

Achieving the MDGs with Equity: Need for the Human Rights Based Approach

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1. Introduction

In-depth analysis of development outcomes the world over shows clearly that there are wide disparities in development between regions and countries, as well as disparities within countries and between population groups. For many countries, over time, inequalities in development are reported to be worsening; the poor are getting poorer, and the gap between the poor and the rich are becoming more pronounced in dimension (UN, 2002; Sahn, 2002; UNDP, 2002a,b; UNESCO, 2003, etc). Therefore, in the interest of equitable development, national development programmes (PRSP, MDGs, ICPD PoA, National Action Plans, etc) need to be reoriented in order to make equity, i.e., the reduction of inequality in all its various manifestations, the central pillar. African countries must accept the crucial importance of equity for the region as the focus for achieving the MDGs, NEPAD and the objectives of the 1994 ICPD Programme of Action. Equity principle must therefore be incorporated in an explicit and cross-cutting manner into the MDGs programming in African countries.

In the light of this, Latin American countries seem to have agreed that the evaluation of target accomplishment must go beyond simple averages (the conventional MDGs progress reporting), but rather to work with disaggregated information concerning the different forms of inequity, either by employing gap indicators such as those used in the Road map (*"Where relevant, indicators should be calculated for sub-national levels — i.e., by urban and rural area, by region, by socio-economic group, and by age and gender"*) or, where necessary, more complex indicators of inequality (ECLAC, 2002).

It is to this end that this paper focuses on the Human Rights Based Approach (HRBA) to programming as a veritable strategy to promote development, and the means for implementation of MDG programmes, with equity. The Millennium Declaration (2000) committed Member States to uphold the human rights principles and to put in place development strategies that will lead to the achievement of basic human rights standards. MDGs are aggregate national indicators and the average values computed for the targets mask significant internal variations within each country, which makes it difficult to monitor progress among vulnerable groups, such as rural population, women, urban poor, etc.

HRBAP has the capacity to identify, for targeted programming, those who are commonly left behind in the process of national (or community) development. The HRBAP involves three interrelated steps. i) Causality analysis; ii) Role/Pattern analysis and; iii) Capacity Analysis. HRBA

employs the human rights standards to help define the specific problem (say, poverty), identify those responsible for action, and measure results in terms of the realization of those standards.

In the HRBA programming, the focus is placed on working closely with individuals, households and communities. HRBA is used as a system of analysis which employs the human rights standards to help define the specific problem (say, poverty), identify those responsible for action, and measure results in terms of the realization of those standards. Also, the rights approach operationalizes human rights and provides a basis for prioritizing work with governments, authority figures, and the community in order to ensure that all three groups, who are duty bearers and claim holders as well, have the capacity to understand human rights and their subsequent responsibilities to respect, protect, and fulfill those rights. Finally, HRBA could serve as an advocacy tool, through research, by providing a set of evidence-based standards under which development practitioners can engage with other actors particularly the international community in order to ensure that communities and national governments are able to realize their development objectives as of right.

2. Understanding Human Rights

2.1 The concept of human rights

Human rights refer to a set of international protections and responsibilities, which apply to all people. Human Rights are defined in a number of United Nations declarations: the Universal Declaration of Human Rights (1948), which articulated economic, social, cultural, civil and political human rights in a single document with the aim of preventing the horrors of mass war from ever happening again; the International Convention on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights (1996); the Convention on the Elimination of All Forms of Discrimination Against Women (1979); the Convention on the Rights of the Child (1989) and; the International Covenant on Economic, Social, and Cultural Rights. The International Conference on Population and Development (1994) also spells out human rights regarding sexual and reproductive health and related rights of individuals and communities in matters pertaining to population dynamics.

In essence, the concept of 'Human Rights' is not new. Human rights form the basis of the United Nations as an international body since its inception in 1947. However, it was not until about 1990s onwards that discourse on the relationship between human rights and international development co-operation gradually regained prominence and became a feature of the host of world summits held. Ever since, the United Nations system has embarked upon the mainstreaming of human rights in all of its development work and has urged its development partners to follow suit. It is noteworthy that since then many multilateral and bilateral organizations such as CARE, Save the Children, UNICEF, UNDP, UNFPA, UNESCO and SIDA, DFID, etc have started to implement the rights-based approach in their works. This approach seems to have gained further impetus through the UNDP's *Human Development Report 2000* which focused on human rights and human development (Cecilia M. Ljungman, 2004).

The Millennium Declaration (2000) and the goals derived from it, the Millennium Development Goals (MDGs), merely summarize most of the Conventions, Treaties and Summit recommendations by the United Nations and its specialized agencies since the Declaration of Human Rights in 1948. And the MDGs are predicated on the assumption that development process in all nations of the world will derive impetus from the Human Rights principles.

Indeed, when the Millennium Declaration was adopted by all the 191 member states of the United Nations in September 2000, it committed them to uphold the human rights principles and to put in place development strategies that will lead to the achievement of basic human rights principles and standards. The General Assembly at that summit resolved to put in place measures necessary to attain peace, security and development in the world, and more importantly, to implement strategies that will accelerate the development of poorer countries. The Declaration was further elaborated in the subsequent UN Secretary General's report entitled "*A Road Map Towards the Implementation of the UN Millennium Declaration*" (GA Resolution A/56/326). Arising out of these two declarations and on the basis of further consultations and agreement reached between the UN, OECD/DAC, World Bank and IMF, eight ambitious, target-oriented Millennium Development Goals (MDGs) were selected as a set of quantifiable and time-bound goals to dramatically improve the human condition by 2015.

This commitment of the international community to improve the human condition was re-affirmed at the Monterrey Conference on Financing for Development, March 2002 and World Summit on Sustainable Development, held in Johannesburg in 2002. The Millennium Declaration reaffirms human rights standards and principles, particularly universal values of equality, mutual respect and shared responsibility for the conditions of all peoples and seeks to redress the lopsided benefits of globalization. At the heart of the Millennium Declaration are human rights to existence, peace, gender equity, environment and the pressing priorities of the Least Developed Countries and Africa.

2.2 Human Rights Standards

The human rights standards define the minimum level of living an individual human being should enjoy, in terms of life, living and the pursuit of happiness. The eight Millennium Development Goals that emerged from the Millennium Declaration (2000) represent the consensus on the basic development indicators that should guide development strategies particularly in the poorer nations of the world so as to ensure accelerated development. The Declaration firmly committed governments to a set of development goals and targets (see Box 1) to be achieved by 2015.

Box 1: The Millennium Development Goals: 1: Eradicate extreme poverty and hunger; 2: Achieve universal primary education; 3: Promote gender equality and empower women; 4: Reduce child mortality; 5: Improve maternal health; 6: Combat HIV/AIDS, malaria and other diseases; 7: Ensure environmental sustainability; 8: Develop a global partnership for development (UN, 2000).

In essence, human rights provide principles and standards under which governments, authority figures, and the people are expected to act. These standards include guidance for such fundamental development activities as: health, education, food security and nutrition, and housing. The human rights standards are useful for development planning, monitoring and evaluation. Human development involves both the process and outcomes; the outcomes are the indicators of human rights standards while the process focuses on the human rights principles – accountability and transparency, inclusion and non-discrimination, good governance and the Rule of Law. The modality (process) chosen to reach the development goal, such as MDGs, is as important as achievement (outcomes) of the goals themselves (see Box 2).

Box 2: Millennium Declaration (MD) Process and Standards

Human Rights Standards – MDG Outcome	Human Rights Principles - MDG Process
1. Eradicate extreme poverty and hunger 2. Achieve universal primary education 3. Promote gender equality and empower women 4. Reduce child mortality 5. Improve maternal health 6. Combat HIV/AIDS, malaria and other diseases 7. Ensure environmental sustainability 8. Develop a global partnership for development	• Universality and indivisibility • Equality and non-discrimination • Inclusive participation • Transparency • Accountability • The rule of law • Sustainability • Freedoms, Harmony and Tolerance

A human rights based strategy will be concerned with the questions of who is affected by development progress and how targets are reached. It demands accountability and inclusiveness of the process. It is not good enough to reach national development targets if those who are poor and disadvantaged are not reached through empowerment programmes.

2.3 Human Rights Principles

The principles of 'Human Rights' include the notion of accountability, the principle of indivisibility and universality, non-discrimination and equality, the principle of participatory decision-making process and recognition of the interdependence of rights (see Box 3). One argument regarding the definition of poverty in the MDGs being that, unlike the development perspective, which defines poverty in terms of monetary value, poverty from the human rights approach is defined as the non-fulfillment of a person's right to a range of basic capabilities which are important for an individual to do and be; the things he or she has reasons to value. The common set of capabilities as derived from empirical observation includes being adequately nourished, avoiding preventable morbidity and premature mortality, being adequately sheltered, having basic education, being able to ensure security of the person, having equitable access to justice, being able to appear in public without shame, being able to earn a livelihood, and taking part in the life of the community (UNDP, 2003a; Ultvedt, Inger, 2004).

