

OHCHR/UNDP Expert Consultation

“Governance and human rights: Criteria and measurement proposals for a post-2015 development agenda”

13-14 November 2012, New York

ILR NYC Conference Center, Cornell University School of Industrial and Labour Relations (ILR), 16 East 34th Street, New York



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Meeting Report

A. Background and meeting objectives

On 13-14 November 2012, in New York, OHCHR and UNDP convened an expert consultation on “Governance and human rights: Criteria and measurement proposals for a post-2015 development agenda.” The concept note, agenda, list of participants and background materials are available at <http://www.worldwewant2015.org/node/277879>.

The meeting took place within the framework of the UN Development Group (UNDG)’s global thematic consultation on governance, one of eleven thematic consultations which will provide inputs to the work of the UN Secretary-General’s High Level Panel of Eminent Persons on the post-2015 development agenda, and to UN member States’ deliberations.

The present meeting brought together governance, human rights and measurement experts, along with representatives of member States and national statistical offices, in order to take stock of recent advances in the measurement of governance and human rights, and explore the practical implications of this work for the design and measurement of a post-2015 development agenda.

The specific objectives of the meeting were to: (1) enhance understanding of the role, impact and trade-offs of measurement frameworks for global development goals; (2) propose criteria for the identification of post-2015 measurement metrics to ensure they strengthen governance and human rights outcomes and enhance accountability; (3) discuss the application of these criteria to specific areas of governance and human rights measurement; and (4) decide follow-up, including the use of the meeting outputs to inform Member States’ and other deliberations.

B. Rationale and assumptions

Democratic governance, respect for human rights, and coherent global governance (e.g. in areas such as trade, debt relief, intellectual property, and technology transfer) are vital in their own right and important for sustainable economic and social development.¹ A wide range of governance and human rights commitments were included in the 2000 Millennium Declaration, from which the Millennium Development Goals (MDGs) were drawn. Certain international human rights

¹UNDP Human Development Report 2002.

commitments (particularly those relating to economic, social and cultural rights), it could be said, were implicitly reflected in the MDGs; and some global commitments (notably related to trade fairness and environmental sustainability) were mentioned without being assigned time-bound targets. But governance and civil and political rights were almost entirely excluded.

Alongside political concerns, there were three main reasons for this. Firstly, there was a view that governance and civil and political rights could not, at the time, be subjected to satisfactory standards of measurement, for the purposes of a global agenda.² Secondly, it was considered that governance and civil and political rights – along with a host of other possible policy priorities – would overload the MDGs and undermine their communications objective. Finally, some argued that the MDGs can themselves be taken as a proxy measure of many governance and human rights concerns.³

The present meeting was designed to test and challenge the above assumptions, with a particular focus on the first two (that governance and human rights variables necessarily overload the global development agenda and cannot adequately be measured). The meeting took as a given, in line with member States' agreements at the Rio+20 conference, that a new set of global goals should be relatively few in number. Therefore a clear and defensible set of criteria will be needed in order to help prioritise measurement options. Proposing a plausible set of selection criteria, through which measurement options for governance and human rights priorities could be weighed impartially and effectively, was the meeting's most important objective. Such criteria may also be useful in thematic areas other than governance and human rights.

The meeting discussions were based on both principle and evidence, while taking full account of the criteria for Sustainable Development Goals (SDGs) in the Rio+20 outcome document (see below) and other relevant international agreements. Political feasibility was a key consideration in the minds of the organisers and participants. However the meeting deliberately avoided the path of self-censorship, instead focusing as far as possible on the objective merits of the various ideas and proposals put forward. The meeting's objectives were realistic and modest: to *propose* (not prescribe) a draft set of post-2015 selection criteria to help member States' prioritise between measurement options for various governance, human rights and other policy priorities, and to *illustrate* – selectively – how candidate governance and civil and political rights variables might adequately be measured. While the final shape of a post-2015 agenda will obviously be determined by representatives of national governments, it was considered that consultations such as the present one should leave on the negotiating table sufficient scope for prioritisation and potential trade-offs among the various technically feasible measurement options that will emerge.

