

A HUMAN RIGHTS EVALUATION OF THE EUROPEAN UNION
POST-2015 DEVELOPMENT AGENDA FOR MDG 8:
DEVELOPING A GLOBAL PARTNERSHIP FOR DEVELOPMENT

GLOBAL CLASSROOM 2013: THE MILLENNIUM DEVELOPMENT GOALS, HUMAN
RIGHTS AND THE POST -2015 DEVELOPMENT AGENDA

29 April 2013 – 3 May 2013 Venice, Italy

Kamadi Byonabye, Maria Rehder & Edith Schellings

E.MA European Master's Degree in
Human Rights and Democratisation

EIUC European Inter - University Centre
for Human Rights and Democratisation

INTRODUCTION

“In September 2000, leaders from 189 nations agreed on a vision for the future: a world with less poverty, hunger and disease, greater survival prospects for mothers and their infants, better educated children, equal opportunities for women, and a healthier environment; a world in which developed and developing countries worked in partnership for the betterment of all. This vision took the shape of eight Millennium Development Goals, which provide a framework of time-bound targets by which progress can be measured.”¹ As we are firmly approaching the deadline for the realization of the Millennium Development Goals (MDGs) – that is, by the end of 2015 – the successes and failures of implementing these goals are currently being evaluated on international, regional and national level. Notably, these evaluations will set the stage for the post-2015 development agenda.

This report aims to contribute to those efforts by presenting the outcome of the EIUC Global Classroom 2013 on The Millennium Development Goals, human rights and the post-2015 development agenda, by students from the E.MA Programme. As this report is commissioned by the European Inter – University Centre on Human Rights and Democratisation (EIUC), it might hardly be surprising that a human rights approach will be central to it. The report investigates the position of the European Union (EU) on the post-2015 development agenda for Millennium Development Goal 8 – Develop a Global Partnership for Development – and assesses it from a human rights perspective. The inclusion of human rights standards to development – an idea that was present in the Millennium Declaration, but has not been reflected in the final texts of the goals neither their implementation – would allow for “a compelling legal framework” in which states will be bound by “legal obligations” and facilitate “empowerment and participation; accountability; global equality and shared responsibility”.² In other words, a human rights based approach to development would have the potential to address those weaknesses that have surfaced during the implementation process of the MDG’s so far. The EU, with its well-developed human rights mechanisms and its role as the world’s largest donor, should lead

¹ UNstats, About the Millennium Development Goals Indicators, <http://mdgs.un.org/unsd/mdg/Host.aspx?Content=Indicators/About.htm> (consulted on 18 April 2013).

² Lecture by Olivier de Schutter, UN Special Rapporteur on the Right to Food, The MDG’s and Economic and Social Rights, EIUC Global Classroom 2013, Venice, 29 April 2013.

the way and impress it upon itself to use its position to adopt a human rights based approach to development. The central question is: How can EU proposals for the Post-2015 Development Agenda for MDG 8 be evaluated in light of a human rights based approach?

The report is divided in three sections. The first section will provide an introduction to MDG 8 and its challenges. How is the goal formulated and how is it measured? What has been achieved so far? And what are the challenges to it? Then in section two, we will look at the way it has been taken up by the European Union in its policies from 2000 till today. So, how has Europe tackled it? How has the region fared successes and what is the status now? Thereafter, the challenges to the implementation of MDG 8 and post-2015 prospects, as presented by the European Union in (inter alia) the Communication from the European Commission of 27 February 2013 will be discussed. In the concluding section of this report the EU approach will be compared to the critiques as phrased in the first section. The report will obviously close with a set of recommendations to the European Union and its post-2015 agenda for development and global partnership in particular. Finally, in the appendix the value of South-South cooperation, and a potential role for the EU in such practices is illustrated.

This report will, firstly, argue that a human rights based approach to the MDGs and their implementation will contribute to qualitatively better results that are structural and sustainable. And secondly, that although the EU has indicated some of the challenges that, according to a human rights evaluation of MDG 8 and the MDGs in general, should be central to the post-2015 development agenda – such as, a focus at the causes of poverty and marginalization, instead of their manifestations – the EU proposals lack a coherent theoretical basis. In other words, as the arguments in this report should proof, a human rights basis. If the EU wants to keep up its position as a leading actor in human rights, it is will have to make some structural changes to its policies.

1. MDG 8: DESIGN, ACHIEVEMENTS AND CHALLENGES

DESIGN

Millennium Development Goal 8 is to “develop a global partnership for development”. And more specific it is a “[c]ollaboration between UN bodies, public and private sectors, independent associations & civil society participants to provide resources and assistance to governments and host communities, through tourism development & growth.”³ As for all MDGs, it is specified in targets and indicators:

Targets	Indicators
<p>8.A Develop further an open, rule based, predictable, non-discriminatory trading and financial system.</p> <p>8.B Address the special needs of the least developed countries.</p> <p>Includes: tariff and quota free access for the least developed countries' exports; enhanced programme of debt relief for heavily indebted poor countries (HIPC) and cancellation of official bilateral debt; and more generous ODA for countries committed to poverty reduction.</p> <p>8.C Address the special needs of landlocked developing countries and small island developing States (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>8.D 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>Official development assistance (ODA)*</p> <p>8.1 Net ODA, total and to the least developed countries, as percentage of OECD/DAC donors' gross national income</p> <p>8.2 Proportion of total bilateral, sector-allocable ODA of OECD/DAC donors to basic social services (basic education, primary health care, nutrition, safe water and sanitation)</p> <p>8.3 Proportion of bilateral official development assistance of OECD/DAC donors that is untied</p> <p>8.4 ODA received in landlocked developing countries as a proportion of their gross national incomes</p> <p>8.5 ODA received in small island developing States as a proportion of their gross national incomes</p> <p>Market access</p> <p>8.6 Proportion of total developed country imports (by value and excluding arms) from developing countries and least developed countries, admitted free of duty</p> <p>8.7 Average tariffs imposed by developed countries on agricultural products and textiles and clothing from developing countries</p> <p>8.8 Agricultural support estimate for OECD countries as a percentage of their gross domestic product</p> <p>8.9 Proportion of ODA provided to help build trade capacity</p> <p>Debt sustainability</p> <p>8.10 Total number of countries that have reached their HIPC decision points and number that have</p>

