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ABSTRACT

This essay deals with the intrinsic relationship between the Millennium Goals and Human Rights. It analyzes how countries – specifically those where hunger and poverty are rapidly increasing –, should adopt the human rights discourse in order to demand the monitoring and the implementation of the Millennium Goals by 2015. It shows that, despite its alleged flaws, the Millennium Goals can greatly contribute to the advancement of the Human Rights agenda. And it calls upon citizens to hold both their governments and international institutions accountable for pursuing these Goals, in order to eradicate hunger and enhance development. [Original article in English.]

MILLENNIUM DECLARATION AND DEVELOPMENT GOALS: OPPORTUNITIES FOR HUMAN RIGHTS*

Salil Shetty



The relationship between the Millennium Development Goals (MDG) on the one hand and human rights on the other has generated a certain deal of confusion within civil society. I will here approach this issue from a human rights practitioner's point of view, which might therefore not meet the standards of those who have a much better grasp of the theoretical and legal bases of human rights.

As we start discussing the Millennium Goals, we have to remember the broader reality. There is no greater crisis in the world today than that of grinding poverty and its related manifestations. Unfortunately, we have all become insensitive to the scale of the problem. At the present time, nearly one of out six people in the world, which is almost a billion people, go hungry every day. It is estimated that 30,000 people, many of them children, die every day because of poverty. Half a million mothers, no less, died last year alone for no justifiable reason – from child birth, from malnutrition.

The so-called international community has an appalling record of acting too late. We prefer to deal with the consequences than act when we see the early warnings. The case of the current locust attacks in West Africa are a very graphic case in point, not to mention the crisis in Darfur.

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São Paulo, 11 October 2004.

Almost 3 million people died from HIV/AIDS last year. 120 million children are denied the right to primary education and are out of school, not to mention the much larger numbers who go to completely ineffective schools, notionally enrolled. 1 billion people have no access to sanitation. Most of these are women and girls.

Staring nakedly in our face is the greatest weapon of mass destruction – poverty. The paradox is that at the same time the world has never seen so much prosperity before. The 1000 richest people in the world are said to have a personal wealth greater than the 500 million people or so living in the so-called “least developed countries”.

Shamed by the sheer magnitude of this violation of basic human rights and troubled by the potential backlash on global security of the effect of such extreme deprivation faced by the majority of the world’s population, in the largest gathering of Heads of State in the history of humankind in September 2000, world leaders committed themselves to the Millennium Declaration. In this sobering document, they vowed to free their fellow citizens from the indignity and suffering that goes with abject poverty. And at the turn of the century and the millennium, they recapitulated the outcomes of the different UN Summits of the nineties and gave themselves 15 years, up to 2015, to meet a set of very minimal but concrete goals and targets, later christened The 8 Millennium Development Goals.

The title of this colloquium points to the challenges that the Millennium Declaration and Goals present to human rights. I am absolutely convinced that, on the contrary, the Declaration and Goals, if interpreted and used properly, offer an incredibly powerful opportunity in converting human rights from aspirations to reality. Equally, ensuring that the discourse on the Goals is continuously anchored within a human rights framework is the only way to ensure that the Goals are achieved in an inclusive and sustainable manner. It is my submission that the Millennium Goals and human rights are inter-dependent and mutually reinforcing.

In the following, I will try to explain why I believe this is the case.

The Millennium Goals in the human rights context

It is amazing how often, even very well-informed people, do not remember that the Goals were derived at a later date from the original document i.e. the Millennium Declaration. I would therefore like to give the Declaration some careful attention. The Millennium Declaration presents the normative and contextual basis for the Millennium Goals.

In fact, the Millennium Declaration has 8 sections that have been placed on an equal footing including. The first section is called “Values and Principles” all of which are entirely based on the human rights discourse. Allow me to quote some parts of it that are directly relevant to our discussion:

We believe that the central challenge we face today is to ensure that globalization becomes a positive force for all the world's people. For while globalization offers great opportunities, at present its benefits are very unevenly shared, while its costs are unevenly distributed.