² It was noted soon afterwards that this statistical challenge should receive attention. The U.N. Statistical Commission, the inter-governmental body responsible for reviewing and approving global summit indicators, agreed in 2001 that further work on human rights and "good governance" indicators was needed.² Concerted empirical work in the ensuing decade in academic and non-governmental organisations, international agencies, and a score of national statistical offices in South America, Anglophone Africa, and the far East was given cognisance by the "Sarkozy Commission" (Joseph Stiglitz, Amartya Sen and Jean-Paul Fitoussi, "Report by the Commission on the Measurement of Economic Performance and Social Progress" (2009) available at <http://www.stiglitz-sen-fitoussi.fr/en/index.htm>. It noted that sufficient progress had been made in regard to issues like political voice and governance that "the types of question that have proved their value within small-scale and unofficial surveys should be included in larger-scale surveys undertaken by official statistical offices".

³ This assumption now seems to be somewhat discredited in the face of uprisings in the Arab States and elsewhere that were among the better performing countries on the MDGs.

C. Objectives of a measurement framework for the post-2015 development agenda

The point of departure for the preparatory research for the meeting, and for the plenary and working group discussions themselves, was the question: “What, based on the MDGs experience and the conclusions at the Rio+20 Summit, are the objectives that the measurement framework of a post-2015 development agenda could most effectively serve?”

In the case of the MDGs, the combination of a target and indicator, framed by global goals, appears to have been a compelling driver of policy commitment. Nevertheless there have been a range of critiques of the MDGs on questions of ambition, effectiveness, legitimacy and others. Progress towards the MDGs at the national level has varied greatly, in the aggregate, let alone when disaggregated at national and sub-national levels. The need to take these lessons into account, particularly on the relative weight between global and national measurement, provided the backdrop for the participants’ thinking about how to determine appropriate criteria for a measurement framework for a new development agenda.

Member States at the Rio +20 conference have already agreed a number of parameters for new Sustainable Development Goals. Member States have agreed that SDGs should be:

- “aspirational”;
- global in nature and universally applicable to all countries while taking into account different national realities;
- consistent with international law;
- inclusive of all three dimensions of sustainable development and their inter-linkages in a balanced way;
- action-oriented, concise and easy to communicate;
- limited in number;
- implemented “with the active involvement of all relevant stakeholders;” and
- accompanied by targets and indicators (in order to facilitate measurement of progress, and thereby, accountability).⁴

These criteria can be taken as an important indication of member States’ outlook on post-2015 development goals more generally. However, it was also acknowledged that changing geo-political and economic power relations, changing patterns of poverty and supply-side crises also affect the way we think about a new global development agenda, and how it will be negotiated.⁵

The broad consensus in the meeting was that new global goals with targets as agreed at Rio could best serve three main functions: (1) a normative and ideational objective, both reflecting and building consensus around a new global development vision and approach; (2) a “booster” function,

⁴ Rio +20 conference outcome, paragraph 247.

⁵ Malcolm Langford, “The Art of the Impossible: The Post-2015 Agenda, Measurement Choices, and Human Rights and Governance,” Conference Paper, OHCHR/UNDP Expert Consultation, “Governance and Human Rights: Criteria and Measurement Proposals for a Post-2015 Development Agenda,” Cornell University, New York, 13-14 November 2012.

helping to give priority to important but neglected policy issues; and (3) strengthening accountability for delivering on global promises, through target-driven incentives, more extensive and better quality national and sub-national data, and better monitoring of both process and outcomes at global, national and sub-national levels. A fourth possible purpose, that of supporting national planning, was also discussed. However the MDGs as global goals did *not* serve national planning purposes well. Global development goals and targets need to be tailored or adapted to national conditions, priorities and resource constraints, through participatory processes, if they are to be useful for national planning purposes.

Across these three functions it was agreed that an important purpose of a measurement framework with goals/targets is to communicate and popularise potentially complex issues in clear concepts and language accessible to the lay person.