³ This quote is present on many of the MDG 8 icons as displayed on the website, flyers and brochures. For instance: UNWTO, Tourism and the Millennium Development Goals, <http://dtxtg4w60xqpw.cloudfront.net/sites/all/files/docpdf/icrmdgleafleteng12042012.pdf> (consulted on 19-04-2013).

	reached their HIPC completion points (cumulative) 8.11 Debt relief committed under HIPC and MDRI Initiatives 8.12 Debt service as a percentage of exports of goods and services
8.E In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries.	8.13 Proportion of population with access to affordable essential drugs on a sustainable basis
8.F In cooperation with the private sector, make available the benefits of new technologies, especially information and communications.	8.14 Fixed telephone lines per 100 inhabitants 8.15 Mobile cellular subscriptions per 100 inhabitants 8.16 Internet users per 100 inhabitants

* Some of these indicators are monitored separately for the least developed countries (LDCs), Africa, landlocked developing countries and small island developing States.

The simple and straightforward design of the goal into specific targets and measurable indicators is generally seen as one of the strong points of the MDGs. In contrast to vague, general aims or commitments these specific targets, though limited in scope, would at least present the international community with concrete targets and clear ways to reach these targets. Moreover, the indicators would provide a framework for measuring progress, which is also unique in comparison with other documents and treaties covering development and poverty reduction. For instance, the International Covenant on Economic, Social and Cultural Rights indeed covers many aspects of the MDGs, but does not go much further than to prescribe that its provisions should be implemented in a progressive manner.⁴

Yet, at the same time it should be noted that by making the MDGs measurable, the choice of the indicators have an influence on the outcome of these measurement and can provide a misleading picture. Moreover, an increase or decrease in numbers does not explain the cause of a certain change. Other factors that are not covered by the indicators can influence the outcome of the measurement. This means that an improvement in numbers does not necessarily mean an improvement in the quality of life of the so called beneficiaries. Consequently, in measuring the achievements of the MDGs, in our case MDG 8, we should be careful not to be misled by the numbers.

Target 8.A, to develop an open, rule-based, predictable, non-discriminatory trading and financial system, has only reached limited progress. Developing countries recovered

⁴ ICESCR, for instance, article 2 (1).

more swiftly from the economic collapse of 2008-2009 than developed countries and the average of tariffs imposed by developed countries is, despite protectionist tendencies of the economic crisis, at a relatively low level. Yet, real, structural, progress in the agreement on new trade initiatives (such as duty-free market access, tariff reductions and elimination of agricultural subsidies)⁵ has reached an impasse because of the stagnation of the Doha Round.⁶ According to the Integrated Implementation Framework (IIF) – developed to record and monitor financial as well as policy commitments made in support of the MDGs by UN Member States and other international stakeholders⁷ – these trade negotiations of the WTO are “[o]ne of the main vehicles for advancing progress towards a fairer multilateral trading system that delivers more benefits to developing countries [...]. Any delay in completing the Round represents an obstacle to making progress towards the Target.”⁸

Target 8.D, to deal comprehensively with debt problems of developing countries, has reached very little progress as well. Although there is a slightly downward trend visible in developing countries’ debt service ratio, debt ratios remain vulnerable under the current insecure economic situation.⁹ Moreover, we must not to forget that “no international sovereign debt workout mechanism has been created, thus the debt problems of developing countries are not being dealt with comprehensively”.¹⁰ In addition, we should not only seek to consider “debt relief for old debts that are deemed unsustainable, but [make sure] that actions are also taken to prevent the build-up of unsustainable debt in the future.”¹¹ In other words, it is important to look at the structural causes of unsustainable debts, instead of only addressing the symptoms with debt relief.

Target 8.B, to address the special needs of least developed countries, and target 8.C to address the special needs of landlocked developing countries and small island developing states, are related to both targets above. In relation to target 8.A, and in addition to what

⁵ Integrated Implementation Framework, Main Gaps in the Global Partnership for Development, <http://iif.un.org/> (consulted on 20-04-2013).

⁶ UN Millennium Development Goals Report 2012, p. 60.

⁷ United Nations Millennium Development Goals, Monitoring aid delivery, <http://www.un.org/millenniumgoals/global.shtml> (consulted on 20-04-2013).

⁸ Integrated Implementation Framework, Market access, <http://iif.un.org/?q=node/8> (consulted on 20-04-2013).

⁹ United Nations Millennium Development Goals, Target 8.D, <http://www.un.org/millenniumgoals/global.shtml> (consulted on 20-04-2013).

¹⁰ Integrated Implementation Framework, Main Gaps in the Global Partnership for Development, <http://iif.un.org/> (consulted on 20-04-2013).

