Submission to Irish Aid on the Review of the *White Paper on Irish Aid*

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IHRC
AN COIMISIÚN UM CHEARTA DUINE
IRISH HUMAN RIGHTS COMMISSION

1. Introduction

The Irish Human Rights Commission (IHRC) is an independent statutory body established in 2000 to promote and protect the human rights of everyone in Ireland. The human rights that the IHRC is mandated to promote and protect are the rights, liberties and freedoms guaranteed under the Irish Constitution and under international agreements, treaties and conventions to which Ireland is party. The IHRC is the National Human Rights Institution (NHRI) in Ireland and is recognised as such by the United Nations (UN). NHRIs are independent bodies established under the UN Paris Principles[1] to ensure the promotion and protection of human rights at the national level.

The IHRC welcomes the opportunity to make a submission to Irish Aid under the Review of the White Paper on Irish Aid. The IHRC recognises Ireland's long-standing tradition and solid reputation in international development cooperation. The present submission outlines the IHRC's recommendations for Irish Aid's future implementation of the objectives as set out in the White Paper. The IHRC has also contributed its views and highlighted priority issues during the Review's consultation period. The IHRC welcomes its strong engagement with Irish Aid in particular in working with NHRIs in programme countries, and looks forward to continuation of that partnership into the future.

All states have a duty to promote and protect human rights, as set out in international human rights instruments. The IHRC considers that human rights should be the goal and the framework into which Irish Aid's development programmes sits and encourages Irish Aid to integrate a holistic approach to human rights to its development work at both donor and recipient level.

Working with National Human Rights Institutions
The IHRC further considers that Irish Aid should have a focus in its work on the ground in engaging with NHRIs. NHRIs have a vital role in ensuring good democratic governance, through legislative recommendations, case work, enquiries, policy proposals, and through education and awareness raising. NHRIs also report to international monitoring bodies, and hence have an important role to play at the international level. NHRIs have common core characteristics of a foundation in national law, independence from Government, a mandate to promote and protect a broad range of international human rights standards, and responsibility to work independently of, but in collaboration with, all actors in the field including government and civil society. As key interlocutors for human rights at the National level, Irish Aid should seek to work with 'A' Status institutions and support the establishment or strengthening of NHRIs in programme countries.

In this regard, the IHRC welcomes the Government's statement at the recent UN Universal Periodic Review of Ireland, where it underlined its intention to provide support for "the OHCHR … non-governmental organizations (NGOs) working on

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[1] www2.ohchr.org/english/law/parisprinciples.htm

human rights issues, and to national human rights institutions in a number of developing countries. Ireland believe[s] that without a strong culture of human rights and good governance, long-term sustainable development was not possible."[2]

2. Progress towards Meeting the White Paper Commitments

Human Rights as the Basis for Irish Aid's work
The IHRC recognises the 2006 White Paper as a substantive guiding document for Ireland's aid programme and supports its overarching objective of poverty eradication focusing on aid effectiveness, good partnership, policy coherence and long-term sustainability. Irish Aid has made considerable progress towards achieving the commitments as set out in the White Paper relating to education and health, gender equality, the role of the private sector, good governance and human rights. Continued focus on a results based approach is critical to ensuring further progress. However, the IHRC finds that the application of a holistic approach to human rights would greatly strengthen Irish Aid's programmes of work across all areas for development.

It is welcome that in the White Paper, the Government committed that "the promotion of human rights, directly and indirectly, will continue to be central to Ireland's foreign policy and all the work of Irish Aid".[3] In the Consultation Document for the White Paper Review, Irish Aid highlights achievements for human rights as: "expenditure on governance and civil society amounts to around 15% of the total budget, much higher than the OECD average. The United Nations Independent Expert on Human Rights and Extreme Poverty, in her report on Ireland in May 2011, welcomed the strong focus of Irish Aid programmes on social infrastructure and social protection initiatives, and recommended the further incorporation of human rights principles into guidelines and strategies."

The IHRC considers that ensuring human rights are a core component of all Irish Aid work will help to provide consistency of approach in Irish Aid programmes and activities and ensure that Irish Aid's work is firmly aligned with Ireland's international commitments to promoting and protecting human rights.

