

# **Integrating human rights with sustainable human development**

## **A UNDP policy document**

United Nations Development Programme

January 1998

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One United Nations Plaza

New York, NY 10017, USA

Designed, edited and produced by Communications Development Incorporated,  
Washington D.C.

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## **Foreword**

Following one of the most destructive conflicts of all time, the international community came together 50 years ago to reaffirm its commitment to human rights. Now, as we commemorate the 50th anniversary of the Universal Declaration of Human Rights, it is appropriate for all the organizations of the United Nations system to assess our work, our accomplishments and our setbacks. Secretary-General Kofi Annan's reform of the United Nations emphasizes the centrality of human rights to all activities of the system. By stressing the cross-cutting nature of human rights, he has enjoined us all to take into account human rights as a crucial aspect of our work. Whether we are working for peace and security, for humanitarian relief, or for a common development approach and

common development operations, we are all concerned with ensuring the inherent dignity of the human person, with the enjoyment of human rights.

One of this document's goals is to promote cooperation between the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Human Rights. Human rights are indivisible, inalienable and universal. The emphasis on one aspect of human rights cannot be used to detract from the promotion of any other aspect. UNDP approaches this commitment to human rights at three levels.

First, UNDP works for the full realization of the right to development. UNDP's mandate for the eradication of poverty can be understood in this light. Poverty is a brutal denial of human rights. Thus by working to eradicate poverty, by supporting the antipoverty capacity of governments and civil society organizations, and by ensuring that United Nations operational activities for development are fully coordinated for the eradication of poverty, UNDP is fostering the implementation of the right to development.

Second, UNDP advocates the realization of human rights as part of sustainable human development, an approach that places people at the centre of all development activities. The central purpose is to create an enabling environment in which all human beings lead secure and creative lives. Sustainable human development is thus directed towards the promotion of human dignity-and the realization of all human rights, economic, social, cultural, civil and political.

Third, UNDP is devoting more of its programming activities to good governance. At the request of governments, UNDP is implementing programmes aimed at reforming legislatures, increasing the efficiency of the executive and strengthening the judiciary. These activities promote the quality of governance and the rule of law. They also promote transparency, accountability and decentralization. In addition, UNDP governance programmes strengthen participation in decision-making at the national and local levels. In many of these activities, UNDP works with national authorities and civil society organizations to promote civil and political rights. Nearly a third of our programming at UNDP is now in governance-directly supportive of human rights, and owned and supported by governments.

These three levels of support for human rights are described in this policy document. It is offered, on the occasion of the 50th anniversary of the Universal Declaration of Human Rights, to promote wide discussion and broad awareness of the links between human rights and development. To the extent that this dialogue on an important dimension of sustainable human development takes place, the aims of this policy document will have been realized.

James Gustave Speth

Administrator

United Nations Development Programme

### **Message from the High Commissioner for Human Rights**

This document launches an encouraging initiative at a time when the international community begins commemorating the 50th anniversary of the Universal Declaration of Human Rights, which proclaimed on 10 December 1948 the rights and freedoms essential to human dignity as a common standard of achievement for all peoples and all nations. In adopting Integrating Human Rights with Sustainable Human Development, the United Nations Development Programme (UNDP) promotes international standards established to protect the human rights of every individual. I welcome this approach by which human rights has acquired a powerful new advocate.

We are all custodians of human rights, the birthright of all human beings. Human rights bring to the development discussion a unifying set of standards—a common reference for setting objectives and assessing the value of action. The rights approach will enhance the human dimension of UNDP strategies that, among others, focus on eliminating poverty, helping groups that require special protection, and strengthening institutions of governance and democracy.

We must understand the role of human rights as empowering of individuals and communities. By protecting these rights, we can help prevent the many conflicts based on poverty, discrimination and exclusion (social, economic and political) that continue to plague humanity and destroy decades of development efforts. The vicious circle of human rights violations that lead to conflicts—which in turn lead to more violations—must be broken. I believe we can break it only by ensuring respect for all human rights.

The 1993 World Conference on Human Rights and the 1995 World Summit for Social Development highlighted the importance of an integrated approach to social advancement. Lasting progress depends on respect for human rights and effective participation of citizens in public affairs. Nevertheless, we also know that democracy and human rights will prove elusive without social justice and sustainable development. Poverty deprives millions of their fundamental rights. Societies, in turn, are deprived of these people's contributions. Achieving sustainable progress requires recognizing the interdependence between respect for human rights, sustainable development and democracy.

The right to development is all-encompassing. It demands the realization of all human rights: civil, cultural, economic, political and social. Based on this premise, this policy document promises meaningful work to promote people's well-being based on their active participation in the life of society and in the fair distribution of benefits resulting from it.

As one of the great visions and goals of our time, human rights requires the ceaseless efforts of thousands of dedicated human rights advocates, including international civil servants. Their work, particularly at the country level, is essential. I have witnessed the role that UNDP Resident Representatives can play in helping governments and civil

society to establish systems through which human rights become ingrained in the life of the community.

Daunting challenges must be overcome for the full realization of all human rights for all people. Yet I am convinced that, working together, we will achieve it. My office is committed to cooperating with UNDP and other partners in implementing this well-timed policy document. We hope to learn from your valuable expertise and share ours with you. Let us join our efforts with a view to making human rights a reality for the benefit of people everywhere.

Mary Robinson

United Nations High Commissioner for Human Rights

## **Preface**

Since the early 1990s human rights have played a prominent role in international development cooperation. United Nations (UN) global conferences—from Rio in 1992 to Rome in 1996—have highlighted the crucial links between the three key goals of the UN Charter: peace, development and human rights. At the same time, increased importance has been given to linking development and human rights. Development is a comprehensive process directed towards the full realization of all human rights and fundamental freedoms. Moreover, as the UN global conferences have reaffirmed, development is an inalienable human right and an integral part of fundamental human freedoms.

The sustainable human development paradigm is a holistic strategy for development that embraces all human rights—economic, social, cultural, civil and political. Drawing on the relationship between human rights and the sustainable human development paradigm, this policy document outlines three areas for United Nations Development Programme (UNDP) action. The first is providing support for institutions of governance, with an emphasis on building the human rights capacity of these institutions and providing direct support to human rights institutions. The second is developing a human rights approach to sustainable human development. The third is contributing to the human rights policy dialogue and UN conference followup.

This paper is the result of wide consultation and collaboration led by the Management Development and Governance Division of the Bureau for Development Policy, in cooperation with the Regional Bureaux, the Human Development Report Office and the Emergency Response Division of UNDP. Preliminary papers by UNDP Resident Representatives, the Office of the High Commissioner for Human Rights, and human rights policy experts and organizations served as a basis for discussion by staff at headquarters. The valuable comments received helped shape this paper's content and direction.

