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**MILLENNIUM DEVELOPMENT GOAL 8 : INDICATORS FOR MONITORING  
IMPLEMENTATION**

**Note by the Secretariat**

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## Introduction

1. The idea that human solidarity transcends national boundaries and extends to all people of the world has been one of the key features of human rights documents from the UN Charter to the Universal Declaration on Human Rights to the Covenant on Economic, Social and Cultural Rights. As the Universal Declaration of Human Rights states, everyone 'is entitled to realization, through national efforts and *international cooperation* and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality'. And the principle of international responsibilities of states for global development has been stated in these and many other documents, notably in the Declaration on the Right to Development, and in the 1993 Vienna Declaration and Programme of Action. A recent working paper 'Human Rights and International Solidarity' by Dos Santos Alves to the Sub-commission on the Promotion and Protection of Human Rights systematically reviewed documents the principle of international solidarity in the sources of international law as listed in annex 2.<sup>1</sup>

2. This paper prepared by Ms. Sakiko Fukuda-Parr is concerned with how this principle can be implemented and accountability strengthened. For in the absence of a clear agreement on what these responsibilities include, and how they can be assessed, the principle has not been used in helping formulating national and international policies, nor in monitoring development progress. As the Dos Santos paper concludes, this concept is a broad area that has not been analysed adequately. No clear body of norms and standards have been agreed. No formal procedures exist to hold states accountable for their international responsibilities. International cooperation policies have not been grounded in this human rights concept of international responsibility of rich countries. Thus, the most ardent advocates of international solidarity in the fight against global poverty such as Professor Sachs or Prime Minister Blair invoke moral compulsion, not international state obligation, as the motivation for rich countries to do more. And if human rights are invoked in their discourse, it is to merely to disparage extreme poverty as involving denials of human rights, without evoking the correlate duties and responsibilities of states and other actors. This misses the essential value added of human rights concepts to development policy.

3. The result is that the idea of international obligation of states is left as a general principle without an implementation mechanism. In this context, Millennium Development Goal 8 (MDG-8) – the internationally agreed commitment to strengthen partnership between rich and poor countries to eradicate global poverty - is arguably the most significant development since the Vienna Declaration of 1993. This goal goes beyond a statement of principle of state responsibility to list specific policy areas - trade, aid, debt relief and technology transfer – where states have responsibility. The significance of MDG-8 lies in its influence on development cooperation policy of the international community rather than as a source of international law. In the five years since their adoption, donors have adopted MDGs as a common focus of priorities and a common yardstick for measuring progress. A global monitoring process has been put in place. Annually, the UN General Assembly reviews global progress. At regional and national levels, country monitoring reports are prepared and reviewed.

4. The Millennium Development Goals are important for advancing the right to development because the MDGs have mustered stronger political commitment to global poverty

reduction than ever before in the post Cold War era. Although it should be acknowledged that there is more to the right to development than MDGs, and that MDGs are silent on some core human rights principles such as equality, MDGs are complementary to the right to development. MDGs can help take forward the agenda.<sup>2</sup> Millennium Development Goals including the 8 goals, 18 targets and 48 indicators (see annexes 1 and 2) emanate from the Millennium Declaration adopted in September 2000 when world leaders gathered at the UN Millennium Summit to define a common vision for the 21<sup>st</sup> century. They committed their nations to work together, and make stronger efforts for global peace, human rights, democracy, good governance, environmental sustainability and poverty eradication. The Goals are unique in their ambition and scope, but also in two other ways. They set quantifiable targets with a timetable for achievement and indicators to monitor implementation.

**5. MDGs are also unique in their explicit recognition that the Goals could not be achieved on national efforts alone, but would require international cooperation. So while goals 1 – 7 set benchmarks to make progress in income poverty, hunger, primary , gender inequality, child and maternal mortality, HIV/AIDS and other major diseases, environmental degradation, goal 8 sets out action to be taken by rich countries, including action on trade, debt, technology transfer and aid. MDG-8 can thus be considered to provide a framework for assessing accountability of rich countries. The list of goals 1 – 7 is attached in the annex 2. Goal 8, its targets and indicators are listed in annex 3.**

6. Thus Goal 8 has the potential to be used as a tool of accountability, taking the principle of international obligations beyond a concept to an operational policy. The aim of this paper is to analyze whether the current list of goal 8 targets and indicators capture the essential elements of international responsibilities for development. The paper is structured in three parts as follows:

- a conceptual framework for identifying key priorities for international action as a matter of international human rights obligation;
- a conceptual framework for defining human rights indicators, as something distinct from development indicators;
- a review goal 8 targets and indicators as criteria for international human rights accountability.

## **I. CONCEPTUAL FRAMEWORK FOR IDENTIFYING PRIORITY AREAS OF INTERNATIONAL OBLIGATIONS**

7. How should the international obligations be defined? How has the case been made? One frequently used argument is the existence of mass poverty in poor countries and by the inequalities in the world. Some often argue that these inequalities are the result of entrenched iniquities in the world, rooted in history and reflecting the huge asymmetries in economic and political power among countries. However, these are not a sufficient reason for states to have international responsibility since it is widely agreed among both governments and human rights scholars that the primary responsibility for human rights and eradication of poverty reside at the national level. International responsibilities therefore relate to addressing obstacles that are beyond the ability of a state to tackle on its own. In policy debates, there is little argument over the fact that developing countries face obstacles that they cannot address without international cooperation.

### ***A. Three categories of obstacles beyond the reach of national action***

8. Most human rights documents and development policy debates identify three types of obstacles that require international cooperation:

- inadequate resources;
- international policy environment that is not enabling to development;
- systemic asymmetry in global governance.

