

The right to development and implementation of the Millennium Development Goals

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I. Introduction

This chapter begins by highlighting the relationship between human rights approaches to poverty reduction and the right to development. Section III demonstrates how the right to development contributes to international cooperation in the context of Millennium Development Goal 8. Section IV proposes elements to include in State reports on the Goals in order to make them more conducive to the realization of human rights and the right to development, which in turn will improve the chances for achievement of the Goals. The conclusion will underscore the significance of the approach proposed for the transformations occurring in the Middle East and North Africa.

II. Poverty reduction and the right to development

The draft guidelines on a human rights approach to poverty reduction define poverty as the lack of capability to enjoy a life of dignity: “people have inalienable rights to certain basic freedoms because without them a dignified human existence is not possible.”¹

Conversely, it can be said that the lack of enjoyment of human rights hampers the ability of individuals and communities to extract themselves from the grasp of poverty, thus ensuring its persistence. It is a vicious cycle that needs to be approached if long-term effective change is to be expected.

The Declaration on the Right to Development reaffirms international human rights standards and norms. Article 1 of the Declaration defines the right to development as “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized”.

The second paragraph of article 1 reaffirms the right of peoples to self-determination and control of their own wealth and resources. This is generally understood to be a collective right affirmed in the post-colonial era and closely attached to the concept of sovereignty. However, the Declaration emphasizes “every human person and all peoples” in the first paragraph and that “[t]he human person is the central subject of development” in article 2 (1) and throughout. The enjoyment of human rights

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¹ Paul Hunt, Siddiq Osmani and Manfred Nowak, “Summary of the draft guidelines on a human rights approach to poverty reduction” (March 2004), para. 6. Available at www2.ohchr.org/english/issues/poverty/docs/SwissSummary1.doc. In 2004 OHCHR also issued Human Rights and Poverty Reduction: A Conceptual Framework (HR/PUB/04/1) as

a complement to the draft guidelines. In 2006, the Office issued Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies (HR/PUB/06/12), building on the previous publications and drawing on consultations with various stakeholders. These are available from the OHCHR website.

by each individual must therefore be understood as equally important to the collective right to self-determination, since the free individual is the subject of development who can contribute to his/her sovereign State and community.² This understanding of human rights, therefore, is tantamount to an individual right to self-determination without which the collective right of peoples to self-determination cannot be properly exercised, and vice versa. Thus, individual rights and those of the collective are another cycle, complementary rather than vicious, that needs attention in order to address the cycle of poverty and lack of freedom.

As article 1 of the Declaration asserts, the right to development embodies an entitlement to participate in and contribute to as well as to enjoy development. This necessitates the participation of the beneficiaries of development in the articulation of policies and in the implementation of development plans, thus empowering these beneficiaries at all levels. The participation of all sectors strengthens the political legitimacy of plans as well as the scope and effectiveness of implementation mechanisms.

The entitlements of rights holders require a corresponding duty to respect, protect and fulfil, which in turn brings the requirement of accountability of those involved in and responsible for implementation mechanisms. This implies the need for specific national and international mechanisms to ensure accountability of funders and development planners (both Government and civil society) to the beneficiaries themselves, or the rights holders. Consequently, participation in identifying mechanisms of accountability is also important. Participation at both national and international levels is a core entitlement of the right to development.

A fundamental aspect of a rights-based approach is the capacity of rights holders to claim those rights as entitlements, which in turn implies a duty on the part of States to guarantee and ensure the enjoyment thereof; States thus become duty bearers. The right to development framework perceives poverty reduction and the broader development agenda as a legal obligation drawn from commitment to international law and not a magnanimous act of Government. The human rights approach to development should be seen as implementing States' legal obligations under human

rights law both in terms of human rights treaties that they have signed and ratified and in terms of commitments to international cooperation under the Charter, including the Declaration on the Right to Development, which provides in article 2 (2) that everyone is responsible and has a role, while nevertheless placing the primary responsibility on States to create "national and international conditions favourable to the realization of the right to development" (art. 3 (1)). Of central importance to the Millennium Development Goals is the matter of international cooperation, covered in detail under goal 8.