... We consider certain fundamental values to be essential to international relations in the twenty-first century. These include:

***Freedom.** Men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. Democratic and participatory governance based on the will of the people best assures these rights.*

***Equality.** No individual and nation must be denied the opportunity to benefit from development. The equal rights and opportunities of women and men must be assured ...*

The other sections of the Millennium Declaration are “Peace, security and disarmament”; “Development and poverty eradication” (from which the Goals have been primarily extracted); “Protecting our common environment”; “Human rights, democracy and good governance”; “Protecting the vulnerable”; “Meeting the special needs of Africa”; and “Strengthening the United Nations”.

Let me quote relevant parts of the section on “Human rights, democracy and good governance”:

We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.

We resolve therefore:

- *To respect fully and uphold the Universal Declaration of Human Rights.*
- *To strive for the full protection and promotion in all our countries of civil, political, economic and social and cultural rights for all.*
- *To strengthen the capacity of all our countries to implement the principles and practices of democracy and respect for human rights, including minority rights.*
- *To combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women.*
- *To take measures to ensure respect for and protection of the human rights of migrant workers ... to eliminate the increasing acts of racism and xenophobia and to promote greater harmony and tolerance in all societies.*
- *To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries.*
- *To ensure the freedom of the media to perform their essential role and the right of the public to have access to information.*

The Declaration leaves no room for doubt or negotiation. The Millennium Goals are about realizing the Right to Development within a broader human rights framework. Development is seen as imperative based on justice and not a charitable option. The foundational values for the achievement of the Goals are of shared responsibility, indivisibility, non-discrimination, equality and accountability – all straight out of a human rights dictionary. The Millennium Goals are powered by the legitimacy and value base of human rights, without which they are an empty set of targets.

Linking the Goals to human rights standards

There have been several contributions on the specific human rights provisions, standards and instruments that the Millennium Goals can align themselves to. But the common thread is that the linkages are extensive and obvious. As the Millennium Declaration clearly views development from a human rights perspective, one might claim relevance for all measures set out in international covenants and treaties, e.g.: the Universal Declaration on Human Rights (UDHR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Covenant on Civil and Political Rights (ICCPR); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention on the Rights of the Child (CRC) are all directly relevant. This is detailed in the recent Report to the General Assembly of the Special Rapporteur for Health of the Commission on Human Rights (27 September 2004):

Millennium Development Goals and human rights standards

Millennium Development Goals	Key Related Human Rights Standards
1. Eradicate extreme poverty and hunger	UDHR Article 25(1); ICESCR Article 11
2. Achieve universal primary education	UDHR Article 25(1); ICESCR Articles 13 and 14; CRC Article 28(1)(a); CEDAW Article 10; CERD Article 5(e)(v)
3. Promote gender equality and empower women	UDHR Article 2; CEDAW; ICESCR Article 3; CRC Article 2
4. Reduce child mortality	UDHR 25; CRC Articles 6, 24(2)(a); ICESCR Article 12(2)(a)
5. Improve maternal health	UDHR Article 25; CEDAW Articles 10(h), 11(f), 12, 14(b); ICESCR Article 12; CRC Article 24(2)(d); CERD Article 5(e)(iv)
6. Combat HIV/AIDS, malaria and other diseases	UDHR Article 25; ICESCR Article 12; CRC Article 24; CERD Article 5(e)(iv)
7. Ensure environmental sustainability	UDHR Article 25(1); ICESCR Article 11(1) and 12; CEDAW Article 14(2)(h); CRC Article 24; CERD Article 5(e)(iii)
8. Develop a Global Partnership for Development	Charter Articles 1(3), 55 and 56; UDHR Article 22 and 28; ICESCR Articles 2(1), 11(1), 15(4), 22 and 23; CRC Articles 4, 24(4) and 28(3)

The Millennium Campaign will be publishing a short paper soon jointly with the Office of the High Commissioner on Human Rights to clarify the relationships between Human Rights and the Millennium Goals and identify synergies.

