

# GLOBAL GOAL-SETTING: HOW THE CURRENT DEVELOPMENT GOAL MODEL UNDERMINES INTERNATIONAL DEVELOPMENT LAW

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## INTRODUCTION

The international community frequently commits to making the world a better place. As early as 1948, the Universal Declaration of Human Rights highlighted the principle that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and

necessary social services.”<sup>1</sup> In 1992, the United Nations Framework Convention on Climate Change stated: “[e]ach of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs.”<sup>2</sup> In 2012, the outcome document of the United Nations Conference on Sustainable Development stated: “we commit to work together to promote sustained and inclusive economic growth, social development[,] and environmental protection.”<sup>3</sup> These commitments, combined with many others, make up the field of international development law.

International development, generally, is about improving the economic and social conditions of communities around the world by focusing on issues like human rights, environmental sustainability, and the rule of law.<sup>4</sup> International development *law* then effectuates these objectives through formal and informal agreements and policies.<sup>5</sup> Politically, the justification for this kind of work rests on the belief that: (1) there is a moral imperative to use the resources of the developed world to aid developing States, (2) economic development will improve markets in the developing world for developed States to expand into, and (3) meeting the needs of the most vulnerable will create a more secure and peaceful global society for everyone.<sup>6</sup>

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1. Universal Declaration of Human Rights, G.A. Res. 217 (III) A, art. 25, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

2. United Nations Framework Convention on Climate Change art. 4, May 9, 1992, S. TREATY DOC NO. 102-38, 1771 U.N.T.S. 107.

3. The Future We Want, G.A. Res. 66/288, at 2, U.N. Doc. A/RES/66/288 (Sept. 11, 2012).

4. See, e.g., Rolf Rosenkranz, *Global Development: What You Need to Know*, DEVEX (June 8, 2011), <https://www.devex.com/news/global-development-what-you-need-to-know-74999>.

5. See, e.g., *About IDLO*, INTERNATIONAL DEVELOPMENT LAW ORGANIZATION, <http://www.idlo.int/about-idlo/mission-and-history> (last visited Nov. 5, 2015) (explaining the work done by IDLO to effectuate international development law objectives); see generally RUMU SARKAR, INTERNATIONAL DEVELOPMENT LAW: RULE OF LAW, HUMAN RIGHTS, AND GLOBAL FINANCE (2009) (explaining the relationship between international development and the rule of law).

6. See OECD, DEVELOPMENT ASSISTANCE COMMITTEE, SHAPING THE 21ST CENTURY: THE CONTRIBUTION OF DEVELOPMENT CO-OPERATION 6 (1996), available at <http://www.oecd.org/dac/2508761.pdf>.

Beyond these political considerations, though, there are also legal obligations for States to further the objectives of international development. For example, Article 55 of the United Nations Charter provides:

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- (a) higher standards of living, full employment, and conditions of economic and social progress and development;
- (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.<sup>7</sup>

Article 2 further adds: “[a]ll Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter”<sup>8</sup> and that members “shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.”<sup>9</sup> Together, this means that all member States have an obligation to support international development, at least through the work of the United Nations. Moreover, Article 2 of the International Covenant on Economic, Social and Cultural Rights provides:

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7. U.N. Charter art. 55.

8. *Id.* art. 2, para. 5.

9. *Id.* art. 2, para. 2.

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.<sup>10</sup>

Since the International Covenant on Economic, Social and Cultural Rights covers everything from health<sup>11</sup> to education<sup>12</sup> to social security<sup>13</sup> (all fundamental principles of international development), parties<sup>14</sup> have an obligation to take steps towards implementing these international development ideals “to the maximum of [their] available resources.”<sup>15</sup>

Despite numerous legal commitments, follow-through has been problematic. First, there are many “players in the game” without a clear leader. Within the United Nations Development Group, alone, there are thirty-seven departments and agencies working towards their own development objectives.<sup>16</sup> Additionally, there are global organizations like the World Bank and the International Monetary Fund (IMF) and regional groups like the Organisation for Economic Co-operation and Development (OECD) and the African Union that all have their own missions and goals.<sup>17</sup> Individually, States engage in domestic and international development based on their own priorities and policies.<sup>18</sup>

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10. International Covenant on Economic, Social and Cultural Rights art. 2, Dec. 16, 1966, S. TREATY DOC. No. 95-19, 993 U.N.T.S. 3.

11. *Id.* art. 12.

12. *Id.* art. 13.

13. *Id.* art. 9.

14. There are currently 164 parties. *International Covenant on Economic, Social and Cultural Rights*, UN TREATY COLLECTION, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en) (last visited Jan. 14, 2015).

15. International Covenant on Economic, Social and Cultural Rights, *supra* note 10, art. 2.

16. *UNDG Members*, UN DEVELOPMENT GROUP, <https://undg.org/home/about-undg/members/> (last visited Jan. 14, 2015).

17. See *International Economic Organizations*, BERKLEY LIBRARY, <http://guides.lib.berkeley.edu/international-monetary> (last visited Nov. 5, 2015) (providing a detailed list of such organizations).

18. See, e.g., *Department of State and USAID Strategic Plan*, DEPARTMENT OF STATE, <http://www.state.gov/s/d/trm/rls/dosstrat/> (last visited Nov. 5, 2015) (outlining US priorities).

Outside of the governmental sector, there are thousands of non-governmental organizations and private companies shaping various aspects of development.<sup>19</sup> Together, these actors build upon, overlap, and contradict each other. In addition to this disorder, there is also a tendency for international development to be all talk and no action. As stated by one scholar, “[i]f past global summit commitments had been achieved, we would all have been healthy by 2000, trade would be ‘fair,’ and twenty-four thousand children would not be dying each day through poor sanitation and easily preventable causes.”<sup>20</sup> Thus, the problem with international development law is not a gap in the legal framework that needs to be filled by yet another agreement, but a lack of effective and efficient implementation of the existing agreements.

Out of this disorder and lack of action came the Millennium Development Goals (MDGs) (see Appendix I for the full list of goals, targets, and indicators). As discussed in much greater detail below,<sup>21</sup> the MDGs are a prioritized list of specific, measurable, and time-bound goals that the international community agreed to achieve. For example, one goal is to “[h]alve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day.”<sup>22</sup> This format provides more specificity than a simple aspirational statement like “end poverty” because it defines poverty and creates a timeline for achievement. Additionally, setting out specific metrics such as one dollar per day allows for better measurement of progress. In the abstract, the reasoning for creating these specific, implementable, and measurable goals is self-evident as they serve to facilitate the progress of international development. In reality, they create a distinct, extralegal “track” of

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19. See *International Aid and Development Organizations*, DEVEX, <https://www.devex.com/en/organizations> (last visited Nov. 5, 2015) (indexing a list of over 12,000 organizations worldwide); see also *Our Participants*, UNITED NATIONS GLOBAL COMPACT, <https://www.unglobalcompact.org/what-is-gc/participants> (last visited Nov. 5, 2015) (indexing a list of over 8,000 companies committed to development objectives).

20. Mac Darrow, *The Millennium Development Goals: Milestones or Millstones? Human Rights Priorities for the Post-2015 Development Agenda*, 15 YALE HUM. RTS. & DEV. L.J. 1, 56 (2012).

21. See *infra* pp. 165-70.

22. THE MILLENNIUM DEVELOPMENT GOALS INDICATORS, <http://mdgs.un.org/unsd/mdg/Host.aspx?Content=indicators/officiallist.htm> (last visited Nov. 8, 2015).

international development that seriously diverges from the obligations of international development law. Allegiance to the MDGs, then, undermines international development law by shifting the focus from meeting legal obligations to meeting these goals.

This analysis of the MDGs is particularly timely because all of the goals were drafted to be met by 2015.<sup>23</sup> At the time this article was written, the international community was in the process of drafting a plan for the period after 2015.<sup>24</sup> Given the wide acceptance of the MDGs, this process looks like it will result in another set of goals following the format of the MDGs, thereby continuing the divergence from the legal obligations of international development law. Serious consideration is needed to determine whether this is the best choice for the next fifteen to thirty years of development, or if another strategy should be employed to implement international development objectives. This paper will: (1) present the process that led to the MDGs, (2) further assess the goals, (3) discuss the current negotiations for the next set of goals, and (4) conclude with a proposal for a better strategy of implementation.

## I. CREATING THE MILLENNIUM DEVELOPMENT GOALS

Before delving into the history of the MDGs, it is important to understand why this process is important. Typically, the literature will introduce the MDGs with a statement such as: “In September 2000 at the UN, the largest-ever gathering of heads-of-state unanimously adopted the Millennium Declaration, committing to reach eight goals by 2015.”<sup>25</sup> This simplification is problematic for a number of reasons: (1) it ignores the significant contributions of the decades before September 2000 (arguably more important than the meeting itself), (2) it makes it seem as though the MDGs were a part of the Millennium Declaration (when in fact they were created almost a year later), and (3) it suggests that they were produced in a democratic manner within the chambers of the United Nations (when they actually are the product of behind-closed-doors negotiations of the wealthiest States). A critique of the MDGs is

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23. *See id.* (listing the deadline for each goal).

24. *See infra* pp. 175-83.

25. MICHAEL CLEMENS & TODD MOSS, CGD BRIEF: WHAT IS WRONG WITH THE MILLENNIUM DEVELOPMENT GOALS 1 (2005), *available at* <http://www.cgdev.org/publication/whats-wrong-millennium-development-goals>.

only strengthened by an examination of the actual steps leading to the goals as the truth strips away the fictitious political legitimacy surrounding them. Therefore, this paper begins by outlining the process leading to the MDGs to show how far removed they really are from international law.

### 1. The Early Years of the United Nations

The United Nations was founded in 1945 in the aftermath of the Second World War.<sup>26</sup> One of the first outcomes of the new organization was the Universal Declaration of Human Rights, which laid the foundation for international development law.<sup>27</sup> The emphasis on development continued through the 1950s and led to the United Nations General Assembly officially declaring that the 1960s would be the “development decade.”<sup>28</sup> In 1976, the International Covenant on Economic, Social and Cultural Rights entered into force and built upon the Universal Declaration of Human Rights by codifying a number of additional human rights.<sup>29</sup> Despite the ambition of these agreements, the principles were rarely fully implemented. Instead, world leaders would attend global summits, express their commitment to ambiguous values, go back and (maybe) make progress towards implementing those values, and then reconvene at another conference a few years later where the same (or even lesser) ambitions would be reconfirmed.<sup>30</sup>

While the conferences and agreements continued into the 1980s, the field of international development took a slight detour. Instead of taking a holistic approach like the all-encompassing Universal Declaration of Human Rights, developed States favored neoliberal policies that prioritized economic development and the free-market over social and

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26. *Overview*, UNITED NATIONS, <http://www.un.org/en/sections/about-un/overview/index.html> (last visited Aug. 19, 2015).

27. *See* Universal Declaration of Human Rights, *supra* note 1.

28. G.A. Res. 1710 (XVI), ¶1, U.N. Doc. A/RES/1710(XVI) (Dec. 19, 1961).

29. *See* International Covenant on Economic, Social and Cultural Rights, *supra* note 10.

30. *See* David Hulme, *The Millennium Development Goals (MDGs): A Short History of the World's Biggest Promise* 8 (Brooks World Poverty Inst., Working Paper No. 100, 2009), available at

[http://www.bwpi.manchester.ac.uk/medialibrary/publications/working\\_papers/bwpi-wp-10009.pdf](http://www.bwpi.manchester.ac.uk/medialibrary/publications/working_papers/bwpi-wp-10009.pdf).

environmental concerns.<sup>31</sup> As a consequence of this policy change, the International Financial Institutions like the IMF and World Bank came to dominate the development arena and began implementing Structural Adjustment Programs, economic restructuring plans for developing States that forced austerity measures and trade liberalization in exchange for development loans.<sup>32</sup> In addition to this technical change, the heightened tensions of the Cold War resulted in many proxy wars across the developing world (thereby hindering development in the new war zones) and a gridlocked United Nations (as the United States and the USSR were both permanent members of the Security Council with veto power).<sup>33</sup>

## 2. A New Era

Emerging from this detour, the 1990s were seen as a great period of opportunity because the harsh requirements of the Structural Adjustment Program model of development were losing popularity,<sup>34</sup> the Cold War was ending, and a new millennium was right around the corner.<sup>35</sup> To usher in this new era, the world focused, once again, on the United Nations as the leader of development.<sup>36</sup> To fulfill this role, the United Nations began to expand its operations. First, it redefined its peacekeeping operations and created twenty new missions between 1989

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31. *Id.*; *USAID History*, USAID, <http://www.usaid.gov/who-we-are/usaaid-history> (last updated May 28, 2015).

32. Hulme, *supra* note 30, at 8; *Structural Adjustment Programmes*, WORLD HEALTH ORGANIZATION TRADE, <http://www.who.int/trade/glossary/story084/en/> (last visited Mar. 10, 2015).

33. See Gerd Hankel, *The United Nations, The Cold War, and Its Legacy*, in THE OXFORD HANDBOOK OF GENOCIDE STUDIES 579-98 (2010).

34. See, e.g., William Easterly, *What Did Structural Adjustment Adjust?: The Association of Policies and Growth With Repeated IMF and World Bank Adjustment Loans*, 76 J. DEV. ECON. 1 (2005); Bharati Sadasivam, *The Impact of Structural Adjustment on Women: A Governance and Human Rights Agenda*, 19 HUM. RTS. Q. 630 (1997).

