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**DEVELOPMENT CO-OPERATION DIRECTORATE
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ACTION-ORIENTED POLICY PAPER ON HUMAN RIGHTS AND DEVELOPMENT

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EXECUTIVE SUMMARY

This paper firstly updates the DAC position on human rights and development, to reflect changes in the international context and donor experiences over the past decade. Secondly, new challenges and opportunities for promoting human rights as a key part of the development process are highlighted. Thirdly, principles and recommendations are set out for future actions.

In the mid-1990s, the DAC set out – with High Level Meeting endorsement – key principles and priorities for action in the promotion of human rights as an essential part of development co-operation. References to human rights were later included in key DAC Guidelines. The commitments and recommendations set out in these documents are still valid. However, the changing international context, evolving donor policies and practice, a growing body of evidence emerging from this practice, and some new challenges and opportunities all suggest the time is right for the DAC to revisit this issue.

Changes to the international development context, as well as an agenda of ambitious reforms in the international aid system, present new challenges and opportunities for protecting and promoting human rights. Donors and partner governments alike are increasingly focused on improving aid effectiveness, including in fragile states. This opens up opportunities for integrating key human rights principles – such as participation, inclusion and accountability – into development processes in a more systematic way. It also presents donors with significant challenges when delivering aid in countries that are characterised by human rights abuses.

In order to promote human rights more effectively in development, the paper proposes that the DAC endorse the following principles as basic orientations for key areas and activities where harmonised donor action is of particular importance.

- 1. Build a shared understanding of the links between human rights obligations and development priorities through dialogue.**
- 2. Identify areas of support to partner governments on human rights.**
- 3. Safeguard human rights in processes of state-building.**
- 4. Support the demand side of human rights.**
- 5. Promote non-discrimination as a basis for more inclusive and stable societies.**
- 6. Consider human rights in decisions on alignment and aid instruments.**
- 7. Consider mutual reinforcement between human rights and aid effectiveness principles.**
- 8. Do no harm.**
- 9. Take a harmonised and graduated approach to deteriorating human rights situations.**
- 10. Ensure that the scaling-up of aid is conducive to human rights.**

Donor agencies are invited to use the principles to inform the design of human rights policies and programmes. It is expected that the principles will be used as a basis for dialogue with national governments and non-state partners.

The paper concludes by outlining three priority action areas where enhanced efforts and new initiatives can have a significant impact. The DAC and its subsidiary bodies are uniquely suited to progress some of these actions in view of their specific responsibilities and comparative advantages; other actions would benefit from horizontal working across the OECD, and some will have to be addressed outside the DAC in other fora:

- **Action 1: Making use of the Principles**
- **Action 2: Promoting dialogue and collaboration between human rights practitioners and other development practitioners**
- **Action 3: Acting as a resource to others in strengthening human rights assessments and indicators, including through horizontal work across the OECD**

PURPOSE AND SCOPE OF THE PAPER

1. A decade ago, the DAC affirmed, with High Level Meeting endorsement, the promotion of human rights as an essential part of development co-operation. Since that time, human rights and development have been converging. Not only is there growing recognition of the crucial links between human rights violations, poverty, exclusion, vulnerability and conflict, there is also increasing acknowledgement of the vital role human rights play in mobilising social change; transforming state-society relations; removing the barriers faced by the poor in accessing services; and providing the basis for the integrity of information services and justice systems needed for the emergence of dynamic market-based economies. This has led many OECD DAC Members and multilateral donors to look at human rights more thoroughly as a means for improving the quality of development co-operation. Many development agencies have adopted policies incorporating human rights and put these into practice.

2. The experience emerging from this practice, along with various new challenges and changes in the wider international context, have prompted the DAC to revisit human rights and development. This is being done with a view to fostering consensus among donors on how to address human rights more strategically in development policy and practice, recognising that there is a diversity of practice among DAC members. This involves both more effective promotion and protection of human rights as part of a broader governance agenda and the integration of human rights principles into development processes in a more systematic way.¹

3. This paper intends to:

- Update the DAC position on human rights and development, to reflect changes in the international context and donor experiences over the past decade.
- Highlight new challenges in promoting and protecting human rights and integrating human rights in development.
- Set out principles and recommendations for future actions that DAC Members will support.

