



## **'The Millennium Development Goals: Who's Accountable?'**

A joint project between OHCHR and CESR

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### **Concept Note**

#### **Background**

Global summit goals, it is often said, are easily set but seldom met. With time ticking rapidly towards the 2015 MDGs end date, we confront a challenging but compelling question: Why are the MDGs, intended as a feasible framework for global poverty reduction, still a distant dream for so many of the earth's inhabitants?

Successive High Commissioners for Human Rights have described poverty as one of the gravest human rights issues in the world. Pursuing economic, social and cultural rights and combating poverty remain a key thematic priority of OHCHR for 2010-2013, and beyond. OHCHR's engagement with the MDGs began in 2001, and has since moved from a conceptual to a more operational approach, targeted at and building bridges between global advocacy and policy interventions and country engagement strategies, including a range of products targeting different audiences. The centrepiece of OHCHR's advocacy to date has been the "Claiming the MDGs" publication in 2008, which—along with commissioned economic and thematic background papers—provided a conceptual framework, focus and source material for much of OHCHR's advocacy and communications effort leading up to the 2010 MDGs Summit. However, as a relatively small player in a large development field, OHCHR has relied extensively on partnerships with key actors in the UN system and civil society.

The Center for Economic and Social Rights (CESR) has been one of an increasing number of NGOs who have critically engaged with the MDGs as a potential vehicle for the realization of human rights, in particular economic and social rights. In partnership with national civil society groups, CESR has woven the MDG goals and targets into a broader framework for holding states to account for their efforts to fulfil economic and social rights, including their use of financial resources. CESR has also worked to promote greater collaboration and exchange between human rights and development NGOs, building on the synergies created in the lead up to the 2010 MDGs summit.

Following the success of efforts to integrate human rights within the process and outcomes of the 2010 MDGs Summit, the target for OHCHR's advocacy has switched to supporting the UN system's and national partners' efforts to integrate human rights within MDGs-related campaigning, with the 2015 end-date in view, as well as country-level technical support. At the same time, CESR and other civil society groups and networks worldwide have also been calling for a participatory and inclusive

process of consultation to inform the post-MDG framework of commitments. The debate on the shape of the post-2015 development agenda is of course already actively underway along many tracks, at global and country levels. It is vital that OHCHR, CESR and the broader human rights community position themselves in these debates in a proactive, clear and distinctive manner, building upon past achievements, but focusing on gaps that will not be picked up on as effectively by other actors.

### **MDGs – progress, gaps and lessons learned**

The MDGs had modest beginnings, hatched behind closed doors in the wake of the 2000 Millennium Summit, as a means of distilling and creating a global monitoring and communications platform around a small number of important, quantifiable and monitorable human development commitments. Yet their impacts at global policy level, and to less clearly ascertainable degree at county level, have far exceeded the hopes of their originators.

However as 2015 draws closer in view, we are confronted with some troubling contradictions. While the reduction in headcount poverty is indeed impressive, to what extent is this progress truly attributable to the MDGs? After all, while the MDGs were agreed in 2000, the 1990 baseline year meant that progress in reducing income poverty could take into account the effects of rapid economic growth in a few emerging economies during the 1990s, based on public policies that predated the MDGs. To what extent can we really take pride in achieving target 7.D on “improving the lives of 100 million slum-dwellers” prior to the 2015 end-date, when the original target was patently un-ambitious and did not address secure tenure? And what should we make of the fact that inequalities have actually increased for most MDGs, for most countries, since the year 2000? Has the MDGs framework, or alternatively, the way that it has been understood and applied by States and the international community, helped or hindered us in these respects?

These are vexing questions, to which there are no easy answers. Yet the time of reckoning is now, as we take stock of lessons learned for the post-2015 development agenda. For their proponents, the MDGs heralded a major break from the unenviable track record of prior global development promises. The MDGs embody an unprecedented international consensus on poverty reduction as a shared global enterprise, framed around a limited set of quantifiable targets and commitments against which both developed and developing countries could be held to account. The MDGs call for increased investments in critical areas of human development, overlapping with several important social rights. Whatever their shortcomings, the MDGs have undoubtedly had a very significant impact upon the global development discourse, and to some extent also at the level of national development policies and aid flows. Inter-sectoral development work has reportedly improved as a result of the MDGs, as has the availability, quality and comparability of human development statistics as the basis for evidence-based policy making and more reliable tracking of progress across countries. The latter factor – improved data quality and statistical analysis – is a foundation stone for improved accountability.

But there are also some serious problems in both the formulation and implementation of the MDGs. The formulation problems include not only the income poverty and slum-dweller targets mentioned above, but also allegations about the narrowness of the gender equality targets, sufficient attention to discrimination, inequalities and data disaggregation, rubbery statistics for various MDG indicators, the failure of the water and sanitation indicators to measure quality of services, and the lack of time-bound targets for donor commitments under MDG 8. Not all criticisms are easily reconciled: for example, while many argue for additional goals (for example, in connection with social security, civil and political rights, or the productive sectors), others counter that “less is more”, and that a small

global list conforms better with data constraints, statistical requirements and the broader communications and advocacy objectives of the MDGs.