An agreement on these objectives – the reflection and building of normative consensus, “boosting”, and accountability, with a cross-cutting element of communications – provided the foundation for the discussions into criteria and measurement options for governance and human rights in the post-2015 development agenda.

D. Definitions and conceptual categories – governance and human rights

“Governance” in this discussion was understood as having a democratic element, meaning that people’s human rights and fundamental freedoms are respected, promoted and fulfilled, allowing them to live with dignity. People have a say in decisions that affect their lives and can hold decision-makers to account, based on inclusive and fair rules, institutions and practices that govern social interactions. Women are equal partners with men in private and public spheres of life and decision-making, and all people are free from discrimination based on race, ethnicity, class, gender or any other attribute. Democratic governance feeds into economic and social policies that are responsive to people’s needs and aspirations, that aim at eradicating poverty, expanding the choices that people have in their lives, and that respect the needs of future generations.

The term “human rights” is shorthand for the full range of obligations undertaken by member States under the UN’s core international human rights treaties, covering economic, civil, social, cultural and political rights. These rights are, in theory and to a large degree in practice, inter-connected and inter-related. The obligations pertaining to these rights have been elaborated extensively in international, regional and national courts, tribunals and decision-making forums. The present meeting dealt largely with civil and political rights⁶ but recognised the importance of integrating a rights framework across the broad development agenda.

⁶ This does not imply any hierarchy or artificial division between different “categories” of universal human rights. Rather, this choice stemmed from the near categorical exclusion of civil and political rights from the MDGs, as well as the close consonance with many of these rights with the democratic governance agenda. Other (socio-economic) human rights priorities are being given prominence in other UNDG-supported post-2015 global thematic consultations.

The working group sessions at the meeting were structured around conceptual categories that reflected both governance and human rights priorities: (1) political participation/voice/accountability; (2) access to justice/rule of law/legal empowerment; (3) peace and security/physical integrity; and (4) public administration/transparency/corruption. These groupings were not driven by conceptual rigour, are not mutually exclusive, and do not foreclose many other possible configurations. Rather, this clustering was a practical device, reflecting and accommodating the specific expertise reflected among the meeting's participants and ensuring that that expertise could be brought out to greatest effect in working group discussions.

E. Post-2015 selection criteria – goals, targets, indicators

For the post-2015 development agenda, various scenarios have been discussed, including staying the MDGs course and extending the deadline ("MDGs 2.0"); "MDGs plus 2.0" (which would include new or amended goals and targets); or at the highest level of ambition, a new global social contract. Different combinations of global, regional, and national levels of measurement have also been suggested:⁷

- Global goal(s), with global targets and global indicators similar to the existing Millennium Development Goals (MDGs). This would involve agreeing on core dimensions, established proxies and using universal indicators drawing on existing or new global data sets.
- Global goal(s), with global targets and national indicators. The advantage in this approach would be that countries could define indicators based on their national context and circumstances.
- Global goal(s), with regional targets and regional or national indicators. This approach would take into account advances in various regions to develop regional standards and include developing regional indicators. This would ensure regional legitimacy and may advance progress on political issues at the regional level where progress at the global level is impeded.
- Global goal(s), with national targets and national indicators. Utilizing this approach, countries can set the targets and indicators but work toward a global goal of better governance and accountability.

The present meeting considered the advantages and disadvantages of a broad range of possible post-2015 formats, without prior commitment to any.

The meeting participants agreed that governance and human rights variables are legitimate policy priorities with a strong claim for inclusion in a post-2015 development agenda. Moreover, in the last decade, significant experience has been gained which means that governance and human rights cannot be 'taken off the table' for measurement reasons. Normative frameworks have been agreed which provide quantitative and qualitative reviews of countries' performance and adherence to international principles relating to human rights, corruption and elections. At the global level, international human rights mechanisms (including human rights treaty monitoring bodies and the Universal Periodic Review process of the UN Human Rights Council) and the UN Convention Against Corruption provide review mechanisms on State efforts to uphold human rights and efforts to combat corruption. At the regional level, the Africa Peer Review Mechanism, the African Union

⁷UNDP, "Measuring Democracy and Democratic Governance in a post-2015 Development Framework," Discussion Paper, August 2012.

