

FHSMUN 31
AD HOC COMMITTEE

INTEGRATING HUMAN RIGHTS INTO SUSTAINABLE DEVELOPMENT

Introduction

The Millennium Development Goals (MDGs) remain the official guidelines for the UN System, and as the crucial year of 2015 draws ever closer, it is increasingly apparent that the UN System and the greater international community must redouble their collective efforts to achieve the lofty yet essential goals established a decade ago. As governments, development agencies, and civil society actors such as non-governmental organizations (NGOs) address the complex relationships between human rights and sustainable development initiatives, all relevant actors must consider such critical questions as whether or not all human rights are truly indivisible and equally important as well as the ultimate goals of any sustainable development initiatives.

As the delegates to the Ad Hoc committee analyze their respective countries' development priorities in the context of achieving the Millennium Development Goals(MDGs), they must take into account the critical elements of human rights-based approaches to development questions. The overarching framework for the discussions of integrating human rights into sustainable development initiatives stems primarily from the groundbreaking work of Nobel laureate Amartya K. Sen. At the turn of the millennium, Sen asserted that development is best understood "as a process of expanding the real freedoms that people enjoy" and furthermore that "development requires the removal of major sources of unfreedom."¹ Sen argues that poverty must be understood as more than a lack of income but instead as a form of deprivation of capacity, income, and rights. Ultimately development may only be sustainable when all members of society are fully capable of participating in relevant efforts and initiatives.

If international concepts of development are going to be reordered in such a way to focus on the nexus and interstices of sustainability and human rights, development analysts and governments must reform the metrics they use to measure development. Instead of focusing strictly on raising per capita income, development partners must focus on raising per capita income as well as reducing and/or eliminating the inequalities that frequently undermine development initiatives. Critical steps towards these measurement reforms have been undertaken by the United Nations Development Programme (UNDP) in the context of the Human Development Index (HDI), Gender-related Development Index and the Human Poverty Index.

The Right to Development

The most fundamental right in the context of sustainable development is the right to development itself. In 1986, the General Assembly adopted the Declaration on the Right to Development (A/RES/41/128) and the right to development and participation in

¹ Amartya K. Sen, *Development as Freedom* Anchor Books New York 2000 p. 3.

that development was further enshrined in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of which, in combination with the Universal Declaration of Human Rights (UDHR), constitute the International Bill of Rights. Throughout the 1990's and the first decade of the twenty-first century, the right to development was further affirmed at such critical international conferences as the Rio Conference on Environment and Development (1992), Vienna Conference on Human Rights (1993), the Cairo Conference on Women and Development (1994), the Copenhagen Conference on Social Development (1995), and the World Summit on Social Development (2005). "The human rights-based approach to poverty reduction espouses the principles of universality and indivisibility, empowerment and transparency, accountability and participation."² This institutionalization of the "right to development" is essential to the deliberations that Ad Hoc delegates will undertake.

Promoting Development By Ending Discrimination

Amartya Sen's profound analytical framework of poverty as capability and resource deprivation provides all relevant development actors, especially states, with guidance for overcoming the obstacles to development, particularly including discrimination. As states implement development initiatives, they have legal and moral obligations to integrate all groups, especially the poor, women, ethnic and racial minorities, and indigenous communities, in these initiatives and projects. Furthermore, "the principle of universality requires that no group, such as geographically remote communities, be left out of the reach of development assistance and public policies."³ To date, however, "there appear to have been more successes linking human rights to indigenous peoples than with minorities."⁴ Ending discrimination must then go further than merely changing and updating laws that provide for discriminatory treatment of excluded and marginalized communities; governments and relevant development partners, including intergovernmental organizations (IGOs) such as the United Nations, the World Bank, and regional development banks, must bring these excluded and marginalized communities into all stages of development planning and implementation.

