



THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

SYNERGIES AND LINKAGES

BETWEEN DANISH EFFORTS TO
PROMOTE HUMAN RIGHTS AT
THE MULTILATERAL LEVEL AND
IN DEVELOPMENT COOPERATION

GEORGE ULRICH



SYNERGIES AND LINKAGES

BETWEEN DANISH EFFORTS TO
PROMOTE HUMAN RIGHTS AT
THE MULTILATERAL LEVEL AND
IN DEVELOPMENT COOPERATION

SYNERGIES AND LINKAGES

Between Danish Efforts to Promote Human Rights at the Multilateral Level and in Development Cooperation

Author: George Ulrich

The study was undertaken by a research team consisting of senior analyst George Ulrich, senior advisors Arnold de Fine Skibsted and Lone Lindholt, and project analyst Aleksandra Mleczek and assisted by statistics consultant Bertel Teilfeldt Hansen and student assistant Kasper Sulkjær Andersen.

The study is conducted by the Danish Institute for Human Rights on the basis of an assignment commissioned by the Danish Ministry of Foreign Affairs.

ISBN 978-87-91836-88-6

EAN 9788791836886

Layout: Hedda Bank

Print: Handy-Print

Frontpage photo: UN (UN Photo) and Burkina Faso (DIHR)

Awareness raising by Association des Femmes Juristes du Burkina Faso in a local community on the outskirts of Ouagadougou. The female jurists are supported by the Danish Institute for Human Rights and work for women rights in marriage dissolution, education and in other issues.

© 2014 The Danish Institute for Human Rights

Denmark's National Human Rights Institution

Wilders Plads 8K

DK-1403 Copenhagen K

Phone +45 3269 8888

www.humanrights.dk

This publication, or parts of it, may be reproduced if author and source are quoted.

We aim to make our publications as accessible as possible. We use large font size, short (hyphen-free) lines, left-aligned text and strong contrast for maximum legibility.

CONTENTS

FOREWORD	7
ACRONYMS	9
INTRODUCTION	12
EXECUTIVE SUMMARY	12
Methods and design	14
Summary of findings Part I (implementation track)	16
Actor perspective	17
Thematic perspective	18
Summary of findings Part II (diplomacy track)	19
Voting statistics	19
Qualitative perspectives: diplomatic dynamics, relations, information and accountability	20
INTRODUCTION	23
Analytical framework	27
The concepts of synergy and coherence	27
Scope of the study	31
Elaboration of issues under track I: the implementation track	33
Elaboration of issues under track II: the diplomacy track	36
Study plan and methodology	38

PART I: IMPLEMENTATION TRACK – PURSUING SYNERGY	
EFFECTS ON THE GROUND	44
Introduction	44
About advancing human rights in the context of development cooperation	44
Danish policy orientation	45
Complications and challenges	49
Synergy perspective	52
Outline of part I	54
Summary of findings from desk survey of Danish HRD programmes	55
Key features of the Bangladesh portfolio	60
Key features of the Ghana portfolio	62
Findings based on actor interviews and field visits	64
Observations on the use of multilateral references in Danish HRD engagements	64
Political dialogues: forging bilateral partnerships for in-country development cooperation	65
Analysis, programming and implementation	69
Internal capacity development	75
Observations in relation to actors	78
Focus on human rights support to government	78
Focus on support to and cooperation with local civil society	83
Focus on support to national human rights institutions	87
Findings in relation to specific rights	94
Donor coordination and multilateral cooperation in the field	114

PART II : DIPLOMACY TRACK – PURSUING SYNERGY EFFECTS AT MULTILATERAL LEVEL	120
Introduction	120
Human rights diplomacy: challenges and opportunities	120
The synergy perspective	124
Danish policy orientation	125
Outline of part II	129
Summary of statistics study	130
Methodology	131
Findings	135
Discussion	138
The qualitative perspective	142
Summary of survey of Danish engagements at the multilateral level	142
Danish priority issues and other themes followed in UNGA, CHR and HRC	143
Elaboration of engagements and outcomes	146
Findings based on actor interviews and field visits	153
Focus on the dynamics of diplomatic interaction	153
The bubble metaphor and the theory of normative suasion	154
Mobilising relations	158
Strategic considerations	160
Case studies	164
Sourcing information and managing information flows	177
Stocktaking of the existing practice	178
Reinforcing UPR engagements through input from the field	181
Engaging civil society	184
Establishing accountability for multilateral engagements	186

CONCLUSIONS AND RECOMMENDATIONS	189
Implementation track	190
Diplomacy track	199
BIBLIOGRAPHY	207

FOREWORD

Over the last decades, the promotion of human rights has emerged as an increasingly central priority of Danish development cooperation and foreign policy. The endeavour to advance human rights internationally requires a complex interplay of engagements at different levels. This interplay is the focus of the present report.

The report contains findings from a study on Synergies and Linkages between Danish Efforts to Promote Human Rights at the Multilateral Level and in Development Cooperation conducted by the Danish Institute for Human Rights (DIHR) on the basis of an assignment commissioned by the Danish Ministry of Foreign Affairs. The objective of the study, as defined by the terms of reference of the assignment, was to explore ‘the avenues for creating linkages, coherence and strategic synergies between [Denmark’s] normative, multilateral human rights agenda and its support to democratisation and human rights in development cooperation.’ It is our hope that this report, containing the main results of the study, will deepen the understanding of how to connect bilateral and multilateral human rights engagements in a mutually reinforcing manner so as to attain an optimal effect at both levels.

The study was undertaken by a research team consisting of senior analyst George Ulrich, senior advisors Arnold de Fine Skibsted and Lone Lindholt, and project analyst Aleksandra Mleczek. The research team was at various

stages assisted by statistics consultant Bertel Teilfeldt Hansen and student assistant Kasper Sulkjær Andersen. The author of the report is George Ulrich. Other team members have contributed to specific sections of the report.

DIHR and the research team wish to extend their thanks to the many representatives of the Danish foreign ministry who have contributed to and helped facilitate the study, as well as to the numerous other interlocutors who have generously shared their experience and observations on the challenges of advancing human rights through bilateral development cooperation and in the context of multilateral diplomacy.

Charlotte Flindt Pedersen
Deputy Director

Thomas Gammeltoft-Hansen
Research Director

ACRONYMS

AI	Amnesty International
ASK	Ain O Salish Kendra
CEDAW	Convention to Eliminate All Forms of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CHRAJ	Commission on Human Rights and Administrative Justice (Ghana)
CHT	Chittagong Hill Tracts
COHOM	Human Rights Working Group under the Council of the European Union
CRC	UN Convention on the Rights of the Child
DIGNITY	Danish Institute Against Torture
DIHR	Danish Institute for Human Rights
DKK	Danish Kroner (currency)
ECFR	European Council on Foreign Relations
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
ESC	Economic, Social and Cultural (Rights)
EU HOM	European Union Head of Mission
EU	European Union
GDP	Gross Domestic Product
GNI	Gross National Income

ACRONYMNS

GoG	Government of Ghana
HRAC	Human Rights Advocacy Centre
HRBA	Human Rights-Based Approach
HRC	UN Human Rights Council
HRD	Human Rights and Democratisation
HRGG	Human Rights and Good Governance
ICC	International Coordinating Committee of National Human Rights Institutions
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPD	International Conference on Population and Development
IDSN	International Dalit Solidarity Network
ILO	International Labour Organization
INGO	International Non-Governmental Organisation
IWGIA	International Work Group for Indigenous Affairs
JTI	Judicial Training Institute
LGBT	Lesbian, Gay, Bisexual and Transgender
MDG	Millennium Development Goal
MFA	Ministry of Foreign Affairs
NGO	Non-Governmental Organisation
NHRC	The National Human Rights Commission of Bangladesh
NHRI	National Human Rights Institution
ODA	Official Development Assistance
ODI	Overseas Development Institute
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation

OPCAT	Optional Protocol to the Convention against Torture
TOR	Terms of Reference
UN	United Nations
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNPFII	United Nations Permanent Forum on Indigenous Issues
UPR	Universal Periodic Review
WILDAF	Women in Law and Development in Africa

EXECUTIVE SUMMARY

INTRODUCTION

Over the last decades, the promotion of human rights has emerged as an increasingly central priority of Danish development cooperation and foreign policy. In 2009 the Ministry of Foreign Affairs adopted two self-standing strategies on human rights, one addressing the promotion of human rights in external relations generally and the other specifically in the context of development cooperation. The 2010 Danish strategy for development cooperation *Freedom from poverty – freedom to change* defines the promotion of freedom, democracy and human rights as one of its five main pillars. A central premise of Denmark's current development strategy from 2012 entitled *The Right to a Better Life: Strategy for Denmark's Development Cooperation* is that the global human rights architecture and the very concept of human rights, contains a powerful potential for positive transformation. The strategy affirms a commitment to work systematically with human rights and make consistent use of the full range of international and regional human rights standards. This is an integral aspect of the human rights-based approach to development (HRBA) which Denmark adopted with its new development cooperation strategy in 2012.

The endeavour to advance human rights internationally requires a complex interplay of engagements at different levels. The central question addressed in this study is [how to connect bilateral and multilateral engagements in a mutually reinforcing manner so as to attain an optimal effect at both levels](#). The study mandate, as defined by the terms of reference (TOR), is to

explore ‘the avenues for creating linkages, coherence and strategic synergies between [Denmark’s] normative, multilateral human rights agenda and its support to democratisation and human rights in development cooperation.’

The commissioning of the study is motivated by [a wish to safeguard and further develop the multilateral human rights framework in an era characterised by ever-increasing global interdependence and demands for international cooperation and regulation](#). This framework is perceived to be under threat in contemporary international relations on account of, for example, renewed challenges and setbacks in relation to established human rights standards; the launch of spurious human rights initiatives; threats to the independence and functionality of international human rights institutions and mechanisms; and a strong re-assertion of the principle of national sovereignty. At the same time, the emerging multipolar world order presents new opportunities for the advancement of human rights. A key objective of the study is to identify constructive responses to this set of possibilities and challenges.

The overall conclusion of the study is that there is considerable [scope for enhanced linkages between human rights engagements at the bilateral and the multilateral level](#). Such linkages are, however, largely consistent with the policy orientation envisaged in the existing Danish strategy documents, notably the development cooperation strategy from 2012. The recommendations presented in the study therefore do not suggest a radical change in policy direction, but rather indicate ways in which the current strategic framework may be realised more consistently than was apparent in the transitional time period during which the research for the study was undertaken.

METHODS AND DESIGN

The study on *Synergies and Linkages between Danish Efforts to Promote Human Rights at the Multilateral Level and in Development Cooperation* conducted by the Danish Institute for Human Rights (DIHR) was commissioned by the Danish Ministry of Foreign Affairs in the period from 2011 to 2013.

The research comprises a **stocktaking** of Danish actions in support of human rights in bilateral development cooperation and in the relevant multilateral forums, and an analytical component, which involves a clarification of the issues, an identification of possible linkages and synergies, and the articulation of forward-looking policy options.

Research methods have been adapted to the specific objectives for each research component and involve: conceptual and legal analysis, desk surveys, statistical analysis, field studies, selected case studies, targeted (semi-structured) interviews and consultations, and a qualitative analysis of findings.

The **time span** covered by the research is a period of approximately 12 years from 2000 to the present, with a geographic focus on Danida's priority countries including in-depth case studies of Ghana and Bangladesh supported by country visits. **Thematically**, the study covers the full spectrum of human rights and complements this general focus by a more detailed examination of synergy potentials in relation to specific rights and/or themes, including freedom of expression and related issues; the prohibition against torture; gender equality and women's rights; sexual orientation and human rights; indigenous peoples' rights; caste discrimination; and selected economic, social and cultural rights.

The stocktaking component involved **three desk surveys**: one on the portfolio of Danish government-to-government bilateral aid programmes in the field of human rights and democratisation during the period 2000–2012; one aimed at mapping the Danish human rights efforts at the UN General Assembly and Commission on Human Rights/ Human Rights Council during the same period (based in part on archive access at the Ministry of Foreign Affairs and partly on publically available sources); and a statistical analysis of UN voting patterns in relation to Danish human rights priority themes and development assistance. The statistics survey constitutes the only strictly quantitative research component and forms part of the overall stocktaking exercise. Each survey has led to the preparation of a separate working paper, the main findings of which are summarised in the present report.

Aside from these desk surveys, the research plan has largely been concentrated on **qualitative interviews** with diplomats, human rights experts and development cooperation actors, as well as implementing partners and, to a lesser degree, beneficiaries of Danish development cooperation activities in the area of human rights and democratisation.

In terms of the organisation of the study, the question of linkages, coherence and synergy can logically be pursued in two directions. Accordingly, the study has been divided into **two distinct but interrelated tracks**:

- **Track I**, the implementation track, examines how human rights implementation on the ground can be reinforced through linkages with multilateral mechanisms and outcomes.
- **Track II**, the diplomacy track, examines how efforts in the multilateral arena can be enhanced through linkages with engagements at country level.

SUMMARY OF FINDINGS PART I (IMPLEMENTATION TRACK)

A survey of Danish development cooperation programmes during the period 2000–2012 shows that human rights and democratisation programmes (HRD) are well aligned with Danish strategies for human rights and development cooperation, the international development framework and the relevant national strategies. These programmes also reflect some degree of compliance with the four general principles defining the current Danish HRBA (non-discrimination, participation and inclusion, accountability, and transparency).

A principal finding of the study, however, is that the HRD programme documents examined contain few or no explicit references to human rights standards and instruments. This finding is consistent with field observations and qualitative interviews, which indicate that bilateral human rights programmes make little explicit use of multilateral normative outcomes due to concerns about the sensitivity of the human rights agenda, pragmatism, and lack of capacity. Activities in the areas of economic development and social progress, including education and health, are intuitively seen as related to human rights, but the concept of human rights in this connection tends to shift from carrying precisely defined technical and legal implications, to serving as a loosely defined, predominantly informal concept.

The study suggests that [development cooperation would be strengthened by working with and taking guidance from international and regional human rights instruments in a more systematic fashion at all levels of development cooperation](#), including in conjunction with political dialogues, analysis, programming, implementation, and the evaluation of donor supported programmes and activities. HRD programmes tend to be developed in a distinctly context-specific manner through a search for windows of

opportunity in the given environment. This is in many ways a source of strength, but need not preclude a more consistent application of multilateral human rights norms and policy outcomes. This means orienting HRBA firmly towards the implementation of standards, as is a commonly accepted feature of HRBA in theory but not always in practice.

A useful tool in this regard is the [systematic analysis of gaps between human rights in principle and human rights in practice](#). This involves a) forming an overview of applicable human rights treaty provisions as well as key Universal Periodic Review (UPR) recommendations, treaty body observations, findings of special procedures, Human Rights Council (HRC) or UN General Assembly (UNGA) resolutions, etc., and b) identifying unfulfilled human rights commitments, possible systemic violations, and patterns of discrimination and social exclusion in urgent need of attention.

ACTOR PERSPECTIVE

Government actors in partner countries (with some notable exceptions) typically have less capacity and/or willingness to engage with the international human rights mechanisms than do leading representatives of civil society. There are, however, [ample opportunities for engaging government actors at both national and local community level in a proactive manner in relation to human rights](#). This is well reflected in the Danish HRD portfolio through its strong focus on strengthening the capacity of government institutions and agents to fulfil their role as human rights duty-bearers. This is relevant not only for government officials, but also for a broad cross-section of public officers and professionals (e.g. in law enforcement, correction facilities, the judiciary, educational and healthcare systems, or public infrastructure development) whose daily work has profound consequences for the enjoyment of human rights. The study finds that

further efforts could be made to specifically encourage and reinforce partner countries' engagement with the relevant international and regional human rights standards and mechanisms. This includes ratification of treaties and optional protocols, consistent treaty body reporting, serious engagement in the UPR process, and cooperation with special procedures and other multilateral human rights mechanisms.

Civil society actors engage with multilateral standards and mechanisms in varied ways, which often reflect particular personal competencies. Key enabling factors include the degree of international contacts and the establishment of a local platform for civil society coordination, which Danish HRD programmes were seen to address. The study finds that thematically narrow organisations work most consistently with the relevant multilateral resources.

National human rights institutions (NHRIs) are specifically mandated to integrate national and international level human rights structures and have a key role to play in facilitating awareness about human rights and promoting national-level compliance with the applicable international standards. Due to capacity constraints this role is only partially realised. Nevertheless, [the work of NHRIs may ensure the long-term sustainability of human rights advances and should be further reinforced](#). The Danish support to such institutions is pertinent and should be maintained and possibly increased, in part by facilitating cooperation with internationally resourceful NHRIs.

THEMATIC PERSPECTIVE

The study also includes an examination of Danish actions at bilateral and multilateral level in relation to particular rights. The rights selected for review are: the prohibition against torture; indigenous peoples' rights; economic,

social and cultural rights; sexual orientation and human rights/ LGBT rights; and Dalit rights.

Torture prevention and the promotion of indigenous peoples' rights mark two of the most prominent Danish human rights priority themes at multilateral level and are to varying degrees also prioritised in the HRD programmes under review. Denmark, moreover, complements its direct bilateral engagements by giving substantial support to international civil society organisations working in these areas (Dignity and IWGIA). Both organisations are simultaneously engaged in the normative and operational spheres and deliberately calibrate these engagements with a view to mutual reinforcement. [These cases illustrate the potential for adopting what the study identifies as an integrated approach to the promotion of human rights.](#) The framework agreements through which these INGOs are being supported also establish a functional complementarity between what a donor country like Denmark can do in its own name and what is best done in partnership with or through the mediation of resourceful civil society organisations that are subject to fewer diplomatic restrictions and enjoy a greater degree of independence and critical leverage. This too can be considered a valuable synergy effect between efforts undertaken at different levels.

SUMMARY OF FINDINGS PART II (DIPLOMACY TRACK)

VOTING STATISTICS

Part of the study's mandate has been to conduct a self-contained statistical analysis of voting patterns in the UNGA and CHR/HRC in relation to Danish bilateral development assistance. The overall conclusion of this survey is that development assistance related to HRD has little or no identifiable impact on voting behaviour in the UN. Findings indicate that that the regional UN

groupings are largely split into two. The Western and Nordic groups vote very much in line with Denmark, while the Asian, African, Latin American and Organisation of Islamic Cooperation (OIC) groups do so substantially less. An examination of the Danish policy orientation affirms that there is no a priori assumption that development cooperation partners should vote in accordance with Danish or EU priorities in the multilateral arena. Moreover, the factors influencing multilateral normative conduct are so complex that bilateral human rights activities within a relatively short time span are unlikely to have a statistically significant impact in this regard. It is in this light concluded that [multilateral voting patterns cannot reliably be treated as an indicator of synergy](#). To capture such effects, it is necessary to shift to a more discriminating qualitative perspective on the interrelation between bilateral and multilateral human rights engagements.

QUALITATIVE PERSPECTIVES: DIPLOMATIC DYNAMICS, RELATIONS, INFORMATION AND ACCOUNTABILITY

To elucidate the prospects for establishing cross-regional alliances in support of human rights, a key focus of the analysis has been on the dynamics of interaction in the multilateral normative realm. It was generally observed that multilateral relations tend to be more divisive and antagonistic than relations at bilateral level and that the multilateral diplomatic environments display a tendency towards containment and self-sufficiency, implying that procedures in Geneva and New York unfold in relative isolation from what goes on 'on the ground'. This may partly account for the prominence of bloc politics in multilateral human rights diplomacy, as also borne out by the statistical analysis of UN voting patterns. However, multilateral interaction also continuously manifests openings and possibilities for fluid alliances on thematic and/or geographical issues. A balanced approach to the challenges and opportunities of human rights diplomacy should take both perspectives into account.

One way to link engagements at bilateral and multilateral level consists in [carrying existing bilateral relations over into the multilateral sphere](#) by invoking partnerships and shared normative commitments as well as the sense of goodwill and loyalty that may result from development cooperation. The study distinguishes between a unidirectional and an interactional mode of mobilising bilateral relations. The unidirectional mode involves communicating one's policy priorities and letting it be known that support for this position from the partner country would be appreciated (as in diplomatic demarches). The interactional mode involves reaching out to partner countries to define joint policy positions on issues of common concern. Such thematic alliances have the potential to cut across existing bloc divisions and may be developed as an integral aspect of development cooperation.

It is found that the Danish policy orientation on human rights and development is characterised by a subtle shift towards the interactional mode. As this aspect of the current Danish strategy remains vaguely defined, the study suggests that [possibilities within existing bilateral partnerships for defining common positions on selected human rights priority issues should be identified, and on this basis joint initiatives at multilateral level should be actively explored](#). Interviews have shown that there is a high level of interest among development cooperation counterparts – including representatives of government, national human rights institutions, and civil society – in carrying country-level cooperation over into the multilateral sphere. With increasing experience in this regard, concrete guidance on how to exploit this under-utilised potential of bilateral development cooperation could be included in the HRBA Guidance Note.

