

# Development in Brief



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## Regulations and Standards of Human Rights in International Development Cooperation

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There is a variety of international agreements and standards regarding human rights in development cooperation. These are separated in three types which differ in terms of their character and degree of obligation:

- i. binding global agreements,
- ii. global human rights principles, and
- iii. voluntary commitments of development institutions.

### i. Binding global agreements

The starting point is the *UN's Universal Declaration of Human Rights* of 1948, which itself is not formally binding but now generally regarded as customary law. The declaration was later refined and expanded in binding conventions, in particular in the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, which were drafted in 1966 but only entered into force in 1976. Further conventions specify the rights of certain groups such as women, children, migrant workers or people with disabilities, or individual human rights such as the prevention of torture, and the prevention of racism and disappearances. Under international law, they are binding for all countries that have ratified them. Some include an obligation to also promote the implementation of these rights within the framework of international cooperation. They are given concrete form by the treaty bodies in the general comments, which, although they themselves are not binding, authoritatively interpret the treaties.

A second international pillar is the *ILO's core labour standards*, which are intended to guarantee basic principles and rights at work. In 1998 they were set out in a declaration of the International Labour Organisation (ILO). Thus far, over 120 ILO member states have ratified all core agreements and they are therefore binding for those states. They include the freedom of association and the right

to collective bargaining, the eradication of forced labour, abolition of child labour and the prohibition of discrimination in employment and occupation.

### ii. Global human rights principles

The *UN Guiding Principles* (also referred to informally as the "Ruggie Principles" after their main author) are the most important reference document in the field of human rights. They set out in detail the responsibility of private enterprises to implement human rights principles. The Guiding Principles were endorsed unanimously by the members of the UN Human Rights Council in June 2011. The "Ruggie Principles" were partially integrated into various international standards on corporate social responsibility, such as the Performance Standards (revised in 2012) of the IFC, a member of the World Bank Group (see below).

Another reference document often used in international development cooperation is the *UN Basic Principles and Guidelines on Development - based Evictions and Displacement*. These are guidelines and principles applied when development projects result in involuntary resettlement or forced evictions.

Principles of this kind are not binding under international law in the strict sense of the term, but are adequately taken into consideration when making decisions. They can be strengthened to create binding legislation through state practice based on states' convictions.

### iii. Voluntary regulations of institutions and declarations of commitment

Due to the large number of international agreements and recommendations relevant to human rights, many international actors have proceeded to compile them in internal implementation guidelines, which are binding

for the respective organisation within the framework of their work. Some of these guidelines have also gone on to become international reference documents.

The *IFC Performance Standards* (IFC-PS) are the most widely accepted benchmarks in international development cooperation. They were originally developed for IFC-supported private-sector investments. When they were revised in 2012, human rights aspects were firmly integrated as a cross-cutting theme. This becomes particularly clear in the assessment of environmental and social risks and their effects, the labour standards and working conditions for employees, and health protection and safety standards for the neighbourhood.

The *Operational Policies of the World Bank* exist since 1997 and are binding for all projects of public development cooperation that are funded by the World Bank. They include the safeguard policies with regulations on the assessment of environmental and social compatibility. At present, these regulations are under revision as part of a comprehensive consultation process. The objective is a stronger integration of cross-cutting themes such as human rights. In 2012, the IFC Performance Standards were adopted for cooperation with the private sector within public-private partnership projects.

Another reference document is the report of the *World Commission on Dams* published in 2000. It includes recommendations to governments and financial institutions that chiefly also aim to promote the acceptance of projects among the public. In relation to the affected indigenous population, the term "free, prior and informed consent", which originated in this report, has become a standard principle in development cooperation.

Overall, it may be stated that there is no shortage of human rights reference documents in international development work. The bottom line is that and how these regulations and standards are implemented in practice. ■