

MILLENNIUM DEVELOPMENT GOALS SUMMIT

An opportunity lost to align development goals with human rights standards?



Photo: UN/Kibae Park

The 2010 General Assembly high-level segment was devoted to assessing progress towards the realisation of the Millennium Development Goals (MDGs).¹ Member States unanimously agreed to these eight goals in 2000 when world leaders came together at UN headquarters to adopt the UN Millennium Declaration. With only five years remaining before the 2015 deadline for achievement of the MDGs, the high-level segment (or MDG Summit) was intended as a way of taking stock, identifying gaps, and agreeing on concrete strategies for action. The Secretary-General's report, *Keeping the Promise*, called for a new pact to accelerate progress, and provided a basis for negotiation amongst States.² Negotiations, which provided limited opportunities for NGO input, began in June 2010 and were finalised by States in early September. The Outcome Document was formally adopted by the General Assembly on the final day of the MDG Summit (22 September 2010).

There were several early signs the Outcome Document from the Summit would disappoint human rights defenders. For example, human rights organisations were critical of the minimal and very general references to human rights in the first draft (called the 'zero draft') of the document that was released in June.³ The concerns were shared by the High Commissioner for Human Rights, who made critical remarks at a public roundtable event in New York on 1 July 2010. According to her analysis of the negotiations, it was evident States were treating human rights as 'a complicating factor, rather than the guiding principles for the international community's actions'. She reminded States that a human rights-based approach 'demands a long overdue alignment of the MDGs with human rights standards'. She suggested the principles of non-discrimination, meaningful participation and accountability, should 'permeate and inform each and every MDG'.

NGO INPUT AND RECOMMENDATIONS

NGO input into the MDG review process was through informal channels, and their messages were filtered and consolidated by the UN Secretariat. The main entry point to influence the negotiations was NGO participation at the 'informal interactive hearings' at UN Headquarters on 15-16 June 2010.⁴ However, the ability to make statements during the hearings was restricted to 46 invited representatives of NGOs in consultative status with the Economic and Social Council (ECOSOC), other civil society organisations, and the private sector. Many of the 500 plus NGOs and civil society organisations who were present as observers were disappointed by the poor attendance of Member States at the hearings. They interpreted this as an indication of States' low level of interest in the messages from civil society.

The President of the General Assembly produced a summary of the NGO hearings to 'assist Member States' in their preparations of the Summit.⁵ It emphasised the view among NGOs that human rights are at the core of the MDGs. NGOs made a number of recommendations to the General Assembly, which were reflected in the President's summary, including that States should:

- 1 The MDGs focus on reducing extreme poverty, improving health and education, and environmental sustainability, to improve the lives of the world's poorest populations. More information is available at www.un.org/millenniumgoals/.
- 2 The report was released in March 2010, and is available at <http://bit.ly/f4TsX6>.
- 3 The 'zero-draft' is available at <http://bit.ly/hTILzH>.
- 4 In addition, the UN's Non-Governmental Liaison Service (NGLS) organised a global online civil society consultation in advance of the hearings. More than 160 organisations took part in these consultations. NGLS prepared a compilation report of these contributions entitled *Toward a Global MDG Breakthrough Plan*, which was condensed into an executive summary that was distributed to all Member States as a Conference Room Paper during the hearings. More information is available at <http://bit.ly/hWmbxy>.
- 5 The President's summary of the informal hearings is available at <http://bit.ly/hWmbxy>.

- Strengthen the role of existing national and international human rights accountability mechanisms so they can monitor and hear complaints on human rights violations. Governments should report on their MDG performance to such bodies and comply with their decisions
- Ratify the optional protocols to human rights treaties, especially the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of Discrimination against Women
- Report on national and international implementation of the MDGs in their reports to the universal periodic review (UPR) process and the UN human rights treaty bodies
- Guarantee the full and effective participation of civil society organisations in the design, planning, implementation and monitoring of all MDG-related programmes and policies
- In the immediate future, undertake a gender and social exclusion-based audit of the MDGs in full cooperation with civil society