One of the most critical steps that governments at all levels may take is to eliminate any laws that promote discrimination by preventing women, ethnic, racial and religious minorities, people with disabilities, and internally displaced persons (IDPs) and refugees from exercising essential legal rights, including the inheritance and management of property. All relevant development actors, especially including excluded and marginalized communities, must furthermore have complete and unfettered access to all relevant legal remedies, including courts. States must respect, protect, and fulfill the rights specified in the core international human rights treaties and conventions that they

² United Nations Development Programme (UNDP), "Poverty Reduction and Human Rights: A Practice Note" June 2003 p. iv.

³ UNDP, "Poverty Reduction and Human Rights" June 2003 p. 7.

⁴ Laure-Hélène Piron with Tammie O'Neil, "Integrating Human Rights in Development: A synthesis of donor approaches and experiences" Prepared for the OECD DAC Network on Governance (GOVNET) September 2005 p. iii.

have ratified. A classic example of a right that is frequently violated by states is the abrogation of the right to housing through arbitrary forced evictions. While stories of forced evictions frequently focus on countries such as Cambodia, Indonesia, Zimbabwe⁵ and Cote d'Ivoire, there have been large-scale forced evictions in countries such as the United Kingdom.⁶ The most widely discussed and condemned forced evictions are undoubtedly conducted by and within the state of Israel.⁷ While it is immediately evident that the criticism of these various evictions, particularly those in Israel and the Occupied Palestinian territories, are politically motivated, this fact in no way absolves the respective governments of their obligations to respect, protect, and fulfill this internationally accepted right to housing.

Governments must take immediate and practical steps that will eliminate any and all vestiges of discrimination. One of the primary reasons given, however, for this continuing discrimination is that the required legal changes will take years to document, legislate, and implement. While some legal remedies may take years to implement, there are vital changes that can be achieved far more quickly. In June 2008, the UN released a comprehensive study on empowering the world's poor people; in this report, the UN concluded that at least 4 billion people are at least partially excluded from the rule of law, in large part because many of them have no legal birth certificates or records, thus rendering their legal titles to inheritance and property dubious in their respective countries' courts and legal systems.⁸ Governments not only need to improve their capacities for recording and registering births but many governments must also reexamine citizenship laws that routinely deny legal citizenship to individuals and entire communities.

Political and religious disputes frequently serve as the primary reasons for discriminatory laws and policies. Governments need to remember, however, that "human rights are a source of legitimacy for state action, and put emphasis on the need for effective channels of accountability and redress."⁹ The 25 million Kurds found in Iran, Iraq, Syria, and Turkey constitute the world's largest collection of stateless people and their rights are routinely violated by all of these states; as in the cases of the Palestinians and the Uighur community of western China, the aforementioned governments in Tehran, Baghdad, Damascus, and Ankara all engage in collective punishment of their Kurdish communities as well as a consistent disregard or contempt for the development priorities of local communities. While governments debate potential revisions to their existing laws, related development partners, including donor governments, international organizations, including the UN System, the International Monetary Fund (IMF), the World Bank Group, and regional development banks, as well as non-governmental organizations (NGOs) must consider revising their own donor and lending policies in

⁵ *The Economist*, "The great terrain robbery" August 15, 2002.

⁶ *BBC News*, "UN intervenes over site evictions" May 14, 2009.

⁷ Isabel Kershner, "Jewish Nationalists Clash with Palestinians" *New York Times* December 2, 2009.

⁸ *The Economist*, "The law poor" June 5, 2008.

⁹ Laure-Hélène Piron with Tammie O'Neil, "Integrating Human Rights in Development: A synthesis of donor approaches and experiences" Prepared for the OECD DAC Network on Governance (GOVNET) September 2005 p. iv.

order to encourage hesitant or recalcitrant governments to more swiftly amend their legislation.