Charter on 'democracy, governance and elections', and regional human rights treaty mechanisms provide not only normative commitments but also specific mechanisms to evaluate implementation. Additionally there has been methodological innovation in this area and there is now a significant research and policy community with expertise in the area of measuring governance and human rights, which can support both the international community and/or individual member States in the measurement of governance and human rights.⁸ Indeed, participants stressed the need to support the capacity of national statistical offices and other entities to collect whatever data is required under new commitments.

The meeting did not set out to define possible new stand-alone goals in the governance or human rights fields (in deference to the meeting's dominant focus on criteria and measurability), however it was widely felt that mere "mainstreaming" or embedding of intrinsically and instrumentally important variables such as political participation or personal security is insufficient, and that visible stand-alone policy commitments (in self-standing goals or targets) are needed.

A new set of global targets should include indicators of national capacity and resource constraints, to avoid a one-size-fits-all metric (a well-known problem with the MDGs, whether through misunderstanding or conscious misappropriation). "Process" indicators (designed to measure fiscal and policy effort, reflecting human rights obligations of *conduct* as distinct from *result*) should be developed where consensus exists that the indicator is necessary, where international law provides a basis for it, where outcome indicators might be less robust for a given variable, and to aid in interpreting outcomes. "Structural" (or commitment) indicators⁹, such as ratification of international human rights treaties compiled by OHCHR, the existence of a strong national human rights institution (complying with the Paris Principles adopted by the UN General Assembly),¹⁰ and dates of adoption of specific legal and policy frameworks, could be quantified and may help in integrating human rights and governance priorities more effectively in international as well as national development agendas.

Democratic legitimacy should be seen as a threshold criterion for a post-2015 menu of priorities. Post-2015 priorities should be crafted and framed in a manner that draws from and reflects individuals' and communities' expressed concerns. Consistent with the Rio+20 criteria for SDGs, prioritisation should be accorded to goals and targets that are relevant and have implications for action in all countries. The post-2015 agenda should focus on promoting equality within and between countries. Clarity and simplicity are important, in terms of how a new (small) global menu of post-2015 goals and targets should be expressed. "Action orientation" is also important: post-2015 commitments should be policy-relevant, provide standards for active monitoring, and should be easily tailored to national realities, starting points, needs and priorities, for accountability and (to some extent) national planning purposes.

⁸See note 2 above.

⁹Information on structural, process and outcome indicators can be found in the OHCHR publication "Human Rights Indicators: A Guide to Measurement and Implementation" (2012) available at www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx.

¹⁰See Principles relating to the Status of National Institutions (Paris Principles), GA resolution 48/134, 30 December 1993. Detailed information on these indicators (metadata) is also available on the OHCHR website.

Psychological evidence shows that cognitively easy facts and data are associated with a feeling of familiarity, and that familiarity creates a ring of truth (even when the underlying facts are complex).¹¹ People who cannot understand a target are unlikely to support it. There is also evidence from moral psychology that people respond more viscerally to moral wrongs than mere utilitarian calculations.¹² This evidence supports the framing of new global goals and targets (and to the extent possible, also indicators) in simple and powerful terms that embrace negative (“do no harm”, for example, “remove harmful trade barriers”, or “eliminate violence against women”) as well as positive duties (“achieve the 0.7% GDP target for ODA”). Post-2015 proposals relating to voice, democratic participation, eliminating violence against women, and promoting justice enjoy strong political and cognitive salience.

Global governance issues were seen both as encompassing a specific set of issues¹³, and being of cross-cutting relevance in all thematic areas, that is not only in relation to governance and human rights but across the range of issues to be incorporated in the development agenda (for example, sustainable energy). Thus global governance should be addressed not only through a possible ‘stand-alone’ goal (such as a reworked MDG8) but the global drivers of progress together with differentiated responsibilities should also be identified as far as possible for each goal area.

