Reinforcing the achievement of the Millennium Development Goals through human and environmental rights?

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Abstract – The Millennium Development Goals (MDGs) constitute a major development policy effort with 2015 as its target year to which 189 countries agreed upon. Apart from social and economic objectives, the MDGs also put forward environmental goals. This is necessary because development and environment are intrinsically linked. This paper seeks to integrate environmental and social perspectives on sustainable poverty reduction in the context of the MDG-agenda by exploring how a rights-based approach (RBA) can contribute to the achievement of the MDGs, including both its social and environmental dimensions. The core idea of a RBA to development is to support individuals or groups whose rights have been violated, neglected or ignored, and who have a responsibility to act. Being poor is not solely a matter of shortages and deficiencies, but it is also a problem of powerlessness; not having rights and access to and control of natural, social and economic resources. Concurrently, due to the rise of environmental threats, a distinction needs to be made between human rights and the right to a healthy environment, which is an essential right within the human rights framework. While the former have already found its way into hard law and thus allowing individuals and groups to claim their rights (at least in countries that ratified human rights covenants); the latter is, internationally, often perceived as vague and subject to divergent interpretations. This paper will first present the MDG-agenda and then the RBA. Next it will link the RBA to the MDGs and suggest, from a rights-based perspective, possible directions for dealing with some of the limitations of the MDG agenda and its implementation. Lastly it will explore possible ways of how the RBA can contribute to the long-term MDG/development agenda, with the view to effectively integrating social and environmental governance.

Key words: MDGs, human rights, environmental rights, development, governance

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1   Introduction

"The Commission on Human Rights calls upon States to take all necessary measures to protect the legitimate exercise of everyone's human rights when promoting environmental protection and sustainable development …"

(UN Commission on Human Rights 2005:2)

In September 2000, 189 nations in total have signed the United Nations (UN) Millennium Declaration with the purpose to eradicate extreme poverty in the world. The declaration, which resulted in the Millennium Development Goals (MDGs), set 2015 as the target year for achieving most of the 8 goals and its 18 targets[3], using 1990 as a baseline. With five years left until 2015, a political debate has been unfolding towards and during the MDG Summit this year (20-22 September) in New York on keeping the promises made in the Millennium Declaration by accelerating progress toward meeting the MDGs (UN 2010). At the same time, there is also an academic debate emerging about the MDG agenda beyond 2015 and possible directions for policy making for the longer term (Netherlands Environmental Assessment Agency 2009; Subaşat 2009; Sumner and Tiwari 2009; Vandemoortele and Delamonica 2010). Given the many criticisms on the MDG-agenda, the coming 2-5 years seem to provide a window of opportunity to rethinking the post-2015 development policy agenda.

The rights-based approach (RBA) is one particular perspective to development that has made considerable headway within the UN agencies and programs (UNDG 2003; OHCHR 2006; UNDP 2007; OHCHR 2008), and which has been often advocated to be used as a basis for sustainable development policies (Prakash 1995; CHRGJ 2003; Alston 2005; Franklin 2008; Robinson 2010). This approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. A RBA, in which human rights and the right to a healthy environment[4] (presently a fundamental component of the former) are combined with a development policy framework such as the MDGs, is further explored in this paper.

Poverty does not only represents itself in shortages and deficiencies, but it is also about a lack of rights to and control of natural, social and economic resources (OHCHR 2008). Building on the Universal Declaration of Human Rights[5] (UDHR)[6], the MDGs promote and set off a global policy process to provide the poor with basic human entitlements – to education, health, nutrition, and other constituents of decent living (see UN General Assembly)[7]. Concurrently, achieving the MDGs is subjected to the availability of natural resources such as water, healthy soils to produce food, and clean air. Moreover, already since the Declaration on the Human Environment[8], also known as the Stockholm Declaration, we are reminded to the fact that "both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights". Alas, climate change, toxic dumping, destruction of marine and terrestrial ecosystems, and pollution are just a few of the environmental issues that jeopardize the availability of natural resources on which life depends. Thus, pleading for environmental rights to development means shifting the current development debate more directly onto

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[3] See annex 1 for goals, targets and indicators
[4] Hereafter occasionally referred to as 'right to the environment' or 'environmental rights'
[5] Especially articles 25,26 and 28
[6] http://www.un.org/en/documents/udhr/index.shtml, last accessed 08/08/2010
[7] http://www.un.org/millennium/declaration/ares552e.htm, last accessed 08/08/2010
[8] http://www.unep.org/Documents.Multilingual/Default.asp?documentid=97&articleid=1503, last accessed 08/08/2010

the victims of environmental degradation and ensuring that development policies are based on the principles of equity in order to protect and help those segments who are most at risk.

From this perspective, human rights and the right to a healthy environment are indispensable for the achievement of the MDGs. The latter is often perceived as a category within human rights, yet this paper makes an attempt to underscore the right to a healthy environment due to serious environmental problems all over the globe that are in turn causing grave harm to human beings. A RBA to sustainable development helps to overcome major criticisms on the MDG, as it i) emphasizes that *responsibilities* and *duties* of stakeholders vis-à-vis each other and their (natural) environment are regarded; ii) encourages greater autonomy and ownership of development processes (by citizens and states); iii) increases stakeholders' commitment and ability to fulfill their obligations and be more accountable; and iv) support efforts to reduce social exclusion and create more inclusive societies. The objective of this paper is to analyze, to the extent possible, how a RBA can contribute to a strengthening of the MDG agenda. The following specific research questions are addressed:
1. What are essential components of human rights and the right to the environment approach, i.e. the RBA?
2. What are the linkages between the MDGs and the RBA?
3. How can the RBA contribute to sustainably achieving the MDGs?

To answer these questions chapter 2 gives a brief overview of the MDG-agenda and the difficulties arising from this approach, especially in the implementation of the MDGs. Chapter 3 explores the RBA. Although human rights and the right to the environment developed in isolation from one another, the Stockholm Declaration already in 1972 established the link between the two fields. In response to (emerging) environmental threats this link has become stronger, albeit with different emphases. Chapter 4 points out to common grounds between the MDGs, human rights and the right to the environment and looks at key elements of the RBA to help realize the MDGs. In chapter 5 we make some final remarks on the implication for development policy beyond 2015.

2 Explaining the MDG-agenda

"The Millennium Declaration gave us the promise – the pledge by world leaders to spare no effort to build a fairer, more sustainable world. The MDGs gave us the framework"

(Secretary-General Ban Ki-moon's speech at the General Assembly, 16 March 2010)[9]

While the MDGs have become a strong communication tool used within and across policy levels, they nevertheless have some disadvantages that weaken their effectiveness. As we were entering the new millennium, nearly 1.3 billion people were still living on less than one dollar a day and close to 1 billion could not meet their basic consumption requirements (UNDP 1999). In an attempt to settle the extreme poverty problem conclusively, the MDGs were embraced and accepted as the normative framework that would raise awareness of neglected global issues, and mobilize attention and action from the world community to hasten progress (Fukuda-Parr 2008).

Section 2.1 presents how the broad development agenda at this time got narrowed down into a list of eight inter-dependent objectives (the MDGs). Section 2.2 discusses criticism on the MDG approach and implementation bottlenecks. Ten years have passed since the Millennium Declaration was signed and although remarkable progress has been made, analyses show that a considerable amount of work remains ahead of us. For instance, about one in four children under the age of five are underweight, mainly due to lack of food availability and quality, inadequate water and sanitation, and health services (UN 2010).