Box 3: Human Rights Principles in the UN System

a) Accountability: The vital contribution of the human rights approach to poverty eradication is the prominence it puts on the obligation of policy makers and other actors whose action may impact on the rights of others. Therefore, the human rights approach to poverty reduction entails a provision to ensure duty-holders are held accountable for the success or failure of a country's poverty reduction strategy.

b) Principle of Universality: Even though the primary responsibility for realizing human rights is of the State to the people living in its jurisdiction, other States are also obliged to contribute to the promotion and protection of human rights. Therefore, the human rights approach calls for adequate assistance – namely financial assistance – from the rich to the poor countries, as well as efforts to establish equitable multilateral trade systems, investment and finance that encourage poverty reduction.

c) Non-Discrimination and Equality: Non-discrimination and equality is the twin principle of human rights that are fundamental in the international human rights law. Article 7 of the Universal Declaration of Human Rights (UDHR) guarantees everyone's right to equality and is entitled to equal protection against any discrimination.

d) Participation: Participation of all, including the poor, in the formulation, implementation and monitoring of poverty reduction strategies is required by the human rights approach. The right to take part in the conduct of public affairs is a right that calls for an arrangement at different levels of decision making that helps overcome the impediments that individuals or groups face in playing an effective part in the life of the community. Article 21 of the UDHR provides the people's right to take part in the government of their country.

e) Interdependence of Rights: Interdependence of rights means that the enjoyment of one right may be dependent on the realization of other rights. Further, recognition of the relationship of civil and political rights, on one hand, and economic, social and cultural rights on the other, strengthens poverty reduction strategies. For instance, the right to effectively take part in the conduct of public affairs can only be realized with the achievement of other rights, such as right to assembly, freedom of expression, right to association and right to information (UNDP, 2003a,b)

There are two interrelated dimensions to MDG monitoring; namely, monitoring MDG outcomes (degree of 'Human Rights Standards' achieved); and monitoring MDG process (the extent to which progress has been made without compromising 'Human Rights Principles'). The process of human development is as important as the outcome. However, as noted by UNDP (2000), although human development thinking has always insisted on the importance of the process of development, many of the tools developed by the human development approach measure the outcome of social arrangements in such a way that it is not sensitive to how these outcomes were brought about.

2.4 The MDGs Context

Having regard to the relative significance of human rights principles in all UN activities, the Millennium Declaration (2000) opens with what the UN Assembly considers to be the values and principles upon which the Declaration was being made. The stated fundamental values and principles are regarded as essential to international relations in the twenty-first century. These include equality, solidarity, tolerance, respect for nature and shared responsibility (see Box 4).

Box4: Fundamental Values of the UN in the 21st Century

- **Equality.** No individual and no nation must be denied the opportunity to benefit from development. The equal rights and opportunities of women and men must be assured.
- **Solidarity.** Global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most.
- **Tolerance.** Human beings must respect one other, in all their diversity of belief, culture and language. Differences within and between societies should be neither feared nor repressed, but cherished as a precious asset of humanity. A culture of peace and dialogue among all civilizations should be actively promoted.
- **Respect for nature.** Prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development. Only in this way can the immeasurable riches provided to us by nature be preserved and passed on to our descendants. The current unsustainable patterns of production and consumption must be changed in the interest of our future welfare and that of our descendants.
- **Shared responsibility.** Responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally. As the most universal and most representative organization in the world, the United Nations must play the central role.

Source: UN, 55/2. United Nations Millennium Declaration, 8th Plenary Meeting, 8 Sept. 2000.

The MDGs resulted from an incremental process of generating a political consensus through world summits and international conferences in the 1990s. Indeed, it can be argued that the MD and the MDGs merely summarize most of the conventions, Treaties and Summit recommendations by the United Nations and its specialized agencies since the Declaration of Human Rights in 1947. What happened in 2000 was that the Millennium Summit summarized the key commitments made at these various gatherings. The Millennium Declaration focused on the following in each of the chapters:

- I: Values and principles essential to international relations in the 21st Century (Freedom; Equality; Solidarity; Tolerance; Respect for nature; Shared responsibility);
- II: Peace, security and disarmament;
- III: Development and poverty eradication (the MDGs);
- IV: Protecting our common environment;
- V: Human Rights, democracy and good governance;
- VI: Protecting the vulnerable;
- VII: Meeting the special needs of Africa;
- VIII: Strengthening the United Nations.

It is noteworthy that Chapter V of the Millennium Declaration focuses on human rights, democracy and good governance. In this regard, the General Assembly resolved to: respect fully and uphold the Universal Declaration of Human Rights; strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights for all; strengthen the capacity of all our countries to implement the principles and practices of democracy and respect for human rights, including minority rights; combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women; take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies; work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries and; ensure the freedom of the media to perform their essential role and the right of the public to have access to information. [Resolution adopted by the General Assembly *[without reference to a Main Committee (A/55/L.2)]*. 55/2. United Nations Millennium Declaration *The General Assembly, 8th plenary meeting, 8 September 2000*].

One of the key components in the Millennium Declaration Goals concerns the integration of human rights principles and the application of the 'human rights based approach to programming' (HRBAP). This approach is consistent with the UN Secretary General's Reform Programme, which calls on the UN system to mainstream human rights into all its activities (including research) and programmes, within the mandate of the respective agencies' funds, programmes etc. It has also been argued that most of the MDGs - eradicating hunger, achieving universal primary education, promoting gender equality, reducing child mortality, improving maternal health, combating HIV/AIDS and other diseases - are human rights goals, with specific legal obligations attaching to each and a significant body of best practice examples of law, policies and practices on which we can draw. (Maria Luisa Silva, Based on the 2005 Report of the UN High Commissioner for Human rights to the ECOSOC on the links between human rights and MDG, UNHCHR, Geneva, 2006).

However, while the MDGs contain goals that are clearly defined at the impact level and even include quantified time dimension, it still remains unclear **how** the goals are to be achieved unless attention is turned to the Millennium Declaration in its entirety. The Millennium Declaration from which the Goals have been derived is more explicit about the importance of human rights and governance as part of an enabling environment conducive to development but the language spelling it out carefully tiptoes around the political rights in the way characteristic of UN declarations. It has now become common knowledge that this tendency in the UN to play down the connection between development and democratic governance arises from the range of governance types represented in the General Assembly (Robert Miller, 2004). Setting the MDGs back within human rights, framework provides analytical and practical tools towards challenging the prevailing neo-liberal, economic growth-driven model of development (Genevieve Renard Painter, 2004).

In articulating the UN position on MDGs and Human Rights, Inger Ulvedt (2004) argued that the promotion and protection of human rights and the application of the human rights based approach (HRBA) to development programming have gained prominence in the work of the United Nations in the context of the UN reforms initiated by the Secretary-General in 1997. This approach attaches importance not only to development **outcomes**, which is the focus of the MDGs, but also to the development **process**, which calls attention to how the MDGs have been achieved, stressing the participation of all stakeholders to ensure that their interests and rights are included in the final

development outcomes. The HRBA defines the objectives of development and translates people's needs into rights, seeing the human person not as the passive beneficiary of development interventions, but as its active subject, claim-holder and participant.

Box 5a: Human Rights Definition of the MDGs

Each of the MDGs aims to fulfill a particular civil, economic, or social right.

- * The *right to life* (goal 4 reduce child mortality),
- * The *right to development* and *right to an adequate standard of living* (goal 1 eradication of extreme poverty),
- * The *right to food* (also goal 1 eradicating extreme hunger),
- * The *right to education* (goal 2 achieving 4 universal primary education),
- * The *right to non-discrimination* (goal 3 promoting gender equality and empowering women),
- * The *right to health* (goal 5 improving maternal health: goal 6 combating HIV/AIDS, malaria and other diseases) and
- * The *right to a clean and healthy environment* (goal 7 ensuring environmental sustainability).

Goal 8 on partnerships is linked to human rights law by referring to the duty of States to undertake steps, individually and through international assistance and cooperation, to the maximum of their available resources, with a view to achieving progressively the full realization of the rights recognized (article 2.1 ICESCR). Consequently, any analysis of the MDGs must include a human rights perspective (*Inger Ulvtedt, 2004*)

As shown in Boxes 5 a & 5b, human rights are implicit in the MDGs. The human right to health, implicit in MDGs 4, 5 and 6, is recognized in numerous international instruments. For example, Article 25.1 of the Universal Declaration of Human Rights affirms, "everyone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services".

Following the recommendations from the UN Millennium Project (June 2005), the World Federation of United Nations Associations (WFUNA) recognized the need to focus on "health-related human rights, particularly reproductive health, including health related goals in the MDGs". This augurs well for the inadvertent omission of 'Reproductive Health' and right in the MDGs formulation.

Regarding Reproductive Health (RH), Article 12.2 (a) of the Human Rights instrument covers the right to maternal, child and reproductive health through "The provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child". This implies that measures are required to improve child and maternal health, sexual and reproductive health services, including access to family planning, pre- and post-natal care, emergency obstetric services and access to information, as well as to resources necessary to act on that information (Cook, Dickens & Fathalla; 2003:482).