III. International cooperation (Millennium Development Goal 8) and the right to development

The Declaration on the Right to Development highlights the importance of international cooperation and, by implication, global partnership in the realization of the right to development.³ This commitment is of course consistent with the Millennium Development Declaration and Goals, particularly goal 8. The application of human rights principles and those of the right to development to such partnerships may be difficult, however, given the "inherent asymmetrical power relations and divergent priorities, in particular between 'donors' ... and aid-dependent or middle-income 'recipient' countries".⁴ After outlining the constituent elements of global partnership as understood in Millennium Development Goal 8 in general, specific observations will be made regarding international financial institutions, multilateral donors and transnational corporations.

A. Constituent elements of global partnership

Previous studies on the question of development partnership have highlighted some constituent elements necessary to ensure the effectiveness of such partnerships in achieving the desired development goals. They note the need for a holistic approach that combines:

- (a) A common set of objectives and shared values—thus the question of effective alignment at all levels of planning and agreement within countries and between donor and recipient countries;

² See also articles 2 (2) (participation, respect for human rights and duties to the community), 5 (eliminating massive violations of human rights), 6 (non-discrimination and respect for all human rights as indivisible and interdependent, including civil and political rights), 8 (equality of opportunity and participation, especially with regard to women) and 9 (1) (all the constitutive elements of the right to development need to be seen as a whole).

³ See articles 3 (cooperation of States in the context of friendly relations in accordance with the Charter of the United Nations), 4 (individual and collective sustained action to assist developing countries), 7 (collective responsibility for international peace and security and disarmament in order to release resources for development).

⁴ "The right to development: study on existing bilateral and multilateral programmes and policies for development partnerships" (E/CN.4/Sub.2/2004/15), annex, p. 6.

- (b) Clearly differentiated and reciprocal responsibilities, necessitating in turn the presence of institutionalized mechanisms or frameworks for mutual accountability and review;
- (c) Targeted and effective aid that goes where it is needed and is effectively utilized, presumably made more possible by effective participation;
- (d) Good governance and the rule of law, without which national and international strategies cannot survive, thus confirming the indivisibility of civil, political, economic, social and cultural rights as well as the interdependence of development, human rights and democratic governance;
- (e) Reliance on United Nations principles, with human rights as a basis for development plans and partnerships.⁵

In working to achieve the Millennium Development Goals benchmarks and specific targets, a rights-based approach requires that States guarantee in law and in practice the protection of all human rights and ensure equality and non-discrimination, participation, accountability mechanisms, good governance and the effective rule of law at all levels. These are the necessary elements of States' compliance with the requirement in the Declaration on the Right to Development to "ensure conditions favourable to the realization of the right to development" (art. 3 (1)).

When reading national and donor reports on the Millennium Development Goals, a perception emerges that adhering to the requirements of goal 8 is primarily the responsibility of donor countries. Indeed, the actual decision-making on aid, tariffs and debt relief perforce lies with the donor countries. However, the right to development framework stipulates that aid activities are most effective when undertaken collaboratively with recipient countries in the context of a comprehensive global strategy that pays due regard to human rights, good governance, national priorities set in the poverty reduction strategy papers (PRSPs) and accountable means of monitoring and assessment. This is given tangible form in the United Nations Millennium Declaration⁶ with specific actions to undertake and targets to meet as outlined in goal 8.

Donors have made public commitments through numerous international meetings and processes to harmonize and align their activities with the priorities and needs of recipient countries.⁷ Beyond iterations of commitment and the evident spirit of cooperation, few actual mechanisms have been developed to give effect and meaning to the "shared values" of development or shared decision-making on priorities. In other words, directions and goals of development aid and of tariff and trade policies in the developed countries continue to be decided by donor countries, albeit with some regard to recipient countries' priorities. Whether the rights-based approach that requires participation in the setting of agendas can actually be met in this regard is not evident.

The Declaration on the Right to Development makes clear in article 7 that, as part of the responsibility to promote international peace and security, a direct connection needs to be made between disarmament and development, and encourages States to ensure that "the resources released by effective disarmament measures are used for comprehensive development ..." This directive is rarely mentioned in Millennium Development Goal reports, save for references to the European Union's Everything But Arms (EBA) initiative relating to European trade with other countries;⁸ there is no mention of donor countries' own arms expenditure vis-à-vis development aid. The same holds true for developing countries' reports, which make no mention of their own arms expenditure as compared to budget percentages of national resources put towards the progressive realization of rights or implementation of the Millennium Development Goals.