Multilateral engagements may also be reinforced by [sourcing information](#) from practitioners in the field and from civil society actors with knowledge of

conditions on the ground. Noting a certain communication/information gap in this regard, the study identifies [a need for both structured and informal procedures that facilitate essential information flows between different actor groups without placing excessive demands on the actors involved](#). Denmark already has some such procedures in place, notably related to the UPR process and to sourcing information from independent experts and civil society actors. The human rights unit of the Danish MFA (like analogous EU institutions) is also increasingly developing public information practices related to multilateral priorities and outcomes. Such practices are found to be commendable as they facilitate realisation of the core HRBA principles of participation, transparency and accountability.

Study findings indicate that there is a relatively low level of awareness in partner countries of what transpires in the multilateral normative sphere. This is likely to reinforce the detachment of multilateral proceedings from policy discussions and social processes at country level and hinder the ability to exercise accountability for how multilateral delegations represent their national constituencies. A key human rights objective in the context of development cooperation could therefore be to [encourage and support information flows between the relevant operational environments and internally among actor groups in partner countries](#). This may in part be modelled on the analogous Danish (or EU) practices but adapted to needs and capabilities in the given local context.

In view of the aim to integrate bilateral and multilateral engagements it is, finally, suggested that conflicting multilateral voting records, notably on significant policy issues, could be broached in the context of bilateral political dialogues, not as a means of asserting authority or tacit coercion but rather in an open-ended fashion signalling a will to understand and possibly bridge divergent policy perspectives. This, in turn, may support the endeavour to advance agreed objectives in the global normative arena.

INTRODUCTION

Under the Terms of Reference (TOR), the purpose of the study is to ‘explore the avenues for creating linkages, coherence and strategic synergies between [Denmark’s] normative, multilateral human rights agenda and its support to democratisation and human rights in development cooperation.’¹ The objective of the study is ‘to provide recommendations to the Ministry of Foreign Affairs on how to improve the linkages, coherence and strategic synergies between the Danish efforts to promote human rights at the normative, multilateral level and in development cooperation with a view to increasing the impact of the Danish human rights policy.’²

The question concerning linkages, coherence and possible synergies between human rights engagements at bilateral and multilateral level has in recent years emerged as a salient issue in foreign policy circles. It features as a recurrent theme in Danish human rights and development cooperation strategies from 2009³ and 2012,⁴ and similarly in recent EU

1 TOR, p. 2.

2 *ibid.*

3 *International Human Rights Cooperation: Strategy for the Government’s approach and Democratisation and Human Rights for the Benefit of the People: Strategic Priorities for Danish Support for Good Governance*, both published by The Ministry of Foreign Affairs of Denmark, 2009.

4 *The Right to a Better Life: Strategy for Denmark’s Development Cooperation*, The Ministry of Foreign Affairs of Denmark, 2012.

policy documents.⁵ It is a complex question involving several interrelated issues. These include issues of a technical nature related to how human rights activities at different levels are being organised and coordinated; issues concerning strategy and policy orientation; and a broader set of considerations related to contemporary geopolitical trends and relations between partners in development cooperation and human rights diplomacy.

In essence the study topic is about enhancing the effectiveness of human rights efforts at different levels by connecting activities that otherwise are undertaken in isolation, or by utilising outcomes deriving from one domain in the other. The commissioning of the study reflects a strong commitment to the promotion of human rights at all levels in a coordinated and effective manner. This is an ambitious and demanding undertaking.

In order to define the focus of the study, the concepts of coherence and synergy and the nature of the synergy effects that conceivably might be achieved by forging stronger and more targeted connections between bilateral and multilateral human rights engagements have been examined and analysed. On this basis it was found that the study question can logically be pursued in two directions:

- I. An examination of how human rights implementation efforts on the ground, notably in the context of bilateral development cooperation, can be reinforced through linkages with multilateral processes and outcomes.

5 *EU Strategic Framework and Action Plan on Human Rights and Democracy* (June 2012) and *Human Rights and Democracy at the Heart of EU External Actions – towards a more effective approach* (European Commission & High Representative of the European Union for Foreign and Security Policy: Joint Communication to the European Parliament and the Council, 12.12.2011).

- II. An examination of how engagements in the area of multilateral human rights diplomacy can be enhanced through linkages with development cooperation engagements at country level.

While it would appear that these two points of inquiry mirror each other, they are in reality quite different. What has ensued is therefore a dual research agenda unfolding along separate study tracks, which shall be characterised, respectively, as the **implementation track** and the **diplomacy track**. The study addresses both tracks with equal emphasis.

It should be noted that not all study themes and findings fall neatly into one track or the other. Some themes are of a cross-cutting character and certain human rights campaigns, typically with a narrow thematic focus, are deliberately designed to simultaneously target both the bilateral and the multilateral domains and thereby achieve mutual reinforcement. This is characterised as an integrated approach to the promotion of human rights. The defining features of such an approach are further specified below in conjunction with an analysis of the concept of synergy, and the theme is pursued in relation to both study tracks.

The study aligns itself with and should ideally inform the implementation of the current Danish human rights and development cooperation strategy, taking into account also the applicable EU policies. It is in this regard noteworthy that a new Danish development cooperation strategy was launched in 2012,⁶ halfway through the study period. This necessitated a certain realignment of the study focus and an adaptation of the framework

6 Following a change of government in October 2011.

within which the findings are analysed and interpreted. It was found that some study findings have been anticipated by the new strategy but that overall the new policy context renders the two track approach adopted in the study all the more pertinent. The implementation track thus speaks directly to the government's commitment to a **human rights-based approach to development** (HRBA), and the diplomacy track explores possibilities for carrying relationships and knowledge from the bilateral cooperation context over into the multilateral arena in a manner that is closely in line with the current policy approach.

The primary Danish policy documents of relevance to the study are:

- *The Right to a Better Life: Strategy for Denmark's Development Cooperation* (2012)
- *A Human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark, (February 2013)
- *International Human Rights Cooperation: Strategy for the Government's approach* (2009)⁷

Current EU policies are stated, inter alia, in:

⁷ It is not entirely clear whether this is still to be considered a valid Danish strategy document. It was developed by and expresses the policy orientation of the previous Danish government, yet at the present time of writing still features on the foreign ministry's website at <http://um.dk/en/danida-en/activities/strategic/human-right-demo/human-rights/> (last accessed 10 June 2013). Either way, it is highly relevant to the study, as a comparison with the more general development cooperation strategy of 2012 brings out essential aspects of the current Danish human rights strategy— first and foremost in relation to bilateral and multilateral development cooperation, but also to a significant degree in relation to engagements in the multilateral normative arena.

- EU Strategic Framework and Action Plan on Human Rights and Democracy (June 2012)
- Increasing the Impact of EU Development Policy: An Agenda for Change (2011)

A wide range of other policy documents are also considered, the general aim being to contribute to an understanding of the practical challenges in operationalising the applicable strategies and, on this basis, to identify aspects of the given policies that could/should be more strongly accentuated or revised.

ANALYTICAL FRAMEWORK

THE CONCEPTS OF SYNERGY AND COHERENCE

To define the research focus in a systematic fashion, it is opportune to begin with an analysis of the key concepts in terms of which the study is defined. A valuable source of inspiration in this regard is an evaluation study on *Synergies between bilateral and multilateral activities*⁸ undertaken on behalf of the Danish Ministry of Foreign Affairs in 2008 by the UK Overseas Development Institute (ODI). While the evaluation study does not expressly focus on human rights, but rather on the interplay between development cooperation efforts undertaken bilaterally and through support to multilateral organisations, it provides a general analytical framework that is directly applicable to the present study.

8 Sue Graves, Victoria Wheeler, Marta Foresti, Simon Burall and Nick Highton, *Synergies between bilateral and multilateral activities*, Ministry of Foreign Affairs of Denmark, Evaluation Study 2008/2.

The evaluation study situates the examination of the concepts of synergy and coherence in the context of the Paris Declaration on Aid Effectiveness and argues that below the five high-level operational goals for achieving aid effectiveness (country ownership, alignment, harmonisation, managing for results, and mutual accountability), there are 'a number of related aid management terms that are being used (and debated) as donors attempt to find ways to work more closely together in order to increase the impact of their work. These terms include complementarity, comparative advantage, division of labour, coordination, economics of scale, coherence, and synergy.'⁹ Typically the concepts of coherence and synergy are related to harmonisation.

The study notes that these concepts 'are often ill-defined and used inconsistently or inappropriately'¹⁰ and in this light proposes a formal definition of **synergy**:

” [S]ynergy describes the outcome of two or more distinct organisations, substances or other agents interacting to produce a combined effect greater than the sum of their separate effects. Mathematically, synergy could be represented as $1 + 1 > 2$. In our view synergy therefore has two distinctive aspects:

- a. It requires interactivity between agents, resources or activities to occur; and
- b. The sum is greater than the value of its individual parts ($1 + 1 > 2$)

⁹ *ibid.* p. 4.

¹⁰ *ibid.*

These two distinctive elements of synergy are inter-related. *Interactivity* means that the two or more separate entities influence or act upon each other. [...] It is through the change which occurs as actors, entities or activities interact that the second distinctive element, what we will refer to as the 'greater than 2' value, is achieved.⁷⁷

The concept of coherence, by comparison, establishes a less exacting standard. It applies when 'two or more distinct policies or programmes are logically consistent and do not counteract each other.'¹² While sometimes used interchangeably, the concept of coherence is in fact very different from that of synergy, as it does not imply an element of interlinkage between the activities or entities under consideration. As noted in the evaluation study, '[t]here is not necessarily interactivity between coherent policy or programme activities, merely that the outcomes must not undermine the efforts from other spheres.'¹³ Viewed in this light, the concept of synergy is clearly most relevant to the present study.

The evaluation study distinguishes between three types of synergy:

- **organisational synergy** – where 'two different organisations combine their assets and skills to influence each other and produce stronger institutional effects'
- **policy synergy** – 'achieving greater than expected impact by combining policy positions and influencing strategies in an interactive way', and

11 *ibid.* p. 12f.

12 *ibid.* p. 18.

13 *ibid.* p. 17.

- **operational synergy** – ‘combining programmes or initiatives in an interactive manner to achieve greater effect than individual projects/programmes or their sums’.¹⁴

Moreover, the notion of synergy needs to be specifically localised given that ‘[b]oth the site of interaction and the site at which the synergistic outcome is realised can be highly varied.’¹⁵ Three sites of primary interest are:

- **sites on the ground** – i.e. ‘the site of implementation;’
- **in-country policy and planning forums** – ‘for example, joint donor working groups, policy discussions between donors and government;’ and
- **global forums** – i.e., ‘sites where international policy is developed and debated.’¹⁶

A further conceptual distinction of interest in the present context is between operational synergy effects deriving from **backward and forward linkages** between activities and outcomes that have been developed or achieved independently of each other, and synergy effects deriving from **sideways linkages** between activities and engagements that are developed in tandem with the intention of attaining mutual reinforcement.¹⁷ This, as anticipated above, is a defining feature of an **integrated approach** to the promotion of human rights.

Before turning to the application of this conceptual framework to our given study topic, it is worth heeding a word of warning from the authors

14 *ibid.* p. 19; the authors note that this distinction is inspired by discussions of synergy in other policy domains (cf. Chatterjee, 1986; Harrison, 1991; Munro, 2005)

15 *ibid.* p. 18.

16 *ibid.* p. 22.

17 *ibid.* pp. 21ff.

of the evaluation study. They note that in the same way as the concepts of coherence and synergy tend to be used without analytical precision, so too is it generally assumed that the pursuit of coherence and synergy is always something positive. The evaluation study does not take this for granted. It points out, to the contrary, that the pursuit of synergy may in some cases entail significant trade-offs, e.g. in relation to other development goals or parameters of aid effectiveness. In particular the goals of ownership and alignment may not always be fully compatible with the degree of donor planning and control that is required for the pursuit of operational synergy effects.¹⁸ Ambiguities of this nature have been frequently encountered in connection with the implementation track of the study.

SCOPE OF THE STUDY

To delimit the scope of the study, it is necessary to clarify precisely which policy areas and range of activities are to be taken into consideration. Logically, this may be approached either in a narrow perspective, limiting the study to actions that are expressly dedicated to the promotion of **human rights and democratisation** (HRD), or it may be approached in a broader perspective that takes into account also the possibility of realising human rights objectives in conjunction with efforts undertaken in other policy areas such as economic growth, environment, trade, security, and social progress. The latter approach would include an examination of efforts to **mainstream** human rights in a broad range of foreign policy areas. While clearly relevant and consistent with the Danish policy orientation towards human rights,¹⁹

¹⁸ *ibid.* pp. 23ff.

¹⁹ The 2009 policy document titled *International Human Rights Cooperation: Strategy for the Government's Approach* thus emphasises the need to '[e]nsure that the promotion and protection of human rights is mainstreamed into all foreign policy areas and activities' (p.3). This general policy orientation has come all the more centrally into focus in the 2012 strategy, *The Right to a Better Life*, which is defined by a comprehensive human rights-based approach across all four strategic priority areas, i.e. in addition to *human rights and democracy*, also *green growth, social progress, and stability and protection* (pp. 8ff.).

such a broad scope of inquiry goes beyond the assignment foreseen in the TOR. On this basis the study has adopted the more narrow perspective outlined above, but, in order to align the study with the underlying Danish policy approach, it does at various junctures also address forward-looking possibilities for pursuing synergy effects across different policy areas.

It should be noted, further, that HRD as a general thematic area comprises or overlaps with a variety of related policy objectives such as 'rule of law,' 'good governance,' and 'gender equality.' These are sometimes treated as distinct policy objectives yet are recognised as closely interrelated to human rights and democratisation in the applicable Danish policy papers, and many of the programme documents made available by the Ministry of Foreign Affairs for the purpose of the study expressly target the promotion of these objectives as an integral part of the overall HRD engagement.²⁰ They are on this basis seen as falling within the scope of the study.

Articulated with reference to the analytical framework outlined above, the study focus can be specified as follows: the primary research focus is on operational synergies within the area of human rights and democratisation (and related issues such as good governance, gender equality and rule of law). Organisational synergies also fall within the scope of the study, albeit to a lesser degree, given that the TOR envision an examination of possible mutual reinforcement of Danish and EU or UN actions in the area of human rights. The assignment does not call for an examination of policy synergies or operational synergies across different policy areas. It is acknowledged that

²⁰ The programme documents related to the two selected country cases, Bangladesh and Ghana, thus both cover the wider policy area 'Human Rights and Good Governance' (HRGG).

such an expanded perspective would be relevant and consistent with the underlying Danish commitment to HRBA and human rights mainstreaming, but this is beyond the scope of the present study. It may be noted, as an aside, that a targeted examination of human rights engagements across different policy areas would entail a stronger emphasis on the concept of coherence, but as this is not being undertaken in the present context, the primary focus is on the concept of synergy.

The question concerning localisation, i.e. the **sites** at which synergy effects are being sought, is crucial to the framing of the study. The initial approach was to orient the study primarily towards an investigation of possible synergy effects in the multilateral normative arena (**'global forums'** in the terminology of the evaluation study). However, based on the above concept analysis, the question of bilateral/multilateral synergy can equally well be pursued in the direction of an investigation of synergy effects **'on the ground'**. This is fully consistent with the underlying Danish policies and is the aspect of the research topic that has been met with the greatest degree of interest by experts and practitioners. It was therefore decided to examine the possibilities for synergy effects both in **'global forums'** and **'on the ground'** with equal weight.

ELABORATION OF ISSUES UNDER TRACK I: THE IMPLEMENTATION TRACK

The central question guiding the research under track I can be articulated as follows:

- How can multilateral human rights resources and outcomes be used to give direction to and strengthen human rights implementation **'on the ground'** in the context of bilateral development cooperation?

The issue at stake is to **work with human rights in bilateral development cooperation in a systematic fashion that takes guidance from and makes consistent use of the full range of international and regional human rights standards and mechanisms** that in effect are the outcome of concerted diplomatic efforts at the multilateral normative level. This agenda bears a strong affinity to the notion of HRBA.

The relevant multilateral resources include the applicable human rights treaties, which are legally binding on states parties, as well as a broad range of semi-authoritative ('soft law') instruments and policy documents, such as treaty body concluding observations and general comments, findings of the special procedures mandate holders, recommendations from the Universal Periodic Reviews (UPR), outcome documents from world conferences on human rights and related issues, and resolutions of the UN Human Rights Council (HRC) and General Assembly (UNGA). These are all relevant to the study. Viewed in a narrow perspective, the question of coherence and synergy might be restricted to an examination of linkages between Denmark's own particular engagements and priorities in the multilateral arena and in its bilateral development cooperation. However, this would be an artificial limitation. As the primary underlying objective for Denmark (and likeminded donors) is to strengthen the multilateral human rights framework in its entirety, it is relevant to explore the operational potential in the context of development cooperation of the full range of available human rights resources.

The question of how to operationalise international norms and policy commitments poses a challenge in every policy area, yet arguably is of particular relevance in a policy area such as human rights where the gap between aspirations and reality, norms and their realisation, is wide. It has

been found, accordingly, that the issue of bilateral/multilateral coherence and synergy was met with keen interest by virtually all practitioners consulted in conjunction with the study. Senior diplomats engaged in human rights diplomacy and representatives of the Office of the United Nations High Commissioner for Human Rights (OHCHR), for example, were found to be intensely preoccupied by the challenge of integrating the normative and operational dimensions of their work. There was, moreover, a widespread perception that a 'progressive' bilateral donor like Denmark has the potential to set an example for the implementation efforts undertaken on a larger scale by international organisations.

Civil society organisations, which typically devote their attention to the operational aspects of human rights, take an interest in multilateral normative developments primarily from the perspective of effecting changes on the ground. As an illustrative example, an NGO representative working in the area of torture prevention expressed a highly positive assessment of multilateral normative achievements in this area – often attained under difficult circumstances and to a large extent spearheaded by 'soft powers' like Denmark – but at the same time lamented the fact that the internationally agreed standards and policies on torture are not being effectively realised in practice. Efforts at the multilateral level, in other words, are not always matched by an equivalent focus on implementation. This need not be a matter of deliberate disregard for the policy objectives in question, but may rather simply reflect the prominence of other priorities in development cooperation. Nevertheless, a certain implementation gap remains in relation to hard-fought multilateral outcomes.

Part I of the report is devoted to an exploration of possibilities for narrowing this gap. Study findings on possible concrete linkages between

country level engagements and multilateral resources and outcomes are presented in relation to: the primary phases of human rights programming and implementation; the main actor groups engaged in human rights implementation; and a range of selected human rights issues.

ELABORATION OF ISSUES UNDER TRACK II: THE DIPLOMACY TRACK

The research question guiding the diplomacy track of the study is:

- What is the scope for harnessing insights, relations and normative commitments established through bilateral development cooperation with a view to reinforcing human rights at multilateral level?

The overarching objective here is to maintain, safeguard and further develop the multilateral human rights framework, which establishes the context for human rights implementation everywhere. Behind the commissioning of the present study lies a perception that the global human rights agenda is in some respects under threat in contemporary international relations – and that Denmark, the EU, and likeminded countries may be losing influence on the international normative agenda. However, it is at the same time acknowledged that the emerging multipolar world order also presents new opportunities for the global advancement of human rights. The second study track is about how to respond constructively to this set of possibilities and challenges.

It is a common observation that interaction in the multilateral diplomatic sphere tends to be considerably more antagonistic and divisive than the corresponding bilateral relations. This is due on the one hand to deeply-rooted suspicions, sensitivities and perceived conflicts of interest and, on the other hand, to regional and bloc loyalties which tend to place a small number of actors – often so-called ‘hardliner’ countries – in a dominant position.

For a bilateral donor like Denmark it is natural to explore possibilities for harnessing the positive relations that are being established through development cooperation with a view to strengthening engagements at the multilateral level. The study has uncovered two main avenues through which this can be done. One has to do with **mobilising relations and leveraging influence**, which is part and parcel of what diplomatic interaction is about. This implies seeking to invoke existing relations, partnerships and shared commitments, as well as the sense of goodwill and loyalty that may result from development cooperation, in support of human rights priorities in the multilateral arena. It is, furthermore, about exploring the scope for new cross-regional alliances on human rights issues, thereby seeking to push beyond divisive bloc politics. Ideally this should be done in the mutual interest of all countries involved and be based on a premise of equal partnership, as is a core Danish policy commitment.²¹

The second main avenue for pursuing synergy effects in the diplomatic arena involves **carrying knowledge and experience about human rights situations on the ground over into the work undertaken at multilateral level**. This is essential in order to ensure that multilateral engagements are empirically well-informed, relevant and credible.

Part II of the report takes its point of departure in a summary of a statistical analysis of UN voting patterns in relation to development cooperation in the area of human rights, but frames the question of possible multilateral synergy effects more broadly, giving primary attention to a qualitative

21 'Denmark's international cooperation is based on mutually committing partnerships; partnerships which must be flexible and match the context at hand. We make demands on our partners and expect them to also make demands on us to fulfil our commitments in order to ensure an equal partnership where both sides contribute their part.' *The Right to a Better Life: Strategy for Denmark's Development Cooperation*, The Ministry of Foreign Affairs of Denmark 2012, pp.32ff.

perspective on the issue, as articulated by experienced actors working in the area.

