

Assessing Options for the post-2015 Development Agenda

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Introduction:

The final MDGs scorecard is not yet written; however as at 2012 it is clear that they have impacted appreciably upon development discourse and to some extent also on policy and aid flows, and have improved statistical methods and monitoring of key human development outcomes. However the MDGs have also been misunderstood or misappropriated (or both), and their relationship with the human rights commitments in the Millennium Declaration and in international treaties has not always been well understood. Human rights have sometimes (wrongly) been reduced to a “good governance” agenda or dismissed as donor-driven conditionality. The specific content (and actual practice) of claiming rights at the national level are frequently overlooked. OHCHR’s comments on the “Review of the MDGs Agenda” have been provided separately to working group A. This note summarizes a few of the more salient lessons of the past as the basis for recommendations on how international human rights standards and principles should inform and strengthen the objectives and structure of the post-2015 development agenda and global monitoring framework.

Lessons of the past

The MDGs arose, in part, in a challenge to the Washington Consensus policy narrative and its preponderant focus upon growth as the dominant objective of development. The MDGs’ focus on a small number of agreed “ends” of development therefore offered a crucial opportunity to challenge that narrative, subject, however, to closer alignment with relevant human rights standards. The MDGs have helped to prioritize certain aspects of a select number of neglected social rights, and to generate improved statistics for global monitoring and evidence-based policy-making. And, no doubt, the intention to focus on concrete results, and, thereby to facilitate measurable progress on the ground, was a well-motivated one.

However, a number of underlying (and faulty) assumptions (such as the notion that human rights considerations were somehow vague, subjective, or not measurable), and that a selective focus on a small list of core indicators could be expected to advance development, may, in the end, have proven more determinative than the original intentions, however well meaning. And, indeed, the MDGs have been misinterpreted or misappropriated by some as one-size-fits-all global monitoring framework, incentivizing aid rather than national policies. Perhaps more destructively, they have sometimes been presented (or at least viewed) as an alternative framework to the broader, and more accountability-centered international human rights framework. Issues of political participation, justice administration, and personal security – all crucial to development-- were nowhere to be found in the framework. At country level, disaggregation of data to reveal fundamental inequities (beyond, to some extent, gender) was too seldom pursued. And many influential actors still interpret the MDGs as principally an economic growth agenda, accompanied by the (empirically weak) assumption that social sector investments undermine sustainable growth. While perhaps not the fault of the MDGs, (which were never intended to be a complete development agenda), they may have unwittingly encouraged a focus on short-run technical fixes and “quick wins”, distracting attention from the complex root causes of development problems. As a consequence, results in many countries have been disappointing, and some countries that were MDG “star performers” were praised as such, notwithstanding very troubling human rights contradictions.

The Case of Tunisia

“A quick look at the assessments provided by our financial institutions and development agencies in the immediate lead-up to the Arab Spring is illuminating. Even as the events were unfolding, we read, for example, that Tunisia showed “remarkable progress on equitable growth, fighting poverty, an achieving good social indicators”, that it was “on track to achieve the MDGs”, was “far ahead in terms of governance, effectiveness, rule of law, control of corruption and regulatory quality”, was “one of the most equitable societies”, “a top reformer”, and that “the development model that Tunisia has pursued over the past two decades has served the country well.”

But, at the same time, the UN human rights mechanisms, and voices from civil society, were painting a different picture. Here we heard of excluded and marginalized communities, imposed indignities, and a denial of economic and social rights. Here we heard of inequality, discrimination, absence of participation, absence of decent jobs, absence of labour rights, political repression, absence of fundamental freedoms, including free assembly, association, and speech. We heard of censorship, arbitrary detention, and the lack of an independent judiciary. In sum, we heard of fear, and want.

Clearly, this is not what we would call “development.” And yet, somehow, this side of the equation carried very little sway in the dominant economic and development analysis. This is not to say that the dominant development analysis was all wrong. And, indeed, much of the data on which these assessments were made was certainly accurate. The problem, I would submit, was that the analytical lens was, in some instances, too narrow, and in others it was simply turned in the wrong direction.