35. Peter Baehr et al., *The United Nations in the 1990s; To Unite Our Strength: Enhancing the United Nations Peace and Security System*, FOREIGN AFFAIRS (Spring 1993), <http://www.foreignaffairs.com/articles/48511/andrew-j-pierre/the-united-nations-in-the-1990s-to-unite-our-strength-enhancing-united-nations>.

36. *Id.*

and 1994<sup>37</sup> (compared to fifteen in the forty years prior<sup>38</sup>). Then, it established new bodies to enforce international law, such as the ad hoc criminal tribunals for the former Yugoslavia and Rwanda.<sup>39</sup> Additionally, the United Nations recommitted to the human rights codified by the United Nations Charter, Universal Declaration of Human Rights, Genocide Convention, and 1949 Geneva Conventions.<sup>40</sup>

More importantly for the creation of the MDGs, the United Nations amplified its previous model of development by dramatically increasing the number of conferences it hosted on development issues.<sup>41</sup> During the 1990s, the United Nations held the World Summit for Children, the World Conference on Education for All, the Second United Nations Conference on the Least Developed Countries, the United Nations Conference on Environment and Development, the International Conference on Nutrition, the World Conference on Human Rights, the International Conference on Population and Development, the Global Conference on the Sustainable Development of Small Island Developing States, the Fourth World Conference on Women, the World Summit for Social Development, the Second United Nations Conference on Human Settlement, the World Food Summit, the Twenty-first Special Session of the General Assembly on the International Conference on Population and Development, and many others.<sup>42</sup> At the time, these conferences looked no different from the old development model where actual change was minimal. However, each conference contributed a small piece to an emerging global consensus on what development, as a whole, should

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37. *U.N. Peacekeeping—Post Cold-War Surge*, UNITED NATIONS, <http://www.un.org/en/peacekeeping/operations/surge.shtml> (last visited Jan. 14, 2015).

38. *U.N. Peacekeeping—Operations List*, UNITED NATIONS, <http://www.un.org/en/peacekeeping/documents/operationslist.pdf> (last visited Jan. 14, 2015).

39. *1990-1999*, UN LAW, <http://www.un.org/law/1990-1999/> (last updated Nov. 19, 2002).

40. *Id.*

41. *See History of the United Nations*, UNITED NATIONS, <http://www.un.org/en/sections/history/history-united-nations/index.html> (last visited Nov. 6, 2015).

42. *Major Conferences and Summits*, UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, <http://www.un.org/en/development/desa/what-we-do/conferences.html> (last visited Jan. 15, 2015) [hereinafter DESA].

look like.<sup>43</sup> In fact, all of the MDGs can be traced back, in some way, to a commitment from one of these conferences.<sup>44</sup>

Despite the routineness of these conferences, one, in particular, began to break the mold. Unlike the previous cycle of stating values, doing nothing, and reconvening, UNICEF's World Summit for Children set more specific goals and the Executive Director of UNICEF actually followed up with States to assess their progress towards achieving those goals.<sup>45</sup> Later conferences, such as the International Conference on Population and Development and the Fourth World Conference on Women, followed this direction and set out numbered lists of objectives and concerns.<sup>46</sup>

### 3. Moving Beyond the Conference

"[D]espite significant progress in each conference . . . there was a sense of overload, over engagement and summit fatigue with too many recommendations on too many subjects . . ." <sup>47</sup> This was due to the fact that, while each summit covered only one theme (e.g., children or nutrition), they each resulted in outcome documents with long lists of objectives and priorities. At the same time as this "over-promising," Official Development Assistance (which was required to actually fulfill all of the promises) was in a long-term decline.<sup>48</sup> Facing problems on both ends of the process (i.e. setting and achieving goals), the OECD<sup>49</sup>

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43. *Id.*

44. U.N. DEP'T OF ECON. & SOC. AFFAIRS, THE UNITED NATIONS DEVELOPMENT AGENDA: DEVELOPMENT FOR ALL at iii, U.N. Doc ST/ESA/316, U.N. Sales No. E.07.1.17 (June 2007), available at [http://www.un.org/esa/devagenda/UNDA\\_BW5\\_Final.pdf](http://www.un.org/esa/devagenda/UNDA_BW5_Final.pdf).

45. Hulme, *supra* note 30, at 9.

46. Ashwani Saith, *From Universal Values to Millennium Development Goals: Lost in Translation*, 37 DEV. & CHANGE 1167, 1169-70 (2006).

47. Hulme, *supra* note 30, at 11-12 (quoting Colin Bradford, *Towards 2015: From Consensus Formation to Implementation of the MDGs - The Historical Background, 1990-2002* 4 (unpublished mimeo, 2002)).

48. *Id.* at 12; *see also* OECD AID STATISTICS, <http://www.oecd.org/dac/stats/data.htm> (last visited Mar. 10, 2015).

49. The OECD was established in 1948 to oversee the US-financed Marshall Plan and continues to meet (with thirty four members) to discuss policy. *History*, OECD, <http://www.oecd.org/about/history/> (last visited Jan. 16, 2015).

Development Assistance Committee (“DAC”)<sup>50</sup> decided to form a “*Groupe de Réflexion*” to review development aid and brainstorm possible solutions.<sup>51</sup>

At the time the DAC met, the United States, United Kingdom, Germany, and Norway all had been using “results-based management”<sup>52</sup> to reform their own public services.<sup>53</sup> Since these States were influential members of the OECD, the implementation of results-based management was the main suggestion made by the group in its 1996 report, *Shaping the 21<sup>st</sup> Century: The Contribution of Development Co-operation*.<sup>54</sup> Within this report, the DAC took the commitments made at some of the single-issue United Nations summits and compiled a list of comprehensive International Development Goals (IDGs) (see Table 1).<sup>55</sup>

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50. The DAC is a committee within the OECD that brings together the world’s major donors to coordinate aid. *Development Co-operation Directorate*, OECD, <http://www.oecd.org/dac/> (last visited Mar. 10, 2015) [hereinafter DAC].

51. Hulme, *supra* note 30, at 13-14.

52. The OECD defines results based management as “the process an organization follows to objectively measure how well its stated objectives are being met. It typically involves several phases: e.g., articulating and agreeing on objectives, selecting indicators and setting targets, monitoring performance (collecting data on results), and analyzing those results vis-à-vis targets.” ANNETTE BINNENDIJK, DEVELOPMENT ASSISTANCE COMMITTEE OF THE OECD, RESULTS BASED MANAGEMENT IN THE DEVELOPMENT CO-OPERATION AGENCIES: A REVIEW OF EXPERIENCE 6 (2000).

53. Hulme, *supra* note 30, at 14.

54. See DAC, *supra* note 50.

55. *Id.* at 2.

1.	Reduce the proportion of people living in extreme poverty by half between 1990 and 2015
2.	Enroll all children in primary school by 2015
3.	Make progress towards gender equality and empowering women, by eliminating gender disparities in primary and secondary education by 2005
4.	Reduce infant and child mortality rates by two-thirds between 1990 and 2015
5.	Reduce maternal mortality ratios by three-quarters between 1990 and 2015
6.	Provide access for all who need reproductive health services by 2015
7.	Implement national strategies for sustainable development by 2005 so as to reverse the loss of environmental resources by 2015

Table 1: List of IDGs reproduced from the report “A Better World For All” (see note 86)

The international response to the IDGs varied widely. The OECD,<sup>56</sup> G7, and World Bank endorsed the goal-set while the IMF and larger donor countries like the United States, United Kingdom, Japan, and France largely ignored them.<sup>57</sup> For the United Nations, the report was awkward, at best, since the Director of the United Nations Development Programme (UNDP) had notified the DAC before the report was published that UNDP would be making its own synthesis of summit commitments.<sup>58</sup> The DAC went ahead anyway, in what could be seen as an appropriation of the United Nations’ development agenda and leadership role. Thus, in its 1997 *Human Development Report*, UNDP

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56. The report was the product of a single committee within the OECD. The OECD as a whole later adopted the goals as well.

57. Hulme, *supra* note 30, at 16-17.

58. *Id.* at 19 (citing Summary of the Thirty-Third High Level Meeting, DCD/DAC/M(95)4/PROV (1995)).

simply noted the existence of the IDGs and then went on to outline a broader take on development issues.<sup>59</sup>

At this point in the process, the United Nations was inclined to continue with the summit-every-five-years model while the DAC was trying to promote a goals approach with clear, precise, and measurable targets based on a “‘politics of what works’, not a normative of ideological belief in human rights.”<sup>60</sup> It is important to emphasize that the OECD is an international organization that is completely separate from the United Nations; there was no mandate from the United Nations to brainstorm ways to improve development or to synthesize development priorities. Additionally, while the IDGs came from agreements that were drafted by all States at official United Nations conferences, the end result was a prioritization made by a small, unrepresentative group of States.

#### 4. Including the Rest of the World

While the OECD was creating its IDGs, the United Nations was working on its own development agenda. Secretary-General Kofi Annan wrote a report to the General Assembly proposing that the 2000 General Assembly convene as the “Millennium Assembly” with a corresponding assembly report to the “Millennium Summit.”<sup>61</sup> This plan also included a “Millennium Forum” as an opportunity for voices outside of State governments to be heard.<sup>62</sup> The Secretary-General suggested that these meetings would be an opportunity to guide the United Nations into the twenty-first century by providing States with the opportunity to assess the questions of “what kind of United Nations do Member States desire” and “[w]hat substantive objectives are they prepared to support?”<sup>63</sup> The plan, if approved, would also entail the United Nations Secretariat compiling a report to facilitate these discussions.<sup>64</sup>

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59. U.N. DEV. PROGRAMME, HUMAN DEVELOPMENT REPORT 1997 113 (May 1997), available at [http://hdr.undp.org/sites/default/files/reports/258/hdr\\_1997\\_en\\_complete\\_nostats.pdf](http://hdr.undp.org/sites/default/files/reports/258/hdr_1997_en_complete_nostats.pdf).

60. Hulme, *supra* note 30, at 21.

61. U.N. Secretary-General, *A Millennium Assembly, the United Nations System (Special Commission) and a Millennium Forum*, 1-2, U.N. Doc. A/52/850 (Mar. 31, 1998).

62. *Id.*

63. *Id.*

64. *Id.* at 2.

The General Assembly accepted this suggestion and requested that the Secretary-General “seek the views of Member States, members of the specialized agencies and observers and to propose, after a process of intergovernmental consultation, a number of forward-looking and widely relevant topics . . . to focus the Millennium Summit.”<sup>65</sup> After approving this process, the “President of the General Assembly convened open-ended informal consultations of the plenary to [begin the] discussions on . . . the Millennium Summit.”<sup>66</sup> In attending these sessions, the Secretary-General was able to begin to gauge the priorities of the States.<sup>67</sup> Though his preliminary report does not explicitly mention a goal-setting process, it does state that cooperation and development, generally, should be priorities for the Summit.<sup>68</sup> The report ends with a note that the “Millennium Summit will prove to be more than merely a celebratory event. It is essential that it should provide an opportunity for a moral recommitment to the purposes and principles laid down in the Charter of the United Nations and spur new political momentum . . . .”<sup>69</sup>

To ensure that the Summit did spur new political momentum, the Secretary-General produced a more comprehensive report, *We the Peoples*, outlining a detailed view of the future of development in the hopes that it could serve as the basis for the outcome document of the Millennium Summit.<sup>70</sup> In drafting this report, the Secretary-General appointed an American scholar to synthesize the outcomes of the 1990s summits with the aim of ensuring that all United Nations members would agree (or re-agree) to the targets.<sup>71</sup> Since both *We the Peoples* and the IDGs used the conferences and summits of the 1990s as a base, the two documents share many similarities. However, the IDGs are a list of seven, specific goals prioritized above all else while *We the Peoples* is an

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65. G.A. Res. 53/202, ¶ 3, U.N. Doc. A/RES/53/202 (Feb. 12, 1999).

66. U.N. Secretary-General, *The Millennium Assembly of the United Nations: Thematic Framework for the Millennium Summit*, ¶ 3, U.N. Doc. A/53/948 (May 10, 1999).

67. *Id.* at ¶ 5.

68. *Id.* at ¶ 10.

69. *Id.* at ¶ 11.

70. U.N. SECRETARY-GENERAL, *WE THE PEOPLES: THE ROLE OF THE UNITED NATIONS IN THE 21ST CENTURY* (Mar. 2000), available at [http://www.un.org/en/events/pastevents/pdfs/We\\_The\\_Peoples.pdf](http://www.un.org/en/events/pastevents/pdfs/We_The_Peoples.pdf) [hereinafter *WE THE PEOPLES*].

71. Hulme, *supra* note 30, at 26.

eighty page document encompassing all aspects of development (though there is a long list of priorities structured like the IDGs at the end of the report).<sup>72</sup> Additionally, with certain politically controversial issues (such as reproductive health), the Secretary-General had to be weary of political groups (like the Vatican and conservative Islamic countries with the support of US evangelical organizations) that vowed to withdraw support from any document containing controversial topics.<sup>73</sup> Thus, *We the Peoples* presented a development agenda far broader than the IDGs while the IDGs included certain progressive issues that were absent from the United Nations report.