Reproductive health (RH) is defined as a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity, in all matters relating to the reproductive system and to its functions and processes. Based on this definition, RH implies that people are able to have a satisfying and safe sex life and that they have the capacity to reproduce and the freedom to decide if, when and how often to do so. The RH definition therefore implies two rights:

- a) The rights of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law and;
- b) The right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant. (UN, ICPD, 1994)

The *Convention on the Elimination of All Forms of Discrimination Against Women (1979)* supports women's rights to reproductive health information and services and to equity in reproductive

decision-making and matters of sexual health. The term “women” was later defined by the committee that oversees the implementation of the treaty to embrace girls and female adolescents. The 1994 *ICPD Programme of Action* urges all governments and health systems to establish, expand or adjust programmes to meet the reproductive and sexual health needs of men and women (including adolescents), to respect rights to privacy and confidentiality, and to ensure that attitudes of health care providers do not restrict adolescents’ access to information and services.

The *Convention on the Rights of the Child* (Art. 24) affirms that children have the right to attain the highest standards of health and to health care, including family planning education and services. In this regard, the UN committee that monitors the implementation of the Convention elaborated (2003): “States Parties should provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives, the dangers of early pregnancy, the prevention of HIV/AIDS and prevention and treatment of STIs. In addition, States Parties should ensure access to appropriate information regardless of marital status, and prior consent from parents or guardians.”

The preceding review shows clearly that the Millennium Development Goals (MDGs) reflect the agreements and resolutions made at the world conferences organized by the United Nations over the past decade, which themselves were built on international human rights treaties.

Box 5b: Substantive linkages between MDGs and human rights: direct and indirect

The direct linkages between MDGs and Human Rights become more obvious when one compares the various Goals of the MDGs with Articles 25 and 26 of the Universal Declaration of Human Rights (UDHR).

**** Article 25 of UDHR states -** Everyone has the right to a standard of living adequate for the health and the well-being of himself and his family, including food, clothing, housing, medical care and necessary social services ...Motherhood and childhood are entitled to special care and assistance.

****The goal of halving extreme poverty and hunger, that of child mortality and maternal health, and that of halving the proportion of people without access to safe water can directly be related to this Article.**

****Similarly, Article 26 of the UDHR states -** Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education should be compulsory ...Goal 2 of the MDGs on achieving universal primary education is directly linked to Article 26 of UDHR. In addition, when this Article is combined with the principle of non-discrimination of human rights, we have MDG 4 - Promoting gender equality in education and empowering women.

**** Article 28 of the UDHR highlights the need for a social and international order that help realize the rights set forth in the Declaration. MDG 8 is exactly geared towards building such a world order.**

****The substantive direct linkages between MDGs and human rights become even stronger and broad-spread when the plane of comparison is changed from the MDGs to the Millennium Declaration itself. The Declaration directly mentions human rights as an absolute requirement for realizing MDGs. It also emphasizes issues of participation and human security, highlighted in a number of Articles of the UDHR.**

===== *Selim Jahan, UNDP, New York.*

It is argued that despite coordinated campaigns by the UNDP and some civil society organizations, ordinary citizens have little sense of ownership of the MDGs, or of their role in holding their governments accountable for national strategies to tackle social dimensions of poverty based on the MDGs. Indeed, the goals themselves are silent on basic issues of citizens’ rights, empowerment and improved equality, and thus ignore the politics inherent in working for their achievement in many countries. Even the World Bank recognizes, at least intellectually, these conditions – empowerment and equality – as essential social qualities for overcoming poverty. (Simon Maxwell, 2003).

Ending poverty is inherently a political process specific to local economic, social, cultural, ecological and gender equality circumstances in each country. In essence, people-centred development for poverty eradication is ultimately about recognizing the rights of the vulnerable, and transforming the power relations, and cultural and social interests that sustain inequality. Development is therefore a political process that engages people, particularly the poor and the powerless, in negotiating with each other, with their governments, and with the world community for policies and rights that advance their livelihood and secure their future in their world (Reality of Aid 2004 Report).

The poor are not the subjects to be acted upon by development action, but rather are central actors in sometimes conflictual politics seeking pro-poor development strategies. Consequently, finding avenues to address unequal power, capacity, and access to resources for the poor and the marginalized is a fundamental challenge to development actors wanting to link poverty reduction to democratic governance and participation. (Anthonio Tujan, Jr. 2004). The UN system, the Charter, and its various Declarations and Covenants on Human Rights provides a normative framework within which these issues can be addressed.

While based on international legal codes and covenants developed over the past century, the rights framework is a dynamic one that continues to evolve through intense national and multilateral political processes. It has been the result of many decades of struggles by peoples' organizations – women's movement, indigenous nations, gay and lesbian networks, workers and labour organizations, fishers and farmers organizations, human rights defenders. Human rights are essentially active and should not merely be 'promoted' or 'protected', but are to be practiced and experienced. They have implications for the actions of all donors, governments, and non-state actors in development.

In the words of John Foster, "participation is central to a human rights approach to development as a right, an *entitlement guaranteed by international law, rather than an optional extra or tool for the delivery of aid*". Nevertheless the challenge for development practitioners, civil society and official aid agencies alike, is to make the language and analysis of rights accessible to citizens and organizations working to overcome the conditions of poverty from community to national levels. [John Foster (North South Institute, Canada), "Crisis time: Repossessing Democratic Space, Governance and the Promotion of Rights in International Cooperation and Aid, A Discussion Paper for The Reality of Aid", April 2003, accessed from the Reality of Aid website, <http://www.realityofaid.org/>, p. 8.]

The MDGs are minimal, but very useful targets, which can serve as a political framework for leveraging political commitment to poverty-focused development, but must not undermine existing broader obligations on the part of governments to international human rights law. The MDGs can only be achieved with equity within a rights framework whereby citizens and governments are engaged in restructuring global and national power relations in order to transform the root causes of poverty. Hence democratic governance and citizens' rights, at all levels, with full local ownership of development initiatives, are fundamental.

3. Human Rights as Framework for Development

3.1 The Human Rights Based Approach

Although the MD sets out human rights explicitly as its conceptual framework, the human rights-based approach (HRBA) is not utilized as the basis for its strategic analysis. The adoption of HRBA

requires both the planners and beneficiaries – all the stakeholders to participate. The process also requires updated database on social, economic and demographic profile of the country to provide an objective analysis of the country's situation. The basic elements of human rights based programming for the realization of the MDGs (and other development objectives) by a country should comprise the following:

As a development framework, human rights and their specific standards are especially useful for development practitioners as they can be used to guide development programming. A *rights-based approach to development* uses human rights and their accompanying standards to analyze and operationalize development programming. In a rights-based approach, development organizations work with governments and authority figures as well as the population to respect, protect, and fulfill the development obligations defined in the human rights standards. Four basic principles: accountability, participation, indivisibility, and non-discrimination form the basis for action in a rights-based approach [InterAction, www.interaction.org/rba].

In articulating the UN position on MDGs and Human Rights, Inger Ulvedt (2004) argued that the promotion and protection of human rights and the application of the human rights based approach (HRBA) to development programming have gained prominence in the work of the United Nations in the context of the UN reforms initiated by the Secretary-General in 1997. This approach attaches importance not only to development outcomes, which is the focus of the MDGs, but also to the development process, which calls attention to how the MDGs have been achieved, stressing the participation of all stakeholders to ensure that their interests and rights are included in the final development outcomes. The HRBA defines the objectives of development and translates people's needs into rights, seeing the human person not as the passive beneficiary of development interventions, but as its active subject, claim-holder and participant (Inger Ulvedt, 2004).

In the human rights based approach (HRBA) to programming, the focus is placed on working closely with individuals, households and communities. At the centre of research and analysis is the recognition that need for action should be placed at these levels (including local and national) if sustainable solutions are to be found. If followed in a participatory manner, this exercise should enable communities to build their own capacity, in relation both to themselves and the structures of local government immediately above them. It should enable them to overcome key capacity constraints, leading to effective implementation of programmes. It should also enable international development partners to support the government's basic strategy of social mobilization and community empowerment, creating an effective partnership in pursuit of development. The essence is to promote the adoption of a Human Rights-Based Approach to Programming in all development programmes and projects (Urban Jonsson, 2003).

There are three key elements that form the HRBA framework; namely, action, guidance and empowerment. Regarding action, all policies, and programmes should contribute directly to the realization of one or several human rights. Guidance requires that Universal HR standards and principles should guide all actions to be taken (universality and inalienability, indivisibility, interdependence and inter-relatedness, nondiscrimination and equality, participation and inclusion, accountability and the rule of law). The role of empowerment is equally critical; by raising the capacity of duty bearers state and non- state parties which have obligations, and right holders (individuals or groups) are empowered to claim their rights.

It is important for the Government, the Planning Authority and the people have the capacity to understand human rights and their subsequent responsibilities to respect, protect, and fulfil those rights. The three parties have rights and responsibilities that must be shared, respected and upheld in the process of development. In essence, meeting human rights standards and the principles of

accountability, participation, indivisibility, and non-discrimination provide the basis for operationalizing development programming (InterAction, 2005).