STUDY PLAN AND METHODOLOGY

The research focus and study plan have been elaborated in accordance with the following delimitations:

Time period under consideration

- A period of approximately 12 years from 2000–present.²²

Geographical focus

- General focus: Danida project cooperation / partner / priority countries;²³
- For the purpose of country visits and in-depth case studies: Ghana and Bangladesh.²⁴

22 This delimitation is primarily relevant to the desk studies and corresponds to the timeframe of the development cooperation project documents made available by the MFA to the research team. This covers the three most recent Danish development cooperation strategies: *Partnership 2000* (2000), *Freedom from poverty – freedom to change* (2010), and *The Right to a Better Life* (2012).

23 The terminology used by Danida in this regard has changed twice during the period under review.

24 The criteria employed in the selection of Danida partner countries for in-depth analysis were, in order of priority: (i) longstanding development cooperation with Denmark, (ii) Danish development assistance given in the area of human rights, (iii) involvement in issues of relevance to the study, preferably current or past issues that are taken up by Denmark bilaterally and in multilateral forums, (iv) regional influence, including on multilateral human rights policy. It was from the outset foreseen that the study would include country visits to one Asian and one African partner country. The selection of Bangladesh and Ghana was made in close consultation with the project steering committee as well as with the implicated Danish embassies.

Thematic focus

As a point of departure, the study covers the full spectrum of human rights in conformity with the principle that all human rights are indivisible, interdependent and interrelated.²⁵ However, it was from the outset foreseen that this general focus would be complemented by a more detailed examination of synergy potentials in relation to specific rights and/or themes, including: freedom of expression and related issues; discrimination on the basis of sexual orientation; human rights defenders; torture; gender equality and women's rights; selected economic, social and cultural rights; and support to NHRIs. This list has largely been maintained, but the precise thematic focus in the various phases of the study has been adjusted in view of an ongoing assessment of which issues were most pressing in the given contexts, and which issues appeared most informative and relevant to the study. The issue of indigenous peoples' rights, for example, was found to constitute a longstanding priority at both levels and has accordingly been added to the list. The issue of freedom of expression, by contrast, while receiving continuous attention at multilateral level, has been less prominent in development activities at country level and has not been a primary focus of the first study track.

Study components and methods

The research plan comprises two main components. One is a **stocktaking** component, involving a mapping of Danish actions in support of human rights

²⁵ See, for example, *International Human Rights Cooperation: Strategy for the Government's approach*, The Ministry of Foreign Affairs of Denmark 2009, p.8: 'Human rights are indivisible, interdependent and interrelated. This was established at the World Conference on Human Rights in Vienna in 1993. They are all equal, and countries cannot single out some rights as more worthy of protection or respect than others. Thus, all countries are under an obligation to protect and promote all human rights. These generally accepted principles are the point of departure for Denmark's approach to the cooperation on human rights.'

and democratisation in bilateral development cooperation and in the relevant multilateral diplomatic forums. The other main study component is analytical in nature and involves a clarification of the underlying issues, an identification of possible linkages between engagements at bilateral and multilateral level that may contribute to synergy effects either on the ground or in the relevant global forums, and, on this basis, the articulation of forward-looking policy options.

Research methods have been adapted to the specific objectives for each research component and involve: conceptual and legal analysis, desk surveys, statistical analysis, field studies, selected case studies, targeted (semi-structured) interviews and consultations, and a qualitative analysis of findings.

The stocktaking component involved three desk surveys: one on the portfolio of Danish government-to-government bilateral aid programmes in the field of human rights and democratisation during the period 2000–2012; one aimed at mapping the Danish human rights efforts at the UN General Assembly and Commission on Human Rights/Human Rights Council during the same period (based in part on archive access at the Ministry of Foreign Affairs and partly on publically available sources); and a statistical analysis of UN voting patterns in relation to Danish human rights priority themes and development assistance. The statistics survey constitutes the only strictly quantitative research component and forms part of the overall stocktaking exercise. Each survey has led to the preparation of a separate working paper, the main findings of which are summarised in the present report.

Aside from these desk surveys, the research plan has largely been concentrated on **qualitative interviews** with diplomats, human rights experts

and development cooperation actors, as well as implementing partners and, to a lesser degree, beneficiaries of Danish development cooperation activities in the area of human rights and democratisation. Interviews were conducted in conjunction with study visits to two Danish partner countries, Bangladesh and Ghana, as well as to Geneva – the seat of the primary UN human rights structures. A similar study visit was foreseen to New York, the seat of the UN General Assembly, but was replaced by a video conference with members of the Danish representation to the UN in New York as well as a brief follow-up visit to the representation by one member of the study team. In addition to the study visits, interviews were conducted on an ongoing basis in Copenhagen with representatives of the Danish foreign ministry as well as with civil society actors and human rights and development cooperation experts. This has also included regular consultations with colleagues at the Danish Institute for Human Rights.

In total, consultations and semi-structured interviews were conducted with, or with the participation of: 30 Danish diplomats and representatives of the MFA; 7 representatives of other diplomatic missions in Geneva, New York, Accra and Dhaka; 11 government representatives in partner countries; 23 representatives of international organisations, including agencies of the UN and the EU; 33 civil society representatives; 25 academics and independent experts in the areas of human rights and development cooperation.²⁶

Particular events that provided valuable input to and feedback on the study included a meeting of the study reference group in December 2011, a two-day conference on the study topic organised in May 2012 in conjunction with a COHOM meeting in Copenhagen under the Danish EU presidency, and a

26 A record of the interviews conducted is on file with the author.

conference hosted by the Danish MFA in January 2013 on the occasion of the official launch of the Danish HRBA to development.

Disclaimer

The empirical data collected in relation to certain study components are relatively sporadic and therefore do not permit a comprehensive elucidation of all issues under consideration. It is, moreover, questionable to what extent it is possible to generalise qualitative observations based on only two field visits plus a relatively random collection of interviews. Such legitimate concerns are registered where relevant. However, the representativeness of findings is not seen to constitute a primary methodological problem, as the aim of the study is not to evaluate any particular programmes or activities but rather to elucidate the underlying issues at stake and, in this light, identify possible synergistic linkages. This objective is fully consistent with the predominantly qualitative methodology adopted for the study.

PART I



PART I

IMPLEMENTATION TRACK – PURSUING SYNERGY EFFECTS ON THE GROUND

INTRODUCTION

ABOUT ADVANCING HUMAN RIGHTS IN THE CONTEXT OF DEVELOPMENT COOPERATION

The promotion of human rights has, in recent decades, emerged as an increasingly central priority of international development cooperation. From being initially seen as one development cooperation objective among many, human rights have come to be regarded as instrumental to the realisation of other objectives and hence as pivotal to development strategies as such. Phrased differently, human rights are now increasingly being seen both as important ends in their own right and as means to the realisation of other ends.²⁷ A 2006 OECD report on *Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges* summarises the matter as follows:

The integration of human rights into development takes place in various forms. The most common form of assistance has traditionally been projects, directly targeted at the realisation of specific rights, specific groups or in

27 'The core thrust of Denmark's approach to HRBA is that human rights are both a means and an end in our development cooperation. This entails that human rights should inform both the results to be achieved and the process to achieve them.' *A Human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark, February 2013, p. 4.

support of human rights organisations. A more strategic use of human rights can be found in the design of country programmes and global initiatives. Other well-established practices are mainstreaming of human rights into all sectors of existing aid interventions and including human rights issues in the political dialogue between donors and developing countries. A number of agencies are moving to human rights-based approaches, which require institutional change in the provision of aid. In some agencies that are not explicitly using a human rights framework at a policy level, an implicit integration can be identified.²⁸

DANISH POLICY ORIENTATION

Denmark is one of the few countries globally to consistently meet the UN target of allocating 0.7% of GNI to official development assistance (ODA), often exceeding this standard. The overriding aim of Danish development cooperation is poverty reduction. Priority countries are selected from among the poorest countries and the bulk of aid targets the most disadvantaged population groups. In recent decades this has been coupled with a range of more specific policy objectives, such as contribution to the stabilisation of states affected by conflict and fragility, promotion of global security, environmental and climate change engagements, and assistance to curb the global HIV/AIDS pandemic.²⁹

While the promotion of gender equality has been a Danish policy priority since the earliest days of development cooperation, other value-based policy

28 *Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges*, OECD 2006.

29 For a comprehensive and insightful Danish language account of changing Danish development cooperation strategies in the post-World War II era, see Christian Friis Bach, Thorsten Barring Olesen, Sune Kaur-Pedersen and Jan Pedersen, *Idealer og Realiteter: Dansk udviklingspolitik historie 1945–2005*, Gyldendal Copenhagen, 2008.

objectives such as human rights, democracy and good governance began to make their appearance in development cooperation strategies in the late 1980s and have emerged as key strategic priorities for Denmark in the new millennium.³⁰ *Partnership 2000*, which defines the government's priorities at the beginning of the period under consideration in the present study, contains a separate chapter on 'Democratisation and respect for human rights'.³¹ The 2010 strategy *Freedom from poverty – freedom to change* defines the promotion of freedom, democracy and human rights as one of its five main pillars.³² In 2009 the Danish MFA adopted two self-standing strategies on human rights, one addressing the promotion of human rights in external relations generally and the other specifically in the context of development cooperation.³³ It is explicitly acknowledged that this constitutes a value-based foreign policy approach which builds on the premise that:

” ...lasting peace, security, development and stability can only be achieved with respect for human rights. [...] Therefore, promoting and protecting human rights is not only to the benefit of the individual human being, but also in our own national interest. It is sound investment in a better and more secure future for all of us.³⁴

30 This emerging trend is notably reflected in *A Developing World. Strategy for Danish Development Policy towards the Year 2000*; The Ministry of Foreign Affairs of Denmark, 1994.

31 *Denmark's Development Policy: Strategy. Partnership 2000*. The Ministry of Foreign Affairs of Denmark, 2000.

32 *Freedom from poverty - freedom to change: Strategy for Denmark's Development Cooperation*. The Ministry of Foreign Affairs of Denmark 2010.

33 *International Human Rights Cooperation: Strategy for the Government's Approach and Democratisation and Human Rights for the Benefit of the People: Strategic Priorities for Danish Support for Good Governance* – both published by The Ministry of Foreign Affairs of Denmark 2009.

34 *Strategy for the Government's Approach* 2009, p. 7.

The 2012 strategy entitled *The Right to a Better Life: Strategy for Denmark's Development Cooperation* marks a qualitative leap in this overall trajectory, as it for the first time expressly commits Denmark to a human rights-based approach to development. This is to be applied across all four strategic policy areas of the strategy, which are human rights and democracy, green growth, social progress (health, education, etc.), and stability and protection. The underlying rationale is that human rights are seen as integral to realising the objective of poverty reduction.³⁵ Poverty in this connection is understood as multidimensional and is defined not only in narrow economic terms but also in relation to human, political, socio-cultural and protective capabilities.³⁶ The advantage of HRBA is that it keeps all of these dimensions of poverty in focus:

” Denmark's development cooperation must fight the many faces of poverty and promote coherence between our policies. To do this effectively, we cannot just focus on the most obvious symptoms. We must also address the structures that keep people in poverty and societies in inequality. Denmark's development cooperation must be anchored locally and build on democratic ownership, and here human rights are central. If we help poor people fight for their rights, then we also fight the main causes of poverty. Consequently, the aim of Danish development policy is both to fight poverty and promote human rights. These are two sides of the same coin.³⁷

35 *The Right to a Better Life: Strategy for Denmark's Development Cooperation*. The Ministry of Foreign Affairs of Denmark, 2012, pp.8ff.

36 See *A Human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*. The Ministry of Foreign Affairs of Denmark, February 2013, p. 9f.

37 *The Right to a Better Life: Strategy for Denmark's Development Cooperation*. The Ministry of Foreign Affairs of Denmark 2012, p. 9.

Within the UN context, the UNDP and UNICEF have since the late 1990s been pioneering human rights-based approaches to development. This led to the articulation in 2003 of a UN inter-agency common understanding of HRBA³⁸ and to the establishment in 2009 of an integrated human rights mainstreaming mechanism under the United Nations Development Group (UNDG). The OHCHR has, in the same spirit, published a set of *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*.³⁹ Several national donor agencies, including in EU member states, have meanwhile adopted their own explicit commitment to working with HRBA. With the new strategy, Denmark has joined this circle. The EU does not yet have a fully fledged policy on HRBA but is in the process of elaborating its commitment in this regard on the basis of its strategy documents *Increasing the impact of EU Development Policy: an Agenda for Change*⁴⁰ and the *EU Strategic Framework and Action Plan on Human Rights and Democracy*.⁴¹ The

38 *The Human Rights Based Approach to Development Cooperation. Towards a Common Understanding Among UN Agencies*. Statement agreed at the Interagency Workshop on a Human Rights Based Approach, 3–5 May 2003, Stamford; UN 2003

39 Office of the United Nations High Commissioner for Human Rights, 2006. This document was based on the *Draft Guidelines on a Human Rights Approach to Poverty Reduction Strategies* (2002) and *Human Rights and Poverty Reduction: A Conceptual Framework* (2004), jointly prepared by Paul Hunt, Manfred Nowak and Siddiq Osmani. For a comprehensive survey of different approaches to working with human rights in the context of development cooperation, illustrated by a wealth of concrete examples and experiences, see OECD 2006 op. cit.

40 European Commission. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (October 2011). *Increasing the Impact of EU Development Policy: An Agenda for Change*. COM(2011) 637 final. Brussels.

41 Council of the European Union, Luxembourg, 25 June 2012, 11855/12. Outcome 10 of the action plan for human rights and democracy is defined as ‘Working towards a rights based approach in development cooperation’ As recently as 3 June 2013, a seminar was organised in Brussels on on Priorities for a Human Rights Based Approach (HRBA) in EU Development Cooperation; for a recording of the proceedings, see: <http://ec.europa.eu/avservices/video/player.cfm?sitelang=en&ref=1078926> (last accessed 20 June 2013).

Lisbon Treaty (Art. 21) sets the stage for this policy orientation by affirming a commitment to promote human rights in all of the Union's relations with the wider world, including in the context of development cooperation.

COMPLICATIONS AND CHALLENGES

Despite the strong momentum to work with human rights in development cooperation, it must be acknowledged that this is a **contested agenda**. We shall point to three main reasons for this of relevance to the study.

Among development cooperation professionals, firstly, there is a widespread inclination to question the premise that HRBA is conducive to realising the full range of development objectives. The stipulated link between human rights and poverty reduction is particularly called into question. This was noticeable in Danish public debates around the time of the adoption of the 2012 strategy and is a concern that needs to be taken seriously.⁴²

Secondly, linking development cooperation and human rights is sometimes perceived by partner countries as an imposition of an externally-defined agenda (a new form of donor conditionality) which interferes with the sovereign decision making of the aid recipient. If true, this would be in

42 See, for example, Pedersen, C.F., "Rettigheder er fremtiden for udvikling", in: *Dagbladet Information*, 25 April 2012; Arnfred, S., "Vestlig dagsorden for ligestilling i Afrika", in: *Dagbladet Information*, 15 April 2012; Kaarsholm, L.F., "Flyvske idealer, men små ambitioner". in: *Dagbladet Information*, 10 April 2012; Toft, S.B., "Kan ministerens kamp for rettigheder udrydde fattigdom?", in: *Dagbladet Information* 9 April 2012; Bach, C.F., "Udviklingspolitikken skal bygge på enighed og stærke værdier", in: *Politiken*, 31 January 2012; Mchangama, J., "Basale rettigheder fjerner ikke verdens fattigdom", in: *Politiken*, 9 January 2012; Bach, C.F., "Ny strategi for fattigdomsbekæmpelse", in: *Bertlingske*, 15 March 2012 and Lars Engberg-Pedersen, L and Therkildsen, O. , "Udviklingsbistandens udvikling: Værdier? Resultater? 'Best fit'?" in: *DIIS Comment*. June 2012, accessible at: <http://www.diis.dk/sw120447.asp>.

contradiction with principles of **ownership**, whereby aid recipients take the lead in defining their own national development priorities and strategies, and **alignment**, whereby donors commit to supporting these strategies, as set forth in the *Paris Declaration on Aid Effectiveness* (2005) and affirmed in the ensuing *Accra Agenda for Action* (2008) and *Busan Partnership for Effective Development Cooperation* (2011).⁴³

A related concern is that efforts to advance human rights may serve as a stimulus for contesting the existing social order. The Danish strategy for development cooperation recognises this possibility but understands human rights as a powerful means of poverty reduction precisely because they can help to challenge established power relations and redistribute common public goods in a more socially just manner. What this implies, in effect, is that the advocacy for human rights is an inherently political undertaking that is likely to be met with some resistance.⁴⁴ This is expressly acknowledged in the Danish government's 2009 human rights strategy:

43 The remaining high-level principles of the Paris Declaration are: **harmonisation**, which means to 'work to streamline efforts in-country;' **managing for results**, i.e. 'for development policies to be directed to achieving clear goals and for progress towards these goals to be monitored;' and **mutual accountability**, i.e. 'for donors and recipients alike to be jointly responsible for achieving these goals.' See <http://www.oecd.org/dac/effectiveness/parisdeclarationandaccraagendaforaction.htm> (last accessed 20 March 2013).

44 'The human rights-based approach to development aims to unleash processes of change that shift power relations in a democratic direction. Consequently, the approach is not devoid of conflict.' *The Right to a Better Life: Strategy for Denmark's Development Cooperation*. The Ministry of Foreign Affairs of Denmark 2012, p. 9. In the ministry's Introduction to the strategy, it is similarly affirmed that 'Universal and fundamental rights serve as a powerful means of redistribution.'

” Human rights and democracy are sensitive issues that go to the heart of power relations and politics. They are simultaneously under pressure and in demand. Strengthened democracy and increased realisation of human rights can limit power structures and lead to loss of influence and resources for powerful individuals and groups in society. This in turn can lead to opposition and resistance to change. It is crucial to understand these forces and to acknowledge the political character of the issues involved while still maintaining a clear vision of the importance of democracy and human rights.⁴⁵

Thirdly, within a geopolitical context the human rights-based approach, central as it may be in donor circles, is being challenged by a competing development paradigm that is emphatically not human rights based. According to this paradigm, economic growth – and hence also poverty reduction – is most effectively achieved through tight social control, limited labour rights and social protection, and restrictions on liberal freedoms. This approach to development is epitomised by China and other rapidly emerging economies and is being labelled ‘authoritarian capitalism’ by some observers.⁴⁶ At the level of bilateral relations it is centred around an aggressive exploitation of natural resources and a strong focus on infrastructure development. In the multilateral sphere it is typically linked with a radical sovereignty agenda that also places human rights under pressure.

45 *Democratisation and Human Rights for the Benefit of the People*, The Ministry of Foreign Affairs of Denmark 2009, p. 18.

46 See, e.g. Dennison, S. and Dworkin, A., *Towards an EU Human Rights Strategy for a Post-Western World*, European Council on Foreign Relations, September 2010: p. 2.

The Danish reaction to this trend has been to acknowledge the tremendous accomplishments of emerging economies in relation to poverty reduction and economic growth – and to welcome the ensuing geopolitical changes – but nevertheless to warn that the underlying approach to development is neither socially nor ecologically sustainable.⁴⁷ The primary concern is that it leads to a widening of social inequities as well as an unsustainable exploitation of natural resources which typically fails to benefit the populations as a whole in the countries concerned. The appropriate remedy, as envisioned in the Danish strategy, is to reassert the commitment to HRBA but to pursue this in a flexible and realistic manner with full respect for the core principles of the Paris Declaration on Aid Effectiveness and aimed at objectives that are mutually agreed with the partner country. This requires a spirit of openness, an in-depth understanding of the locally prevailing circumstances, and the ability to present one's own policy objectives in meaningful and convincing terms.⁴⁸

SYNERGY PERSPECTIVE

In this overall context, what does it mean to raise the question of bilateral/multilateral coherence and synergy? The concept of synergy adopted for the purpose of the study entails establishing linkages between agents, resources or activities at different levels with a view to achieving an enhanced impact in a given sphere, which is identified as the *site* of the synergy effect. The present

47 *The Right to a Better Life: Strategy for Denmark's Development Cooperation*, The Ministry of Foreign Affairs of Denmark 2012, p. 5f. See also: *On course for 2020 – Danish foreign policy in uncharted waters*, The Ministry of Foreign Affairs of Denmark 2010.

48 '[S]upport for the values and objectives pursued by Denmark cannot always be taken for granted and we have to be able to argue more persuasively for them.' *The Right to a Better Life: Strategy for Denmark's Development Cooperation*, The Ministry of Foreign Affairs of Denmark 2012, p. 7.

focus is on how to utilise resources pertaining to the multilateral human rights framework in order to attain synergy effects 'on the ground'. The study has identified two primary avenues through which this may be done: by invoking and operationalising international human rights norms and policy outcomes in the context of development cooperation, and by supporting the capacity of actors to engage with the multilateral framework. The current Danish development cooperation strategy expressly anticipates a shift in this direction:

” Denmark will apply a human rights-based approach to development. International human rights are part of our core values and are a driver of change, precisely because they are based on commitments made by the countries themselves. Accordingly, we will make more systematic use of UN human rights conventions, standards, norms and instruments in our development cooperation. These should serve as the compass that guides our political dialogue, concrete development interventions and partnerships.⁴⁹

In relation to the complications and ambiguities identified above, the resolve to work more explicitly with multilateral resources and outcomes cuts both ways. References to the international human rights standards and mechanisms risk, on the one hand, being perceived as an imposition of predefined objectives, but they serve, on the other hand, to situate value-based foreign policy initiatives in the context of agreed universal norms and therefore also constitute a source of legitimacy. The synergy approach under investigation is emphatically not intended as a method for

49 *The Right to a Better Life: Strategy for Denmark's Development Cooperation*, The Ministry of Foreign Affairs of Denmark 2012, p. 9.

propagating distinctive Danish or European values, but rather for providing assistance in the realisation of agreed international objectives and self-assumed obligations. A typical scenario pertaining to this approach would be to say: ‘here are some essential findings and recommendations by a treaty monitoring body or special rapporteur; here are accepted UPR recommendations – how can we assist in realising them?’⁵⁰ The orientation towards situating development cooperation efforts firmly in the context of the multilateral normative framework may, furthermore, help to give direction and operational specificity to human rights engagements on the ground and may serve as a means of coordination between different actors.