The Secretary General's report also drew on the conclusions of the Gallup International poll, the "Millennium Survey."<sup>74</sup> Gallup "interviewed 57,000 adults in 60 different [States,] . . . the world's largest [survey] ever," with the intent "to provide a start[ing] point for future thought and work that aims at improving the global citizen's views and experience of governance and democracy."<sup>75</sup> In essence, this survey acted as a rudimentary input from the average global citizen into the development goal setting process. The overall results found that there was a general consensus that "what matters most in life" was "to have a happy family and good health."<sup>76</sup> This included "a job to provide for themselves and those they love" and freedom "in a country where there is no war and without violence and corruption."<sup>77</sup> There were also consensuses on the importance of the environment (and the view that government was not doing enough to protect it) and fundamental human rights.<sup>78</sup>

This input from non-governmental voices was bolstered by the Millennium Forum in May of 2000.<sup>79</sup> The forum was attended by over 1,000 non-governmental and civil society organizations representative of

72. WE THE PEOPLES, *supra* note 70, ¶¶ 362-67.

73. Hulme, *supra* note 30, at 28.

74. WE THE PEOPLES, *supra* note 70, at 15.; *Governance and Democracy - the People's View. A global opinion poll.*, GALLUP INTERNATIONAL <http://www.peace.ca/gallupmillenniumsurvey.htm> (last visited Jan. 16, 2015).

75. *Governance and Democracy - the People's View. A global opinion poll.*, *supra* note 74.

76. *Id.*

77. *Id.*

78. *Id.*

79. Millennium Forum, G.A. Res. 959, U.N. Doc. A/RES/54/959 (Aug. 8, 2000).

over 100 States.<sup>80</sup> At the forum, these groups produced their own synthesis of targets and outlined a new, significantly more extensive list of priorities to be considered.<sup>81</sup> While this input was unique, the end report was simply piled on top of all of the other reports presented to the General Assembly at the Millennium Summit (though, a representative from the Millennium Forum was allowed to participate in the eventual Summit).<sup>82</sup>

With only a few months until the Millennium Summit, the Secretary-General began to focus on how the United Nations' development agenda would be accepted by the OECD States as their IDGs were gaining in popularity.<sup>83</sup> To ensure acceptance and coordination, the Secretary-General (acting as the United Nations) joined with the World Bank, IMF, and OECD in June of 2000 to create another report, *A Better World for All*, which formally solidified and legitimized the IDGs.<sup>84</sup> What this meant was that, while the United Nations was continuing forward with its own development agenda (one that was not necessarily looking to pick and choose goals to prioritize), the Secretary-General had committed the United Nations' support to the IDGs, a shortlist of objectives created by a non-United Nations group of developed countries.

Despite making this commitment, the General Assembly moved forward with the Millennium Summit in September of 2000.<sup>85</sup> The Summit started with the reports compiled by the Secretary-General and moved forward by allowing States to further address any of the issues presented.<sup>86</sup> The format consisted of several roundtable discussions, each with forty seats allocated proportionally to the major regions of the world.<sup>87</sup> After each roundtable, there was a plenary session comprised of all member States to discuss the progress coming out of the previous

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80. *Id.* at 2.

81. *Id.*

82. G.A. Res. 54/281, ¶ 11, U.N. Doc. A/RES/54/281 (Aug. 15, 2000) [hereinafter A/RES/54/281].

83. Hulme, *supra* note 30, at 32.

84. See IMF, A BETTER WORLD FOR ALL: PROGRESS TOWARDS THE INTERNATIONAL DEVELOPMENT GOALS (2000), available at <https://www.imf.org/external/pubs/ft/jointpub/world/2000/eng/bwae.pdf>.

85. A/RES/54/281, *supra* note 82.

86. *Id.*

87. *Id.* at 2.

roundtable.<sup>88</sup> Not surprisingly, the OECD States pushed heavily for the IDGs to be implemented while non-OECD States wanted an inclusive fresh start.<sup>89</sup> Ultimately, the Summit concluded in a compromise with the Millennium Declaration: a document similar to *We the Peoples* that reaffirms various rights and treaties, but also includes a list of priorities in the same format as the IDGs (though with more goals covering a broader range of issues).<sup>90</sup>

The Millennium Declaration was then passed by the General Assembly as a resolution and the General Assembly further requested that the Secretary-General prepare a long-term roadmap to implement the specific targets of the document.<sup>91</sup> To do this, the Secretary-General appointed an Assistant Secretary-General to manage a team of representatives from UNDP, UNICEF, OECD (DAC), World Bank, IMF, UNFPA, and WHO.<sup>92</sup> The major problem with this was that the General Assembly had passed a document filled with commitments and goals that went well beyond the IDGs: considering the whole Millennium Declaration would water-down the prioritization of the IDGs while allegiance to the IDGs would disregard many objectives passed by the General Assembly in the Millennium Declaration. Adding to this problem was the fact that this new team included the very organization that created the IDGs (the DAC of the OECD)<sup>93</sup> as well as the organizations that were left out of the IDG process (namely UNDP).<sup>94</sup> Moreover, the Secretary-General was in the awkward position of having an internally created document from the General Assembly and a commitment to the IDGs through the sponsorship of the report *A Better World for All*.<sup>95</sup> The only options seemed to be either keep the two sets of goals separate or try and find some way to reconcile them.<sup>96</sup>

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88. *Id.* at 4-5.

89. Hulme, *supra* note 30, at 33.

90. See Millennium Declaration, G.A. Res. 55/2, U.N. Doc. A/RES/55/2 (Sept. 18, 2000).

91. John McArthur, *The Declaration of the Millennium Development Goals*, BROOKINGS (Mar. 6, 2013), <http://www.brookings.edu/research/papers/2013/03/06-development-goals-targets-mcarthur>.

92. *Id.*

93. See *supra* pp. 154-57.

94. See *supra* p. 157-58.

95. Hulme, *supra* note 30, at 37.

96. *Id.*

## 5. Choosing the Way Forward

Instead of this diverse team solving the problem collaboratively under the auspices of the United Nations, the solution was negotiated externally.<sup>97</sup> In March of 2001, the World Bank held a conference on the IDGs.<sup>98</sup> The Administrator of UNDP gave a speech at the conference trying to start negotiations by offering to accept oversight from the International Financial Institutions over any poverty goals if the International Financial Institutions would give up the IDGs and accept the new Millennium Declaration targets.<sup>99</sup> This suggestion set off a heated debate (again, in a non-United Nations forum) about what should or could be done.<sup>100</sup> Eventually, a representative from the United States handwrote a table that compared the IDGs to the Millennium Declaration, photocopied the chart, passed it around the room, and made the argument that the two development agendas were not mutually exclusive such that, with certain changes, the heart of the Millennium Declaration could be respected without compromising the succinctness of the IDGs.<sup>101</sup> From this suggestion, private negotiations ensued and an agreement was reached to drop the IDGs for whatever goal-set would come out of the Millennium Declaration.<sup>102</sup> With this agreement, the DAC, World Bank, IMF, and UNDP met to harmonize a new goal-set: the Millennium Development Goals (see Table 2).<sup>103</sup>

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97. *Id.*

98. *Id.*

99. *Id.* at 38.

100. *Id.*

101. *Id.* at 39.

102. *Id.*

103. *Id.* at 40.

IDG	MDG
1	Target 1.A
2	Target 2.A
3	Target 3.A
4	Target 4.A
5	Target 5.A
6	Target 5.B
7	Target 7.A

Table 2: Comparing the IDGs to the eventual MDG targets

Now, the original mandate to the Secretary-General did not ask for him to prioritize the targets into a specific goal-set.<sup>104</sup> Instead, it requested a detailed implementation plan for the whole Declaration.<sup>105</sup> The report that was presented to the General Assembly, therefore, was much more detailed and actually only listed the MDGs in an appendix at the very end of the document.<sup>106</sup> The General Assembly took note of the report, though it did not specifically mention the MDGs.<sup>107</sup> Additionally, the report as a whole was only recommended as “a useful guide in the implementation of the Millennium Declaration by the United Nations system”; there was no formal acceptance of the goals as a new agreement of global priorities.<sup>108</sup>

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104. See G.A. Res. 55/162 ¶ 18, U.N. Doc. A/RES/55/162 (Dec. 18, 2000).

105. *Id.*

106. U.N. Secretary-General, *Road Map Towards the Implementation of the United Nations Millennium Declaration*, 56, U.N. Doc. A/56/326 (Sept. 6, 2001).

107. G.A. Res. 56/95, U.N. Doc. A/RES/56/95 (Jan. 30, 2002).

108. *Id.*

## 6. Becoming the MDGs

While much of this work happened outside of the United Nations and can almost be seen as a reconciliation between what the developed States wanted (the IDGs) and what the international community as a whole wanted (the Millennium Declaration), it is important to note that all of these processes (from the IDGs to the Secretary-General reports to the Millennium Declaration) used the 1990s summits as a base.<sup>109</sup> Thus, nothing was pulled from outside the United Nations, it was just different groups prioritizing the same agreements differently.

Looking back on this process from an era that fully embraces the MDGs, it is odd how little recognition they initially received in the General Assembly. In fact, it is amazing that they happened at all given the high-stakes negotiations and political compromising required to put them in place. Even after passing through the General Assembly, the MDGs did not become the unifiers that they are today: countries like the United States actually refused to accept the MDGs as they claimed the MDGs were a product of the United Nations Secretariat and were never agreed-to by the States.<sup>110</sup> Additionally, the General Assembly initially focused on the Millennium Declaration, with the MDGs being merely an implementation tool, and did not reference the full list of goals, targets, and indicators until 2005.<sup>111</sup> However, through the years, the MDGs have slowly gained in popularity and now countless development initiatives cite to them.<sup>112</sup> How, exactly, the MDGs gained this popularity is beyond the scope of this paper.

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109. See DESA, *supra* note 42.

110. McArthur, *supra* note 91.

111. Malcolm Langford, *A Poverty of Rights: Six Ways to Fix the MDGs*, 41 INST. DEV. STUD. BULL. 83, 85 (2010).

112. See, e.g., *Millennium Development Goals*, THE WORLD BANK, <http://www.worldbank.org/mdgs/> (last visited Nov. 7, 2015); *The IMF and the Millennium Development Goals*, INTERNATIONAL MONETARY FUND, <https://www.imf.org/external/np/exr/facts/mdg.htm> (last visited Nov. 7, 2015); *Millennium Development Goals*, USAID, <https://www.usaid.gov/mdg> (last visited Nov. 7, 2015); *Millennium Development Goal Outputs & Publications*, UKAID DEVELOPMENT TRACKER, <http://devtracker.dfid.gov.uk/> (last visited Nov. 7, 2011); *Millennium Development Goals*, FOREIGN AFFAIRS, TRADE AND DEVELOPMENT CANADA, <http://www.international.gc.ca/development-developpement/priorities-priorites/mdg-omd.aspx?lang=eng> (last visited Nov. 7, 2015); *Change the World in Eight Steps*, OXFAM, <http://www.oxfam.org.uk/education/resources/change-the-world-in-eight-steps>

## II. ASSESSING THE MILLENNIUM DEVELOPMENT GOALS

### 1. What Are the MDGs?

The MDGs are a list of eight goals (see Appendix 1) that are meant to be specific and measurable so that progress towards completion can be easily assessed. Behind each of the eight basic goals are a number of targets (eighteen in total) that each relate to the overall goal theme. Associated with these targets are indicators (forty-eight in total) designed to measure the targets, and therefore the overall goals. For example, Goal 6 is: “Combat HIV/AIDS, malaria and other diseases.”<sup>113</sup> Behind this general goal is the specific Target 6B: “Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it.”<sup>114</sup> This combined goal/target objective is measured by Indicator 6.5: “Proportion of population with advanced HIV infection with access to antiretroviral drugs.”<sup>115</sup> Thus, efforts are made to combat HIV/AIDS by achieving universal access to treatment which is measured by the proportion of the population with HIV that has access to medication. Overall, the general goals are simple enough for public relation campaigns, the targets are specific enough for actual implementation, and the indicators allow for assessment of progress.

### 2. What is the Legal Status of the MDGs?

This paper is arguing that the MDGs are undermining international development law by taking the focus away from existing agreements. In order to prove this, the first step is distinguishing the MDGs as something *other* than international development law. Sources of international law differ from domestic law. The Restatement of Foreign Relations Law states “[a] rule of international law is one that has been accepted as such by the international community of states (a) in the form of customary law; (b) by international agreement; or (c) by derivation

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(last visited Nov. 7, 2015); INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES, IN SUPPORT OF THE MILLENNIUM DEVELOPMENT GOALS (May 2006), available at <http://www.ifrc.org/Global/Publications/Health/health-mdgs-en.pdf>.

113. THE MILLENNIUM DEVELOPMENT GOALS INDICATORS, *supra* note 22.

114. *Id.*

115. *Id.*

from general principles common to the major legal systems of the world.”<sup>116</sup> It goes on to state that “[c]ustomary international law results from a general and consistent practice of states followed by them from a sense of legal obligation”; “[i]nternational agreements create law for the states parties thereto and may lead to the creation of customary international law when such agreements are intended for adherence by states generally and are in fact widely accepted”; and “[g]eneral principles common to the major legal systems, even if not incorporated or reflected in customary law or international agreement, may be invoked as supplementary rules of international law where appropriate.”<sup>117</sup> This list is derived from the Statute of the International Court of Justice which states that the Court will apply,

- (a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- (b) international custom, as evidence of a general practice accepted as law;
- (c) the general principles of law recognized by civilized nations; [and]
- (d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.<sup>118</sup>

If the MDGs do not fall under one of these categories, they are not part of international law.