3.2 Problem definition

As a system of analysis, the human rights standards can be used to help define the specific problem, identify those responsible for action, and measure results in terms of the realization of those standards. This analysis focuses not only on what actions need to be taken to improve the situation, but also on who, over the long-term should be leading the action/providing the services, whether all groups in a society are able to access the quality of those services equally, and what process is in place for prioritizing action and ensuring that all groups impacted have a role to play in determining and realizing solutions (InterAction, 2005). On the definition of poverty and development in a Rights-Based Approach, the following has been suggested:

“A rights-based approach holds that a person for whom a number of human rights remain unfulfilled - such as the right to food, health, education, information, participation, etc. - is a poor person. Poverty is thus *more* than lack of resources – it is the manifestation of exclusion and powerlessness. In this context the realization of human rights and the process of development are not distinct. On the contrary, development becomes a sub-set of the process of fulfilling human rights. In fact, development itself is recognized as a human right”.
[Quoted from: Cecilia M. Ljungman, 2004]

In problem definition, HRBA calls for a deeper analysis of the causes of problem (causality analysis) beyond literature review and correlation and regression analysis. For illustration, in the MDGs framework, poverty has been identified as a problem facing many nations in the world, but from the human rights perspective, poverty has been poorly defined.

The formulation of poverty measurement as set by the MDGs is said to be too narrow in aspects of vision, scope and direction. Eradication of poverty is not just simply a numerical target to be achieved by a certain date. Poverty eradication entails taking into account the non-quantifiable factors such as active involvement of the poor and the civil society, which enhances the implementation of any poverty reduction strategy.

In essence, getting people out of poverty involves the elimination of poverty status as well as the process by which people were lifted up from poverty to a more comfortable level of living. It is a definition of poverty, which encompasses the status of poverty itself as measured in the MDGs by income and hunger, as well as the strategies employed by the Government embodying social and political conditions that tend to promote pro-poor development. Therefore, while the amount of income is effective in determining income poverty, it may not be as effective in measuring a country's progress in aspects such as freedom of expression and right to participate, which are important factors to consider in any poverty reduction strategies.

As it applies to poverty reduction also, the human rights approach gives rise to the legal obligation of others towards the poor. Therefore, poverty reduction is no longer derived from the fact that the poor have needs, instead, the poor is recognized as humans who have rights and the State as well as the community is responsible to ensure that those rights are realized. Thus, there is the recognition that poverty reduction requires empowerment to the poor; which means including them in each process involved in any poverty reduction strategy – that is from the formulation until the monitoring of any poverty reduction strategy.

The conventional approach to the definition and measurement of poverty in South Africa has led to a rather contentious conclusion about progress made towards poverty reduction in the country in

their MGD 2005 report. The MDGs report on South Africa (2005) made a straightforward case for a smooth progress in achieving the objectives of Goal 1 as defined by the three indicators of poverty. Based on national estimates of poverty and inequality in South Africa, the report notes that in 2000, 11% of people were living on less than US\$1 a day and 34% were living on less than US\$ 2 a day. Using expenditure share measures (i.e. the proportion of expenditure for each quintile of households in South Africa, between 1995 and 2000), in 2000 the poorest 20% accounted for 2.8% of total expenditure. In contrast, the wealthiest 20% of households accounted for 64.5% of all expenditure in 2000. Income inequality, as measured by the Gini coefficient, in South Africa was at 0.59 when social transfers are excluded. It declines to 0.35 when including social transfers. The report concludes that the proportion of poorest South Africans has been decreasing due largely to measures taken by the Government including: i) cash transfers in the form of social assistance grants whose expenditure increased 3.7 fold between 1994 and 2004 from R10 billion to R37.1 billion, and the number of beneficiaries grew from 2.6 million in 1994 to 7.9 million in 2004; ii) the social wage (monetary value of accessed basic services) which amounted to about R88 billion in 2003; the Expanded Public Works Programme and; iii) the establishment of the Agricultural Starter Pack Programme and the Comprehensive Agricultural Support Programme.

The above review report on poverty eradication paints the official picture of Government's interventions and resultant impact since about 1994. However, there are other conclusions as well, which are radically different from the official position, based on the same set of data and almost similar methodology but a more robust conceptualization of the meaning of poverty.

David Everatt argues that 'poverty' has many meanings within government and the progressive movement more broadly, as it does among academics and commentators, and argues that the impact of definitional imprecision has been and remains considerable, affecting development programmes while fuelling, sometimes ill-tempered and hollow, debate in South Africa. (Bangladesh e-Journal of Sociology, Vol.2 No.1, January 2005). Poverty in South Africa has political, racial, gender and spatial dimensions, and its close affinity with inequality should be acknowledged. In the words of Everatt: Poverty and inequality are the illegitimate twins inherited by democratic South Africa. It is perhaps, failure to treat poverty and inequality together in progress monitoring that led to the overly optimistic conclusion on achievements made in the South Africa's Millennium Development Report (2005).

Analysis of poverty data in South Africa by the Human Sciences Research Council (HSRC, 2004) shows, contrary to the official report (MDG, 2005), that the proportion of people living in poverty in the country has not changed significantly between 1996 and 2001; and that households living in poverty have sunk deeper into poverty and the gap between rich and poor has widened. The estimates are reproduced in Table 1, indicating that approximately 57% of individuals in South Africa were living below the poverty income line in 2001; Limpopo and the Eastern Cape had the highest proportion of poor with 77% and 72% of their populations living below the poverty income line, respectively; while the Western Cape had the lowest proportion in poverty (32%), followed by Gauteng (42%).

In order to determine how deep households have sunk into poverty, the study used the poverty gap measure, which indicates the required annual income transfer to all poor households to bring them out of poverty. For the country as a whole, the poverty gap is reported to have increased from R56-billion in 1996 to R81-billion in 2001 indicating that poor households have sunk deeper into poverty

over this period (Table 1). KwaZulu-Natal, which has the largest population, also has the biggest poverty gap (R18 billion), followed by the Eastern Cape and Gauteng.

Table 1. South Africa: Poverty indicators by province, 2000

Province	No. of poor persons (million)	% of population in poverty	Poverty gap (R billion)	Share of poverty gap
Eastern Cape	4.6	72%	14.8	18.2%
Free State	1.8	68%	5.9	7.2%
Gauteng	3.7	42%	12.1	14.9%
KwaZulu-Natal	5.7	61%	18.3	22.5%
Limpopo	4.1	77%	11.5	14.1%
Mpumalanga	1.8	57%	7.1	8.7%
North West	1.9	52%	6.1	7.5%
Northern Cape	0.5	61%	1.5	1.8%
Western Cape	1.4	32%	4.1	5.0%
South Africa	25.7	57%	81.3	100.0%

Source: Human Sciences Research Council, **Poverty** in South Africa, Fact Sheet No: 1 26 July 2004

It is reported that the poverty gap has grown faster than the economy indicating that poor households have not shared in the benefits of economic growth, as reflected in the rise in inequality between rich and poor. Indicated by the Gini coefficient, South Africa's Gini coefficient rose from 0.69 in 1996 to 0.77 in 2001; and for the African population, it has risen from 0.62 in 1991 to 0.72 in 2001. This level of inequality is comparable with the most unequal societies in the world.

Analysis of census data for the period 1996 to 2001 by Murray Leibbrandt and others (2005) reached a paradoxical conclusion that seems to agree with the Government MDG Report (2005) and aspects of the HSRC conclusions as summarized above. According to their report, which employed both income-based and access-based measurement approaches, at the national level, findings from the income-based approach show that inequality has unambiguously increased from 1996 to 2001. As regards population group inequality, within-group inequality has increased; while between-group inequality has decreased (inequality has also increased in each province and across the rural/urban divide).

In general, their analysis reveals that poverty has worsened in South Africa, particularly for Africans who make up over 79% of the total population. Provincially, the Eastern Cape and Limpopo have the highest poverty rates while the Western Cape and Gauteng have the lowest poverty rates. Poverty differs across the urban-rural divide with rural areas being relatively worse off than urban areas (Murray Leibbrandt, Laura Poswell, Pranushka Naidoo, Matthew Welch & Ingrid Woolard, 2005). Therefore, when it comes to South Africa, the problem of defining the poor is as confusing as the various conclusions about the results of policies and programmes in place for its eradication. A human rights based approach to defining and, measuring poverty would resolve the controversy.

It has been argued by the UNDP and others that poverty cannot be significantly reduced without addressing issues related to profound inequality in the distribution of economic and social assets. The MDGs as they stand fail to address the root causes (see section 3.3 of this paper) and the distinctive nature of poverty across nations, gender and vulnerable groups. PCCIC has summed it up clearly: The CCIC has posited that poverty should not be misconceived as dirt that can be sucked up by "the vacuum cleaner" of more aid. Notwithstanding that aid could be an important catalyst, making poverty history is much more complicated. In the end, it is the particular struggles of citizens on the ground that will create governments accountable to poor people and build

capacities for poor and marginalized people to claim their rights (CCIC, Canadian Council for International Cooperation, August 2005).