But leaving aside the world of the Millennium Declaration and human rights standards, in the real world, it is the absence of dignity, respect and choice that poverty is all about. Injustice and discrimination of one kind or another are increasingly seen as the key determinants of poverty and it is no coincidence that the very same determinants account for most human rights abuses. For no other group of people does the existence and fair application of rule of law and human rights matter more than for poor and excluded people, the same people for whom the achievement of the Millennium Goals matter the most. It is the poor, particularly women, who have to live on land without legal titles, who face constant violence and insecurity. Going to any favela in Sao Paulo will tell that story like it is. So, poverty is fundamentally a denial of human rights.

Best chance for a breakthrough on poverty

There are several reasons why the Millennium Goals, in the current context, offer the best chance for a breakthrough on poverty:

- They do represent, at the level of governments, a **compact** not only between rich and poor countries and the UN system based on shared responsibility, but also with the key institutions that determine the economic fate of the developing world: the World Bank, the IMF, the regional development banks and increasingly the WTO. For the first time, the IFIs and rich country governments have made explicit what they can be held accountable for: not just in process terms but in outcomes.
- The world has never seen so much **prosperity** before. The hundreds of billions that are being spent in Iraq have put things in perspective. Last year alone, the

world spent US\$ 900 billion on arms. Not to talk of the money that is siphoned off on tied aid, agricultural subsidies and straight corruption. And we might not need more than about US\$ 100 billion of additional aid per year to meet the Goals. Financially, we are talking of small change.

- Performance against the goals will be **monitored**. These goals are not just lofty statements of intent, they are quite precise. Monitoring mechanisms have been put in place in terms of national MDG reports and the Secretary General's reports to the General Assembly. Many civil society actors are starting to look at independent tracking processes. Over 60 national reports have already been produced at the national level.
- The Goals are clearly **achievable**. In fact, the criticism from civil society actors is they are not millennium but minimum development goals. Some ask if even these are achievable. We believe that to set the bar any lower than this is morally unacceptable.

But it is equally true that at current trajectory, if we carry on in a "business as usual" mode, the goals will not be achieved even by 2015, which many of us thought was too far away. It is commonly understood that these Goals will not be achieved mainly in Sub-Saharan Africa, where Goal 1 (on poverty and hunger) for example, at today's pace will be achieved in 2147.

The reality, however, is that the Goals don't mean that much at the global level or even at the national level. Poverty, morbidity and mortality, and illiteracy as we know, are statistical facts at the aggregate level. But at the level of individuals and households, men and women, girls and boys, they are the dividing line between dignity and indignity and in many cases between literally life and death. When you look at it at this level, the Goals are not about Africa or LDCs alone, they are equally about Latin America and the so-called Middle Income and transition countries as well.

In fact, most of the poor people in the world live in

India, China and Brazil, none of which are LDCs. Child mortality levels for the bottom 20 percent in Bolivia are known to be as bad as Sub-Saharan Africa. The Goals are about people, not about national or global level statistics.

The Goals have to be defined at the national level, the main implementation unit, through a process of full and informed participation of all citizens. Many countries like Vietnam have decided to set their national Millennium Goals much higher than the global ones. Latin American countries have set themselves the goal of universal secondary education, rather than the global Goal 2 of universal primary education. Heterodox development models and policies have to be generated nationally to achieve these defined Goals.

What is wrong with the Goals?

The Goals have been criticized by some as being too ambitious and by others as being Minimum Development Goals that have diluted previous commitments (refer Table from Katerina Tomazevski, next pages). The Goals have been criticized as being over simplistic and too quantitative. In most cases, it is the targets and indicators that are much weaker and less comprehensive. Goal 3 has been particularly criticized as gender clearly is a cross-cutting issue. Goal 8 is the other Goal that is problematic. It is the one Goal without any precise commitments and time-lines. Many are critical of the aggregate and global nature of the Goals and the fallacies that this can create. Another criticism has been that the Goals are apolitical in nature and donor-driven.