Comparing the MDGs to these sources, it is first clear that they are not general principles as they were created in the international arena, not a domestic legal system. This fact eliminates source (c) from the Restatement leaving only treaties and customary international law. With treaties, their binding legal status only occurs when a State consents to the treaty as a legal document.<sup>119</sup> This process of consenting to a treaty is codified in the 1969 Vienna Convention on the Law of Treaties.<sup>120</sup> Since

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116. RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW § 102 (1987).

117. *Id.*

118. Statute of the International Court of Justice art. 38, June 26, 1945, 59 Stat. 1055, 3 Bevans 1179.

119. Am. Soc. of Int'l Law, *Sources and Evidence of International Law*, in BENCHMARK ON INTERNATIONAL LAW (Diane Marie Amann ed., 2014), available at <https://www.asil.org/sites/default/files/benchmark/sources.pdf>.

120. *Id.*; Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331.

the General Assembly simply acknowledged the MDGs in a resolution instead of having States ratify the document and deposit it as a treaty (as required by the Vienna Convention<sup>121</sup>), it is unlikely that the MDGs would be considered a treaty, thereby eliminating source (b) from the Restatement.

This leaves only customary international law, source (a), as an option. In order for customary international law to be established, there needs to be: (1) general and consistent State practice and (2) a sense of legal obligation.<sup>122</sup> State practice must come from official governmental actions of a State<sup>123</sup> and it must be extensive and representative across the globe, though it does not necessarily need to be universal.<sup>124</sup> Additionally, the practice needs to be settled and undisputed.<sup>125</sup> But a consistent practice is not enough: States must believe that they are legally obligated to carry out the practice and not that they are following the practice out of courtesy or that they are legally free to change their practice at any time.<sup>126</sup>

While nearly every State has stated (and stated consistently since at least 2005) that the international community must meet the MDGs, and while most States are taking actions towards achieving the goals, State practice needs to be backed with a true sense of legal obligation. “[I]t is not clear that these commitments have been made with the requisite intent to be bound”<sup>127</sup> as opposed to simply being moral objectives States would *like* to achieve. While an argument could be made that the *substance* of the goals is customary international law, it is unlikely that States view the specifics or the timeliness as true legal obligations. For example, while an argument could be made that States view the

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121. *Id.* art. 16.

122. *See* RESTATEMENT, *supra* note 116, § 102; Statute of the International Court of Justice, *supra* note 118, art. 38.

123. International Law Association London Conference, London, Eng., 2000, *Statement of Principles Applicable to the Formation of General Customary International Law*, princ. 9(a), p. 17.

124. *Id.* princ. 14(i), p. 23.

125. LORI FISLER DAMROSCH & SEAN D. MURPHY, *INTERNATIONAL LAW: CASES AND MATERIALS* 61 (6<sup>th</sup> ed. 2014).

126. *Id.*

127. Philip Alston, *Ships Passing in the Night: The Current State of the Human Rights and Development Debate seen through the Lens of the Millennium Development Goals*, 27 HUM. RTS. Q. 755, 773 (2005).

obligation to “address poverty” as a legal obligation,<sup>128</sup> the obligation to “cut the number of people living on less than a dollar a day in half” or to “meet this goal by 2015” is far more specific. Since these specificities came from the MDGs and the MDGs were not legal obligations when created,<sup>129</sup> it is unlikely that States suddenly switched their views and accepted a list presented by the Secretary-General as legally binding obligations. Additionally, as the deadline for the MDGs approaches, there is no talk of sanctions for States that are likely to miss goals; no State is arguing that another is failing to uphold its legal obligations. Realistically, then, the MDGs are best seen as just an implementation plan without any legal significance.

### 3. Are the Goals Working?

The MDGs were all drafted to be met by 2015 at the latest. Since, at the time this paper is being written, there is still time to meet the MDGs, there is no way to know for sure what will happen before the deadline. Thus, the status of the MDGs largely depends on who is making the assessment and how that agency views the MDGs. For example, the United Nations’ *Millennium Development Goals Report* for 2014 states that “[s]ubstantial progress has been made in most areas,”<sup>130</sup> while a critical study concludes that “[t]he vast majority of developing countries will miss most of the MDG targets.”<sup>131</sup> In reality, both assessments are true: the lives of people around the world *have* improved significantly since 2000, yet the specific targets set by the MDGs will most likely not

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128. The commitment to address poverty has been expressed in numerous agreements going back to the Universal Declaration of Human Rights. Since States are acting to end poverty and consistently include it in legal documents, there is a strong argument that the commitment could be considered customary international law. See, e.g., Beth Lyon, *Efforts and Opportunities to Use International Law to Alleviate Poverty in the United States*, HUM. RTS. BRIEF, vol. 7 no. 2, at 6-9 (2000).

129. See *supra* note 128.

130. U.N., MILLENNIUM DEVELOPMENT GOALS REPORT 2014 4 (2014), available at <http://www.un.org/millenniumgoals/2014%20MDG%20report/MDG%202014%20English%20web.pdf>.

131. CLEMENS, *supra* note 25, at 3.

be met. The problem, then, is attributing this development success to the MDGs: proving causation and not just correlation.<sup>132</sup>

Framing the assessment of the MDGs in this way shows an even more ambiguous degree of success. For example, trends in Official Development Assistance (money from developed States to developing States) *did* increase post-2000 and the flow of money was towards the specific sectoral areas covered by the MDGs.<sup>133</sup> Additionally, the popularity of the MDGs resulted in States giving more attention to development.<sup>134</sup> However, there is also evidence of States picking and choosing which goals they wanted to focus on.<sup>135</sup> More importantly, more money and more speech do not, necessarily, translate into more results: when looking at historical development trends, “in no case is there an obvious sign of a significant trend-break towards faster progress since 2000.”<sup>136</sup> For example, there is a “somewhat faster” rate of increase in global income levels post-MDGs when compared to the historical trend before the goals, but this rate of increase is variable when it is broken down by region.<sup>137</sup> Additionally, factors like China’s sustained economic growth and Brazil’s domestic policy changes regarding minimum wages, both outside the scope of the MDGs, explain a lot of this overall growth.<sup>138</sup> Moreover, where there is an increase in historical trends, there are counterbalancing decreases: progress towards lower maternal mortality rates have actually declined since the MDGs were created.<sup>139</sup> Thus, “it is impossible to say with any certainty . . . the impact of the MDGs.”<sup>140</sup> With just under a year to go before the deadline,

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132. See Matthew Lockwood, *What Have the MDGs Achieved? We Don't Really Know...Heretical Thoughts from Matthew Lockwood*, OXFAM BLOGS (Aug. 31, 2012), <http://oxfamblogs.org/fp2p/what-if-we-applied-the-results-agenda-to-the-mdgs-quasi-heretical-guest-post-from-matthew-lockwood/>.

133. CHARLES KENNY & ANDY SUMNER, MORE MONEY OR MORE DEVELOPMENT: WHAT HAVE THE MDGs ACHIEVED? 4 (2011).

134. *Id.* at 5-6.

135. *Id.* at 6.

136. *Id.* at 18.

137. *Id.*

138. Lockwood, *supra* note 132.

139. *Id.* at 4.

140. KENNY, *supra* note 133, at 23.

though, it does seem almost certain that “[t]he vast majority of developing countries will miss most of the MDG targets.”<sup>141</sup>

#### 4. General Criticisms of the MDGs

First and foremost, most of the targets are not being met. While the actual problem could come from any number of factors relating to the goals, themselves, or the implementation of the goals, something is not working. Additionally, critics note that, while the goals “are commonly presented as deriving from technical and empirical analysis, in truth they are the product of intense political negotiation informed by analytical work.”<sup>142</sup> A look into the history of these negotiations shows that most of the decision making was made outside of the United Nations and without the participation of most of the world. Ideally, the goals would either be created by global consensus (thereby prioritizing participatory decision making) or would reflect a scientific process of creating technical solutions (thereby prioritizing feasibility and expertise): the MDGs are neither. The problem with this is that there is no participatory decision making *and* there is no guarantee that the targets set are actually workable or would make a difference if achieved.

Furthermore, this process leads to a problem with incentives. First, if the people setting the goals are the same people who will ultimately be accountable for the success or failure of meeting the goals, the incentive for them is to set easy-to-reach goals, avoid losing credibility by failing to meet them, and gain political capital by reaching them with little to no effort (especially if they are already doing the things it would take to meet the goals).<sup>143</sup> Second, once the goals are set, the incentive is to meet them. This is problematic when States are willing to do anything to meet the goals as written. For example, one developing State cleared all of its slums in order to meet Target 7.D (“[achieve] a significant improvement in the lives of at least 100 million slum dwellers”)<sup>144</sup> with the idea being:

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141. CLEMENS, *supra* note 25, at 3.

142. Hulme, *supra* note 30, at 47.

143. See Steven Radelet, *Aid Effectiveness and the Millennium Development Goals*, (Ctr. for Global Dev., Working Paper No. 39, 2004), available at <http://www.cgdev.org/publication/aid-effectiveness-and-millennium-development-goals-working-paper-39>.

144. THE MILLENNIUM DEVELOPMENT GOALS INDICATORS, *supra* note 22.

no slums, no slum dwellers to deal with.<sup>145</sup> Thus, the letter of the goal was met by default without really helping the people living in the slums.

Additionally, the format of the goals does not take into account the difficulty of achievement for each goal. Thus, “checking off” one really hard target ends up looking just the same as checking off one really easy target. Extending this further, checking off two targets looks even better than checking off one, even if the one target was much harder to achieve and lead to a more significant impact. Thus, the incentive is to focus on the areas (either substantive or geographic) that are just below the target. This is because it will take less effort to push the indicator into compliance, yet the same political gain of meeting a target is achieved.<sup>146</sup> This incentive to focus on the “close” areas is coupled with a disincentive to focus on the really “far” areas: success is only measured by achieving a goal, so getting really close to the objective is still a failure. Investing in these far areas would result in a loss of credibility for failing to meet the goal and a loss of credibility due to “wasting” resources on a “failed” project. This set of incentives funnels support away from the areas that need it most.

In fact, one scholar has actually claimed that the MDGs are inherently unfair to Africa.<sup>147</sup> First, as noted above, value is only placed on actually *meeting* the goals, not on *progress* towards achieving them. Thus, while Africa has made great strides towards improving the lives of the people that live there, development in Africa is still labeled as a failure.<sup>148</sup> Second, the starting point for Africa on many of the targets was much lower than anywhere else in the world making it much harder to achieve the targets.<sup>149</sup> For example, Target 2.A calls for the number of people living on less than a dollar a day to be cut in half by 2015.<sup>150</sup> In a State where very few people live on less than a dollar a day, the State only needs to work with a small portion of its population to meet the goal. However, in many African countries, a large proportion of the population

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145. Langford, *supra* note 111, at 86.

146. *Id.* at 87.

147. See William Easterly, *How the Millennium Development Goals are Unfair to Africa*, 37 WORLD DEV. 26, 26 (2009).

148. *Id.*

149. *Id.*

150. THE MILLENNIUM DEVELOPMENT GOALS INDICATORS, *supra* note 22.

lives on less than a dollar a day.<sup>151</sup> This means that an African country would need to work with a much larger population in order to meet the target.

Beyond these specific criticisms, the whole concept of forming a list of globally-applicable, all-inclusive goals is inherently flawed. The world is a very complex place and trying to fix everything with eight goals (or even eighteen targets) is bound to leave out significant issues. Additionally, the world is made up of very different communities that need to do very different things to “develop.” Despite these differences, the MDGs create a list of goals that apply universally without considering local conditions or needs. Likewise, all States, not just economically poor States, have room for improvement. But with a universal application, it is hard to set meaningful goals for the developed States that can still be met by States where people live on less than a dollar a day. When there is an entire body of international law that addresses development, eight goals is not enough.

## 5. Legal Criticism

The crux of this paper rests on the fact that the MDGs are not legally binding and not fully representative of the existing legal framework. While an instrument does not need to be legally binding to be useful, there already is a robust body of law creating obligations of the international community to further development. By establishing the MDGs as *the* priorities for development, an excuse was created for ignoring all of these other legal obligations: could a State be faulted for failing to address violence against women (not a target, but present in other international agreements) when it was making great strides on educational access for women (a target)? With limited funding, is it not justifiable to focus exclusively on biodiversity loss (a target) and not on climate change (not a target, but present in other international agreements)? One human rights scholar goes as far as calling the MDGs

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151. U.N. ECON. COMM’N FOR AFRICA, ASSESSING THE PROGRESS IN AFRICA TOWARD THE MILLENNIUM DEVELOPMENT GOALS 2-5 (2015), *available at* [http://www.undp.org/content/dam/rba/docs/Reports/MDG%20Report%202015\\_ENG.pdf](http://www.undp.org/content/dam/rba/docs/Reports/MDG%20Report%202015_ENG.pdf)

the “Major Distracting Gimmicks” as the targets basically distract from the entire body of human rights law.<sup>152</sup>

In addition to distracting from legal obligations, the MDGs actually take power away from the existing legal framework.<sup>153</sup> For example, take a multilateral treaty creating State obligations such as the Convention on Biological Diversity.<sup>154</sup> The treaty states the provisions that the parties have agreed-to and creates some sort of oversight body to review the progress of implementation: a Conference of the Parties made up of States to assess progress and make amendments,<sup>155</sup> a Secretariat to manage information and meetings and oversee the implementation of the agreements,<sup>156</sup> and a Subsidiary Body on Scientific, Technical and Technological Advice made up of experts to make recommendations.<sup>157</sup> When the MDGs were created, the goal-setting process bypassed the governance of the Convention and set Target 7B: “Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss.”<sup>158</sup> This was to be measured by indicators such as the “[p]roportion of fish stocks within safe biological limits[,]” the “[p]roportion of total water resources used[,]” the “[p]roportion of terrestrial and marine areas protected[,]” and the “[p]roportion of species threatened with extinction.”<sup>159</sup> While this is not irreconcilable with the Convention on Biological Diversity, the framework of the Convention was the entity given the legal authority by States to govern biological diversity. With the MDGs, the group that drafted them took this power away and decided, for themselves, how biodiversity should be handled. In fact, the Millennium Declaration deferred to the Convention when it stated that biological diversity should be protected by “the full implementation of the Convention on Biological Diversity.”<sup>160</sup> The MDGs diverged from this deference and called on States to prioritize fish stocks, water

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152. Saith, *supra* note 46, at 1174.