¹¹ Integrated Implementation Framework, Debt sustainability, <http://iif.un.org/?q=node/9> (consulted on 20-04-2013).

was argued above, can be stated that the average tariffs imposed by developed countries on products from developing countries have only declined in agriculture.¹² In relation to target 8.D the Heavily Indebted Poor Countries initiative and the Multilateral Debt Relief initiative have contributed to 36 countries currently having reduced their debt burden with 90 per cent and 32 of those countries receiving additional assistance.¹³ Yet, the initiatives are not yet completed and 20 countries “are at high risk of in debt distress (out of 68 countries for which information was available)”.¹⁴ Besides, these initiatives make only a very small difference, and again do not address the debt problems comprehensively. To achieve this, as argued by economist Rachel Kurian, the neoliberal economic paradigm would require some structural changes.¹⁵ Then, on target 8.B and 8.C in terms of financial aid can be stated that “[b]ilateral aid to sub-Saharan Africa fell by almost 1 per cent in 2011”¹⁶ and that “[a]id to landlocked developing countries fell in 2010 for the first time in a decade, while aid to small island developing States increased substantially”.¹⁷

Target 8.E, to, in cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries, has resulted in some disease-specific global health funds – like the Global Fund to Fight Aids, Tuberculosis and Malaria; the GAVI Alliance that focuses on vaccination and immunization; and the MDG Health Alliance (a cooperation between global NGO leaders and business people)¹⁸ – that have contributed to a remarkable increase of the availability of essential medicines, but structurally speaking there is not much improvement.¹⁹ “Availability of essential medicines in developing countries remains low and prices are high. Essential medicines are available in only 50% of public sector facilities.”²⁰ In particular here the absence of clear quantitative targets and

¹² UN MDG Report 2012, p. 61.

¹³ Integrated Implementation Framework, Debt sustainability, <http://iif.un.org/?q=node/9> (consulted on 20-04-2013).

¹⁴ Ibidem.

¹⁵ Lecture by Rachel Kurian, The Anomaly of the D in the MDGs: Neoliberalism and Human Rights, EIUC Global Classroom 2013, Venice, 30 April 2013.

¹⁶ United Nations Millennium Development Goals, Target 8.B, <http://www.un.org/millenniumgoals/global.shtml> (consulted on 20-04-2013).

¹⁷ United Nations Millennium Development Goals, Target 8.C, <http://www.un.org/millenniumgoals/global.shtml> (consulted on 20-04-2013).

¹⁸ Mc Arthur, 2013, p. 159-161.

¹⁹ United Nations Millennium Development Goals, Target 8.E, <http://www.un.org/millenniumgoals/global.shtml> (consulted on 20-04-2013).

²⁰ Integrated Implementation Framework, Main Gaps in the Global Partnership for Development, <http://iif.un.org/> (consulted on 20-04-2013).

indicators makes it difficult to monitor the commitment of states and the pharmaceutical sector.²¹

On target 8.F, to, in cooperation with the private sector, make available the benefits of new technologies, especially information and communications, the UN Millennium Development Report of 2012 indicates that mobile cellular penetration in developing countries is currently 79% (in comparison with 59% in 2006) of which more than 50% in sub-Saharan Africa. Internet penetration levels in developing countries increased from 18% to 26% between 2006 and 2011. Yet, major regional differences remain with an Internet penetration in sub-Saharan Africa of less than 15%.²² Further, “there is an important broadband divide, between regions and between developed and developing countries, in terms of capacity, quality and speed.”²³ It is, however, not clear, from neither the UN report nor the IIF website, in what way this development is owed to global partnerships between states and the private sector. These numbers might just as well not reflect a result from global partnerships but are simply and outcome of market forces of demand and supply. Finally, it must be kept in mind that the commitment of target 8.F is to “new technologies” and not just information and communication technologies. As argued by the IIF it is therefore “imperative that the international community come together to better provide other key technologies to developing countries, such as those for coping with the adverse effects of climate change and with the potential impact of the rising incidence of disasters.”²⁴

CHALLENGES

What can be concluded from the above is that the goal to develop a global partnership for development and its subsequent targets has hardly been achieved and is not expected to be achieved by the end of 2015 either. This firstly, has to do with an absence of specific quantitative targets and secondly the reliance on a limited set of indicators that exclude a qualitative analysis.

²¹ Integrated Implementation Framework, Essential medicines, <http://iif.un.org/?q=node/10> (consulted on 20-04-2013).

²² UN MDG Report 2012, p. 63-64.

²³ Ibidem, p. 65.

²⁴ Integrated Implementation Framework, New technologies, <http://iif.un.org/?q=node/11> (consulted on 20-04-2013).

What first catches the eye when looking at the targets for MDG 8 is that in comparison with the other MDGs – in example MDG 1, the eradication of extreme poverty and hunger, where targets 1.C aims to *halve* the proportion of people suffering from hunger – the MDG 8 targets are not specified in numbers or percentages at all. Target 8D, for instance, prescribes *to deal comprehensively* with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term, without requiring a minimum level of improvement in percentage or absolute numbers. Although the progress on the targets of goal 8 is certainly still measurable by looking at an increase in numbers and percentage over time, the absence of clear minimum requirements diminishes the pressing character behind it.

The absence of specific quantitative targets becomes even more evident when looking at the delivery of Official Development Aid (ODA). The commitment to the delivery of ODA cannot only be captured under MDG 8 and 1, but also can be treated as a goal on its own. Already in 1970 the UN General Assembly adopted a resolution in which the member states committed themselves to “progressively increase its [each economically advanced country] official development assistance to the developing countries and [to] exert its best efforts to reach a minimum net amount of 0.7% of its gross national product at market prices.”²⁵ Furthermore, this commitment was reaffirmed by developed countries at several UN and other international summits.²⁶ Despite all of this, the 0.7% target did not end up in the MDGs and consequently the average level of ODA delivery in 2011 was only 0.31%.²⁷ The absence of the 0.7% in the formulation of the target was omitted out of fear by developed countries to be held responsible for the realization of specific (binding) obligations on the amount financial aid they should provide.²⁸

This again, then raises the question of the legal status of the Millennium Development Goals and in particular goal 8. The Millennium Declaration, being a declaration and not a treaty, has no legally binding obligations for its parties. But, according to Philip Alston (among others), it can be argued that the MDGs have attained status of international customary law on the basis of their frequent reaffirmation on a global scale. This wide

²⁵ Integrated Implementation Framework, UN target for ODA – Global, <http://iif.un.org/content/un-target-oda-global> (consulted on 20-04-2013).

