



# MNA Knowledge and Learning ...Fast Brief



## DEVELOPMENT AND HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA (MENA): CHALLENGES AND OPPORTUNITIES

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**Introduction:** Many parts of MENA have experienced volatility and fragility due to conflict over the course of the region's long and complex history. These conflicts have had significant impact on economic and human development indicators. Also, and more recently, massive protests and unrest have flared across several parts of the region. In Egypt and Tunisia these protests have led to historic political changes, even as the situation is still unfolding in others. These changes are likely to have significant consequences, especially for citizens' participation and involvement in the development process, which are increasingly articulated through the prism of human rights.<sup>2</sup> This Fast Brief aims at assisting staff to form a better understanding of these issues.<sup>3</sup>

Conflict, as currently witnessed in the MENA region, is not only a tool for destruction and suffering, but also a vehicle for social and political change. Violent conflict, however, prevents the kind of stability necessary for human and economic development and for reaching the overall Millennium Development Goal of human security for all. With more than 1.5 billion people living in countries affected by

conflict, the World Development Report 2011 (WDR) underlines the negative impact of persistent conflict on a country's or a region's development prospects and notes that no low-income conflict affected state has yet achieved a single MDG.

The Arab Human Development Report prepared annually by the UNDP in cooperation with regional scholars and experts, is intended to provide a regional basis for public discourse across the Arab world. Five Arab Human Development Reports (AHDR 2002 - 2009) have built on the basic idea that reform in the region is necessary and that sustainable change can only come from within. The most recent AHDR (2009)<sup>4</sup> emphatically argues that state security and human security in MENA are mutually dependent. Human security focuses on enabling people to contain or avert threats to their lives, livelihoods and human dignity.

**Human Rights Instruments and MENA:** Some of the core international human rights instruments are the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948, the International Covenant on Civil and Political Rights (ICCPR) (adopted in 1966 and entered into force in 1976) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (adopted in 1966 and entered into force in 1976). Committees of independent experts are set up to monitor the implementation of the ICCPR and the ICESCR. Most MENA countries have ratified the ICCPR and the ICESCR although some have made reservations to certain provisions. MENA countries that have ratified the Covenants have agreed to report regularly to the Monitoring

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<sup>2</sup> Middle East and North Africa Regional Study on Reducing Conflict Risk and Supporting Peaceful Transition, 2011.

<sup>3</sup> It is prepared in collaboration with the Nordic Trust Fund, which was established to promote staff knowledge and learning about how human rights relate to the Bank's core mission of promoting economic growth and poverty reduction.

<sup>4</sup> Mustapha El-Sayyid et al., The Arab Human Development Report 2009, Challenges to Human Security in the Arab Countries (U.N. Publications, 2009).

Committees on the implementation of the Covenants.

The Human Rights Council is an international body created by the UN General Assembly with the principal purpose of addressing human rights violations and make recommendations on how to improve respect for human rights. The Human Rights Council's work includes the Universal Periodic Review mechanism for all UN member states. The Review mechanism assesses countries' human rights records as well as providing technical assistance to enhance their capacity to deal effectively with human rights challenges. It is also intended to help foster an increased awareness of a culture of human rights. Development projects are also included within the scope of these assessments. Most MENA countries have completed a first round of reviews under this mechanism<sup>5</sup>.

There are also several regional human rights instruments and frameworks in MENA. They are adopted under the auspices of the Organization of the Islamic Conference (OIC), the Arab League, and the African Union.<sup>6</sup> In 1990, the OIC endorsed a regional version of the Universal Declaration of Human Rights called the Cairo Declaration on Human Rights in Islam.<sup>7</sup> Another important regional instrument is the Arab Charter on Human Rights of 2004, which entered into force in 2008.<sup>8</sup> The Charter incorporates most of the international conventions' basic protections, although it also makes certain departures.<sup>9</sup> The

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<sup>5</sup> The timeline for MENA-countries' first Universal Periodic Reviews have been as follows: 2008-Morocco, Tunisia, Algeria, Bahrain, UAE, 2009- Djibouti, Jordan, Saudi Arabia, Yemen: 2010- Egypt, Qatar, Iran, Iraq, Kuwait, Libya, Lebanon: 2011- Oman, Syria. Reports can be found at [www.ohchr.org](http://www.ohchr.org)

<sup>6</sup> Certain North African MENA countries have joined the African Charter on Human and Peoples' Rights, adopted 1981 and entered into force 1986 (Egypt, Libya, Tunisia and Algeria).

<sup>7</sup> The Cairo Declaration has been subject to criticism for falling short of international standards.