153. *See, e.g.*, Langford, *supra* note 111.

154. Convention on Biological Diversity, June 5, 1992, 1760 U.N.T.S. 79.

155. *Id.* art. 23.

156. *Id.* art. 24.

157. *Id.* art. 25.

158. THE MILLENNIUM DEVELOPMENT GOALS INDICATORS, *supra* note 22.

159. *Id.*

160. Millennium Declaration, *supra* note 90, ¶ 23.

resource use, terrestrial and marine protected areas, and species threatened with extinction instead of following the Convention.

After appropriating the rule-setting power, the MDGs also began encroaching upon oversight by measuring progress toward achieving the goals.<sup>161</sup> The whole point of creating the MDGs was to have specific, measurable goals that made assessment of progress easy. With external groups now measuring MDG progress, how were the oversight committees supposed to go forward? With biodiversity, some UN agency was now assessing fish stocks, water resource use, terrestrial and marine protected areas, and species threatened with extinction to assess how biodiversity protection was progressing.<sup>162</sup> Was this oversight enough to measure treaty obligations or was the Convention supposed to oversee the same indicators (with others) to make its own assessment? How would the two assessments, if different, be reconciled? Would meeting the MDG targets yet failing the Convention provisions be reported as a success or as a failure?

In other areas where more specific targets were set, there is even more of a conflict. The Universal Declaration of Human Rights states that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services . . . .”<sup>163</sup> Does cutting the number of people living on less than a dollar a day meet this obligation? Or, is meeting the goal just an interim success to be followed by a more ambitious goal? Additionally, Target 2.A provides that “children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.”<sup>164</sup> However, the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural rights calls for free, compulsory, and quality education and includes secondary education.<sup>165</sup> So, is the Committee on the Rights of the Child supposed to let the MDGs set the agenda or should it point out

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161. See, e.g., *MDG Progress Report*, UNDP, <http://www.undp.org/content/undp/en/home/librarypage/mdg/mdg-reports/> (last visited Nov. 7, 2015).

162. See *id.*

163. Universal Declaration of Human Rights, *supra* note 1, art. 25.

164. THE MILLENNIUM DEVELOPMENT GOALS INDICATORS, *supra* note 22.

165. Langford, *supra* note 111, at 86.

that, while primary education is important, States really need to do a lot more than that?

This conflict is problematic as it essentially creates two tracks of development: one based in law and one based in non-binding political promises. With the MDG track being prioritized, attention and effort is siphoned away from legally binding (and more extensive) agreements and funneled towards glossed-over, over-simplified, voluntary objectives. While the MDGs certainly are exciting, attractive, and galvanizing, at the end of the day (or, at the end of the fifteen year window established by the goals), there are no legal ramifications for not meeting a goal.<sup>166</sup> Arguably, a legal obligation like “end poverty” would also be functionally unenforceable under the current international legal system, but the solution to this problem is not to disregard the international legal system, the solution is to find ways to strengthen it. The MDGs do exactly the opposite: they divert attention away from the legal obligations, put on the façade of being a solution, and ultimately end up kicking the can down the road further. Rather than reinventing the wheel, trying to come up with agreements, and ignoring the obligations that already cover development issues, the world needs to focus on strengthening the implementation of what is already out there.

### III. SUSTAINABLE DEVELOPMENT GOALS

#### 1. Moving Forward Towards a New Goal-Set

The question of “what happens after the MDGS?” has really always loomed in the background. As the deadline for achieving the goals got closer, it became more likely that many would be missed. Also, even if all of the targets *were* actually met, it would be hard to argue that development was “complete.” Thus, while there was no long-term plan put in place for what would happen after the MDGs, it was understood that they were only a stepping stone in the overall process.

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166. See Franque Grimard, *Some Reflections on the Aid Consequences of Missing the 2015 MDGs*, FORESIGHT, vol. 1, no. 3, at 7 (2008) (explaining the political and economic consequences of missing the goals at the exclusion of a legal consequence in the form of adjudication or sanctions).

To ensure that a further long-term plan was created, the 2010 High-level Plenary Meeting of the United Nations General Assembly on the progress towards the Millennium Development Goals requested that the Secretary-General make recommendations to the General Assembly on how development should be advanced and what the Post-2015 Development Agenda should look like.<sup>167</sup> To follow up on this request, the Secretary-General discussed potential elements of a Post-2015 Development Agenda in the annual report of the Secretary-General on accelerating progress towards the Millennium Development Goals.<sup>168</sup> In regard to goals, he wrote:

Sustainable development goals need to remain at the centre. Not all Millennium Development Goals are expected to be achieved by 2015, but even if they were, much further progress would be needed to achieve higher levels of sustainable development beyond 2015 (to eradicate, rather than halve, poverty, for example, as called for in the Millennium Development Goals agenda). Discussions could focus on whether and in what sense goals need to be broadened or accelerated (e.g., more focus on quality and absolute numbers rather than percentages; also focus on the issues raised below), and whether to change the system to monitor progress and delivery on commitments.<sup>169</sup>

A year later, the United Nations General Assembly met at the 2012 Rio+20 Conference on Sustainable Development and acted on these recommendations. One of the outcome documents of the conference, *The Future We Want*, stated that the General Assembly “recognize[d] the importance and utility of a set of sustainable development goals” and “resolve[d] to establish an inclusive and transparent intergovernmental process . . . with a view to developing global sustainable development

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167. G.A. Res. 65/1, ¶ 81, U.N. Doc. A/RES/65/1 (Sept. 22, 2010) [hereinafter A/RES/65/1].

168. U.N. Secretary-General, *Accelerating Progress Towards the Millennium Development Goals: Options for Sustained and Inclusive Growth and Issues for Advancing the United Nations Development Agenda Beyond 2015*, U.N. Doc. A/66/126 (July 11, 2011) [hereinafter *Accelerating Process Towards the Millennium Development Goals*].

169. *Id.* ¶ 56.

goals to be agreed by the General Assembly.”<sup>170</sup> While there are many ways the world could have gone forward from the MDGs, the decision was to create another goal-set: the Sustainable Development Goals (SDGs).

## 2. Setting Things Up

The SDG process differs from the MDG process in two major ways: (1) the process is intentionally headed towards a set of goals rather than arriving there accidentally, and (2) the entire process is under the auspices of the United Nations (or at least all of the official processes; there will always be private negotiations and compromises). Additionally, while the MDG process progressed in discrete steps (albeit in a complex and seemingly haphazard way), the SDG process is made up of many more moving parts all working at the same time and feeding into each other. Thus, to adequately explain this interconnected process, it is necessary to provide a general overview of the “key players” before moving on to the steps.

Basically, there are two processes that are assessing the post-MDG plan: the Post-2015 Development Agenda under the Secretary-General and the SDG drafting under the General Assembly.<sup>171</sup> The two are connected such that the Post-2015 Development Agenda provides information and suggestions to the SDGs and the SDGs will be the major aspect of the Post-2015 Development Agenda.<sup>172</sup> The two are separate mainly because the Post-2015 Development Agenda started in 2010<sup>173</sup> while the SDGs were not mandated until 2012,<sup>174</sup> and because the Post-2015 Development Agenda includes more than just the SDGs.<sup>175</sup>

170. *The Future We Want*, *supra* note 3, ¶¶ 246-48.

171. *See generally Processes and UN System*, SUSTAINABLE DEVELOPMENT KNOWLEDGE PLATFORM, <https://sustainabledevelopment.un.org/intergovernmental> (last visited Nov. 7, 2015); *see also infra* pp. 179-83.

172. *See id.*

173. As stated above, the 2010 High-level Plenary Meeting of the UN General Assembly on the progress towards the Millennium Development Goals requested that the Secretary-General start thinking about the Post-2015 Development Agenda.

174. As stated above, the outcome document, *The Future We Want*, from the Rio+20 Conference was the first to call for a new goal-set.

175. *See Process Overview*, U.N. DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS DEVELOPMENT POLICY AND ANALYSIS DIVISION,

Essentially, the SDG drafting side is made of only the Open Working Group: the political forum that is actually drafting the goals.<sup>176</sup> While other entities provide information and guidance, the Open Working Group is independently drafting the official proposal of the SDG goal-set.<sup>177</sup> As such, the Open Working Group involves research, political compromise, and drafting.<sup>178</sup>

The Post-2015 Development Agenda side is made up of many groups and consultations to study development issues and hear a diversity of opinions.<sup>179</sup> Generally, these groups bring together similar individuals (e.g., heads of state) to use their collective expertise to assess development, write a report, and present the material to the Open Working Group for consideration.<sup>180</sup> The first group is the United Nations System Task Team: a group of experts from across the United Nations development-focused agencies.<sup>181</sup> Next is the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda: a group made up of mostly non-United Nations experts who were assembled by the Secretary-General.<sup>182</sup> Then, official consultations took place in academia (such as the Sustainable Development Solutions Network out of Columbia University), at the regional level, and within various United Nations-affiliated agencies.<sup>183</sup> Finally, an internet-based survey was distributed globally to collect the opinions of everyday people.<sup>184</sup>

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[http://www.un.org/en/development/desa/policy/untaskteam\\_undf/process.shtml](http://www.un.org/en/development/desa/policy/untaskteam_undf/process.shtml) (last visited Jan. 16, 2015) (“There is broad agreement that the two processes should be closely linked and should ultimately converge in one global development agenda beyond 2015 with sustainable development at its core.”) [hereinafter *Process Overview*, U.N. DESA].

176. See *Open Working Group On Sustainable Development Goals*, SUSTAINABLE DEVELOPMENT KNOWLEDGE PLATFORM, <https://sustainabledevelopment.un.org/owg.html> (last visited Jan. 16, 2015); see also *infra* p. 182-83.

177. *Id.*

178. *Id.*

179. See generally *Process Overview*, U.N. DESA, *supra* note 175; see also *infra* pp. 179-83.

180. *Id.* The material from these groups is also being used to further the other aspects of the Post-2015 Development Agenda, but those are beyond the scope of this paper.

181. *Id.*

182. *Id.*

183. *Id.*

184. *Id.*

### 3. A Closer Look

Before the SDGs were mandated, the Secretary-General was working with a very general mandate to simply assess the Post-2015 Development Agenda.<sup>185</sup> Therefore, the initial appointments and group formations precede the decision to actually create another goal-set and were solely meant to explore the future of development. After the General Assembly mandated the creation of a follow-up goal-set,<sup>186</sup> the groups began contributing information specifically to inform the process of drafting the new SDGs.<sup>187</sup>

Within the Secretariat, the Secretary-General responded to the request from the 2010 High-level Plenary Meeting of the General Assembly on the progress towards the Millennium Development Goals with a report in July of 2011.<sup>188</sup> He also appointed a Special Advisor on Post-2015 Development Planning to help guide the Secretariat.<sup>189</sup> To further coordination outside the Secretariat, the Secretary-General created an “an informal senior coordination group” made up of the Assistant Secretary-General for Economic Development in the United Nations Department for Economic and Social Affairs, Assistant Secretary-General for Development Policy at UNDP, Assistant Secretary-General for Policy and Programme at United Nations Women, and the newly appointed Special Advisor on Post-2015 Development Planning.<sup>190</sup> Additionally, a “One Secretariat” was established within UNDP to “ensure coordinated and coherent support, in fulfillment of the United Nations operating principle of ‘Deliver as One.’”<sup>191</sup>

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185. A/RES/65/1, *supra* note 167.

186. *The Future We Want*, *supra* note 3, ¶ 248.

187. *See generally Process Overview*, UN DESA, *supra* note 175.

188. *Accelerating Progress Towards the Millennium Developmental Goals*, *supra* note 168, ¶ 56.

189. *Ban appoints special adviser on post-2015 development planning and head of Burundi office*, U.N. NEWS CENTER, [http://www.un.org/apps/news/story.asp?NewsID=42174#.VG11CfnF\\_5U](http://www.un.org/apps/news/story.asp?NewsID=42174#.VG11CfnF_5U) (last visited Jan. 16, 2015).

190. *Process Overview*, UN DESA, *supra* note 175.

191. *High-level Panel of Eminent Persons on Post-2015: London Meeting*, U.N. NON-GOVERNMENTAL LIAISON SERVICE, [http://www.un-ngls.org/index.php/un-ngls\\_news\\_archives/2012/264-high-level-panel-of-eminent-persons-on-post-2015-london-meeting](http://www.un-ngls.org/index.php/un-ngls_news_archives/2012/264-high-level-panel-of-eminent-persons-on-post-2015-london-meeting) (last visited Jan. 16, 2015).