F. Statistical criteria for indicators

Statistical criteria for the MDGs were established in 2001 by the UN Inter-Agency Group on MDG Indicators. Those criteria are still largely relevant for the post-2015 agenda, however they may benefit from modest revisions. For example, the “relevance and robustness” criterion should be qualified by the need to measure “action” towards global goals. “Clarity and comparability” are undoubtedly important, though nationally specific indicators can also be developed, subject to appropriate criteria for national tailoring. The criterion of “alignment with international standards, recommendations and best practices” requires no change. However the criterion of data availability should be amended or understood in a way that explicitly encourages the collection of new data. The MDGs had a positive effect of stimulating improvements in statistical methods and data collection and the post-2015 agenda should be positioned as an opportunity to do the same.¹⁴

“Action-orientation” in the sense of stimulating policy change has not been helped by the fact that the MDGs were calibrated by reference to a 1990 baseline. This was justified by the relative lack of adequate data for a number of important variables encompassed by the MDGs, but may also have

¹¹Daniel Kahneman, *Thinking Fast and Slow* (New York: Farrer, Straus and Giroux, 1st ed., 2011).

¹²VarunGauri, “MDGs that Nudge : The Millennium Development Goals, Popular Mobilisation, and the Post-2015 Development Framework”, Conference Paper, OHCHR/UNDP Expert Consultation, “Governance and Human Rights: Criteria and Measurement Proposals for a Post-2015 Development Agenda,” Cornell University, New York, 13-14 November 2012.

¹³ Issues raised included: financing for development (including innovative methods of finance); curbing illicit financial flows; a Tobin tax; coordinating macroeconomic policies and ensuring more effective regulation for global financial stability; bridging the democratic governance deficit in global policy-making institutions; sustaining the global environment; and creating knowledge and technology for human well-being. It was recognised at the outset that these and related issues of global governance would benefit from a separate, specialised expert discussion.

¹⁴ Malcolm Langford, note 5 above.

been motivated by a desire to capture progress in the 1990s (fuelled by high growth rates in Asia) as part of the MDG narrative. For the post-2015 framework, a baseline year of 2010 would accommodate the lag time needed to collect data on new targets and indicators, while minimising the interpretation risks associated with a retrospective baseline. Additional criteria for post-2015 indicators could include “external verifiability” and potential for citizen audit. The selection of MDGs indicators had perverse effects on policy in certain cases.¹⁵ The structure of post-2015 indicators should be alert to these kinds of risks as well as how they may be mitigated, for example, through the inclusion of complementary indicators.

G. Data sources

There was considerable discussion during the meeting on the relative merits and priority of different data sources for the purposes of global monitoring. The advantages were noted of national administrative data for the purposes of national ownership, data availability, and to enable reliable comparison across time. The advantages were noted of survey data for the evidence they supply (when based on international quality standards) of on-the-ground experience and perceptions they offer of the actual implementation of governance and human rights commitments. In regard to either kind of data, some participants pointed out the capacity constraints and domestic political pressures that could affect data producers (including national statistical offices), particularly in regard to collecting data needed to construct reliable assessments of progress in meeting governance and human rights commitments.

While opinions on this matter will almost certainly continue to differ and merit more detailed discussion, it does not seem reasonable to categorically and *a priori* exclude any particular indicator based on the source of possible data – be it statistical surveys, administrative data, standards-based measures drawn from expert coding, or events-based data. Nevertheless, this does not preclude an appropriate prioritisation according to objective and transparent criteria.

Among the criteria used to differentiate the different data sources one may consider the nature of information captured (i.e. the subjective or objective character of that information), the quality standards of the method used to collect and process data and indicators, the accountability of the data generator (in terms of transparency, open and objective justification of methods, and feedback channels), and feasibility. It was also suggested that consideration could be given to assigning appropriate international mechanisms responsibility for producing consolidated indicators for the purpose of international monitoring.