But even these minimal and flawed goals mean a lot to the people who are far from realizing them. They offer the best hope in the current scenario as they have the commitment of the world leaders at the highest level, in the South and North. We cannot allow the best to be the enemy of the good.

Finally, and this is the issue that I want to focus the rest of my presentation on, is the issue of accountability or enforceability. One of the major criticisms, particularly from the human rights community, is that the Millennium Goals, unlike human rights conventions and treaties, are not legally binding.

Differences between the CEDAW and MDGs

	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Millennium Development Goals (MDG)
What?	<p><i>International obligations of the state</i></p> <p>International human rights obligations pertain to the state and are not affected by changes of government. These obligations are undertaken through parliamentary process, whereby they are made into the law of the land. Through the process of ratification, these obligations also become international law and apply in relations between individual states.</p>	<p><i>Political commitments</i></p> <p>Changes of government through elections often result in altered political commitments, quite a few governments which committed themselves to MDGs in 2000 are no longer in power. Electoral changes (in the USA or in Denmark) have illustrated how much development cooperation policies change. The attainment of MDGs depends on peer pressure amongst governments, while goals and targets can be changed by an agreement of the governments who are in power at the time.</p>
When?	<p><i>Immediate and permanent obligations</i></p> <p>International human rights treaties lay down minimum global standards, which can and should be attained in all countries. These can be claimed as individual rights by the affected populations as well as international obligations by other governments. The obligation of all states parties to CEDAW is to constantly move towards gender equality, which is a goal that no country has achieved as yet. Thus, they are a yardstick that applies to all countries, all the time.</p>	<p><i>Long-term goals</i></p> <p>Specific benchmarks have been set at the lowest level so as to make them "technically feasible in even the poorest countries." (UN Doc. A/59/282, August 2004, paragraph 77) The postponement of the MDGs to the year 2015 takes away the immediacy characterizing human rights, as well as the necessity of improvement in countries which have already achieved the minimum quantitative targets. Being long-term goals, they do not create individual entitlements nor do they create a legal basis for demanding accountability in relations between states.</p>

	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Millennium Development Goals (MDG)
How?	<p><i>Governmental obligations entail individual rights</i></p> <p>International human rights complaints procedures bestow upon individuals the right to hold governments legally accountable for failure to implement human rights obligations, both domestically and internationally.</p>	<p><i>No remedy for the lack of performance</i></p> <p>MDGs anticipate only a process of monitoring the attainment of specific quantitative targets, and possibilities of increasing aid so as to improve performance.</p>
How much?	<p><i>All human rights for all women</i></p> <p>The CEDAW Convention stipulates gender equality as the goal to be attained, which requires full recognition of all human rights to all girls and women, and the elimination of all forms of discrimination.</p>	<p><i>Specified quantitative targets</i></p> <p>The indicators chosen for monitoring reflect only the data which already exist, leaving outside many key areas for which there is no internationally comparable statistics (such as the prevalence of child marriage or polygamy, or violence against women), and those areas where qualitative data are used (such as the absence of women's internationally – but not domestically – recognized rights or the elimination of stereotypes).</p>

How can human rights help achieve the Millennium Goals?

One of the key ways in which we can increase accountability of governments and non-state actors is to use the existing human rights processes and instruments to help achieve the Goals. Already Special Rapporteurs are starting to do this in their own reports. As national MDG Reports are published, there is a case to link this closely with national International Covenant on Economic, Social and Cultural Rights

(ICESCR) reports. Similarly Treaty Bodies could start building in MDG monitoring into their functions.

Country mandates and missions could use their reports and media briefings to highlight performance on MDG. Thematic procedures could also use this framework in their own assessments and reports.