As for the specific groups, the United Nations System Task Team on the Post-2015 Development Agenda was created in January of 2012.<sup>192</sup> Essentially, it is a group of over 60 agencies from within the United Nations and from agencies closely associated with the United Nations, like the International Financial Institutions, and is chaired by the United Nations Department of Economic and Social Affairs and UNDP.<sup>193</sup> The objective in creating the group was to bring together all of the major institutions working on development to collaborate and form inputs for the new development agenda.<sup>194</sup> The group has produced many technical reports and has hosted several outreach and “side events” at major conferences, but its major deliverable was its report *Realizing the Future We Want for All*, which was published in June of 2012.<sup>195</sup> As this report was published before the official mandate for the SDGs, the target audience was basically the other Post-2015 Development Agenda groups and the objective was to outline how the United Nations system viewed international development for the post-2015 period. Basically, the report recommended keeping the MDG approach, but encouraged a stronger focus on sustainability, flexibility, and local adaptability.<sup>196</sup> The report further stressed that “[t]he purpose of a global development agenda is thus not to prescribe specific development strategies or policies, but to provide guidance for priority setting at all levels (global, regional, national and sub-national).”<sup>197</sup>

Once the SDGs and the Open Working Group were mandated, the Task Team formed a subgroup, the inter-agency technical support team to support the Open Working Group (TST), to literally support the Open Working Group.<sup>198</sup> The TST is chaired by the United Nations

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192. *Process Overview*, UN DESA, *supra* note 175.

193. *Preparing for the Development Agenda Beyond 2015*, U.N. DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS DEVELOPMENT POLICY AND ANALYSIS DIVISION, [http://www.un.org/en/development/desa/policy/untaskteam\\_undf/](http://www.un.org/en/development/desa/policy/untaskteam_undf/) (last visited Jan. 16, 2015) (linking to a pdf list of all members) [hereinafter *Preparing for the Development Agenda Beyond 2015*, UN DESA].

194. *Process Overview*, UN DESA, *supra* note 175.

195. *See generally* U.N. SYSTEM TASK TEAM ON THE POST-2015 U.N. DEV. AGENDA, *REALIZING THE FUTURE WE WANT FOR ALL* (2012), *available at* [http://www.un.org/millenniumgoals/pdf/Post\\_2015\\_UNTReport.pdf](http://www.un.org/millenniumgoals/pdf/Post_2015_UNTReport.pdf).

196. *Id.* at iii.

197. *Id.* at 2.

198. *Process Overview*, UN DESA, *supra* note 175.

Department of Economic and Social Affairs and UNDP and is made up of 40 United Nations entities.<sup>199</sup> The TST is essentially the liaison between the Task Team and the Open Working Group as it provides technical support, analytical service, expert panelists, and background material for the deliberations within the Open Working Group.<sup>200</sup>

Back in February of 2012, just after the Task Team was first created, the Secretary-General also hosted an Experts Group Meeting to bring together academics and technical civil society organizations to discuss more of the technical aspects of development from the viewpoints of non-United Nations experts.<sup>201</sup> Experts from forty-five organizations within the United Nations and from nineteen institutions and NGOs outside the United Nations attended the meeting.<sup>202</sup> Additionally, around the same time, the United Nations Development Group (a group of “UN funds, programmes, specialized agencies, departments, and offices that play a role in development”)<sup>203</sup> initiated national consultations in over sixty countries and a set of eleven global consultations (each with a different theme) in order to gain the perspectives of individual States.<sup>204</sup> Similar processes were also carried out by the United Nations Regional Economic Commissions.<sup>205</sup> As for general citizen input, the website “My World” was created for people to vote which development areas they cared most about.<sup>206</sup>

Later, in July of 2012, the Secretary-General appointed the High-level Panel of Eminent Persons on the Post-2015 Development Agenda.<sup>207</sup> This group was co-chaired by the presidents of Indonesia and Liberia and the Prime Minister of the United Kingdom and was exclusively made up of representatives from non-United Nations groups including civil society, private businesses, academic institutions, and local

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199. *Id.*

200. *Id.*

201. *Preparing for the Development Agenda Beyond 2015*, UN DESA, *supra* note 193.

202. *Id.*

203. *About the UNDG*, UN DEVELOPMENT GROUP, <https://undg.org/home/about-undg/> (last visited Nov. 7, 2015); *see also UNDG Members*, *supra* note 16 (listing all of the current members).

204. *Process Overview*, UN DESA, *supra* note 175.

205. *Id.*

206. *My World 2015*, <http://vote.myworld2015.org/> (last visited Jan. 16, 2015).

207. *Process Overview*, UN DESA, *supra* note 175.

governments.<sup>208</sup> The main objective of the group was to draft the report, *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development*, and lay out their vision of a development agenda.<sup>209</sup> The group traveled around the world talking to people in poverty, representatives from civil society, business organizations, and local representatives and debated, amongst themselves, what would be the best way forward.<sup>210</sup> Ultimately, the group synthesized their results into their report in March of 2013 and actually began listing targets to consider in the SDG drafting process.<sup>211</sup>

The SDGs were finally mandated in July of 2012 in the outcome document of Rio+20 and the Open Working Group was also established in that same document as the body to draft the goals.<sup>212</sup> The official, more detailed plan for the Open Working Group was passed by the General Assembly in January of 2013.<sup>213</sup> The drafting process implemented was a unique, “constituency-based” system where there were only thirty seats in the deliberative group, yet each seat represented 1-4 Member States.<sup>214</sup> The resolution stated which States were grouped in each seat, but it was ultimately up to the States in a given seat to determine how their interests would be represented in the Open Working Group meetings.<sup>215</sup> The final meeting of the Open Working Group was held in July of 2014 and a final document was presented to the General

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208. *Id.*

209. HIGH-LEVEL PANEL OF EMINENT PERSONS ON THE POST-2015 DEVELOPMENT AGENDA, A NEW GLOBAL PARTNERSHIP: ERADICATE POVERTY AND TRANSFORM ECONOMIES THROUGH SUSTAINABLE DEVELOPMENT (June 2013), *available at* [http://www.un.org/sg/management/pdf/HLP\\_P2015\\_Report.pdf](http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf).

210. *Id.* at 1-2.

211. *Id.* at 31-33.

212. *The Future We Want*, *supra* note 3, ¶ 248.

213. *See Open Working Group On Sustainable Development Goals*, *supra* note 176 (discussing how G.A. decision 67/555 implemented the Draft Decision Submitted by the President of the General Assembly on Open Working Group of the General Assembly on Sustainable Development Goals, U.N. Doc. A/67/L.48/Rev.1).

214. *Id.* (explaining the deliberative process); *see also* Draft Decision Submitted by the President of the General Assembly on Open Working Group of the General Assembly on Sustainable Development Goals, U.N. Doc. A/67/L.48/Rev.1 (Jan. 15, 2013) (allocating the thirty seats).

215. *Id.*

Assembly (see Appendix II for the preliminary list).<sup>216</sup> The General Assembly accepted the document, but noted that negotiations will continue until a decision is made at the end of 2015.<sup>217</sup>

#### IV. (BRIEF, PREMATURE) ANALYSIS OF THE SDGs: MORE OF THE SAME

The SDGs can best be seen as “the MDGs 2.0.” Positively, “2.0” suggests some improvement from the original model. Here, the process of forming the SDGs has been much more open, transparent, and inclusive; remained within the legitimacy of the United Nations system; and followed a structured, predetermined, and written-out procedure.<sup>218</sup> Whereas the MDGs were largely controlled by the developed world, the SDG process made room for voices from across the spectrum of constituents. Additionally, the SDGs were formed with technical expertise from a much wider field of experts, both within the United Nations system and the greater international community. Because of this, the suggested list put forth by the Open Working Group includes a much broader picture of development than the MDGs.<sup>219</sup>

But despite these major improvements, the SDGs still follow the same format as the MDGs and, therefore, are open to the same shortcomings. It is still too early to meaningfully assess the specific content since negotiations will continue throughout this year. However, concerns are already being raised as these negotiations have left the open and participatory forums established by the United Nations and have entered closed-door negotiations.<sup>220</sup> Specifically, States have weakened the language of the SDGs by changing “ensure” to “promote,” “discrimination” to “distinction,” and “fulfill” to “promote” even when

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216. Report of the Open Working Group of the General Assembly on Sustainable Development Goals, U.N. Doc. A/68/970 (Aug. 12, 2014).

217. G.A. Res. 68/309, U.N. Doc. A/RES/68/309 (Sept. 12, 2014).

218. *See supra* pp. 175-83.

219. Compare the 8 goals and 18 targets of the MDGs to the 17 goals and 169 targets of the SDGs.

220. Bhumika Muchhala, *Last-Minute Lack of Transparency Weakens Sustainable Development Goals*, THE GUARDIAN (Aug. 13, 2015, 9:18 AM), <http://www.theguardian.com/global-development-professionals-network/2015/aug/13/lack-of-transparency-sustainable-development-goals-negotiations-united-nations>.

existing international law already calls for the “stronger” word.<sup>221</sup> While it is possible that the SDGs could end up being an inclusive, accurate representation of development needs that fully lines up with international legal obligations, poses no problems when implemented locally, and galvanizes such support that all targets are achieved by the end date, it is at least as likely that they will be just as problematic as the MDGs. While the Development Goals model does tend to increase the publicity of development initiatives and, therefore, do some good, there are better ways of going forward.

## V. PROPOSED SOLUTION

It is easy to observe a process from the outside and criticize the proposed plan without proposing an alternative. Despite my objections, I do not believe that any of the Development Goals, from the IDGs to the MDGs to the SDGs, were made with a malicious intent or a desire to skirt around international legal obligations. Instead, I view the Development Goal model as an admirable attempt at trying to make at least some progress in an extremely politicized field.<sup>222</sup> While the MDGs certainly had the *effect* of undermining international development law, this paper is not going as far as to say that it was the *intent* of the drafters to do this.<sup>223</sup>

Under the current system, the existing treaty regimes are not universally ratified, jurisdiction to enforce the provisions is not guaranteed, and full implementation of legal agreements is not necessarily politically or financially feasible. Thus, a meaningful solution to international development cannot simply be: implement the existing obligations. With that understanding, it is easy to see the appeal in starting over and creating a non-legally binding, universally applicable, quantified list of objectives to at least do something. But, as was seen with the MDGs, this approach comes with its own problems. Instead, I

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221. *Id.*

222. To do development work from a developed country, a government needs to raise revenue at home to be spent abroad. Additionally, doing this work in a foreign country raises international relations issues and may challenge State sovereignty if done incorrectly. For government in developing countries, choices need to be made about how the limited public funds are spent to provide social services.

223. Though, that argument could be made.

propose a hybrid model that takes the benefits of goal-setting and uses it to achieve the pre-existing treaty obligations.

To start, there are some pretty ambitious international agreements already in existence. These range from legally enforceable treaties to ambitious soft law agreements. Working with the extensive body of human rights law in combination with summit outcome documents like *The Future We Want*, *The Millennium Declaration*, and *Agenda 21* would lead to a far more extensive development agenda than even the most ambitious SDGs we can hope for. While a solution cannot simply implement everything in all of these documents, a truly ambitious goal-set should lead, step-by-step, to full implementation of these legal agreements with the only political input being where we start. The current processes have allowed States too much flexibility to deviate from these obligations, which almost always leads to a lower commitment than what is already agreed to do.

From there, complex problems often require complex solutions. While it may seem desirable to constrict all development under one policy tool that can easily be broken down into eight parts, it simply does not work. Realistically, how feasible is it for one goal-set to singlehandedly create meaningful solutions to economic development, violence against women, global climate change, childhood education, nutrition, and a vast number of other social issues while still remaining manageable?<sup>224</sup> Instead, technical and legal experts from various fields could work together to propose plans to fully implement the international legal obligations within their given field.

This is actually the approach that is already being undertaken by the Convention on Biological Diversity. As mentioned above, the Convention creates a Conference of the Parties made up of States to assess progress and make amendments,<sup>225</sup> a Secretariat to manage information and meetings and oversee the implementation of the agreements,<sup>226</sup> and a Subsidiary Body on Scientific, Technical and

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224. Of course there are relationships between issues and addressing one issues often affects many others. Additionally, the UN as a whole can, and should, still address all of these issues. I am just advocating for delegation: there is no reason why one group needs to singlehandedly set the development agenda when various groups from various fields can each set a portion and, together, form the agenda.

225. Convention on Biological Diversity, *supra* note 154, art. 23.

226. *Id.* art. 24.

Technological Advice made up of experts to make recommendations.<sup>227</sup> In 2010, the Conference of the Parties adopted a Strategic Plan for Biodiversity that included the Aichi Biodiversity Targets, a list of five general goals and twenty specific targets that all reflect the obligations of the Convention.<sup>228</sup> This goal-set started with legal expertise to ensure it was in line with the treaty obligations, added technical knowledge to increase the likelihood of success, and then passed through the democratic body to give it political legitimacy. From there, Article 6 of the Convention states that “[e]ach Contracting Party shall, in accordance with its particular conditions and capabilities . . . [d]evelop national strategies, plans or programmes for the conservation and sustainable use of biological diversity . . . [to implement] the measures set out in this Convention.”<sup>229</sup> Using this requirement, the Conference implemented the goals by requiring the national plans to reflect the Aichi Biodiversity Targets. Thus, there is now a goal-set that is fully within the boundary of a treaty, thereby accurately reflecting international law; consistent with technical expertise, thereby making it more likely that the targets will be implementable and actually solve problems; and funneled into a legal obligation, thereby giving it political and legal legitimacy.