Because this document will be periodically reviewed and updated, feedback and comments are welcome, particularly on programme country experiences. They should be addressed to G. Shabbir Cheema, Director, Management Development and Governance Division, Bureau for Development Policy, UNDP,

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## **Human rights and their implications for sustainable human development**

Human rights are based on respect for the dignity and worth of all human beings and seek to ensure freedom from fear and want. Rooted in ethical principles (and usually inscribed in a country's constitutional and legal framework), human rights are essential to the well-being of every man, woman and child. Premised on fundamental and inviolable standards, they are universal and inalienable.

## **Human rights debates and approaches**

How are human rights defined? The traditional view limits them to civil and political rights. Included among these are the right to life, liberty and security; the right not to be discriminated against on the basis of race, colour, sex, language, religion, social class or political opinion; the right to vote, freedom of speech and freedom of press; the right to be free from arbitrary invasion of privacy, family or home; and legal rights such as the right to due process of law and the presumption of innocence until proven guilty.

Increasingly, however, this traditional view is being challenged. Some say that it is too limited in scope and that a more multidimensional and holistic approach must be taken. Thus to basic civil and political rights are added crucial social, economic and cultural rights, including the right to an adequate standard of living; the right to education; the right to work and to equal pay for equal work; and the right of minorities to enjoy their own culture, religion and language. Of particular importance to this view is the protection and advancement of the rights of disadvantaged and minority groups (such as women, children and indigenous peoples). The United Nations (UN) has adopted this holistic approach in determining what human rights are, and the international community has repeatedly affirmed the interdependence of both sets of rights.

What is the best way to ensure the progressive realization of human rights? One way is the "violations approach," whereby human rights are closely monitored to publicize abuses and hold states accountable for upholding the law and implementing their international human rights commitments. A second way, which can often complement the first, emphasizes a comprehensive view of human rights, stressing both the protection and promotion of rights.

Thus, while securing the rule and enforcement of the law is crucial, so too is adopting measures that enable people to exercise their rights under the law. For example, promoting women's rights means not only changing and enforcing legal codes on gender equality and property rights, but also increasing women's access to paralegal services and

local land and property title registration services. Sustainable human development is consistent with such a comprehensive approach.

### **How human rights affect sustainable human development**

Sustainable human development seeks to expand choices for all people-women, men and children, current and future generations-while protecting the natural systems on which all life depends. Moving away from a narrow, economy-centred approach to development, sustainable human development places people at the core, and views humans as both a means

*Human rights and sustainable human development are interdependent and mutually reinforcing*

and an end of development. Thus sustainable human development aims to eliminate poverty, promote human dignity and rights, and provide equitable opportunities for all through good governance, thereby promoting the realization of all human rights-economic, social, cultural, civil and political. The promotion of human rights is of particular relevance in the context of globalization and its potential for excluding and marginalizing weak members of the international community and people with limited resources. Human rights afford protection against such exclusion and marginalization.

Human rights and sustainable human development are interdependent and mutually reinforcing. Development is unsustainable where the rule of law and equity do not exist; where ethnic, religious or sexual discrimination are rampant; where there are restrictions on free speech, free association and the media; or where large numbers of people live in abject and degrading poverty. Similarly, human rights are enhanced when gender equity or poverty reduction programmes empower people to become

*The 1986 UN Declaration on the Right to Development states that development is a human right aware of and claim their rights. Sustainable human development and human rights will be undone in a repressive environment where threat or disease prevails, and both are better able to promote human choices in a peaceful and pluralistic society.*

A critical dimension of the Universal Declaration of Human Rights is its linking of rights with responsibilities. It is the responsibility of every individual and every organ of society to promote respect for human rights and "to secure their universal recognition and observance." All human beings "should act towards one another in a spirit of brotherhood." Article 29 states: "Everyone has duties to the community in which alone the free and full development of his personality is possible." These concepts from the Universal Declaration are important in the context of sustainable human development; social capital is a critical factor for development.

The 1986 UN Declaration on the Right to Development states that development is a human right. That proclamation was strengthened by the Declaration of the 1993 UN World Conference on Human Rights, which says that "the right to development is an

inalienable human right and an integral part of fundamental human freedoms." This view was confirmed at the UN global conferences on population and development (Cairo) and women (Beijing) and at the World Summit on Social Development (Copenhagen).

Human rights and sustainable human development are inextricably linked, complementary and multidimensional. That is perhaps nowhere better summarized than by the UN Working Group on the Right to Development (October 1995), which states that the right to development is:

*multidimensional, integrated, dynamic and progressive. Its realization involves the full observance of economic, social, cultural, civil and political rights. It further embraces the different concepts of development of all development sectors, namely sustainable development, human development and the concept of indivisibility, interdependence and universality of all human rights. . . . Realization of the right to development is the responsibility of all actors in development, within the international community, within States at both the national and international levels, within the agencies of the United Nations system.*

A fundamental human freedom is the freedom from want. Poverty is a human rights violation, and freedom from poverty is an integral and inalienable human right.

### **The United Nations and human rights**

Along with international peace, security and development, human rights are integral to the mandate and programme of the UN. Under the UN Charter the international community recognizes that all human beings have equal, inalienable rights. With the Charter and the subsequent Universal Declaration of Human Rights, those rights were codified and acquired legal status. The preamble of the Charter states that (among other things) the UN was formed:

*to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women; . . . to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; and to promote social progress and better standards of life in larger freedom.*

*Freedom from poverty is an integral and inalienable human right*

Today many human rights instruments make up the international human rights framework. Along with the Universal Declaration, two crucial instruments make up the International Bill of Rights-the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights. Next are instruments that protect against gender, cultural and racial discrimination-the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, and the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Then there are instruments

that protect against various crimes and stipulate punishments-the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture and Other Cruel, Inhumane or Degrading Punishment. Several instruments focus on the rights of specific groups such as women, children, indigenous peoples and the disabled. The UN has also elaborated international human rights law dealing with, for example, treatment of prisoners and a code of conduct for law enforcement officials who deal with human rights in the administration of justice. Finally, a number of declarations deal with social welfare, progress and development, including the 1986 UN Declaration on the Right to Development.

Together these treaties, conventions and declarations emphasize not only that human rights are multidimensional (social, economic, cultural and political), but also that they are interrelated and interdependent. The UN's human rights instruments create legal obligations for countries that are party to them. They also create roles, functions and obligations for the agencies and organizations that make up the UN system.