Article 25(1) of the Universal Declaration of Human Rights states that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. A human rights definition and understanding, according to UNHCR, leads to more adequate responses to the many facets of poverty, responses that do not trample on rights in the pursuit of growth and development. It gives due attention to the critical vulnerability and subjective daily assaults on human dignity that accompany poverty. Importantly, it looks not just at resources but also at the capabilities, choices, security and power needed for the enjoyment of an adequate standard of living and other fundamental civil, cultural, economic, political and social rights.

Another key element in the HRBA in the definition of MDG indicators and targets is accountability. A human rights approach empowers people to make claims against those who have a duty to respond. This must be done in a transparent manner through the creation of responsible, effective and efficient institutions. For example, in education, it might involve strengthening the capacity of the education authorities at both the national and sub-national levels to provide quality primary education to all children and to remove all barriers whether financial or cultural. It could range from the provision of clean water in schools to the provision of primary instruction in local languages. It also means that states will have to help children and parents as rights holders to claim their right to education through human rights awareness-raising, participatory decision making and systems through which to channel concerns about lack of progress or even to make claims in case of violations of their rights by the authorities. [See para. 29 and 45 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies; see also, UNHCHR website www.unhchr.ch/development/povertyfinal.html; and, See also UNDP's "Human Development Report 2000" on Human Rights and Human Development, p.19-20].

3.3 Problem analysis for programming

The analytical *framework* of a rights-based approach addresses both the social and economic, as well as the cultural, legal *and* political dynamics affecting development in a society. It aims to capture the root causes of the perpetuation of poverty, exclusion, discrimination and power relations that sustain inequity (Moser & Norton 2001). Such an approach provides a more comprehensive analysis of a country's (or community's) development situation, and allows for an insight into social and political processes in which development is being promoted. The problem analysis focuses on 'whose' rights and 'what' rights are *not* being realized. This crucially requires disaggregating data according to gender, citizenship, social status, ethnicity, etc. in order indicate the extent to which different categories of people are / are not enjoying their human rights. In the analysis of the causes of a problem, the HRBA involves three interrelated steps; namely,

- i) Causality analysis;
- ii) Role/Pattern analysis and;
- iii) Capacity analysis.

i) Causality analysis: Causality analysis is a process of reaching a consensus regarding the principle factors and processes affecting realization of people's human rights; as most of the problems of development require coordinated actions by many partners at different administrative

levels. Without a reasonable consensus on the causes of a problem, there is not likely to be any consensus later on how to solve the problem. This is different from identifying a problem (say high maternal mortality) and the causes from the literature or documents, which is what is conventionally done. The analysis aims to determine what *immediate, underlying and structural obstacles* there are to realizing rights. This includes examining social, cultural, legal and administrative frameworks, which requires studying how people's claims are processed by authorities in the different arenas of negotiation (e.g. customary law, religious law, statutory law, constitutional law, etc.) (Moser & Norton, 2001; The Human Rights Council of Australia, 2001).

The 'Causality analysis' identifies all the major causes at immediate, underlying and basic levels; the state of each variable (fertility, mortality, poverty, hunger, etc) is assessed (measured or estimated). This analysis should start from the ultimate outcome, i.e. the top of the conceptual framework and continue down the hierarchy of causes (focused analysis). First the relationships between the ultimate outcome and the immediate causes are analyzed; second the relationships between immediate and underlying causes; and last the relationships between underlying and basic causes. A focused analysis will help to limit the analysis to only those causes that actually influence the selected outcome in the situation at hand and will, therefore, not include all possible causes and processes in society. This is essential in order to make the exercise manageable. [Urban Jonsson, 2000].

Illustration with Group work

For illustration, the manifestation of political problem in a given country could be the limited participation of women in political processes. The task of causality analysis could be done in a group or workshop setting involving women and men drawn from various sectors and representing the broad spectrum of opinions on the subject.

In a workshop organized jointly by the Government of Namibia and the UN Country team for this purpose (CCA, 2004), the author was privileged to be the Chair of the Working Group on Governance. The group argued that at the root of the problem of limited participation of women in the political process is the disintegration of the social fabric, arising from a chain of factors – migration, alcohol abuse, HIV/AIDS, etc. At the end of the general discussion, the task of the group shifted to causality analysis – to determine among the myriad of causes the immediate, underlying and root causes of the problem. The result of the deliberations on this is presented below, with illustration by Figure 1.

Manifestation: Limited participation of women in political processes

a. Immediate Causes:

- Traditional Values
- Politics of Interest Mediation
- Restrictive Electoral System
- Multiple roles women in society

b. Underlying causes:

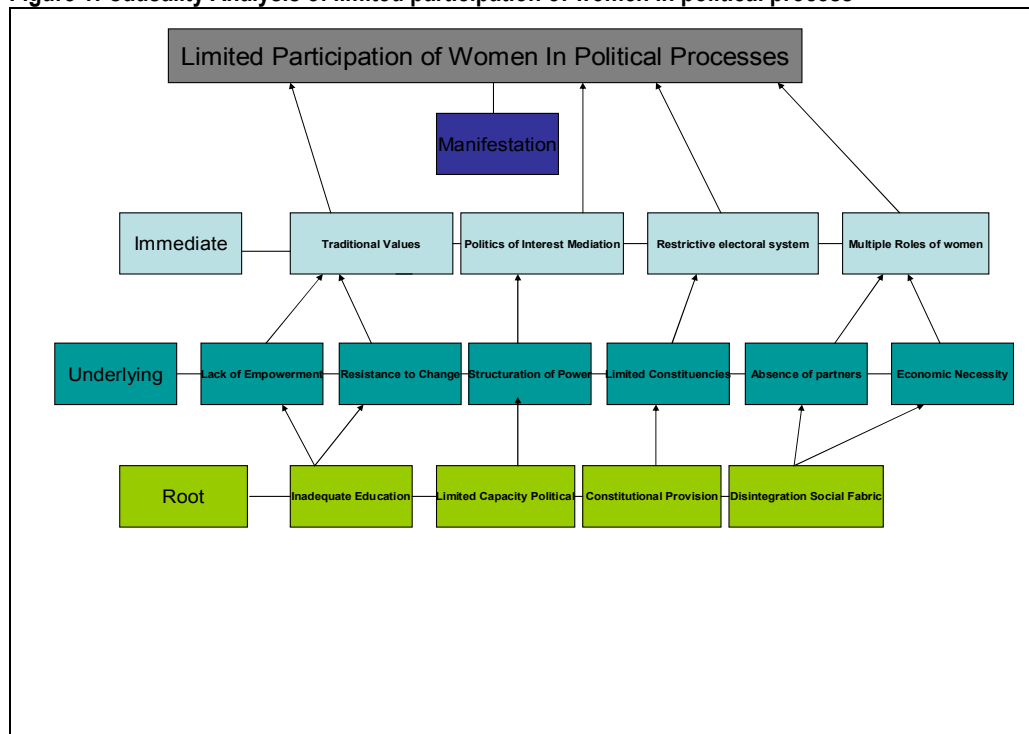
- Resistance to change in the pattern of gender roles and relations
- Lack of empowerment schemes

- 'Structure' of power
- Institutional capacity of political actors as groups
- Limited Constituencies

c. Root causes:

- Inadequate education (generic sense)
- Limited Capacity of political actors/groups
- Constitutional provisions

Figure 1: Causality Analysis of limited participation of women in political process



ii) Role/Pattern analysis: *rights-holders*, particularly vulnerable groups and *duty-bearers* (not only state authorities at different levels, but also private companies and aid donors) with roles to play in addressing identified 'root causes' of development problems should be part of the planning and implementation process. In a human rights perspective, at least two questions should be asked for each particular right; (i) who are the objects; i.e. against whom is the right/claim held; who are the correlative duty-bearers? and (ii) can the right be realized through stronger respect/protect or facilitation/fulfillment? The purpose of the Role/Pattern Analysis is thus to arrive at a list of the most crucial claim-duty relationships for each particular set of selected rights violations.

A rights-based analysis must necessarily *identify responsible duty-bearers* (UN, 2003). Not only does this include the state at different levels, it also comprises the identification of other duty-bearers in society, including family, the community, corporate actors, etc. The capacities and resources of the duty-bearers to fulfill their duties should be assessed.

Illustration with Group Work

At the Namibian workshop in reference (CCA, 2004), the group identified “Right of women to participate in the political process” for the exercise in role pattern analysis. The first task of the group was to make a list of the key claim holders and duty bearers related to the above issue. After some discussions, the group identified the primary claim holders and duty bearers as the following:

i) Primary claim holders

- Women
- Citizens
- Political institutions
- Communities
- National Government
- International Community

ii) Key duty bearers

- Women (Rural/Urban places)
- Citizens
- Community leaders
- Political parties/interest groups
- National Government
- International Community

As duty bearers, women have the duty to participate in politics by contesting elections; otherwise they will remain behind in the political process. In addition, women should accept nominations for positions and participate effectively in political meetings.

On their part, citizens should elect women to political positions. In this regard, the group noted that women themselves do not generally favour women in politics and may not favour electing a woman to a position. One additional duty of citizens is to recognize the importance of women in politics and therefore develop active interest in it. Citizens also have a duty to educate themselves on the rights of women, including the right to participate in politics and get elected to positions. In relation to political institutions, citizens should support political parties that favour the nomination and election of women. And in relation to national government, citizens have a duty to participate in the formulation and implementation of policies that favour women in politics.

