

Human Rights and United Nations Development Cooperation

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* This paper does not necessarily represent the views of the United Nations. *

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Abstract

Promoting and encouraging respect for human rights and fundamental freedoms is one of the main purposes of the UN, as set forth in the Charter. The Universal Declaration of Human Rights and numerous other international conventions and standards provide a basis for action. Human rights are considered to include civil and political rights, and economic, social and cultural rights. Differing interpretations and priorities sometimes make these elements a matter of sensitivity for international relations.

Within the past decade a significant evolution and strengthening of the UN's role has been taking place. Especially notable is the emergence of a "rights-based approach to development" which emphasizes active participation in development and the fair distribution of its benefits.

The UN system has committed itself to a more explicit and consistent human rights approach in its work. Some of its individual organizations have a long and significant involvement. For others the implications of this evolution are not yet fully internalized. The demand from countries receiving UN development cooperation is both growing and changing. From a separate field of work, a focus on human rights is increasingly expected to be integrated into key thematic areas, in particular in relation to poverty, gender and governance.

These matters need further attention, and the UN's capacity to address human rights issues needs to be further enhanced.

Introduction

Promoting and encouraging respect for human rights and fundamental freedoms is one of the main purposes of the United Nations. This is set forth repeatedly in the UN Charter, including in Chapter IX, where it is given as one of three main functions of the United Nations in the area of international economic and social cooperation. The Universal Declaration of Human Rights, adopted in 1948, expanded in detail upon this base, and in succeeding years a host of conventions, declarations and other standards have been adopted by the General Assembly, and widely ratified by member States. These include mechanisms for monitoring and reporting progress and obstacles in their implementation, and indication of the roles of the Secretary-General, the specialized agencies, and other entities for their support.

The Declaration on the Right to Development, adopted by the General Assembly in 1986^[2], affirms the entitlement of all to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. According to this, States have the right and the duty, nationally and internationally, to facilitate improvements in the lives of all, on the basis of active participation in development and in the fair distribution of its benefits. These concepts of active participation and fair distribution are key to the rights-based approach to development.

As further indicated by the Office of the High Commissioner for Human Rights (OHCHR), the rights-based approach integrates the norms, standards and principles of the international human rights system into the work of development. These principles include: participation, accountability, nondiscrimination and attention to vulnerability, empowerment, and express linkage to international human rights instruments.

The Declaration and Plan of Action from the World Conference on Human Rights, which was endorsed by the General Assembly in 1993^[3], focused on several main issues. These included the indivisibility of civil, political, economic, social and cultural rights; the right to development as a fundamental human right; the interdependence between democracy, development and human rights; new steps to promote and protect the rights of women, children and indigenous peoples; strengthening the monitoring capacity of the UN human rights mechanisms; and broader ratification of other human rights instruments. A five-year review of this took place on the 50th anniversary of the Universal Declaration of Human Rights, in the UN Commission on Human Rights, the Economic and Social Council, and the General Assembly.

In the past five years especially, under the Secretary-General's programme of reform for the UN^[4], emphasis on human rights has notably increased in the work of the Organization. It is increasingly seen as a cross-cutting theme in each of the four main substantive fields -- peace and security, economic and social affairs, humanitarian affairs, and development cooperation.

During this period, the Organization has been taking a number of steps to mainstream human rights into its various responsibilities, including the greater adoption of a rights-based approach in development cooperation activities of the UN system. Guidelines for

assessment of country situations, and for planning of assistance, include specific attention to human rights issues. Interagency guidelines and related information on human rights have been prepared for use at country level. The UN internal website on development issues includes human rights as one of its main themes. Most recently, in January 2001, an interagency workshop undertook to gain a better understanding of the key elements of the human rights approach, current practices, key challenges and possible recommendations. We will return to this, as the recommendations are summarized later in the paper.

Nevertheless, despite general expressions of the importance of human rights at the highest levels of the intergovernmental process, and the growing attention at the agency and interagency levels, it must be said that specific intergovernmental guidance and support for human rights as part of development efforts, or a rights-based approach to development, has been slow in coming. Traditionally in the General Assembly human rights has been more a matter for the Third Committee (Social, Humanitarian and Cultural), and less for the Second Committee (Economic and Financial), which is where the main deliberations on UN development cooperation take place.