2.1 Shaping the MDG-agenda

From economy-centered to human-centered development policy
From the end of the World War II onwards the development agenda experienced an enormous transformation: industrialization in the 60s, poverty reduction strategies in the 70s, and economic structural adjustments from the 80s till the mid 90s (Moyo 2009; Yusuf 2009; WRR 2010). By the end of the 80s, it became clear that these previous approaches that laid too much emphasis on economic performance were not delivering on the promise of growth and prosperity in developing countries.

The process of shifting the development agenda from economy-centered into human-centered was largely started off by three events: 1) the World Bank's (1990) *World Development Report 1990*, emphasizing poverty and its components, 2) the first *Human Development Report 1990* published by the United Nations Development Program (UNDP 1990) which pleaded for the improvement of lives and not just means of economic growth, and 3) the occurrence of major UN summits and conferences on social development throughout the first half of the 90s, *inter alia* the World Conference on Education for all, the UN World Summit for Children, the International Conference on Population and Development (ICPD), and the UN Conference on Environment and Development (UNCED) (Hulme 2009).

From DAC's partnership approach to the MDGs
Building on social policy goals articulated during the UN summits, the Development Assistance Committee (DAC) of the Organization for Economic Co-operation and Development (OECD) compiled a list of seven International Development Goals (IDG) which had to be pursued on the basis of internationally agreed principles: people-centered

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[9] http://www.un.org/apps/news/infocus/sgspeeches/statments_full.asp?statID=750, last accessed 09/08/2010

development, local ownership, global integration and international partnership (Gore 2009). At UN Millennium Assembly Summit of September 2000 and in the two years after this event, for example at the International Conference on Financing for Development in Monterrey, the IDGs became what we know today as the MDGs. This process was often directed and influenced by state and non-state actors. In the end, old ideas of national economic development as an end to reduce poverty made place for new concepts of human development and quality-of-life. It was increasingly recognized that the notion of human welfare (well-being) needed to be measured by a broad set of indicators, including both social and environmental indicators, and measures of income and production. This notion is not only limited to apply on developing countries, as more recently it has been highly set on the agenda of industrialized countries as well, *inter alia*, through the work of Stiglitz, Sen and Fitoussi (2009), the European Commission's *et al* beyond GDP program[10] and OECD's Global Project on Measuring the Progress of Societies[11].

Ultimately, the MDGs represent human needs and basic rights that every individual around the world should be able to enjoy — freedom from extreme poverty and hunger (right to food); quality education, productive and decent employment, good health and shelter; the right of women to give birth without risking their lives; a environmentally sustainable world; and women and men live in equality — and which can be fostered through a wide-ranging global partnership for development (UN 2010).

2.2   The MDGs in practice

There are three major challenges to the MDGs that we discuss here: i) generic formulated MDGs, ii) lack of the ownership of the MDGs at the national level, and iii) the need for improved policy coherence between the MDGs and environmental agendas.

Generic formulated MDGs
The first challenge, and perhaps also a reason for the global acceptance of the MDGs, is the very generic nature of the goals themselves. The evolution from DAC's IDGs into MDGs between 1996 and 2000 was an intensive collective bargaining between (groups of) stakeholders (Hulme 2009). Going for a broad set of goals would give the MDGs a form of democratic legitimacy, as they were derived and agreed upon at UN Summits. Developing countries were expected to tailor the MDGs through a process of national consensus to meet the specific development needs of their citizens (Hulme 2009; Vandemoortele 2009).

However, the effect of the MDGs, arguably, is turning out to be different from what one had hoped. Fukuda-Parr's (2008) review of poverty reduction strategy papers (PRSPs) covering 22 developing countries did show that most strategies use the MDGs as ultimate targets, without adapting them to local conditions and priorities. It was found that most PRSPs did not present a strategy for increasing productivity and employment, nor for generating growth in a way that ensures the benefits would be shared more widely. Building on this criticism, the Netherlands Scientific Council for Government Policy (WRR) (2010) points out to the lack of a proper framework that underpins the goals (connecting underlying mechanisms, strategies and means), as one of the biggest flaws of the MDGs. The generic adoption of the goals at the national level generally leads to a situation in which both donors and developing countries are trying to address the '*what-question*' (what needs to be done) without systematically thinking about the '*how-question*' (how can it be done).

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[10] http://www.beyond-gdp.eu/index.html, last accessed 23/08/2010
[11] http://www.oecd.org/pages/0,3417,en_40033426_40033828_1_1_1_1_1,00.html, last accessed 23/08/2010

Lack of ownership of the MDGs at the national level

The second challenge is the limited ownership of the MDGs by developing countries, which poses additional challenges to realize the goals. Having national (and local) ownership of development strategies and policies is essential for the effectiveness of those strategies and aid. In 2002, at the International Conference on Financing for Development, in Monterrey, developed and developing countries established a compact: the former would increase the quantity and quality of aid; the latter would use aid more effectively and would take full ownership of their own development strategies (Bourguignon, Bénassy-Quéré et al. 2008). The 2005 Paris Declaration on Aid Effectiveness – later reaffirmed in the Accra Agenda for Action in 2008 – emphasized the importance of aligning aid with recipient government priorities and delivering aid through government systems (Moon and Mills 2010).

Yet, is questionable to what extent this partnership has national and local validity. Soon after the adoption of the MDGs, the World Health Organization (2003) warned for the risk that the MDGs would be seen by some developing countries as being a primary concern to donors, i.e. a new form of conditionalities and too restrictive in their scope to cover the multifaceted nature of development. Although this did not entirely proved to be the case, more recently, the United Nations Conference on Trade and Development (UNCTAD) (2008) ascertained that in practice most PRSPs in the Least Developed Countries (LDCs) are so broadly defined and so weakly embedded in strategic choices from a country that there is a ownership frontier within the PRSPs. Part of the policy agenda is strongly owned by national governments, part by strongly donors, and in between there is a shifting zone of consensus policies. Ownership is undermined through weak technical capacities coupled with strong incentives for recipient countries to anticipate and ascribe donor priorities in policy formulation; and prioritization of agendas in policy implementation from the part of donors (Gore 2009).

Lack of ownership also results in some arbitrary and perhaps even counterproductive choices amongst donors and receiving countries. Besides the selectiveness in thematic focus of some donors and receiver countries, both seem to prioritize quantitative achievements of the MDGs, like the improvement of net enrolment ratio in primary education, while ignoring qualitative importance; for example the misery of too big classes, high drop-out rates, barely trained teachers and the lack of most basic educational resources (Porter 2009). Furthermore, prioritization does not only occur between the MDGs, but also between groups. Governments in developing countries are tempted to direct policies at the least poor segments among the poor. A target like halve hunger may result in a bias towards improving the situation of those who are already almost lifted out of hunger situations and leave the most vulnerable and needed untargeted.

Need for improved policy coherence between the MDGs and environmental agendas

Policy coherence between the MDGs and environmental agendas is necessary in order to avoid and anticipate negative consequences that could adversely affect the development prospects of poor countries, now and in the future. For developing countries, most of whom have a high dependence on natural resources, carefully managing those resources and the environment is especially important for the sustainability of growth and development outcomes. The proper use of natural resources and the preservation of environmental quality need to be seen as a vital part of development strategies to lift the poor out of poverty and ensure a healthy environment (UNEP 2007; Collier 2010).