Regarding community leaders as duty bearers in relation to women and politics, their duties include the acceptance, recognition and promotion of women’s rights; and appointment of women as community leaders. Community leaders should act as role models to citizens and educate them on human rights issues. In relation to communities, community leaders have the duties to facilitate and encourage women’s participation in politics, and to exercise their leadership in this regard effectively. Finally, the duty of community leaders to the national government is to get actively involved in the formulation and implementation of policies that favour women in politics.

Political parties as duty bearers in relation to women should empower women through capacity building and leadership training. National Government as duty bearer to women should set appropriate policies that encourage their participation in politics. Government should also design and implement appropriate capacity building programmes for women.

Regarding the international community, their duties are both to women and the citizens: they should act as policy oversight by ensuring that national governments design and implement appropriate policies; the international community should also assist with capacity building.

iii) Capacity Analysis: This analysis will result in the Identification of Capacity gaps of each duty-bearer or group of duty bearers for each identified right (Right to safe drinking water, right to education, right to Reproductive Health Information, etc). The key elements of capacity gap analysis includes the following:

- Identification of each claim-holder's capacity gap for not being able to claim their rights
- Identification of each duty-bearer's capacity gap for not meeting duties
- Sorting capacity gaps by category of capacity (responsibility, authority, resources etc.)
- Need to be focused and specific
- Participation is the key to capacity analysis.

The result is that for each claim-duty or duty-claim relationship a list of capacity gaps is of both the claim-holder and the duty-bearer. The capacity gaps may have to with any one or a combination of any of the following factors: a) Responsibility/Motivation/Leadership, b) Authority, c) Systems/processes for Planning, Decision-making, M&E, Learning, d) Resources, e) Communication (see Urban Jonsson, 2003).

Illustration with Group Work

In the Namibian workshop in reference (2004), the group discussed the capacity of political parties to ensure the rights of women to participate in political process. The question is: do political parties lack the capacity to play this role? The group first made a list of the key claim holders and five dimensions of capacity related to the above issue. After some discussions, the group identified the primary claim holders and capacity as the following:

i) Primary claim holders

- Women
- Citizens
- Political institutions
- Communities
- National Government
- International Community

ii) Capacity

- Responsibility
- Authority
- Resources
- Decision making capability
- Communication

After placing the above on board as a matrix, the group discussed the issue at hand within the limits of time, using the frame in Figure 2.

Responsibility

In terms of responsibility, the group noted that political parties in the country are not setting quotas for women, which largely explains what gap exists with political parties in exercising their responsibilities to women.

Figure 2: Capacity Gaps of Primary Claim Holders in Relation to Women's Right to Political Participation

Claim-Holder Capacity	Women	Citizens	Political Institutions	Communities	National Government	International Community
Responsibility			Not setting quotas			
Authority			Unfair exercise of power			
Resources			Lack human resources			
Decision Making			Wrong perception, unable to make rational decisions			
Communication			Poor flow of information			

Authority

In terms of authority, political parties are not exercising power fairly and responsibly when it comes to women in politics. And in relation to the international community, political parties are not implementing the SADC protocol on women quotas.

Resources

Political parties also lack the human resources to articulate the interests of women. In relation to the citizens, some political parties lack adequate human resources and, therefore are not represented in some of the constituencies. Due to inadequate financial resources, some political parties are unable to set up structures in the regions/constituencies. In addition, due to resource constraints, some political parties are poorly institutionalized at local level. Finally, in relation to the national Government, political parties lack accountability – they do not have to account for the funds received from Government.

Capacity to make rational decisions

Political parties are unable to make rational decisions because they see women as a threat; and in relation to the citizens political parties tend to avoid negotiating with them. In consideration of communities, political parties are unable to take rational decisions because they are highly partisan. Finally, political parties do not keep themselves informed and educated about issues relevant to women when dealing with national Government.

Capacity to communicate

While political parties communicate generally, information being disseminated does not filter down to the grassroots level. In this regard, language poses a barrier to some groups. Consultation with citizens is limited. In relation to the communities, parties sometimes lack the skills to communicate, and they often do not have the relevant information.

The purpose here is simply to analyze capacity gaps (in Rights-Holders and Duty-Bearers) in either realizing their rights or in enabling others to realize their rights. The State having signed human rights treaties are obligated to *respect, protect* and *fulfill* all human rights committed to for all citizens. On their part, rights-holders are not supposed to be mere passive recipients but active subjects that are expected whenever possible, through their actions, discourse or legal claim, to invoke and demand their rights whether individually or collectively. Capacity gap analysis allows the researcher or programmer to see the extent to which claim holders, on the one hand, are incapacitated in claiming their rights due to lack of information, poor education, poverty, etc; and on the other hand, capacity gap analysis enables identification of constraints faced by duty-bearers in facilitating the fulfillment of claim-holders' demands, due to budget restrictions, policy vacuum, inefficiency, corruption, etc. Such an analysis permits the articulation of an effective programmatic response to capacity gaps in delivery of services.

The key elements of a conceptual framework for the application of a human rights approach to programming have been summed up (Moser and Norton, 2001) as follows: a) it is based on the global legitimacy of human rights law and international consensus on relevant principles including individual freedom, equality, empowerment, transparency and responsibility; b) identifies how people's claims are processed and reflected in the multiple structures of authority and control, c) helps us understand the various mechanisms for realising rights through the legal system, the allocation of resources and administration of services, d) identifies entry points and areas of action for promoting sustainable livelihoods and, e) concerned with enhancing the freedoms and capabilities of present and future generations.

4. Human Rights and Equity Issues in MDG Implementation

4.1 Progress monitoring

At the September 2005 Millennium Summit, members States of the United Nations gathered in New York to compare notes on progress made thus far in achieving the Millennium Development Goals (Mugs), five years after the Millennium Declaration was adopted by 189 nations in the world.

Mugs achievement progress at the *outcome* level is being measured by aggregate national indicators. Obviously, any aggregate indicator for a nation conceals a great deal of internal variations by region, rural/urban residence, gender and other dimensions of vulnerability, making targeted programming for the poor or those underserved in the country a difficult task. Mere aggregation at national level cannot reflect international differences by region, rural/urban residence, gender, age and other dimensions of vulnerability.

At the sub-regional conference for Localizing MDGs in Eastern and Southern Africa in August 2005, it was concluded that MDGs couldn't be attained without the active and structured involvement of local communities in the development process. It is at the local level that policies are translated into action. Yet not enough attention has, so far, been placed on equipping local authorities, private sector and communities with the necessary capacities for effective service delivery. (Elizabeth Lwanga, 2006).

In efforts to contribute to accelerate progress towards the MDGs localization, UNDP has developed a "Strategy for Capacity Development for Pro-Poor Growth and Accountability". This strategy aims to address the inter-related challenges of governance, conflict and lack of infrastructure as well as external factors linked to the evolution of the global economy. Within this strategy, UNDP has

developed an action plan for facilitating the preparation and implementation of MDG-based strategies at both national and local levels. This action plan, according to Lwanga (ibid), will henceforth form the basis of work with partners at the national and sub-national levels to ensure that:

- National development and poverty reduction strategies clearly reflect locally determined MDG targets;
- National strategies include the inputs of local government, private sector, communities and civil society organizations, including women's organizations;
- National strategies have an institutionalized framework to support engagement of these actors in priority setting, implementation and monitoring;
- Local authorities and their partners (i.e. civil society, private sector) are able to analyze their situation; set local development targets and indicators and prepare credible plans and reports to inform national MDG reports and poverty reduction strategies; and
- Local partners and communities fully participate in the implementation and monitoring and evaluation of community/local development plans in ways that empower them for self-reliance and advancement.

The Urban Millennium partnership on "localizing MDGs" was prepared in the context of operationalization of MDGs at the local level in urban settlements. It aims to address the common criticism of MDG as a 'top-down' process, which excludes Local Authority and other stakeholders' involvement. The focus on local level is considered important because the national focus on achieving the 'aggregate' MDG targets and the current framework of monitoring and implementation, in general, does not take account of the "Urban" and the "Local" dimension. There is, thus, an inherent danger that even if the targets are achieved, the inequalities within a nation across people and places would still persist.

One rationale for localizing MDGs is that MDGs provide a unique opportunity to improve development outcomes. But its target-based approach has been questioned. The recent experiences of PRSPs and UNDAF, the current efforts by UN agencies and multilateral institutions, suggest that they focus exclusively on global and national action plans. MDGs and its current framework of monitoring and implementation seem to ignore the "Urban" and the "Local" dimension. Many regional and national reports on MDG monitoring do not report the status in rural and urban areas, or sub-national level.

The Millennium Project (New York), and especially the Task Force 8 has recognized that the conditions in urban poor communities, with regard to various MDGs, is likely to be much poorer than the averages for the nation, and special attention needs to be given to the low income and vulnerable groups in urban areas. MDGs are global targets and indicators are part of a political consensus that reflects 'averages' but not necessarily particular conditions of a country or city. The MDGs will become a useful development framework only as they are relevant and realistic to each particular country and local authority. Localizing the MDGs is an important way to align the MDGs with national long-term planning and PRSP processes.