Thus it was considered a step forward in 1998 (the fiftieth anniversary of the Universal Declaration of Human Rights), that for the first time in the almost 20-year history of General Assembly resolutions on the development work of the UN system, the GA recognized UN assistance related to human rights, including the right to development, as important to achieving economic growth and sustainable development. This was in a preambular paragraph of resolution 53/192, and it reads as follows:

Noting, in this context, the activities of United Nations funds and programmes aimed at providing technical assistance to recipient countries, in response to their national economic and social needs and priorities, including poverty eradication, promotion of all human rights, including the right to development, for achieving sustained economic growth and sustainable development in accordance with relevant GA resolutions and recent UN conferences, and stressing the need for these activities to be undertaken at the request of interested recipient governments strictly within the respective mandates of UN funds and programmes, which should receive increased contributions from donor countries,^[5]

At that same session the Assembly adopted a lengthy resolution, entitled “Right to development” (resolution 53/155), which resulted from deliberations in the Third Committee. This resolution covered a lot of territory, expressing concerns and requesting actions on quite a range of issues.

Some features of the two resolutions help us gain a better sense of the difficulties the UN has in dealing with the subject. Resolution 53/192 also covered many topics, and was adopted by consensus. Only a single phrase on human rights was inserted, and it was set about with a thicket of cautionary wording to reiterate the basic principles of UN assistance, namely intergovernmental mandate and responsiveness to national requests. On the other hand resolution 53/155, quite detailed and potentially far-reaching, was the subject of much debate and had to be adopted by recorded vote (125 in favor; 1 against; 42 abstentions).^[6] Notable here were expressions of concern at rights-related adverse impacts of the

international financial crisis, a call for the developed countries to reverse the trend of decline in flows of official development assistance; and a request for dialogue and reporting related to work of the World Bank that can promote the right to development..

By the time of the 55th session of the GA, in 2000, another detailed resolution on the right to development was negotiated in the Third Committee, but this was adopted by consensus.^[7] Its tone was generally more positive (“Welcomes...” rather than “Expresses concern...” in the paragraphs), and it tread less on Second Committee matters.

The definition of rights, the relation of rights to responsibilities, and the expectations of consequences, as seen from the perspectives of the various concerned parties, can be very difficult and sensitive. When these matters are put into a context of national, regional or global relationships, they can become all the more highly charged.^[8]

In United Nations bodies, as elsewhere, it is not uncommon to see human rights used for leverage in other aspects of international relations. Delegations from the more industrialized member States tend to emphasize the importance of expanding civil and political rights, and the distributive benefits of greater economic, social and cultural rights within countries. Delegates from the developing member States, while generally agreeing with these priorities, tend to emphasize the importance of dialogue, policy-making and resource allocations related to the various aspects of human rights between countries, especially the developing and the more industrialized countries, and more specifically between aid recipients and donors.

The Millennium Declaration, adopted last year by all heads of State or Government at the Millennium Summit of the General Assembly^[9], includes a special emphasis on human rights, including the right to development. The resolution reiterates the importance of promoting civil, political, economic, social and cultural rights for all, and it lists a series of specific commitments. As indicated in the GA resolution adopted last December on follow-up to the outcome of the Millennium Summit,^[10] the entire UN system is called upon to assist member States in every way possible in the implementation of the Declaration. The Secretary-General has submitted to the GA at its current session a “roadmap” for monitoring and reporting on progress by all in relation to the broad areas of commitment, and in relation to targets and indicators specific to a set of eight “millennium development goals”.^{[11] [12]}

In the area of human rights, the roadmap document notes a clear shift in attitudes towards human rights protection by member States, moving from consideration as the sole territory of sovereign States to a more universal concern. It also notes that human rights, as a central tenet of UN reform, are becoming increasingly emphasized in activities throughout the system, and that this evolution is reflected in a diverse range of UN forums.^[13] The report affirms that economic, social and cultural rights are at the heart of most all the millennium development goals. The report states “An increasing number of member States have recognized the value of the rights-based perspective on development and should be encouraged to implement this approach at the national level.”^[14] We await the results of the GA deliberations on this report.

The above discussion sets the background and framework for the ongoing and expanding actions of the UN and the agencies of the UN system. Now let us look at what is being accomplished, and what are the trends.