Locally defined Goals and targets can provide relevant benchmarks for the progressive realization of human rights e.g. the target of reducing by two thirds, the under five mortality rate before 2015 can be translated into intermediate benchmarks that are locally appropriate. The MDGs can ensure that progressive realization is not a process than can go on *ad infinitum*.

At the national level, there is a lot of room for legal provisioning of many of these Goals. In many developed countries, laws are being created for international cooperation. The ICESCR General Comment on International technical assistance measures is an important pointer at the international level.

But let us move back into the real world in which we know that claiming and realizing rights is a political process, mediated by the practice of power. It is the result of intense contestation and struggle by myriad of social and political actors. This is true at the local, national and international levels. Human rights have to be seen well beyond legal rights. If it were merely declaring these basic needs as basic rights that would help us achieve them, the world would have been a much better place by now.

So what is stopping the world from achieving even these minimal Goals? In the past we could say that we did not have the technology or resources to address these issues of meeting even the basic needs of all human beings. That is simply not the case any more. We know what needs to be done.

A key factor keeping the world from achieving the Goals is the lack of political will and accountability. We have the way but not the will. To the extent that we are dealing with democratic countries, governments are primarily accountable to their own citizens or voters. Political will shifts only if there is public mobilization at the local and national level, building up to international processes, as we have seen in

many major recent campaigns whether it be the Jubilee Action, anti-landmines or anti-Large Dam campaigns.

Let me share two examples of the Basic Education campaign in Kenya and the Food Rights campaign in India – both of which show the power of civil society campaigning using a human rights framework. In Kenya, key civil society organizations ran a successful campaign to make primary education free calling for Basic Education as a Basic Right. In the first week of taking over power in December 2003, the new Government made education free bringing in hundreds of thousands more children into primary schools.

In April 2001, the Right to Food Campaign in India filed a Public Interest Litigation that food grain stocks lying in Government warehouses should be made available through the public distribution system. Following a strong civil society campaign with grassroots participation in 14 states and widespread media coverage of people's hearings etc., the Supreme Court directed all state governments in November 2001 to introduce cooked mid-day meals in primary schools.

So, national level campaigning on the Millennium Declaration and Goals, within a human rights framework, has to form the backbone of any international campaigning that could force political leaders to act.

The key to the Millennium Compact is that rich countries have to meet their obligations to helping poverty eradication as spelled out rather imprecisely in Goal 8 of the Millennium Goals. This means meeting their commitments to the 0.7 percent of GNI to ODA, improvement in the quality of aid including untying and simplifying procedures and putting an end to conditionalities, much deeper and quicker reduction of debt – Africa continues to pay out in debt every year, more than it receives. Debt sustainability has to be now redefined in terms of the achievement of the Millennium Goals.

And we need a much more level playing field in the trade arena. This includes time-bound elimination of agricultural subsidies that make the poor poorer, policy space for developing countries, reviewing all intellectual property agreements that simply benefit TNCs and hinder food security and the health needs of the poor; indeed, concluding the Doha Round in favor of poor countries is

essential for the achievement of the Millennium Goals.

Much as rich country commitment to their side of the bargain is critical, there is no doubt that poor countries can do a great deal more to achieve these basic human rights on their own steam. Having the right policies and plans in place, raising and allocating domestic and external resources for fulfilling the needs of the majority of the population on an inclusive basis, being accountable to our own citizens and stopping corruption don't need too much external help.

But as we speak today, there is too much rhetoric and too little action. Lip-service is paid to the Millennium Goals and often they are becoming a new label under which we continue old ineffective practices. But the only way in which governments will actually act is when there is pressure from citizens to hold them to account for their promises.