OUTLINE OF PART I

Part I explores prospects of and obstacles to working with the multilateral human rights framework in the context of bilateral development cooperation on the basis of a desk survey of Danida-funded HRD programmes and of observations made in conjunction with field visits to Bangladesh and Ghana as well as interviews with a broad cross-section of experienced human rights and development cooperation actors working in ministry functions and for international organisations (including, notably, the OHCHR), civil society organisations and academic institutions.

Following a summary of findings from the desk survey, study findings will be presented in relation to:

50 EU interlocutors, interestingly, have emphasised the universality aspect of the human rights approach in particularly strong terms, due to the awkwardness of the successive treaties of the European Union making reference to human rights and democracy as distinctive European values.

- the primary stages of human rights programming
- the main actor groups engaged in human rights implementation
- selected human rights issues
- observations on the human rights engagements of the EU and UN agencies, and the question of donor coordination

At each juncture, the presentation involves a reconstruction of the main issues at stake, an overview of the related Danish policies and practices, an identification of capacities within the relevant actor groups to engage with the multilateral human rights framework, and an identification of possibilities for enhanced bilateral/multilateral linkages.

SUMMARY OF FINDINGS FROM DESK SURVEY OF DANISH HRD PROGRAMMES

In conjunction with the study, a self-contained survey has been conducted of the portfolio of Danish government-to-government bilateral aid programmes in the field of human rights and democratisation during the period 2000–2012.⁵¹ This has been done on the basis of a package of programme documents provided by the Danish Ministry of Foreign Affairs and Development.⁵²

To place the survey in its proper perspective, it should be noted that the overall Danish development assistance includes several other means of support to human rights at country level. The bulk of contributions to partner

51 *Analysis of Danish bilateral development aid human rights programmes*, by Lone Lindholt, Senior Analyst, The Danish Institute for Human Rights 2013.

52 All programme documents included in this package are classified according to the classification code '.104'

countries cover different areas (e.g. health, education, economic growth, environment, gender, public financial management, and others) which may also have important human rights implications. A significant proportion of the overall Danish development cooperation budget is being channelled through multilateral organisations and agencies (such as UNDP, UNICEF, UNFPA, OHCHR, UN Women, the World Bank and regional banks), many of which work explicitly with HRBA, and substantial support is given to the work of independent human rights institutions (notably the Danish Institute for Human Rights) and international NGOs (such as Dignity, IWGIA, IDSN, Save the Children and others), which in various ways conduct or contribute to human rights activities in developing countries.

The desk analysis is restricted to the earmarked HRD programmes. These have been examined in relation to the following parameters:

- countries targeted
- time/duration of the programmes
- amounts allocated
- actor dimension
- type of activity
- thematic focus

The portfolio examined includes a total of 22 countries ('country programme tracks') and one region. Seven of these are in Asia (Afghanistan, Bangladesh, Bhutan, Cambodia, Indonesia, Nepal and Vietnam), 13 in Africa (Benin, Burkina Faso, Ghana, Kenya, Mali, Mozambique, Niger, Somalia, Sudan, Tanzania, Uganda, Zambia and Zimbabwe, and two in the Americas (Bolivia and Nicaragua). The portfolio also includes one regional programme (Central America). As programmes sometimes overlap or run concurrently in a given country, the number of programmes considered is somewhat higher (32 in total).

The duration of programmes varies from 2–3 years to up to 7 years. The total amounts allocated range from less than DKK 51m in 8 cases, DKK 51m to DKK 105m in 13 cases, and above DKK 106m in the case of 11 programmes. When correlated with the programme durations, the annual amounts allocated are found to range between DKK 9m and more than DKK 35m per year. The nine largest recipients of human rights and democratisation support during the period under investigation (listed roughly in order of total amounts allocated) are: Bangladesh, Bolivia, Ghana, Nepal, Uganda, Afghanistan, Kenya, Mozambique and Vietnam.

A case by case and comparative analysis of the programme portfolio shows that the format of programme documents as well as their quantity, depth and degree of detail are very diverse and without any obvious correlation to the size and focus of the programme.

The actors chosen to implement the programmes encompass the full range of state actors, independent institutions, civil society and 'external' actors (e.g. international NGOs). Most programmes target at least two or three of these actor groups, working in cooperation with one another or separately, and often include representation of several entities within a given group.

The main types of activities supported are:

- institutional reform
- capacity development for particular actor groups (typically not for external actors, which often appear as implementing partners in capacity development initiatives)
- support for direct initiatives (typically managed by a civil society organisation or external actor)

The thematic focus in the programmes clusters around the following five themes:

1. vulnerable or exposed groups, often with a specific focus on gender; children, indigenous peoples or non-discrimination;
2. civil rights/ rule of law/ justice, the latter in some cases with a specification on access to justice and sometimes including alternative dispute resolution or combating impunity;
3. political rights, which can be subdivided into participation/ organisation/ governance/ democratisation and media/ freedom of expression;
4. good governance, with particular emphasis on anti-corruption/ transparency and accountability;
5. human rights, i.e. a general and non-specific reference without specification of any particular rights.

It is noted that the thematic areas covered by the Danida-funded bilateral programmes in the area of HRD correspond quite well with the priority areas identified in the 2009 Danish strategy for human rights in development cooperation,⁵³ as well as with the main thematic priorities for Denmark's engagement in the multilateral human rights bodies over the period in question.⁵⁴ Notably absent is an explicit emphasis on economic, social and cultural rights.

The desk survey shows that the programme documents made available for the present study are well aligned with the underlying Danish development

53 *Democratisation and Human Rights for the Benefit of the People: Strategic Priorities for Danish Support for Good Governance*, The Ministry of Foreign Affairs of Denmark 2009, pp. 21ff.

54 Such priorities are summarised in *International Human Rights Cooperation: Strategy for the Government's approach*, The Ministry of Foreign Affairs of Denmark 2009, pp. 20ff., and have in the present study context been analysed in a separate desk survey (see part II below).

cooperation strategies as well as with the overlapping and interrelated thematic strategies on issues such as 'fragile states', 'security, growth and stability', 'Africa', and 'civil society'. It is noteworthy that many of the programmes are initiated at around the same time as, or in extension of, corresponding thematic strategies.

Furthermore, the human rights and democratisation programmes under consideration were found to anticipate, in some regards, the current human rights-based approach to development, even if they predate the adoption of the new strategy. They largely follow the formula of strengthening the capacity of rights-holders to claim their rights, and of duty-bearers to fulfil their obligations, and it is found that the four fundamental principles defining the Danish HRBA, non-discrimination, participation and inclusion, accountability and transparency, are generally being taken into account, although not in a systematic fashion.

However, the programme documents are found to be virtually void of references to the applicable international and regional human rights standards and mechanisms. Even in those relatively few cases where a human rights programme has been launched after the given partner country has completed its first UPR review, one finds no reference in the programme documents to the applicable UPR recommendations, i.e. neither to the recommendations made by Denmark nor to the broader range of recommendations that have been accepted by the partner country. Generally, one finds almost no indication of an attempt to establish linkages with the parallel human rights engagements at multilateral level – and any specific linkages that in fact may have informed the given programme designs are kept tacit.

Most of the programmes do, however, indicate adherence to the international development framework defined by the Paris Declaration, to relevant national development strategies, and to the policy documents regulating the aid relationship between donors and the partner country in question. In the case of Ghana, for example, this comprises the Ghana Shared Growth and Development Agenda (2010–2013), the Ghana Aid Policy and Strategy (2011–2015) and Leveraging Partnership for Shared Growth and Development: The Government of Ghana – Development Partners Compact (2012–2022).

It is on this basis concluded that the portfolio of programmes appears to be more firmly anchored in a development framework than in the corresponding international human rights framework. It is by the same token found that programmes seem largely to be developed on a ‘bottom-up’ basis, reflecting concrete contextual factors, rather than applying predefined standards and policies in a top-down fashion.

KEY FEATURES OF THE BANGLADESH PORTFOLIO

The Human Rights and Good Governance (HRGG) Programme in Bangladesh has unfolded through three five-year phases: 2001–2005, 2006–2010 and 2011–2016. It constitutes one of the longest running interventions of Danish bilateral assistance, and with budget allocations ranging from DKK 175–220m for each five-year phase the programme is one of the largest in the area of human rights.

During the course of its existence (which largely coincides with the timeframe of the present study), the programme has consistently been oriented towards strengthening access to justice and protecting the rights of the most vulnerable groups in Bangladesh, notably women, children and indigenous people, especially those living in a state of poverty. Another important theme

has been support to the creation and operation of the National Human Rights Commission, which in phase III has emerged as one of only three sub-components of the human rights programme (with UNDP as implementing partner). Some activities are undertaken in cooperation with other donors.

The programme has at various stages accommodated many different human rights topics including a media focus (consistent with the strong Danish emphasis on freedom of expression in the multilateral arena), land reform and development, minority rights and labour rights.

The programme also displays an increasing emphasis on good governance, which has been separated out in phase III into a self-contained component accounting for almost two thirds of the overall budget. Whereas human rights activities tend to have a predominant focus on civil society (except in phase II, which also included significant government support in this area), the good governance activities naturally target government actors and institutions, both at national and regional level.

Overall the programme is characterised by a progressive reduction of organisations supported, which numbered upwards of 50 in the first programme phase, 17 in the second phase, and only five (in the component related to human rights) in the current, third phase. Funding modalities have, accordingly, moved away from direct project funding towards more institutionally-anchored activities and increased core funding for a reduced number of partners.

Confirming the general findings of the desk survey, the programme documents demonstrate a clear alignment both with current Danish development cooperation strategies and with Bangladeshi government

priorities, but they contain virtually no explicit references to international human rights standards and protection mechanisms. One does find occasional references to multilateral outcome documents, such as Millennium Development Goal 3 as a context for actions on women's rights, gender equality and violence against women, but such references are entirely general and do not establish a direct link with the multilateral human rights framework.

During the field visit, the research team met with representatives of several of the civil society organisations that have been beneficiaries throughout the entire programme duration, as well as of institutions that have previously been included in the programme but have now been cut out due to a shift in thematic priorities or to a reduction in the embassy's capacity to manage a large number of activities.

KEY FEATURES OF THE GHANA PORTFOLIO

The Ghana Good Governance and Human Rights Programme 2009–2013 was initiated in January 2009 and has a total budget of DKK 170m. Of this, a total of DKK 152.8m funds the two main programme components, while DKK 3.9m is provided for technical assistance and the remaining DKK 13.3m is reserved for review, audit and contingencies. The programme is currently in phase II which directly follows up on the development objective of phase I to ensure that 'good governance, human rights and access to justice are institutionalized at national, regional and district levels, thus providing opportunities for the poor to improve their livelihoods and their civic participation'. To fulfil this aim, the programme focuses on specific cross-cutting governance challenges revolving around accountability, transparency, oversight, human rights and the rule of law. The programme is divided into two primary components.

Component 1 (DKK 84.4m) provides support to two justice institutions: the Commission on Human Rights and Administrative Justice (CHRAJ) and the Judicial Training Institute (JTI). Its immediate objective is that 'CHRAJ and the Judiciary [are] better able to provide access to justice, promote good governance and protect human rights at all levels of society, in particular at regional and district levels'.

Within the first sub-component, CHRAJ is supported in its basic capacity to deliver on its mandate; to complete its strategic plan 2009–2013; to upgrade its staff through a professional training programme; to improve the working and user environment in the ten local and selected regional offices, including upgraded equipment and logistical capacity; to connect regional offices with the case management system and train staff in its use; and to implement a national gender equality programme, including in the regional and district offices.

The second sub-component on judicial services develops a strategic plan with annualised budgets for priority interventions that include: implementation of prioritised outputs from the Judicial Training Institute Strategic Plan, including capacity development for JTI staff and trainers; alternative dispute resolution (ADR) in use in more magistrates courts; backlog of cases reduced through court automation in renovated district courts; improved working and user environment in a number of magistrates courts and family/juvenile courts; programmes for improving gender equality in court practice; and generation of user information on the court system, including how to curb corruption.

Component 2 (DKK 68.4m) foresees support to civil society and media and has as its immediate objective that, 'Civil society organisations backed by

a professional and vigilant media engage in and promote own agendas on human rights and good governance, [are] able to engage government at national and local level in a democratic interface, [and] influence and monitor GoG performance at all levels.' This component has three sub-components:

- Ghana Research and Advocacy Programme (G-RAP), the foreseen output of which is increased capacity of research and advocacy organisations to formulate and promote own agendas, undertake research, advocate pro-poor policies and monitor GoG;
- Civil Society Governance Fund (CSGF), the foreseen output of which is that civil society at district and community level is able to develop and implement own activities and strengthen community involvement in good governance and human rights-related initiatives; and
- Media Foundation for West Africa (MFWA), pilot phase, which has as its foreseen output that methods for developing capacity in investigative journalism, with a focus on good governance and human rights, are implemented in selected print media and rural radio stations.

FINDINGS BASED ON ACTOR INTERVIEWS AND FIELD VISITS

OBSERVATIONS ON THE USE OF MULTILATERAL REFERENCES IN DANISH HRD ENGAGEMENTS

The overall programming cycle comprises the following stages: political dialogue, analysis, programming, implementation, monitoring and evaluation. Study findings will be presented first in relation to political dialogue and subsequently in relation to the analysis, programming, and implementation stages, which are being considered jointly. The use of multilateral references in connection with monitoring and evaluation, while relevant, has not been a focus of the study.

POLITICAL DIALOGUES: FORGING BILATERAL PARTNERSHIPS FOR IN-COUNTRY DEVELOPMENT COOPERATION

The political dialogue between host country and donor marks the natural starting point of all development cooperation. This is the context in which the respective aims and priorities of the cooperating partners are tabled and negotiated and where agreement is reached about focus areas for programme and sector support. These dialogues establish the overall framework within which donor-supported activities will subsequently be carried out. Some political dialogues are undertaken bilaterally, but many are undertaken in a joint forum within the context of EU cooperation or other donor groupings. Some are of a general nature and concern all aspects of development cooperation, whereas others are devoted to specific themes. Human rights concerns may thus be raised in general political dialogues but are also taken up in dedicated human rights dialogues as well as in other dialogues, for example concerning the allocation and use of budget support.

Guidance on how to assert value-based development objectives in the context of political dialogues is found in the Danish Guidance Note on HRBA⁵⁵ as well as, for example, in the European Commission's *Budget Support Guidelines* published in 2012.⁵⁶ Such policy documents specify and seek to shape the manner in which donor priorities are being brought to the bargaining table. The fundamental premise of the dialogue process, however, is the Paris Declaration on Aid Effectiveness and related international agreements which, as previously elaborated, place the host government firmly in the driver's seat when it comes to defining national

55 *A Human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark, February 2013, pp. 15ff.

56 Ref. Ares(2012)1098547 - 21/09/2012.

priorities. The Danish development cooperation strategy affirms this premise as a precondition for the long-term sustainability of development gains, particularly in a policy area such as human rights and democratisation.

Being thus situated in a field of tension between value-based donor objectives and host government priorities which typically are of a more pragmatic nature, the political dialogues underpinning development cooperation are subject to the full range of complications and sensitivities identified above. The dialogues present a privileged opportunity for donors to articulate fundamental human rights concerns and lobby for action in this regard, but such overtures risk being dismissed as unwelcome expressions of external meddling.

Our concern in the present context is to examine the degree to which the political dialogues serve, or could serve, as vehicles for pursuing synergies between bilateral and multilateral human rights engagements. This can happen in both directions, as it were. With respect to strengthening impact on the ground, the dialogues may be seized as an occasion to advocate for participation in, and compliance with, the primary international and regional human rights mechanisms, e.g. through the ratification of a human rights treaty or optional protocol or by issuing a standing invitation to the special procedures mandate holders. Particular human rights objectives may be asserted with additional force by being linked with a reference to a treaty body observation, finding of the special procedures, or UPR recommendation, etc. Conversely, the political dialogues and thematic human rights dialogues may be treated as an opportunity to define joint strategic engagements in the normative multilateral arena, as is the focus of the second track of the study. Agreed multilateral priority themes may in turn be given prominence in the design of development cooperation activities at country level –

thus generating an overall integrated approach to a given human rights objective which in accordance with the analytical framework outlined in the Introduction, may be expected, or at least hoped, to produce ‘sideways’ synergy effects.

The available evidence about the degree to which such synergy potentials are actually being pursued is limited, as the proceedings of political dialogues are not on public record. Informal testimony by practitioners on both sides of the bargaining table gives the impression that essential human rights concerns are indeed being raised vis-à-vis partner countries in a persistent manner, and that this is generally well received. Some issues remain divisive, either because the partner government fundamentally disagrees with the Danish/European position, or because the government ascertains that there is not solid popular support for a proactive human rights policy in the given area. This is true of issues related to sexual orientation and to abolishment of the death penalty in the case of Ghana, and of the issue of defining certain population groups as indigenous (and hence entitled to internationally-defined protections and rights) in the case of Bangladesh. Many other human rights objectives are subject to a wide degree of consensus and are readily taken on board as compatible with government-defined national priorities. This appears generally to be the case when it comes to issues related to justice reform and strengthening the rule of law, and similarly with respect to many human rights objectives in the area of women’s and children’s rights. There are, however, also clear limits to the political will for change in this regard – and hence scope for leveraging potentially controversial policy recommendations through the use of multilateral references.

A recurrent observation in interviews with seasoned human rights practitioners is that it is often appropriate to proceed with caution and to not

announce one's normative agenda too explicitly. Sometimes it may be more effective to pursue human rights objectives 'under another banner', and sometimes the precise normative foundation for a given policy approach is better left implicit. Such a spirit of pragmatism is also strongly reflected in the new Danish HRBA, where the need to work with human rights in a flexible and adaptable manner is repeatedly emphasised⁵⁷ and where the primary focus is placed on the application of four formal principles (non-discrimination, participation & inclusion, transparency and accountability) that may indeed advance human rights objectives but which do not require an explicit connection with the international standards and mechanisms.⁵⁸ This approach does not preclude a consistent application of hard-won multilateral human rights norms and policy outcomes, but it does entail a risk of lowering the bar precisely in relation to issues that are perceived to be politically sensitive and where the resistance to change is the strongest.

Partner countries, similarly, often show a preference for keeping the human rights dimension of a given development cooperation framework vague. For instance, the Government of Ghana – Development Partners Compact 2012–2022, which defines the country's priorities and overall terms for development cooperation, includes only one reference to human rights, namely in a paragraph that foresees donor support to the Commission

57 See, e.g. *A Human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark, February 2013, p. 17.

58 A human rights expert working for the World Bank thus remarked that the above-mentioned four principles are all taken on board by the World Bank without being seen as specifically related to human rights (perhaps with the exception of the principle of non-discrimination).

on Human Rights and Administrative Justice (CHRAJ).⁵⁹ The Compact is replete with sections on pressing social issues such as 'Reducing disparities and inequality', 'Human development' and 'Deepening Democratic and Accountable Governance', but makes no reference to the international human rights standards, policies and mechanisms to which Ghana is formally committed.

In view of these findings there is ample room to work more consistently with multilateral references in the context of political dialogues, both as a point of reference for bilateral development cooperation and as a starting point for the identification of possible joint initiatives in the multilateral arena.

ANALYSIS, PROGRAMMING AND IMPLEMENTATION

The analysis, programming and implementation phases of HRD programmes all involve an interplay between differently positioned actors, who are situated in capital or sur place, in political offices or in thematic human rights units, at headquarters or in the field, etc. In addition to the ministry and embassy staff who at this stage are the lead actors, the processes involve technical experts, implementing partners, civil society organisations, government officials and local authorities, as well as groups whose rights are affected. Coming at programming and implementation from different angles, these actors are all tasked with realising and maximising the objectives jointly defined by the donor and host government.