²⁶ Ibidem.

²⁷ Ibidem.

²⁸ Alston, 2005, p. 775.

support would not only show shared state practice but potentially also *opinio juris* for the MDGs.²⁹ Besides, MDG 8 could be a strong candidate for attaining customary law status, as an international duty to cooperate is already enshrined in various human rights documents, such as the UN Charter, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).³⁰

To give some examples: Articles 1 (3), 55 and 56 of the UN Charter member states have already taken upon themselves the obligation to “achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character [...]”³¹; to promote “(1) higher standards of living, full employment, and conditions of economic and social progress and development; (2) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation [...]”³²; and to “take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.”³³ In addition, in article 2 (1) of the ICESCR the contracting parties (160) have accepted the obligation to “to take steps, individually and through international assistance and co-operation, especially economic and technical, *to the maximum of its available resources* [italics added], with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures”.³⁴

What is more, in the Millennium Declaration – the source document of the MDGs – there is referred to human rights at least 8 times.³⁵ Thus, on the one hand global partnership for development can be traced back in the provisions of several treaties (and declarations), and on the other hand, although the goal itself does not refer directly to human rights (but indirectly it does), its source document explicitly includes human rights. Would it then be so strange to argue that “wealthy countries are obligated to support those countries lacking the resources necessary to satisfy the economic and social rights of their own citizens”?³⁶

Despite severe persistence by developing countries to such an obligation and the fact that currently there is no formal acceptance of this proposition by any UN body or group of

²⁹ Alston, 2005, p. 771-775.

³⁰ Alston, 2005, p. 775-776.

³¹ UN Charter, Article 1 (3).

³² UN Charter, Article 55 (1),(2).

³³ UN Charter, Article 56.

³⁴ ICESCR, Article 2 (1).

³⁵ Alston, 2005, p. 779.

³⁶ Alston, 2005, p. 776.

states, Alston argues that in the context of the MDGs and the consensus surrounding them, it is most likely that the debate of the customary nature of the MDGs will be readdressed in the nearby future. And when the time comes it will be hard for developed countries “to insist that they have persistently objected to such an evolution if they continue to affirm in so many contexts [the Millennium Declaration, the Johannesburg World Summit on Sustainable Development, and the Monterrey Consensus] their commitment to assisting developing country governments to achieve targets as tangible and clearly achievable as the MDGs”³⁷. In addition, the Maastricht Principles of 2011 recognize not only the extraterritorial responsibility of states not to infringe upon human rights, but also “to cooperate for an international order (or economic system) that contributes to the realization of economic and social rights”.³⁸

To convince developed countries to accept binding obligations to deliver specific assistance, they should be of a reciprocal nature.³⁹ This means that specific conditions should be met on the side of the beneficiary, in order to ‘activate’ the obligation to deliver a specific form and amount of assistance on the side of the donor. When this obligation is reciprocal, developed states will not have to fear that they have to provide assistance to a state that is not using its own resources in the most effective and beneficial manner. By using specified quantitative targets states can be held accountable to their commitments. What is more, when taking the idea of reciprocity to a broader level, this also could imply a duty on developed states to investigate their own economic system, in line with the critiques on the neoliberal paradigm.

A solely quantitative approach to the achievement of the MDGs, is however, not sufficient. And with this we will focus on the second challenge to MDG 8 and, in fact, the MDGs in general. That is, the reliance on a limited set of indicators and the lack of a qualitative assessment to the fulfilment of the MDGs. As was argued earlier, “[p]rogress in achieving the MDGs is not a guarantee for broad-based social development”.⁴⁰ For instance, a quantitative rise in education enrolment does not say anything about the quality of education, just as the increase in quantitative accessibility and affordability of medicine does not say anything about potentially discriminated groups. Neither do the quantitative

³⁷ Alston, 2005, p. 778.

³⁸ De Schutter, 2013.

³⁹ Alston, 2005, p. 778.

⁴⁰ Van der Hoeven, 2012, p. 10.

indicators for MDG 1 explain that world poverty was halved far before 2015 only because of the extraordinary economic growth of three countries (China, India and Brazil).⁴¹

So the design of the MDGs, which on the one hand can be seen as beneficial because of its clarity and measurability, on the other hand lacks “a theoretical underpinning”,⁴² which would make it possible to assess not only the progress but also the implementation process of the MDGs in a qualitative manner. That this theoretical basis should be a human rights approach is generally accepted.⁴³ Not only because of the proximity between the MDGs and human rights, but also, as the Advisory Council on International Affairs has argued, human rights can strengthen the MDGs in multiple ways:

“Firstly, this approach focuses on vulnerable groups, and on people who are discriminated against or whose rights are violated and those who are responsible for this. At the moment, the MDGs are based on average progress by countries as a whole. Secondly, a human rights approach can provide working principles for achieving the MDGs; non-discrimination, participation and accountability can act as guidelines in implementing development policy. Thirdly, changing a goal into a right can encourage people to demand accountability from the state. The MDGs would then no longer be mere targets, but legal obligations to be fulfilled by the state. Specifying human rights in relation to the MDGs could result in improved monitoring mechanisms. Fourthly, a human rights approach could ensure that attention is devoted to the quality of services, and not only the quantity. Human rights treaties often prescribe minimum criteria, which could also be used to measure the MDGs.”⁴⁴

To integrate this human rights based approach throughout the post-2015 development agenda, in all its aspects, is therefore considered to be the main challenge as arisen from the MDGs.

⁴¹ Van der Hoeven, 2012, p. 11-12.

⁴² Van der Hoeven, 2012, p. 4.