Some UN agencies-such as the Office of the High Commissioner for Human Rights (OHCHR)-have expressly designated mandates and specialized technical expertise on human rights, but every UN agency has a responsibility to promote and protect them. Most recently, the integration of human rights with UN activities and programmes was reaffirmed by Secretary-General Kofi Annan in his report to the General Assembly, *Renewing the United Nations: A Programme for Reform*. The report echoes the Final Declaration of the 1993 Vienna World Conference on Human Rights, adopted by 171 states, which maintains that:

*Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. . . . The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the UN in accordance with its purposes and principles, in particular the purpose of international cooperation.*

UN agencies have three corresponding duties: the duty to respect, the duty to protect and the duty to promote or fulfil human rights. From these emerge several human rights-related tasks and functions: performing studies, setting standards, promoting awareness of and implementing those standards, and monitoring progress. Working groups of the Commission on Human Rights are entrusted with performing studies (for example, on the right to development and on structural adjustment programmes and economic, social and cultural rights) and developing new human rights instruments (for example, a declaration on human rights defenders and optional protocols to the Convention on the Rights of the Child and the Convention on Torture). Standard-setting initiatives can come from the UN agencies that will take the lead in promoting those standards-as in the case of the United Nations Children's Fund (UNICEF) and the Convention on the Rights of the Child.

Promotion and implementation of human rights standards are undertaken by the relevant UN agency, such as the International Labour Organisation (ILO), the World Health Organization (WHO), the Food and Agriculture Organization (FAO), the United Nations

Development Fund for Women (UNIFEM), UNICEF and, of course, UNDP. Monitoring has been entrusted to the Commission on Human Rights and its Sub-Commission and to various treaty bodies (that is, committees set up under human rights treaties on torture, women, children, racial discrimination, civil and political rights, and economic, social and cultural rights). The Commission on Human Rights is a political body. The treaty bodies, on the other hand, bring to monitoring specialized, technical expertise, impartiality and an

*UNDP should promote human rights through support for the development of national capacity and through sustainable human development activities*

integrated approach to human rights. Fact-finding and investigation are entrusted to a number of Special Rapporteurs and Special Representatives working with a thematic or country focus. The Human Rights Centre (now the Office of the High Commissioner) was created to provide support for monitoring, technical assistance and advisory services on human rights.

In 1994, adopting a recommendation of the UN World Conference on Human Rights, the General Assembly created the position of a High Commissioner for Human Rights, reporting directly to the Secretary-General and the General Assembly, to head the UN's human rights system. The High Commissioner's mandate extends to every aspect of the UN's human rights activities: monitoring, promotion, protection and coordination (see annex 4). The High Commissioner is responsible for promoting universal human rights and for ensuring system-wide coordination on all matters related to human rights, democracy and the rule of law.

### **UNDP and human rights**

As a development organization, UNDP should focus on promoting human rights, primarily through support for the development of national capacity in the programming countries and through sustainable human development activities. The approach should be holistic and multidimensional, recognizing the mutual dependency and complementarity of sustainable human development and social, economic, cultural, civil and political rights.

UNDP already plays an important role in the protection and promotion of human rights, both in its country activities and through its participation in national, international and multilateral meetings and conferences. Its programme is an application of the right to development and addresses primarily the economic, social and cultural rights of citizens. In some countries the programme has expanded into civil and political rights. There is a need, however, to more systematically address and focus the programme's human rights content and dimensions. Specifically, UNDP should develop a human rights-based framework in its antipoverty, pro-sustainable human development work.

Several UNDP development strategies have particular relevance for human rights:

\*#9;Sustainable human development programming with a focus on eliminating poverty.

\*#9;Targeting disadvantaged or excluded groups (women, children, minorities, migrant workers, people with HIV/AIDS), thereby linking social justice, discrimination and development.

\*#9;Promoting partnerships with NGOs and civil society organizations (including social and political advocacy groups), thereby encouraging people's participation at all stages of programme initiation, formulation and design, implementation and evaluation.

\*#9;Addressing governance issues (such as corruption, the rule of law, participation, democratization and accountability) in which human rights have been integral but, all too often, not explicitly spelled out.

\*#9;Strengthening institutions of governance and developing human rights capacity within such institutions.

UNDP's support for legislative and judicial systems is relatively recent, brought about by demand from programme countries. In the past few years there has been an increase in programmes and projects that focus on protecting civil and political rights. A recently completed study of these activities found that in 1994-95 more than \$44 million was allocated to 59 activities focusing on civil and political rights. This represents almost 13% of UNDP funding for governance in 1994-95 and 11% of the number of projects. Activities were concentrated in Latin America and the Caribbean (29 projects) and Africa (20 projects). Five projects were supported in Asia and five in Europe and the Commonwealth of Independent States, but none in the Arab States. Since 1996 activities have increased substantially, with seven additional projects approved in Asia, six in Latin America and Africa, five in Europe and the Commonwealth of Independent States and one in the Arab States. UNDP activities have tended to fall under three broad categories: electoral assistance (in, for example, Bangladesh, Kenya, and Mozambique), democratic institution-building (Kyrgyzstan, Latvia, Paraguay, Rwanda) and peace-building and political transition (Cambodia, El Salvador, Nicaragua).

UNDP's four main areas of sustainable human development programming-eliminating poverty and sustaining livelihoods, promoting the advancement of women, protecting and regenerating the environment, and developing capacity for good governance-all have dimensions pivotal to human rights. Each will benefit greatly from a more explicit human rights approach.

### **Eliminating poverty and sustaining livelihoods**

Poverty and sustainable livelihoods are closely linked to human rights. Indeed, poverty is a violation of human rights. Poverty and inequality can undermine human rights by fueling social unrest and violence and increasing the precariousness of social, economic and political rights. Likewise, people's access to and control over productive resources is often determined by a country's legal framework and institutions. Like human rights,

poverty and sustainable livelihoods are multifaceted and complex, involving both material factors (meeting basic needs) and nonmaterial ones (rights, participation, human dignity and security). Because of these links, programming in poverty and sustainable livelihoods can benefit from broadening the focus to include human rights. Civic and social education will help people better understand their rights and increase their choices and income-earning capacity. At the same time, developing and implementing equal opportunity laws will empower people to gain more equitable access to productive resources.

Poverty elimination is a core UNDP goal and a prime objective of its sustainable human development paradigm. The right to an adequate standard of living, ensuring freedom from want, is an integral and inalienable human right affirmed in the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. Adopting a human rights approach to its work on poverty elimination is crucial as UNDP moves towards

*Poverty is a violation of human rights*

strengthening its promotion and protection of economic, social and cultural rights and the right to development.

### **Promoting the advancement of women**

Women's rights are human rights. But the recognition of women's worth and equality with men must be complemented with various protections and policies. Legal rights can enhance women's living conditions by legislating against gender bias in employment, discrimination in pay and incentives, and violence and harassment. Moreover, legal rights can contribute towards increasing women's capabilities by giving them property and inheritance rights, better access to credit and other productive resources, and increased political participation and representation. From a human rights perspective, UNDP's sustainable human development efforts must work to eliminate discrimination against women (and other marginalized groups) through programmes and processes that, for example, help governments:

- \*&#9;Reform legal systems and outlaw discrimination in employment, education, family affairs, land rights, credit services and other entitlements.