Nevertheless, the principle role in realizing goal 8 falls to international financial institutions, multilateral donors and transnational corporations.

B. The role of financial institutions, multilateral donors and transnational corporations

International financial institutions like the World Bank and the International Monetary Fund (IMF) play a significant role in international development cooperation through policies determined by States with quite effective financial clout. Yet Millennium

⁵ Ibid. See also references therein to a number of other relevant studies.

⁶ General Assembly resolution 55/2.

⁷ See, for example, the Rome Declaration on Harmonization (February 2003) and the follow-up meetings of the High-Level Task Force in Marrakech (February 2004) and Paris (March 2005), the World Summit on the Information Society (Geneva, December 2003) and others.

⁸ See the Millennium Development Goal reports on goal 8 of the Netherlands and Sweden, available at www.undp.org/mdg/donors.shtml.

Development Goal reports contain very little information on these institutions, the important role they play and the financial assistance and investment that they provide to developing countries as a percentage of overall aid. While investigating such information was beyond the scope of this study, it would be important to point out that these institutions operate almost as parastatal entities whose accountability is strictly to their own corporate governance structures, despite the major role they play in international development and despite the palpable influence their studies have on national and global development policies.⁹

IMF, the World Bank and regional development banks are directly accountable to their executive committees and to the States which set their policies. They are by definition accountable under human rights law only insofar as the Governments that set their policies are. Whether States “pass on” their duties/accountability to those institutions through regulation is another question. Yet, these organizations play a significant role in financing development through out-right grants and loans to Governments and in direct project support. Some of their past practices have come under scrutiny and criticism, especially with respect to the failed structural adjustment policies.¹⁰ These institutions were of different views with respect to adopting the right to development framework when presented by the Independent Expert on the right to development.¹¹

It would be important to assess the activities of financial institutions where they have a direct effect on strategies to achieve the Millennium Development Goals and on broader donor responsibility and accountability in doing so. One possibility may be for individual country reports to include such information, possibly under a heading like “Cooperation with international financial institutions”, giving due consideration to the use or lack of participatory mechanisms and due regard for human rights in their dealings with these institutions. Another mechanism may be to require these institutions to make brief reports to be

appended to national reports or to be presented as independent contributions towards public discussions of international cooperation and support for PRSPs and the implementation of Millennium Development Goal strategies. Further study is needed to assess the unique position these organizations hold and their role in and effect on development strategies.

In today’s global economy, transnational corporations (TNCs) also have a very direct and major effect on the economies and development efforts in the countries where they work. They are significant players in flows of money to and from developing economies. Development discussions need to take up the activities and effects of TNCs on, for example, employment practices, the environment and general effects on the economies of host countries as well as on total inflows and outflows of currency and funds. Yet there is insufficient discussion of their role (again, positive or negative) in the context of international cooperation to implement the Millennium Development Goals. This is another gap in knowledge that needs to be filled.

TNCs are regulated under the laws of their countries of origin and those of their host States, as well as under international law, and while States of origin and host States both have responsibilities to ensure that they operate in a manner consistent with international human rights obligations, the accountability of TNCs is at times lost. There is a growing discussion in the general literature on the issue of corporate responsibility, and some of those companies are incorporating grant-making in their “social” activities. Donors’ and recipients’ Millennium Development Goal reports may also include information on the effects of activities of TNCs on the economy in general, on poverty reduction strategies and on the global partnership for development, especially where such activities have a particular positive or negative effect on the enjoyment of human rights in that country.

Broad plans such as PRSPs and United Nations Development Assistance Frameworks, articulated by national Governments in cooperation with United Nations agencies and sometimes with developed/donor countries, often exclude the voices of rights bearers and mechanisms to ensure their participation are rarely put in place. It may be useful to consider, at a national level, smaller-scale plans built around specific themes or goals, or articulated subregionally, which can be important cooperative ventures that voice the concerns of grass-roots communities and ensure their participation.

⁹ The issue was clear in the meetings of the Independent Expert on the right to development, Arjun Sengupta, with the World Bank, the International Monetary Fund and others, with different results. See the addendum to the fourth report of the independent expert (E/CN.4/2002/WG.18/2/Add.1), para. 48.