Ensuring that rights do not conflict

Far too many academics, analysts, observers, and politicians have overstated the alleged divide between Eastern and Western societies, or developed and developing countries, in terms of individual and group rights and the developed world's focus on civil and political rights and developing countries' emphases on cultural, economic, and social rights. Nonetheless, there is some validity to the assertion that different cultures and societies place primary emphasis on specific human rights; the critical dimension here is to bear in mind that societies have obligations to respect, protect, and fulfill all human rights, not merely the ones that are most easily protected within that culture or society. This does not mean, however, that when integrating human rights into sustainable development that relevant stakeholders must satisfy all human rights simultaneously. Indeed, "the principle of indivisibility of human rights does not preclude priority setting in programming support."¹⁰ In the case of Egypt and many other societies that are experiencing, or are projected to soon experience, water shortages, governments, local farmers, business leaders, NGOs, the UN System, and relevant civil society stakeholders must consider the prospect that "the notion of a human right to water for food is more complicated than that of a right to household water."¹¹ In many local communities and at times at the national level, there may be tensions between the development and human rights priorities of the affected communities. Delegates to the Ad Hoc committee may wish to consider how best to encourage these at times conflicting but often interdependent actors to resolve these conflicts such that no human rights are actually infringed or denied.

UN System Actions

As the UN System expands its interlocking network of partnerships between UN agencies and bodies, unsurprisingly the UNDP and the UN Office of the High Commissioner for Human Rights (OHCHR) are the lead agencies in the quest to integrate human rights into all sustainable development initiatives. The United Nations Environment Programme (UNEP), UN-HABITAT, and the United Nations Development Fund for Women (UNIFEM), and the UN Children's Fund (UNICEF) are also vital bodies in this UN System network. The UNDP and the OHCHR created the Human Rights Strengthening Programme (HURIST), a critical initiative to allow the UN System to more effectively integrate human rights into sustainable development. The UN also launched its Global Human Rights Strengthening Programme (GHRSP) in March 2008 to accelerate the mainstreaming of human rights throughout the UN System, and particularly within the UNDP. As a follow-up action, the UN hosted its third InterAgency Workshop on Implementing a Human Rights-Based Approach (HRBA) in Tarrytown,

¹⁰ Patrick van Weerelt, "A Human Rights-based Approach to Development Programming in UNDP – Adding the Missing Link" UNDP Geneva August 8, 2001 p. 7.

¹¹ Shaden Abdel-Gawad, "Actualizing the Right to Water: An Egyptian Perspective for an Action Plan" *Water Resources Development* Vol. 23, No. 2 June 2007 p. 344.

New York in early October 2008. To assess the results of development initiatives, the UN System relies upon the cooperation of its member states through the reports that are known as Common Country Assessments (CCA). Governments, UN agencies and bodies, development banks, non-governmental organizations (NGOs), and civil society representatives must ensure that they maintain a permanent Monitoring and Evaluation Cycle consisting of analysis, assessment, implementation and planning.

UNDP's lead role is continually reinforced through both its systemic and country-specific actions. In 2008, UNDP Zambia and the Human Rights Council (UNHRC) worked directly with the Zambian media to promote the observance of and respect for human rights in the electoral process and UNDP followed this up by hosting a conference on Business and Human Rights to promote the concept of corporate social responsibility (CSR) in Zambia. In 2007, UNDP, again in consultation with the Human Rights Council (UNHRC) began assisting Bahrain's government in the implementation of its national human rights plan, a significant portion of which involves integrating human rights and sustainable development.¹² UNDP's work in approximately 100 countries around the world is essential to this integration of human rights and sustainable development. To assist in this process, the delegates to the Ad Hoc committee may wish to consider ways to encourage greater voluntary contributions to critical UNDP programs such as the Thematic Trust Funds on Poverty Reduction and Democratic Governance as well as for programs such as Support Services for Policy and Programme Development (SPPD), Development Support Services (DSS), Support to the Resident Coordinator Funds (SRC funds), and the HURIST programme.¹³