As to the implementation challenges, one of the most serious problems has been how to prevent the MDGs being colonised or hijacked for extraneous policy motives. The economic growth and aid lobbies have, rightly, been lightning rods for this kind of criticism, belying the controversies and complexities of the relationships between growth, aid, equity and the MDGs in the empirical literature and in practice. The MDGs have been misused in other ways as well. While many countries have appropriately tailored the (global) MDGs to national conditions, priorities and resource constraints, many others have not. The failure to adapt or tailor the MDGs, and the misappropriation of global goals as national planning targets, has led to perverse and misleading generalisations about MDGs “winners” and “losers.” Sub-Saharan Africa as a whole is often characterised as being “off-track,” irrespective of individual countries’ respective starting points, resource constraints, commitment levels and fiscal and policy efforts. These arguments have been well-rehearsed elsewhere, and need no belabouring here. But clearly, an explicit, shared agreement about the purposes, parameters and limits of global development goals should be front and centre of negotiations towards the post-2015 development agenda.

The international community, and many national governments, have recognised human rights shortcomings and have sought to respond. At the national level, this can be seen in efforts to align MDG targets and indicators with human rights treaty requirements, and collect disaggregated data on the most marginalised groups of people. Ecuador is a good example of this, adding specific indicators and collecting data on MDG progress for women and indigenous populations, disaggregated by region. At the global level, the analyses and reports of the United Nations, including, notably, the 2011 report of the UN Secretary-General, are increasingly taking explicit account of human rights considerations, urging a focus on non-discrimination and equality. At the sectoral level, in May 2011, multilateral and bilateral donors in the water and sanitation sector resolved to integrate the substantive criteria of the human rights to water and sanitation into the post-2015 global monitoring arrangements in those sectors. Human rights criteria, to some extent, have also been reflected in the monitoring framework for the UN Commission on Information and Accountability for Women and Children’s Health, the body established to review financial flows and commitments under the UN Secretary-General’s Global Strategy on Women and Children’s Health, a flagship initiative of the September 2010 High Level Plenary Meeting on the MDGs (“MDGs Summit”). Significantly, the 2012-2016 corporate strategy of the Global Fund to Fight AIDS, Tuberculosis and Malaria includes specific commitments and policy guidance on human rights in connection with Fund-supported programmes related to MDG 6, with an explicit focus on most at-risk populations.

The MDGs Summit Outcome Document itself contained a raft of explicit human rights commitments, unprecedented in their number and specificity. The MDGs Summit Outcome was not, perhaps, the clear roadmap that many policy-makers might have hoped for. Nevertheless, prior to the Summit, inter-governmental consensus on human rights and development had been difficult to achieve beyond a modest common denominator. Certainly, member States had never previously agreed that human rights were indispensable to efforts to achieve the MDGs. The outcome document reads like a check-list for a human rights approach to achieving the MDGs, calling for (among other things) setting targets for universal access to social services, addressing root causes of access problems, promoting affordable and quality services, ensuring adequate participation and non-discrimination, implementing human rights treaty obligations relating to discrimination and violence against women, collecting disaggregated data that may reveal patterns of exclusion, among other many other related measures. The Summit’s human rights consensus has since been validated in the most

eloquent terms in the popular uprisings in various Middle Eastern and northern African countries, some of which had been star performers in MDGs terms.

These commitments, if implemented, would fill significant gaps in the MDGs framework, reinforcing the goal of universal access and helping to redress the inequitable and unsustainable pattern of MDG progress to date. Moreover by explicitly recognising some of the basic *human rights* underpinning the MDGs, the international community has recognised that the MDGs – tailored as appropriate to national conditions – should not be considered a matter of charity, or *noblesse oblige*. Rather, if the Summit commitments were intended to be taken seriously, nationally tailored MDGs, set through participatory processes, should be regarded as a matter of entitlement for individuals and communities, and a matter of obligation for national authorities and so-called “duty-bearers” under international human rights law. This would be a major mind-shift, compared with how the MDGs have been understood until now.

The key inquiry therefore, and the subject of the OHCHR/CESR project, becomes: Who is responsible for ensuring the achievement of the MDGs, tailored as needed to the national level? How are responsibilities to be defined and assured in practice? And if goals and targets, agreed through legitimate and inclusive processes, are not achieved, are there to be any consequences? Is *non-achievement* a matter of such importance that particular persons, authorities or institutions should be held to account? Should marginalised groups, especially those suffering discrimination, be entitled to any kind of redress? If so, what kind of redress, under what circumstances, and according to what principles and kinds of accountability mechanisms?