¹⁰ See “Study on policies for development in a globalizing world: what can the human rights approach contribute?” (E/CN.4/Sub.2/2004/18), prepared by S.R. Osmani for the high-level seminar on the right to development (Geneva, February 2004).

¹¹ IMF expressed doubts about the feasibility of a rights-based approach and accepted no accountability except to its Board of Directors, while the World Bank was already incorporating human rights elements into its work, although not in a comprehensive or systematic fashion. See the fourth report of the Independent Expert on the right to development (E/CN.4/2002/WG.18/2), paras. 16-35.

Such plans can bring into the effort the thousands of smaller donor agencies in the private sector or the international philanthropic community which often work with grass-roots communities and can marshal smaller funds for smaller projects. Small-scale plans can go a long way towards bringing together civil society organizations around the globe in global cooperation for implementing the Millennium Development Goals. Moreover, small-scale plans may well be components of the larger PRSPs, but both macro and micro levels need to be cognizant of human rights principles and the right to development. Donor agencies are well placed to bring a particular focus to participatory planning approaches, equity and non-discrimination. More importantly, the issue of accountability to the beneficiaries (rather than to Government) by private, non-governmental donor agencies can be broached as well. A critical vehicle in this regard is the Millennium Development Goals reporting by States, which could be considerably improved from the right to development perspective.

IV. Millennium Development Goals reports and the right to development

Using the right to development as a framework for poverty reduction and development strategies will necessarily require going beyond the traditional economic and social programme planning processes, which focus primarily on macroeconomic data that seem to serve a needs-based approach to development. It adds the idea that human rights are a matter of entitlements requiring a corresponding duty and legal obligation.

To do this would require policy decisions at the national and international levels. Programmes and plans need to be framed with added use of human rights language and the articulation of specific implementation mechanisms. Reporting on progress can also be crucial, not only in articulating approaches to the plans and monitoring systems, but also for enhancing knowledge of rights-based aspects and making them operational as part and parcel of the development process. The eight recommendations given below should be seen in that light: as proposals focusing primarily on the Millennium Development Goal reports as a mechanism not only to improve accountability, but also to push in the direction of incrementally strengthening the rights-based approach to implementing the Goals.

State reports on measures taken and obstacles encountered in realizing the Goals would benefit from introducing a human rights perspective, both in general and specifically relating to the right to development. Eight specific elements of such reporting are proposed below.

A. Making an explicit commitment

Specific references to human rights standards, principles and treaty commitments, including the right to development, need to be included in the Millennium Development Goal reports. By adopting the Declaration on the Right to Development, States have committed themselves, at least in principle if not in law, to implement development programmes in accordance with the human rights standards and norms referenced in the Declaration. This should also include information from States' outcomes of the Human Rights Council's universal periodic review process as well as the review of reports to human rights treaty bodies.

An important first step is that national and international parties involved in programmes and plans to achieve the Millennium Development Goals need to make an explicit commitment to a rights-based approach consistent with States' commitments under human rights law, and in promotion of the right to development. An explicit commitment would add specific procedures and mechanisms to ensure adherence to human rights principles and put into motion the necessary requirements for reviewing legislation, administrative procedures, accountability mechanisms and recourse. Explicit recognition of a right to development framework would also be invaluable in the arena of international cooperation, within which donor and recipient countries together articulate the mechanisms and procedures necessary for more effective action towards achieving the Goals.

One expression of commitment would be to finalize and disseminate widely the draft guidelines on a human rights approach to poverty reduction, which are specifically designed to aid States in using a human rights framework in development efforts and, in particular, achievement of the Millennium Development Goals. These guidelines need to be implemented whenever PRSPs or international development cooperation plans are conceived and reviewed. The preparation of reports should refer to and follow the draft guidelines as specifically as possible and the structure of Millennium Development Goal reports

should be amended accordingly in order to evaluate States' commitments to their implementation.

As the draft guidelines propose, adopting a rights-based approach would ensure total societal and international commitment to development. It would ease the implementation burden on Government to a significant extent by distributing responsibility for needed efforts between Government, civil society and international cooperation, and consequently also distribute accountability between them. A holistic approach to development is potentially much more successful with the full participation of all sectors.