9. *Resource constraints* - The first obstacle is lack of financial and human resources. There is little argument that developing countries need additional resources beyond what domestic savings and borrowing can mobilize. There is also acknowledged that achieving MDGs would require substantial additional resources since the pace of development needs to accelerate considerably to meet the quantitative benchmarks within the timetable set. Additional resources can come from development aid, debt relief, private investment flows and access to private capital markets.

10. *Policy environment* – the second obstacle concerns constraints that arise from the international policy environment. For example, most developing countries are highly dependent on primary commodities for their foreign exchange earnings, and face wildly fluctuating prices. They also face ‘tariff escalation’ or also dubbed ‘development tax’, where developed countries impose higher tariffs on processed goods such as tinned tomatoes compared with unprocessed goods such as tomatoes. A single country cannot address these problems on their own; international action is needed to set up stabilization schemes or to reform unfair trade rules. Issues of finance and trade were at the core of concerns that developing countries had in advocating for the recognition of right to development.<sup>3</sup> However, other areas several other areas where the international policy environment is not conducive to development, such as global warming and other environmental pressures, the absence of pro-poor public goods, and security threats.

11. *Systemic asymmetry in global governance* – the third obstacle concerns inadequate participation of developing countries in international decision making. This is related to the democratic deficit in global governance, and the lack of transparency, and broad participation in institutional structures and decision making processes. The most significant concerns have been raised with respect to agreements on norms and standards in trade and finance. For example, developing countries have weak bargaining power in WTO multilateral trade negotiations which result in trade rules that in favour of the interests of rich and powerful countries.

### ***b. Globalization and international obligations***

12. The need for greater accountability of international responsibility has grown with the advance of globalization. This is because increasing global interdependence has meant that peoples’ lives are much more influenced by events that take place outside of the country whether it is spread of disease, depletion of fishing stock, or fluctuations in international financial flows. The impact of government policy similarly extends beyond national borders. Developing countries are consequently more dependent on international resources, policy change, and

systemic improvement in global governance to accelerate progress in achieving right to development.

## **II. CONCEPTUAL FRAMEWORK FOR DEFINING INDICATORS FOR HUMAN RIGHTS INDICATORS**

13. What should human rights indicators measure? What are the key elements that define progress? Human rights is a complex concept with multiple dimensions; securing human rights requires involves progress on multiple fronts. Each of these facets needs to be captured in indicators to assess progress.

14. Consider the concept of the right to development. The right to development is not the same as development. It is not just about improvement in the economy or in social conditions such as schooling. It is also not the same as 'human development', the expansion of capabilities and freedoms that individuals have to lead lives they value. The right to development is a much more complex concept; it is about advancing human dignity and freedoms by enjoyment of rights that requires social arrangements to secure.

15. Economists argue that human rights are incorporated in development policies when these policies promote equitable economic growth and social development. This position misses the essence of the human rights concept which is that rights carry correlate obligations on individuals and institutions, particularly the state. The concept of human rights is also concerned with the characteristics of social arrangements, with a particular commitment to principles of non-discrimination, participation, adequate progress, and remedy. The value added of human rights to development is therefore that it goes beyond human outcomes to social arrangements to secure rights. Human rights are not just development aspirations but are claims that are to be enforced, for which other - duty bearers - are to be held accountable.

### ***A. Dimensions of human rights***

16. The realization of human rights – and the right to development – needs to progress along multiple dimensions on different fronts:

17. *Two areas of outcomes: the condition in peoples lives and the social arrangements being put in place* - To assess human rights, we are concerned with progress not only in the condition of peoples lives, but also in the social arrangements that are in place. Much of work on monitoring human rights focusses on documenting violations of rights by monitoring the condition of peoples lives. These make up two quite distinct strands of work on human rights measurement. Lack of consensus in the work on indicators arises from the focus on one or the other priority. (Raworth 2001) But progress needs to be assessed in both areas and indicators are needed in both.

18. The implication for goal 8 is that indicators should focus on state conduct – adequacy of state policy – rather than on human outcomes.

19. *Several actors* - the conduct of the many other actors in society who have human rights obligations. The state has responsibility for securing peoples rights, but many other actors influence the realization of human rights such as the media, civil society organizations, private

companies, the household, individuals. In the market economy, the conduct of private companies is a significant factor and that conduct cannot be entirely controlled by the state. In the globalized world, global actors such as international organizations and global corporations have considerable influence and power, and are beyond the reach of any individual state to regulate. All these actors are duty bearers.

20. The implication for goal 8 is that international responsibilities reside not only with the state but also with other globally powerful organizations, notably corporations, media and NGO networks. States also have obligation to ensure that these other actors do not violate human rights. International cooperation is needed when actors are global such as global corporations.

21. *Several key characteristics of process* – it is not only the human condition but social processes in which people participate that are part of human rights. Right to development is conceptualized as a right to a process. The key features of the process include participation, equality, transparency, accountability, non-discrimination, and remedy. To illustrate, what matters therefore in the realization of right to development is not just raising school enrolment rate, but achieving greater equality in schooling and reducing disparities among population groups, and in the participation of people who may be excluded due to obstacles such as language in the case of indigenous groups. There must also be a process put in place for accountability and remedy in the case of violation.

22. The implication for goal 8 is that international decision making processes are an important concern.

23. *Benchmarking progressive realization* – it has long been recognized that the realization of rights can take time to overcome the obstacles in the way which could range from laws to customs to institutional structures to lack of financial resources and lack of know-how.

24. The implication for goal 8 is that goal 8 targets and indicators should be used as an operational tool of monitoring and accountability.

25. In assessing progress to realization of right to development, all these multiple dimensions across several fronts need to be captured by different measures.