That is really what we at the Millennium Campaign are focusing on. To support citizen's action to hold their own governments and international institutions to account for achieving the Millennium Goals, as translated into the national and local context. And indeed these campaigns, which are now starting to gain momentum in about 30 countries of the North and South, each look different, as they should. So the campaign in the Philippines is focused on tracking government budgets towards the Millennium Goals. While the campaign in El Salvador is focused on local authorities delivering services that really reaches the people in terms of education, water and health. The Ghana campaign wants to change the Poverty Reduction Strategy to make it focused on the rights of poor people. The Italian campaign is intent on getting the Government to commit itself to the 0.7 percent target. The Irish campaign is called "Keep Our Word". The Indian campaign is tentatively called *Vaada na Todo* (Don't break your promise).

What binds them together is that they see the Millennium Goals within a human rights and justice framework as described in the Millennium Declaration, not as a superficial set of targets but looking at the underlying and structural causes of poverty. The Spanish *Sin Excusas 2015* campaign is off to a good start.

The interesting thing is that the MDGs are becoming a unifying force bringing CSOs working on different sectoral

and thematic priorities together. It is bringing the service-delivery program/operational NGOs together with the advocacy and human rights-oriented ones. And more importantly it is bringing new constituencies beyond the development NGOs into the process. Youth, parliamentarians, local authorities are all joining forces for a combined fight against poverty.

The good news is that already things are beginning to change. For a start many of the poorest countries in the world are already showing that these Goals can be achieved if there is political commitment, even in most adverse circumstances, as faced by Sub-Saharan Africa. Malawi, Eritrea and The Gambia are some examples on primary education and Bangladesh, Ghana and Mozambique are all picking up on the health front, not to speak of Thailand, Uganda and Senegal on HIV/AIDS.

Many rich countries are starting to face up to their responsibilities. Half the EU countries now have a clear deadline to get to 0.7 percent on aid, including some large economies like Spain and UK. Overall aid levels have gone up in 2003 after a very long gap. There is some glimmer of hope on the trade negotiations through the July announcements on agricultural subsidies. Cancun was a wake-up call and the subsequent victories by Brazil on their complaints on unfair trade practices in the WTO are also positive signs. And discussions on debt have been reopened in the last G8 and will continue into the next one. But none of this is anywhere close to what we need to achieve the Goals.

Civil society at the national and global levels is getting stronger through initiatives such as the World Social Forum. And many excluded groups are beginning to exercise their rights. We have avowedly progressive and pro-poor Governments and parties in power now in many strategically important countries in the world and elections on the cards in a several others.

2005 is a particularly important year and we need a big push. The world needs to bring development back on the agenda, away from the obsession with the so-called war on terror which has resulted in significant reduction in human rights space and diverted scarce development resources. The

Heads of State meeting in September 2005 to review progress against the Millennium Declaration is very important. This is preceded by the G8 in the UK which will focus on Africa and the MDGs. At the end of the year, there is likely to be the Ministerial meeting of the WTO in Hong Kong. Recognizing this, a very important coalition of all major NGOs, trade unions, churches etc. has come together initially in the UK and now globally. Under the name of the Global Call to Action against Poverty,¹ this coalition is planning a series of mass mobilizations on bringing world attention to these issues. Major media houses like the BBC are also starting to highlight these efforts.

At the political level, President Lula supported by a large number of Heads of State has taken the initiative to push hard to create the enabling conditions for the achievement of the Millennium Development Goals. This includes new and innovative financing mechanisms and serious reform to many of the key international institutions, particularly the international financial institutions and the World Trade Organization.

We are the first generation that can actually end poverty and we are running out of excuses. You can organize your own campaign or join existing national campaigns.² You could analyze progress on the Millennium Goals in your country using a human rights framework or make sure that the next national MDG Report of the Government looks at the human rights implications. Or you could take a personal action of signing the “No Excuse” petition and writing to your local newspaper or political representative.

1. Global Call to Action against Poverty:
<<http://www.whiteband.org>>.
Last access on 17 January 2005.

2. See <<http://www.millenniumcampaign.org>>.
Last access on 17 January 2005.