4. The paper is divided into five sections. The first section provides some background on the emerging consensus on the relationship between human rights and development. The second section outlines existing DAC commitments on human rights and describes recent changes to the international context and donor practices which have prompted this work. The third section sets out new focus areas such as aid effectiveness and state fragility and how these relate to human rights. The fourth section recommends principles for effective engagement on human rights and the fifth and last section proposes specific actions to be undertaken by DAC Members.

¹ The nexus between human rights and development ranks among the priorities of the DAC Network on Governance (GOVNET). The preparation of this paper benefited greatly from the work undertaken by the GOVNET Task Team on Human Rights and Development, most notably by a workshop on Integrating Human Rights into Development held in October 2005 and by a study commissioned in 2005 which explored a wide range of donor policies and experiences on human rights and identified key challenges. See OECD, *Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges*, OECD The Development Dimension Series, Paris 2006.

HUMAN RIGHTS AND DEVELOPMENT: AN EMERGING CONSENSUS

International consensus on human rights

5. Human rights constitute a unique, internationally shared and accepted normative framework, reflecting global moral and political values. International human rights law has evolved to protect and safeguard the integrity and dignity of the person, by establishing legal obligations on states. Civil, political, economic, social and cultural rights refer to different but indivisible aspects of human dignity and security. Human rights themselves are universal: they are the same for everyone everywhere, although the ways in which they are implemented vary between regions and countries.

6. The Universal Declaration on Human Rights provides the basis for the international human rights treaties developed in the last 50 years. Today, all UN member states have ratified at least one of the seven core human rights treaties, and 80% have ratified four or more (Box 1). At the national level, human rights are guaranteed in national constitutions, committing state authorities to respect, protect and fulfil them in their policies and decision-making. National institutions such as parliaments, national human rights commissions, ombudspersons as well as civil society organisations play a vital role in monitoring the implementation of human rights and holding governments to account.

Box 1: The seven “core” international human rights treaties

<u>Treaty</u>	<u>Adopted</u>	<u>States parties</u>
International Covenant on Civil and Political Rights	1966	156
International Covenant on Economic, Social and Cultural Rights	1966	153
International Convention on the Elimination of All Forms of Racial Discrimination	1965	170
Convention on the Elimination of All Forms of Discrimination against Women	1979	183
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1984	141
Convention on the Rights of the Child	1989	192
International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families	1990	34

Source: United Nations Treaties Database

Emerging understanding of the linkages between human rights and development

7. The importance of human rights for development is widely recognised. Human rights and equitable, sustainable development are mutually reinforcing. Human rights have intrinsic value, and achieving them is seen as an objective in its own right. But human rights are also a critical factor for the long-term sustainability of development.

8. Discrimination and exclusion, lack of accountability and abuse of state power are widely recognised as structural causes of poverty. By establishing basic rights and corresponding duties, human

rights underpin the relationship between citizens and the state. Human rights add a qualitative dimension to national development strategies, by ensuring a consistent focus on equitable outcomes and the poorest. A human rights perspective on the MDGs (Box 2) is consistent with the Millennium Declaration, which emphasises the promotion of human rights, democracy and good governance as the basis for development and security.

Box 2: Human rights, equity and the MDGs

As donor organizations work together with developing countries to meet the MDGs, it is becoming obvious that in many situations the real barriers to progress are social and political. As stated in the World Development Report 2006, these challenges are “rooted in unequal access to resources and distribution of power within and among countries”. The report goes on to say that “unless these inequalities are corrected, the first principles of the Millennium Declaration from which the MDGs are derived – commitment to social justice, equity and human rights – will not be translated into progress in human development at the required rate.” Realization of human rights is therefore brought squarely into the development dialogue and is a pre-condition for development.

Source: World Bank (2005), Equity and Development. World Development Report 2006, Washington, DC.

9. Human rights are at the heart of effective states, democratic governance and empowered citizens. Effective states are those that control their territories, have open, transparent, accountable and inclusive political institutions, thriving economies, low levels of corruption, and are built on the principles of the rule of law. They have the commitment and ability to tackle poverty and discrimination, and protect the human rights of people under their jurisdiction. Human rights empower citizens and strengthen and underpin accountability mechanisms: people can hold their governments to account through appropriate mechanisms for redress. They are a vital means to curb abuses of power and elite capture.