In preparation for this year's GA triennial review of development cooperation by the UN system, the UN Secretariat sent questionnaires to all agencies, UN country teams, and member States for their views on implementation of the previous triennial review resolution, and on emerging issues of importance for the future. The following sections show the results of that inquiry in terms of the perspectives of the respondents.

Review of Agency involvement

The Office of the High Commissioner for Human Rights (OHCHR) is the system-wide focal point for human rights. Its technical cooperation programme dates to 1955, and has grown significantly since the mid-1990s. GA resolution 48/141 of 20 December 1993, which created the post of High Commissioner, identifies the key responsibilities to include the promotion and protection of the realization of the right to development, and the strengthening of support from relevant bodies to the UN system for that purpose. OHCHR is active in facilitating the mainstreaming of human rights in UN development programming. Its main roles are to serve as a catalyst, encouraging all UN agencies to adopt rights-based approaches, and as a conduit, facilitating the use of UN human rights mechanisms and expertise by the operational agencies.

The United Nations Development Programme (UNDP) has been increasing its role for advocacy, support and international dialogue on human rights issues, notably in relation to policy, regulatory and legal frameworks; institutional capacity-building; justice systems; and social cohesion, particularly in crisis and post-conflict situations. UNDP and OHCHR are undertaking a joint programme for human rights strengthening through country offices. The UNDP Human Development Report 2000 was devoted to the subject "Human rights and human development – for freedom and solidarity".^[15] It was prepared on the basis of broad consultation and has been favorably received.

The United Nations Children's Fund (UNICEF) has adopted a human rights-based approach to its programming since 1998, has issued guidelines to the field for the implementation of this, and has been taking actions to build related staff capacity. Under this approach, all UNICEF country programmes of cooperation aim to contribute to the realization of the rights of children and women, drawing upon the principles expressed in the Convention on the Rights of the Child, and the broader framework of human rights principles generally. Reviews of UNICEF country notes, country programme recommendations, annual reports and mid-term reports have been done for the past three years on the rights-based approach, thus helping to stimulate and verify implementation.

The United Nations Population Fund (UNFPA) stresses human rights in its Mission Statement, focussing on the sexual and reproductive rights of women and men, and on the promotion of gender equality, equity and empowerment of women. The 1994 International Conference on Population and Development (ICPD) confirmed the importance of the rights-

based approach to population, and UNFPA thereafter increased its involvement in UN system initiatives in the field. The ICPD+5 review, at the Twenty-first Special Session of the GA in 1999, showed the rights-based approach to be increasingly integrated into population and development programmes.

The World Food Programme (WFP) works, in partnership with other UN agencies and NGOs, to ensure access to food by those who, either permanently or during crisis periods, are unable to produce enough or do not have sufficient resources to obtain the food they and their households need for active and healthy lives. WFP thus contributes to the creation of an enabling environment in which people, especially the most vulnerable, can enjoy their basic human rights – including the right to life, the right to food, the right to development, the rights of the child, equal status of women, and the right to education. WFP is committed to advocacy in support of policies, strategies, and operations that directly benefit the hungry poor, and it is active in bringing the issue to international attention.

The Food and Agriculture Organization (FAO) stresses that in most developing countries, agriculture is the main source of livelihood. It is thus the key to the realization of the right to development for a large part of the world's population. Flowing from the Universal Declaration of Human Rights, ensuring freedom from hunger is set out as a main objective in the preamble to the FAO Constitution. The right to food received renewed attention in the declaration and plan of action adopted at the 1996 World Food Summit. FAO's concept of the right to food is expressed as "food security", which means food available in sufficient quantity and quality to satisfy the needs. While the right to food is understood as primarily realized by individual efforts, a role is seen for national and international action to help clear obstacles, promote development, and ensure an enabling environment of rules and institutions.

The International Labour Organization (ILO) has always taken a rights-based approach, as evidenced in the body of International Labour Standards adopted and ratified over the years. An upsurge of ratifications of the principal labour Conventions has been registered since 1995. The ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998, further promotes adherence to the central principles covered in these, namely: (a) freedom of association and the right to collective bargaining; (b) elimination of all forms of forced or compulsory labour; (c) effective abolition of child labour; and (d) elimination of discrimination in employment and occupation. The ILO's efforts to help member States in these areas, including through technical cooperation and advisory services, is aimed to strengthen the climate for economic and social development, and is a manifestation of the ILO commitment to the right to decent work.

