



CENTER FOR ECONOMIC AND SOCIAL RIGHTS

SOCIAL JUSTICE THROUGH HUMAN RIGHTS

**President of the General Assembly Interactive Dialogue on “Elements for a Monitoring and Accountability Framework for the Post-2015 Development Agenda”**

**1 May 2014**

*Intervention by Ignacio Saiz, Executive Director, Center for Economic and Social Rights (CESR) on the panel ‘Concepts for a New Accountability Framework for a Post-2015 Era’*

Mr President, Madame Chair, many thanks for the opportunity to be part of this discussion on accountability in the post-2015 agenda. This issue has been of central concern to my organization and to many others in the human rights community, including the Office of the High Commissioner for Human Rights, with whom we published a [study](#) on this topic last year.

As recognized by the Secretary General during the 2010 MDG review, the absence of accountability has been perhaps the most pervasive and damaging of all the shortfalls of the current MDG process. Given the opportunity that the post-2015 process represents, our joint project with the High Commissioner’s Office sought to analyze these accountability gaps from a human rights perspective, and explore how the instruments and mechanisms of human rights could help to address them this time around. I want to briefly share some of the insights from this work of relevance to this discussion on “concepts”.

Drawing on the literature on accountability in public administration, we defined accountability in this context as the obligation of policy decision makers and other development actors to take responsibility for their actions, to answer for them to those affected by their decisions, and to be subject to enforceable sanction if their conduct or explanation for it is found wanting.

We looked at these three constituent elements - **responsibility, answerability, enforceability** – from a human rights perspective. As a normative framework defining the accountability relationship between governments as primary duty bearers and the people as rights holders, human rights have much to contribute to our understanding of each of these three elements.

Firstly, human rights can help define the respective **responsibilities** of governments and other actors in the development process. Human rights standards set out in detail the specific obligations that should inform the conduct of governmental institutions mandated to realize everyone's right to health, education, housing and other economic and social rights essential to a life with dignity. But they also shed light on responsibilities above and beyond the state. The emphasis in the MDGs on the "shared responsibility" of states, international institutions, the private sector and civil society has tended to obscure the task of identifying more precisely the differentiated responsibilities of these different actors on the development stage.

One of the most persistent accountability deficits highlighted in the study is the difficulty of holding wealthier countries to account for their responsibilities under the global partnership for development envisaged in MDG8. Framing these transnational responsibilities in human rights terms in the SDG framework would underscore the responsibility of all states to ensure that their policies and practices in such areas as trade, investment and tax policy do not undermine human rights beyond their borders. Given the prominent role being given to the private sector in discussions around partnerships and means of implementation, its responsibility to respect and do no harm to human rights and the environment must also be more clearly inscribed in the new framework. The UN Guiding Principles on Business and Human Rights offer an important but as yet under-utilized reference point for this.

In terms of the second dimension of accountability, human rights set out the civil and political freedoms that must be safeguarded if conditions for **answerability** are to exist and flourish. If ordinary people, particularly those living in poverty, are to hold those in power answerable to their post-2015 commitments, they must be able to exercise basic freedoms of assembly, association and expression, as well as the right to access relevant information on how policy decisions are made and resources allocated. Our study found little evidence that the MDGs had fostered answerability in this way. Indeed over the MDG period human rights advocates in many parts of the world have reported increased restrictions on these rights, with those working on development and environmental issues often at particular risk of repression. There is a widespread perception that the MDGs have more often served to hold developing countries answerable to donors, than to hold all governments answerable to the people.

This speaks to the importance of including commitments to responsive governance in the substantive content of the post-2015 framework, as OWG members and civil society groups worldwide are proposing. It also demands that the post-2015 infrastructure for implementation enables meaningful citizen participation in monitoring and interrogating development-related policies. There has been much interest in the use of innovative social accountability tools and data technologies in this regard. But the transformative potential of the data revolution will depend on the extent to which it enables individuals and communities facing deprivation to mobilize in defence of their rights and to demand answers from decision-makers.

This brings us to the third dimension, **enforceability**. The human rights framework includes not only normative standards, but an array of institutions at the national, regional and global levels through which accountability to them can be enforced. While the post-2015 architecture must include new and effective mechanisms specifically created to monitor progress towards the agreed goals, accountability can also be enhanced by ensuring that existing mechanisms, including administrative, legislative, judicial and human rights bodies, are more effectively engaged in reviewing efforts to meet these commitments.

As accountability is primarily enforced at the national level, our study surveyed the actual and potential role of parliamentary bodies, constitutional courts, national human rights commissions and administrative grievance procedures, among others, in playing a range of accountability functions, including monitoring development outcomes, reviewing policy efforts, scrutinizing resources and providing accessible means of redress to those whose rights are infringed in the development context. We also highlighted good practice in the work of regional peer review mechanisms and international human rights oversight bodies, as well as in some of the existing MDG-specific mechanisms, such as the Commission on Information and Accountability on Women and Children's Health, whose rights-centered and multi-layered approach to accountability could be a model to draw on in the post-2015 framework.

At the international level, where we found the greatest gaps in the existing human rights and MDG accountability infrastructures is in the capacity to enforce states' obligations of international cooperation, and to ensure their policies do not undermine human rights beyond their borders. While extraterritorial human rights obligations provide a normative yardstick for global policy coherence, effective mechanisms for giving effect to these are sorely lacking.

What is clear is that the accountability framework should be seen not as monolithic but as a web or ecosystem addressing different spheres (global, regional, national and local), different actors (states, international institutions and the private sector) and different functions (monitoring, reviewing and providing remedies), as well as potentially focusing on different sectoral goals (such as health, water and sanitation).

The legitimacy of the SDG accountability infrastructure will hinge on its effectiveness in spurring all development actors to answer to their differentiated responsibilities. Framing the new development commitments as a matter of human rights obligation -- and bringing the mechanisms of human rights enforcement to bear in assessing compliance -- are surely among the most powerful ways to incentivize their achievement.

ENDS