Like the political dialogues, the analysis, programming and implementation stages are subject to extensive methodological guidance. In the Danish

59 *Government of Ghana – Development Partners Compact 2012–2022*, §66; available at: <http://amg.um.dk/en/~media/amg/Documents/Policies%20and%20Strategies/Country%20and%20Regional%20Strategies/Priority%20Countries/Ghana/Ghana%20development%20partners%20compact.pdf> (last accessed 20 March 2013).

case, this can be found in the overall development cooperation strategies, in general guidelines on programme management,⁶⁰ and in various specific ‘how to’ notes developed by the ministry.⁶¹ Of particular interest is the 2009 strategy for human rights in development cooperation,⁶² and, to some extent superseding this, the Guidance and Screening Notes launched in early 2013 for the purpose of operationalising the newly adopted HRBA.⁶³ These policy documents include occasional acknowledgment of the utility of working with multilateral normative references in country-level human rights programming and foresee a more consistent practice in this regard.⁶⁴ This aspect is most extensively elaborated in relation to the analysis stage of the programming cycle, which in the Guidance Note on HRBA is seen to involve a systematic comparison between **rights in principle and rights in practice**,⁶⁵ the idea being that the identification of gaps between the human rights standards and policy objectives to which a country is committed in

60 *Guidelines for Programme Management*, The Ministry of Foreign Affairs of Denmark, September 2011.

61 See, e.g. <http://um.dk/en/~media/UM/English-site/Documents/Danida/Activities/Strategic/Human%20rights%20and%20democracy/Human%20rights/Informal%20Justice%20Systems%20final%20print.jpgH> (last accessed 23 May 2013).

62 *Human Rights for the Benefit of the People: Strategic Priorities for Danish Support for Good Governance*, The Ministry of Foreign Affairs of Denmark 2009.

63 *A Human Rights Based Approach to Denmark’s Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark February 2013.

64 As cited above, the 2012 strategy explicitly announces a resolve to ‘make more systematic use of UN human rights conventions, standards, norms and instruments in our development cooperation.’ *The Right to a Better Life: Strategy for Denmark’s Development Cooperation*, The Ministry of Foreign Affairs of Denmark 2012, p. 9.

65 *A Human Rights Based Approach to Denmark’s Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark, February 2013, pp. 23ff.

principle and the actual realities on the ground will serve as a powerful tool for developing locally-relevant human rights interventions.

As this is precisely the type of analysis being performed on a regular basis by treaty monitoring bodies and other multilateral human rights mechanisms, the outcomes of such mechanisms should, within the context of the given approach, naturally feed into human rights programming and implementation. Nevertheless, a primary finding of the study is that such a systematic juxtaposition of rights in principle and rights in practice is only being undertaken to a limited degree as a starting point for human rights programming and implementation – or at least this appears to have been the case prior to the ‘rolling out’ of the new human rights-based approach in early 2013. Findings indicate that linkages to the multilateral normative framework are being made ad hoc, but (so far) neither consistently nor in a systematic fashion.

The cases of Bangladesh and Ghana generally confirm the findings from the desk analysis of programme documents. The human rights and good governance programmes for these two countries foresee a range of activities that squarely fall within the identified Danish priority areas (rule of law, access to justice, gender equality, children’s rights, media freedoms, etc.) but make very few references to the related international human rights standards and policy instruments. This picture was confirmed by the two field visits. While the main actors working on the design and implementation of human rights and democracy/good governance activities were clearly well informed about international human rights standards and the applicable ‘soft law’ documents, it was found that the Danish bilateral engagements in these areas tend to be developed in a distinctly **context specific manner**. A senior Danish diplomat consulted in connection with the study thus identified the following

three factors as decisive for HRD programming (and presumably for the programming of activities in other policy areas as well):

- the given Danish priorities and policy objectives
- an analysis of local priorities and needs, and
- an analysis of where Denmark can make a difference, i.e. holds a comparative advantage in relation to other actors in the area

Corroborating this interpretation, but adopting a slightly broader perspective, it is the research team's distinct impression that HRD programmes are being designed and implemented not primarily on the basis of a focused human rights analysis that takes its point of departure in the multilateral normative framework, but rather through a search for **windows of opportunity** in the local environment. Such windows of opportunity may be characterised by several interrelated factors, which include:

- identified needs and essential human rights challenges in the local context
- policy priorities and political will on the part of the host government and local authorities
- the identification of a 'vacant niche' in relation to the efforts undertaken by other donors and actors operating in the area
- the adaptation of general human rights objectives to local perceptions, priorities and exigencies, and
- the forging of relations with competent (governmental or non-governmental) implementation partners in the local environment

In this connection it is relevant to note the important role of local embassy staff. Due to the relative permanence of their employment in comparison with the international personnel, local embassy employees often function as a depository of institutional memory; they are more intimately familiar with the strengths and weaknesses of government counterparts and local civil

society actors as well as other possible implementing partners; and they are well positioned to mediate between international and local perceptions and priorities. In both country cases examined in the study, the local embassy employees engaged in HRD activities gave the impression of being highly competent in all of the above respects and appeared to play a significant role in the contextual adaptation of the given human rights programmes – needless to say, in a constructive working relationship with the responsible Danish diplomatic personnel.

A related observation, which was also made in connection with the inter-governmental political dialogues, is that possible linkages to the multilateral normative framework are not always made explicit. Thus, even where particular human rights objectives or programme activities may have been directly inspired by international human rights standards and policies, it may well be that such linkages are deliberately being left tacit, as the ensuing policy objective may come across as more meaningful and acceptable when elaborated in a bottom-up fashion within the local context. Seasoned ministry representatives, when confronted with this observation, have assured the research team that the relevant linkages are in fact implicitly there. They are in many cases established already in conjunction with the ministry's request for budget allocations from the Danish parliament. A request for an overall budget framework in support of the empowerment of women, for example, will typically be motivated with reference to prominent multilateral policy outcomes (MDG goals, agreed conclusions and reports by the Commission on the Status of Women, CEDAW outputs, etc.). One reason that such multilateral references are not subsequently made explicit may be that the programmes designed to implement the underlying policy commitments are developed in partnership with the host governments, who may be reluctant to accept an externally-imposed policy agenda.

During the country visits and in interviews with development cooperation practitioners it was found on several occasions that programmes and activities in 'adjacent' strategic policy areas, notably related to what in the new development cooperation strategy is defined as **social progress**, were intuitively seen as related to human rights but that the concept of human rights in this connection often shifts from bearing precisely defined technical/legal implications to serving as a loosely defined, predominantly informal concept. As one interlocutor phrased it, the linkage between advances in areas such as education and health and the promotion of human rights is perceived as a matter of 'gut instinct' rather than a matter of specifically defined, claimable individual rights and corresponding government obligations. What this means, in effect, is that there is a wealth of potential human rights guidance, for example in the form of Concluding Observations and General Comments published by the Committee on Economic, Social and Cultural Rights, that is not being taken into account at the operational level.

In taking stock of the prevailing approach to development programming, it must be emphasised that the orientation towards adapting human rights efforts to local circumstances should not be regarded as a weakness. To the contrary, it may help to ensure the relevance, and even more importantly the local ownership and acceptance of human rights efforts undertaken with external support. It should in this context be noted that the study team's informal assessment of the human rights activities encountered was predominantly positive. The present study is not mandated to evaluate particular programmes or activities and no systematic attempt has been made to assess effectiveness or impact, but it was nevertheless the study team's clear impression that the human rights activities encountered were well designed, pertinent, and, as far as can be judged on the basis of the

available information, effective in view of the available resources and scope for effecting change in the given social contexts. Civil society partners working in the area of human rights appeared to be well selected and worked with a remarkable seriousness of purpose, with scarce resources and often under difficult circumstances. It may be surmised that such successes are to a large extent attributable to a highly developed capacity for tailoring human rights engagements to the given context. This is a strength that must be recognised and preserved. Nevertheless, there is also a possible downside to such a strong emphasis on local adaptation as it entails a risk of failing to take full advantage of the transformational potential inherent in the multilateral human rights framework. To avoid this, it is recommended that the contextual approach to development programming, as a point of departure, should aim to integrate systematic references to the applicable international and regional instruments. It will thereby align itself with an emerging agenda to localise universal human rights.⁶⁶

INTERNAL CAPACITY DEVELOPMENT

In addition to the need for express human rights commitments on the side of partner countries, a more effective use of the available multilateral human rights resources in bilateral development cooperation requires an investment in technical capacity development. This is relevant both in relation to the key implementation partners, as will be further examined below, and within the donor agency itself. Observers of the international development cooperation environment commonly remark that many of the actors engaged with programme design and implementation are not closely

66 See K. De Feyter, S. Parmentier, Chr. Timmerman and G. Ulrich (eds.), *The Local Relevance of Human Rights*, Cambridge University Press, 2011.

familiar with the international human rights framework.⁶⁷ This picture, which clearly hampers the capacity for forging direct linkages between bilateral development cooperation efforts and the multilateral normative framework, applies in particular to civil servants and development professionals working outside the specific area of HRD support, but a sister bilateral development cooperation agency has, on a related note, identified high staff turnover as a central challenge in ensuring adequate technical capacity in regard to human rights, even among core personnel working in this area. It is also sometimes found that the sheer mass of human rights standards and policies seems overwhelming. As was said by a key interlocutor during the Bangladesh visit, 'there are so many human rights instruments and policy recommendations out there that if we were to work with these in our day-to-day development cooperation in a more systematic fashion, what we would need, first of all, is guidance on how to prioritise which are the most relevant and where to concentrate our efforts'. Part of the answer to this challenge is clearly didactic, but part of the answer is also organisational and points to a crucial role for dedicated human rights experts both at headquarters, i.e. within the given ministry or organisational structure, and in the field to:

- present a human rights perspective on ongoing activities in understandable and operational terms;
- facilitate awareness of and access to the relevant multilateral resources; and
- organise specialised training on human rights within the organisation in question.

67 In the present study context this was a recurrent theme in interviews with representatives of the OHCHR in Geneva as well as with Danish embassy personnel and other international actors situated in the field, in discussions with EU officials representing DG Development and the EEAS, and among contributors to a conference organised by the Danish MFA in conjunction with the launch of its Guidance Note on the human right- based approach to development in January 2013.

Another key factor in operationalising multilateral human rights outcomes in activities on the ground has to do with facilitating constructive cooperation between actors coming from different professional backgrounds and representing competing perspectives on how best to achieve the given development objectives. Professionals who as a point of departure orient their work towards ‘classical’ development objectives such as social progress and economic growth, or more specific objectives such as trade, security, and counter terrorism, will naturally be guided by methods that are peculiar to their field of expertise and may, when confronted with requests to orient their work towards the realisation of human rights, be inclined to resist the intrusion of another paradigm into ‘their’ domain. This indicates a need to ‘demystify human rights’⁶⁸ and overcome objections to what is sometimes perceived as an excessively legalistic approach to social problems. It is also in a very pragmatic sense crucial to facilitate adequate communication flows between actors operating in different environments so as to ensure a reasonable degree of awareness among practitioners of potentially relevant new developments in the multilateral normative realm – and, conversely, to ensure that the diplomats engaged in multilateral negotiations are adequately informed about the most pressing concerns at country level.

It must be acknowledged that the Danish foreign ministry has taken numerous proactive steps in the direction of rising to the challenges outlined above, both prior to and as a consequence of its new human rights-based approach to development. Notable organisational developments in this regard include:

68 The phrase has been borrowed from a GIZ representative contributing to the conference organised by the Danish MFA in conjunction with the launch of its Guidance Note on the human rights-based approach to development in January 2013.

- the integration of development cooperation and foreign policy within one overall ministry;⁶⁹
- the creation of a dedicated human rights unit within the Ministry of Foreign Affairs;
- the establishment of human rights focal points in embassies in key partner countries;
- the creation of a resource database facilitating easy access to human rights instruments for a broad cross-section of development professionals; and, most recently,
- the launch of Guidance and Screening Notes on HRBA designed to ensure direct and informed attention to human rights standards and resources at all stages of development programming.

OBSERVATIONS IN RELATION TO ACTORS

The next section contains findings in relation to the key actor groups with which Denmark engages in its human rights development cooperation as targets of capacity development or as implementing partners. The three primary groups to be examined are government officials (at both national and local level), civil society actors, and national human rights institutions.

FOCUS ON HUMAN RIGHTS SUPPORT TO GOVERNMENT

Denmark's engagement as a donor with the governments and public authorities of partner countries unfolds simultaneously at two levels. At one level Denmark develops bilateral relations with the country in question as an equal partner in development cooperation. This is the context in which the overall framework for programmes and sector support is defined. At another level, government institutions and public authorities in the partner

69 dating as far back as 1971

country feature as a target of development initiatives involving the provision of technical assistance for institutional reform (aimed at strengthening, for example, the rule of law, access to justice, good governance mechanisms, and gender inclusion in the public and private sectors, etc.). A key Danish priority in all these areas is to contribute to the development of inclusive, accountable and transparent administrative procedures – as is highlighted in the four cross-cutting principles underlying the Danish HRBA and as has been found to feature very prominently in the 2011–16 programme for support to Bangladesh, where a separate good governance component accounts for up to two thirds of the entire programme budget.⁷⁰

A central focus in this regard is on **capacity development**, which in relation to human rights naturally aims to reinforce the ability of government institutions and agents to fulfil their role as duty-bearers. This requires a solid understanding of the international and regional human rights standards and mechanisms, an awareness of the essential policy commitments that the government has undertaken in this regard, and a capacity for direct engagement with the multilateral framework, e.g. through UPR participation and treaty body reporting.

Initiatives directly involving government with a view to capacity development and/or institutional reform did not feature prominently in the two country visits undertaken in conjunction with the study. The research team was granted several meetings with high-ranking government officials (in most cases including representation at the level of secretary, director or vice-director of a ministry), but these were of a general nature and did not provide occasion to review specific activities. The meetings did, however, provide a

70 Human Rights and Good Governance Programme, Bangladesh, Phase III, 2011–2016; J. nr. 104. Bang.204-300.DAC.

certain indication of the overall human rights orientation of the work in the given ministries and of the capacity and willingness of government to engage with international human rights mechanisms.

All government interlocutors expressed a deep appreciation of Denmark's profile in the area of development cooperation but conveyed rather diverse sentiments about the pursuit of human rights objectives in this context. Some interlocutors displayed a very rudimentary knowledge of the international human rights framework coupled with a pronounced reluctance to engage with it in their daily work. In this regard, one ministry representative went so far as to invoke misgivings about colonial history as a compounding cause for concern about the present day donor-driven agenda to propagate human rights. At the opposite extreme, some government representatives displayed an exceptionally high level of awareness of the relevant human rights architecture and seriousness about the fulfilment of government obligations. A striking example of this was found among representatives of the Ministry of Women and Children's Affairs in Ghana, who were outspoken and highly motivated to engage in partnerships for the advancement of human rights at both national and international level. It may well be that such a proactive demeanour, aside from reflecting personal attitudes, may be taken as an indication that the thematic area in question has been defined as 'safe' and open to human rights interventions within a national policy context. In between these extremes, representatives of the Ministry of Foreign Affairs in Ghana also conveyed a profound understanding of the international human rights architecture (in part based on first-hand experience from postings in New York) and expressed readiness to engage in serious human rights cooperation at both national and international level with a respected bilateral donor like Denmark, yet made this gesture of outreach in a rather measured manner with a clear emphasis on safeguarding national interests.

A general observation is that government actors, with some notable exceptions, have less capacity and/or willingness to engage with the international human rights mechanisms than do leading representatives of civil society. A rather straightforward reason for this may be that they enjoy less mobility and less freedom to forge independent relations with international counterparts than do civil society actors. A central donor priority, in addition to the relevant capacity development efforts, must therefore be to facilitate cooperation between the respective actor groups. The national human rights institutions, as shall be seen, have a key role to play in this regard.

An interesting example of awareness raising and capacity development efforts at the level of local government was found in a pilot initiative on Child Rights Governance in Manikgonj district, Bangladesh, implemented by Save the Children with funding from several donors. Being located in what was perceived to be a model rural community, the initiative broadly aimed to raise awareness about children's rights and develop capacity for child-friendly local governance. This was done through a holistic approach that involved facilitating education for children and adults in the involved communities; building capacity to respect children's rights among local government service providers 'union parishad' and other professionals in regular contact with children; building the organisational capacity of civil society organisations to promote and advocate for children's rights and to claim accountability from those responsible; and supporting the ability of children to organise, promote and claim their rights (e.g. through street theatre, peer to peer education, a complaint box in the local school, and the establishment of an informal community centre).

The initiative also had a strong focus on discrimination issues and issues of violence against adolescent girls, including exposure to sexual harassment

and rape. In addition to raising awareness of such problems at community level and among school-aged youth, a central priority was to develop mechanisms to prevent and report incidents with a view to combating what otherwise appears to be a widespread culture of impunity for such crimes. A related aspect of the initiative was to strengthen the protection of children and adolescents subject to trafficking into prostitution, or recruitment into abusive employment situations in the urban areas.

While situated in a context that is far removed from the international human rights architecture, the initiative was highly proactive in establishing concrete and operational links between the provisions of the UN Convention on the Rights of the Child (CRC) and related treaty body outputs and real life social problems. This required a high level of 'buy in' from local community leaders, who appeared genuinely interested in facilitating change, as well as from the children and youth involved. The initiative was provisionally deemed to be a success, the intention being that the model could, over time, be implemented more widely in Bangladesh. However, the field visit also left a clear impression of very deeply-rooted notions of gender disparity and social inequality – to some extent based on caste, even if this is not a primary factor in Bangladesh – which inhibit or significantly complicate any attempt to effect lasting social change at local level in accordance with international human rights standards and mechanisms. It is obviously impossible on the basis of a short field visit to discern how profound and sustainable the social transformations accomplished through such an initiative in fact were, but the project does mark one of the most convincing examples encountered in the field visits of deliberate seeking to operationalise international human rights recommendations while at the same time engaging constructively with actors in the local environment on their own terms.

The overall impression left by the two study visits, despite occasional resistances and despite deeply-rooted social inequities, is that there are ample opportunities for transformative human rights engagements that involve government actors at national and community level. Clearly this requires a high degree of sensitivity to the given local context, but there is at the same time scope for a more consistent integration of development programmes with the international and regional human rights mechanisms, thus enabling enhanced synergies between human rights work undertaken at bilateral and multilateral level.

FOCUS ON SUPPORT TO AND COOPERATION WITH LOCAL CIVIL SOCIETY

A valuable aspect of the project team's field visits to Bangladesh and Ghana was the opportunity to meet with civil society organisations active at local level. Some were direct recipients of Danish support, others not or not at the current moment, but it was found, importantly, that the embassy's relations with the local civil society went beyond its role as donor. Relations of cooperation were maintained on an ongoing basis with a broad cross-section of civil society actors in connection with, for example, coordination meetings, ad hoc cooperation related to particular events, the embassy sourcing input and information from civil society, and civil society organisations, conversely, drawing strength and moral reinforcement from the general support extended by the diplomatic community, of which the Danish representation features as a prominent member.

For the purpose of the present study, the interviews with local civil society representatives contributed significantly to the project team's understanding both of the general human rights situation in the countries in question and of the specificity of Danish engagements in this area. In relation to the question of bilateral/multilateral synergy, a consistent point of interest had to do with

ascertaining the capacity of civil society actors to engage with international norms and mechanisms related to human rights.

The thematic focus of the civil organisations encountered largely mirrors that of the overall country programmes, although in many cases was somewhat broader. Central themes in both countries included: access to justice, in several cases with a particular focus on women; children's rights; and support to NHRIs (which will be discussed separately below). Furthermore, the Bangladesh visit included a particular focus on indigenous peoples' rights and land rights, whereas the Ghana visit gave occasion to touch upon health rights, the access of girl children to education, and the rights of slum dwellers in connection with public infrastructure developments.

It was found that the capacity of civil society organisations to engage with multilateral mechanisms varied widely. A central parameter in this regard was their degree of international contact. Many of the smaller civil society organisations that are active in relation to local issues were only able to loosely connect their engagements with the applicable international standards and mechanisms, and on several occasions made imprecise references in this regard. They did, however, articulate a profound wish for reinforcement of their work in the local context through external contacts and outside pressure on government authorities. Organisations embedded in a broader regional or international framework, to the contrary, such as Amnesty International (AI) in Ghana and Save the Children in Bangladesh, displayed a very high level of awareness of international standards and developments in the multilateral arena and naturally aligned their efforts in this direction. The same was true of WILDAF Ghana, which is a chapter of the pan-African network for Women in Law and Development in Africa, and which was founded by former CEDAW committee members who maintain direct contact with the organisation.

Two other organisations in Bangladesh – Ain O Salish Kendra (ASK) and the Bangladesh Legal Aid and Services Trust (BLAST) – and the Human Rights Advocacy Centre (HRAC) in Ghana similarly displayed an impressive ability to reinforce their local efforts by referencing international norms and mechanisms. In these cases the capacity to engage with the multilateral human rights framework was largely attributable to personal competencies of the lead figures, who in all cases had received their education in prestigious foreign universities (e.g. Cambridge University and the University of Pretoria) and on this account were naturally integrated in networks of human rights experts worldwide. It is the study team's clear impression that such resourceful individuals, although few in number, play an invaluable role in mediating between international human rights developments and actions at the local level.

It is in this regard noteworthy that the more resourceful NGOs take a lead in organising civil society input into the relevant multilateral processes, notably the UPR and treaty body reporting. ASK thus acted as chair of the UPR forum in Bangladesh in preparation for the 2009 review. AI Ghana also recognised a responsibility to assist smaller and less resourceful civil society organisations in connecting their work with international counterparts and mechanisms with a view to reinforcing its effectiveness. These are functions that could naturally be taken up by the national human rights institutions, and indeed, both the National Human Rights Commission of Bangladesh and the Ghana Commission on Human Rights and Administrative Justice, are assuming an increasingly prominent role in sourcing civil society input into the UPR process and certain treaty body reports, whereas other aspects of civil society coordination are taken up to a lesser degree.