- \*&#9;Redress the effects of past discrimination.

- \*&#9;Educate and empower women (and others who are excluded, discriminated against and disadvantaged) and enable their effective participation in development.

### **Protecting and regenerating the environment**

Laws can help protect and renew the environment (regulating pollution, deforestation and so on) for current and future generations. In developing countries especially, such laws can be crucial in ensuring the survival of millions of people whose lives and livelihoods depend on their natural surroundings (water, land,

*Like poverty and gender, the environment has crucial human rights dimensions that a human rights approach can help address*

agriculture, forestry, air). For example, environmental laws can help mitigate social conflicts that arise from competition over scarce natural resources (peasants against private forest contractors, squatters against urban residents and developers). Thus, like poverty and gender, the environment has crucial human rights dimensions that a human rights approach can help address. Development must be concerned with protecting and rehabilitating environments and must be environmentally sustainable. From a human rights perspective this would require:

\*&#9;Conserving ecosystems and natural resources for future generations.

\*&#9;Assessing the environmental and social impacts of development activities, and setting and enforcing standards to govern them.

\*&#9;Providing environmental education.

\*&#9;Encouraging free and meaningful participation in these activities.

### **Developing capacity for good governance**

The UNDP policy document "Governance for Sustainable Human Development" defines governance as:

*the exercise of economic, political and administrative authority to manage a country's affairs at all levels. . . . Good governance is, among other things, participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law. Good governance ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources.*

This definition draws on various UN human rights instruments-notably the Universal Declaration of Human Rights, which states that "the will of the people shall be the basis of the authority of government" and reiterates that "everyone has the right to take part in the government of his country, directly or through freely chosen representatives" and that "everyone has the right of equal access to public service." The preamble of the Universal Declaration also enunciates the

*Like human rights, governance impinges on each of UNDP's other focus areas for sustainable human development*

relationship between human rights and governance: "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."

Hence governance touches directly on legal instruments, enabling environments, and governmental and non-governmental institutions and processes affecting human rights. Concern for human rights and good governance is reflected, for example, in public management programmes, which address such issues as accountability, transparency, participation, decentralization, legislative capacity and judicial independence. UNDP's governance programme identifies three domains-the state, the private sector and civil society-each of which has a unique role in promoting sustainable human development. None can function adequately, however, if human rights are not respected.

Like human rights, governance impinges on each of UNDP's other focus areas for sustainable human development-poverty and livelihoods, gender and the environment. Strengthening human rights within governance activities will, by extension, help strengthen programming in each of the other focus areas.

### **UNDP's mandate, mission, comparative advantage, constraints and limitations**

\*&#9;Mandate. A human rights approach will help fulfill UNDP's responsibilities to integrate human rights with its activities. It will also strengthen its ability to implement declarations and agreements reached at UN global conferences, many of which have human rights content.

\*&#9;Mission. To promote sustainable human development, which will reinforce (and be reinforced by) the realization of human rights.

\*&#9;Comparative advantage. UNDP has many strengths that distinguish it from other international and multilateral partners engaged in human rights. Because of its multilateral status, UNDP can work as (and be seen to be working as) an impartial agent of change for all actors-a crucial feature in human rights. Moreover, UNDP pursues its mandate and activities

according to national priorities and needs, and engages in sustainable programming to ensure a long-term impact. It has many years of experience in capacity development, and it always works towards securing the trust of all its partners-governmental, non-governmental, international and

multilateral. UNDP has a field presence in 137 countries, which facilitates ongoing dialogue, learning, cooperation and sharing of experiences across regions. Finally, it places its work in the context of national capacity development, which in many situations may make cooperation with governments easier.

\*&#9;Constraints and limitations. At the country level, almost all UNDP activities require an official government request. UNDP cannot work directly with NGOs and civil

society organizations without government approval. This is a serious limitation in countries where human rights abuses are serious or where authoritarian governments are intolerant of

participation. Moreover, in most countries UNDP's share in official development assistance is insignificant, which makes it difficult to influence government policy. These constraints need to be acknowledged and addressed.

### **Mainstreaming UNDP support for human rights**

UNDP may be called on to support several types of human rights programmes. Three focus areas for human rights have been identified to best achieve the agency's goals. The first is providing support for institutions of governance, with an emphasis on building the human rights capacity of these institutions and providing direct support to human rights institutions. The second is developing a human rights approach to sustainable human development. The third is contributing to the human rights policy dialogue and UN conference followup. Together these focus areas will enable UNDP to mainstream human rights in all of its work.

### **Providing support for institutions of governance**

Sound and vibrant national governance institutions-legislatures, executives and judiciaries-are crucial to establishing enabling environments for eliminating poverty, promoting equality and protecting the environment. Strengthening governance through human rights-related capacity development will help achieve these goals.

Governance institutions are responsible for respecting, protecting and promoting human rights. But they are not the only ones involved in human rights and sustainable human development. Of equal importance are the civil society organizations-human rights and other law-related NGOs, socio-economic NGOs, community organizations, schools, indigenous people's organizations, women's advocacy groups and the media-that play a crucial role in monitoring, protecting and promoting human rights. Civil society organizations can monitor human rights even under extreme or authoritarian political conditions. (Witness their lead role in monitoring human rights violations and ushering in democracy in Chile, Argentina, Brazil, and South Africa in the 1980s.) They also protect and promote human rights, often complementing government efforts. Their expertise, experience and resources (legal, educational or advocacy-related) are invaluable given current resource scarcity and deficit cutting.

*National and local judiciaries, legislatures and electoral bodies are crucial to the protection and promotion of human rights*

Civil society organizations face many of the same institutional and capacity constraints as governments, however. Helping both sets of institutions address these constraints will greatly enhance the vital contribution they make to human rights. Human rights are integrated with UNDP's governance programming in three ways: building human rights

capacity in governance institutions, providing direct support to human rights institutions, and promoting and protecting human rights in post-conflict societies.

### **Building human rights capacity**

National and local judiciaries, legislatures and electoral bodies are crucial to the protection and promotion of human rights. They can ensure the rule and enforcement of the law, helping to establish antidiscriminatory practices and achieve socio-economic, political and cultural equality. An effective executive branch can provide leadership in promoting legislation and implementing human rights laws and programmes. Civil service reform can help better formulate governance strategies, procedures and rules, contributing to more effective human rights programming. Decentralization, local governance and support to civil society organizations can empower people and local organizations to claim and exercise their rights or carry out human rights advocacy, outreach and networking.