Actions by States and NGOs

The UN System's ultimate successes depend thoroughly upon the compliance and innovations of its member states and other related actors, including NGOs. Governments must begin adopting and implementing human rights-based approaches in their development and lending policies; some of the earliest governments to explicitly recognize the need for, and value of, a human rights-based approach in development planning and programming include the Netherlands, Norway, Sweden, and the United Kingdom. These governments and UN Secretariat personnel have also influenced the World Bank Group to include a much more explicit emphasis on human rights promotion and protection in their development programs. Many NGOs, specifically including Oxfam, CARE, and the Minority Rights Group (MRG), have also adopted human rights-based approaches to development assistance.¹⁴ In terms of direct practical applications of a human rights-based approach to development assistance, all donors, whether governments, foundations, businesses, or NGOs, must consistently consider and reevaluate the impact of their donor practices upon the human rights situation within the

¹² For further information, please see: UNDP, *Human Rights for Development* News Brief Vol. 1 January 2009. Found at: http://www.undp.org/geneva/docs/2009-01_Human%20Rights%20for%20Development_News%20Brief.pdf

¹³ Patrick van Weerelt, "A Human Rights-based Approach to Development Programming in UNDP – Addressing the Missing Link" UNDP Geneva August 8, 2001 pp. 22-23.

¹⁴ Patrick van Weerelt, "A Human Rights-based Approach to Development Programming in UNDP – Adding the Missing Link" UNDP Geneva August 8, 2001 p. 22.

affected communities. Ultimately then, it is essential that development assistance, whether administrative, financial, or technical, not be restricted to merely the largest cities or coastal communities but must also include remote communities as well.

Measuring Success

As the various stakeholders strive to implement development strategies that respect, protect, and fulfill human rights, they will have to agree upon some method or technique for measuring their individual and collective successes. Within the donor community, several different approaches have emerged towards achieving the MDGs. Including “linking the MDGs to specific human rights standards; drawing on the Millennium Declaration, which makes explicit reference to human rights; and adopting human rights-based approaches towards meeting the MDGs.”¹⁵ Numerical measurements are often considered the most straightforward assessments of progress towards development as well as respect for human rights but the UNDP offers up a crucial caveat: “Global targets cannot be imposed on each and every country, independent of its specific situation. The quantitative MDG targets must be translated into nationally agreed targets that balance ambition with realism.... Tailoring and customizing the MDG targets is essential for enhancing the sense of national ownership of the MDGs.”¹⁶ The delegates to the Ad Hoc Committee must consider how best to design a system of quantitative measurement of progress towards fully integrating human rights into sustainable development initiatives while still incorporating the necessary flexibility that encourages states and related development actors to achieve the MDGs in an inclusive, participatory manner.

Conclusion

Human rights and sustainable development are at the very heart of the Millennium Development Goals (MDGs). In recent years, crucial development actors have made more explicit links between human rights and sustainable development and the fact that they are mutually reinforcing. The delegates to the Ad Hoc committee must formulate even clearer guidelines for mainstreaming the promotion and protection of human rights into all sustainable development initiatives as well as to improve the accountability and transparency of these initiatives and programs.

Guiding Questions:

What actions has your government undertaken in recent years to more effectively respect, promote, and fulfill human rights for all communities within your country? Have your country's laws been updated in such a manner as to promote the integration of human rights into sustainable development programs?

¹⁵ Laure-Hélène Piron and Tammie O'Neil, “Integrating Human Rights in Development” September 2005 p. v.

¹⁶ UNDP, “Poverty Reduction and Human Rights” June 2003 p. 6.

What actions must be undertaken by the UN System and the larger international community in the next 5 years to achieve the Millennium Development Goals? What immediate steps can the UN System take to mainstream a Human Rights-Based Approach (HRBA) in all of its development projects?

How might development banks, businesses, investors, and NGOs more effectively monitor the integration of human rights into sustainable development programs? How might these various actors modify their lending or technical assistance programs to more vigorously promote and protect human rights?

What would be the best set of measurements for the international community to use to measure the integration of human rights into sustainable development? How should the international community deal with countries that consistently fail to integrate human rights and sustainable development?