Ensuring environmental sustainability, although expressed in target 9 under MDG 7, is fragmented and lacks an overarching framework or means to integrate different components of environmental sustainability into the broader development agenda (UNDG 2010). A rather limited set of concerns was put forward during the international negotiation

towards the MDGs, resulting in the disregard of key dynamics between the natural environment and long-term human development. For instance, population factors (e.g. population growth, rural-urban migration, social or racial differences) are not necessarily taken into account as important drivers of environmental change (UNFPA and IPEA 2007). Another example is the absence of energy related indicators beyond CO_2 emissions, like access to modern forms of energy. The 2008 Global Monitoring Report stresses that, to sustain growth in developing countries, donors and policymakers in developing countries must anticipate long term pressures (particularly the effects of climate change and the degradation of natural resources) on the global commons (World Bank 2008). Meanwhile, others also emphasize that natural resources can generate and sustain growth, thereby reducing poverty and supporting development (see: UNEP 2007; OECD/DAC 2008; World Bank 2008; Collier 2010).

2.3   Summary

The MDG-agenda is the outcome of an international negotiation process. Although we recognize that proper representation of developing countries in international negotiations is notoriously problematic, in the MDG-agenda, state and non-state actors from the North and South seemed to have made an effort to look beyond the solutions for economic related poverty problems in developing countries. Herein socio-human (MDG 2, 3, 4, 5, and 6) and socio-environmental (MDG 7) goals emerged and the development policy agenda gained a new face. A decade has past since the adoption of the MDGs and although remarkable progress has been made, country data reveal that many targets still need to be accomplished. The problem can be traced back to the characteristics and implementation of the MDGs. First, long-term development is more difficult to realize when the poverty domain is reduced to a set of generic goals, which some developing countries have implemented without adapting them to their specific conditions and without a detailed strategy. Second, the lack of MDG ownership from the part of developing countries and donor-driven exercises, such as specific selection of goals and target groups, can be added to list of flaws of the MDGs. Lastly, given the current and predicted environmental threats to development, the MDGs will only be sustainably achieved unless a more broad environmental agenda in taken into account in order to simultaneously address both development and environmental matters. In the light of improving performance, the development agenda (or a MDGs sequel after 2015) needs additional features in order to deal with the problems identified above; these additional features are: i) broaden the view on key issues that are or will hindering progress; ii) enhance full participation and accountability of citizens and states; and iii) promote equality and non-discriminatory instruments (inform and empower those who till now have remained unheard).

3 A RBA: towards connecting human and environmental rights

"International environmental law and human rights law have intertwined objectives and ultimately strive to produce better conditions of life on earth"

(Cullet 1995:1)

This chapter examines the RBA. Section 3.1 elaborates the human rights and the right to the environment. In section 3.2, the integration of human and environmental rights to structure a RBA is envisaged. Bringing these two rights together has become necessary in the view of the recognition of their pervasive influence upon the realization of the MDGs. Section 3.3 seeks to expose the compatibility between the rights, but also where they seem to bite one another.

3.1 Human rights and the right to environment

Human rights defined

Human rights refer to the most fundamental rights and freedoms to which all humans are entitled, by virtue of their common humanity, to live a life of dignity and freedom (UNDP 2000). These rights are all interrelated, interdependent and indivisible. Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfill human rights (OHCHR 2006). The obligation to respect means simply that states must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires states to protect individuals and groups against human rights abuses. The obligation to fulfill means that states must take steps progressively to facilitate the enjoyment of the rights in question. This obligation is sometimes subdivided into obligations to facilitate and to provide for realization. The former refers to the obligation of the state to engage proactively in activities that would strengthen people's ability to meet their own needs – for instance, creating conditions in which the market can supply the healthcare services that they demand. The obligation to provide goes one step further, involving direct provision of services if the right concerned cannot be realized otherwise, for example to compensate for market failure or to help groups that are unable to provide for themselves. At the individual level, while all humans are entitled to human rights, this also means that all people should respect the human rights of one another.

In contrast to non-rights-based approaches, which tend to focus on changing the immediate negative circumstances of poverty, so as to produce positive benefits, human rights are based on the belief that sustainable development can only be achieved unless the conditions of international human rights instruments are fulfilled. The standards set by these instruments directly challenge the causes of disadvantage, injustice and inequity. At the same time citizens and state are linked in systems of mutual accountability. Not only are state offices obliged to fulfill their roles and responsibilities and to be accountable to their constituents, but also citizens themselves must act on their own responsibilities – to each other and to the state (IAG 2007).

As of the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, which is not legally binding, a record number of international human rights standards, norms and mechanisms have been signed and many more are in the pipeline. Altogether they shape the International Human Rights Regime through agreements, such as within the UN and in particular through the Office of the High Commissioner for Human Rights (OHCHR) and the Council of Human Rights, the European Union, the Council of Europe, the African Union or

the Organization of American States, among states on the international or regional level (Mihr 2010).

States have consented to a growing number of basic human rights treaties and conventions. The UDHR is part of the International Bill of Human Rights, along with the International Covenant on Civil and Political Rights (1966) with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (ICESCRs)[12] (1966). On 10 December 2008, the Optional Protocol to the ICESCRs (not (yet) making part of the International Bill of Human Rights) was adopted by the UN General Assembly. It is a side-agreement to ICESCRs that allows its parties to recognize the competence of the Committee on Economic, Social and Cultural Rights to consider complaints from individuals. As of July 2010, 32 parties have signed the protocol and only 2 have ratified it (Ecuador and Mongolia)[13].

The right to the environment defined
Deducing from the above, a considerable array of international legal instruments and special organs and agencies at the global and regional levels were created to respond to identified problems of human rights. But a universal right to (a clean and healthy) environment, as a biding right under an international convention, as it exists for human rights is still lacking. This problem has partially to do with how environmental problems are framed. The right to the environment is no more imprecise than a right to a healthy or clean environment as these qualifying adjectives are themselves vague and subject to divergent interpretations. The major drawback of the healthy, clean or decent environment formulations is that it has been promulgated mainly by northerners focusing on a particular set of problems closer to them (Cullet 1995). While environmental claims made in the South by affected groups and individuals are generally based on the right to life as a 'right to survival', the Northern discourse is structured by claims for a level of environmental quality needed for adequate human health, and by considerations of intergenerational equity and ethics (Prakash 1995). Moreover, the degree of abstraction of the causes and effects of environment issues (e.g. consumption → environmental stress → poverty) are not always clear and can evolve quite rapidly over time.

Nevertheless, there have been a series of international milestones (although seen by some as soft law) achieved to address the right to the environment. The Rio Declaration on Environment and Development[14], often shortened to Rio Declaration, proclaims through principle 1 and principle 14 that human beings are entitled to a healthy and productive life in harmony with nature and that states should effectively cooperate to discourage or prevent the relocation and transfer to other states of any activities and substances that, *inter alia*, are found to be harmful to human health. Further, three regional human rights charters set out a right to an environment of a reasonable standard: i) the African Charter on Human and People's Rights[15] (articles 16 and 24); ii) the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social, and Cultural Rights[16] (article 11); and the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (article 1) (UNECE 1998). At the national level, many constitutions cover environmental protection and establish it as a constitutional objective, an individual right, or both. For example, outside Europe, the countries concerned include South Africa, Brazil, Peru, Ecuador, South Korea, the Philippines, and more recently Kenya.