B. Incorporating rights-based information

To make a rights-based approach operational, it would be important to encourage States to add a legal section to their reports. This can either take the form of describing the specific legal developments relevant to each of the Goals, or of a separate legal section that provides a comprehensive view of the legal environment. The latter approach would be more useful in making the connections between the enjoyment of social and economic rights on the one hand, and developments in civil and political rights legislation that enable or hinder efforts to implement the development goals on the other.

Such a section should include the country's treaty commitments and their effect on national legislation and practice,¹² but could also include information on prioritization of rights and perceived necessary trade-offs. The literature recognizes that despite the indivisibility and interdependence of rights, some trade-offs and prioritization are at times necessary. However, the draft guidelines remind us that care needs to be taken that progress achieved to date in the achievement of any of the rights should not be rolled back in favour of a particular—even temporary—strategy of increased allocations of resources or legislative focus on another right. Such temporary prioritization can be acceptable if it comes out of participatory processes as described above and if articulated consciously, with time limitations and a future-oriented outlook.

Requiring the inclusion of rights-related information in the reporting on progress in achieving the Millennium Development Goals, including goal 8, would also have the added benefit of necessitating

¹² See, for example, "UN common country assessment: embracing the spirit of the Millennium Declaration" (United Nations Egypt, 2005). The CCA for Egypt includes at pages 11 and 12 a helpful chart that defines Egypt's commitments under international human rights conventions within each of the Millennium Development Goals.

incremental changes in policies in the programmes and strategies themselves by both recipient and donor countries. A helpful chart was suggested by Phillip Alston, showing that each of the Goals was placed firmly within the relevant provisions of the International Covenant on Economic, Social and Cultural Rights.¹³ However, the reports themselves would need to take such a chart a step further and provide information on efforts made that combine the legal commitment to these provisions and the specific programmes and plans to implement the Goals.

C. Referring specifically to international human rights obligations and commitments

Assessing the progressive realization of economic, social and cultural rights is inseparable from assessing progress on civil and political rights. This connection is mandated by the Declaration on the Right to Development and human rights law generally, as well as the United Nations Millennium Declaration, and is part and parcel of the indivisibility of all rights and of States' obligation to respect, protect and fulfil all human rights. Bolstering a rights-based approach to achieving the Millennium Development Goals would require reference to the country's human rights treaty commitments and obligations in the Millennium Development Goal reports and information on significant developments in human rights practices in the country, not only those that have a direct bearing on the implementation of the Goals but more broadly as well. For example, societal participation in planning, implementing and evaluating development plans cannot take place without freedom of expression, association and participation in the conduct of public affairs, and ensuring equal and non-discriminatory access to health and education requires equal access to justice and due process of law.¹⁴

A further element of human rights information in the reports is the inclusion of references to equality and non-discrimination, including information and data on disparities and unequal enjoyment of services and rights. The importance of disaggregating data cannot be overemphasized as an indicator to help assess

¹³ Phillip Alston, "A human rights perspective on the Millennium Development Goals", paper prepared as a contribution to the work of the Millennium Project Task Force on Poverty and Economic Development, p. 31. Available at www2.ohchr.org/english/issues/millennium-development/docs/alston.doc.

¹⁴ The events in Egypt, Libya, Tunisia and much of the Arab region in early 2011 vividly illustrate the point. Years of non-participatory economic policies and severe restrictions on civil and political rights resulted in the popular revolts that have unseated rulers and Governments and shaken the region from Morocco to Oman.

compliance with the overriding principle of equality and non-discrimination. However, it is insufficient to review data and point to clear disparities without reference to efforts to identify the causes of and barriers to overcoming those disparities. In this context, more specific information is required on the structures of discrimination that generate and sustain poverty, including laws and discriminatory procedures and efforts or plans to counter such discrimination, including legal and administrative reform, and, perhaps more importantly, enforcement measures for existing legislation to guarantee equality and prohibit discrimination.

D. Defining the nature of States' legal obligations and making them operational

A rights-based approach would require thorough review of relevant laws and their implementing procedures to make possible an adequate human rights assessment of the legal framework governing development efforts as a whole as well as progress on each of the Millennium Development Goals.