Both governmental and non-governmental institutions benefit from comprehensive and coherent legislation or constitutions guaranteeing basic rights (social, cultural, economic, civil and political) and protecting the rights of minorities, women, children and other disadvantaged groups. They will also benefit from building their expertise and knowledge on specific rights legislation (especially economic, social and cultural rights). Doing so will provide clarity on international commitments and obligations, on the distinction between public and private human rights violations, and on the consequences for human rights of government and development programmes and NGO actions. Finally, capacity development will help these institutions build more sustainable organizational cultures by sensitizing them to human rights issues. Such activities will need to take place at the national, regional and local levels.

### **Providing direct support to human rights institutions**

Where human rights institutions do not exist, UNDP support will help build them (human rights commissions, ombudsmen, advocacy and outreach groups, and the like) or design programmes geared towards promoting human rights (civic education, legal aid, equal and equitable access to resources). Where human rights institutions do exist, support will help them become more independent, transparent, effective, accessible, legally secure and institutionally linked to other national and international organizations. To perform well, these institutions often will need more resources, capacity and expertise (legal, management, human resource).

### **Promoting and protecting human rights in post-conflict societies**

Most humanitarian emergencies, particularly human-made ones, are accompanied by widespread disregard for fundamental human rights. UNDP's large field presence puts its country offices at the forefront of response to such emergencies. These crises provoke massive internal displacements, undermine coping capacities, destroy economic infrastructure, devastate the environment and often neutralize legitimate political systems

and governance institutions. They also can threaten regional and international peace and security.

*Reconciliation, reconstruction and recovery cannot progress without basic human security and strong national institutions that protect fundamental human rights*

Any effective development strategy for responding to these emergencies and their aftermath must address their root causes. Development can play a preventive role by addressing the social, economic, cultural and political causes of armed conflicts, which are often manifested by human rights denials and violations. Similarly, a better understanding of the interdependence between the strengthening of democratic governance institutions, respect for human rights, participation in sustainable human development and peace-building can prevent renewed conflict. In the aftermath of conflict, development programmes can address the social and economic rights of former combatants, displaced persons and returning refugees. Development programmes aimed at alleviating war-induced deprivation can also help build trust between estranged groups.

Reconciliation, reconstruction and recovery cannot progress without basic human security and strong national institutions that protect fundamental human rights. Any society emerging from conflict must have an independent judiciary, including a functioning criminal justice system that maintains order while respecting human rights, and a well-trained and impartial civilian police force and detention facilities under modern penal administration. In most cases these institutions will have been limited before the conflict and militarized, polarized or destroyed during it. Yet criminality is likely to be serious in a society unable to fully integrate former combatants.

It is also important to help build national human rights institutions established by governments and parliaments and to support the role of civil society in promoting and protecting human rights. Governmental and non-governmental efforts to build a culture of human rights require assistance. Dealing with the legacy of past human rights violations may pose daunting challenges to a country's justice systems. UNDP has a key role to play in providing technical assistance and coordinating the contributions of multilateral and bilateral donors and UN specialized agencies.

### **Developing a human rights approach to sustainable human development**

Because UNDP is a development agency, its main contributions to human rights will be through development activities. Thus it is crucial that UNDP develop a human rights approach to sustainable human development programming, thereby ensuring

*UNDP's approach to human rights is universal and holistic, stressing the indivisibility and interrelatedness of all human rights*

that human rights will be mainstreamed in its activities and not relegated only to specific human rights projects. Developing this approach will obviously be a work in progress, but

some elements and premises are self-evident from UNDP's mandate and the fact that it is a UN agency.

UNDP's approach to human rights is universal and holistic, stressing the indivisibility and interrelatedness of all human rights-economic, social, cultural, civil and political. Given that UNDP is a development agency, special attention will be paid to economic, social and cultural rights (by developing indicators to measure realization of these rights, for example) and to the human right to development. Special attention will also be paid to ensuring that civil and political rights are fully respected in UNDP's sustainable human development programming and implementation. UNDP's approach to human rights will be developed in close consultation and cooperation with the High Commissioner for Human Rights. UNDP's human rights approach to poverty alleviation will emphasize empowerment, participation and nondiscrimination and address vulnerability, marginalization and exclusion.

UNDP's approach will also reflect its capacity-building mandate. Capacity-building initiatives will seek to enhance the realization of human rights through UNDP's sustainable human development programming. Human rights capacity-building efforts will take advantage of the opportunities provided by the UN Decade on Human Rights Education under the direction of the High Commissioner for Human Rights.

*UNDP's human rights approach will reflect its capacity-building mandate*

UNDP funds and manages the Resident Coordinator system, which is responsible for coordinating the operational activities of the UN system in programme countries. This responsibility will be exercised in a way that supplements and complements the mandate of the High Commissioner for Human Rights for system-wide coordination on all matters related to human rights, democracy and rule of law. This approach will be reiterated in the Memorandum of Understanding being finalized between UNDP and the Office of the High Commissioner.

Developing UNDP's human rights approach to sustainable human development will be a dynamic process, undertaken in close cooperation with the High Commissioner for Human Rights and other UN agencies. The process will inevitably focus on the rights most frequently encountered in UNDP's sustainable human development activities, including:

\*&#9;Rights of participation. Fundamental freedoms include rights of people to meet with others, organize assemblies and speak freely. These are universal rights, and their exercise is essential in securing all other rights in development processes, as well as crucial in building civil society in social, economic, political and legal terms.

\*&#9;Rights to food, health, habitat and economic security. It is the legal obligation of all states and of UN agencies such as the Food and Agriculture Organization, the World Health Organization, the International Labour Organisation and UNDP to promote the

progressive realization of these rights through development efforts. Since these are human rights, as well as government obligations, they empower people.

\*&#9;Rights to education. This covers not only formal schooling but also access to civic knowledge and training (often provided by NGOs) that facilitate people's awareness and exercise of other rights and their effective participation in development.

\*&#9;Rights to work. This imposes obligations on development planners to promote opportunities for productive employment (through local, self-help efforts as well as private and public investment), reduce risks to people from policies (such as structural adjustment) that create unemployment and adopt training programs that help people (notably the young) become qualified for productive work in a world of changing technologies and economic activities.

\*&#9;Rights of children. Specifically, these reaffirm the right to life and protection against violence, abuse and neglect; the right to health and social security, education, and rest and leisure; freedom from trafficking in children and protection against child prostitution; and freedom from torture and cruel, inhuman or degrading treatment.

\*&#9;Rights of workers. These include rights to organize and bargain over terms of employment and rights to adequate remuneration and a safe, nondiscriminatory workplace.

\*&#9;Rights of minorities and indigenous peoples. Among them, rights to maintain languages and cultures and rights of distinct peoples living in distinct regions to self-determined development and control of ancestral lands, which are often the basis of community organization, culture and ways of life.

\*&#9;Rights to land. Notably, protection of the rights of those who depend on their lands for their livelihood. These rights are often grounded in customary law, and special processes may be needed to protect them.

