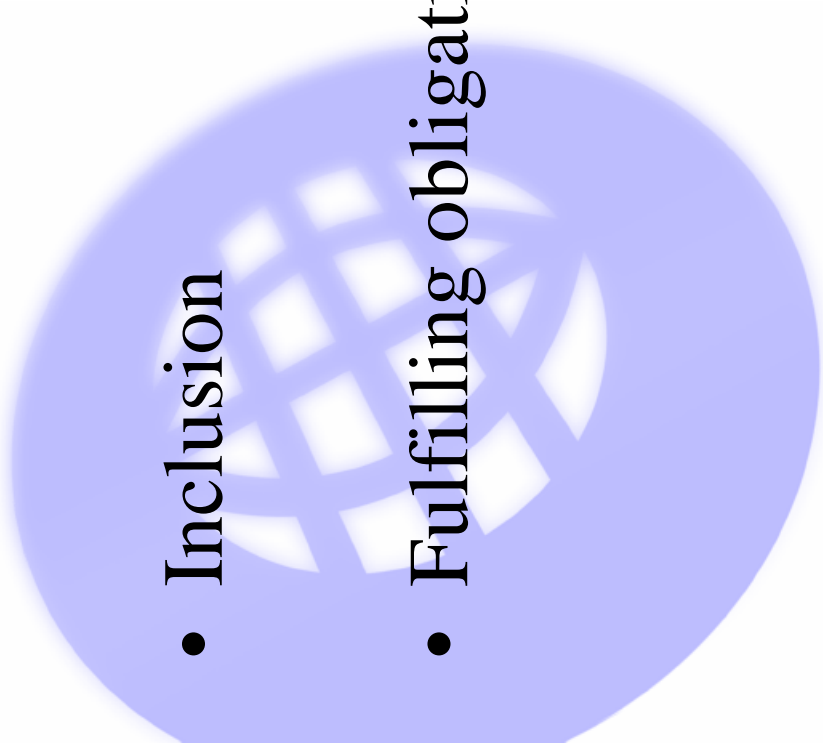
Realising human rights for poor people

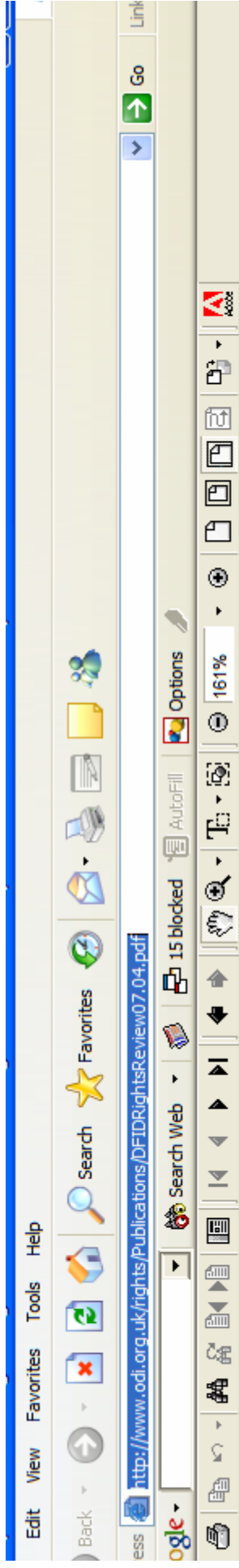
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Three principles