Human rights obligations are generally understood to be threefold: to respect, protect and fulfil. Analysis of these three types of obligation is abundant elsewhere, but in legal terms, the most difficult to quantify and concretize is the area of economic, social and cultural rights and, by extension, the right to development. We are aided in clarifying this by the International Law Commission which defined this type of legal responsibility as an "obligation of conduct", a concept that may serve as an effective measure of States' fulfilment of their responsibility to do everything possible within available resources to implement the Goals.¹⁵ Under what is understood as an obligation of conduct, States would have to show that they are in fact working progressively towards the realization of economic, social and cultural rights, defined not only by relevant instruments of a legally binding nature but also by the Declaration on the Right to Development and by the clear benchmarks and targets provided by the Millennium Development Goals. Awareness of this concept and its inclusion as a measure for evaluating progress on the right to development in the achievement of the Goals—regardless of its legal import at this point—is directly relevant to accountability; it provides a focus for evaluation processes and strengthens future reports.

¹⁵ "Obligations of conduct" and "obligations of result" were proposed by the International Law Commission in articles 20-21 of the Draft Articles on State Responsibility. See *Yearbook of the International Law Commission 1977*, vol. II (Part One) (United Nations publication, Sales No. E.78.V.2 (Part I)).

An obligation of conduct assumes the existence of monitoring mechanisms that constantly check results against plans and programmes, reviews plan adjustments to gauge the "effort" as needed and keeps track of results from one point in time to another. The capacities for monitoring and evaluation are already developed, but the legal obligation approach would require adding an element of accountability, or a judgement of "conduct" defined as efforts made by the State, whether by commission or omission, towards achieving development results in the various sectors.

Fulfilling the legal obligation of conduct would also require a progressive increase in and effective allocation of resources, an element already subsumed in human rights law and discussed under section F below. Here it would be extremely useful to add to the reports more specific information that tracks changing budget allocations over time, describing or justifying the rationale behind increasing or decreasing budget allocations for any particular programme or target. Such a budget analysis approach is relevant for both recipient countries and donor countries alike. For the former, the tracking over time of percentages of State budgets going towards the implementation of a Millennium Development Goal target, whether increasing or compared to military spending, for example, would be a clear indicator and basis for assessing that State's legal obligation of conduct.

E. Reporting on participatory mechanisms

Millennium Development Goal reports should also contain information on the participation by civil society organizations, academics and other stakeholders in the development and implementation of strategies and plans to achieve the Goal and whether any institutional mechanisms are in place to ensure such participation.

States would need to report on the participatory mechanisms employed to ensure that the widest possible sectors of their populations were represented and contributed to the articulation and implementation of plans and projects designed to achieve development. This would enhance the political legitimacy of these plans, nationally and internationally, and ensure a nexus of efforts from all sectors to achieve results. Similarly, the process of monitoring and evaluating progress needs to be as participatory as possible. Such mechanisms were indeed used in several countries to varying degrees, and may include:

Subregional and local meetings, of a public nature or in committees, with target populations and beneficiaries of development efforts under the various Goals, with special consideration given to including marginalized populations and empowering them to participate as effectively and fully as possible. Internet technology has also created new possibilities for inclusion.¹⁶

- Reliance on academic and research centres to undertake the necessary baseline research to inform such plans and to take part in the monitoring and assessment thereof
- Reliance on non-governmental and civil society organizations to provide input to plans, encouraging them to share their experiences in working directly with target populations and beneficiaries “on the ground”, and as implementing partners for State-sponsored or internationally supported projects as well as monitors of progress

F. Reviewing international cooperation and making it more effective through budget lines

Millennium Development Goal reports should also contain information on efforts to progressively realize the right to development and economic, social and cultural rights through the allocation of resources. Human rights law recognizes that the realization of most economic and social rights can take place progressively and within available resources. State policies need to be demonstrated through legislation and comprehensive programmes bolstered by steadily increasing and targeted allocation of resources.