Clearly, it was not fixed squarely on freedom from fear and want – at least not for the many. It often too narrowly focused on growth, on markets, and on private investment, with relatively little attention to equality, and virtually none to civil, political, economic and social rights. Even the MDGs provided only a very narrow set of economic and social indicators, none of them rights-based, all of them with low quantitative thresholds, none guaranteeing participatory processes, and none accompanied by legal accountability. Guarantees of a minimum social floor, including minimum core obligations for economic and social rights, have been largely lacking. And, it must be said, the framework itself effectively leaves out a full half of the development equation, that is, all civil and political rights considerations.

Essentially, the economists and analysts did not get the answers wrong, they just never asked many of the most important questions.”

- **Navi Pillay, High Commissioner for Human Rights**

For the most part, the MDGs at global level, and often at national level, have not been explicitly aligned with international human rights standards, resulting in inadequate or unambitious targets in certain cases (e.g. targeting only 11 per cent of slum dwellers globally; narrow target and indicators on gender equality and empowering women; free primary education as a policy option rather than obligation; weak income poverty indicator). Detached from the human rights framework, the MDGs could still be thought of as charitable dispensations rather than claimable entitlements. At the core of this, has been inadequate attention to accountability mechanisms at global, national and local levels.

But no gap is greater than the equality gap. Human rights standards apply to all human beings wherever they reside, with an explicit concern for those suffering discrimination. However, the MDGs were not designed to be relevant to poor individuals and communities in richer and middle-income countries, an increasingly untenable situation given that 72% of poor people now live in MICs.¹ Increasing inequalities may have been exacerbated by the MDGs’ focus on averages, and the “lowest hanging fruits”, prioritizing and inadvertently prizing that which can

¹ Sumner 2010.

be measured, rather than – necessarily – that which is most important. As noted, disaggregation of MDGs progress has been insufficient.

The post-2015 agenda will need to adopt a fundamental shift of emphasis, integrating a human rights-based approach, focusing on root causes, and setting the achievement of equality as a principal goal.

Recommendations for the post-2015 development agenda

On balance, global goals, targets and indicators should be retained as a central part of the post-2015 global development narrative, and global monitoring framework. Global goals, targets and indicators can help to raise the profile of important issues, and ratchet up commitments and incentives for progress, as long as the global framework is balanced in its selection of development sectors, subject to broader disaggregation, accompanied by a meaningful accountability framework, and not misconstrued or misapplied as a one-size-fits-all monitoring metric. (Target-based incentives may also, of course, distort service delivery and policy-making, creating incentives for false reporting and skewed progress towards the easiest-to-reach. As such, these risks should be front and centre of discussions on the design of the post-2015 framework).

Development as Freedom from Fear and Want: In OHCHR's view the UN should argue strongly for a human rights-based post-2015 agreement that is directed to both sides of the "fear and want" challenge, as contained in the Universal Declaration of Human Rights. This agenda would be explicitly grounded in the core human rights obligations and commitments in the UN Charter, Universal Declaration of Human Rights, UN human rights treaties (to which all member States have to varying degrees subscribed), the Declaration of the Right to Development, the Millennium Declaration, and the 2010 MDGs Summit. And it would accommodate core human rights principles of participation, accountability, non-discrimination and equality, empowerment, and effective international cooperation. Civil and political rights protections (freedom from fear), on intrinsic and instrumental rationales, could be brought in either as self-standing goals or explicitly linked to other goals. And, on the economic and social side (freedom from want), using the rights formulation will bring added normative clarity and coherence, and higher levels of accountability.

A central focus on equality: If a dominant objective of the post-2015 development agenda is to challenge and recast the (largely ineffective) dominant narrative of development, then "Achieving equality" should be the centerpiece. Equality is a powerful call from the streets all over the globe at present. This need not be taken to mean perfect equality of outcomes (precluding entirely the allocation of resources and opportunities in the market). Rather, acknowledging growing inequalities within and between countries, and in the wake of the market's most recent and spectacular failings, "Achieving equality" should require the dismantling of discriminatory barriers to social, economic and political life, restoring safety nets for the most vulnerable, and assuring "equity" in the sense of fair treatment and equality of opportunity and access to services.

This would begin with integrating the principles of non-discrimination within all other goals, targets and indicators. Targets could explicitly focus on the lowest quintile alone, or aim to narrow the gap between top and bottom quintiles², or weighing the quintile-specific values in a way that accords priority to progress for the lowest quintiles³. Consideration could be given to a new self-standing goal on "Achieving equality", subject to further conceptualization (ie. not reducible to income poverty alone) and measurement challenges (ie. limitations of the gini coefficient). MDG reporting could provide that registering progress would require movement in the reduction of gaps, or be conditional upon demonstration of progress of the lowest quintiles, and in all regions of a country. More systematic investments would be needed in data collection and disaggregation, in order to capture grounds of discrimination prohibited by human rights treaties. Existing surveys often bypass people living in informal settlements, as well as persons with disabilities and older persons. Gender and urban/rural disaggregation are

² Seymour 2012.