⁴³ Alston, 2005, p. 799 -804.

⁴⁴ Advisory Council on International Affairs (AIV), 2011. Quoted in Van der Hoeven, 2012, p. 24.

2. THE EUROPEAN UNION: APPROACH, CONTRIBUTION AND CHALLENGES

EU APPROACH AND CONTRIBUTION

The European Union sees its contribution to the realization of the MDGs as essential to their timely achievement.⁴⁵ This is not surprising as according to European Union Commission President José Manuel Barroso “the European Union has kept the fight against poverty high on its agenda. European citizens themselves demand this. As the world’s leading donor, accounting for more than 50% of all development aid, the European Union has contributed to the achievement of the MDGs from the beginning”.⁴⁶ But what exactly is the EU doing for MDG 8? In order to answer this question we will look at the “EU Contribution to the Millennium Development Goals” by the European Commission, that was written in 2010.

The EU might be the biggest aid provider, but also within the EU ODA “still remains well below the United Nations target of 0.7 % of gross national income”.⁴⁷ By 2010 only Denmark, Luxembourg, The Netherlands, Norway and Sweden had met this target.⁴⁸ It is acknowledged by the EU that indeed their development aid should increase, but also that aid effectiveness should be improved.⁴⁹ How this aid effectiveness should be approved, is however, not specified in the report.

Referring to global partnerships the EU mentions the Aid for Trade initiative that “is designed to help developing countries export to regional and international markets, generating revenue to sustain development.”⁵⁰ Since 2008 the budget for this initiative is € 2 Billion annually. Related to these efforts is the Everything but Arms initiative that ensures Least Developed Countries tariff and quota free export to the EU for all products (except arms).⁵¹ And to make sure that export companies comply with European food safety regulations the Pesticides Initiative Programme is designed. This not only increases consumers for the African companies, but also benefits sustainability.⁵²

⁴⁵ UN Brussels Partnering with the European Union, Millenium Development Goals - A Strong Engagement From Europe, 2010 <http://www.unbrussels.org/mdgs--a-strong-engagement-from-europe.html> (consulted on 22-04-2013).

⁴⁶ Ibidem.

⁴⁷ European Commission, 2010, p. 18.

⁴⁸ Ibidem, p. 15-16.

⁴⁹ Ibidem, p. 3.

⁵⁰ Ibidem, p. 19.

⁵¹ Ibidem.

⁵² Ibidem.

Then, another important partnership is the EU's African Peace Facility, which works in cooperation with the African Union and other regional organizations. The facility "contributes to peace and security at the continental and regional levels. It supports conflict prevention, management and resolution, and peace-building initiatives".⁵³ Between 2009 and 2011 the facility was allocated € 300 Million. This money is put to use in election observation missions, capacity and institution building, peace talks and support for African Union peace missions like the one in Somalia and the Central African Republic.⁵⁴

Another focus is the EU's contribution to efficient and reliable transport facilities as they contribute to economic development. According to the report "[s]ince 2004, European Commission grants have helped build and rehabilitate over 7200 km of roads, led to the maintenance of more than 29,000 km of roads, and improved national road management capacities, resulting in reduced transport costs and better mobility for millions of people".⁵⁵ Their main focus in providing such aid are African, Caribbean and Pacific countries. A critical note to these promising numbers has to be made however, as also here we must not forget that the amount of km's is not related to the quality and safety of the road. From personal experience one of the authors of this report found that in Uganda, for instance, the EU had constructed roads that were too narrow for two-way traffic, and therefore lead to increasing accidents. From a rights based approach, one can wonder, to what extent the EU could and should be held responsible for such implications.

Apart from the MDGs the European Commission is also working in the broader field of development, human rights and "cross-cutting themes as gender".⁵⁶ Its main beneficiaries are low-income countries, among which Least Developed Countries. Geographically this means that the biggest slice of the EU's financial aid is going to Africa and Europe's neighbours.⁵⁷

Finally, in addressing the MDGs, we can see that the EU, representing the most developed countries in the world, is arguing for reciprocity: "I am also well aware that the journey to achieving the MDGs, especially in the most fragile countries, is still long. Donors need to do more and better together. But it is not a journey that can be undertaken by

⁵³ European Commission, 2010, p. 20.

⁵⁴ European Commission, 2010, p. 20.

⁵⁵ European Commission, 2010, p. 21.

⁵⁶ European Commission, 2010, p. 22.

⁵⁷ European Commission, 2010, p. 22.

donors alone. The principles of ownership of partner countries and co-responsibility are also paramount. Only by working together, we can reach these common goals.”⁵⁸

THE EUROPEAN COMMISSION’S CHALLENGES FOR THE POST-2015 DEVELOPMENT AGENDA

According to the basic principles for an overarching framework for post-2015 that could provide a coherent and comprehensive response for the universal development challenges, the European Commission in its communication to the European Parliament “Ending Poverty and giving the world a sustainable future” dated on 27 February 2013, two of the most pressing challenges facing the world are eradicating poverty and ensuring that prosperity and well-being are sustainable.⁵⁹

To persist facing those challenges, the EU Commission recognizes that it is not sufficient to address those challenges separately and that there is a need of a unified policy framework to mark out a path from poverty towards prosperity and well-being for all people and all countries. The European Commission recognizes the importance of an European special approach for a Global Partnership – MDG 8 in order to make all countries address those challenges together. Challenges that are, according to the European Commission, universal and inter-related.