### ***B. Assessing state conduct***

26. Over the last decade, much work has been done to conceptualize indicators for human rights.<sup>4</sup> Some useful approaches have been developed to structure indicators into sets that capture diverse dimensions and objectives. The *Human Development Report 2000*<sup>5</sup> proposes a framework structured by seven aspects of state conduct: three categories of responsibilities, to respect, protect and fulfill human rights; and four key principles of non-discrimination, participation, adequate progress and remedy. More recently, the Special Rapporteur on the right to health, Paul Hunt, proposed 3 categories of indicators: outcome, process and structure.<sup>6</sup> These frameworks were proposed to develop systems of indicators for accountability at the national level, they are also useful for structuring indicators for accountability at the international level.

27. State conduct is about state policy and action, whether it is allocation of resources in the budget, regulation, or institutional procedures. There is intrinsic difficulty in identifying the contents of policies and action that meet state obligations since there is no indisputable consensus on the causal impact of policy on human well being. There are always controversies about data, methodology, and analysis over policy choices. For example, human rights activists have argued that 'structural adjustment programmes' have resulted in unemployment, declines in educational enrolment, and had other adverse impacts on the realization of right to development. But these policy consequences depend on the specific context, and the causal links are vigorously contested among economists. Many economists argue that these policy packages have had positive effects on development. Thus, responsibility for human rights violations cannot be clearly attributed. For this reason, some human rights activists argue that economic and social rights (which are central to right to development) are not justiciable.

28. Though a challenge, these difficulties are not insurmountable. As Amartya Sen has argued, obligations for right to development may not be precisely attributable, but are obligations nonetheless. These should then be considered 'imperfect obligations'.<sup>7</sup> As for the difficulties of establishing policy causation, for sure consensus is hard to reach on the human impact of policy. But this does not mean that there is not a body of social science knowledge that has helped develop consensus on a number of important issues. In fact, there is widespread consensus on a number of international actions that would help advance realization of the right to development, reflected, for example, in some consensus documents of international conferences. The Millennium Declaration, the MDGs, and the Monterrey Consensus on Financing for Development contain such consensus positions. Countries have committed, through these documents, to act on a number of international issues.

### ***C. Scope of state conduct: policies to respect, protect and fulfil***

29. The 'Maastricht principles' define the scope of state responsibility in the national context in three dimensions - to respect, to protect and to fulfill. The same principles can be usefully applied in conceptualizing the scope of international obligations.

30. *To respect* – refers to not standing in the way of people's pursuit of their rights. An example in the national context would be to not restrict access to schools by minority populations. In the international context, an example would be refraining from obstructing a country pursuing the use of compulsory licensing provision of the WTO Agreement on trade-related aspects of intellectual property rights (TRIPS) to extend access to patented medicines during a public health emergency.<sup>8</sup>

31. *To protect* – refers to prevent other actors from violating human rights. An example in the national context would be to intervene when parents refuse to let girls attend school. An example in the international context would be to take measures to enforce labour standards when corporations violate them.

32. *To fulfill* - refers to taking measures that assists in the realization of rights. In the national context an example would be building schools. At the international level, this could be investing in global public goods, like vaccines against HIV/AIDS, or providing concessionary financing for a school building programme.

***D. Key human rights principles as policy goals – non-discrimination, participation, adequate progress, and effective remedy.***

33. Cutting through all these outcomes and processes are key human rights principles of non-discrimination, participation and remedy.

34. *Non-discrimination* – Equitable treatment of all and equal achievement of all in the realization of human rights is a central policy goal. Disparities in human condition can reveal policy discrimination. In the national context, minority groups may have lower educational achievements reflecting lower spending from public budgets. In the international context, non-discrimination is an important issue in trade policy. Market access for developing countries may be restricted by higher tariffs or subsidies to domestic production. Policies aimed at achieving greater equality implies greater priority to improvement of the most deprived and excluded.

35. There are significant implications of this principle for goal 8. Numerous discriminatory rules exist in the international trading system, in rules and institutional procedures. It is arguably a matter of human rights obligation on the part of rich countries to dismantling tariffs on developing country exports and subsidies on farm products that compete with developing country exports.

36. *Participation* – The right to development as a process emphasizes participation of people in the decisions that affect their lives. Participation is possible when the structures of decision making are democratic, including institutionalized procedures that provide for voices of people to be heard, for transparency of public action, and embed accountability.

37. An important implication for goal 8 is the human rights obligation of all countries, especially the powerful ones, to ensure that voices of developing countries be heard in the decision making processes such as in multilateral trade negotiations.

38. *Adequate progress* – realization of rights depends on country context of financial and human resources, history, and many other factors, progress has to be judged relative to constraints. So intermediate targets and benchmarks need to be set. In the national context, it would mean achieving a consensus between people and government as to how much, say school enrolment rate should be raised each year. In the international context, a similar process would be for donors and government to agree on a framework. The special rapporteur on right to development has therefore proposed compacts between developing countries and partners.

39. An important implication for goal 8 is that in fact, the MDGs constitute a framework of benchmarking for adequate progress. MDGs in fact set an ambitious framework, and to achieve them requires significant speeding up of development. Analyses of trends consistently conclude that at rates achieved over the last decade, only a handful of countries – mostly in Asia and Latin America – would achieve the goals by 2015, and most goals would be missed globally and in most countries of Africa, and most of the poorest countries whether categorized as LDCs, low income or low human development. MDGs area a claim to international state conduct to do much more.

40. *Remedy* – states have the obligation to put in place procedures for remedy of violation, and for holding responsible parties accountable. In the national context, procedures exist for legal and administrative recourse, and the effectiveness of these procedures can be monitored. In the international context, such procedures are exceptional. The WTO dispute settlement procedure is one of them.