The MDG Summit was held at UN Headquarters in New York from 20 to 22 September 2010. Due to attendance by Heads of State and Government, security was extremely tight. NGO access to the Summit was limited to a handful of representatives who were officially invited to participate in the six informal roundtable discussions.⁶ There was no NGO participation in the General Assembly plenary discussions that were held concurrently with the roundtables. On the final day of the Summit, the General Assembly adopted the Outcome Document, *Keeping the Promise: United to Achieve the Millennium Development Goals*.⁷ The Summit also provided an opportunity for UN Secretary-General Ban Ki-moon to launch the Global Strategy for Women's and Children's Health, a worldwide effort by Heads of State and Government, the private sector, foundations, international organisations, civil society, and research organisations to accelerate progress on women's and children's health.⁸

NGO REACTIONS TO THE SUMMIT OUTCOME DOCUMENT

Overall, NGOs have expressed disappointment about the MDG Outcome Document. Most regard the MDG Summit as a critical opportunity lost, as it failed to firmly anchor the MDGs in the international human rights framework. According to Amnesty International, 'States spent precious time in negotiations fighting over whether human rights obligations they signed up to 40 years ago should even be referenced' in the Outcome Document.⁹ Even where there is direct reference to the international legal framework, such as the human rights to food, education and health,¹⁰ States commit to achieving a

range of improvements, rather than to taking concrete steps that would ensure a human rights-based approach to their national and international development activities.

One of the most common criticisms of the Outcome Document is its lack of concrete commitments to specific actions States will take to achieve the MDGs. Some have labelled it an 'inaction agenda'.¹¹ For example, although there is a general recognition of the need for all States to improve their collection of disaggregated data to monitor progress towards the MDGs,¹² much of the responsibility for work in this area has been shifted to the UN's Global Pulse Initiative.¹³ Also missing from the Outcome Document is guidance to States about the specific groups and kinds of vulnerabilities that should be targeted in their data collection processes. In contrast, the UN treaty bodies have repeatedly recommended to States that the collection and analysis of disaggregated data is a core element of their legal obligation to measure progress and report on their compliance with the international treaties they have ratified.

The strongest references to human rights in the Outcome Document are in the section dealing with gender equality and women's empowerment. Paragraph 72 is the only instance in the Outcome Document where States explicitly referred to relevant international human rights treaties, namely the Convention on the Elimination of Discrimination Against Women and the Convention on the Rights of the Child. Other positive language in respect of women's human rights is the commitment by States to strengthen national laws, policies and programmes designed to prevent violence against women, and to 'ensure that women have access to justice and protection'. Importantly, the Outcome Document also refers to States' obligation to end impunity for violence against women and girls by ensuring these crimes are investigated, prosecuted and punished.

Nonetheless, there are critical omissions from the Outcome Document in relation to women's human rights. For example, there is no mention of the need for States to develop and implement national action plans to end violence against women. This is a concerning omission, especially given the importance of such action plans in the Secretary-General's global campaign to eliminate violence against women.¹⁴ Further, in the process leading up to the MDG Summit, it was widely acknowledged by States and NGOs alike that the international community urgently needed to act to reduce the root causes of maternal mortality. Yet the Outcome Document fails to acknowledge unsafe abortion and the criminalisation of abortion as being among the leading causes of maternal

6 A summary of the discussions at each of the roundtables is available at <http://bit.ly/9TAyY8> (P. 10-11).

7 The Outcome Document is available at <http://bit.ly/9FiL6u>.

8 See www.un.org/sg/globalstrategy.

9 Amnesty Secretary-General Salil Shetty, quoted in NGLS e-Round-up — *Keeping the Promise: Outcome of the 2010 MDG Summit*, P. 4, available at <http://bit.ly/9TAyY8>.

10 See Operative Paragraph (OP) 70(u), OP71(a), OP75(a) respectively.

11 Amnesty International.

12 OP68.

13 This initiative was only established in 2009 to provide 'actionable information for decision makers working to protect the world's poorest and most vulnerable populations'. It remains to be seen whether it will produce 'actionable data for rapid impact and vulnerability assessment', and whether States will use this information to advance the human rights of the most marginalised.

14 Information about the UNiTE to End Violence against Women campaign is available at <http://bit.ly/b3hvr1>.

deaths, something States need to address as a matter of urgency to meet MDG Goal 5.

Another group whose vulnerability and distinct human rights are featured in the Outcome Document is indigenous peoples.¹⁵ However, the language used falls well short of what indigenous peoples were advocating in the process leading up to the Summit. They had proposed language drawn directly from the UN Declaration on the Rights of Indigenous Peoples (the Declaration).¹⁶ A critical omission in this respect is the Outcome Document's failure to affirm the right of indigenous peoples to exercise their 'free, prior and informed consent' in relation to development projects and policies that will affect their lands and territories.