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[12] http://www2.ohchr.org/english/law/cescr.htm, last accessed 09/08/2010
[13] http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3-a&chapter=4&lang=en, last accessed 09/08/2010
[14] http://www.unep.org/Documents.Multilingual/Default.asp?documentid=78&articleid=1163, last accessed 09/08/2010
[15] http://www.achpr.org/english/_info/women_en.html, last accessed 09/08/2010
[16] http://www.oas.org/juridico/english/treaties/a-52.html, last accessed 09/08/2010

Among Council of Europe member states, the constitutions of Belgium, Hungary, Norway, Poland, Portugal, Slovakia, Slovenia, Spain and Turkey acknowledge a fundamental individual right to environmental protection, while those of Austria, Finland, France, Germany, Greece, the Netherlands, Sweden and Switzerland enshrine environmental protection as a constitutional objective[17].

3.2   Link the human rights and the right to the environment

The importance to link human and environmental rights
Considering some salient figures on development and environment, the link between human rights and the environment has never been apparent like now, and this could become even more in the future due to climate change. It should be recalled that human population doubled from 1963 to 2003 (approximately from 3 to 6 six billion people) (Cohen 2003) and it is expected to reach 9.2 billion in 2050 – almost entirely concentrated in the urban centers of Asia, Latin America and Africa (UNPD 2007). As a result of climate change this number might even increase in the future if more poor people decide to move to bigger towns as a strategy to escape from environmental shocks. More people, largely in the bottom billion countries of Africa and Asia (Collier 2007), might be forced to leave their homes to seek refuge in other places or countries over the course of the century (Biermann and Boas 2010). There are already an estimated 25 million environmental refugees resulting from changing rain patterns, floods, storms and rising tides and this figure is likely to rise significantly (Tearfund 2006).

In practice, poor people do not migrate alone, but they bring along their poverty, misery and eventually diseases as well. The number of problems and potential conflicts in megacities with 10 or more millions or habitants might lead to the urge to solve the problems with sufficiently equipped mechanisms in accordance with all human rights standards (Mihr 2010). Current cases already show how the situation might worsen in the future. For instance, Shanghai hosts 4 million 'illegal' Chinese migrant workers who are abused and officially excluded in their country; many second and third generation urban migrants in Dubai (e.g. Hindus from India or Pakistan) have no access to higher education, cannot own property, their labor rights and insurance are not guaranteed and they have no other means of protest then to boycott work or to leave the country (Mihr 2010).

The example of climate change given above illustrates how human beings can be victims of environmental degradation, which jeopardizes the enjoyment of certain basic rights like the rights to life, health, and property. At the same time, to some extent, human beings are also the agents of environmental conservation and protection and solutions to environmental degradation should be searched for at the other side of the spectrum, i.e. recognizing that some human activities utilize scarce resources and produce emissions and waste that inevitably have cumulative environmental impacts (Shelton 2009). These impacts have to be considered, measured and monitored, with result that some activities will be limited or prohibited. It is true that there are international legal frameworks[18] that seek to eliminate or reduce to a minimum risks to the environment, but cases like oil spills, waste dumping and gas flaring in Nigerians Niger Delta (see: Amnesty International 2009), or the '*Probo Koala*' incident, in which several people died or were hospitalized as a result of the alleged

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[17] http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC12003.htm, last accessed 23/08/2010
[18] For example, the Basel Convention and the Bamako Convention, which establish the international regime for the control of the transboundary movement and sound disposal of hazardous and other wastes; the Rotterdam Convention, which regulates the international trade in certain hazardous chemicals and pesticides; the Stockholm Convention, which seeks to protect human health and the environment form the harmful impact of persistent organic pollutant; and environmental impact assessments (EIAs), which is an assessment of the possible impact – positive or negative – that a proposed project may have on the environment, together consisting of the natural, social and economic aspects.

dumping of 500 tones of mixture of several fuels in and around Abidjan[19] (Ivory Coast) are just a few of the many examples in which the right to a healthy environment is violated and ultimately human rights as well. Examples like these clearly demonstrate the need to align environmental and human rights as these rights are completely disregarded within the abovementioned contexts.

Three perspectives on linking human and environmental rights
Since the adoption of the Stockholm Declaration, three perspectives have emerged on how environmental and human rights interrelate and the legal consequences that flow from linkages between them: the first perspective understands environmental protection to be the starting point to achieve several human rights (especially the rights to life and health); the second does rather the opposite, as certain human rights are to be seen as essential to achieving environmental protection, and the third perspective proclaim the right to a healthy environment as an emerging right (3rd human rights generation), equal to civil and political rights (1st generation) and Economic, Social, and Cultural (ESC) rights (2nd generation) (Shelton 2009).

The first perspective, perhaps closest to that of the Stockholm Declaration, would recognize environmental protection as a pre-condition to the enjoyment of internationally-guaranteed human rights; especially the rights to life and health, and thus an essential instrument in the effort to secure the effective universal enjoyment of human rights (Shelton 2002; Shelton 2009). Simply said, those who pollute and/or destroy the environment are not just committing a crime against nature, but are also violating human rights. The main argument for this perspective is that it would privilege environmental quality as a value since it comes closer to seeing the environment as a good on its own right (Boyle 2009).

The second perspective is rather the opposite; it would see human rights as essential elements to achieving environmental protection. This perspective is well-illustrated by the Rio Declaration that formulates a link between human rights and environmental protection largely in procedural terms. Principle 10 declares that access to information, public participation and access to effective judicial and administrative proceedings, including redress and remedy should be guaranteed because environmental issues are best handled with the participation of all concerned citizens, at the relevant level. This perspective can have a tremendous impact on true democratization of environmental decision-making by bringing in individuals and groups who are usually most affected by environmental related problems (e.g. pollution, land degradation), and limiting the unrestricted power of decision-makers, by allowing an explicit balancing of interest between environmental protection and economic needs (Cullet 1995).

The third perspective would view the links between environment and human rights as indivisible and inseparable, and thus the right to a safe and healthy environment as an independent substantive human right. This third option would treat environmental quality as a collective or solidarity right, giving communities or groups rather than individuals a right to determine how their environment and natural resources should be protected and managed (Boyle 2009). For instance, article 14 of the Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO 1989) requires states to recognize the rights of ownership and possession which indigenous and tribal peoples have over the land which they have traditionally occupied, while article 15 safeguards their rights to the natural resources on their land including the right to participate in management and conservation of those resources. Other examples can be mainly found in regional human rights systems,

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[19] http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/VVOS-7VZR9F-full_report.pdf/$File/full_report.pdf, last accessed 22/08/2010

environmental treaties and national law. Most formulations of the right to environment qualify it by words such as healthy, safe, secure or clean, making clear the link between environmental protection and the aim of human health (Shelton 2002; Shelton 2009).