This model could easily be implemented throughout the legal framework with goal-sets being drafted by the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities, etc. United Nations agencies like United Nations Women or UNICEF could also create their own goal-sets. Where there is overlap, the United Nations could facilitate collaboration such that UNICEF and the Committee on the Rights of the Child create one goal-set covering the issues faced by children. Ultimately, it makes more sense to allow experts to create plans that implement the agreements made by diplomats than it does to allow diplomats to reach the agreements and then figure out how to successfully implement them. Participatory decision making and democracy would still play a central role as the experts would not go beyond what the States already agreed-to (and the States that are parties

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227. *Id.* art. 25.

228. Conference of the Parties to the Convention on Biological Diversity Decision X/2, U.N. Doc. UNEP/CBD/COP/DEC/X/2 (Oct. 29, 2010).

229. Convention on Biological Diversity, *supra* note 154, art. 6.

to the various treaties would be involved in the drafting process of the actual goals anyway). The only difference would be more goals, but the goals would be more reflective of existing international legal obligations and better tailored to solve the actual problems of international development. Rather than reinventing the wheel every decade, this approach would empower the oversight bodies of the existing treaties and intergovernmental organizations to implement the agreements that are already on the table. By incorporating these goals into national plans (as is done with the Aichi Targets) local conditions and priorities can be respected.

## CONCLUSION

The MDGs, while admirable, create a separate track that draws attention away from the existing legal obligations. If the world was approaching development for the first time in 2000 with a clean slate, the MDGs would be a great start. However, there are already decades worth of agreements that go above and beyond what was laid out in the MDGs; focusing on them undersold what the world had already committed to do. Now that the MDGs are set to expire in 2015, the world has the opportunity to assess the progress of the last fifteen years and decide how best to go forward. Unfortunately, the world's leaders decided to create a new goal-set in the SDGs. While the process leading to the SDGs is much more inclusive and the end product is much wider in scope, the SDGs are essentially the MDGs 2.0. The MDGs are neutral at best with no definitive positive impact on the field of development. Thus, there is little reason to believe that the SDGs will be any different. Instead of replacing one failure with another, the international community should turn back to its legal obligations and work out strategies to implement the existing agreements, such as the Convention on Biological Diversity is doing with the Aichi Biodiversity Targets. The world has already committed to development, now it needs to act.

APPENDIX I: THE MILLENNIUM DEVELOPMENT GOALS<sup>230</sup>

Goals and Targets (from the Millennium Declaration)	Indicators for monitoring progress
<b>Goal 1: Eradicate extreme poverty and hunger</b>	
Target 1.A: Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day	<ol style="list-style-type: none"> <li>1. Proportion of population below \$1.25 (PPP) per day</li> <li>2. Poverty gap ratio</li> <li>3. Share of poorest quintile in national consumption</li> </ol>
Target 1.B: Achieve full and productive employment and decent work for all, including women and young people	<ol style="list-style-type: none"> <li>4. Growth rate of GDP per person employed</li> <li>5. Employment-to-population ratio</li> <li>6. Proportion of employed people living below \$1.25 (PPP) per day</li> <li>7. Proportion of own-account and contributing family workers in total employment</li> </ol>
Target 1.C: Halve, between 1990 and 2015, the proportion of people who suffer from hunger	<ol style="list-style-type: none"> <li>8. Prevalence of underweight children under-five years of age</li> <li>9. Proportion of population below minimum level of dietary energy consumption</li> </ol>
<b>Goal 2: Achieve universal primary education</b>	
Target 2.A: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	<ol style="list-style-type: none"> <li>1. Net enrolment ratio in primary education</li> <li>2. Proportion of pupils starting grade 1 who reach last grade of primary</li> <li>3. Literacy rate of 15-24 year-</li> </ol>

230. THE MILLENNIUM DEVELOPMENT GOALS INDICATORS, *supra* note 22.

	old women and men
<b>Goal 3: Promote gender equality and empower women</b>	
Target 3.A: Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015	<ol style="list-style-type: none"> <li>1. Ratios of girls to boys in primary, secondary and tertiary education</li> <li>2. Share of women in wage employment in the non-agricultural sector</li> <li>3. Proportion of seats held by women in national parliament</li> </ol>
<b>Goal 4: Reduce child mortality</b>	
Target 4.A: Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate	<ol style="list-style-type: none"> <li>1. Under-five mortality rate</li> <li>2. Infant mortality rate</li> <li>3. Proportion of 1 year-old children immunised against measles</li> </ol>
<b>Goal 5: Improve maternal health</b>	
Target 5.A: Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio	<ol style="list-style-type: none"> <li>1. Maternal mortality ratio</li> <li>2. Proportion of births attended by skilled health personnel</li> </ol>
Target 5.B: Achieve, by 2015, universal access to reproductive health	<ol style="list-style-type: none"> <li>3. Contraceptive prevalence rate</li> <li>4. Adolescent birth rate</li> <li>5. Antenatal care coverage (at least one visit and at least four visits)</li> <li>6. Unmet need for family planning</li> </ol>
<b>Goal 6: Combat HIV/AIDS, malaria and other diseases</b>	
Target 6.A: Have halted by 2015 and begun to reverse the spread of HIV/AIDS	<ol style="list-style-type: none"> <li>1. HIV prevalence among population aged 15-24 years</li> <li>2. Condom use at last high-risk sex</li> <li>3. Proportion of population aged 15-24 years with comprehensive correct knowledge of</li> </ol>

	<p>HIV/AIDS</p> <p>4. Ratio of school attendance of orphans to school attendance of non-orphans aged 10-14 years</p>
Target 6.B: Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it	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	<p>6. Incidence and death rates associated with malaria</p> <p>7. Proportion of children under 5 sleeping under insecticide-treated bednets</p> <p>8. Proportion of children under 5 with fever who are treated with appropriate anti-malarial drugs</p> <p>9. Incidence, prevalence and death rates associated with tuberculosis</p> <p>10. Proportion of tuberculosis cases detected and cured under directly observed treatment short course</p>
<b>Goal 7: Ensure environmental sustainability</b>	
Target 7.A: Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources	<p>1. Proportion of land area covered by forest</p> <p>2. CO2 emissions, total, per capita and per \$1 GDP (PPP)</p> <p>3. Consumption of ozone-depleting substances</p>
Target 7.B: Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss	<p>4. Proportion of fish stocks within safe biological limits</p> <p>5. Proportion of total water resources used</p> <p>6. Proportion of terrestrial and marine areas protected</p>

	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	8. Proportion of population using an improved drinking water source 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	10. Proportion of urban population living in slums
<b>Goal 8: Develop a global partnership for development</b>	
<p>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</p> <p>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 programme 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</p> <p>Target 8.C: Address the special needs of landlocked developing countries and small island developing States (through the Programme of Action for the Sus-</p>	<p><i>Some of the indicators listed below are monitored separately for the least developed countries (LDCs), Africa, landlocked developing countries and small island developing States.</i></p> <p><u>Official development assistance (ODA)</u></p> <ol style="list-style-type: none"> <li>1. Net ODA, total and to the least developed countries, as percentage of OECD/DAC donors' gross national income</li> <li>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)</li> <li>3. Proportion of bilateral official development assistance of OECD/DAC donors that is untied</li> <li>4. ODA received in landlocked developing countries as a</li> </ol>

<p>tainable 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</p>	<p>proportion of their gross national incomes</p> <p>5. ODA received in small island developing States as a proportion of their gross national incomes</p> <p><u>Market access</u></p> <p>6. Proportion of total developed country imports (by value and excluding arms) from developing countries and least developed countries, admitted free of duty</p> <p>7. Average tariffs imposed by developed countries on agricultural products and textiles and clothing from developing countries</p> <p>8. Agricultural support estimate for OECD countries as a percentage of their gross domestic product</p> <p>9. Proportion of ODA provided to help build trade capacity</p> <p><u>Debt sustainability</u></p> <p>10. Total number of countries that have reached their HIPC decision points and number that have reached their HIPC completion points (cumulative)</p> <p>11. Debt relief committed under HIPC and MDRI Initiatives</p> <p>12. Debt service as a percentage of exports of goods and services</p>
<p>Target 8.E: In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries</p>	<p>13. Proportion of population with access to affordable essential drugs on a sustainable basis</p>

Target 8.F: In cooperation with the private sector, make available the benefits of new technologies, especially information and communications	14. Fixed-telephone subscriptions per 100 inhabitants 15. Mobile-cellular subscriptions per 100 inhabitants 16. Internet users per 100 inhabitants
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## APPENDIX II: THE PROPOSED SUSTAINABLE DEVELOPMENT GOALS<sup>231</sup>

### **Goal 1. End poverty in all its forms everywhere**

1.1 by 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day

1.2 by 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions

1.3 implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable

1.4 by 2030 ensure that all men and women, particularly the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services including microfinance

1.5 by 2030 build the resilience of the poor and those in vulnerable situations, and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters

1.a. ensure significant mobilization of resources from a variety of sources, including through enhanced development cooperation to provide adequate and predictable means for developing countries, in particular LDCs, to implement programmes and policies to end poverty in all its dimensions

1.b create sound policy frameworks, at national, regional and international levels, based on pro-poor and gender-sensitive development

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231. Report of the Open Working Group, *supra* note 216.

strategies to support accelerated investments in poverty eradication actions

**Goal 2. End hunger, achieve food security and improved nutrition, and promote sustainable agriculture**

2.1 by 2030 end hunger and ensure access by all people, in particular the poor and people in vulnerable situations including infants, to safe, nutritious and sufficient food all year round

2.2 by 2030 end all forms of malnutrition, including achieving by 2025 the internationally agreed targets on stunting and wasting in children under five years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women, and older persons

2.3 by 2030 double the agricultural productivity and the incomes of small-scale food producers, particularly women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets, and opportunities for value addition and non-farm employment

2.4 by 2030 ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters, and that progressively improve land and soil quality

2.5 by 2020 maintain genetic diversity of seeds, cultivated plants, farmed and domesticated animals and their related wild species, including through soundly managed and diversified seed and plant banks at national, regional and international levels, and ensure access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge as internationally agreed

2.a increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development, and plant and livestock gene banks to enhance agricultural productive capacity in developing countries, in particular in least developed countries

2.b. correct and prevent trade restrictions and distortions in world agricultural markets including by the parallel elimination of all forms of agricultural export subsidies and all export measures with equivalent effect, in accordance with the mandate of the Doha Development Round

2.c. adopt measures to ensure the proper functioning of food commodity markets and their derivatives, and facilitate timely access to market information, including on food reserves, in order to help limit extreme food price volatility

**Goal 3. Ensure healthy lives and promote well-being for all at all ages**

3.1 by 2030 reduce the global maternal mortality ratio to less than 70 per 100,000 live births

3.2 by 2030 end preventable deaths of newborns and under-five children

3.3 by 2030 end the epidemics of AIDS, tuberculosis, malaria, and neglected tropical diseases and combat hepatitis, water-borne diseases, and other communicable diseases

3.4 by 2030 reduce by one-third pre-mature mortality from non-communicable diseases (NCDs) through prevention and treatment, and promote mental health and wellbeing

3.5 strengthen prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol

3.6 by 2020 halve global deaths and injuries from road traffic accidents

3.7 by 2030 ensure universal access to sexual and reproductive health care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes

3.8 achieve universal health coverage (UHC), including financial risk protection, access to quality essential health care services, and access to safe, effective, quality, and affordable essential medicines and vaccines for all

3.9 by 2030 substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water, and soil pollution and contamination

3.a strengthen implementation of the Framework Convention on Tobacco Control in all countries as appropriate

3.b support research and development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries, provide access to affordable essential medicines and vaccines, in accordance with the Doha Declaration which affirms the right of developing countries to use to the full the provisions in the

TRIPS agreement regarding flexibilities to protect public health and, in particular, provide access to medicines for all

3.c increase substantially health financing and the recruitment, development and training and retention of the health workforce in developing countries, especially in LDCs and SIDS

3.d strengthen the capacity of all countries, particularly developing countries, for early warning, risk reduction, and management of national and global health risks

#### **Goal 4. Ensure inclusive and equitable quality education and promote life-long learning opportunities for all**

4.1 by 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes

4.2 by 2030 ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education

4.3 by 2030 ensure equal access for all women and men to affordable quality technical, vocational and tertiary education, including university

4.4 by 2030, increase by x% the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship

4.5 by 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples, and children in vulnerable situations

4.6 by 2030 ensure that all youth and at least x% of adults, both men and women, achieve literacy and numeracy

4.7 by 2030 ensure all learners acquire knowledge and skills needed to promote sustainable development, including among others through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of culture's contribution to sustainable development

4.a build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all

4.b by 2020 expand by x% globally the number of scholarships for developing countries in particular LDCs, SIDS and African countries to

enroll in higher education, including vocational training, ICT, technical, engineering and scientific programmes in developed countries and other developing countries

4.c by 2030 increase by x% the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially LDCs and SIDS

### **Goal 5. Achieve gender equality and empower all women and girls**

5.1 end all forms of discrimination against all women and girls everywhere

5.2 eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation

5.3 eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations

5.4 recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies, and the promotion of shared responsibility within the household and the family as nationally appropriate

5.5 ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life

5.6 ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the ICPD and the Beijing Platform for Action and the outcome documents of their review conferences

5.a undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources in accordance with national laws

5.b enhance the use of enabling technologies, in particular ICT, to promote women's empowerment

5.c adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

**Goal 6. Ensure availability and sustainable management of water and sanitation for all**

6.1 by 2030, achieve universal and equitable access to safe and affordable drinking water for all