The United Nations Education, Scientific and Cultural Organization (UNESCO), in accordance with its mandates, endeavors to promote and protect human rights within its fields of competence, with emphasis on the right to education, the right to participate in cultural life, freedom of expression and freedom of the press, and the right to information. Special attention is given to vulnerable groups including women, young people, the poor, and indigenous groups.

The World Health Organization (WHO) has traditionally tended to see health and health care more as actions for economic and social progress than as matters of human rights. More explicit attention has been growing, for example in the recognition that health is a prerequisite for a good life and the enjoyment of other rights, and in attention to patients' rights in relation to health care. In a recent statement the Director-General of WHO affirmed that by giving priority to the reduction of poverty, to preventing adverse maternal and childhood conditions, and to scaling up actions that address major diseases linked with poverty, WHO makes a major contribution to the fulfillment of human rights.

The United Nations Department of Economic and Social Affairs (UN/DESA) notes that matters concerning women have a special place in UN system efforts to promote and encourage respect for human rights and fundamental freedoms. The prime focus is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is the most comprehensive treaty on women's human rights. The Division for the Advancement of Women/DESA focuses on providing capacity-building for government officials to assist them with implementation, monitoring and reporting on the CEDAW and related measures.

The United Nations Development Fund for Women (UNIFEM) promotes the principle that the protection of women's human rights is fundamental to ensuring women's self-realization and full participation in society. It concentrates on strengthening the capacity of national and regional women's organizations; increasing women's access to and use of international human rights machinery; mainstreaming UNIFEM's expertise into the UN system; and promoting greater action by governments, community organizations, and the international community toward the elimination of all forms of violence against women.

The Joint United Nations Programme on HIV/AIDS (UNAIDS) reports a strong human rights approach in its work. This is seen as a crucial element of its programme, because HIV/AIDS thrives upon and worsens situations that are prone to rights abuses. Relevant areas of activities include standard-setting, technical assistance and advice, training, research, publications, and networking. Also, UNAIDS and OHCHR have jointly prepared guidelines on HIV/AIDS and human rights for use at country level.

The Office for Drug Control and Crime Prevention (ODCCP) is concerned with the human security and development aspects of human rights in the context of drug trafficking and drug abuse, organized crime, trafficking in persons and smuggling of migrants. Many of its projects aim to protect population segments that are vulnerable and/or under threat, and are at the periphery of the society and country.

The United Nations Volunteers (UNV) provides volunteer support in the area of human rights, especially through peace-building programmes, human rights education, support to national human rights institutions, and protection and promotion of minority groups. It reports an increasing volume of requests for such services.

The five UN regional commissions (for Africa, Asia and Pacific, Europe, Latin America and Caribbean, and Western Asia) are also becoming increasingly engaged in matters of

human rights and the right to development. Relevant work is undertaken notably in relation to women and to marginalized or vulnerable groups.

Issues and concerns

As shown in the research for the latest triennial review for the GA, developing country governments, donor governments and UN country teams were consistent in their assessment that the types of UN involvement currently underway were, in descending order, consultations and advocacy, outreach and education, programme planning, and programme and project budgets. This reflects the recent emergence of major attention to human rights issues in the context of development, the “upstream” approach increasingly being emphasized in UN development cooperation activities, and the levels of resources available.

The current efforts of UN country teams, in cooperation with host governments, to prepare system-wide development situation assessments (“common country assessments”), and UN development assistance frameworks, provide vehicles for mobilizing further action in relation to human rights concerns. OHCHR is working with other UN partners to integrate a rights-based approach into these. Interest is increasing in many UN country teams and in the agencies’ headquarters, and member State demands for technical cooperation linked to human rights is growing and evolving. From a separate and distinct field of endeavor, human rights are increasingly seen as to be integrated into key thematic areas of development cooperation, in particular in relation to poverty, gender and governance.

The results of the previously-mentioned interagency workshop on implementing a human rights approach focused on three priorities: (a) strengthening the relevant capabilities of the UN country team and of national counterparts; (b) conducting participatory national assessments of the current state of realization of human rights; and (c) helping to enhance national mechanisms to secure broad and effective participation in all development decision-making.