10. Violent conflict often leads to human rights violations, and a sustained denial of rights and discriminatory policies can also ignite violence and be among the root causes of conflict. Proactive and integrated approaches to conflict prevention and reduction therefore take into account and address the human rights concerns of populations and specific groups.

11. In addition, human rights can strengthen efforts towards equitable, pro-poor economic growth. Where human rights are protected, they support the development of a safe and predictable enabling environment for investment and growth, and help to ensure that the benefits of growth reach all groups in society. Correspondingly, while growth alone is not enough, and while not all rights are resource-dependent, a good growth performance increases the resources needed for the progressive realisation of social and economic rights.

12. There is growing consensus on the value of human rights principles² – such as participation, non-discrimination and accountability – for good and sustainable development practice. The application of these principles builds on and strengthens good and sustainable development practice, with equal attention to process and outcomes.

² UN agencies have agreed on the following catalogue of principles: universality and inalienability; indivisibility; interdependence and inter-relatedness; equality and non-discrimination; participation and inclusion; accountability and rule of law.

WHY IT IS TIME TO REVISIT HUMAN RIGHTS AND DEVELOPMENT

13. In the 1990s, the DAC set out – with High Level Meeting endorsement – key principles and priorities for action in the promotion of human rights as an essential part of development co-operation (Box 3): first in the DAC Orientations on Participatory Development and Good Governance (1993), then in the Final Report of the DAC Ad hoc Working Group on Participatory Development and Good Governance (1997).³ References to human rights were later included in key DAC Guidelines, such as those on Gender Equality and Women’s Empowerment in Development Co-operation (1999), Poverty Reduction (2001) and Helping Prevent Violent Conflict (2001).⁴

Box 3: Human rights in DAC documents

“DAC Members reiterate their adherence to the internationally defined principles and standards contained in the UN Charter, in the International Bill of Human Rights and other instruments, notably the various UN Conventions which target particular human rights abuses.” (1993)

“A number of DAC Members have developed specific policies to guide their development co-operation with reference to human rights. Those that have not yet done so, will endeavour to develop clear and credible policies.” (1993)

“Civil and political rights and economic, social and cultural rights are interlinked and mutually reinforcing and are to be equally enjoyed by men and women.” (1997)

“Support for human rights should evolve towards strategic approaches enabling opportunities to be exploited more systematically within a framework of longer term objectives.” (1997)

“Powerlessness, injustice and exclusion perpetuate poverty—and make it worse. The poor need to be able to exercise their human rights and to influence state institutions and social processes that affect their lives.” (2001)

“Rights-based approaches to poverty reduction are increasingly in focus, linking empowerment of poor women and men and the rights of children to the framework of norms, standards and principles of the international agreements on human rights. They address the causes of poverty by identifying rights-holders and duty-bearers for the realisation of all human rights—civil, cultural, political, social and economic. The emphasis on human rights shows that justice is a matter of rights, not charity. Recognising this, and being aware of how to claim rights may increase confidence among poor and socially excluded groups and facilitate greater participation in development.” (2001)

Sources: DAC Orientations on Participatory Development and Good Governance (1993); Final Report of the DAC Ad hoc Working Group on Participatory Development and Good Governance (1997); DAC Guidelines on Poverty Reduction (2001)

14. The commitments and recommendations set out in these documents are still valid. However, the changing international context, evolving donor policies and practice, a growing body of evidence emerging from this practice and from policy research and empirical analysis, and some new challenges and opportunities all suggest the time is right for the DAC to revisit this issue.

³ See DCD/DAC(93)20/REV3 and DCD/DAC/PDGG(96)4/REV2.

⁴ The importance of human rights in development contexts is also addressed in OECD work outside the DAC, most notably in the area of investment. See the “OECD Guidelines for Multinational Enterprises” (revised 2000) and the newly developed “OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones” (adopted by the OECD Council in June 2006).

Changing international context

15. The international context for development co-operation and human rights has changed. Globalisation is driving the search for principles to address global socio-economic inequities and risks, and is increasing the interest in human rights as a tool for the empowerment of people. Moreover, powerful new frameworks for development co-operation have enhanced the role of human rights in development (Box 4):

- The Millennium Declaration with its strong reference to the protection and promotion of human rights.
- The report of the UN Secretary-General submitted in advance of the Millennium Review Summit (“In Larger Freedom”), noting that development, security and human rights are all imperative and reinforce each other, and the 2005 World Summit Outcome Document echoing this message
- The OECD DAC’s 2005 Paris Declaration on Aid Effectiveness, marking an unprecedented level of consensus and resolve to reform aid and to make it more effective in combating global poverty, and creating – *inter alia* – stronger mechanisms for accountability and harmonised approaches.