- Participation
- Inclusion
- Fulfilling obligations





DFID Human Rights Review

*A review of how DFID has integrated
human rights into its work*

Laure-Hélène Piron

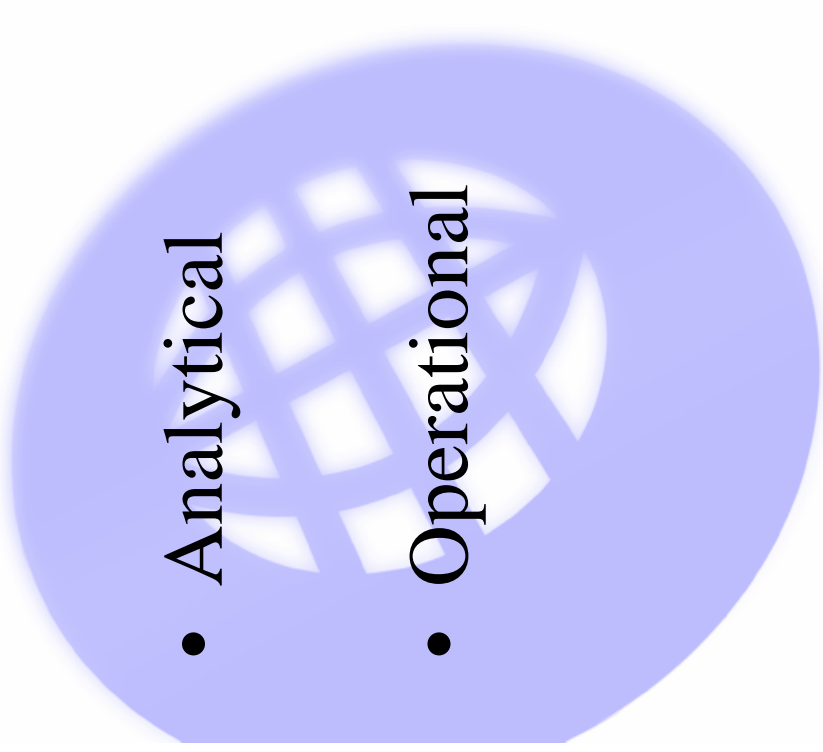
Overseas Development Institute

Francis Watkins



Three entry points

- Normative
- Analytical
- Operational



The Millennium Development Goals

Goal 1: Eradicate extreme poverty and hunger
Goal 2: Achieve universal primary education
Goal 3: Promote gender equality and empower women
Goal 4: Reduce child mortality
Goal 5: Improve maternal health
Goal 6: Combat HIV/AIDS, malaria and other diseases
Goal 7: Ensure environmental sustainability
Goal 8: Develop a Global Partnership for Development

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MILLENNIUM PROJECT TASK FORCES

The Millennium Project is directed by Prof. Jeffrey D. Sachs. The bulk of its analytical work is carried out by ten Task Forces with support from a small central office in New York. Each Task Force is chaired by 2-5 Task Force Coordinators who guide the research effort. Please click on the links below to find out more about the people working on the Millennium Project.

- > [Task Force 1 on Poverty and Economic Development](#)
- > [Task Force 2 on Hunger](#)
- > [Task Force 3 on Education and Gender Equality](#)
- > [Task Force 4 on Child Health and Maternal Health](#)
- > [Task Force 5 on HIV/AIDS, Malaria, TB, Other Major Diseases, and Access to Essential Medicines](#)
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The MDGs in context