3.3   Human rights and the right to the environment: competing or compatible

Enforcement of rights remains a challenge…
A RBA wherein the right to a healthy environment is emphasized becomes soon contested in term of its definition as a substantive right or a procedural one or as both. In practice, a straightforward right-based approach is usually found in human rights context, but, with few exceptions, the term 'right' hardly occurs in international environmental agreements (Ebbesson 2009). While proponents (see: Verschuuren 1997; Hiskes 2009; Shelton 2009) see the solution by means of bringing environmental rights within human rights domains as a substantive (3rd generation) right, others, especially human rights lawyers, oppose this by contesting that it diverts attention from the need to implement existing civil, political, economic and social rights fully. Moreover, environmental rights has met resistance from those who claim that the concept cannot be given content and who asset that no justiciable standards can be developed to enforce the rights, because of the inherent variability of environmental conditions (Shelton 2009).

Another frequent problem with statements relating to human rights laws and standards is that of states' non-compliance to commitments. At an international level, the bodies responsible for overseeing the international human rights treaties that states have ratified can only recommend actions by states parties but not force states to act (UNDP 2007). In this case, human rights enforcement mechanisms need first to be strengthened, especially ESC rights, before even thinking about 3rd generation rights.

…but enough alternatives are in place
With the exception of the African Commission on Human and People's Rights, no other international human rights tribunal monitors compliance with a treaty-based 'right to environmental' provision, because no such a right was written into UN human rights treaties or the European and American conventions (Shelton 2009). Yet, in the last twenty years there has been a rapid proliferation of case law and courtroom activity on this subject. A growing pressure has been perceived to enshrine such a right in appropriate international instruments and to provide corresponding mechanisms for their observance (Prakash 1995). Human rights courts have shown through a couple of cases their ability to give a specific content to vaguely worded provisions with reference to the right to a healthy environment.

Four illustrative examples concern complaints of simple homeowners against noise and pollution originating from the airports Gatwick (*Arondelle v. UK*)[20] and Heathrow (*Baggs*[21], *Powell and Rayner v. UK*)[22] (Rest 1997). In the Arondelle and Baggs cases, the European Commission accepted the complaint and affirmed that the intolerable nose could constitute a violation of the right to private life (article 8 of the European Convention on Human Rights). In the Powell and Rayner case, the European Court held that the interference with the applicant's right to private life was justified because the airport was necessary for the economic well-being of the country. On the contrary, in the *López Ostra v. Spain*[23] the European Court developed and enhanced the environmental position of the victim.

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[20] http://cmiskp.echr.coe.int/tkp197/portal.asp?sessionId=59489701&skin=hudoc-en&action=request, last accessed, 23/08/2010
[21] http://cmiskp.echr.coe.int/tkp197/portal.asp?sessionId=59489701&skin=hudoc-en&action=request, last accessed 23/08/2010
[22] http://www.conflictoambiental.org/documentos/jurisprudencia/powellandraynervsuk.doc, last accessed 23/08/2010
[23] http://www.escr-net.org/usr_doc/Lopez_Ostra_v_Spain_Decision.doc, last accessed 23/08/2010

Although these cases demonstrate the ability of courts to attribute a specific meaning in a particular case; i.e. showing flexibility in their decision-making, these procedures are mostly used in the framework of industrial development or urban problems, and tend to reflect mainly concerns about the quality of life of people whose lives are not directly threatened by their physical environment, and who have the financial capacity to vindicate their rights (Cullet 1995) – something that poor people living on the edge of environmental fragmented areas cannot do.

Yet, the possibility to bring a claim to a court is not a fundamental characteristic of a right given that a large part of the realization of both human and environmental rights relates for instance to domestic policy-making by states, and some rights may be not or only partially enforceable before a tribunal (Eide 1989). Legal remedy is only one of a number of strategies for holding states accountable to their international commitments (Sen 2006). There are other formal mechanisms, such as parliaments, National Human Rights Institutions and Ombudspersons, and less formal mechanisms as well, such as participatory budgeting, a critical media, mobilized and engaged civil society organizations (CSOs), which can facilitate the implementation of human rights and environmental agreements (UNDP 2007).

3.4   Summary

Although there is a clear link between human rights and the right to a healthy environment, these two domains have been too often addressed in isolation from one another. While the former consists of an array of mechanisms from the international to the national levels, the latter still needs to find its place in the international arena. However, emerging environmental problems (e.g. land degradation, floods, droughts) that are currently occurring and are expected to take more often place in the future (due to climate change for example), and because of the negative spillovers it might unleash (such as pressure in urban areas, disease outbreaks, hunger, water scarcity), makes us face the facts: the need to align human and environmental rights with each other. How this link interrelates can be perceived from three different perspectives: environmental protection as a precondition to achieve human rights; human rights such as access to information, public participation and access to justice to achieve environmental protecting; and environmental rights equally important as civil and political rights and ESC rights.

Irrespective of preferences for either one of these perspectives, what is fundamental for sustainable development is that this link exists and that it can be translated into development policies. Linking human rights with the environment creates a RBA that places the people (potentially) harmed by environmental degradation at its center. Traditional international environmental law concentrates too much on the rights and obligations between states, while having little to offer to individuals harmed by environmental damage. People whose health or livelihood is threatened by exposure to hazardous waste or the pollution of streams and rivers, for example, often have no recourse under international environmental laws. A human rights lens helps shift the focus of the international debate more directly onto individuals and the effect of for instance climate change on their lives. Connecting human rights and the environment reveals that human rights abuses often lead to environmental harm, just as environmental degradation may result in human rights violations. Articulating the fundamental rights of peoples with respect to the environment creates the opportunity to secure those rights through human rights bodies in an international forum and translate it into national development polices. At the same time, other avenues like a critical media and committed CSOs can offer empowerment to the people most vulnerable to environmental harm and least able to access remedies or political support within their own countries.

4   The MDGs from a RBA

"What principally unites environmental problems to human rights and both to development process is that as determinants of survival, production resources, life quality, human well-being or health, they concern the same universalism of live claims that is a principal philosophical foundation of universal human rights".

(Prakash 1995:409)

Having presented the MDG-agenda and its shortcomings in chapter 2, and the RBA in chapter 3, this chapter links the MDGs and the RBA to each other. Rights-based approaches reveal to have key elements that could effectively supplement the achievement of the MDGs, hence ensure a certain minimum of core entitlements and protection necessary for the poor and vulnerable. Section 4.1 clarifies the common grounds on which the MDGs, human rights and the right to the environment stand. These three domains have much to do with one another insofar that they essentially are prerequisites for human well-being. Section 4.2 briefly looks at the MDGs from a RBA perspective.

4.1   Linking the MDGs, human rights and the right to the environment

Unfolding the link between rights and goals…
The MDGs, human rights and the right to the environment have overlapping objectives and ultimately strive to create better conditions of life on earth. The MDGs seek to improve the lives of hundreds of million people around the world by representing human needs and basic rights that every individual around the world should be able to enjoy (UN 2010). Human rights are inherent to all human beings and entail obligations and duties assumed by states under international law to protect individual's ability to meet their basic needs and live autonomous lives. Yet, the realization of MDGs and human rights requires environmental provisions like clean air, water, and soil. The right to a healthy environment, thus, seeks to preserve and protect the environment for the benefit of humankind.