Box 4: Recent international political commitments

“We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognised human rights and fundamental freedoms, including the right to development. We resolve therefore: to fully respect and uphold the Universal Declaration of Human Rights; to strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights for all; (...).”

UN Millennium Declaration (2000)

“We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed. (...) It would be a mistake to treat human rights as though there were a trade-off to be made between human rights and such goals as security or development.”

In Larger Freedom: Towards Development, Security and Human Rights for All.
Report of the UN Secretary-General (2005)

“We recognise that development, peace and security and human rights are interlinked and mutually reinforcing.”

World Summit Outcome Document (2005)

“We are encouraged that many donors and partner countries are making aid effectiveness a high priority, and we reaffirm our commitment to accelerate progress in implementation, especially in the following areas: (...) Enhancing donors’ and partner countries’ respective accountability to their citizens and parliaments for their development policies, strategies and performance.”

Paris Declaration on Aid Effectiveness (2005)

Donor policies and practices

16. Accompanying these important new international commitments, the late 1990s and early 2000s witnessed a range of policies on human rights adopted in many donor agencies. Many of these responses can be viewed as the implementation of a commitment made by DAC Members in 1993: “to develop clear

and credible policies to guide their development co-operation with reference to human rights”.⁵ Some donors have recently revised their policies, drawing on practical experiences. Donor approaches to implementing human rights policies range from implicit human rights work to human rights-based approaches. Donor agencies have adopted different approaches to implementing policies, reflecting their mandates, policy frameworks and principal modes of engagement.

17. The UN system has been leading the way with a process of human rights mainstreaming since 1997. In 2003, agreement was reached on a “UN Inter-agency Common Understanding on a Human Rights-based Approach to Development Programming”, which is facilitating UN-wide collaboration on human rights (Box 5). At the 2005 World Summit world leaders undertook to integrate the promotion and protection of human rights into their national policies.

Box 5: UN Inter-agency Common Understanding

1. All [UN] programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of “duty-bearers” to meet their obligations and/or of “rights-holders” to claim their rights.

Source: “The Human Rights-Based Approach to Development Cooperation. Towards a Common Understanding among the United Nations Agencies”. Statement agreed at the Interagency Workshop on a Human Rights-Based Approach, 3-5 May 2003, Stamford

18. An increased number of donor agencies support human rights as part of a broader governance agenda. Governance has become a priority in donor policies and programmes because it lies at the heart of national development strategies in partner countries. Donor funded governance portfolios often contain a cluster of components like human rights, democratisation, the rule of law and access to justice, public sector reform, public financial management, decentralisation and anti-corruption. There is a growing consensus on the relevance of such a broad approach to governance in development co-operation.

19. Some agencies are not explicitly using a human rights framework at a policy level, but aspects of their policies and programming are consistent with what explicit human rights approaches would call for, such as a focus on empowerment and inclusion. For example, development programmers have examined ways to ensure that persons belonging to national or ethnic, religious and linguistic minorities and indigenous peoples are specifically included in development efforts. There may also be strong congruencies at a sector level, for example with gender equality.

20. Many donor agencies have adopted gender equality policies that call for both gender mainstreaming and interventions specifically targeted at gender equality. Non-discrimination, including gender equality, is a fundamental human rights principle. In some donor agencies there are opportunities for greater collaboration between human rights and gender equality work.

21. Many donors support human rights through funding human rights projects. Projects may aim to build the capacity of human rights organisations, provide human rights training or support the ratification

⁵ “DAC Orientations on Participatory Development and Good Governance” (1993).

of treaties and legal reform, in order to improve specific human rights outcomes. Sector programmes may also have civil society components that address the “demand side” of reform.

22. There is also a trend across a number of donor agencies to promote human rights through access to justice initiatives. Access to justice interventions institutionalise the human rights principles of accountability and the rule of law. Interventions under this heading also focus on the ability of poor and marginalised people to claim rights through the formal and informal justice systems respecting the principles of human rights, and of these systems to deliver appropriate services to meet users’ needs.