\*&#9;Rights to equality. This ensures freedom from discrimination against enjoying the above rights and empowerment of women and marginalized groups to organize and demand removal of customs and practices that inhibit equal opportunities to realize the benefits of development.

\*&#9;Rights to environmental protection. Rights to food, health, habitat and livelihood depend on environmental protection and the complementary relationships between promoting and protecting human rights and promoting and protecting environments.

\*&#9;Rights to administrative due process. These include, for example, rights of access to officials responsible for designing or administering development activities; of access to information and to a fair hearing for people who claim to be threatened or harmed by development projects; and to redress and impose accountability on development actors who disregard the rights of affected people.

\*&#9;Rights to the rule of law. These include the rules, procedures and institutions (including courts) that enable people to secure enforcement of all their rights.

### **Contributing to human rights policy dialogue and UN conference followup**

Although UNDP already engages in national, regional and global human rights policy discussions, it can benefit greatly from a more active role. For example, substantive human rights debates are taking place on the right to development and the way to make that right operational at the international and national levels, on the role of technical cooperation and capacity development in human rights, and on the intended and, more important, the unintended effects on human rights of development programming by multilateral and bilateral development assistance agencies, international finance and trade institutions, and governments and NGOs.

UNDP has much to learn from these debates-and much to contribute. Sustainable human development provides a unique and holistic paradigm from which to integrate human rights and development and hence a unique platform for global advocacy. UNDP's general and human rights programming will also gain from donor policy coordination and dialogue to avoid duplication in programming, gain better focus and pool scarce resources, improve policy and programme coherence, share experience and knowledge and, where possible, engage in joint programming.

UNDP can also benefit from better integrating human rights followup from the major UN global conferences of the 1990s-especially from the World Conference on Children, the Earth Summit, the Social Summit, the Fourth World Conference on Women, the Education for All Conference, the Human Rights Conference, the Population and Development Conference, Habitat II and the World Food Summit. This integration of followup activities will provide valuable insights and benchmarks for UNDP's current and future human rights programming.

### **Implementing the strategy**

how?

Implementing UNDP's human rights approach to sustainable human development will involve several steps: taking country conditions into account, strengthening UNDP capacity in human rights, working with the High Commissioner for Human Rights, strengthening human rights at the national level, building partnerships, and dividing responsibilities.

### **Taking country conditions into account**

UNDP support for human rights will respond to national needs and priorities, recognizing that human rights issues and conditions vary greatly within and between countries. In all cases UNDP's approach will be flexible enough to address different country needs and priorities. The starting point for programming will be each country's human and

institutional capacities, local human rights conditions, and local values and culture. Indeed, cultural differences are of crucial importance. But as the Vienna Declaration of the UN World Conference on Human Rights stresses, "while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and social systems, to promote and protect all human rights and fundamental freedoms."

UNDP will need to develop strategies for countries with a difficult human rights environment. Obviously, withdrawing development assistance from such countries is not an appropriate policy for UNDP (unless the Security Council imposes economic sanctions). Thus UNDP will need to promote programmes that can help improve the human rights situation. Quiet and committed advocacy, sometimes in public but often behind the scenes, has proven effective in encouraging practical action and ratification and implementation of international human rights conventions. Many allies to these conventions can be found-in government

*UNDP support for human rights will respond to national needs and priorities*

as well as in NGOs. UNDP will need to devise policies that enable it to work with civil society organizations and NGOs in such countries. Most important, UNDP must develop a firm policy to ensure that its development programmes do not become vehicles for human rights abuses-for example, in a country that excludes women, indigenous people or ethnic minorities from the benefits of development. In such countries economic, social and cultural rights provide the obvious entry point for human rights-based sustainable human development programming. But UNDP will have to guard against neglecting political and civil rights-and difficult questions of how to incorporate them in programmes in such countries will have to be addressed.

Other country variables will also dictate UNDP's priorities and programming. Thus, for example, in countries where extreme environmental degradation is causing large-scale population displacement, or in countries where armed conflict or large infrastructure projects are creating similar problems, protecting the rights of internally displaced persons through resettlement and development will be a priority. For countries in political transition, there will be obvious priorities of institution building, capacity building, and legal, administrative and judicial reform. For countries in economic transition, there will be a need to monitor the human rights and development impacts of macroeconomic policies.

Taking country factors into account will generate considerable variety, across countries, in UNDP human rights programming. Close consultation and coordination with other donors and international and national organizations will help in these endeavours.

### **Working with the Office of the High Commissioner for Human Rights**

Cooperation with the Office of the High Commissioner for Human Rights will be vital for UNDP's human rights support. As noted, a Memorandum of Understanding on such

cooperation is being finalized. UNDP's role will be to support the Office of the High Commissioner, which has an expressly designated mandate and leading role in human rights for the entire UN system.

*Cooperation with the Office of the High Commissioner for Human Rights will be vital for UNDP's human rights support*

Of particular relevance and value to UNDP's human rights activities will be the Office of the High Commissioner's technical know-how and resources on constitutional and legislative drafting and procedures; training and education programmes for lawyers, judges and educational institutions; human rights reporting mechanisms; and human rights institution building.

UNDP will use this expertise to design and implement its activities in this field, developing its approach in close consultation and cooperation with the Office of the High Commissioner. The two agencies have collaborated on human rights technical cooperation in recent years, resulting in joint programming in developing countries.

### **Strengthening human rights at the national level**

Working with the High Commissioner for Human Rights, UNDP will undertake a Programme for Human Rights Strengthening. This programme is intended to help countries build and strengthen national capacities (both governmental and non-governmental) to protect and promote human rights in light of international treaty commitments. The programme will also support efforts to integrate human rights concerns with broader governance programmes supported by UNDP. Implementation will be closely linked to advocacy for human rights in policy dialogues with governments.

The programme will focus on:

\*&#9;Developing national strategies for human rights treaty ratification and implementation.

\*&#9;Collecting, measuring, monitoring and reporting data on human rights.

\*&#9;Supporting the development of public and non-governmental human rights institutions, national commissions for human rights and ombudsmen.

\*&#9;Documenting and analysing UNDP experience and best practices.

### **Building partnerships**

UNDP will continue to build partnerships and ensure the full involvement of major stakeholders. These partnerships will help build consensus, coordinate and share expertise and best practices, and establish a policy dialogue, ensuring the sustainability of

UNDP's human rights support. The most important partners will be the programme countries of UNDP and UN agencies involved in human rights.

UNDP will also work with regional organizations like the Organization of African Unity and bilateral donors and international institutions. And UNDP will continue to build partnerships with human rights and other NGOs and networks inside and outside the UN system. At the country level, UNDP will continue to build partnerships with local authorities as well as community-based organizations and other civil society organizations.