Many achievements were made since the launching of the MDGs 13 years ago. But there are some recent alarming statistics that clearly show that huge global challenges are still out there and within this framework the role of the EU in this Global Partnership for Development is more than fundamental. The European Commission states that: “we need to finish the unfinished business of the current MDGs, filling gaps and learning the lessons” and in their communication for the EU Parliament it exemplifies that there is a need to address broader issues of education and health and include social protection. In the words of the European Commission: “We must move from purely quantitative goals to address quality in education and health. There must be a floor under which no man, woman or child should fall by the very latest in 2030. We should aim at empowering people to lift themselves out of poverty. Goals to simulate action to deliver key standards in education, nutrition, clean water and air will help eradicate hunger and improve food security, health and well-being”.⁶⁰

⁵⁸ European Commission, 2010, p. 2.

⁵⁹ European Commission, 2013, p. 2.

⁶⁰ Ibidem, p. 5.

It is impossible to address the post-2015 development agenda for global partnership without mentioning the main challenges to sustainable development. MDG-8 is fundamental for the achievement of a global environmental sustainability and poverty eradication after 2015.⁶¹ This should be done according to the main outcome of the Rio+20 conference, that is, a global common vision for an economic, socially and environmentally sustainable future for present and future generations. The EU will continue to play an important role in this global agenda.

The European Report on Development (ERD 2013) “Development in a Changing World: Elements for a Post-2015 Global Agenda”, authored by the European Centre for Development Policy Management (ECDPM) with the Overseas Development Institute and the German Development Institute, complements the approach of the EU Commission. It argues that, that the new framework should address social exclusion and inequality. In practice, the post-2015 development framework should inspire a transformative agenda that addresses the root causes of poverty and marginalization. This is a politically challenging agenda as it involves significant action to promote inclusiveness, equity and sustainability.⁶²

The EU Commission’s communication highlights that the responsibility for implementing the future framework lies within each country itself, involving all relevant stakeholders, including social partners. According to the Commission, the main drivers for development are first and foremost national governments, notably including democratic governance, the rule of law, stable political institutions, sound policies, transparency of public finances and the fight against fraud and corruption. The EU Commission understands that in this framework, South-South Cooperation⁶³ can make substantial contributions to shaping global development outcomes. The principles of the Global Partnership for Effective Development Cooperation, according to EU Commission, should be applied universally in the context of the post-2015 agenda.⁶⁴

Mackie also highlights that South-South Cooperation should be encouraged as it increases choice and opportunities and challenges traditional donors to do better. At the same time, the transparency and effectiveness of all kinds of aid need to be improved, so as to improve coordination and reduce waste. He emphasizes that European policies on trade,

⁶¹ European Commission, 2013, p.8.

⁶² Maina & Prato, 2013.

⁶³ See the Appendix for a definition and anecdotal contextualization of what South-South Cooperation could entail (in particular in relation to a human rights based approach).

⁶⁴ European Commission, 2013, p. 14.

agriculture or migration can undermine international development. In practical words, the developing countries need space to develop their own policies and there is a huge field of cooperation and exchanging cooperation among developing countries that should be supported by the EU as the South-South Cooperation.⁶⁵

CRITICAL REFLECTION

In summary, the EU recognizes the following challenges for the post-2015 development agenda: poverty reduction; sustainable development; policy coherence; aid transparency and effectiveness; a qualitative approach to development in addition to a quantitative approach; environmental sustainability; address social exclusion and inequality by looking at the root causes of marginalization and poverty; and to focus on national governments as the driving force behind the implementation of development strategies by promoting democratic governance, the rule of law, stable political institutions, sound policies, transparency of public finances and the fight against fraud and corruption. Although these challenges are rightly noted, in the approach to tackle these challenges there is no reference to human rights whatsoever. So again, a theoretical unpinning to development is missing. In order to structurally and sustainably address these challenges, the EU should look to translate these challenges in terms of human rights language and policy.

As the EU rightly recognizes, and as was mentioned in the first section of this report, poverty and inequality should be addressed at the cause, instead of its symptoms. By referring to aid effectiveness and, in particular, good governance the EU has identified the main issues here, but by leaving aside the human rights paradigm, it misses out on a legal basis for its development policies and their ways of implementation. Such a legal basis, in human rights law, is essential to provide populations with the tools to hold their governments accountable and creates legal obligations for developing states to fulfil their citizen's rights to a decent standard of living. So instead of looking only at results in development, in numbers, thus looking at the symptoms of poverty and inequality, the EU should focus on empowering both civil society and governments. For civil society this would mean, human rights education and fora for civil participation. For governments this would

⁶⁵ Mackie, 2013.

mean capacity building in areas of democracy, the rule of law, anti-corruption and technical expertise.

3. CONCLUSIONS AND PROPOSALS

CONCLUSION AND RECOMMENDATIONS

Whereas positive strides have been made in an attempt to meet MDG 8 by developed countries, there are still glaring gaps and challenges that ought to be taken into account as the post 2015 development agenda gains momentum.

There is need to pay extra attention on aid effectiveness, the 2005 Paris conference on aid effectiveness notwithstanding. Donor countries should interest themselves in the quality of development interventions for which aid is given. Besides, while official development assistance in terms of physical money remains good and one of the available options, it has become increasingly clear that it is not the best approach. In this regard, focus should be on building the capacities of national governments than ever before. To effectively do this, developed countries should spare no effort in addressing the root causes of development challenges within the aid recipient countries. Tackling the root causes is particularly important as it would go a long way in powering the affected countries to begin addressing their development shortfalls instead of relying on foreign aid which is sometimes misused and abused perhaps because of lack of appreciation on how it is generated.

One critical issue in addressing the root causes of poverty and underdevelopment in poor countries is endemic bad governance and corruption. Weak institutions of governance including civil society organisations have been largely responsible for the failure to even put the aid to development projects aimed at poverty eradication. The annual corruption perception index by Transparency International is testimony to high levels of corruption in developing countries as they have been ranked the highest in corruption every year. To address the endemic and chronic problem of corruption, it is important to strengthen the various governance structures through, among others, programmes that enhance democracy and the rule of law, transparency and accountability at all levels of governance including the private sector and civil society organisations. This calls for a comprehensive capacity building programme of the human resource and putting in place structural changes

and guarantees that tackles corruption as structural problem as opposed to targeting individual corrupt officials.