Table 1: link between human rights, environmental provisions/issues, and MDG targets that depend on and are directly related to environmental conditions[24]

MDG targets	Human Rights	Environmental provisions/issues
1.C: Halve hunger	Right to food: UDHR article 25(1) ICESCR article 11	Agriculture contributes to and is affected by climate change. Climate change induces changes in rainfall and temperature patters and thus water availability for crops and cattle.
		Increased agricultural productivity has contributed to a net increase in per capita food availability. However, people have benefited unevenly across the world, which makes it more a problem of access to food rather than the availability of food.
4.A: Reduce by two-third the under five mortality	Right to life and right to the enjoyment of the highest attainable standard of health: UDHR article 25 CRC[25] articles 6, 24(2)(a), ICESCR article 12(2)(a)	Annually 2.4 million people die from the causes directly attributable to air pollution. Indoor pollution is a major risk directly related to the use of traditional energy sources. In 2000, more than 1.6 children died because of the use of traditional biomass for cooking and heating. Other problems that contribute to the death of children are the lack of adequate access to food (undernourishment and malnutrition) and the lack of access to safe drinking

[24] Sources: compiled from http://www.endpoverty2015.org/files/human%20rights%20and%20mdgs%20brochure.pdf; http://www.amnesty.org/en/library/asset/IOR41/012/2010/en/9b4144aa-c964-4a08-ab92-6fb892cbfab5/ior410122010en.pdf; http://www.pbl.nl/en/publications/2009/Beyond-2015_-Long-term-development-and-the-Millennium-Development-Goals.html; http://www.righttoenvironment.org/default.asp?pid=78, last accessed 25/08/2010

		water and sanitation.
6.C: Halt and reverse the incident of malaria and other major diseases	Right to the enjoyment of the highest attainable standard of health UDHR article 25 ICESCR article 12 ICERD[26] article 5(e)(iv)	With rising temperatures, diseases such as malaria, West Nile disease, dengue fever and river blindness will shift to different areas.
7.A: Integrate the principles of sustainable development into countries policies and programs and reverse the loss of environmental resources	Right to a healthy environment, a component of the right to health: ICESCR article 12 CRC article 24	Forests are being threatened by rapid deforestation. This affects the water cycle, reduces soil quality and results in soil erosion, salinity and flooding. Many of the animals and (medicinal) plants that live in these forests face extinction. And many of the people and cultures that depend on these forests for their way of life are also under threat. Fish stocks and other marine life are being overexploited, and marine ecosystems are being destroyed to the extent that it outweighs nature's ability to maintain it.
7.B: Reduce biodiversity loss	Right to a healthy environment, a component of the right to health: ICESCR article 12 CRC article 24	The extinction rate of species is accelerating. Habitat destruction and/or modification are the main cause of biodiversity loss, while invasive species are the second most important pressure. The declining quality of ecosystem and services and the apparent increase in strength and frequency of natural hazards such as cyclones, floods and droughts are intensifying peoples' vulnerability to food insecurity, ill health and unsustainable livelihoods.
7.C: Halve the proportion of people without sustainable access to safe drinking water and basic sanitation	Right to water and sanitation: ICESCR article 12 CRC article 24	Almost 50% of the developing world's population – 2.4 billion people – lack improved sanitation facilities, and over 884 million people still use unsafe drinking water sources. Inadequate access to safe water and sanitation services, coupled with poor hygiene practices, kills and sickens thousands of children every day, and leads to impoverishment and diminished opportunities for thousands more.
7.D: Achieve a significant improvement in the lives of at least 100 million slum dwellers	Right to adequate housing: UDHR article 25(1), ICESCR articles 11(1), ICERD article 5(e)(iii)	Over the coming decades, the effects of climate change will also be progressively felt across the world, especially in developing countries. Climate change and urbanization will interact, with unpredictable effects. This might increase disease burden as a significant share of ill health in slums stems from poor access to sanitation and clean drinking water.

As presented in table 1, seven MDG targets represent in fact human rights that depend on and are related to environmental goods and services. To give an example, human beings are to a great degree the cause and the victims of climate change. According to the Intergovernmental Panel on Climate Change (IPCC) (2007) this phenomenon is very likely to be caused by human activities *inter alia* through deforestation (unabated at 13 million hectares annually) and our carbon-intensive economies (CO_2 emissions reached 21 billion metric tons globally in 2006 – a 31 percent rise from the 1990 level (UN 2010). People are exposed to climate change through changing weather patterns (temperature, sea-level rise and more frequent extreme events) and indirectly through changes in water (causing

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[25] Convention on the Rights of the Child
[26] International Convention on the Elimination of All Forms of Racial Discrimination

diarrhea), air (leading to cardio-respiratory diseases and infectious disease vectors) and food (malnutrition and consequent disorders, including those related to child growth and development) (IPCC 2007).

…in order to identify the harmed
The worst affected by social and economic injustice are the poorer and vulnerable sections of society such as slum dwellers, women, indigenous people and children. This situation is often further worsened due to slack and inadequate enforcement of laws and legislations. Concurrently, these segments are also vulnerable to a changing environment. Without strong rights to land for example, dryland farmers find themselves unable to access credit to invest in land productivity or recover from droughts, and without full rights to justice and due process, the people most exposed to life-threatening impacts of contaminated sites are unable to reverse this situation or claim compensation (Kok and Jäger 2007).

4.2   A RBA to help achieve the MDGs

MDGs from a RBA lens
Although the MDGs rest on six fundamental values – freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility (UN DESA 2007) – that can be traced back to ESC rights, references to human rights in the MDGs are relatively brief, rarely rely on any precise formulations, and generally content themselves with an occasional reference to the UDHR or the Declaration on the Right to Development (Alston 2005). Furthermore, unlike human rights that obliges states to fulfill ESC rights as effectively as possible and with the maximum resources available both from national resources and the international community, the MDGs are much less ambitious in their scope and aspirations (e.g. *halve* hunger rather than eliminate it, *reduce* child mortality by *two-third*) (Saith 2006). Other criticism on the MDGs concerns the lack of focus on the most vulnerable, limited consideration to equality and non-discrimination, and absence of accountability mechanisms for governments in fulfilling obligations they have made to meeting related rights. Equally important, the MDGs underemphasize people's own agency – the participation of impoverished people in claiming their rights, and related issues like freedom of information, transparency and access to justice (Robinson 2010).

In relation to the right of a healthy environment, MDG7 arguably succeeds to acknowledge that some vulnerable groups (urban slum settlements) are largely poor due to environmental factors. Concurrently it also commits countries to ensure environmental sustainability. Nevertheless, progress to meet targets and objectives is mixed, and overall, not on track (UNDG 2010). This goal does not provide a full picture of the elements falling under environmental sustainability that would be expected form a right to healthy environment and an important asset for development. This makes monitoring and evaluation of this goal also hard to perform.

In some cases environmental agreements even have a counterproductive effect and threaten human rights (e.g. to food). Ambitious biofuel targets set by both the European Union (EU) and the USA to reduce CO_2 emissions have contributed to an increase of land concentration (when smaller scale farmers sell their lands to larger landowners) in Brazil, Guatemala, Ghana, Mozambique and Senegal (ActionAid International 2008). This type of policy measures taken by developed countries to mitigate climate change threatens rural livelihoods, food security and local environments. Moreover, a rapidly increase share of non-food crops (primarily biofuels) was one of the four major causes of a rise in food prices between 2006 and 2008 (Brahmbhatt and Christiaensen 2008).