Promoting Democratisation and Rule of Law through NHRIs
The IHRC also welcomes Irish Aid's engagement with NHRIs to date, and would welcome an increased focus on engagement with NHRIs in its future work. As noted above, strong independent NHRIs in recipient states are fundamental for the realisation of human rights and good governance. NHRIs are unique in that they are independent of Government and of NGOs at the national level, and independent of international organisations at the international level. The primary aim of NHRIs is the promotion and protection of human rights and their unique space in the human rights community means that they are increasingly recognised as key partners for those seeking to promote human rights and strengthen democratic governance at

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[2] *UPR Ireland Outcome Report*, OHCHR, March 2012
[3] *Consultation Paper for the Review of the White Paper on Irish Aid*, Irish Aid, December 2011, p. 25

the national level.[4] They can also acts as a beacon for other independent institutions in light of their focus on structural independence. Irish Aid has underlined the importance of such partnerships as a central feature of Ireland's development work through engagement with and support of NHRI capacity development.

In recent years, Irish Aid's commitment to strengthening human rights has been highlighted by capacity development work with NHRIs from Ethiopia, Uganda, and Lesotho, which was supported by Irish Aid and facilitated by the IHRC. This support also resulted in the establishment of the Irish Aid funded Capacity Development Partnership Project for NHRIs with the IHRC. This project is currently being implemented by the IHRC, which is working in partnership with the Human Rights Commission of Sierra Leone and the Network of African NHRIs to develop sustainable, peer-based capacity building programmes. By supporting NHRI capacity development, Irish Aid recognises the vital role NHRIs play in the promotion and protection of human rights. The IHRC hopes that this work can be expanded in the future.

Irish Aid should also work to strengthen the role of local Civil Society Organisations. Irish Aid should ensure liaison with other international actors in-country to ensure complimentarity of approaches.

3. Impact of the Changing Global and Domestic Context

While the IHRC appreciates that the Government has had to make difficult fiscal decisions, the 30% cut to Ireland's aid budget between 2008 and 2011 seriously undermines Ireland's aid infrastructure. Although budget cuts can help focus policy and expenditure, they undoubtedly yield negative consequences for the most vulnerable in countries where Irish Aid is engaged. This further undermines the human rights of people in partner countries who are already experiencing the detrimental effects of the global financial crisis. It can also serve to prolong poverty and inequality between and within countries which now represents the most serious global human rights concern.[5]

At the domestic level, the Irish public seeks greater accountability and transparency in the use of Government funds in both national and international contexts. While there is undoubtedly good will and interest in development issues among the Irish public, given the current economic situation, it is vital to ensure that the public are appropriately informed of the poverty and economic divergence between states, which undermine development and human rights. This will ensure public ownership over the good and important work undertaken by Irish Aid.

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[4] *See further, National Human Rights Institutions as Diplomacy Actors* in Human Rights Diplomacy: Contemporary Perspectives, Martinus Nijhoff. O'Flaherty, Michael; Ulrich,
George; Kedzia, Zdzislaw and Muller, Amrei (eds). October 2011; and *National Human Rights Institutions in Europe,* European Yearbook on Human Rights 2011, Wolfgang Benedek, Florence Benoît-Rohmer, Wolfram Karl, Manfred Nowak (Eds.),
[5] www.ohchr.org/Documents/Publications/FAQen.pdf P. III

4. Priority Issues for Future Aid Programming

The Government should reiterate its commitment to meet the UN target for Official Development Assistance (ODA) of 0.7% of GNP, and must continue to work to ensure the effective implementation of aid as set out in the 2005 Paris Declaration, 2008 Accra Agenda and most recently in the Busan Partnership Document.[6] Irish Aid programmes must also continue to work towards the achievement of the Millennium Development Goals (MDGs) by 2015 and actively engage in the dialogue for the post-MDG framework.

The Government should strive to ensure policy coherence in foreign affairs and trade and continue to prioritise poverty eradication, ensure accountability and transparency, and maintain strong partnerships with government, NHRIs, civil society and multilateral organisations in its development work. It should also continue its commitment to the key issues of hunger, situations of fragility, climate change, education and health, gender equality, the role of the private sector, good governance and human rights. The IHRC supports elements of the Dóchas Submission to the Review of the White Paper that focus on enhancing Irish Aid's response to these issues. [7] The IHRC recommends Irish Aid increase its activities in the area of disability and development in line with CRPD commitments including through its engagement with NHRIs.