Although there is general acknowledgement in the Outcome Document of the need for States to 'increase efforts to reduce inequality and eliminate social exclusion and discrimination',¹⁷ there is only a passing mention of their particular obligations in relation to disabled people.¹⁸ Many other vulnerable groups, including minorities and migrants, are completely absent from the Outcome Document.

It is concerning that the Outcome Document does not acknowledge human rights defenders as a particular group within civil society that is vulnerable to reprisals. Although it recognises the role of civil society, including NGOs and the private sector amongst others, in achieving the MDGs, States' obligation to protect human rights defenders and their activities is not mentioned. Nor are the fundamental human rights relevant to effective and meaningful participation by all parts of civil society, such as freedom of assembly, association, and expression. Instead, civil society is merely assured of 'inclusion' by States in national development efforts,¹⁹ without elaborating on what level or forms of inclusion are required.

NGOs were also disappointed the Outcome Document assigned the bulk of responsibility for follow-up on the MDGs to a subsidiary body of the General Assembly, ECOSOC.²⁰

15 OP55 affirms that 'States should, in accordance with international law, ...ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination and recognising the value and diversity of their distinctive identities, cultures and social organisation'.

16 The Outcome Document does not refer to 'indigenous peoples' in the plural, which would recognise that indigenous rights are both individual and collective in nature. This recognition was something indigenous peoples successfully battled to incorporate in the Declaration, which they negotiated over a twenty year period with Member States.

17 OP23(f).

18 OP28.

19 OP17.

20 The specific ECOSOC meetings that will undertake this follow-up are the Annual Ministerial Review (AMR) and the Development Cooperation Forum (DCF). The AMR has been tasked with assessing progress made towards the MDGs since it was established in 2007. Its overall objective is to help speed-up implementation by bringing States, UN agencies, civil society, the private sector and academia together to discuss innovative policies in implementing internationally agreed development goals, including the MDGs. The

Although this body has a mandate to 'encourage universal respect for human rights and fundamental freedoms' and is one of the few UN entities to allow broad-based participation, including by civil society, it is best known as a forum for dialogue. Its work to date to improve the realisation of the MDGs has shown it to be an effective forum for sharing information about best practices and policy innovation, rather than measuring States' performance against their international human rights obligations. The General Assembly will reassess progress on the MDGs in 2013, and the Secretary-General will report annually on progress in implementation up to 2015. However, there is no overarching accountability mechanism to ensure enforcement of international human rights obligations in MDG efforts at either the national or international level.

LOOKING FORWARD

NGOs have emphasised the failures of the Summit need not doom the achievement of the MDGs.²¹ They have called on individual States to ensure their development assistance, trade policies, and debt processes are consistent with human rights standards. Other avenues to hold States accountable for their MDG commitments and related human rights obligations should include the UPR process at the Human Rights Council, and the UN treaty body system.

At the national level, NGOs have suggested States take responsibility for reviewing domestic MDG efforts and ensuring they are implementing existing human rights obligations. In most cases, they need to undertake inclusive consultations with all segments of society, including the poor and disadvantaged, to develop and implement national MDG action plans. These should include national targets for progress and provide all segments of society with the opportunity to monitor and evaluate the plans.

In his closing remarks to the Summit the Secretary-General reminded States of their responsibilities beyond 2015.²² In particular, he referred to States' commitment in the Outcome Document to initiate a 'post-2015 framework for the development work of the UN.' This indicates States and NGOs will have another opportunity to realign international development goals with human rights, should States fail to do this on an individual basis in the course of the next five years. However, such a failure would come at a great cost to the world's poorest and most vulnerable. ■

DCF convenes biennially, and part of its mandate is to 'make recommendations on practical measures and policy options to ...promote development cooperation for the realization of the internationally agreed development goals, including the MDGs.' It has convened in 2008 and 2010, and will meet next in 2012.

21 See Amnesty International statement, 'Moving forward after the MDG Summit', UN Palais des Nations, 4 October 2010, available at <http://bit.ly/dVhbks>.

22 Available at <http://bit.ly/aJ3fqD>.