Rights-based avenues for the MDGs

There are a number of strategies that can be used to ensure the path to the MDGs is rights-based to help solve the limitations presented in chapter 2 (see inter alia UNDP 2007; OHCHR 2008). We present four hereunder.

Aligning MDGs and rights standards. The first concerns harmonization of MDG targets and indicators with human rights standards. This includes ensuring that MDG targets and indicators effectively correspond to ESC rights, and that effort is adequately directed towards marginalized and disadvantaged groups. For example, a target like halve hunger may incline to improve the situation of those who are already almost lifted out of hunger situations. To avoid directing policies at the least poor segments among the poor, partnerships between isolated segments and for example the private sector can offer a cost-effective solution.

Empowerment and participation. The second strategy focuses on empowerment and participation in target-setting, policymaking and implementation. This requires recognition that people are the prime agents of development and need to be part of transformation of the structures to overcome the obstacles that have created and contributed to poverty. Such a transformational approach challenges technocratic and top-down implementation of the MDGs as it takes a broader view o poverty; besides of being the outcome of economic, social and environmental failures, poverty is also a product of power inequalities between groups (e.g. older people v. youth, men v. women, caste systems, and urban v. rural). For instance, women's role in managing natural resources and agriculture is critical in Sub-Sahara Africa. Although many projects make efforts to address rural women's needs, their empowerment should go beyond the efficiency that only value their productive and reproductive roles. It is a matter of equity to empower women in a key sector where they are the major contributors to household, community subsistence and food security.

Furthermore, empowerment also consists of enabling the poor to acquire rights over natural resources (e.g. land, water, and fishing) in order to ensure their livelihoods. To give an example, one of the key policies that contributed to China's current success has been a process of incremental redistribution of land from the communes to virtually every rural family. Chinese farmers' rights to land have become increasingly secure, long-term, and transferable.

Rights in policy making. The third concerns prioritizing rights by making policy choices and resource-distribution decisions within a human rights framework. MDG-related policies should do no harm (for example, choosing to build a dam to reach a goal must not violate human rights), be evaluated as to whether they will actually reduce inequality and poverty, must not harm the environment, and sufficient resources should be provided to reach human rights-consistent goals. Environmental and Social Impact Assessment (ESIA)[27] can be an effective tool to trace who benefits from development projects, and ensure that human rights and the right to the environment are not violated.

Such an integrated perspective – with main forerunners as the United Kingdom, Denmark, Finland, Canada Sweden and the Netherlands – aims to reveal conflicts between objectives, or to identify win-win solutions (UNEP 2007). In the latter country, the Netherlands Commission for Environmental Assessment (NCEA)[28], which is an independent expert body with a legal status, provides advisory services and capacity development on environmental assessment. Recently the NCEA reviewed, on request by the Minister of Energy and Water of

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[27] See for instance: http://docs1.eia.nl/mer/diversen/065_ar_advice.pdf, last accessed 17/09/2010
[28] http://www.eia.nl/, last accessed 17/09/2010

Cameroon, the ESIA for a hydropower project[29]. Especially in developing countries, ESIAs can be an alternative to international environmental agreements/laws which take many years before established in the law – not to speak about implementation and compliance.

Right indicators as additional MDGs. The fourth strategy addresses enforceable rights, accountability mechanisms and sustainable strategies. The human rights framework offers a relatively objective and comprehensive framework for legal empowerment and accountability, to help ensure that the MDGs are not only reached but that the achievements are sustained after 2015. A suitable tool can be the Guide to Human Rights Impact Assessment and Management[30] that provides the private sector with guidance on how to assess and manage human rights risks and impacts of their business activities.

Robinson (2010) proposes an extra MDG, namely access to justice. She suggests additional ways to align human rights with the MDGs, in particular by addressing the problem of social exclusion and by mobilizing civil societies and initiating collective action at international level. Langford (2010) gives practical suggestions how human rights can make six key contributions tot the target-based approach of the MDG-agenda, namely: (1) increasing participation in target selection; (2) ensuring targets better reflect human rights; (3) aiming for equality not just average improvements; (4) adjusting the targets for resource availability; (5) locating economic trade-offs within a human rights-based normative framework; and (6) improving the accountability infrastructure.

4.3   Summary

The RBA can help addressing the limitations of the MDGs that were presented in chapter 2. Recapitulating some of the problems: the goals are generic and lack a detailed implementation strategy, implementation occurs too often top-down and the link with the environmental agenda has been rather narrow. Rights-based approaches require a minimum core level of each right to be progressively realized within the State's maximum available resources, while the MDGs often require a state only to halve certain poverty indicators. Particularly problematic is that MDGs make it tempting for countries to focus on the relatively well-off among the poor in order to reach a specific MDG target. Aggregate data may falsely indicate more progress on the goals than has actually occurred.

Although a RBA inherently risk turning the MDGs into a judicial burden, their added value to the MDG-agenda can lie in i) improving the MDGs on targets and indicators in terms of autonomy and ownership, non-discrimination, non-exclusion, accountability, and power equality ; ii) linking to wider policy areas, especially in relation to the environment; and iii) mobilizing different interest groups (laborers, consumers, CSOs, private sector) at the national as well as international level.

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[29] http://www.eia.nl/detail_en.aspx?id=25771, last accessed 17/09/2010
[30] http://www.guidetohriam.org/welcome, last accessed: 17/08/2010

5.   Final remarks and implications for policy

Given the latest results of the MDG report 2010 and recent literature, a great deal of exertion is required to achieve the goals and targets by 2015. The gap between the potential realization of the goals and the actual attainments has led to a discussion, so far mainly academically, about the period after 2015. As an attempt to contribute to the post-2015 development policy agenda, this paper explored how the MDGs can be strengthened by bringing forward social and environmental perspectives through a RBA.

The MDGs reveal recognition of the reinforcing link between social-economic (MDG 1), social-human (MDG 2, 3, 4, 5, 6) and social-environmental (MDG 7) goals to eradicate extreme poverty and attain sustainable development. Likewise, the RBA also strive for the same. From a rights-based perspective it is fair to assert that poverty is a human rights violation. Every human being has the human right to a standard of living adequate for *inter alia* health, food, water and sanitation and housing. A lack of these rights is chronically the product of distribution failures within a system where power inequality prevails. Concurrently, this failure also manifests itself in the environmental field where some groups benefit more than others from the allocation of natural resources. Widely disparate contributions to the causes of the problem (for instance CO_2 emissions) and notions of offence (toxic dumping in developing countries for example) are rather the rule than the exception. In turn, this jeopardizes the enjoyment of certain basic rights and calls therefore to better incorporate environmental rights to a healthy, clean, decent environment in development policy.

But for this to take place governance systems need to function well. Institutions addressing development, human rights and environmental issues have been working separately, with a few exceptions[31]. The MDG is a development policy with noble aspirations, but the last 10 years have shown that poverty eradication requires more than good will. Achieving the goals depends to a large extent not only on competent authorities with adequate means but also on linking it all together. In addition to a functional right system to implement human rights law, the MDGs also require an adequate expertise on environmental issues.