While the IHRC appreciates the current fiscal constraints, it urges the Government to maintain and where possible expand its existing aid budget so that the most vulnerable are not detrimentally affected. In the context of existing budgetary and human resource challenges, efficiency in resource allocation is critical.

Good partnership practice and peer support should continue as defining principles of Irish Aid's work. In developing countries, NHRIs, independent civil society, national aid programmes and international organisations must all work together at to promote the realisation of human rights. In the context of development strategies, national aid programmes should utilise the expertise within their own countries to develop sustainable and realisable human rights strategies and to build capacities. In this regard, the IHRC welcomes the good practice model established by Irish Aid with the IHRC in supporting NHRIs in programme countries.

The framework for development should be grounded in the promotion and protection of human rights. By signing up to human rights agreements, States agree to work within a framework for international development cooperation and human rights. These areas are core components of development, which should continue to shape Irish Aid's strategies.

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[6] Paris Declaration; Accra Agenda
www.oecd.org/document/18/0,3746,en_2649_3236398_35401554_1_1_1_1,00.html
 Busan Partnership Document, 2011
www.aideffectiveness.org/busanhlf4/component/content/article/698.html
[7]www.dochas.ie/Shared/Files/2/Dochas_Submission_to_the_Review_of_the_White_Paper_on_Irish_Aid.pdf

The Government must continue to support capacity development of NHRIs which are increasingly regarded by international organisations and governments as key actors in the national and international human rights framework. With the increasing international focus on the role and value of NHRIs, it is important that development aid programmes targeting democratic governance engage with NHRIs. In countries where there is no existing NHRI, its creation as a strong independent institution should be promoted. Indeed, the Universal Periodic Review Process at the Human Rights Council has repeatedly called for the establishment and strengthening of NHRIs in States Under Review. There is considerable international expertise available from the community of NHRIs and the OHCHR on the establishment of NHRIs. The IHRC can assist Irish Aid in this work.

The White Paper Review provides a valuable opportunity for Irish Aid to incorporate the ongoing dialogue between development and human rights practitioners as to how they can work together to ensure the effective implementation of Ireland's development framework. As such, the human rights approach to development, which in recent years has been applied by international organisations and development NGOs, should be mainstreamed into Irish Aid programming. This approach would greatly enhance Irish Aid's work as it is a "is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress".[8]

In order for Ireland to maintain its strong reputation and standing as a good practice model for international donors, as underlined by the country's position as the OECD's ninth largest donor per capita,[9] the Government must continue to raise national awareness of Ireland's development work and development/human rights issues. This may take place through the strengthening of Irish Aid's existing development education programme, which should also be adapted to incorporate a human rights approach. This knowledge will assist in building on existing good will and enable the Government to maintain its commitment to sustainable development and with it human rights protection.

5. Ways of Working

The IHRC urges the Government to deliver greater policy coherence across Ireland's development work and trade work in the area of human rights.

To ensure that human rights and development are fully integrated, Government, development organisations and human rights actors must make the necessary shift in thinking and in policy. The IHRC recommends that human rights should be a central feature of Ireland's development work and trade work, and human rights

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[8] www.ohchr.org/Documents/Publications/FAQen.pdf p. 22
[9] *Annual Report 2011*, Irish Aid, p. 68

should be mainstreamed into all other aspects of Ireland's foreign relations. In line with this, the IHRC also recommends that a human rights approach to development should be incorporated into Irish Aid Programming.

Government must be accountable and transparent in its expenditure. Budget cuts should not be used as an excuse to undermine human rights aspects of Irish Aid programming and policy pledges must be matched with sufficient resource allocation.

The IHRC recommends that Irish Aid continue to support the capacity development of NHRIs, including support for the IHRC's NHRI Capacity Development Partnership Project. Capacity development and peer support initiatives are vital for the empowerment of partner countries and ensures long-term sustainable development.

The IHRC recommends that Irish Aid strengthen its development education and awareness raising programmes and further underline the link between human rights and development.

6. Conclusion

The IHRC welcomes the open and consultative manner in which the White Paper review has been undertaken. The IHRC recommends that in its Review, Irish Aid should seek to ensure that the promotion and protection of human rights is a defining feature of Ireland's development aid policy.