### III. GOAL 8, TARGETS AND INDICATORS FOR HUMAN RIGHTS ACCOUNTABILITY?

41. The text of Goal 8, its 7 targets and 17 indicators are listed in annex 3. Do these targets and indicators focus on the global priorities for international policy action, to address the most serious obstacles to developing countries? Do these targets capture the key human rights dimensions required of state conduct? As already mentioned, identifying priority changes is a difficult task because there are disagreements about causality between policy and human impact, and the priorities that different problems deserve. For the purposes of this paper, it is possible to draw on some well established sources to identify global policy priorities where there is widespread agreement. There are those policy changes that states have already committed to in international fora, and there are those policy changes that have strong support in academia but to which there has not yet been political agreement.

42. One of the most important achievements of the international community since the emergence of the Millennium Development Goals has been of the ‘Monterrey consensus’<sup>9</sup> that defines the respective roles of national governments, international donors and multilateral institutions. Adopted at the 2002 UN Conference on Financing for Development held in Monterrey, it identifies key policy priorities thus providing a framework for ‘partnership’ for development. This framework is structured around complementary commitments of developing countries to put in place effective governance of the development process, and commitment of donors to assist. It echoes the proposal by the Independent Expert on the right to development for a compact. This paper focusses only on the commitments of the rich countries and the international community.

43. The Monterrey consensus does not necessarily reflect all of the critical obstacles that need to be addressed. It is after all, a politically negotiated agreement. There is a large literature on external constraints to development and poverty eradication. It is outside the scope of this paper to make an assessment of this literature. But I can draw on major studies commissioned by the UN system that draw on this extensive literature and identify global priorities. These include the report of the 2005 report of the UN Millennium Project<sup>10</sup> (MP) that brought together hundreds of specialists from international academia, civil society, government, UN agencies, the UN Department of Social Economic Affairs 2005 World Economic Social Survey (WESS)<sup>11</sup>, and the UNDP Human Development Report 2003 and 2005<sup>12</sup>.

44. Table 1 compares goal 8 targets and indicators with the priorities identified by the Monterrey consensus and by UN commissioned studies. The comparison shows that goal 8 targets and indicators to be quite narrow and stop short of identifying important priorities that are particularly relevant to state responsibilities to respect, protect and promote, and implementation of key human rights principles.

45. *Resources and ODA priorities to the poorest* – Goal 8 targets and indicators emphasize policy shift to increase ODA and debt relief. Indicator 32 specifies a target of 0.7% of GDP and 0.15% of GDP for LDCs. These are the only quantitative references in goal 8.
46. This has already proven to be an important benchmark in driving policy change in OECD donor countries. Since 2003, aid disbursements have begun to increase, and many donors, especially in the EU, have committed to increase overall aid budgets.
47. However, from the perspective of human rights commitment to equality and participation, priority concern is with a policy shift to favour of the poorest and most excluded. Countries in greatest need deserve priority. MDG8 targets 0.15% of GDP of OECD countries to LDCs out of the aggregate target of 0.7%. LDCs population is about 16% of all developing country population while the 0.15% allocation represents 21% of the aggregate target. The obligation to prioritize countries with lowest human development levels is also built into the design of MDGs. MDG benchmarks are more ambitious for the poorest countries; consider the contrast between Niger and Chile. Achieving universal primary schooling is much more difficult for Niger that has a current enrolment rate of 30%, and GDP per capita of \$890 (PPP) than for Chile that has an enrolment rate of 89% and GDP per capita of \$9190 (PPP). MDGs set targets that take no account of this reality; in fact, the reverse since it asks Niger and Chile to achieve universal primary schooling in the same timeframe. The countries with the largest backlog of deprivation tend also to have the largest resource constraints and therefore require the strongest support or ‘partnership’.
48. These targets and indicators are useful to hold donors accountable to a policy of increasing ODA in the aggregate. However, current policy constraint to achieving MDGs is not only aggregate level but the allocation priorities. In order to achieve MDGs which is about poverty reduction, and to implement rights to development, the priority needs to go to the poorest countries and aid needs to be made effective in those countries. Developing countries are not all the same. A group of countries are on track to meeting MDGs at current rates of progress. Most of these are middle income countries or countries like China which are experiencing rapid growth and development. They do not require additional aid to achieve the targets. Another group of countries are high priority countries that are far behind and progressing slowly, in some cases in development reversal. Note that about 50 countries have lower per capita GDP in 2000 than they had in 1990. Current aid allocations favour middle income rather than the low income countries, and the Monterrey consensus proposal to favour countries that have good policies also works against the poorest countries because many of them have weak policy capacity. A way has to be found for international cooperation to effectively accelerate progress in these countries.
49. *Resources and improving aid effectiveness* – The donor community has recently begun to pursue new initiatives to improve its own procedures to improve aid effectiveness, focusing on issues such as harmonization of procedures so as to reduce administrative burden on the recipient country, making aid flows more predictable, fostering greater ownership by the recipient countries, and aligning aid programmes more closely with recipient country priorities. These are welcome initiatives that contribute to making aid a less disempowering process for recipients. In this sense, these are important steps to implementation of right to development. Donors have formally committed to make efforts in this direction, with the adoption of the Rome Declaration

on aid harmonization in 2002. Goal 8 addresses the issue of tied aid but stops short of monitoring these reforms.

50. *Resources and initiatives to develop new sources of financing* – As already mentioned, the MDGs set ambitious targets that would require significant acceleration of progress and significant increase in resources. Studies estimate that about a doubling of ODA would be required. This is unlikely to be politically feasible. In fact, it has long been recognized that there are limits to resources that could be raised from rich country public budgets to finance development. With the advent of the MDGs, most studies of additional aid resources required estimate about \$50 billion or doubling of recent ODA. A number of proposals have been made for new ways to mobilize financing, as recognized in the Monterrey consensus. However, these proposals raise difficult political questions and have not been vigorously pursued. Some ideas, such as the ‘Tobin tax’ on international capital transaction can raise huge amounts but have support from only a few countries. But as recognized in the Monterrey consensus and in the WESS, significant potential exists to develop new sources of financing that might be a pragmatic. Two that have been most recently discussed are the International Financing Facility proposed by the UK, or the use of Special Drawing Rights. Goal 8 makes no mention of such initiatives that rich countries can make, to help fulfil right to development.