<sup>8</sup> It currently has 10 ratifying entities: Algeria, Bahrain, Jordan, Libya, Qatar, Saudi Arabia, Syria, UAE and Yemen, WB&G has also ratified the Convention.

<sup>9</sup> In particular, regarding the death penalty (no absolute ban on juvenile death penalty), and certain other penal practices, freedom of expression and religion, and equality of women. Questions also remain with respect to non-

Arab Charter also includes its own monitoring mechanism to oversee compliance with its obligations. This mechanism primarily consists of a committee of seven members, which examines periodic reports by state parties and issues recommendations for improved compliance.<sup>10</sup>

Besides these regional instruments, several MENA countries have set up national human rights commissions and councils in their respective jurisdictions.<sup>11</sup>

**Human Rights and Development:** Globally the strong link between human rights and development is well recognized. Human rights offer a standard by which to assess progress and the efforts of those with obligations (usually States) to achieve development targets. Human rights also have the potential to foster accountability of all actors involved in development. A human rights-based approach to development (HRBA) has been used by UN agencies, NGOs and some bilateral agencies since the end of the 1990s. The UN describes the HRBA as "a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights." In 2003 the United Nations Development Group (UNDG) adopted a statement of Common Understanding on HRBA to Development Cooperation. The main points are that all programs, policies and technical assistance efforts should further the realization of human rights as laid down in international human rights instruments.

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discrimination (women's rights, religious minorities, non-citizens). Criticism has been leveled against certain parts of the Charter for falling below international standards. See, Press Release, High Commissioner for Human Rights Louise Arbor, Statement by UN High Commissioner for Human Rights on the Entry into Force of the Arab Charter on Human Rights. U.N. Press Release (Jan. 30, 2008); AHDR 2009 at 5.

<sup>10</sup> League of Arab States, Arab Charter on Human Rights art. 45 and 48, adopted May 22, 2004, entered into force March 15, 2008.

<sup>11</sup> E.g. National Council for Human Rights in Egypt, National Centre for Human Rights in Jordan and National Human Rights Committee of Qatar.

**The Role of the World Bank:** The World Bank may have a role to play in helping its members with the substantive realization of human rights obligations in areas that fall within its mandate and where development activities and human rights are interrelated. The World Bank can take human rights into account in its work where countries request such assistance, or where they frame questions or strategies related to poverty reduction or development in human rights terms.

**The Nordic Trust Fund (NTF):** The NTF, a knowledge and learning program, has been established within the World Bank with the objective of contributing to developing knowledge on how human rights relate to the Bank's core work and its mission of promoting economic growth and poverty reduction.<sup>12</sup> The program includes applied research, capacity building for staff, and pilot projects, including in-country activities as agreed with client countries.

Examples of pilot projects include Improved Right to Health for Roma in health sector operations; Better understanding of how the Convention on the Rights of Persons with Disabilities relates to the Bank's work on the Right to Education in the East African Community; and Improved understanding of how human rights approaches can be used more systematically in the peace and development work in Colombia.

In the MENA region one NTF pilot project aims at understanding the role of human rights/child rights programming in areas affected by conflict and its possible effects on stability. Research is currently taking place in Lebanon and Yemen. Another NTF pilot project deals with reproductive rights in Egypt and aims to better inform Bank staff and policy makers about the potential positive outcomes of a human rights approach to lower fertility rates and population growth and promote economic and social progress. A third pilot in the MENA region will be exploring the mainstreaming of the protection of labor

migrants in migration management to be developed with a client country in the MENA region.

**Conclusion:** The regional and social context in MENA adds unique challenges—for human rights, for development, and for peace. There is room for progress on implementing key human rights for development in the MENA region. There is a need to build state capacity to implement these rights, since states have primary human rights obligations under international and regional treaties. There is also a need to work with non-state actors. The recent and currently ongoing developments in the region are broadly seen as driven by a moral quest for justice and dignity, closely linked to issues associated with a human rights based approach to development.

**Further reading:**

Siobhán McNerney-Lankford, Hans-Otto Sano, Human Rights Indicators in Development: An Introduction (World Bank 2010).

Milan Brahmbhatt and Otaviano Canuto, Human Rights and Development Practice, Economic Premise No. 50 (Feb. 2011).

[www.ohchr.org](http://www.ohchr.org) (UN human rights monitoring reports)

[www.hrbaportal.org](http://www.hrbaportal.org) (information on the human rights based approach)

[www.worldbank.org/nordictrustfund](http://www.worldbank.org/nordictrustfund) (NTF website -information on NTF)

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