### **Dividing responsibilities**

Within UNDP, responsibility for human rights is at three levels. Leadership by country offices is crucial because most of UNDP's resources and capacity are at the country level. Vital tasks for the country offices include identifying entry points and programme partners and designing and monitoring programmes and projects. Subregional resource facilities will build capacity to support country operations. Human rights-related regional programmes, among others, can help share experiences, establish regional networks and centres of excellence, and undertake regional studies of trends. The Bureau for Development Policy's Management Development and Governance Division is the UNDP's focal point for human rights at the global level, with three main responsibilities related to human rights-developing policies, tools and methodologies; researching issues of priority to UNDP; and documenting and disseminating best practices based on country experiences.

### **Annex 1 Recent UNDP publications on governance and human rights**

"Governance for Sustainable Human Development," Policy document, 1997.

"Corruption and Good Governance," Discussion Paper 3, 1997.

"Participatory Local Governance," 1997.

"Reconceptualizing Governance," Discussion Paper 2, 1997.

"Gender in Development," Monograph Series 1-5, 1997.

Human Development Report, 1996 and 1997.

"Local Governance," 1997.

"Report on International Conference for Sustainable Growth and Equity, New York, 28-30 July 1997."

"Report on Asia Regional Ministerial Conference on Governance for Sustainable Growth and Equity, 18-21 November 1996, Lahore, Pakistan."

"Report on Conference on Governance, Leadership and Poverty Eradication, Ougodougou, Burkina Faso, 1996."

"Governance and Democratic Development in Latin America and the Caribbean," 1997.

"Report on the Regional Conference on Governance and Social Development, Beirut, Lebanon, 1997."

"Report on the Third International Conference of the New and Restored Democracies on Democracy and Development, Bucharest, Romania, 2-4 September 1997."

"Report on the Third International Human Rights Conference, Riga, Latvia, 1997."

"The Shrinking State: Governance and Sustainable Human Development," 1997.

"Survey of UNDP Activities in the Field of Human Rights," 1997.

"UNDP and Governance in Special Circumstances," 1997.

"Conflict Prevention and Poverty Alleviation," Leonardo Despouy, 1996.

"Implementation Review of the Vienna Declaration and Programme of Action," 1997.

## **Annex 2 The UN's human rights treaty regime**

Over the past 49 years the UN has produced a large number of human rights instruments, including treaties, conventions, declarations and principles. (These are contained in a two-volume set, Human Rights-A Compilation of International Instruments.) The core human rights instruments are contained in six treaties that are legally binding for all countries that have signed and ratified them:

\*&#9;The Covenant on Economic, Social and Cultural Rights (1966). This covenant sets out the right to work; the right to form trade unions and to strike; the right to social security and social insurance; the right to an adequate standard of living, including the right to food, clothing and housing; the right to health; the right to education; the right to take part in cultural life; the right to enjoy the benefits of scientific progress; and the right to protection of the family. The right of self-determination and the right to equality and freedom from discrimination are contained both in this covenant and in the Covenant on Civil and Political Rights.

\*&#9;The Covenant on Civil and Political Rights (1966). In addition to the right of self-determination and the right to equality and freedom from discrimination, this covenant sets out the right to life; the right to freedom from torture and slavery; the right to liberty

and security of person; the right to freedom of movement and residence; the right to equal protection of laws; the right to privacy; the right to freedom of thought, conscience and religion; the right to freedom of expression; the right to freedom of assembly and association; and the right to take part in the conduct of public affairs. This covenant has two optional protocols (one addressing the death penalty and the other allowing for the bringing of individual complaints). Parties to the covenant may choose to sign and be bound by any of these protocols.

\*#9;The Convention on Elimination of Racial Discrimination (1965) is of particular significance in ensuring against discrimination or exclusion from development. The convention reiterates that there can be no discrimination in the enjoyment of the economic, cultural, social, civil and political rights set out in the Universal Declaration of Human Rights.

\*#9;The Convention on Elimination of All Forms of Discrimination against Women (1979). This convention seeks to ensure against discrimination or exclusion of women from development and sets out the right of women to participate in political, economic and social life. Detailed articles prohibit discrimination against women in employment and health. Article 14 is of particular importance because it sets out a virtual agenda of development for rural women as a matter of right.

\*#9;The Convention on the Rights of the Child (1989) reaffirms children's right to life; right to identity and nationality; right to freedom of expression; right to freedom of thought, conscience and religion; right to freedom of association and assembly; right to privacy; right to access to information; right to protection against violence, abuse and neglect; right to health; right to education; right to an adequate standard of living; right to social security; right to rest and leisure; right to freedom from exploitation; right to freedom from trafficking in children and protection against child prostitution; right to freedom from torture and cruel, inhuman or degrading treatment; and rights with respect to criminal process. The convention deals with survival rights, rights of participation and the right to development of the child. Thus it establishes a development agenda for children.

\*#9;The Convention against Torture (1984). This convention provides protection against torture and other cruel, inhuman, or degrading treatment or punishment. The provisions relating to cruel, inhuman or degrading treatment are of special relevance to development activities and their impacts.

Each of these treaties establishes a treaty body (committee) to monitor the compliance by signatory states with obligations under the treaty and to examine, periodically, states' reports on obligations under the treaty. Some of the treaties-the Covenant on Civil and Political Rights, the Convention against Torture-create procedures for bringing complaints of violations, and there are moves to create similar procedures with respect to the Child Convention, the Women's Convention and the Covenant on Economic, Social and Cultural Rights.

In December 1990 the General Assembly adopted another international treaty of obvious relevance to development-namely, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Because this convention is awaiting the minimum necessary ratifications, it has not yet come into force.

### **Annex 3 The human right to development**

In 1986 the UN General Assembly issued the Declaration on the Right to Development, explicitly reaffirming the existence of a human right to development. Such a right was implicit in the Universal Declaration of Human Rights and in the Covenant on Economic, Social and Cultural Rights. But the landmark General Assembly declaration not only reaffirmed the right to development, it also elaborated the content of the right as well as the specific obligations for states and governments (both individually and collectively) that flow from the right.

The right to development has been reiterated and further elaborated-by consensus-at the UN World Conference on Human Rights (Vienna), the International Conference on Population and Development (Cairo), the World Summit on Social Development (Copenhagen) and the Fourth World Conference on Women (Beijing). Although the 1986 General Assembly Declaration on the Right to Development was not obtained by consensus (apart from a few abstentions, the United States was conspicuous as the sole dissenter), each of the above conferences unanimously (by consensus and not by vote) reaffirmed the right to development as a "universal and inalienable right and an integral part of fundamental human rights" (Article I (10) of the Vienna Declaration, Principle 3 of the Cairo Programme of Action, Commitment 1(n) of the Copenhagen Declaration and Article 213 of the Beijing Platform of Action). Thus there is no doubt that the right to development is not a mere pipe dream or ideological slogan. It is a human right guaranteed by international law.