In order to squarely address the issue of good governance, it is important to have a robust and well informed population, civil society and media that demand for accountability from the duty bearers at the level of the state. In this context, massive education and sensitisation programmes ought to be supported. It should also be borne in mind that civic education cannot flourish if fundamental rights and freedoms such as free speech and expression are not guaranteed. Therefore, the pursuit of empowering the population to demand for accountability should be done in tandem with safeguarding civil liberties.

The absence of human rights language remains conspicuous in the EU report just as the MDG8 itself. It would therefore be vital to deliberately capture the human rights obligations by the EU into any future undertakings relating to the post 2015 development agenda.

In order to structurally and sustainably address these challenges, the EU should look to translate these challenges in terms of human rights language and policy. The European Commission's Human Rights's Sector Guidance project is a step in a positive direction. This project should be extended to analysing the human rights implications of the development assistance programmes. While there has been a fear of the legal implications obligations associated with official development assistance, there is increasing recognition of extraterritorial obligations as seen from the Maastricht principles and the UN Guiding principles on Business and Human Rights. The Committee on Economic Social and Cultural Rights has also noted that developed countries should not abdicate their human rights obligations in development projects taking place in developing and least developed countries. In fact, home countries are expected to monitor and regulate activities of companies originating from their own countries as well (example of Germany and the Uganda case by the Special rapporteur on the right to food).

PROPOSALS FOR THE POST-2015 DEVELOPMENT AGENDA

In brief, the following proposals should be taken into consideration in the post 2015 developmental agenda regarding MDG8.

- Development aid should focus on good governance at the national level with a view to enabling national governments to tackle their development challenges without aid in the long run. In this case, a human rights based approach to development with special focus on non-discrimination, equality, empowerment, rule of law, accountability and participation should be the key benchmarks in all the forthcoming discussions.
- Development aid should be taken as a matter of obligation and not charity given in line with articles 55 and 56 of the UN Charter, Article 28 of the UDHR , Article 2 of the ICESCR, the UN Declaration on the Right to Development and the Maastricht Principles on extra territorial obligations as well as well as customary international law.
- The EU human rights bodies such as the fundamental human rights agency should spearhead the discussion to ensure human rights based development aid that entails both qualitative and quantitative indicators. Besides, programmes to empower citizens of the recipient countries in general, and civil society in particular, to demand for accountable leadership through civic education should form an integral part of the official development assistance.
- Open and genuine consultations should be the guiding principle before any development aid is extended. The type of aid should not be super imposed on developing countries. Rather, it should be demand driven and based on well-defined and mutually agreed upon partnerships that address both qualitative and quantitative aspects to ensure well balanced, inclusive and sustainable development. In this regard, south to south cooperation should be encouraged and/or supported.

BIBLIOGRAPHY AND SOURCES

PUBLICATIONS

- Advisory Council on International Affairs (AIV), *The Post-2015 Development Agenda: The Millennium Development Goals in Perspective*, April 2011.
- Alston, Philip, “Ships Passing in the Night: The Current State of the Human Rights and Development Debate seen through the Lens of the Millennium Development Goals”, pp. 755-829, in *Human Rights Quarterly*, Volume 27.3, August 2005.
- UN Brussels Partnering with the European Union, *Millenium Development Goals - A Strong Engagement From Europe*, 2010 <http://www.unbrussels.org/mdgs--a-strong-engagement-from-europe.html> (consulted on 22-04-2013).
- European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A DECENT LIFE FOR ALL: Ending poverty and giving the world a sustainable future*, Brussels, 27 February. 2013.
- European Commission, *EU Contribution to the Millennium Development Goals: Some Key Results from European Commission Programmes*, 2010, p. 18.
- Van der Hoeven, Rolf, *UN System Task Team on the Post-2015 Development Agenda, MDGs post 2015: Beacons in turbulent times or false lights?*, June 2012.
- Maina, B., and Prato, S. *Post-2015 agenda: The challenge of economic transformation*, in *GREAT Insights*, Volume 2.3, April 2013.
- Mackie, J., *Global Collective Action post-2015: Insights from the European Report on Development 2013*, in *GREAT Insights*, Volume 2.3, April 2013.
- McArthur, John W., “Own the goals: What the millennium development goals have accomplished”, pp. 152-162, in *Foreign Affairs*, March/April 2013.
- United Nations, *Millennium Development Goals Report*, New York, 2012.

WEBSITES

- Brazilian Cooperation Agency,
http://www.abc.gov.br/training/informacoes/ABC_en.aspx (consulted on 18 April).

- Integrated Implementation Framework, Tracking support for the MDGs, <http://iif.un.org/?q=node/9> (consulted on 20-04-2013).
- United Nations Millennium Development Goals, <http://www.un.org/millenniumgoals/global.shtml> (consulted on 20-04-2013).
- UNstats, About the Millennium Development Goals Indicators, <http://mdgs.un.org/unsd/mdg/Host.aspx?Content=Indicators/About.htm> (consulted on 18 April 2013).
- UNWTO, Tourism and the Millennium Development Goals, <http://dtxtq4w60xqpw.cloudfront.net/sites/all/files/docpdf/icrmdgleafleteng12042012.pdf> (consulted on 19-04-2013).
- What is South-South Cooperation, http://ssc.undp.org/content/ssc/about/what_is_ssc.html (consulted on 18 April 2013).

OTHER

- Lecture by Olivier de Schutter, UN Special Rapporteur on the Right to Food, The MDG's and Economic and Social Rights, EIUC Global Classroom 2013, Venice, 29 April 2013.
- Lecture by Rachel Kurian, The Anomaly of the D in the MDGs: Neoliberalism and Human Rights, EIUC Global Classroom 2013, Venice, 30 April 2013.