23. Many agencies seek to mainstream human rights as a cross-cutting issue in development assistance, beyond the direct support to human rights programmes and stand-alone projects that support human rights organisations. Human rights are being integrated into sectors such as health (including HIV-AIDS), education and sustainable livelihoods and natural resource management. Agencies have made significant progress on issues of children’s rights and women’s rights, linked to MDGs such as gender equality, child mortality and maternal health.

24. Some agencies are implementing some form of a “human rights-based approach”. These approaches vary, but usually feature the integration of human rights principles – such as participation, inclusion and accountability – into policies and programmes. They also draw on specific human rights standards – such as freedom of expression or assembly – to help define development objectives and focus programmatic action.

25. The boundaries between types of donor approaches are not watertight, however. Human rights projects, for example, can also be components of mainstreaming and human rights-based approaches. Furthermore, including human rights issues in the political dialogue with partner countries is a well-established practice which can be pursued independently from the approaches to human rights mentioned above. Political dialogue can also be used to facilitate the gradual introduction of human rights projects in partner countries.

26. Human rights are used strategically to inform the design of country programmes and global initiatives. They are strengthening the analysis of conflict and exclusion, and helping to identify and tackle the root causes of poverty and insecurity. New innovative tools are supporting human rights analysis and assessment, and helping to promote culturally-sensitive approaches.

27. In much of this, donors are increasingly influenced by civil society organisations that are focusing their attention on human rights and by private sector actors that are assuming responsibilities in promoting and protecting human rights.⁶ Many civil society organisations are moving away from the direct provision of services, towards supporting governments and national and local service providers to fulfil their obligations. They are also supporting people to claim their rights, thereby increasing their access to services and decision-making processes.

28. Donors have also promoted consideration of human rights within development beyond country programmes and direct interventions, by funding international events, research and networking at a regional or global level.

⁶ Over 3,000 companies from over 90 countries have voluntarily signed on to the United Nations Global Compact, thereby undertaking to support and respect human rights and ensure that they are not complicit in human rights abuses. Moreover, the International Finance Corporation has been paying increasing attention to human rights in its programming and policies. The IFC recently adopted stronger human rights-related requirements in its Performance Standards and is co-sponsoring an initiative to development human rights impact assessments for companies.

Evidence from policy research and empirical analysis

29. In parallel with this wide variety of practice is an emerging body of policy research and empirical analysis exploring the relationships between different kind of rights, and between human rights and specific development issues. Recent publications of the World Bank⁷ and UNDP⁸ show how entrenched inequities can frustrate the prospects for economic growth and the achievement of the MDGs. Other analyses on the growth/poverty/rights nexus have shown that substantial violations of political and civil rights are related to lower economic growth⁹ and also how subsistence, indeed survival, often depends on the existence of civil and political rights, especially those related to democratic accountability. Research has demonstrated that human rights underpin access to the justice system and are hence essential to the enforcement of contracts needed for a market economy to function.¹⁰ Another body of research bears out the functional importance of people being empowered to claim their rights to basic social services such as health and education.¹¹

30. The links between civil and political rights, economic, social and cultural rights and development are the focus of extensive research by the World Bank Institute.¹² Preliminary findings based on the assessment of large sets of cross-country empirical data suggest that civil and political rights may causally affect a country's socio-economic outcomes and performance. However, there are no signs for the existence of the reverse causality. The explanation for this absence of a positive feedback mechanism points, in particular, at the phenomenon of state capture and at corruption more broadly. Corruption therefore seems to play an important mediating role between salient civil and political rights, on the one hand, and economic, social and cultural rights, on the other. This, in turn, underlines the importance of civil and political rights and human rights principles, such as participation and accountability, in efforts to address corruption.

31. A more mature area of research is focusing on the link between women's rights (such as those related to education and economic activities) and overall economic development. There is ample evidence that as long as half of the population is not in a position – due to gender discrimination – to develop and use its capacities and participate in social, economic and political life, both society as a whole and economic development suffer from the resulting inefficiency. New tools such as the OECD's Gender, Institutions and Development Database¹³ which uses a number of innovative indicators, including informal social institutions and cultural and traditional practices, ownership rights and civil liberties, allow for more sophisticated measurements of gender (in)equality and help identify policies that address the roots rather than the symptoms of women's rights violations.

⁷ World Bank (2005), *Equity and Development. World Development Report 2006*, Washington, DC.