A potentially useful donor function in relation to human rights consists in helping to establish a local platform for civil society coordination and mutual

assistance. The Danish embassy in Accra was keenly aware of this need and is giving priority to addressing it in cooperation with the EU, the UN agencies and other bilateral donors active in the area. It does, however, at the same time recognise the importance of allowing space for local initiative in such matters and is wary of establishing excessively heavy, formal structures which in the end might lead to a resource drain rather than boost for the organisations in question.

Another important parameter of the ability and readiness of civil society organisations to establish linkages between their local engagements and the corresponding international standards and mechanisms has to do with the specificity of their thematic focus. It was found that thematically narrow organisations tend to work more consistently with multilateral resources than do organisations with a broader remit. Save the Children in Bangladesh thus base an entire sector of their work directly on a general comment by the Committee on the Rights of the Child, whereas more 'generalist' human rights organisations, such as ASK or the national human rights commissions, while well informed about multilateral developments, are less often inclined to establish direct linkages. A similar pattern can be detected among the UN agencies operative in the field. For example UNICEF and UN Women appear to link their work more closely to specific normative standards and policy documents than does UNDP. A central challenge in relation to the present study topic, therefore, has to do with whether and how it might be possible to extend the 'synergistic' approaches detected among thematically narrow organisations to human rights engagements more generally.

Amnesty International provides an illustrative example in this regard, as several of its campaigns at local level are being extensively supported by the International Secretariat in London with policy guidance based on

the applicable international standards and mechanisms. This was found to be true, e.g., of a campaign to push for the abolishment of the death penalty in Ghana. While being externally supported, AI Ghana at the same time displayed an impressive readiness to engage with local human rights concerns in a ‘bottom-up’ perspective. A prominent example of this was a campaign to identify and react to the potentially adverse human rights implications of infrastructure development projects, which are seen as a common government and donor priority that all too often is undertaken without adequate attention to the social and human consequences. In Accra this led to a concrete initiative to protect the rights of slum dwellers in conjunction with a large-scale railroad development project. Being organisationally linked with a centrally-coordinated effort to reinforce the local relevance of human rights, the initiative manifests an approach to human rights implementation that by its very nature requires sensitivity to the way in which social problems are being experienced and understood by people on the ground. A campaign of this nature places a strong emphasis on the principle of **participation**, which features as one of the four core principles of the Danish HRBA. It is the research team’s impression that there are valuable lessons to be learned in this regard from the work being undertaken by Amnesty and other leading civil society organisations.

FOCUS ON SUPPORT TO NATIONAL HUMAN RIGHTS INSTITUTIONS

Situated in a unique position between government and civil society are the national human rights institutions (NHRIs), established in compliance with the Paris Principles of 1993.⁷¹ The Vienna Declaration and Programme of Action, also adopted in 1993, foresees an ‘important and constructive role’

⁷¹ ‘Principles relating to the status of national institutions’, annexed to General Assembly resolution 48/134, 1993.

for NHRIs in promoting and protecting human rights at national level in accordance with the international standards.⁷² There are now more than 100 NHRIs worldwide cooperating within the framework of the International Coordinating Committee of National Human Rights Institutions (ICC) and their work at national level is being actively supported by the OHCHR. It may thus be argued that NHRIs by their very existence mark a primary example of integrating national and international-level human rights structures. In view of the aim to facilitate coherence and synergy between its bilateral and multilateral engagements, Denmark should give continued priority to supporting the establishment and functioning of NHRIs in partner countries. This already constitutes a central target of Danish human rights assistance in the two countries visited.⁷³

Ghana

Established in 1993, the Ghana Commission on Human Rights and Administrative Justice (CHRAJ) is one of the oldest NHRIs in Africa and indeed worldwide. It is an A status institution under the accreditation system managed by the ICC and is actively engaged in the work of the African regional group. In addition to its function as an officially-recognised NHRI, CHRAJ also functions as an ombudsman institution with the competence to review administrative procedures and the conduct of public officials and as

72 VDPA §§36 and 84.

73 In the case of Ghana, the *Commission on Human Rights and Administrative Justice* (CHRAJ) is in fact one of the only two remaining direct beneficiaries of earmarked Danish human rights assistance, which in turn is the only external source of revenue for the Commission (thus giving rise to concerns about excessive donor dependency). In addition, Denmark currently provides support to NHRIs in Uganda and Nepal; cf. desk survey of HRD programmes.

the national anti-corruption agency.⁷⁴ The commission maintains close links with government yet is sufficiently independent to ensure compliance with the Paris Principles.

It was found during the field visit that the senior Commission members were keenly aware of their role as mediators between the international normative framework and national-level human rights actors and implementation efforts. CHRAJ has thus on several occasions facilitated and/or taken an active part in visits by special procedure mandate holders, most recently the special rapporteur on the right to health. It coordinated the UPR reporting process, initially on behalf of civil society but in the end also provided significant input into the government report. Similarly with treaty body shadow reporting. Commissioners also regularly make a concerted effort to advance topical human rights issues in the national context. They have thus strongly advocated for a more consistent implementation of ESC rights at national level and have adopted a strong public stance in relation to the abolishment of the death penalty. Other international priority issues such as, notably, LGBT rights, have been approached with caution by the Commission, both due to the local sensitivity of the matter and because of divided opinions within the Commission itself. Even so, the Commission members were found to be intensely preoccupied by the question of how to reconcile international human rights standards and local perceptions in relation to a sensitive topic such as this. The issue will be discussed further below under the section on thematic human rights issues.

74 A Danish review in 2012 found that these functions are less effectively managed than the primary function as an NHRI. *Review Aide Memoire: Good Governance and Human Right Programme, Phase II, Ghana*, Ministry of Foreign Affairs of Denmark (August 2012) unpublished document, p. 19.

Despite such proactive engagements, it was found that the Commission members are generally averse to mobilising international human rights instruments to apply pressure on government. As one Commissioner observed, 'CHRAJ can accomplish its purposes through less antagonistic means.' Even accepted UPR recommendations were viewed by the Commission not as prescriptive but rather merely as a summary of already-identified national human rights objectives. Underlying this reluctance to take policy guidance from international human rights mechanisms, one had the impression that Commission members shared a sense of national loyalty and pride that was felt to be incompatible with an externally imposed human rights agenda. A campaign for OPCAT ratification, which has been fully embraced by CHRAJ, was expressly mentioned as an exception in this regard.

In terms of the prospect of Ghana and Denmark (or the EU), as longstanding development cooperation partners, doing more to make common cause in the multilateral arena to advance mutually agreed human rights objectives, the CHRAJ Commissioners expressed an immediate readiness to involve themselves in and help facilitate such government-to-government cooperation. They suggested that their credibility and good standing with the national authorities might be helpful in this regard. However, they at the same time expressed uncertainty about the rationale behind Danish or European policy stances on certain topical issues – e.g. their reluctance to support a cross-regional initiative on the rights of the elderly. A joint platform for national and international actors to take stock of and exchange views on ongoing multilateral developments was proposed as a means to remedy such misunderstandings. While possibly demanding in terms of resource investment, such a platform would help to draw developments at local and multilateral level more closely together. It is recommended that the feasibility of such an initiative be examined.

A related function that CHRAJ might readily take up on its own accord has to do with acting as a resource base for a wide cross-section of civil society actors with regard to accessing international human rights mechanisms and connecting their locally-based efforts with developments in the multilateral arena. This clearly would be a vital function for an NHRI in a country such as Ghana, and would further reinforce its role in facilitating synergy effects on the ground, as is the focus of the present investigation. It appeared, however, that CHRAJ's direct engagement with local civil society organisations (beyond pooling input to UPR and treaty body reporting, etc.) was relatively limited – perhaps due to capacity constraints.

The Commission's annual reports on the human rights situation in Ghana⁷⁵ could similarly be used to forge links between national and international-level engagements, but a cursory review shows that they contain virtually no explicit references to international human rights norms and policies. This may reflect the Commission's characteristic reluctance to impose an external perspective on national human rights issues. It is foreseen in the Commission's strategic plan 2011–15 that it should develop and contribute to implementing a national human rights action plan, initially through a process of public consultation.⁷⁶ This too might serve as a means of aligning national human rights efforts on the part of both government and civil society with human rights developments at international level, but at the time of the study team's visit the Commission was behind with this task.

75 Available at: http://www.chrajghana.com/?page_id=53

76 *Commission on Human Rights and Administrative Justice: Five Year Strategic Plan 2011–2015*, p. 34, 42; available at: <http://www.chrajghana.com/wp-content/uploads/2012/08/strategicplan.pdf> (last accessed 4 April 2013)

Bangladesh

The National Human Rights Commission of Bangladesh (NHRC), which was established (or reconstituted) by the National Human Rights Commission Act in 2009, receives significant support from Denmark, Sweden and other bilateral donors. All financial contributions are being channelled through and managed by the UNDP, as the national act prohibits bilateral financial support to the Commission, presumably in order to avoid direct political influence. The Commission has B status under the ICC accreditation system and aspires to be upgraded to A status within the foreseeable future.

With a total of 28 employees (as of June 2012), of whom 16 are support staff, the Commission is massively understaffed for its full range of functions, which include: monitoring the national human rights situation and taking a lead on specific priority issues; acting as a complaints body for the entire country; monitoring and engaging with more than 30 government ministries dealing with human rights related issues; providing support to the local civil society community; and liaising with international counterparts among NHRIs and within the international human rights community generally. It is in this light not surprising that other interlocutors interviewed during the country visit were partially critical of the work of the Commission. It was widely recognised that the Chief Commissioner has, in a relatively short time span, established himself as a credible and outspoken critic of government in relation to specific human rights problems, but it was also felt that the Commission needs to be more focused and consistent in its engagements to attain a real impact. In relation to its function as a human rights complaints mechanism, similarly, leading civil society activists working in the judicial area did consider the Commission's involvement in particular cases to have established a helpful precedent for legal practice in Bangladesh, yet lamented that other potentially seminal cases were not being taken up.

With regard to the propensity of the Commission to situate its work within the context of the multilateral normative framework, it may be noted that both the Strategic Plan of the National Human Rights Commission 2010–15 and the annual reports published by the NHRC in 2010 and 2011 contain frequent references to international human rights mechanisms and standards.⁷⁷ A central priority, for example, is to advocate for treaty ratification and law reform based on the applicable international commitments. Similarly to CHRAJ in Ghana, it is found that the NHRC could play a more prominent role as a national human rights resource base for both civil society and government agents. This function is, for the time being, only taken up to a limited degree. Nevertheless, the NHRC played an active and central role in mobilising civil society in preparation for the 2013 UPR review of Bangladesh – a function that was previously undertaken by the civil society organisation Ain O Salish Kendra (ASK).

Overall, it is the study team's assessment that the core function of NHRIs as 'multiplier agents' in the given contexts would be significantly enhanced by a stronger emphasis on forging linkages between ongoing social/political processes at national level and the international normative framework related to human rights. On this basis they hold a significant potential for facilitating bilateral/multilateral synergies in both directions. However, this potential appears to be only partially realised for the time being in the two countries visited, due, on the one hand, to capacity constraints and, on the other hand, to a reluctance (shared by both commissions) to be perceived as conveyor of an externally-imposed policy agenda. Partnering sister institutions in donor countries, such as the Danish Institute for Human Rights (DIHR), can contribute to capacity development in this area. The fact that the Danish

77 Available at <http://www.nhrc.org.bd/>; last accessed 25 March 2013

foreign ministry supports DIHR through framework agreements to engage in technical cooperation with NHRIs in partner countries marks an example of a productive cross-fertilisation of efforts undertaken at different levels.

It may be proposed that HRD programmes in partner countries, in coordination with likeminded donors, should give priority to strengthening the function of NHRIs as a national resource base for expertise on international and regional human rights standards and mechanisms. Moreover, support to the international cooperation between NHRIs, and in particular between DIHR and NHRIs in partner countries, should be maintained and possibly reinforced as a key element of the Danish commitment to forging linkages between multilateral developments and development cooperation efforts at country level in the area of human rights.

FINDINGS IN RELATION TO SPECIFIC RIGHTS

A third angle from which to address the question of bilateral/multilateral linkages, coherence and synergy is in relation to specific rights. This is foreseen in the TOR, and while some of the relevant ground has already been covered in the sections above, it is informative to treat the thematic perspective separately, as the Danish approach adopted in relation to particular rights varies considerably and contains important lessons in relation to the overall study theme.

The human rights issues that have been selected for review in the present context are:

- the prohibition against torture
- indigenous peoples' rights
- economic, social and cultural rights
- sexual orientation and human rights/LGBT rights
- Dalit rights

Torture prevention

The absolute and unconditional prohibition under international law of torture and other cruel, inhuman or degrading treatment or punishment is a human rights issue that is rarely contested in principle – few countries wish to be associated with the stigma that this would entail – yet which continues to present serious challenges in practice. The primary attention at both normative and operational level is therefore not concentrated on the prohibition of torture *per se* but rather on a range of more specific issues related to the effective prevention and redress of torture. These have to do, for example, with law enforcement practices; manners of obtaining testimony and extracting confessions; conditions of detention; possibilities for inspection of places of detention; other monitoring, reporting and redress mechanisms; combating impunity; and the rehabilitation of victims.

The issue of torture prevention has for several decades been a top Danish priority. Denmark has assumed a leading role on the issue in its multilateral human rights diplomacy and each year tables torture resolutions, both at UNGA in New York and at the HRC in Geneva. It is therefore natural to examine the degree to which, and specifically how, the issue is also being addressed in the context of bilateral development cooperation related to human rights.

The two country programmes examined in the present context do not include activities expressly devoted to torture prevention, but the issue does feature as part of the broader engagements of some implementing partners, such as ASK in Bangladesh. Similarly, the UNDP office in Bangladesh, which operates with some degree of Danish funding, emphasised among its key successes in the area of human rights an initiative to shift judicial conviction standards away from confession-based conviction towards evidence-based

conviction. This was seen as having a direct impact on the practice of torture, as it would help to remove the incentive to extract convictions by force. This notwithstanding, the study observations from the field indicate that there is scope for a more consistent orientation within the context of bilateral development cooperation towards following up on the very significant accomplishments attained at multilateral level in relation to torture.

It must in this connection be noted, however, that further Danish engagements in relation to torture are being undertaken by the civil society organisation DIGNITY – Danish Institute Against Torture (previously named the Rehabilitation and Research Centre for Torture Victims, RCT), which operates on the basis of sizeable framework funding provided by the foreign ministry.⁷⁸ Dignity is active at both bilateral and multilateral level. It conducts torture prevention programmes in upwards of 20 countries and in this connection cooperates closely with both government institutions and local civil society organisations. At the same time, the organisation closely follows the process of standard setting and policymaking in the multilateral sphere and provides direct input to the annual Danish draft resolutions as well as to the work of the special rapporteur and other relevant mechanisms.

What is most striking in relation to the present study theme is the manner in which Dignity calibrates its engagements in the two spheres so as to achieve mutual reinforcement. The multilateral engagements are thus informed by the organisation's experience of working with torture prevention on the ground and often involve direct input from local partner organisations. Dignity also provides extensive capacity support to its partner organisations

⁷⁸ Approximately DKK 60 million per year.

to facilitate quality input into the periodic treaty body reviews and UPR process, etc. In its country-level programmes, conversely, the organisation works explicitly with the outcomes of the international mechanisms related to torture in a focused and consistent manner.

This marks one of the most elaborate examples encountered in the study of what we have come to identify as an integrated approach to the promotion of human rights. Such approaches are characterised by parallel and interrelated engagements in the normative and operational spheres. They are deliberately designed to achieve synergy effects, not only through the 'backward and forward' forging of linkages between outcomes attained independently of one another in the respective spheres, but also through the lateral integration of processes and activities at the two levels. The 2008 evaluation study cited by way of introduction refers to this as 'sideways' synergy effects.

Another important aspect of the present case is that it illustrates a constructive complementarity between what a donor country like Denmark can do in its own name and what is best done at arm's length in partnership with a resourceful civil society organisation such as Dignity. It should in this regard be noted that the ministry regularly sources input to its human rights policies from a broad range of civil society actors and independent experts. This is done in an exemplary fashion in relation to a priority issue such as torture prevention, but in fact applies to several other thematic areas as well.

Overall, the case of torture prevention sets a positive example for how to integrate engagements at different levels, involving both governmental and non-governmental actors in the donor country as well as in partner countries. National human rights institutions also have a central role to play in this regard. Acting as a resource base as well as a key implementation partner

with a greater degree of freedom than government itself, national human rights institutions may, like Dignity, serve as catalyst for a closer integration of bilateral and multilateral efforts and outcomes. The Danish Institute for Human Rights is being extensively engaged in this manner by the foreign ministry through framework agreements devoted to targeted human rights objectives. It is the study team's perception that this role could be more precisely defined so as to extend the pursuit of integrated approaches and sideways synergy effects beyond the more narrowly defined thematic areas, such as torture prevention or indigenous peoples' rights, to a broader array of human rights objectives.

Indigenous peoples' rights

The promotion of indigenous peoples' rights has been a Danish priority since at least the 1980s. This is related to the fact that Greenland, with its Inuit population, forms part of the Kingdom of Denmark. In the multilateral context, Denmark has actively supported the development of international standards and mechanisms including, notably, the establishment of the United Nations Permanent Forum on Indigenous Issues (UNPFII, 2000), mandates of the Special Rapporteur on the Rights of Indigenous Peoples, the United Nations Declaration on the Rights of Indigenous Peoples (2007), and the Expert Mechanism on the Rights of Indigenous Peoples under the HRC (EMRIP, 2007).

It is therefore thematically consistent that the rights of indigenous peoples also feature prominently in Danish bilateral development cooperation. Of the two countries visited, this was most pronounced in the case of Bangladesh, where indigenous organisations received direct support in the first two phases of the HRGG programme. In the third programme phase, following a drastic reduction in the number of direct beneficiaries, this is no longer the case, but

the issue of indigenous peoples' rights is a core concern for several of the remaining beneficiaries, most notably the Association for Land Reform and Development (ALRD). Moreover, the Danish embassy offers frequent support to the work of indigenous organisations through its 'local grant authority' and regularly takes up their concerns in relations with government counterparts, including in political dialogues. It also supports a campaign for ratification of the ILO Convention 169 on Indigenous and Tribal Peoples.

The most visible indigenous rights issue in Bangladesh is the situation of the native population groups inhabiting the Chittagong Hill Tracts (CHT) – an area that was included within the territory of Pakistan (subsequently Bangladesh) following the partition of India in 1947 despite being ethnically distinct from the rest of the country's population. Following several decades of insurgency and armed conflict in the area, a peace accord was signed in 1997 between the government of Bangladesh and representatives of the indigenous peoples' party (PCJSS). This, however, has not been effectively implemented. To monitor the human rights situation in the area and, after 1997, help to facilitate the implementation of the peace accord, an international CHT Commission was formed with donor support, including significant Danish contributions.⁷⁹ The CHT Commission was operative between 1990 and 2000 and was then re-established in 2008 in view of the inadequate resolution of human rights issues in the area. While frequently met with suspicion by government as agents of an externally-driven agenda, the CHT Commission appears to have been gaining in legitimacy in recent years. Being naturally oriented towards implementation of the international normative framework

⁷⁹ The human rights situation in the CHT is also a priority issue for the EU, which provides extensive support to indigenous groups in the area with the UNDP as the implementing agency.

regarding indigenous peoples, it marks a constructive example of integrating international and national-level human rights engagements.

A central barrier to the protection of indigenous peoples' rights has to do with a characteristic inclination on the part of many African and Asian governments to question the applicability of the very concept of indigenous peoples in the given national context due to a deep-seated reluctance to single out certain population groups as original inhabitants of the area. However, as was noted by an international NGO representative, everyone is usually more or less clear about which population groups are being referred to. This was the stance adopted by Bangladeshi government authorities in meetings with the study team. Senior representatives of the Ministry of Chittagong Hill Tracts Affairs strongly insisted on designating the implicated groups 'tribal people' or 'traditional communities' rather than indigenous – thus in effect denying the direct applicability of the legal standards and protection mechanisms developed at international level. Nevertheless, the ministry displayed a firm commitment to addressing the social problems experienced by tribal minorities in the country and expressed some openings towards doing this within a general human rights framework. The ministry representatives in this connection made note of a recent study visit to the Scandinavian countries, supported by the local embassies, which, while not altering the basic government stance, clearly seemed to have reinforced the ministry's willingness to engage constructively with international perspectives on the issue.⁸⁰ When applied in a targeted manner, such bridge-building measures

80 It may be noted, as an aside, that a similar approach has been employed by the Danish embassies in relation to other contentious human rights issues, e.g. the issue of LGBT rights in Uganda, where representatives of the national human rights commission were invited on a study visit which reportedly led to the commission representatives adopting a considerably more nuanced and powerful voice in the national debates on the issue.

may serve as an effective means of strengthening the consistency between bilateral and multilateral efforts in relation to the given topic.