³ Vandemoortele & Delamonica 2010.

critical, along with disparities arising from discrimination based upon age and race/ethnicity, subject to sectoral variation and national adaptation. (The JMP Process on Developing Post-2015 Targets and Indicators on Water and Sanitation has established a working group on “equity” which is presently focused on integrating the human rights principles of equality and non-discrimination within post-2015 indicators for water and sanitation, and which may provide inspiration on how to reconcile the integration of these principles with statistical feasibility considerations).

Toward a balanced and coherent post-2015 framework: The essential practical challenge is to integrate the objectives and principles above in a new framework that will present technically adequate indicators, have value as an advocacy and communications tool, facilitate global and national monitoring of agreed “ends” of development, improve global governance and policy coherence, and guide national policies. A few key elements:

No technocratic veto in the setting of goals: In considering whether there is a sufficiently broad and solemn consensus on the intrinsic importance of an issue as an “end” of development (rather than instrumental, contingent and arguable means), and hence whether the post-2015 agenda should prioritize that issue, we should look to whether that issue is the subject of a human rights treaty obligation. For example, while “decent work”, which has indisputable instrumental importance for development, it has been criticized for its statistical imprecision. However the fact that decent work draws from international human rights treaty standards and ILO Conventions should be seen as a strong argument favouring its inclusion in a post-2015 framework, particularly in view of the increasingly strong grassroots demand for this right in all parts of the world. The right to social security would be another strong candidate, given the swelling ranks of those driven to the economic margins in the wake of on-going global crises. The maternal mortality ratio (MMR) may be distinguished from the income poverty indicator on this basis: both are poorly specified, however the former highlights an issue of intrinsic (rather than purely instrumental) importance under human rights treaties.

Policy coherence: Given the cost of incoherence on all sides of the development partnership, policy coherence should be seen as an objective in itself. Substantive alignment of goals, targets and indicators with human rights would help to increase policy coherence while strengthening accountability. The JMP Process on Developing Post-2015 Targets and Indicators on Water and Sanitation is in the process of adapting proposed post-2015 targets to include the normative attributes of the human rights to water and sanitation, including safety/quality of water, equity/non-discrimination and affordability. This may serve as inspiration for other sectors.

International standards national goals: and Global goals and targets are potentially very important, if not set as a one-size-fits-all template. OHCHR agrees that intermediate targets might be useful for political accountability. However national goals, targets and indicators should be adapted, through inclusive processes, to national priorities, conditions, constraints and baselines. States have undertaken to make best efforts “within the maximum extent of available resources” under human rights treaties, which requires individualized targets and benchmarks towards the ultimate (and in most cases, long-term aim) of universal access to at least a basic level of socio-economic rights.

Process indicators: Assessing fiscal and policy effort implies the inclusion of “process” or “input” indicators, together with commitment indicators, as some States have done in adapting the global MDGs. It is more difficult to generalize about desirable input or process indicators at global level. For example the WASH (water, sanitation, hygiene) sector has defined a global monitoring and assessment system for the inputs, via the GLAAS globally, but also on-going regional initiatives (Country Status Overviews) which are being adapted in other regions and by other countries (e.g. India). But opinions differ within the sector on the extent to which such “means” should be among the future development goals for WASH. However Emergency Obstetric Care (EmOC) is an example of an input or process indicator that is a critical and proven policy intervention in all settings.

Support for national monitoring: The post-2015 agreement should venture a set of desired parameters and minimum substantive criteria for tailoring/adapting global goals to national conditions, and indicate the kinds of participatory processes (e.g. through parliamentary committees) and accountability mechanisms – at global, national and local levels – that may be needed to ensure that post-2015 target-driven development does in fact help to incentivize and sustain progress. OHCHR strongly agrees with UNICEF’s recommendation for “*sustained investment in data collection, analysis and monitoring systems, both for national capacity and as a global good*”, as the foundations for strengthened accountability under a post-2015 agreement.

- **Office of the High Commissioner for Human Rights, February 2012**