The workshop identified six areas for action:

- Leadership - Promoting within the UN system a better understanding and institutional commitment for a rights-based approach to development;
- Capacities at the country level – Strengthening the UN focus on rights-based programming and stakeholder participation, in the context of national partnerships;
- Inter-agency cooperation – Encouraging inter-agency dialogue and staff mobility;
- Development of methods and approaches – Building up necessary concepts and materials for mainstreaming human rights in the development work of the UN system, and collecting and sharing good practices;
- Training materials – Updating and expanding appropriate training materials, and making these available to agencies and UN country teams; and
- Documentation - Improving the disaggregation of UN data on the basis of race, ethnicity, religion and other relevant categories, and collection and dissemination of good practices and lessons learned.

Work is now going forward at the interagency level to put these recommendations into effect. Deliberations by the General Assembly at its 56th session, now in progress, could result in further guidance to the development cooperation activities of the UN system.

Conclusions

In keeping with the growing body of mandates throughout the UN system, UN agencies are increasingly committed to a more explicit and consistent human rights approach in their development cooperation work. Some of these organizations have a long and significant involvement, while others have made notable recent progress. Nevertheless, understanding and applications are at early stages in many settings, as are applications of the approach in management and in programming.

There is a need for further building UN and especially UN country team capacity to address human rights issues, including in relation to existing intergovernmental standards and mechanisms, and to a rights-based approach in development programming. This implies an increasingly active role for agencies throughout the system, including support and collaboration from OHCHR and others that have made the most progress.

In her statement last year to the five-year review of the World Summit for Social Development review, the High Commissioner for Human Rights emphasized that the value-added of a rights-based approach to development is in facilitating a more effective, more sustainable, more rational and more genuine development process. Its focus on enhanced accountability facilitates monitoring of progress and encouragement of specific action. The focus on empowerment and participation produces more sustainable improvements. The linkage to international standards brings greater normative clarity and consistency, and helps to better define institutional requirements. It looks at root causes of poverty (not only income deprivation but also discrimination and lack of power, capacities and choices). It is a comprehensive approach to development that takes into consideration economic, social, civil, political and cultural factors.

These matters call for much greater attention, at the national and intergovernmental levels and in the UN system. Further progress will be important as steps in helping to bring to fruition the founding principles enunciated by the nations of the world in the first words of the UN Charter.^[16]

[1] This paper is dedicated to the memory of Fred Haemmerli.

[2] General Assembly resolution 41/128 of 4 December 1986.

[3] General Assembly resolution 48/121 of 20 December 1993.

[4] Renewing the United Nations: A programme for reform. Report of the Secretary-General. (Document A/51/950, 14 July 1997).

[5] General Assembly resolution 53/192 of 15 December 1998, "Triennial policy review of operational activities for development of the United Nations system"

[6] Those in favor included all developing country member States, including China, plus the Russian Federation. The one against was the USA. The 42 abstentions included all countries of the European Union, and indeed all industrialized countries except Russia.

[7] General Assembly resolution 55/108 of 4 December 2000.

[8] See for example the UN Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, 31 August to 8 September 2001.

^[9] General Assembly resolution 55/2 of 8 September 2000.

^[10] General Assembly resolution 55/162 of 18 December 2000.

^[11] Road map towards the implementation of the United Nations Millennium Declaration: Report of the Secretary-General. (Document A/56/326, 6 September 2001).

^[12] The “millennium development goals” are: (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; and (8) develop a global partnership for development.

^[13] Document A/56/326, para 201.

^[14] Ibid., para. 203.

^[15] UNDP, Human Development Report 2000: Human rights and human development – for freedom and solidarity, New York and Oxford, Oxford University Press, 2000. The report’s main themes include: Human rights and human development; struggles for human freedoms; inclusive democracy; empowering people in the fight against poverty; using indicators for human rights accountability; and priorities for national and international action.

^[16] To save succeeding generations from the scourge of war...; to reaffirm faith in fundamental human rights...; to establish conditions under which justice and respect for the obligations arising from treaties ...can be maintained; and to promote social progress and better standards of life in larger freedom.