⁸ UNDP (2005), *Human Development Report 2005 – International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World*, New York.

⁹ Robert J. Barro (1997), *Determinants of Economic Growth: A Cross-Country Empirical Study*, MIT Press, Cambridge, Mass.

¹⁰ Mancur Olson (2000), *Power and Prosperity: Outgrowing Communist and Capitalist Dictatorships*, Oxford University Press, Oxford.

¹¹ Varun Gauri and Daniel Brinks (forthcoming), *The Impact of Legal Strategies for Social and Economic Rights in Developing Countries*.

¹² Daniel Kaufmann (2005), "Human Rights and Governance: The Empirical Challenge", in Philip Alston and Mary Robinson (eds.), *Human Rights and Development: Towards Mutual Reinforcement*, Oxford University Press, Oxford, pp. 352-402 (also available at <http://www.worldbank.org/wbi/governance/pdf/humanrights.pdf>).

¹³ The Gender, Institutions and Development Database, <http://www.oecd.org/dev/institutions/GIDdatabase>.

32. Finally, new research suggests that a more nuanced view of the relationship between poverty and conflict might be needed. The critical dimension of the poverty/conflict nexus appears to be inequality and discrimination rather than absolute levels of poverty. Therefore, a poverty reduction agenda that does not adequately reflect an understanding of, and response to, discrimination may not have the anticipated effects on conflict prevention. This underscores the importance of understanding and exploring human rights approaches to development in which equality and non-discrimination figure prominently.¹⁴

NEW FOCUS AREAS

33. Changes to the international development context, and an agenda of ambitious reforms in the international aid system, present new challenges and opportunities for addressing human rights. Donors and partner governments alike are increasingly focused on improving aid effectiveness, including in fragile states. This opens up opportunities for protecting and promoting human rights and integrating key human rights principles – such as participation, inclusion and accountability – into development processes in a more effective way. It also presents donors with significant challenges when delivering aid in countries that are characterised by human rights abuses.

Aid effectiveness

34. The Paris Declaration on Aid Effectiveness has laid down a practical, action-oriented framework to improve the quality of aid and the impact aid has in reducing poverty and inequality, increasing growth, developing capacity and accelerating achievement of the MDGs. The way in which the Declaration's partnership commitments – ownership, alignment, harmonisation, managing for results and mutual accountability – are actually put into practice over the coming years and change the ways in which aid is delivered and managed, will have implications for the whole spectrum of substantive development co-operation policy areas, including human rights.

35. There is much potential for the international human rights framework and the Paris Declaration to reinforce and benefit from each other. The application of the partnership commitments of the Paris Declaration can help advance human rights – and ways of working with human rights – in a changing context of more aligned and harmonised aid and new aid modalities. At the same time, experience and approaches from human rights practice may be useful in achieving the Paris Declaration's partnership commitments – which is most obvious with respect to ownership and mutual accountability.¹⁵

¹⁴ Oskar N. T. Thoms and James Ron (2006), "Do Human Rights Violations Cause Internal Conflict?". Paper commissioned by CIDA.

¹⁵ Marta Foresti, David Booth and Tammie O'Neil, "Aid effectiveness and human rights – strengthening the implementation of the Paris Declaration". Paper commissioned by the GOVNET, Overseas Development Institute, London (September 2006); Paolo de Renzio, Verena Fritz and Zainab Kizilbash with Marta Foresti and Tammie O'Neil, "Illustration papers on human rights and the partnership commitments of the Paris Declaration". Papers commissioned by the GOVNET, Overseas Development Institute, London (September 2006).

Fragile states

36. In an increasingly integrated and inter-dependent world, the consequences of state fragility permeate national borders. Weak governance institutions, poor regulations and enforcement mechanisms, unaccountable and non-functioning judiciary and law enforcement capability, among others, have proven to be a recipe for instability and chronic under-development with far reaching implications. State fragility is evident when governments have limited or no political commitment or capacity to deliver security and basic services, and to implement pro-poor policies. Fragile states offer specific challenges from a human rights perspective. Human rights violations and systematic discrimination are common characteristics of many fragile states – indeed these can be key drivers of instability and insecurity.