The importance of meta-data information (“data about data”) to help interpret indicators was also discussed in working groups. The role of such information to further highlight human rights and governance considerations was also underlined, as illustrated in the meta-data sheets provided in

¹⁵ Sakiko Fukuda-Parr, “Global development goals as policy tools for global governance : intended and unintended consequences,” (Sept. 4, 2011); Alicia Ely Yamin & Kathryn L. Falb, “Counting what we know: Knowing what to count: Sexual and reproductive rights, maternal health, and the Millennium Development Goals”, *Nordic Journal on Human Rights* Vol. 3 (2012), pp.350-371.

the OHCHR publication “Human Rights Indicators: A Guide to Measurement and Implementation” (2012).

H. Draft selection criteria for post-2015 goals, targets and indicators

The diagram below summarises meeting outputs on the “criteria” issue, grouping those applicable to goals and targets, to indicators, and to both. The diagram draws not only from the meeting discussions as summarised in Sections E-G above, but also commissioned preparatory work for the meeting, member States’ decisions on SDGs criteria at the Rio+20 summit, the three objectives of a post-2015 measurement framework that participants considered important (the reflection and building of normative consensus; “boosting”; and accountability), and other sources. The diagram is offered as the stimulus for critical reflection and further refinement. No one criterion should operate as a veto, but should be weighed together with all other criteria.

Criteria¹⁶ applicable to:		
Goals, targets and statistical indicators	Goals and targets	Statistical indicators
1. Global applicability	1. Constitute a “balanced” agenda and powerful normative vision	1. Relevance
2. Equality focus	2. “Boosting” effect	2. Data availability
3. Communicability	3. Democratic legitimacy	3. Robustness, reliability, validity
4. Consistency with international law	4. Limited in number	4. Externally verifiable and amenable to audit
5. Cognitive or moral salience	5. Focus mainly on ends, rather than means, of development	5. Measure effort as well as outcomes
6. Action oriented	6. Aspirational (for goals only; targets should be ambitious but achievable)	6. Risk of perverse incentives

The criteria reflected in the above table were discussed and tested in working group sessions organised in the four themes discussed earlier: (1) political participation/voice/ accountability; (2) access to justice/rule of law/legal empowerment; (3) peace and security/physical integrity; and (4)

¹⁶ Table adapted from Langford, note 5 above, and the definitions of thematic and statistical criteria on pp.16-26 thereof, and discussions with Mark Orkin.

public administration/transparency/corruption. The working groups identified proposed targets, indicators and discussed data sources, within the framework of the given criteria and plausible post-2015 objectives (the reflection and building of normative consensus; “boosting”; and accountability).

Illustrative examples for two candidate “rule of law/access to justice” indicators – dealing with birth registration and intentional homicides – were developed in more detail in Malcolm Langford’s background paper for the meeting,¹⁷ taking into account the working group outcomes. Additional illustrative examples of the application of these criteria will be developed in the first quarter of 2013.

I. Conclusions and follow-up

Governance and human rights have a strong claim for inclusion in a post-2015 development framework. Governance and human rights variables can be measured objectively and reliably, to meet the triple objectives of a measurement framework – the reflection and building of normative consensus, boosting and accountability.

Criteria can be used to help develop an appropriate measurement framework and prioritise among candidate measures. This will help ensure that the framework is ambitious enough to inspire action but realistic enough not to cause despair, and be legitimate and mobilizing while at the same time sufficiently measurable.

These conclusions are consistent with and draw upon member States’ agreed commitments in the Rio+20 outcome document, 2010 MDGs Review Summit, 2000 Millennium Declaration and the core UN human rights treaties to which all member States have to varying degrees subscribed.

This meeting report will serve as an input to the UNDG global thematic consultation on governance. Key findings and recommendations will be submitted to the UN Secretary-General’s High Level Panel of Eminent Persons on the post-2015 development agenda. This report, the meeting summary and background research including illustrative indicators applying the criteria discussed above will be made publicly available on www.worldwewant2015.org.

Finally, contact will be made with the UN Statistical Commission in 2013 in order to explore possible follow-up work through a mechanism such as a “Friends of the Chair” on governance and civil and political rights, in order to more directly inform and enrich member States’ deliberations on global summit indicators.

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¹⁷Langford, note 5 above.