6.2 by 2030, achieve access to adequate and equitable sanitation and hygiene for all, and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations

6.3 by 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater, and increasing recycling and safe reuse by x% globally

6.4 by 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity, and substantially reduce the number of people suffering from water scarcity

6.5 by 2030 implement integrated water resources management at all levels, including through transboundary cooperation as appropriate

6.6 by 2020 protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes

6.a by 2030, expand international cooperation and capacity-building support to developing countries in water and sanitation related activities and programmes, including water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies

6.b support and strengthen the participation of local communities for improving water and sanitation management

**Goal 7. Ensure access to affordable, reliable, sustainable, and modern energy for all**

7.1 by 2030 ensure universal access to affordable, reliable, and modern energy services

7.2 increase substantially the share of renewable energy in the global energy mix by 2030

7.3 double the global rate of improvement in energy efficiency by 2030

7.a by 2030 enhance international cooperation to facilitate access to clean energy research and technologies, including renewable energy, energy efficiency, and advanced and cleaner fossil fuel technologies, and promote investment in energy infrastructure and clean energy technologies

7.b by 2030 expand infrastructure and upgrade technology for supplying modern and sustainable energy services for all in developing countries, particularly LDCs and SIDS

Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

8.1 sustain per capita economic growth in accordance with national circumstances, and in particular at least 7% per annum GDP growth in the least-developed countries

8.2 achieve higher levels of productivity of economies through diversification, technological upgrading and innovation, including through a focus on high value added and labour-intensive sectors

8.3 promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage formalization and growth of micro-, small- and medium-sized enterprises including through access to financial services

8.4 improve progressively through 2030 global resource efficiency in consumption and production, and endeavour to decouple economic growth from environmental degradation in accordance with the 10-year framework of programmes on sustainable consumption and production with developed countries taking the lead

8.5 by 2030 achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value

8.6 by 2020 substantially reduce the proportion of youth not in employment, education or training

8.7 take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, eradicate forced labour, and by 2025 end child labour in all its forms including recruitment and use of child soldiers

8.8 protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment

8.9 by 2030 devise and implement policies to promote sustainable tourism which creates jobs, promotes local culture and products

8.10 strengthen the capacity of domestic financial institutions to encourage and to expand access to banking, insurance and financial services for all

8.a increase Aid for Trade support for developing countries, particularly LDCs, including through the Enhanced Integrated Framework for LDCs

8.b by 2020 develop and operationalize a global strategy for youth employment and implement the ILO Global Jobs Pact

**Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation**

9.1 develop quality, reliable, sustainable and resilient infrastructure, including regional and trans-border infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all

9.2 promote inclusive and sustainable industrialization, and by 2030 raise significantly industry's share of employment and GDP in line with national circumstances, and double its share in LDCs

9.3 increase the access of small-scale industrial and other enterprises, particularly in developing countries, to financial services including affordable credit and their integration into value chains and markets

9.4 by 2030 upgrade infrastructure and retrofit industries to make them sustainable, with increased resource use efficiency and greater adoption of clean and environmentally sound technologies and industrial processes, all countries taking action in accordance with their respective capabilities

9.5 enhance scientific research, upgrade the technological capabilities of industrial sectors in all countries, particularly developing countries, including by 2030 encouraging innovation and increasing the number of R&D workers per one million people by x% and public and private R&D spending

9.a facilitate sustainable and resilient infrastructure development in developing countries through enhanced financial, technological and technical support to African countries, LDCs, LLDCs and SIDS

9.b support domestic technology development, research and innovation in developing countries including by ensuring a conducive policy environment for inter alia industrial diversification and value addition to commodities

9.c significantly increase access to ICT and strive to provide universal and affordable access to internet in LDCs by 2020

**Goal 10. Reduce inequality within and among countries**

10.1 by 2030 progressively achieve and sustain income growth of the bottom 40% of the population at a rate higher than the national average

10.2 by 2030 empower and promote the social, economic and political inclusion of all irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status

10.3 ensure equal opportunity and reduce inequalities of outcome, including through eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and actions in this regard

10.4 adopt policies especially fiscal, wage, and social protection policies and progressively achieve greater equality

10.5 improve regulation and monitoring of global financial markets and institutions and strengthen implementation of such regulations

10.6 ensure enhanced representation and voice of developing countries in decision making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions

10.7 facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies

10.a implement the principle of special and differential treatment for developing countries, in particular least developed countries, in accordance with WTO agreements

10.b encourage ODA and financial flows, including foreign direct investment, to states where the need is greatest, in particular LDCs, African countries, SIDS, and LLDCs, in accordance with their national plans and programmes

10.c by 2030, reduce to less than 3% the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5%

**Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable**

11.1 by 2030, ensure access for all to adequate, safe and affordable housing and basic services, and upgrade slums

11.2 by 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons

11.3 by 2030 enhance inclusive and sustainable urbanization and capacities for participatory, integrated and sustainable human settlement planning and management in all countries

11.4 strengthen efforts to protect and safeguard the world's cultural and natural heritage

11.5 by 2030 significantly reduce the number of deaths and the number of affected people and decrease by  $y\%$  the economic losses relative to GDP caused by disasters, including water-related disasters, with the focus on protecting the poor and people in vulnerable situations

11.6 by 2030, reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality, municipal and other waste management

11.7 by 2030, provide universal access to safe, inclusive and accessible, green and public spaces, particularly for women and children, older persons and persons with disabilities

11.a support positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning

11.b by 2020, increase by  $x\%$  the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, develop and implement in line with the forthcoming Hyogo Framework holistic disaster risk management at all levels

11.c support least developed countries, including through financial and technical assistance, for sustainable and resilient buildings utilizing local materials

## **Goal 12. Ensure sustainable consumption and production patterns**

12.1 implement the 10-Year Framework of Programmes on sustainable consumption and production (10YFP), all countries taking action, with developed countries taking the lead, taking into account the development and capabilities of developing countries

12.2 by 2030 achieve sustainable management and efficient use of natural resources

12.3 by 2030 halve per capita global food waste at the retail and consumer level, and reduce food losses along production and supply chains including post-harvest losses

12.4 by 2020 achieve environmentally sound management of chemicals and all wastes throughout their life cycle in accordance with agreed international frameworks and significantly reduce their release to air, water and soil to minimize their adverse impacts on human health and the environment

12.5 by 2030, substantially reduce waste generation through prevention, reduction, recycling, and reuse

12.6 encourage companies, especially large and trans-national companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle

12.7 promote public procurement practices that are sustainable in accordance with national policies and priorities

12.8 by 2030 ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature

12.a support developing countries to strengthen their scientific and technological capacities to move towards more sustainable patterns of consumption and production

12.b develop and implement tools to monitor sustainable development impacts for sustainable tourism which creates jobs, promotes local culture and products

12.c rationalize inefficient fossil fuel subsidies that encourage wasteful consumption by removing market distortions, in accordance with national circumstances, including by restructuring taxation and phasing out those harmful subsidies, where they exist, to reflect their environmental impacts, taking fully into account the specific needs and conditions of developing countries and minimizing the possible adverse impacts on their development in a manner that protects the poor and the affected communities

### **Goal 13. Take urgent action to combat climate change and its impacts \***

\*Acknowledging that the UNFCCC is the primary international, intergovernmental forum for negotiating the global response to climate change .

13.1 strengthen resilience and adaptive capacity to climate related hazards and natural disasters in all countries

13.2 integrate climate change measures into national policies, strategies, and planning

13.3 improve education, awareness raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction, and early warning

13.a implement the commitment undertaken by developed country Parties to the UNFCCC to a goal of mobilizing jointly USD100 billion annually by 2020 from all sources to address the needs of developing countries in the context of meaningful mitigation actions and transparency on implementation and fully operationalize the Green Climate Fund through its capitalization as soon as possible

13.b Promote mechanisms for raising capacities for effective climate change related planning and management, in LDCs, including focusing on women, youth, local and marginalized communities

#### **Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development**

14.1 by 2025, prevent and significantly reduce marine pollution of all kinds, particularly from land-based activities, including marine debris and nutrient pollution

14.2 by 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration, to achieve healthy and productive oceans

14.3 minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels

14.4 by 2020, effectively regulate harvesting, and end overfishing, illegal, unreported and unregulated (IUU) fishing and destructive fishing practices and implement science-based management plans, to restore fish stocks in the shortest time feasible at least to levels that can produce maximum sustainable yield as determined by their biological characteristics

14.5 by 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on best available scientific information

14.6 by 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, and eliminate subsidies that contribute to IUU fishing, and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiation \*

14.7 by 2030 increase the economic benefits to SIDS and LDCs from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism

14.a increase scientific knowledge, develop research capacities and transfer marine technology taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular SIDS and LDCs

14.b provide access of small-scale artisanal fishers to marine resources and markets

14.c ensure the full implementation of international law, as reflected in UNCLOS for states parties to it, including, where applicable, existing regional and international regimes for the conservation and sustainable use of oceans and their resources by their parties

**Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss**

15.1 by 2020 ensure conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements

15.2 by 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests, and increase afforestation and reforestation by x% globally

15.3 by 2020, combat desertification, and restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land-degradation neutral world

15.4 by 2030 ensure the conservation of mountain ecosystems, including their biodiversity, to enhance their capacity to provide benefits which are essential for sustainable development

15.5 take urgent and significant action to reduce degradation of natural habitat, halt the loss of biodiversity, and by 2020 protect and prevent the extinction of threatened species

15.6 ensure fair and equitable sharing of the benefits arising from the utilization of genetic resources, and promote appropriate access to genetic resources

15.7 take urgent action to end poaching and trafficking of protected species of flora and fauna, and address both demand and supply of illegal wildlife products

15.8 by 2020 introduce measures to prevent the introduction and significantly reduce the impact of invasive alien species on land and water ecosystems, and control or eradicate the priority species

15.9 by 2020, integrate ecosystems and biodiversity values into national and local planning, development processes and poverty reduction strategies, and accounts

15.a mobilize and significantly increase from all sources financial resources to conserve and sustainably use biodiversity and ecosystems

15.b mobilize significantly resources from all sources and at all levels to finance sustainable forest management, and provide adequate incentives to developing countries to advance sustainable forest management, including for conservation and reforestation

15.c enhance global support to efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities

**Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels**

16.1 significantly reduce all forms of violence and related death rates everywhere

16.2 end abuse, exploitation, trafficking and all forms of violence and torture against children

16.3 promote the rule of law at the national and international levels, and ensure equal access to justice for all

16.4 by 2030 significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organized crime

16.5 substantially reduce corruption and bribery in all its forms

16.6 develop effective, accountable and transparent institutions at all levels

16.7 ensure responsive, inclusive, participatory and representative decision-making at all levels

16.8 broaden and strengthen the participation of developing countries in the institutions of global governance

16.9 by 2030 provide legal identity for all including birth registration

16.10 ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

16.a strengthen relevant national institutions, including through international cooperation, for building capacities at all levels, in particular in developing countries, for preventing violence and combating terrorism and crime

16.b promote and enforce non-discriminatory laws and policies for sustainable development

## **Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development**

### **Finance**

17.1 strengthen domestic resource mobilization, including through international support to developing countries to improve domestic capacity for tax and other revenue collection

17.2 developed countries to implement fully their ODA commitments, including to provide 0.7% of GNI in ODA to developing countries of which 0.15-0.20% to least-developed countries

17.3 mobilize additional financial resources for developing countries from multiple sources

17.4 assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and address the external debt of highly indebted poor countries (HIPC) to reduce debt distress

17.5 adopt and implement investment promotion regimes for LDCs

### **Technology**

17.6 enhance North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation, and enhance knowledge sharing on mutually agreed terms, including through improved coordination among existing mechanisms, particularly at UN level, and through a global technology facilitation mechanism when agreed

17.7 promote development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed

17.8 fully operationalize the Technology Bank and STI (Science, Technology and Innovation) capacity building mechanism for LDCs by 2017, and enhance the use of enabling technologies in particular ICT

### **Capacity building**

17.9 enhance international support for implementing effective and targeted capacity building in developing countries to support national plans to implement all sustainable development goals, including through North-South, South-South, and triangular cooperation

### **Trade**

17.10 promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the WTO including through the conclusion of negotiations within its Doha Development Agenda

17.11 increase significantly the exports of developing countries, in particular with a view to doubling the LDC share of global exports by 2020

17.12 realize timely implementation of duty-free, quota-free market access on a lasting basis for all least developed countries consistent with WTO decisions, including through ensuring that preferential rules of origin applicable to imports from LDCs are transparent and simple, and contribute to facilitating market access

### **Systemic issues**

#### **Policy and institutional coherence**

17.13 enhance global macroeconomic stability including through policy coordination and policy coherence

17.14 enhance policy coherence for sustainable development

17.15 respect each country's policy space and leadership to establish and implement policies for poverty eradication and sustainable development

#### **Multi-stakeholder partnerships**

17.16 enhance the global partnership for sustainable development complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technologies and financial resources to support the achievement of sustainable development goals in all countries, particularly developing countries

17.17 encourage and promote effective public, public-private, and civil society partnerships, building on the experience and resourcing strategies of partnerships

**Data, monitoring and accountability**

17.18 by 2020, enhance capacity building support to developing countries, including for LDCs and SIDS, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

17.19 by 2030, build on existing initiatives to develop measurements of progress on sustainable development that complement GDP, and support statistical capacity building in developing countries