In addition to supporting indigenous groups at national level in the context of its government-to-government development cooperation, Denmark also extends considerable support to the cause of indigenous peoples' rights through a generous framework agreement with one of the leading international civil society organisations in the field, the Copenhagen-based International Work Group for Indigenous Affairs (IWGIA). The complementary and mutually reinforcing interaction between the work undertaken by IWGIA and the work undertaken by the foreign ministry in its own name closely mirrors the relation between Dignity and the ministry in the area of torture prevention. Like Dignity, IWGIA sets an impressive precedent for what can be accomplished through an integrated approach to the coordination of efforts at bilateral and multilateral level. It cooperates constructively with the Danish ministry, as well as with civil society organisations and government counterparts in the countries in which it is active and consistently carries experiences from engagements at one level over into the other.

An important lesson that is brought out more clearly by the example of working with indigenous peoples' rights than by other examples considered in the present study is the importance of engaging with human rights mechanisms at regional level. IWGIA has thus strongly emphasised the significance of the African Commission on Human Rights expressly appropriating the concept of indigenous rights. This, in effect, 'Africanises' the concept and thereby renders it more palatable to governments in the region.

Economic, social and cultural rights

Like the EU and many other member states, Denmark displays a characteristic ambivalence about economic, social and cultural rights – both in its multilateral human rights diplomacy and in its bilateral development cooperation. The official strategy documents affirm a strong commitment in principle to all human rights based on the notion that human rights are indivisible, interdependent and interrelated, yet they at the same time allow for prioritisation which, until the launch of the 2012 strategy, has entailed an almost exclusive emphasis on the classical civil and political rights. It is thus noteworthy that among the ten itemised priority issues in the 2009 human rights strategy, none pertain to the domain of ESC rights.⁸¹

Although coming at the matter from a different angle, many partner countries display a similar disconnect between the affirmation of economic, social and cultural rights in principle and their relative neglect in practice. Social and economic progress is naturally a top priority for developing countries. As noted by a member of the National Human Rights Commission of Bangladesh, these are issues that cannot be ignored in a country that is stricken with mass poverty. However, this does not of itself imply that the corresponding ESC rights are actually being treated as individual rights that can be exercised by citizens vis-à-vis government. To the contrary, most developing countries are reluctant to go down this path due to a perception that the ESC rights are expensive and hence unrealistic in view of the available societal resources. Another factor may be reluctance within the ruling elites to define entitlements that would in effect require a significant redistribution of public goods and services.

81 *International Human Rights Cooperation: Strategy for the Government's Approach*, The Ministry of Foreign Affairs of Denmark 2009, pp. 20ff.

It was found during the two country visits that some human rights activities targeting exposed groups – notably children, women and indigenous peoples – did involve aspects of working with ESC rights but that this was not a dimension that featured prominently in the development cooperation portfolio. Activities undertaken in cooperation with the ILO in relation to labour rights mark an exception in this regard.

As has been noted above, there is a tendency within the donor environment to loosely associate work being done in social areas such as education and health with the advancement of human rights, even if no links are being made to the corresponding international standards. This stands in stark contrast to the rapid development of standards and policy guidance in the area of economic, social and cultural rights, that has taken place within the multilateral arena for a period of more than two decades (since the end of the Cold War). Building on the provisions contained in the treaty texts this includes, inter alia, the concluding observations and general comments published by the Committee on Economic, Social and Cultural Rights (CESCR), findings of the related special procedures, resolutions of the HRC, and UPR recommendations. The analytical distinction between government obligations to respect, protect and fulfil a given right, as well as the introduction of the notion of minimum core obligations associated with ESC rights, further contributes to rendering this normative framework operational.

There is thus, in short, a wealth of human rights resources in this area that are not being effectively utilised. One can point to several reasons for this, including:

- A lingering perception that economic, social and cultural rights are not fully fledged legal rights, i.e. are not justiciable, but rather function as worthy policy objectives. While this perception seems to have considerable traction

within diplomatic environments, it is increasingly being rendered moot by the ongoing adjudication of economic and social rights at national level in many countries around the world (the South African constitutional court being a case in point). Regional human rights courts are also contributing progressively to an enhanced understanding of the legal application of economic and social rights. Interestingly, the Optional Protocol to the ICESCR entered into force in May 2013, and in years to come the cases examined by the Committee may be expected to contribute to this understanding as well;

- Inherent complications: ESC rights are difficult to work with, require different implementation methodologies than civil and political rights, and are sometimes constrained by lacking resources and means – although conceivably this could be compensated by donor support, if the issues were to be taken up systematically in the context of development cooperation;
- A general lack of understanding of ESC rights among the key development actors, both on the donor side and locally;
- Resistance on the part of some development actors coming from other professional backgrounds and accustomed to working with non rights-based methodologies;
- The political contentiousness of seeking to redefine entitlements and access to public resources within a rights-based framework, and hence possible clashes with the development cooperation principles of ownership and alignment, etc.

There are, however, equally compelling reasons for adopting a more consistent and rigorous approach to the implementation of economic, social and cultural rights in accordance with the established multilateral standards. This may contribute to defining essential development objectives in the economic and social policy area and thereby situate the related development

cooperation activities within an internationally-recognised framework. It will strongly reinforce the non-discrimination perspective that is a defining feature of any human rights-based approach and may, by the same token, serve as a reference point for demanding accountability in public administration. These are all objectives that have been identified as essential to the 2012 Danish strategy for development cooperation.

Moreover, the area of economic, social and cultural rights presents a unique opportunity for cross-regional **bridge-building**. For all the ambiguities associated with the matter, the advancement of ESC rights is persistently asserted as a top priority by development cooperation partners, and for a donor such as Denmark to respond proactively to this request may generate credibility and goodwill and thus help to reinforce relations of cooperation generally with regard to human rights. A senior Danish foreign ministry representative, in this spirit, identified the willingness to engage more systematically with ESC rights as an 'entry point for political dialogue in a global context in which human rights are increasingly coming under pressure.' As the question of advancing ESC rights is equally pertinent at multilateral and bilateral level, there is scope for a coordinated approach in this area, the aim of which should be to generate 'sideways' synergy effects similar to those seen in relation to torture prevention and indigenous peoples' rights.

It must be acknowledged that the perspective elaborated here has largely been anticipated by the 2012 Danish development cooperation strategy, which foresees the application of HRBA across all four strategic policy areas, i.e. besides human rights and democracy also in the areas of green growth, social progress and stability and protection. The ministry is taking rapid steps towards a systematic application of this policy in practice. However, there still appears to be a tendency for the emphasis of the human rights-based

approach to shift away from the application of specific normative standards and policy recommendations towards a more flexible adaptation to the local context, and accommodation of diverse actor perspectives. This may entail a watering down of hard-won international standards, which in view of the synergy perspective guiding the present study should be resisted.

Sexual orientation and human rights

The issue of sexual orientation and human rights, or LGBT rights, is notoriously one of the most controversial and openly divisive human rights issues in contemporary international relations. Within the multilateral sphere, it brings into play deep-seated value differences and on this account also serves as a focal point for the formation of peculiar alliances, e.g. between conservative religious groupings and human rights-sceptical governments from all regions of the world. A country like South Africa, on the other hand, has adopted a remarkably progressive stance on the matter, thus setting an example of regional leadership in the multilateral domain.

The issue is also charged and divisive in the context of bilateral development cooperation. Within some donor circles it has come to be seen as a sort of litmus test for the genuineness of partner countries' commitment to a culture of human rights, and, coming at the matter from the opposite angle, it is not uncommon for government critics in African and Asian countries to point to the international pressure being applied in this regard as an example of donor insensitivity and excessive meddling in domestic affairs. As such sentiments enjoy considerable resonance within the wider populations, they place the responsible governments in an awkward double bind which risks compromising other human rights efforts and which therefore may lead the implicated actors to shy away from asserting their views on the matter too strongly. However, from the point of view of protecting the human rights of

a population group that almost everywhere in the world remains subject to frequent and serious violations, it may be argued that this is an issue that needs to be confronted with fortitude, also in the context of bilateral development cooperation, and where the express reference to established international norms holds a particularly strong transformational potential.⁸²

The issue of sexual orientation does not figure prominently in the overall Danish development cooperation portfolio,⁸³ nor is it explicitly addressed in the Bangladesh and Ghana human rights programmes, but it was nevertheless found to be a recurrent theme in the activities encountered during the two country visits as well as in the associated political dialogues. This was especially true in the case of Ghana, where several NGO representatives spontaneously drew attention to the issue and emphasised their commitment to opposing discrimination on account of sexual orientation, e.g. in relation to access to justice or access to medical treatment.

82 The *Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* may be mentioned as a useful resource in this regard. Although not binding or authoritative, this policy instrument which was elaborated in 2006 by a group of independent human rights experts and members of the International Commission of Jurists and International Service for Human Rights provides a relevant source of guidance precisely because it restricts itself to specifying the implications of already-established human rights standards to questions related to sexual orientation. The principles can be found at <http://www.icj.org/yogyakarta-principles/>, last accessed 20 March 2013.

83 However, the Danish Ministry of Foreign Affairs has recently commissioned a comprehensive study on the rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons in Africa, thereby signalling a clear intention to reinforce the attention given to the issue in bilateral development cooperation. See Fergus Kerrigan, *Getting to Rights: The Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons in Africa*, The Danish Institute for Human Rights 2013. A workshop organised in conjunction with the launch of the study in June 2013 included sessions on: 'Invoking State Responsibilities to Protect the Rights of LGBTI persons in an African Context', 'Addressing Social, Religious and Political attitudes to LGBTI through development programming', and 'Building civil society capacity and networks of LGBTI in Africa'.

The founder and director of the Danida-supported Human Rights Advocacy Centre (HRAC) was very visible in the public domain as a defender of LGBT rights and by her example illustrated the importance of sensitive and divisive human rights issues being taken up by credible and well-connected local actors.⁸⁴

The national human rights commission, CHRAJ, being strongly oriented towards both the international and national contexts, was also intensely preoccupied by the issue of LGBT rights and acknowledged that it gave rise to divisions within its own ranks. A primary concern for the commissioners was to advance the protection of this group of rights at a measured pace so as to ensure broad public support for the proposed policies, and by implication for the work of the commission in general. To this end it was found to be necessary to separate out a number of distinct issues that are commonly bundled together under the heading of LGBT rights. Loosely speaking, this might entail a distinction between:

- the right to be recognised as a subject before the law and enjoy constitutionally guaranteed rights on an equal footing with other citizens of Ghana
- the right of access to goods and services without discrimination
- the right to hold public office and exercise one's profession, e.g. in the area of education, without discrimination
- the right to protection against violence perpetrated on account of LGBT status
- the question concerning criminalisation of same sex relations, and

84 It is noteworthy that the human rights advocate in question drew personal strength from being linked with an Africa-wide network of experts who had received their education through an EU-sponsored human rights master's degree based in Pretoria, South Africa.

- the right to manifest one's sexual orientation in public and other positive entitlements, e.g. to marry and inherit from one's spouse, to adopt children, etc.

CHRAJ as an institution expressed its readiness to take some but not all of these issues on board – the question of where precisely to draw the line being a subject of contention among the commissioners and senior staff – and registered its confidence that it would be possible in this manner to gradually move public perceptions and government practices forward.

Whether or not this (relatively superficial) analysis of the issues involved in safeguarding LGBT rights is deemed adequate, the underlying approach to disaggregating the issues at stake is instructive and may be taken as a model for how to make progress in relation to other complex and contentious human rights problems. A key advantage of such an approach is that it gives consideration both to the international human rights standards and to genuinely felt sensitivities and priorities in the local context. In effect, this is a matter of pragmatism, but pragmatism based on a principled defence of human rights.

Dalit rights/caste discrimination

The issue of caste discrimination goes to the heart of what human rights are about. Although not a main focus of Danish bilateral development cooperation, the issue is pertinent in the present context because it illustrates the importance of seeking to tackle the *root causes* of discrimination, inequality, and human rights abuse – and the profound complications involved in doing so.

The very notion that human beings can be grouped into different *kinds* that are obliged to fulfil different social functions and are accorded unequal

human worth is in direct contradiction to article 1 of the UDHR, which proclaims that '[a]ll human beings are born free and equal in dignity and rights.' From this ominous premise follows an elaborate array of social practices that are blatantly discriminatory and sometimes abusive. In social contexts where caste perceptions hold sway, it is arguably impossible to make lasting advances in the area of human rights without also addressing discrimination at this level. However, the issue of caste is highly sensitive as it brings into play deeply rooted cultural norms and vested interests related to status and social privilege. It is difficult for outsiders to address in a constructive fashion, whether in the context of bilateral human rights cooperation or at multilateral normative level.

Caste thinking in the conventional sense is particularly prevalent in the South Asian context but related practices exist in other parts of the world. In interviews conducted during the field visit to Bangladesh, it was acknowledged on several occasions, although rarely elaborated in detail, that fundamental human rights problems related to forced and exploitative labour, abusive child labour, and human trafficking have, in many cases, a caste dimension (even if this is less prevalent in Bangladesh than in neighbouring India). The same is true of issues related to access to justice, which is one of the main targets of Danish development assistance. During the study team's visit to a rural community, local human rights activists made mention of recurrent incidences of rape that were being settled out of court and where the injured young women were subsequently sent off to relatives in a different area in order to avoid shame on the family. At face value these were presented as examples of gender insensitivity and possible flaws in the formal/informal justice mechanisms, but viewed in a different perspective the cases also indicate a pattern of impunity in the context of extreme social imbalances, which is likely to involve a caste dimension.

Conceptually there has been some ambiguity about how to frame the issue of caste in relation to international human rights law. Attempts have, at various points in time, been made to identify caste discrimination as a contemporary form of racism, but this has been strongly resisted by the affected countries, notably India (which following its proud record of anti-colonial struggle and support to the people of South Africa in their opposition to apartheid, is strongly averse to any allegation of systemic racism problems). Today advocates of Dalit rights, and the international community generally, have conceded this point and do not directly associate caste with racism. The core issue, rather, is framed as a matter of 'discrimination based on work and descent.' It is argued that this needs to be recognised and treated as a prohibited discrimination parameter on a par with other prohibited parameters such as gender and race. The CERD Committee's General Recommendation 29 is devoted to this issue in the form of a commentary on the reference to 'descent' in Article 1.1 of the convention.⁸⁵

The prevention of caste discrimination is not a stated priority of the Danish human rights policy. The issue was addressed by several of the civil society organisations encountered in Bangladesh, albeit in a discrete fashion, as an integral aspect of the human rights work being conducted in other areas (including child rights and access to justice), but no programmes or activities were explicitly devoted to caste discrimination. This, undoubtedly, reflects the fundamental sensitivities associated with the issue and the inherent difficulties involved in taking it up at bilateral level.

85 Available at: <http://www2.ohchr.org/english/bodies/cerd/comments.htm> (last accessed 28 May 2013). It is noteworthy that the General Recommendation was published in 2002, i.e. almost directly in response to the intense controversies over the issue at the World Conference Against Racism in Durban 2001.

However, the Danish foreign ministry makes a substantial contribution to the international struggle against caste discrimination through its structural support to a leading international civil society organisation working on the issue, the Copenhagen based International Dalit Solidarity Network (IDSN). Like the INGOs devoted to torture prevention (Dignity) and indigenous peoples rights (IWGIA), IDSN is also provided core funding through a framework agreement, but on a significantly smaller scale. IDSN has also benefitted from support from other EU member states, notably the Netherlands, but this has fluctuated as a consequence of government changes.

With its limited available means, IDSN manages four main programmes: a UN programme; an EU institutions and policy programme; a communications and network support programme; and a private sector programme. The organisation has, for the time being, chosen to focus on engagements at the multilateral level due to an assessment that global policy lobbying is most effective at the present moment in time. It does not currently have the resources to function as an implementing institution, but seeks in this regard to support the work undertaken by donors, international organisations and civil society organisations etc., through the publication of best practices and policy recommendations. In addition to the key function of supporting network relations, IDSN also regularly organises conferences and international consultations that are aimed at a pooling and exchange of operational experience. A short to medium-term objective is to develop an authoritative soft law document containing principles and guidelines on the elimination of caste-based discrimination. This will seek to firmly anchor the campaign for Dalit rights in existing international law (similarly to what was done for LGBT rights with the Yogyakarta Principles).

Lobby activities directed at the EU constitute a central focus of attention for IDSN, both in recognition of the EU's progressive policy stance and due to the consideration that a sensitive and potentially divisive issue such as caste may be better addressed jointly under the EU banner than separately by particular member states, which naturally wish to maintain good bilateral relations with the implicated countries. IDSN is therefore strongly campaigning for a more thorough and consistent integration of Dalit concerns in EU human rights policy instruments, and is encouraging member states to channel their interventions in this regard through the common EU framework.

Within the UN context, the UPR process has been found to be particularly useful, as it allows for questions about caste discrimination to be raised from many sides and mobilises a broad cross-section of actors around the issue. This is beginning to pave the way for issues related to caste to be taken up in bilateral policy dialogues and implementation activities, even in cases where the specific UPR recommendations are subsequently rejected.

It may be remarked, in conclusion, that the willingness to address root causes of discrimination and poverty is a defining feature of HRBA. The Danish development cooperation strategy and the guidance note devoted to the implementation of HRBA both expressly recognise this point.⁸⁶ It is in this light commendable that the Danish foreign ministry provides continuous structural support to a leading INGO devoted to the global fight against caste discrimination. As in other thematic areas, this facilitates a constructive

86 See *The Right to a Better Life: Strategy for Denmark's Development Cooperation*. The Ministry of Foreign Affairs of Denmark 2012, p. 9 & 11, and *A Human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark, February 2013, p. 9f.

interplay between actions undertaken directly by the ministry and actions undertaken by resourceful external actors with concurrent policy objectives but with a larger degree of freedom to confront resistance and openly address sensitive and divisive human rights issues.

In view of this generally progressive policy stance, it might be explored whether there is scope for taking up the issue of caste discrimination in a more direct fashion in bilateral development cooperation activities and, furthermore, whether Denmark, in keeping with the recommendations of IDSN and in cooperation with likeminded member states, should advocate for stronger EU action in relation to the prevention of caste discrimination. The European Parliament has been quite proactive in this regard over a period of several years, notably through the adoption of strongly worded resolutions, and both Commission and Council do address the issue through EIDHR support and through intermittent workshops and public hearings, etc.,⁸⁷ but there is still scope for a more forthright and principled stand on the issue in bilateral relations and in the multilateral normative realm.

DONOR COORDINATION AND MULTILATERAL COOPERATION IN THE FIELD

Questions related to the coordination of bilateral and multilateral human rights engagements are, in the present study, predominantly being addressed from the point of view of Denmark as a single donor. However, Denmark acts alongside and in coordination with other international actors as well as through funding to multilateral implementation agencies. The EU and the

87 See IDSN, *EU initiatives on Caste-based Discrimination*, available at: http://idsn.org/fileadmin/user_folder/pdf/New_files/EU/2012/EU_initiatives_on_caste-based_discrimination.pdf (last accessed 18 June 2013).

UN are both key to the overall Danish human rights strategy. Denmark has in recent years significantly increased its support to multilateral funds and programmes and attaches high priority to advancing human rights and related priorities through participation in the governance structures of the relevant implementation agencies. In this connection the Ministry of Foreign Affairs conducts and publishes an annual Multilateral Development Cooperation Analysis, which complements the present study focus.⁸⁸

Field visits and interviews have accordingly given consideration to questions related to donor coordination and multilateral cooperation, as well as to the engagements of other main actors in the field. This has involved probing the theme of bilateral/multilateral coherence and synergy from the perspectives of the EU and UN and seeking to illuminate ways in which coordination efforts and multilateral engagements in the field may supplement and enhance the Danish approach to human rights implementation. Overall, this constitutes a vast and complex additional dimension to the study theme, which to a large extent falls beyond the scope of this report. For present purposes only a few principal observations shall be highlighted.

The EU has at its disposal a vast array of human rights instruments. In addition to different funding instruments and the human rights clause which the EU seeks to include in all agreements with third countries, these comprise explicit incentives⁸⁹ and sanctions.⁹⁰ It may in this light be opportune for

88 *Denmark's engagement in multilateral development and humanitarian organisations*. The Ministry of Foreign Affairs of Denmark, January 2012; and *Danish Multilateral Development Cooperation Analysis – An assessment of Denmark's multilateral engagement in light of The Right to a Better Life, the strategy for Danish development cooperation*, The Ministry of Foreign Affairs of Denmark, February 2013.

89 e.g. the prospect of GSP+ status.

90 Defined, e.g., by Article 96 of the Cotonou agreement.

Denmark to pursue certain human rights priorities, particularly of a more sensitive nature, through the EU's country representations rather than as a single member state. The theme of caste discrimination has already been identified as a case in point, but other examples could be added, including several of the priority themes identified and highlighted in the EU Guidelines on Human Rights (torture prevention, abolition of the death penalty, protection of human rights defenders, violence against women, children and armed conflict, etc.).