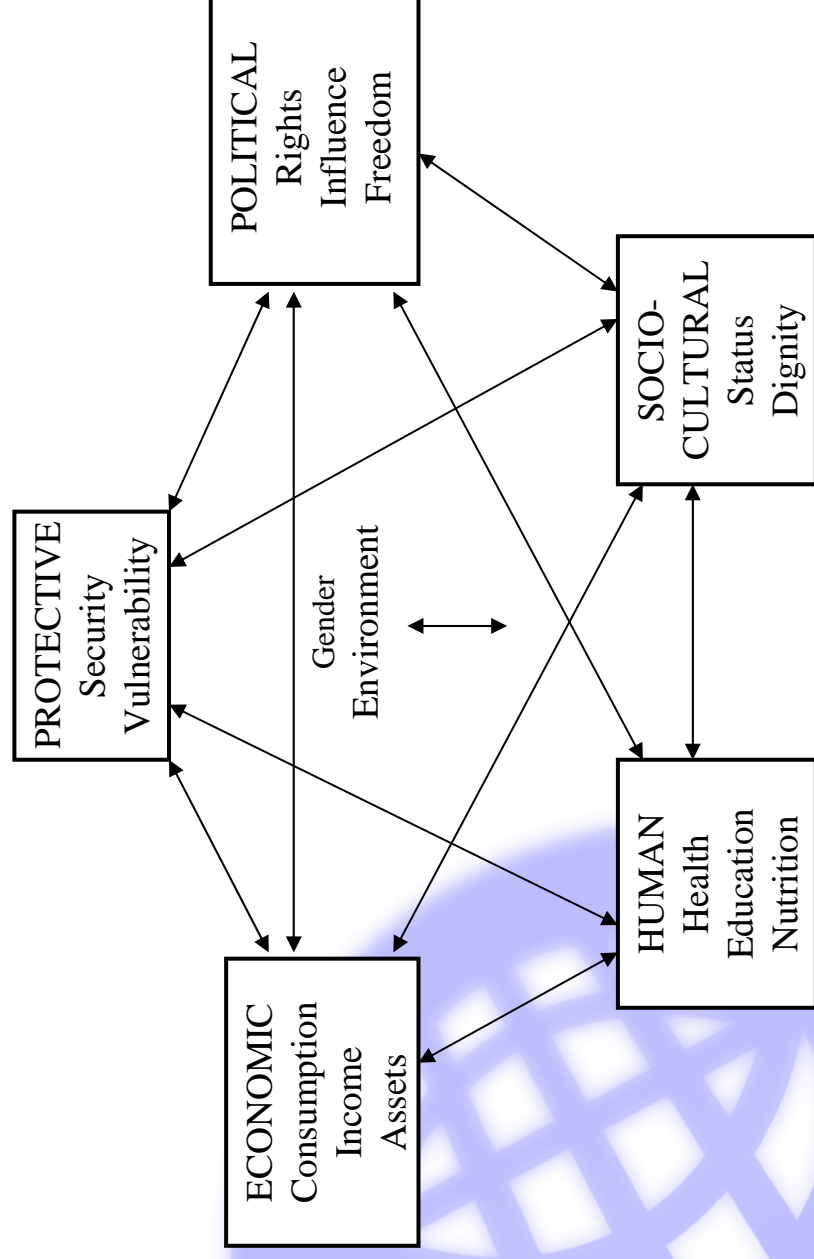
- The Millennium Development Goals
- A strategy for poverty reduction (WDR 2000/1, DAC guidelines, meta-narrative)
- Poverty Reduction Strategy Papers
- MTEFs, SWAPs, PRSCs and GBS
- Performance-based evaluation

Some risks which echo the rights debate

- Targets & performance indicators will oversimplify and distort development efforts
- A preoccupation with poverty reduction will detract from the importance of citizenship as an intrinsic component of development
- The desire to maximise participation and build a national consensus on poverty reduction will obscure important trade-offs and conflicts of interest
- Commitment to partnership will degrade into a form of covert conditionality



Interactive dimensions of poverty and well-being



Source: DAC 2001:39

'a growing culture of rights strengthens the degree to which individuals relate to state structures as citizens with rights and responsibilities. In turn, this weakens the extent to which people expect to extract benefits from the state through relations of clientilism and patronage. The citizenship model fosters the capacity for collective action across traditional divisions of class, ethnicity and caste, thereby increasing the capacity of social mobilisation to favour (or at least include) the marginalised.' (Moser and Norton 2001:39)



Rights and MDGs compared

Rights

- Good on participation
- Good on inclusion
- Comprehensive
- Obligatory
- Clear national accountability (but not international)

MDGs

- Good on participation
- Good on inclusion
- Selective
- Optional
- Undefined accountability (except through partnership)



Human Rights and the Millennium Development Goals: complementary frameworks!