For international cooperation more generally, the United Nations Millennium Project found that if the previous commitment of rich countries to allocate 0.7 per cent of their gross national income (GNI) to official development assistance were fulfilled, the total would “provide enough resources to meet Millennium Development Goals”.¹⁷ The 0.7 per cent target is already serving as a guideline for development cooperation, despite generally poor adherence. Comparative global budget analyses even within this target can also be made. See, for example, Oxfam’s assessment in 2000 that an added \$8 billion annually would ensure

universal primary education, a figure that is equal to only four days of global military spending.¹⁸ To encourage countries to reach this target, it may be useful to add a specific budgetary element to the Millennium Development Goal reports showing developments over time in terms of amounts of support going to different Goal-implementation programmes. This could be done in tabular format under each of the Goals, for example, or appear in the body of the analytical text under the section “Supportive environment”. Such a presentation within the reports would facilitate a budget analysis approach to efforts made by Governments together with the international community in the context of development partnerships. However, more specific and pointed information would be needed in order to meet the requirement of article 7 of the Declaration on the Right to Development, which says that States should do their utmost to achieve disarmament and consequently release resources for comprehensive development. This could be achieved by ensuring the inclusion of information on shifting resources over time from armament to development in the budget allocations of developed and developing countries.

G. Including information on refugees, internally displaced persons and other vulnerable populations

According to the Office of the United Nations High Commissioner for Refugees (OHCHR), in 2009 “developing countries hosted 8.3 million refugees, or 80 per cent of the global refugee population. The 49 least developed countries provided asylum to 1.9 million refugees”.¹⁹ Many of these countries are included in the list of Heavily Indebted Poor Countries (HIPC), where those vulnerable groups have the greatest impact in terms of effect on local economies. With a human rights framework, these populations must benefit from any development efforts aimed at poverty reduction and the guarantee of basic human rights, and should be seen as potential contributors to their host economies as well as beneficiaries of international aid. It is strongly suggested here that information on vulnerable populations, especially refugees, internally displaced persons and migrants, be included in the Millennium Development Goal reports and in national and international poverty reduction strategies.

¹⁶ For a discussion on the principles and elements of effective inclusion, see E/CN.4/Sub.2/2004/18.

¹⁷ United Nations Millennium Project, “The 0.7% target: an in-depth look”. Available at www.unmillenniumproject.org/press/07.htm.

¹⁸ Lewis Machipisa, “Education-Africa: calls for global campaign to abolish primary school fees”, *Inter Press Service*, 6 December 2000. For more comparative figures, see the chart “Worlds apart”, in *Duties sans Frontières: Human Rights and Global Social Justice* (Versoix, Switzerland, International Council on Human Rights Policy, 2003) p. 5. Available at www.ichrp.org/files/reports/43/108_report_en.pdf.

¹⁹ Office of the United Nations High Commissioner for Refugees, *Statistical Yearbook 2009: Trends in Displacement, Protection and Solutions* (Geneva, 2010), p. 20.

H. Insisting on good governance, anti-corruption measures and strengthened accountability

Finally, the Millennium Development Goal reports would benefit and would contribute to realization of the right to development if they contained information on anti-corruption and accountability measures. "Keeping the promise: united to achieve the Millennium Development Goals", the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals at its sixty-fifth session (the "Millennium Summit"), held in September 2010, stresses that "fighting corruption at both the national and international levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger and sustainable development". The document further stresses that "urgent and decisive steps are needed to continue to combat corruption in all of its manifestations, which requires strong institutions at all levels".²⁰ One of the ways anti-corruption measures can be promoted is for donor and recipient country reports on goal 8 in particular to be more forthcoming in providing information on promoting the implementation of legal reforms that strengthen good governance in the interest of achieving the Millennium Development Goals. While this may raise the spectre of "conditionality", which has long been debatable as a criterion for aid, the right to development framework with its provisions on mutual responsibilities would go a long way towards strengthening such reforms. State reporting under the Goals should also take into account reports provided by civil society and human rights organizations on legal, constitutional and political reforms and practices that have a direct bearing on human rights in all arenas. Information provided in these reports and in State and shadow periodic reports submitted to human rights treaty bodies would be extremely useful. The universal periodic review of the Human Rights Council also offers an excellent platform to report on the nexus and interdependence of governance, development and human rights and, in particular, the battle against corruption.