51. *Debt* – Goal 8 makes an important commitment to ‘deal comprehensively with the debt problems’. However, no specific policy actions are identified. Indicators of progress do indicate action by creditors but focus on outcomes such as proportion of official bilateral HIPC debt cancelled, debt service as a percentage of exports of goods and services and number of countries reaching HIPC decision and completion points.

52. Recent studies of the HIPC experience conclude that the process has been slow, resulting in too few countries benefiting from debt relief, and some of them finding themselves with unsustainable debt not long after. Revisions in the mechanism are therefore proposed.

53. *Policy environment in trade and finance* – Goal 8 makes an important commitment to work towards greater fairness in trade and finance, and recognize the inequities in the current system that work against the interests of developing countries. For example, developing country nonagricultural merchandise exports to developed countries face tariffs that are four times higher than those faced by the exports of other developed countries. For agricultural exports, developing countries compete with developed country producers who receive generous subsidies from their governments. The total value of these subsidies are several times the value of total ODA.

54. However, goal 8 does not include clear targets for developed country action but state a general principle. There are no quantitative benchmarks of specific policy change. The indicators focus on tariffs and quotas on agricultural products, textiles and clothing rather than all manufactured commodities.

55. The Monterrey consensus identifies a much broader set of issues. In trade, the agenda would include:

- liberalizing movement of persons under the General Agreement on Trade in Services (GATS) mode 4 that would facilitate migration from developing countries;

- commodity price fluctuations, a longstanding obstacle for developing countries most of which are highly dependent on primary commodity exports as a major source of foreign exchange earnings, more effort is being made to develop and implement mechanisms such as the IMF Compensatory Financing Facility. Action needs strong support from rich and powerful countries;
- intellectual property rights and public health under the agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) is a major issue that has held up the Doha round of trade talks. While the Monterrey consensus commits to implementation and interpretation of TRIPS that is supporting of public health, goal 8 targets merely state the objective of expanding access to essential medicines while making no mention of this obstacle to greater diffusion of medicines that are under patent, notably life saving HIV/AIDS treatment;
- intellectual property rights for indigenous knowledge. While intellectual property is growing in importance in the global economy, knowledge of indigenous peoples, such as the medicinal properties of plants, cannot be patented because they are not documented inventions. This has led to some ‘bio-piracy’ where foreign corporations have worked through the legal requirements to acquire patents based on knowledge that had been with indigenous groups for generations. Proposals to develop modalities for protection of indigenous knowledge have been under discussion for some time and need proactive action to become a reality.

56. *Public goods and technology* – Goal 8 technology targets focus on ICT. It is true that developing countries are falling behind in connectivity and the ICT gaps are huge. But it is questionable whether this represents the priority technology gap for poverty reduction. Solutions to many enduring problems of poverty can be found in the application of science and technology, particularly in health, agriculture, energy. Research and development costs are high, beyond the scope of what a poor developing country can afford, but the benefits can accrue to people in a multitude of countries. Compounding this problem are the huge gaps in technological capacity among countries. Commitment for more effective technology transfer has been included in many international agreements – such as in the Doha declaration of the WTO – but little done to implement action.

57. *Institutional asymmetries in global governance* – the Monterrey consensus identifies as a priority, the need to address ‘systemic issues’ to enhance the coherence, governance and consistency of international monetary, financing and trading systems. Two types of problems are widely acknowledged. The first is the growing imbalances in the monetary and financial systems that expose the global economy to shocks – such as the Asian financial crisis - to which developing countries are particularly vulnerable. The second is the asymmetry in decision making and norm setting in international trade and finance.

58. From the perspective of right to development as a right to process, these institutional asymmetries are particularly significant. Analysis in WESS and in the HDRs further identify problems. For example, developing countries are not represented at all, for example, in the Basel Committees and the Financial Stability forum. The voting structures of the World Bank and the

IMF are heavily weighted to developed countries. WTO rules give equal vote to each country but decision making is by consensus, and consensus making processes are not all open and transparent to all.

59. This issue of developing country voice and participation in decision making has now become widely recognized, it is entirely absent from the Goal 8 agenda.

60. *Corporate responsibility* – while the behaviour of private sector actors has always had an important influence on the enjoyment of human rights, especially through impact on working conditions and on the environment. In the age of globalization, the increase of foreign direct investment, and liberalization of the economy, their influence has grown further. An important element of international responsibility of the state is to protect human rights from violations by corporate actors. Goal 8 makes no mention of this role.

#### **IV. STRENGTHENING GOAL 8 ACCOUNTABILITY AND IMPLEMENTATION OF RIGHT TO DEVELOPMENT**

61. This detailed review of Goal 8 targets and indicators provide a weak accountability framework for MDGs and as a tool for implementation of right to development. It is weak first because there are no quantitative targets and no timetable for implementation. Second, they do not identify specific policy changes that can be monitored; targets are general statements of objectives, and indicators identify broad outcomes. There is no disagreement of these principles but human rights accountability demands change in state conduct or policy, and several policy changes are included in the Monterrey consensus but not reflected in goal 8. Third. MDG8 leaves out some critical policy issues. The most significant items left out are steps to seek new sources of financing, adjustment in the HIPC programme, technology issues including implementation of TRIPS flexibilities to protect public health, indigenous knowledge, human rights violations by corporations, and to increasing the voice of developing countries in global governance processes. Fourth, from the human rights perspective, the key principles of equality, participation and ownership by developing countries that are emphasized in the Millennium Declaration and/or the Monterrey consensus are not captured.