37. Human rights failures therefore seriously undermine prospects for development progress in fragile states. At the same time, weak capacity, competing demands and lack of political will also make it particularly difficult for donors to engage with partner governments on human rights issues. Concern for alignment with the partner government's approach needs to be balanced with the need to recognise the potential for harm and to avoid the perception of complicity with human rights violations. There are trade-offs: delivering aid through non-state channels may be preferable in some contexts, but may undermine long-term state capacity and effectiveness.

38. It is important to recognise that establishing a minimum level of respect for human rights and international humanitarian law by the state *is* possible in fragile states. Yet in finding a way forward, donors need to reconcile the search for an approach to human rights with the need to focus on a limited range of objectives in fragile states which are prioritised and sequenced.

39. As the DAC Principles for Good International Engagement in Fragile States are applied at the country level, it is vital to ensure that an enabling environment for the realisation of human rights is maintained and enhanced. Experiences to date with human rights practice can provide invaluable assistance in this regard.

PRINCIPLES FOR PROMOTING AND INTEGRATING HUMAN RIGHTS IN DEVELOPMENT

40. The DAC will further seek to foster the international consensus on how to promote and protect human rights and integrate them more systematically into development. The following principles constitute basic orientations for key areas and activities where harmonised donor action is of particular importance. Donor agencies are invited to use the principles to inform the design of human rights policies and programming. It is expected that the principles will be used as a basis for dialogue with other stakeholders, national governments and non-state partners.

1. **Build a shared understanding of the links between human rights obligations and development priorities through dialogue.** The links between human rights obligations and development priorities should be a regular feature of dialogue with partner governments at the political level as well as the development level. Donor countries should work with partner governments on ways to fulfil their obligations under international human rights law. Each country context will differ, and dialogue will need to take the partner government's existing obligations as its starting point. A shared understanding of human rights issues between donors

and partner countries is essential for the durability of aid partnerships, and for the predictability and effectiveness of aid.

2. **Identify areas of support to partner governments on human rights.** Donors have an important role to play in supporting partner governments' actions to implement human rights obligations in practice. On the basis of shared assessments and analysis, they should seek to identify the priority areas and resources needed for partner governments to better respect, protect and fulfil human rights. Donors should encourage partner governments to build the results of these assessments into their development strategies. Donors can also help strengthen analytical capacity to identify structural causes of human rights problems, and to develop practical solutions.
3. **Safeguard human rights in processes of state-building.** Safeguarding the human rights of those under its jurisdiction is one of the most essential functions of the state. It determines – in part – the level of state legitimacy in the eyes of its population. State-building includes not only the building of state capacity to deliver its core functions, but also the strengthening of state-society relations based on the rule of law and a framework of rights and responsibilities. Supporting these processes will require donors to work with a range of accountability mechanisms such as national human rights institutions, ombudsmen, courts, parliaments, civil society, media and other bodies, including more informal political platforms and arenas such as local public hearings.
4. **Support the demand side of human rights.** Experience shows that support to governments needs to be complemented with support to civil society and other actors to ensure accountability and respect for human rights. Support for the “demand side” of rights will help strengthen the voice of the most vulnerable and excluded and enlarge the political space for the participation of all members of society in exercising and defending their rights. Through alliances with civil society networks, donors can help raise awareness, and support people living in poverty to claim and enforce their rights, as part of strategies to reduce poverty and implement the Millennium Declaration.
5. **Promote non-discrimination as a basis for more inclusive and stable societies.** Discrimination and exclusion are among the key causes of conflict and instability. As a minimum, states must ensure that their actions do not discriminate against particular groups, even where capacity and resources are limited. Non-discrimination and tackling inclusion provide a suitable entry point for dialogue and engagement between donors and partner governments.
6. **Consider human rights in decisions on alignment and aid instruments.** It is important to take the inclusiveness of government strategies, and their responsiveness to the perspectives of different interest groups and actors in a country – including the marginalised and most vulnerable – into consideration when assessing ownership and making decisions on alignment behind government strategies. The human rights context should also inform – in part – donors' choice of aid instruments and the appropriate balance of support to state and non-state actors. A range of instruments that can help strengthen accountability, and ensure that resources reach those who have difficulty in accessing services and exercising their rights, should be considered.
7. **Consider mutual reinforcement between human rights and aid effectiveness principles.** DAC members should consider human rights principles, analysis and practice in the roll-out of the Paris Declaration's partnership commitments. The Paris Declaration principles should be followed in designing and implementing human rights programmes.