4.2 Monitoring at lower levels - Local and Municipal

Strategically it is important to recognize that most of the world's population growth will occur in the cities of developing countries. The 21st century will witness massive and rapid urbanization, with two billion new residents in cities of the developing world in the next 25 years (UNFPA, 2007). This process, though stimulated by economic development, has also led to sharp divisions in growth

between cities and among social groups. The next decade will also witness increased urbanization of poverty. Nearly one billion urban residents in the cities of the developing world are likely to be poor if current trends continue. The number of urban dwellers living in slums and squatter settlements is also expected to rise in these rapidly urbanizing countries. The infrastructure in these cities will be unable to cope with the rapid growth of population. As a consequence, the achievement of Millennium Development targets may be the most difficult in the urban areas.

The emerging process of decentralization suggests that several functions related to the fulfillment of certain MDG goals have remained centralized and un-devolved. Thus, in the implementation of MDGs, national government agencies will continue to be chiefly responsible for the activities and target setting related to these goals. However, implementation of MDGs, should not be left to the national governments alone, but should also involve the local governments, to strengthen the decentralization process. This offers tremendous opportunities as well as challenges to planning. One obvious opportunity is the participation of the beneficiaries at lower levels, which makes programmes more responsive to the needs of the people. The immediate challenge is in the area of capacity building in recognition of the fact that the ushering in of local democracy has inducted a new cadre of political leaders who are often enthusiastic but lack the requisite knowledge and skills for implementing MDGs at local level.

In many countries, the local governments are required to provide basic services, primary education, and primary health care – a spectrum that covers many of the MDGs. South Africa is a good example of such a planning strategy. Inclusive urban governance addressing the challenges of urban poverty is a necessary pre-requisite for successful implementation of MDGs at local level. Local capacity building is therefore an important first step in localizing the MDGs. Such capacity development efforts at the local level must include an awareness campaign for local authorities about MDG framework, and mobilization all the stakeholders to consider MDGs as an integral part of local development process.

Within the context of “localizing MDGs”, the global MDGs provide a developmental framework in terms of measurable targets and help in making local development strategies more focused and more strategic. This approach is not very different from a City Development Strategy approach. A City Development Strategy (CDS), as defined by Cities Alliance, is an action-plan for equitable growth in cities, developed and sustained through participation, to improve the quality of life for all citizens. The strategic focus of a CDS is on the need to effect improvements in three, closely related categories: urban governance, local economic growth, and poverty reduction.

Provincial and Local Governments

MDGs are aggregate indicators and the average values computed for the targets mask significant internal variations within each country; hence, it is difficult to monitor progress among vulnerable groups, which include rural population, women, marginalized urban poor, the unemployed and under-employed, youth, orphans, people living with disability, the elderly, internally displaced persons and refugees.

Average statistic is known to conceal internal variations in the distribution of values being measured. In addition, except for those employed by Government and big companies, there is no provision for social security support in most African countries, a factor not captured by the MDGs. What is common to most African countries is the widening gap between the rich and the poor, males and females, urban and rural population, with regard to access to social facilities, infrastructural

facilities and economic opportunities. Closing the poverty gap is a major challenge, without which most of the MDGs will be impossible to achieve.

Using the MDGs target baselines, participatory processes can build awareness among provincial, municipal governments, and local authorities, and demonstrate how MDGs are linked to their own objectives and priorities. This in turn will lead to preparation of action plans that focus on achieving the prioritized MDG targets at provincial/local level, within the context of the strategic goals of improved governance, enhancing growth, and reduction of poverty.

4.3 Monitoring human rights in the Context of MDGs programme implementation

It has been argued that the time-bound characteristics and the quantitative aspect of MDGs strongly imply that they need to be regularly monitored. The monitoring is necessary for three fundamental reasons : to measure the progress made so far; to identify the gaps; and to formulate strategies to overcome the gaps in the remaining time period. But since the MDGs, in substantive terms, are strongly anchored, directly and indirectly, into human rights, their monitoring should also be closely linked to the human rights framework. (Selim Jahan, 2002). While measurement is necessary for the monitoring of progress, all the eight MDG indicators beg the human rights question.

The question seems to be: why have human rights groups not engaged with the MDGs so far? Philip Alston of the Center for Human Rights and Global Justice, (2004) suggests that there are two major exceptions: gender focused groups and minority rights groups have done significant work in emphasizing that human rights ought to be an important part of the MDG exercise. However, mainstream human rights groups do not seem to engage fully in the process of promoting the MDGs the MDGs sideline human rights because, among others, they do not contain any particular focus on rights.

In order uphold the centrality the human rights position in the MDG achievement process therefore, it is necessary to adopt an approach premised on the need for engagement by the human rights community, and one based on the assumption that a judicious blend of elements from the human rights framework, the PRSP context, and the MDGs offers immense potential over the longer term. The main challenge for the human rights community is to abandon the human rights comfort zone, that somewhat circumscribed legal and political area in which they feel comfortable operating, and move into less familiar territory in dialogue with non-traditional partners. The way forward is first to insist that the MDGs do not and cannot exist in isolation. They must be seen as a part of the broader human rights strategy, and they do not subsume or threaten the broader human rights agenda.

It is however ironical that while the MDGs were born out human rights (G. R.Painter, 2004), there is no single indicator, talk less of target, for monitoring progress in human rights achievements within the context of the MDGs framework. The suggestion seems to be that while MDGs constitute a framework for development monitoring, human rights implementation and monitoring frameworks must be developed and mobilized in relation to the MDGs. The obvious analytical challenge is therefore on how to integrate the related development frameworks (MDGs and human rights) and produce a set of indicators that truly measure development. To the extent that such measures are yet to be developed and adopted by the international community, the MDGs progress reports submitted to the United Nations by nations of the world in 2005 and 2010 related only to one side of the coin.

5. Issues of Data and Research for HRBAP

This section considers the importance of data and research for the successful application of the HRBAP for achieving equity in the MDGs. The system requires reliable baseline as well as longitudinal data on the MDG indicators, regularly updated for evaluation purposes and; adequate research capacity to inform policy and programme management, particularly on the often neglected population groups.

5.1 Data for MDGs Programme Planning and Monitoring

The monitoring of MDGs is taking place globally, through annual reports of the United Nations Secretary General to the General Assembly, and through periodic country reporting. Two types of indicators are generally used in MDG monitoring: those internationally compiled and those deriving from national sources. For country reporting, use is generally made of indicators compiled from national sources, invariably by the national statistical system. On the other hand, global reporting relies on indicators compiled by international organizations such as UNDP, WHO, UNFPA, UNICEF and the various Divisions of the UN, among others.

The following data compilation issues have been identified in the literature (Dalisay S. Maligalig, 2003) covering many countries:

- (i) baseline statistics (1990) are not available;
- (ii) the indicators are not being compiled by any government agency within the national statistical system;
- (iii) indicators may not be comparable across countries because of differences in compilation methodologies and/or definitions;
- (iv) some indicators may not be consistent across years because differences in estimation methodology and changes in data collection strategy; and
- (v) most of the indicators are not compiled at sub-national level.

It has been argued and debated that many of the most important MDGs, including those to reduce poverty, malaria, maternal mortality, or tuberculosis (TB), suffer from a worrying lack of scientifically valid data. Regarding data availability and reliability, it is argued that it is harder to get sufficient and reliable data for the health MDGs. Even the most basic life indicators, such as birth and death rates, are not derived from directly registered vital events in the poorest countries. Within this decade, only one African country (Mauritius) registers such events according to UN standards. Without reliable vital registration systems to track even the existence of births or deaths, naturally the data for the medical circumstances of those births or deaths—or the lives in between—are unreliable. Regarding maternal mortality reduction (MDG5), obtaining basic data for its measurement has been for many countries a guess work (see Box 6).

MDG monitoring requires reliable longitudinal data in order to determine trends in the indicators, but trend data are lacking for many of the indicators. In his assessment, Amir Attaran (2005) noted that while progress on each of the MDGs is portrayed in time-limited and measurable terms, often the subject matter is so immeasurable, or the measurements are so inadequate, that one cannot know the baseline condition before the MDGs, or know if the desired trend of improvement is actually occurring. [Amir Attaran, 2005].

Box 6: Problem of Maternal Mortality Data & Measurement

The *International Statistical Classification of Diseases and Related Health Problems*, tenth revision (ICD-10) defines a maternal death as a "death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental causes." In addition to maternal deaths, the ICD-10 introduced a new category of "pregnancy-related death", defined as any death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of cause. For countries in the developing world, which often lack complete registration of deaths and accurate ascertainment of cause of death (COD), it is not clear how progress towards the MDG target can be monitored since there is no consensus about how to measure maternal mortality in such circumstances. Measurement of MMR in countries that lack such registration presents special problems because maternal deaths are not only quite rare, but also difficult to identify. [Kenneth Hill; Shams El Arifeen; Michael Koenig; Ahmed Al-Sabir; Kanta Jamil; Han Raggars, *How should we measure maternal mortality in the developing world? A comparison of household deaths and sibling history approaches*, **Bulletin of World Health Organization** Vol.84, no.3, Geneva Mar. 2006]

In terms of data, yet another serious limitation of the MDG monitoring reports is that they are based on average values for each of the indicators. As observed by Jan Vandemoortele (July 2002) with regard to MDG progress reporting, while the averages may give a good sense of overall progress, averages can be misleading; and failure to understand that the average is an abstraction from reality can lead to unwarranted conclusions, or to fallacy of 'misplaced concreteness'.