62. It is beyond the scope of this study to develop a definitive proposal to strengthen goal 8 targets and indicators. To do so would require an in-depth analysis of each of the policy constraints. Nonetheless, it is possible to identify the key directions for refining goal 8 targets and indicators as a tool for strengthening accountability for international responsibilities.

63. *Resources (aid, debt)* – targets and indicators should focus on aid allocation and reform of donor practices. Some concrete quantitative or action indicators could be considered:

- increase of a specific amount in concessionary financing received by low human development countries.
- agreement before 2015 on new HIPC criteria to provide deeper debt reduction for HIPCs having reached their completion points to ensure sustainability<sup>13</sup>
- agreement before 2015 on new sources of financing development
- agreement before 2015 on reforms in aid practices, to prioritize MDG achievement, to make resource flows more predictable, and to put in place measures to increase ownership by national governments.

64. *Policy environment* – key priorities are removal of agricultural subsidies, removal of tariffs on merchandise exports of developing countries, commodity price fluctuations, TRIPS flexibilities, indigenous knowledge. Some concrete indicators could be considered:

- as proposed by the MP, set quantitative benchmarks and longer timeframe for progressive removal of barriers to merchandize trade, agricultural export subsidies.
- As proposed by the MP, agree to raise public financing of research and development of technologies in agriculture, health and energy for poverty reduction of \$7 billion by 2015.
- As proposed by WESS, compensation facility for commodity price fluctuations.
- As proposed by the HDR03, agree on introducing protection and remuneration of traditional knowledge in the TRIPS agreement.
- As proposed by HDR05, agree on a commitment to avoid ‘WTO plus’ arrangements in regional agreements.

65. *Systemic asymmetry in global governance* – although there has been increasing attention to increasing the voice of developing countries, the international community is far from reaching significant solutions to this problem. Concrete targets should focus particularly on developing country participation in WTO decision making process where most is at stake.

66. Goal 8 targets and indicators are operational tools for benchmarking progress in implementing the Millennium Declaration and the international community’s agenda agreed at Monterrey, subsequent fora, and the 2005 Global Summit. These frameworks incorporate a broader agenda that incorporates much more of the human rights principles and the agenda of the right to development. The Millennium Declaration squarely starts with the statement of values that underpin the entire declaration – freedom, solidarity, equality, shared responsibility.

67. Targets and indicators are not meant to substitute for the broader agenda. But the danger is that in policy debates, numbers focus policy makers attention and risk of hijacking the agenda. Thus raising ODA to 0.7% of GDP dominates much of the reporting and policy advocacy for MDGs and poverty reduction. Indicators are powerful in driving policy debates. MDG8 presents an important challenge and an opportunity for effectively using targets and indicators to drive implementation of the right to development.

## Annex 1

**Table: Goal 8 targets and indicators compared with proposals in Monterrey Consensus and major UN reports.**

Category of development constraint requiring international action.	Goal 8 target and indicator	Additional objectives identified in Monterrey consensus and follow up including 2005 World Summit	Further additional objectives identified in Millennium Project Report (MP), World Economic and Social Survey (WESS 200t), UNDP Human Development Reports 2003 and 2005 <sup>14</sup>
Resources	<p>Indicator 32: Raise ODA to 0.7% GNP of OECD countries and 0.15% for LDCs</p> <p>Indicator 33: proportion of ODA to social services.</p> <p>Indicator 34: proportion of ODA that is untied.</p> <p><i>Target 14: Landlocked countries and small island developing States.</i></p> <p>Indicator 35: proportion of ODA for environment in small island states;</p> <p>Indicator 36: proportion of ODA for transport sector in landlocked countries.</p> <p><i>Target 15: Comprehensive measures to achieve debt sustainability – indicators 41-44 on debt cancellation, debt</i></p>	<p>Make concrete efforts to increase ODA to 0.7% of GNP and 0.15 to 0.2 % of GNP to LDCs.</p> <p>Explore innovative sources of finance e.g. SDR allocations for development.</p> <p>Private capital flows: provide support such as export credit, cofinancing, venture capital, risk guarantees, leveraging aid resources, information on investment opportunities, business development services, business fora, finance feasibility studies.</p> <p>Debt sustainability – speedy, effective and full implementation of the enhanced HIPC facility. Put in place a set of clear principles for management and resolution of financial crises, ensure debt relief does not detract from ODA resources. Explore</p>	<p>Aid allocations according to requirements for achieving MDGs. (MP)</p> <p>Innovative sources of financing e.g. international finance facility. (WESS)</p> <p>Before 2015 agree and finance, for HIPCs, a compensatory financing facility for external shocks, including collapses in commodity prices. (HDR2003)</p> <p>Before 2015 agree and finance deeper debt reduction for HIPCs having reached their completion points, to ensure sustainability. (HDR2003)</p>