APPENDIX

SOUTH-SOUTH COOPERATION

The United Nations Development Programme (UNDP) defines South-South Cooperation as a broad framework for collaboration among countries of the South in the political, economic, social, cultural, environment and technical domains. Involving two or more developing countries, it can take place on a bilateral, regional, sub-regional or interregional basis. Developing countries share knowledge, skills, expertise and resources to meet their development goals through concerted efforts. The collaboration in which traditional donor countries and multilateral organizations facilitate South-South initiatives through the provision of funding, training, and management and technological systems as well as other forms of support is referred to as a triangular cooperation.⁶⁶

SOUTH-SOUTH COOPERATION: AN E.MA SUCCESS STORY FOR A HUMAN RIGHTS BASED-APPROACH TO THE MDGs

The anecdote reported here is based on the experience of E.MA Masterina (2012-2013) Maria Rehder, and intends to show how important MDG-8 “Global partnership for development” can be for the promotion of a human-rights based approach for development within a global context for collective and joint efforts in poverty eradication and sustainable development. Maria Rehder (Brazil) had the opportunity last year to provide, on behalf of the Brazilian Government, two trainings related to the realization of the MDGs. One of them took place in Botswana and the other one in Kenya, within the framework of South-South Cooperation (Brazil-Africa). Both projects related to HIV prevention and communication for behavioral change.

According to the ABC (Brazilian Cooperation Agency), the Brazilian Government recognizes that triangular technical cooperation must be implemented in accordance to the principles of South-South cooperation: it must be demand driven (respond to the demands of developing nations); not interfere in beneficiary country internal affairs; and impose no conditionality. Triangular cooperation makes it possible to join the comparative advantages

⁶⁶ What is South-South Cooperation, http://ssc.undp.org/content/ssc/about/what_is_ssc.html (consulted on 18 April 2013).

of the parties involved: on the one hand, knowledge that has already been tested and adapted to contexts similar to those of beneficiary countries and, on the other, greater resources and technical input mobilized to increase the scope of cooperation projects, resulting in greater positive impact.⁶⁷

According to Rehder, this approach was successful because of the Brazilian horizontal relation in this cooperation, as well as the good practices led by the Ministry of Health in the field of communication for behavioral change on HIV in Brazil. The trainings had the aim to share the successful experiences in communication strategies as developed in Brazil in different frameworks. As a second step then, this shared knowledge was used to build, in cooperation with the African participants in Kenya and Botswana, their best way to promote behavioral change for HIV in their context, inspired by the achievements already made by the Brazilian Government in this area over the last 20 years.

Nevertheless, it is important to mention that one of these trainings was postponed for 5 months (to November 2012) regarding logistics issues. Fortunately, before providing this last training, in October, Rehder had attended classes in E.MA about the African System on Human Rights, focused on the African Charter on Human and Peoples' Rights. According to her, landing in Africa for this second training with all the specific information about their regional human rights documents and system made her contribution even stronger to that cooperation training. This was the case because, besides exchanging the successes of the Brazilian human-rights based approach experiences for HIV prevention and breaking stigma against people living with HIV, she was now able contribute to the empowerment of the African participants by showing how their own human rights documents captured legal obligations regarding the right to health, and HIV/AIDS provisions in particular. This was an important contribution within the context of African countries where homosexuality and prostitution is still a crime.

Many African participants (health professionals and NGO activities) had the opportunity to see for the first time, through the Rehder's knowledge, their human rights documents. And better than that: many of them personally reported to her that their work for HIV prevention would be strongly empowered by the approach of the African Charter because this document guarantees to every African Citizen Art. 14 (d): the right to self-

⁶⁷ Brazilian Cooperation Agency. http://www.abc.gov.br/training/informacoes/ABC_en.aspx (consulted on 18 April).

protection and to be protected against sexually transmitted infections, including HIV. So, they concluded by themselves that the human rights based-approach would empower them to pass through the hostilities they many times face when they work for HIV prevention focused on sex workers and homosexuals in the context of criminalization.

One of the participants from an NGO in Kenya said that this document would empower them to proceed with the trainings, even if someone would try to stop them with the excuse that homosexuality is unlawful: “We can show them the African Charter) and explain that every African citizen has the right to be protected against HIV independently of his/her sexual orientation. This right is universal”, she said. “Even a homosexual by knowing their rights can be empowered to guarantee his/her right to protection against HIV”, complemented. (Quote provided by Maria Rehder.)

Like her, many participants and even Kenyan journalists, while taking a look for the first time to their human rights document during the training provided in the framework of the South-South Cooperation, acknowledged the importance of the human rights based-approach, especially in this field of HIV prevention which is directly related to Millennium Development Goal number 6 – Combat HIV-AIDS. It is important to remind that the African Charter on Human and People’s rights was adopted in 1981 in the middle of HIV epidemic in Africa. That is why HIV protection is guaranteed as a right.

This anecdote shows the importance of the knowledge acquired by the E.MA student in Venice, in the context of a South-South Cooperation for MDGs. Maybe, without this specific human rights knowledge in African System acquired in E.MA, Rehder would never have been able to inform and empower those people for the promotion and fight for human rights, based on their own regional human rights documents (in particular the right to HIV prevention which is equally guaranteed by the African Charter to African citizens). Based on this experience, in conclusion, the challenges of the Global partnership for development in the context of the post-2015 agenda could be focused on processes that allow horizontal knowledge-sharing. The European Union, as an powerful global actor, has an important role in not only financially supporting the developing countries, also in promoting activities for dialogue and experiences changing of the depth knowledge on human rights based-approach and concepts that can be disseminate around the globe for sustainable development and poverty eradication.