In addition, the Millennium Development Goal reports should contain information on the existence and effective use of accountability mechanisms. By broadening the scope of participation and discussion, the reports would make possible public accountability

as well as the political legitimacy of the programmes and plans. The draft guidelines include accountability as "the most important source of added value" and consider it "an intrinsic feature of the human rights approach that appropriate judicial and non-judicial mechanisms for ensuring accountability are made use of and built into any poverty reduction strategy".²¹ Specific accountability mechanisms, however, are difficult to articulate in the process of achieving the Millennium Development Goals, given the number of actors and the variety of requirements and roles that they must fulfil. Therefore, accountability has to be disaggregated in the same way as development indicators so that responsibility for smaller pieces of the development puzzle can be defined and clarified. The purpose of accountability is twofold: to allow for periodic review of plans and strategies and their implementation, and to hold those responsible to account for failure or success in executing their responsibilities. The draft guidelines go on to define four categories of accountability mechanisms: judicial, quasi-judicial, administrative and political.²² The Millennium Development Goal reports themselves are a form of accountability in that they allow public discussion and evaluation of the efficacy of their strategies and actions, as well as an opportunity for corrective action.

At the national level, civil society groups and individuals may choose to pursue accountability through the judicial system and the courts, particularly on specific human rights and where issues of discrimination in development policies are concerned. Quasi-judicial institutions such as national human rights institutions, ombudsmen or similar bodies of a semi-official or public nature may also be important addresses for directing complaints and demanding public accountability at the national level. It is more difficult, however, to gauge the accountability of donor countries under a right to development framework. Donor countries are accountable at three levels: (a) to their parliaments, taxpayers and national priorities; (b) to global development efforts and international agreements they make in the context of international cooperation arrangements such as the Millennium Development Goals; and (c) to bilateral agreements they make with specific recipient countries. Those three levels of accountability certainly intersect, but it is important to ensure that accountability under one level does not serve as an excuse to evade accountability under another.

²⁰ General Assembly resolution 65/1, para. 52.

²¹ Draft guidelines, para. 31.

²² OHCHR, *Principles and Guidelines*, para. 76.

Accountability becomes critical when considering the requirement of participatory mechanisms for empowering recipient countries to articulate their own priorities for development. While bilateral development aid is perhaps more amenable to joint planning between donor and recipient States than multilateral arrangements, donor Governments' accountability to their own taxpayers may preclude the surrendering of decisions on the disposition of development aid to a committee process that may include non-citizens. States' international commitments over the past two decades, including at the Millennium Summit and subsequent international meetings, have gone a long way towards softening sovereign decision-making in favour of global cooperation. The Declaration on the Right to Development, with its sets of complementary responsibilities and duties, can serve to further soften the asymmetrical power relationship in this regard.

The question of accountability becomes even more complicated when we consider the role and effect of multilateral international organizations like the United Nations agencies, funds and programmes and international financial institutions like the World Bank, the International Monetary Fund and regional development banks. In addition, non-governmental and quasi-governmental philanthropic organizations act as both independent donors and as conduits for governmental aid that bypasses bilateral and even multilateral political processes to some extent. All those entities need to be accountable under a rights-based approach, but the mechanisms for doing so are less direct and more complicated.

The Charter of the United Nations mandates respect for human rights, and United Nations agencies, funds and programmes are in fact expected to adopt a rights-based approach to development and to mainstream human rights in all their work. Their accountability mechanisms are internal and public at the same time, and one may assume that the participation of the United Nations country teams in work-

ing with Governments on their poverty reduction strategies and in reporting on progress made constitutes one arena where accountability can be measured.

V. Concluding remarks

The practical strategy proposed in this chapter is to incorporate the above elements, drawn from the Declaration on the Right to Development and human rights requirements, into the required reporting by States on implementation of the Millennium Development Goals. The purpose, however, is not the reports in and of themselves. Rather, it is to encourage the adoption of economic, social and political strategies that the human rights framework has ascertained to be necessary for the success of any development goal.

All policies at both the global and national levels have social, economic and political impact, positive or negative. Global wisdom has concluded and continues to conclude that the adoption of a right to development framework is much more likely than not to achieve the desired positive impact.

The popular revolts that rocked North Africa and the Middle East in early 2011 have driven this point home to great effect. People revolted in frustration against unaccountable Government, ineffectual economic policies, rampant corruption and the exclusion of the intended beneficiaries of development from any participation in the debates on public policy. Their frustration was sharply exacerbated by poor governance records and severe restrictions on the exercise of civil and political rights by the population. Those protests spoke much louder than any study on the need to incorporate a rights-based approach in development policies and on the intricate interweave of economic, social, cultural, civil and political rights. They demonstrated the stark reality of the dangers of not adopting a people-centred development framework, as the Declaration on the Right to Development stipulates.