	service as % of exports, proportion of ODA provided as debt relief, number of countries reaching HIPC decision and completion points.	innovative mechanisms to comprehensively address debt problems.	
Policy environment	<p><i>Target 12: Trade:</i> Develop an open, rule based, predictable, non-discriminatory trading and financial system. Includes a commitment to good governance, development and poverty-reduction – both nationally and internationally.</p> <p>Indicator 37 - proportion of exports admitted free of duties and quotas; indicator 38: average tariffs and quotas on agricultural products, textiles and clothing; indicator 39: agricultural subsidies in OECD countries; proportion of ODA provided to build trade capacity.</p> <p><i>Target 13: Special needs of LDCs</i> including tariffs and quota free access for least developed countries' exports; enhanced programme for HIPCs and cancellation of official bilateral debt; more generous ODA for countries committed to</p>	<p><i>Private financial flows:</i> Measures to sustain sufficient and stable flows – address transparency and information, mitigate excessive volatility. Initiatives to enhance ease of access on financial markets, strengthen capacity for risk assessment.</p> <p><i>Trade:</i> Increase access to markets. Address trade barriers, trade-distorting subsidies and other trade-distorting measures, especially in sectors of special export interest including agriculture; abuse of anti-dumping measures; technical barriers and sanitary and phytosanitary measures; trade liberalization in labour intensive manufactures; trade in services. Improve supply competitiveness for low income country exports.</p> <p><i>Intellectual property rights</i> – implementation and interpretation of TRIPS supportive of public health; protection of traditional knowledge and folklore.</p>	<p><i>Aid</i> – adopt MDG as operational targets and use them for aid allocations. Focus on overlooked priorities, especially neglected public goods and long term goals such as scientific capacity, environmental management, regional integration and cross-border infrastructure. (MP)</p> <p>Allocate more ODA to low income countries. (WESS)</p> <p><i>Trade:</i> Set longer-term (for example 2025) quantitative targets for the total removal of barriers to merchandise trade, substantial across the board liberalization of trade in services, and universal enforcement of the principle of reciprocity and non-discrimination.</p> <p>In the short term, before mid 2005: agriculture - priority effort in agriculture to</p>

	<p>poverty reduction.</p> <p><i>Target 17: Access to essential drugs</i> target 46: proportion of population with access to affordable essential drugs on a sustainable basis.</p> <p>Target 18: <i>Technology</i> – make available benefits of new technologies, especially information and communications.</p> <p>Indicator 47: telephone lines per 1,000 people Indicator 48: Personal computers per 1,000 people.</p>	<p><i>Commodity price fluctuations and dependence on primary commodity exports</i> – IMF Compensatory Financing Facility. Support export diversification.</p> <p><i>Aid</i> –Improve aid effectiveness by addressing following issues: harmonization of procedures, alignment with national priorities, national ownership, untying aid, strengthen recipient capacity to manage aid, ODA as leverage to additional financing and trade, south-south cooperation, and ODA targeting to the poor.</p>	<p>achieve significant reductions in tariff peaks and escalation, phase out specific duties on low income country exports. A binding commitment to abolish export subsidies and two tier price schemes. Non-agricultural merchandise - educe tariffs to zero by 2015. Services - liberalize mode 4 of GATS - temporary movement of labour to provide services. Special and differential treatment – set up ‘aid for trade fund’ to address adjustment costs associated with implementation of Doha reform agenda. Promote export competitiveness – additional aid, especially for investments in agricultural productivity and labour intensive exports in LDCs. (MP, HDR2003, HDR2004, WESS)</p> <p>Commitment to avoid ‘WTO plus’ arrangements in regional trade agreements. (HDR2005)</p> <p><i>Intellectual property</i> –</p>
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			<p>by 2015 introduce protection and remuneration of traditional knowledge in the TRIPS agreement. Agree on what countries without sufficient manufacturing capacity can do to protect public health under TRIPS agreement. (HDR2003)</p> <p><i>Regional and global public goods</i> – public financing of research by \$7 billion by 2015 of which \$4 billion for public health, \$1 billion for agriculture, \$1 billion for improved energy, and \$1 billion for greater understanding of climate change.</p> <p><i>Security</i> - Reduce threats of violent conflict within countries through aid to post-conflict states, greater transparency in resource management, and cutting flow of small arms. (HDR2005)</p>
Systemic (institutional) asymmetry in global governance		Marginalization of the least developed countries, and special needs of landlocked countries, small island states, economies in transition, transit countries, and	Redress global macroeconomic imbalances, and enhance measures to reduce developing country vulnerability to crises such as IMF facilities to

		<p>Africa.</p> <p><i>'Systemic issues'</i> – enhance coherence, governance, and consistency of international monetary, financial and trading systems. Including reform of the international financial architecture; strong coordination of macroeconomic policies among leading industrial countries for global stability and reduced exchange rate volatility; national ownership and needs of the poor; effective and equitable participation of developing countries in the formulation of financial standards and codes; stronger IMF surveillance to prevent crises.</p> <p>Global governance – broaden the base for decision making and norm setting. IMF and World Bank, WTO, Bank for International Settlements, Base Committees and Financial Stability Forum, and other ad hoc groupings to make efforts to enhance participation of developing and transition countries, and to ensure transparent processes.</p> <p>Strengthen the UN system and other multilateral institutions including</p>	<p>compensate for short term shocks. (WESS)</p> <p>Enhance voice and participation of developing countries in international financial decision making, especially Basel Committee and Financial Stability Forum which have no developing country representation; (WES 2005)</p>
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		<p>stronger coordination among UN agencies and funds with the Bretton Woods institutions.</p> <p>Strengthen international tax cooperation.</p> <p>Finalize a UN convention against corruption including repatriation of illicitly acquired funds and money laundering. Signature and ratification of the UN Convention against Trnasnational Organized Crime, and International Convention for the Suppression of the Financing of Terrorism.</p>	

## **Annex II**

### **International solidarity, rights/duties in some sources of international law (from Dos Santos Alves, 2004)**

#### Charter of the United Nations

- Preamble: commitment to ‘employ international machinery for the promotion of the economic and social advancement of all peoples’.
- Article 1, para 3 defines objectives and principles of the UN: ‘to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all...’

#### The Universal Declaration of Human Rights

- Article 22: everyone is ‘entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality’.

#### The International Covenant on Economic, Social and Cultural Rights

- Article 2: States undertake to act ‘individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources’, to progressively achieve the rights recognized in the Covenant.