Hence, it calls for bringing together practitioners from different disciplines and levels (e.g. development specialist, environmental and human lawyers, demographists, researchers,) in order to create commitment, disseminate information, and ultimately translated it into policy. An integrated approach allows for making explicit the coherence between the MDG targets and other fields. This in turn helps to develop the right policy sequence and priorities. For example, MDG 4 (reduce infant mortality by two-third) represents an important, yet difficult to achieve target. Sequentially, analysis from a rights-based perspective could reveal the contribution of different policies to this MDG, like for example: i) agriculture production combined with nutritional security; ii) water infrastructure and water supply services; iii) energy use; iv) health care infrastructure; and iv) more indirectly, population and fertility growth where women's sexual and reproductive rights must take a central role. To sum, integrated actions like these are needed to preventing past mistakes form being repeated and to ensure that social systems, along with environmental and economic systems, will be set up at all levels with the overarching purpose of promoting the well-being and dignity of every human being.

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[31] For instance, the high level expert meeting organized by the UNEP and OHCHR in 2009 is a good example of how several institutions inform, discuss, and draws attention to the relationship between a safe and healthy environment, the enjoyment of human rights, and the impact this might have on the situation of the poor.

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Annex 1: Official list of the MDGs

Table 2: *Goals, targets and indicators. Source:http://mdgs.un.org/unsd/mdg/Host.aspx?Content=Indicators/OfficialList.htm*

Millennium Development Goals (MDGs)	
Goals and Targets **(from the Millennium Declaration)**	**Indicators for monitoring progress**
Goal 1: Eradicate extreme poverty and hunger	
Target 1.A: Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day	1.1 Proportion of population below \$1 (PPP) per day[32] 1.2 Poverty gap ratio 1.3 Share of poorest quintile in national consumption
Target 1.B: Achieve full and productive employment and decent work for all, including women and young people	1.4 Growth rate of GDP per person employed 1.5 Employment-to-population ratio 1.6 Proportion of employed people living below \$1 (PPP) per day 1.7 Proportion of own-account and contributing family workers in total employment
Target 1.C: Halve, between 1990 and 2015, the proportion of people who suffer from hunger	1.8 Prevalence of underweight children under-five years of age 1.9 Proportion of population below minimum level of dietary energy consumption
Goal 2: Achieve universal primary education	
Target 2.A: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	2.1 Net enrolment ratio in primary education 2.2 Proportion of pupils starting grade 1 who reach last grade of primary 2.3 Literacy rate of 15-24 year-olds, women and men
Goal 3: Promote gender equality and empower women	
Target 3.A: Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015	3.1 Ratios of girls to boys in primary, secondary and tertiary education 3.2 Share of women in wage employment in the non-agricultural sector 3.3 Proportion of seats held by women in national parliament
Goal 4: Reduce child mortality	
Target 4.A: Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate	4.1 Under-five mortality rate 4.2 Infant mortality rate 4.3 Proportion of 1 year-old children immunized against measles
Goal 5: Improve maternal health	
Target 5.A: Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio	5.1 Maternal mortality ratio 5.2 Proportion of births attended by skilled health personnel
Target 5.B: Achieve, by 2015, universal access to reproductive health	5.3 Contraceptive prevalence rate 5.4 Adolescent birth rate 5.5 Antenatal care coverage (at least one visit and at least four visits) 5.6 Unmet need for family planning
Goal 6: Combat HIV/AIDS, malaria and other diseases	
Target 6.A: Have halted by 2015 and begun to reverse the spread of HIV/AIDS	6.1 HIV prevalence among population aged 15-24 years 6.2 Condom use at last high-risk sex 6.3 Proportion of population aged 15-24 years with comprehensive correct knowledge of HIV/AIDS 6.4 Ratio of school attendance of orphans to school attendance of non-orphans aged 10-14 years
Target 6.B: Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it	6.5 Proportion of population with advanced HIV infection with access to antiretroviral drugs
Target 6.C: Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases	6.6 Incidence and death rates associated with malaria 6.7 Proportion of children under 5 sleeping under insecticide-treated bednets 6.8 Proportion of children under 5 with fever who are treated with appropriate anti-malarial drugs 6.9 Incidence, prevalence and death rates associated with tuberculosis Proportion of tuberculosis cases detected and cured under directly observed

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[32] For monitoring country poverty trends, indicators based on national poverty lines should be used, where available.

	treatment short course
Goal 7: Ensure environmental sustainability	
Target 7.A: Integrate the principles of sustainable development into country policies and programs and reverse the loss of environmental resources Target 7.B: Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss	7.1 Proportion of land area covered by forest 7.2 CO2 emissions, total, per capita and per $1 GDP (PPP) 7.3 Consumption of ozone-depleting substances 7.4 Proportion of fish stocks within safe biological limits 7.5 Proportion of total water resources used 7.6 Proportion of terrestrial and marine areas protected 7.7 Proportion of species threatened with extinction
Target 7.C: Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation	7.8 Proportion of population using an improved drinking water source 7.9 Proportion of population using an improved sanitation facility
Target 7.D: By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers	7.10 Proportion of urban population living in slums[33]
Goal 8: Develop a global partnership for development	
Target 8.A: Develop further an open, rule-based, predictable, non-discriminatory trading and financial system Includes a commitment to good governance, development and poverty reduction – both nationally and internationally Target 8.B: Address the special needs of the least developed countries Includes: tariff and quota free access for the least developed countries' exports; enhanced program of debt relief for heavily indebted poor countries (HIPC) and cancellation of official bilateral debt; and more generous ODA for countries committed to poverty reduction Target 8.C: Address the special needs of landlocked developing countries and small island developing States (through the Program of Action for the Sustainable Development of Small Island Developing States and the outcome of the twenty-second special session of the General Assembly) Target 8.D: Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term	*Some of the indicators listed below are monitored separately for the least developed countries (LDCs), Africa, landlocked developing countries and small island developing States.* <u>Official development assistance (ODA)</u> 8.1 Net ODA, total and to the least developed countries, as percentage of OECD/DAC donors' gross national income 8.2 Proportion of total bilateral, sector-allocable ODA of OECD/DAC donors to basic social services (basic education, primary health care, nutrition, safe water and sanitation) 8.3 Proportion of bilateral official development assistance of OECD/DAC donors that is untied 8.4 ODA received in landlocked developing countries as a proportion of their gross national incomes 8.5 ODA received in small island developing States as a proportion of their gross national incomes <u>Market access</u> 8.6 Proportion of total developed country imports (by value and excluding arms) from developing countries and least developed countries, admitted free of duty 8.7 Average tariffs imposed by developed countries on agricultural products and textiles and clothing from developing countries 8.8 Agricultural support estimate for OECD countries as a percentage of their gross domestic product 8.9 Proportion of ODA provided to help build trade capacity <u>Debt sustainability</u> 8.10 Total number of countries that have reached their HIPC decision points and number that have reached their HIPC completion points (cumulative) 8.11 Debt relief committed under HIPC and MDRI Initiatives 8.12 Debt service as a percentage of exports of goods and services
Target 8.E: In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries	8.13 Proportion of population with access to affordable essential drugs on a sustainable basis
Target 8.F: In cooperation with the private sector, make available the benefits of new technologies, especially information and communications	8.14 Telephone lines per 100 population 8.15 Cellular subscribers per 100 population 8.16 Internet users per 100 population

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[33] The actual proportion of people living in slums is measured by a proxy, represented by the urban population living in households with at least one of the four characteristics: (a) lack of access to improved water supply; (b) lack of access to improved sanitation; (c) overcrowding (3 or more persons per room); and (d) dwellings made of non-durable material.