In essence, the aggregate MDG indicators for any nation often conceal a great deal of internal variations by region, rural urban residence, gender and other dimensions of vulnerability, making targeted programming for the poor in such a country a difficult task. There is therefore the need to disaggregate national MDG indicators (and additional development indicators) for a country by province, rural urban residence, gender and other dimensions of vulnerability. This would provide meaningful information for targeted programming in addressing vulnerable population groups in the country and thereby achieve equity in development.

5.2 Research challenges

The application of the human rights based approach to programming (HRBAP) for the achievement of MDGs calls for research in two important areas; namely, a) entitlements of rights holders and, b) determination of the capacity of rights holders to claim their rights.

Research is required in order to determine the development entitlements of rights holders and the corresponding obligations of duty bearers as well as the immediate, underlying and structural causes of the non-realization of these entitlements. Such research efforts would facilitate the identification of the duties and obligations of those against whom a claim can be brought to ensure that needs are met as well as the assignment of responsibilities among specific agencies and agents.

Research is also needed to assess and analyze the capacity of rights holders to claim their rights (including access to information and ability to exercise the requisite skills and competences) and of duty bearers to fulfill their obligations (including with respect to adequate levels of responsibility and authority and availability of the necessary resources) and development of strategies to build these capacities.

It has been shown through experience that the human rights approach to research and programming provides an objective starting point for dialogue and discussions with government, the people and external partners. The approach also helps policy makers and citizens to recognize the power dynamics of the development process. Finally, the accountability structure pursued through a human rights based approach facilitates the development of quantitative and qualitative

benchmarks and indicators for measuring progress in development planning and delivery (see, Inger Ultvedt, 2004).

For example, application of HRBA to studies of population movements (internal and international migration, forced movements and displacements of population) should recognize migration as a right. From the individual standpoint, the decision to migrate is a right; and in countries where freedom of movement is not restricted, the choice of destination and length of stay are fundamental rights of the migrant. The declaration of basic rights outlined above must also apply to the migrant at the point of destination – freedom, equality, solidarity, tolerance, etc. Whenever an individual is forced to abandon his/her place of residence, a fundamental right has been violated; and it amounts to multiple violations of human rights when forced migrant faces discrimination in the place of forced residence. It has been shown with the regional situation in parts of Africa, that the social, demographic, economic, environmental and political consequences of such human rights violations are largely accountable for the conditions of abject poverty and human deprivations observed in most African countries today (Arowolo, 2006).

The basic questions in a RBA study of population movements should be directed at migrants/refugees themselves as well as the caregivers and hosts at points of destination. Pertinent research questions may be the following:

- Do migrants/refugees have a right?
- If so, how best can they claim such rights?
- Who are the caregivers?
- Who should ensure that migrants/refugees have their rights?
- Are there capacity gaps at national, regional, community levels in gaining these rights?
- What are the responsibilities of migrants/refugees in accessing these services (RH, employment, education, etc.)?

Needless to emphasize, it is critical to conduct research and generate data for the neglected aspects of the MDGs, particularly those related to the MDGs process as embodied in the Millennium Declaration in 2000: freedom; equality; solidarity; tolerance; respect for nature; and shared responsibility, as well as those principles that define Human Rights within the context of the United Nations Charter: Good governance, Transparency, Accountability, Participation/Non-discrimination, The Rule of Law, Sustainability, and Freedom of expression. Hitherto, MDG reporting has ignored the process dimension of progress in national development. In this regard, there is hardly any country that compiles data on these process indicators on a regular basis.

For Africa, NEPAD is particularly important in its emphasis on the application of Human Rights principles in governance; the Peer Review Mechanism was designed to ensure that national development monitoring does not lose sight of the human rights dimension. The NEPAD identifies democracy, human rights and good governance as the core challenges for moving the continent forward (ECA, 2005). Regrettably, not all the countries in the continent have as yet acceded to the NEPAD protocol; and among to that have signed in, programming for MDGs achievement has little to do with human rights principles.

The ECA conducted monitoring study on Governance covering governance practices in 27 African countries through national research institutions, which altogether sampled opinions from over 50,000 households and 2,000 experts. The findings were published in the African Governance Report (2005) and considered to be the first major Africa-driven study of its kind, which aimed at

gauging more empirically citizens' perceptions of the state of governance in their countries. The report identifies major capacity deficits in governance practices and institutions in the countries studied and recommends best practices as well as solutions to address them. More of this type of study is needed at country level, covering all the dimensions of the MDG process discussed above.

Effective monitoring of development programmes at national, sub-national/regional or continental level requires adequate research capacity. It has been noted by the author that within the context of population and development, research is required to provide much needed information for policy formulation, programme design and management, including monitoring and evaluation. However, in Africa, the capacity for coordinated research in addressing the planning, design, implementation and evaluation of development programmes is generally lacking. In the years since the ICPD PoA in 1994, only the UN ECA seems to have been providing an institutional base for such coordinated research.

Applied research of this nature has tended to suffer the fate of "crosscutting" issues in development planning and implementation: it is there as an element but not given explicit consideration. And because research agency is not normally housed within Government institutions, research activities are treated as ancillary services provided by quasi-government or other (Research Institute, University, Private/Foundation) agencies. It is precisely for this reason that neither the ICPD +5 nor the ICPD+10 evaluation reports has given research a mention in the analysis of factors that have contributed to, or inhibited, progress towards achieving the ICPD goals/objectives. Yet failure, or inadequacy, of research efforts may have contributed to the observed gaps/biases in coverage by Member States in their progress towards achieving ICPD objectives (Arowolo, 2006).

6. Concluding remarks

Human rights apply to all human beings equally. When it comes to life and living, every individual is a right holder and with responsibility to uphold the rights principles of accountability, equality, non-discrimination and the principle of participatory decision-making process and recognition of the interdependence of rights. Rights are universal and indivisible; therefore, those in authority must ensure the realization of rights by everyone without creating any impression of dispensing charity to the people. This attests to the global legitimacy of human rights law and international consensus on relevant principles including individual freedom, equality, empowerment, transparency and responsibility.

The 'rights' frame of mind or analysis allows the researcher, programmer and those in authority to view development as a right, which all people in their region or country should enjoy. For the researcher, the focus of analysis in an enquiry into, say, access to reproductive health services, education or employment should shift from the conventional care-giver-beneficiary mode into one of right-holders and duty-bearer relationships. Investigation of the causes of a manifestation (illness, death, poverty, etc) in a rights-based approach goes deeper than the immediate causes; it calls into query also the underlying and root causes of the manifestation so as to design an effective programme of intervention.

Thus, at the analytical level, a human rights approach to resolving, for illustration, the problem of poverty (MDG1) identifies how poor people's claims are processed and reflected in the multiple structures of authority and control. This approach thus promotes an understanding of how right-holders in society could realise such rights either through the legal system, resource allocation in

national planning and service provision. This is different from the conventional approach in which the poor are treated as people in need (of food, shelter, money, etc, as in disaster management) and therefore require support through donations, welfare support and the like. Poor people have a right to be empowered to get out of poverty by participating actively and fully in the development process.

In terms of programming, the rights based approach identifies entry points and areas of action for programme support, and determines those with responsibility for specific actions. Most of the MDG progress reports have been centred on achievement outcomes, neglecting the process where the human rights principles should be called into question. In many African countries the persistence of poverty, the heavy burden of diseases and the pervasive 'demographic trap' commonly observed are not due to lack of natural resources or human capacity, but due largely to bad governance and all its manifestations – poor macroeconomic policies, corruption, political instability, human insecurity, lack of transparency and accountability, etc. [The ECA Governance report on Africa (2005) in spite of its diplomatic redering clearly attests to this problem]. Under such situations, human rights can hardly be guaranteed (except on paper through the international Treaties and Conventions that have become so easy to sign by States but difficult to honour), talk less of their being upheld.

The point is that national programmes that are designed to implement the MDGs framework across most African countries, in spite of NEPAD, are not structured on human rights principles. It is thus futile to expect the realization of the MDGs in most of Africa with equity; which is why research reports show that aggregate indicators may suggest some modest progress in poverty reduction, but a careful analysis of the phenomenon reveals that the poor are getting poorer and the gap between the poor and the rich are becoming wider over the years. Ever since, the conventional approach to programming continues to leave behind those that are most vulnerable – the poor, rural population, marginalised urban dwellers, girls and women, the youth and elderly, disabled people, orphans, refugees and internally displaced persons, and sometimes minority groups. The Human Rights Based Approach is perhaps the most practical way of getting on board those usually left behind in national development programming because it offers equitable solutions to development problems.

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