8. **Do no harm.** Donors' actions may affect human rights outcomes in developing countries in positive and negative ways. They can inadvertently reinforce societal divisions, worsen corruption, exacerbate violent conflict, and damage fragile political coalitions if issues of faith, ethnicity and gender are not taken fully into consideration. Donors should promote fundamental human rights, equity and social inclusion, respect human rights principles in their policies and programming, identify potentially harmful practices and develop short, medium and long-term strategies for mitigating the potential for harm.
9. **Take a harmonised and graduated approach to deteriorating human rights situations.** In responding to serious human rights situations, the focus should be on harmonised, clear signals and targeted actions that do not penalise the most vulnerable in society. Rather than reducing aid in response to human rights concerns as a first resort, donors should seek to deliver aid through a range of aid instruments and channels to continue supporting poverty reduction, and where possible, targeting their assistance to achieve progress on human rights. Establishing human rights as part of the development partnership will help enhance predictability, and provide a basis for open and transparent dialogue where needed.
10. **Ensure that the scaling-up of aid is conducive to human rights.** In an era of scaled-up aid, it is important to avoid the perception that the provision of additional resources is an endorsement of poor human rights performance. Moreover, it is vital to avert the risk of negative effects on accountability and governments' willingness to tackle deep-rooted problems. Efforts to increase aid should therefore move in tandem with the strengthening of human rights institutions, accountability mechanisms and related capacities.

PRIORITY ACTIONS FOR THE DAC

41. In continuing work in the area of human rights and development, the next step is to deepen a shared understanding of how to promote and protect human rights and integrate them more systematically into development processes. The DAC and its subsidiary bodies are uniquely suited to progress some actions in view of their specific responsibilities and comparative advantages. The following priority action points are focused on a limited number of actions where enhanced efforts and new initiatives can make a significant difference. They fall into three categories: (i) the use of this document's principles as common guidance that supports the DAC's current policy concerns and medium-term work; (ii) specific initiatives that are part of the DAC's Programme of Work and Budget (PWB) 2007-2008; (iii) activities which are responses to requests for human rights expertise from the DAC or its subsidiary bodies or other parts of the OECD.

Action 1: Making use of the Principles

42. Once approved by the DAC, the above *Principles for promoting and integrating human rights in development* should serve as common guidance. Donor agencies are invited to use them to inform the design of their policies and as a basis for dialogue with other stakeholders. In addition, the Principles may be useful when donors' country assistance plans are being designed. The GOVNET will ensure the dissemination of the Principles, and the main messages from the Action-oriented Policy Paper more broadly, to staff in donor HQ and donor offices in partner countries.

43. Furthermore, the DAC will actively promote the utilisation of the Principles in two specific areas:
- When human rights are part of the DAC Peer Review process the Principles may be used as a useful reference document.
 - The Principles – which are complementary to the DAC Principles on Good International Engagement in Fragile States – will act as a useful reference document for the acute challenges in fragile states.

It is proposed that the DAC Network on Governance (GOVNET) reports progress to the DAC in 2008.

Action 2: Promoting dialogue and collaboration between human rights practitioners and other development practitioners (agreed in PWB)

44. Human rights practitioners and other development practitioners have been making progress in exchanging good practice and ideas. Efforts to build bridges are gaining momentum but more dialogue is needed between human rights specialists and other policy communities and aid managers to tap more systematically into one another's strengths, to learn the language and concepts of each other and to understand the complementarity of methods and points of connections.

45. The DAC and its subsidiary bodies are uniquely placed to enhance such synergies. As part of its Programme of Work and Budget 2007-2008¹⁶, the DAC will develop guidance on how to integrate human rights more consistently into donor policies and practice in the areas of aid effectiveness, peace and security and growth strategies.

Action 3: Acting as a resource to others in strengthening human rights assessments and indicators, including through horizontal work across the OECD

46. Mapping of existing tools and experiences is the starting point for progressing a more harmonised approach to human rights measurement in different agencies as well as the development of joint approaches. The human rights expertise based in GOVNET and its Human Rights Task Team can be made available as a resource to others. This could include, for example, contributing to projects across the OECD such as the Metagora Project (and PARIS21 more broadly), work undertaken by the Development Centre and the OECD's global project on Measuring the Progress of Societies¹⁷.

¹⁶ DCD/DAC(2006)30/REV1.

¹⁷ STD/CSTAT(2006)10.