### **Content of the Declaration on the Right to Development**

The right to development is an "inalienable . . . human right" of "every human person [and] all peoples" (Article 1) "to exercise . . . full and complete sovereignty over all their natural wealth and resources" (Preamble) in pursuit of "their economic, social and cultural development"

(Preamble).

The declaration defines development as "a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals" (Preamble), "in which all human rights and fundamental freedoms can be fully realized" (Article 1(1)).

Most human rights have several components or related rights. The component rights of the human right to development include:

\*#9;Rights of participation. Every person and all peoples are entitled to "active, free and meaningful participation in development" (Preamble) and, as an "active participant" (Article 2), to "contribute to and enjoy economic, social, cultural and political development" (Article 1(1)).

\*#9;The right to be "the central subject of development" (Article 20) that "aims at the constant improvement" of human well-being (Preamble). This constitutes the right to people-centred human development where people and their well-being come first, ahead of all other development objectives and priorities.

\*#9;The right to "fair distribution" (Preamble) of the benefits from development.

\*#9;The right to nondiscrimination in development "without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Preamble).

\*#9;The right to self-determination. "The human right to development also implies the full realization of the right of peoples to self-determination, which includes . . . their inalienable right to full sovereignty over all their natural wealth and resources" (Article 1(2)).

\*#9;The right to "the free and complete fulfillment of the human being" with "full respect" for "human rights and fundamental freedoms" (Article 1(2)).

\*#9;The right against trade-offs. Every human person and all peoples have the right to "the implementation, promotion and protection" of "all human rights and fundamental freedoms," "civil, political, economic, social and cultural" (Article 6(2) and Preamble). "The promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms." "All human rights and fundamental freedoms are indivisible and interdependent" (Preamble).

### **Obligations of states (individual)**

The Declaration on the Right to Development specifies several obligations of states:

\*#9;The duty "to ensure full exercise and progressive enhancement of the right to development" (Article 10), including "the right and duty to formulate appropriate national development policies" (Article 2(3)), the duty to "undertake, at the national level, all necessary measures for the realization of the right to development" (Article 8(1)) and the duty "for the creation of national conditions favourable to the realization of the right to development" (Article 3(1)). (The World Summit on Social Development refers to this final duty as the commitment to create "enabling environments.")

\*#9;The duty to ensure "active free and meaningful participation" (Article 2(3)) and to "encourage popular participation in all spheres as an important factor in development" (Article 8(2)).

\*#9;The duty "to eliminate the massive and flagrant violations of the human rights of people and human beings" (Article 5) and to eradicate "all social injustices" (Article 8(1)).

\*#9;The duty "to eliminate obstacles to development resulting from failure to observe civil and political rights as well as economic, social and cultural rights" (Article 6(3)) and the related duty that "the promotion of, respect for, and enjoyment of, certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms" (Preamble).

\*#9;The duty of "promoting, encouraging and strengthening universal respect" for all human rights and fundamental freedoms (Article 6(1)).

\*#9;The duty not to discriminate on basis of "race, sex, language or religion" (Article 8(1)).

\*#9;The duty to "ensure that the resources released by effective disarmament measures are used for comprehensive development" (Article 7).

### **Obligations of states (collective)**

Several of the obligations of individual states also apply to states collectively. The Declaration on the Right to Development also specifies several collective duties of states:

\*#9;The duty to cooperate "in ensuring development and eliminating obstacles to development" (Article 3(3)), "to eliminate the massive and flagrant violations" of human rights (Article 5) and to promote "universal respect for and observance of, all human rights and fundamental freedoms for all" (Article 6(1)).

\*#9;The duty of "full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations" (Article 3(2)).

\*#9;The duty "to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development" (Article 4(1) and Article 10).

\*#9;The duty to "promote the establishment . . . of international peace and security and, to that end . . . to achieve general and complete disarmament" and to use the resources so released "for comprehensive development" (Article 7).

The UN system is the main mechanism through which states can fulfill their collective obligations. In addition, Article 10 of the declaration (calling for steps to be taken at

national and international levels "to ensure the full exercise and progressive enhancement of the right to development") and Article 4(1) (calling for the formulation of international development policies to facilitate "the full realization of the right to development"), while addressed primarily to states, also implicate the UN, its specialized agencies and its development agencies-notably UNDP.

#### **Annex 4 The UN High Commissioner for Human Rights**

The UN World Conference on Human Rights (held in Vienna in 1993), considering the issue of "adapting and strengthening the United Nations machinery for human rights," recommended to the General Assembly that it consider "as a matter of priority" the establishment of a High Commissioner for Human Rights to promote and protect all human rights. Accordingly, at its 48th session in 1993 the General Assembly established the post of a UN High Commissioner for Human Rights and assigned to the High Commissioner principal responsibilities for UN human rights activities under the direction and authority of the Secretary-General.

#### **Mandate of the High Commissioner**

The mandate of the High Commissioner is set out in UN General Assembly resolution 48/141 of 20 December 1993 as follows:

"the High Commissioner shall be the United Nations official with principal responsibility for United Nations human rights activities under the direction of the Secretary General." The High Commissioner's responsibilities shall be:

- (a) To promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights.
- (b) To carry out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and to make recommendations to them with a view to improving the promotion and protection of all human rights.
- (c) To promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose.
- (d) To provide, through the Centre for Human Rights of the Secretariat and other appropriate institutions, advisory services and technical and financial assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights.
- (e) To coordinate relevant United Nations education and public information programmes in the field of human rights.

(f) To play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action.

(g) To engage in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights.

(h) To enhance international cooperation for the promotion and protection of all human rights.

(i) To coordinate the human rights promotion and protection activities throughout the United Nations system.

(j) To rationalize, adapt, strengthen and streamline the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness.

(k) To carry out overall supervision of the Centre for Human Rights."

The above resolution setting out the mandates also states:

"the High Commissioner for Human Rights shall . . . recognize the importance of promoting a balanced and sustainable development for all people and of ensuring realization of the right to development, as established in the Declaration on the Right to Development."

### **The Secretary-General's UN Reform Proposal**

In his report to the General Assembly, *Renewing the United Nations: A Program for Reform*, Secretary-General Kofi Annan states, "Developments in the present decade have underscored that human rights are inherent to the promotion of peace, security, economic prosperity and social equity." He goes on to stress, "A major task for the future will be to enhance the human rights programme and integrate it into the broad range of the Organization's activities, including in the development and humanitarian affairs areas." Accordingly, the issue of human rights has been designated as cutting across the four substantive fields of the Secretariat's work programme (peace and security; economic and social affairs; development cooperation and humanitarian affairs) and will need to be integrated with all aspects of development cooperation. One of the key objectives of the Secretary-General's reform proposals is to ensure that, "The new High Commissioner for Human Rights will, therefore, have a solid institutional basis from which to lead the Organization's mission in the domain of human rights."