#### The Declaration on the Right to Development, 1986.

- Article 3: ‘States have a duty to cooperate with each other in ensuring development and removing obstacles to development.
- Article 4: ‘States have a duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

## **Annex III**

### Millennium Development Goals

Goal – *leading quantitative target/indicator*

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

## Annex IV

**Goal 8. Develop a global partnership for development<sup>a</sup>**

<p>Target 12. Develop further an open, rule-based, predictable, non-discriminatory trading and financial system</p> <p>Includes a commitment to good governance, development, and poverty reduction — both nationally and internationally</p>	<p><i>[Some of the indicators listed below will be monitored separately for the least developed countries (LDCs), Africa, landlocked countries and small island developing States]</i></p> <p><b>Official development assistance</b></p>
<p>Target 13. Address the special needs of the least developed countries</p> <p>Includes: tariff and quota free access for least developed countries' exports; enhanced programme of debt relief for HIPC and cancellation of official bilateral debt; and more generous ODA for countries committed to poverty reduction</p>	<p>32. Net ODA as percentage of OECD/DAC donors' gross national product (targets of 0.7% in total and 0.15% for LDCs)</p> <p>33. Proportion of ODA to basic social services (basic education, primary health care, nutrition, safe water and sanitation)</p> <p>34. Proportion of ODA that is untied</p>
<p>Target 14. Address the special needs of landlocked countries and small island developing States</p> <p>(through the Programme of Action for the Sustainable Development of Small Island Developing States and the outcome of the twenty-second special session of the General Assembly)</p>	<p>35. Proportion of ODA for environment in small island developing States</p> <p>36. Proportion of ODA for transport sector in landlocked countries</p> <p><b>Market access</b></p>
<p>Target 15. Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term</p>	<p>37. Proportion of exports (by value and excluding arms) admitted free of duties and quotas</p> <p>38. Average tariffs and quotas on agricultural products and textiles and clothing</p> <p>39. Domestic and export agricultural subsidies in OECD countries</p> <p>40. Proportion of ODA provided to help build trade capacity</p> <p><b>Debt sustainability</b></p>
<p>Target 16. In cooperation with developing countries, develop and implement strategies for decent and productive work for youth</p>	<p>41. Proportion of official bilateral HIPC debt cancelled</p> <p>42. Debt service as a percentage of exports of goods and services</p> <p>43. Proportion of ODA provided as debt relief</p> <p>44. Number of countries reaching HIPC decision and completion points</p> <p>45. Unemployment rate of 15-to-24-year-olds</p>
<p>Target 17. In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries</p>	<p>46. Proportion of population with access to affordable essential drugs on a sustainable basis</p>
<p>Target 18. In cooperation with the private sector, make available the benefits of new technologies, especially information and communications</p>	<p>47. Telephone lines per 1,000 people</p> <p>48. Personal computers per 1,000 people</p> <p>[Other indicators to be decided]</p>

<sup>a</sup> The selection of indicators for goals 7 and 8 is subject to further refinement.

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### Notes

<sup>1</sup> Rui Baltazar Dos Santos Alves, 'Human rights and international solidarity'. Working paper submitted to the Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights. Fifty-sixth session. ECOSOC E/CN.f/Sub.2/2004/43. 15 June, 2004

<sup>2</sup> The 7 goals do not necessarily include all relevant priorities of right to development. There are several notable gaps when considering the substantive content of the right to development. First, they miss out several important development objectives. For example, only equality in schooling is mentioned as a relevant indicator gender equality, leaving out all other important areas such as employment, political participation to name just two. Second, the goals do not refer at all to the process of right to a process development that is transparent, participatory, equitable, and in which rule of law and good governance are practiced. Third, the MDGs miss the equity dimension of right to development. The targets and indicators all refer to national averages rather without attention to redressing discrimination that result in exclusion and inequalities. However, we should not interpret from this that MDGs have no relevance for human rights. The MDGs are benchmarks of progress and the seven goals do not necessarily claim to represent a comprehensive list of all important development objectives. Moreover, they are indicators of progress and are not intended to be a coherent development strategy nor a new development paradigm. It is the Millennium Declaration that provides a

<sup>3</sup> Commission on Human Rights. E/CN.4/2000/WG.18/CRP.1. September 2000. Report of the Independent Expert on the Right to Development, Dr. Arjun Sengupta.

<sup>4</sup> See Malhotra, Rajeev and Nicolas Fasel. 2005. Quantitative Human Rights Indicators – a survey of major initiatives. Draft working paper 19/5/05.

<sup>5</sup> UNDP, 2000. *Human Development Report 2000: Human rights and human development*. New York. Oxford University Press

<sup>6</sup> 'The right of everyone to enjoy the highest attainable standard of physical and mental health'. 2003. A/58/427 submitted to the General Assembly fifty eighth session, agenda item 117(c) 10 October, 2003.

<sup>7</sup> UNDP Human Development Report 2000.

<sup>8</sup> Medicines under patent are expensive as compared with generics, or in short supply. While the TRIPS agreement requires WTO member countries to put in place a system of intellectual property, they also include provisions to ensure that patents do not stand in the way of public health and other critical issues of human well being. See discussion of human rights obligations related to TRIPS in the addendum report on the Mission to the WTO by the Special Rapporteur on the Right to Health . E/CN.4/2004/49/Add.1 Commission on Human Rights March 2004

<sup>9</sup> UN. 2002. Report of the UN Conference on Financing for Development. A/CONF.198.11. New York

<sup>10</sup> UN, 2005. *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals*. Earthscan. London

<sup>11</sup> UN, 2005. *World Economic and Social Survey*.

<sup>12</sup> UNDP. 2003. *Human Development Report 2003: A compact among nations to end human poverty*. OUP. New York; UNDP. 2005. *Human Development Report 2005: International cooperation at a crossroads*. OUP. New York.

<sup>13</sup> Target proposed in Human Development Report 2003

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<sup>14</sup> Includes points not already in the Monterrey consensus and follow up including the world Summit. Other UN reports include the UN World Economic and Social Survey 2005; UNDP Human Development Report 2005; UNDP Human Development Report 2003.