This may appear an intimidating, and perhaps confronting, set of inquiries, the kind that one seldom sees in the dominant MDGs and international development narratives which more commonly rely on positive incentives and scaleable “good practices.” Of course, this is not to impugn methodologically rigorous good practices, or the powerful influence that positive incentives may have. But the key point and premise for present purposes is that *all kinds* of potentially effective incentive mechanisms must be identified, understood and implemented if human development targets, aligned with human rights, are to be realised in an equitable and sustainable manner at the national level, backed by more effective monitoring and a more supportive policy environment at the global level. Sticks can be as effective as carrots, and often both are needed in practice.

This premise is all the more compelling in light of the right to an effective remedy for violations of human rights under international law. Sometimes, but by no means in all cases, backsliding or inequitable progress towards the MDGs may constitute a violation of international human rights standards. This could be through *action*, for example where slum clearance policies are implemented in order to achieve MDG target 7.D, or *omission*, where policy-makers focus only on the “lowest hanging fruits” to the sustained neglect of groups without any political voice. In many such circumstances, individuals should be entitled to redress, and duty-bearers should be held to account. Experience and empirical evidence show that human rights claiming mechanisms can be extremely effective, with life-saving potential on a large scale. MDGs progress, on any defensible definition, may be unachievable otherwise.

“Accountability” is the *leitmotif* of human rights approaches to development; however it can mean many different things to different people. Under global administrative law, accountability requires that administrative bodies meet adequate standards of transparency, participation, reasoned decision, legality, and provide effective review of their decisions. For present purposes, drawing from principles of public administration, human rights and global administrative law, “accountability” refers to policy-makers and other duty-bearers being held to transparent and objective performance standards, informed by international human rights law, against which they

are answerable to those affected by their decisions and actions. The two closely related purposes of accountability, under this definition, are to improve policy-making on matters relating to the MDGs, and ensure that those whose rights are infringed have timely and effective redress. "Accountability", in these terms, should be understood as a policy outcome in and of itself, as well as a prerequisite for the achievement of the MDGs other desirable policy outcomes.

## **Meeting objectives**

Within the framework outlined above, OHCHR and CESR are jointly developing a new advocacy publication: *"The Millennium Development Goals: Who's Accountable?"* The publication aims to position human rights within policy debates and international negotiations leading towards the 2013 Special Event on the MDGs and the 2015 MDGs end date, with a particular focus on accountability, and to integrate human rights more effectively within national MDG-based development strategies and monitoring and evaluation systems. The publication will serve as one key advocacy output within a longer-term communications strategy involving UN and civil society partners.

The publication will aim to identify accountability gaps in the existing MDGs policy and monitoring and evaluation systems, and explain how human rights standards, principles, instruments and mechanisms can help to fill those gaps. Therefore, this expert consultation will focus on human rights accountability principles and mechanisms relevant to the MDGs, informed by background analytical document circulated to participants in advance of the meeting. The meeting will draw from the perspectives of a range of human rights and development practitioners from the UN, international institutions, academia and civil society. It will provide a forum for structured critical review of the issues highlighted in the background document, prioritising a small set of policy and methodological questions for more focused discussion and, as needed, further research. The meeting and the structure of sessions will allow plenary and working group deliberations on key guiding questions relating to the following issues:

*What are the lessons-learned from the MDGs in the evolving global development context?*

*What does accountability mean in human rights terms, and why is it important?*

*Who should be accountable for what and to whom?*

*What are the roles of different accountability mechanisms (judicial, quasi-judicial, parliamentary, administrative etc.) and what are their implications for efforts to achieve the MDGs?*

*How can 'human rights accountability' mechanisms and processes help to strengthen incentives and accountability for the achievement of the MDGs, and what 'good practices' can be identified?*

*What issues might usefully be prioritised for further research?*

*What kinds of substantive, technical and statistical parameters might be relevant in helping to frame wider consultations towards the post-2015 development agenda?*

## **Outcomes and way forward**

Outcomes and recommendations of the meeting will feed into a revised version of the draft publication, which will be finalised during the first half of 2012, with the benefit of additional research on specific themes to be identified at the meeting itself. The main ambition with respect to this expert consultation and joint OHCHR/CESR publication is not necessarily to directly influence, much less pre-empt, the broad post-2015 policy landscape and institutional parameters and scenarios. Rather, the more modest ambition is to identify and analyse rationales, principles and mechanisms of accountability, in human rights terms, that may ratchet up the incentives and prospects for delivering on whatever post-2015 commitments or goals might eventually be agreed through appropriately inclusive processes of deliberation.

The planned launch date for the publication will be in the final quarter of 2012, within a wider UN/civil society communications campaign. The intended beneficiaries of this project are policy-makers, development and human rights practitioners at global and national levels involved in efforts to integrate human rights into MDG-based development strategies, as well as State institutions and civil society organizations involved in the monitoring and evaluation of development strategies and policies.

OHCHR & CESR  
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