Article 21 of the Lisbon Treaty affirms the EU's resolve to promote human rights in all of its relations, including through development cooperation. The most recent applicable EU strategies, *Increasing the impact of EU Development Policy: an Agenda for Change*⁹¹ and the *EU Strategic Framework and Action Plan on Human Rights and Democracy*,⁹² outline the methodology for operationalising this commitment. Like the Danish strategy, they are strongly oriented towards adapting universal human rights to the given local contexts. In this spirit specific human rights country strategies have been elaborated for close to 160 countries worldwide. This is associated with the notion of a 'joined up' or 'tailor made' approach, which deliberately aims to engage a broad range of differently positioned actors and thereby facilitate a more widespread ownership of human rights agendas than a top-down approach to the implementation of predefined policy objectives would be likely to achieve.⁹³

91 European Commission. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (October 2011). *Increasing the Impact of EU Development Policy: An Agenda for Change*. COM(2011) 637 final. Brussels.

92 Council of the European Union, Luxembourg, 25 June 2012, 11855/12.

93 See *Human Rights and Democracy at the Heart of EU External Actions – towards a more effective approach* (European Commission & High Representative of the European Union for Foreign and Security Policy: Joint Communication to the European Parliament and the Council, 12.12.2011).

The EU is currently in the process of elaborating a fully fledged HRBA and has since the creation of a unified European External Action Service (EEAS) instituted a broad range of institutional measures that are conducive to the integration of bilateral and multilateral human rights engagements. These include a strong commitment to human rights mainstreaming; a resourceful, self-standing human rights unit; and the establishment of human rights focal points in more than 100 EU delegations.

As donors and implementing agencies, the EU and UN are both committed in principle to working consistently with international human rights standards, yet appear in many regards to be constrained in doing in practice. This observation is fully consistent with study findings presented with reference to Denmark and may be taken to indicate that these large multilateral organisations encounter similar challenges with respect to connecting and integrating bilateral and multilateral human rights efforts. This, in turn, affirms the wider relevance of the study findings.

A vital function of the EU delegations consists in supporting the actions of member states and acting as focal point for donor coordination on the ground. Virtually all interlocutors consulted in conjunction with the study have expressed a highly positive assessment of EU actions in this regard. They include frequent, sometimes weekly, Head of Mission meetings, organising a practical division of labour ('burden sharing'), and creating a forum for EU member states and likeminded countries to align their engagements and, where relevant, to establish joint human rights positions in relation to partner countries.

The UN as represented by its country teams, similarly, plays an important local coordination role and may be seen as the natural resource base for

expertise on international (and regional) human rights standards of relevance in the given local context. Assessments of the realisation of this role in practice appear to be mixed. In view of the overall aim to integrate normative and operational human rights engagements, this is a vital function that should be actively supported by both the EU and bilateral donors such as Denmark.

Similarly to what has been observed among civil society organisations, it is found that thematically specific UN agencies, such as UNICEF, tend to work more consistently with multilateral standards and mechanisms (of which in effect they are custodians) than does a broadly defined development cooperation agency such as UNDP (that does not have a specific normative mandate). It should be further investigated whether aspects of the integrated approach to human rights implementation that is observed in thematically narrow organisations can be adopted more widely in the context of bilateral and multilateral development cooperation.

PART II



PART II

DIPLOMACY TRACK – PURSUING SYNERGY EFFECTS AT MULTILATERAL LEVEL

INTRODUCTION

The core issue defining the second study track is to maintain, safeguard and further develop the global normative framework related to human rights. Viewed in a historical perspective, the elaboration of the international human rights architecture is a momentous accomplishment of visionary and proactive multilateral diplomacy. In an era characterised by ever-increasing global interdependence and continual emergence of issues that demand international cooperation and normative regulation, it is essential that this legacy be carried forward. However, it must also be acknowledged that the multilateral normative sphere is characterised by deep-seated divisions and ambivalences – not least in relation to the human rights paradigm. The purpose of this study track is to investigate possibilities for responding constructively to the challenges and opportunities confronting human rights in the international arena through the forging of linkages between engagements at bilateral and multilateral level.

HUMAN RIGHTS DIPLOMACY: CHALLENGES AND OPPORTUNITIES

A natural starting point for human rights diplomacy is the widely accepted premise that the core objectives of the international community, such as peace, security and economic progress, are inextricably linked and that their realisation to a large extent hinges on global respect for human rights. This connection is already reflected in the UN Charter and was evocatively reiterated by UN Secretary-General Kofi Annan in the widely quoted dictum,

'[w]e will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights'.⁹⁴ Accordingly, over a period of several decades states have increasingly committed themselves to the doctrine, affirmed in the Vienna Declaration and Programme of Action of 1993, that 'the promotion and protection of all human rights is a legitimate concern of the international community'.⁹⁵ This justifies a certain degree of external interference in the perceived 'internal affairs' of states,⁹⁶ but stands in a relation of tension with the principle of state sovereignty, which is also emphatically affirmed in the UN Charter (Art. 2.7). Human rights diplomacy is to a large extent about negotiating this tension.

The range of issues taken up in the context of human rights diplomacy is wide and diverse. It includes:

- human rights standard setting
- establishing and maintaining international monitoring and implementation mechanisms

94 Report of the Secretary-General, In *Larger Freedom: Towards Development, Security and Human Rights for All*, UN Doc A/59/2005 (21 March 2005), para.17.

95 *Vienna Declaration and Programme of Action*, adopted by the World Conference on Human Rights, UN Doc A/CONF.157/23 (12 July 1993).

96 The doctrine of the *responsibility to protect* (R2P), whereby the international community assumes co-responsibility for taking action in response to egregious human rights violations in case the affected government is unwilling or unable to do so, may be seen as an emphatic expression of the same basic idea. It was affirmed in the 2005 World Summit Outcome document (A/60/L.1, §§ 138-139) and is strongly supported by the Danish foreign ministry as an integral aspect of its human rights policy. It does, however, remain contentious in contemporary international relations both due to ambiguities about when and how to act on the responsibility in concrete situations and due to the extent to which the doctrine of R2P paves the way for an external, possibly armed intervention in national affairs.

- reacting to ongoing geopolitical events from a human rights point of view (e.g. in the form of country resolutions in the HRC)
- providing policy guidance in relation to human rights (in the form of 'soft law', international conference outcomes, etc.) and establishing linkages between human rights and other key policy areas, and
- engaging in the governance of multilateral organisations and agencies, funds and programmes, etc.

These are all areas in which notable **accomplishments** have been achieved over a period of several decades since the Second World War. They are, however, in various ways subject to ongoing **contestation**, based inter alia on divergent historical experience, cultural differences and conflicting value judgments, competing priorities, elements of scepticism about human rights,⁹⁷ and the influence of dominant global actors that are hostile to international human rights. Behind the commissioning of this study lies a perception that the global human rights agenda is **under pressure** in contemporary international relations and that Denmark, the EU, and likeminded countries may be losing influence on the international normative agenda. This manifests itself at all the main levels of engagement identified above, e.g. in the form of:

- renewed challenges and setbacks in relation to established human rights standards

97 For a discussion of various sources of human rights scepticism, including, e.g. the perception that human rights represent western values or may be regarded as a 'luxury project' that developing countries can scarcely afford, see 'Universal Human Rights: An Unfinished Project' in K. Hastrup (ed.), *Human Rights on Common Grounds? The Quest for Universality*; Kluwer 2001, and G. Ulrich, 'Epilogue: widening the perspective on the local relevance of human rights', in K. De Feyter, S. Parmentier, Chr. Timmerman and G. Ulrich (eds.), *The Local Relevance of Human Rights*, Cambridge University Press 2011.

- the launch of spurious human rights initiatives, which overall may weaken the integrity and credibility of the existing human rights regime
- threats to the functionality and independence of international human rights institutions (notably the OHCHR) and monitoring mechanisms
- lack of support to special procedures mandates
- funding constraints or, more subtly, counter-productive instructions being given to the OHCHR
- opposition in some circles to the very idea of country resolutions (notably under agenda item 4 in the HRC), and
- a strong re-assertion of the principle of national sovereignty.

These are some of the primary challenges confronting human rights diplomacy in the current era. However, they simultaneously display an element of opportunity. A series of reports published by the European Council on Foreign Relations (ECFR) between 2008 and 2011 demonstrates, by means of statistical analysis of UN voting patterns,⁹⁸ a progressive decline in global support for the EU's positions and a concurrent rise of a so-called 'axis of sovereignty' led among others by China and Russia.⁹⁹ As further elaborated below, the reports also document a certain reversal of such trends, in particular in the later years (following so-called the 'Arab Spring' and other notable geopolitical developments). Overall they present a complex and mixed picture of multilateral developments related to

98 See: Gowan, R. & Brantner, F. (2008). *A Global force for human rights? An audit of European power at the UN*, European Council on Foreign Relations. Gowan, R. & Brantner, F. (2009, 2010, 2011). *The EU and Human Rights at the UN: 2009, 2010, 2011 review*. Policy Brief. European Council on Foreign Relations. Dennison, S. & Dworkin, A (2010). *Towards an EU Human Rights Strategy for a Post-Western World*. European Council on Foreign Relations. United Kingdom.

99 Gowan, R. & Brantner, F. (2008). *A Global force for human rights? An audit of European power at the UN*, European Council on Foreign Relations, p. 3 *et passim*.

human rights. This includes the continual generation of **possibilities for establishing new alliances in support of human rights**, so to the extent that human rights perspectives can be framed as responsive to the fundamental concerns, aspirations and value judgments of differently positioned members of the international community, they hold a significant potential for broad multilateral support.

THE SYNERGY PERSPECTIVE

As a first step towards elucidating how efforts in the multilateral domain can be enhanced through linkages with engagements at bilateral level, the study has identified two main avenues through which this can conceivably be done. One has to do with **mobilising relations and leveraging influence** with development cooperation partners so as to attain a stronger position in the multilateral domain. The other has to do with **carrying knowledge and information about human rights situations ‘on the ground’ over into the work undertaken at multilateral level.**

The guiding presumption is that intergovernmental relations, field-based experience, and concrete insights deriving from bilateral development cooperation constitute a potentially valuable resource for enriching efforts undertaken in the context of multilateral diplomacy. It is instructive for bilateral donors to investigate how this potential can be utilised. However, it should from the outset be anticipated that a predominant sentiment within the diplomatic community is that the challenge of safeguarding and strengthening the multilateral human rights regime depends more on general diplomatic skills than on the ability to forge linkages with engagements at country level. Many of the multilateral actors consulted in connection with the study, in other words, only saw limited scope for enhancing their efforts through linkages with efforts undertaken in a

bilateral context. This stands in stark contrast to the reception of the synergy perspective related to the first study track, where virtually all interviewees spontaneously aligned themselves with the expectation that country-level implementation may be enhanced through stronger linkages with multilateral standards and mechanisms. Against this rather sceptical inclination, however, it may be argued that the world of multilateral human rights diplomacy stands to benefit immensely from an infusion of input derived from engagements at bilateral level – precisely because of its characteristic propensity for self-sufficiency.

DANISH POLICY ORIENTATION

In comparison with the detailed elaboration of the policy objectives and methods governing bilateral development cooperation, the policy orientation governing multilateral engagements is not as well described in the Danish strategy documents. Part of the reason for this may be that diplomatic relations are sensitive in nature and therefore to a large extent guided by internal ministry instructions. Part of the reason may also be that the applicable specific policy stances are being defined on a case-by-case basis. Nevertheless, the 2009 human rights strategy does provide a comprehensive, albeit rather general, statement of Denmark's commitments in this area, including a vision for how to safeguard and strengthen the multilateral human rights framework. The development cooperation strategy of 2012 also contains elements of relevance to Denmark's engagements in the multilateral sphere. The all-important premise of both strategy documents is a profound **commitment to multilateral cooperation**.¹⁰⁰ As noted in *The*

100 This is already a central theme in *Denmark's Development Policy: Partnership 2000*. Ministry of Foreign Affairs of Denmark, October 2000. See pp. 95–100.

Right to a Better Life, '[a]s a small, open country, Denmark has a clear interest in orderly international cooperation, an international legal order and a well functioning multilateral system.'¹⁰¹ It is further observed that:

” Multilateral cooperation, not least in the UN and the international financial institutions, is key to international efforts to promote development, human rights, peace, security, counter-terrorism, a stable global economy and global health, and in order to manage global environmental and climate problems.¹⁰²

And that:

” [M]ultilateral cooperation and in particular the role of the multilateral system in norm-setting is the natural point of departure for the human rights based approach to development.¹⁰³

Against this background, the 2012 strategy announces a resolve to 'revive Denmark's active multilateralism'.¹⁰⁴ This is to be done by increasing allocations to multilateral institutions and organisations and taking an active part in their governance,¹⁰⁵ and by engaging constructively in the ongoing multilateral normative processes. The crucial question is whether and to what extent this involves establishing linkages with human rights engagements

101 *The Right to a Better Life: Strategy for Denmark's Development Cooperation*, The Ministry of Foreign Affairs of Denmark, 2012, p. 34.

102 *ibid.*

103 *ibid.*

104 *ibid.*

105 For a comprehensive account of Denmark's overall policy orientation in this area, see *Denmark's engagement in multilateral development and humanitarian organisation*, The Ministry of Foreign Affairs of Denmark, 2012.

at bilateral level. The strategy documents are not very explicit on this point, but they do contain some indications which may signal a certain policy shift in relation to the current study theme.

In the 2009 human rights strategy, the commitment to defend and advance the multilateral human rights framework is presented largely as an undertaking that Denmark engages in on its own accord or together with the EU and other likeminded countries. To the extent that development cooperation partners are to be involved, they will be evaluated in terms of the degree of constructive engagement that they display and their willingness to support Danish multilateral efforts. The strategy thus stipulates that ‘The Government will ... [a]ttach importance to the attitude to and effort made in international human rights work in the development of Denmark’s bilateral relations with other countries.’¹⁰⁶ It further asserts:

” The Government will discuss human rights issues on a bilateral basis with other countries and through the EU. The aim of this dialogue is to promote Denmark’s viewpoints and thus contribute to strengthening human rights. Subjects for the dialogue may be both the lack of compliance with human rights of the country concerned, and its lack of will to promote and protect human rights in international cooperation. The objective of the dialogue may, for example, be the possibility to establish bilateral cooperation on human rights policy, or to induce a country to contribute to the international work regarding the promotion and protection of human rights.¹⁰⁷

¹⁰⁶ *International Human Rights Cooperation: Strategy for the Government’s Approach*, The Ministry of Foreign Affairs of Denmark, 2009, p. 13.

¹⁰⁷ *ibid.*

The undeniable impression conveyed by such passages is that the involvement of development cooperation partners at multilateral level, while recognised as potentially relevant, is envisaged to happen on the terms of the donor. The 2012 development cooperation strategy, by contrast, emphasises the underlying Danish commitment to engage with development cooperation partners in a spirit of reciprocity and equal partnership. Denmark's engagements in the multilateral normative sphere are thus seen as requiring openness and flexibility, both in relation to new influential actors on the international stage¹⁰⁸ and in relation to partner countries. The strategy expressly recognises that multilateral structures need to be responsive to the interests of countries that are differently positioned from the affluent West and in this spirit affirms that: 'Denmark will ... [w]ork to strengthen the participation of the least developed countries in the development of the international legal order.'¹⁰⁹

Echoing this commitment, the strategy also foresees Danish support for 'joint interventions demanded by our priority countries'¹¹⁰ and several thematic human rights issues are identified as possible joint priorities for Denmark and its longstanding development cooperation partners. This is true of, for example, 'issues of distribution and human rights in social sectors.'¹¹¹

The issue of linking bilateral and multilateral human rights engagements by carrying information from one policy sphere over into the other is not

108 'Denmark will seek partnerships with emerging development actors, both state and private, where there are opportunities and where we have common interests. And indeed there are new opportunities. In 2011, China, India, Brazil and South Africa joined the group of development partners, endorsing the outcome document of the Fourth High Level Forum on Aid Effectiveness held in Busan, South Korea.' *The Right to a Better Life: Strategy for Denmark's Development Cooperation*, The Ministry of Foreign Affairs of Denmark, 2012, p. 34.

109 *ibid.* p. 8.

110 *ibid.* p. 35.

111 *ibid.* p. 23f.

explicitly addressed in either of the strategy documents, but it does on one occasion come to the fore in the Guidance Note that has been prepared by the foreign ministry in order to explain and give direction to Denmark's human rights-based approach to development:

” We will seek to forge a closer linkage between the normative work on human rights in international forums and development cooperation on the ground thereby also enhancing the synergy between our bilateral and multilateral interventions. The objective being to ensure that dialogue with partners at country level is based on the common framework for human rights norms and standards, and that dialogue with multilateral partners is informed by our country level experiences.¹¹²

Passages of this nature confirm the overall impression of a subtle Danish policy shift in the direction of a more proactive and inclusive manner of engaging with development cooperation partners in the multilateral sphere. The contrast to previous strategies, notably the 2009 human rights strategy, should not be exaggerated as probably it is more a matter of accent than of substantive policy reorientation, but it is nevertheless instructive from an analytical point of view to distinguish between the different modalities of multilateral interaction. This distinction will be found to recur at several junctures in the presentation and interpretation of study findings.

OUTLINE OF PART II

The question of bilateral/multilateral synergies is examined in the present context from both a quantitative and a qualitative point of view. A

112 *A Human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark, February 2013, p. 15.

subcomponent of the overall study was devoted to a statistical analysis of UN voting patterns, the main findings of which are summarised below. The remainder of part II is devoted to a **qualitative perspective** on the research question. This takes its point of departure in a desk survey of Danish multilateral engagements. Next follows an examination of the dynamics shaping diplomatic interaction in the multilateral normative arena. Against this background, an analysis is undertaken of possibilities for enhancing the effectiveness of multilateral engagements, firstly, by mobilising bilateral relations and, secondly, by carrying knowledge and information derived from country-level engagements over into the multilateral arena. A final section of the chapter probes possible means to establish accountability for engagements in the multilateral realm.

SUMMARY OF STATISTICS STUDY

It is foreseen in the TOR that the overall study should involve a statistical analysis of voting patterns in the UN General Assembly, Commission on Human Rights, and Human Rights Council in relation to Danish development assistance in the area of human rights. This was accorded a central importance in the early project phases. In what follows, the methodology and primary findings of the analysis are summarised and briefly discussed. A more comprehensive presentation of the sub-study is contained in a separate report.¹¹³

The statistics study belongs in the context of a fairly extensive literature on the factors influencing multilateral voting behaviour. The TOR in this regard refer to the reports published by the European Council on Foreign

113 Danish Institute for Human Rights (2013). *Mapping the Vote: A Quantitative Analysis of Voting Coincidence with Denmark at the UN*, DIHR Interim Report, prepared with the assistance of statistics consultant Bertel Teilfeldt Hansen.

Relations (ECFR) which, as previously cited, document a decline in influence of Denmark, the EU and likeminded countries in the UN.¹¹⁴ An underlying motivation behind the study, therefore, is to investigate whether linkages with development cooperation and human rights engagements at bilateral level can contribute to reversing this trend.

It must be acknowledged that the endeavour to correlate development assistance with UN voting is fraught with ambiguities. The question may be raised as to whether it is at all reasonable to expect that aid recipients should vote in line with donor priorities, and if so, on what grounds? While clearly sensitive, this question is informative with regard to the underlying relations between partners in development cooperation. In the overall study context this has led to a broadening of the study focus as well as to a shift towards a more qualitative approach to the issue of bilateral/multilateral coherence and synergy.

METHODOLOGY

Methodologically, the statistical study falls into two parts. The first part provides a descriptive overview of the relevant voting coincidence patterns in relation to UN groupings, selected Danish partner countries, and selected human rights themes. It furthermore examines possible correlations between donor assistance and voting patterns. Employing statistical modelling

114 Cf. Terms of Reference p.1: 'Recent research indicates that Denmark/the EU sometimes face challenges in gaining support for human rights positions advanced at the UN – as measured by the voting coincidence score (ECFR 2010):' The relevant ECFR findings are presented in Gowan, R. & Brantner, F. (2008), *A Global force for human rights? An audit of European power at the UN*, European Council on Foreign Relations, and in Gowan, R. & Brantner, F. (2009, 2010, 2011), *The EU and Human Rights at the UN*, European Council on Foreign Relations. See also Dennison, S. & Dworkin, A. (2010). *Towards an EU Human Rights Strategy for a Post-Western World*. European Council on Foreign Relations.

(regression analysis with and without fixed effects), the second part of the analysis goes a step further and seeks to ascertain whether there is evidence of a causal impact of development assistance on UN voting. For illustrative purposes, special attention has been given to the voting records of four countries that have been longstanding Danish cooperation partners. These are Bangladesh, Ghana, Nepal, and Uganda.¹¹⁵

The primary components of the statistics study thus include:

1. A mapping of voting coincidence for country coalitions
2. A mapping of voting coincidence of four Danish development cooperation partner countries, i.e. Bangladesh, Ghana, Nepal and Uganda
3. A mapping of voting coincidence in relation to selected thematic issues, specifically rule of law, indigenous peoples' rights, human rights defenders, children's rights, gender equality, freedom from torture, and freedom of expression
4. An investigation of the possible effects of Danish HRD aid on voting coincidence through the use of year and country-level fixed effects along with various control variables
5. An investigation of the possible different effects of Danish HRD assistance on voting coincidence across Danish priority themes in the area of human rights

115 It was foreseen from the outset that the study would include country visits to one African and one Asian country. Ghana and Bangladesh were eventually selected for this purpose, cf. footnote 24. At the time of setting up the statistical study, this selection had not yet been made, but special attention was given to Danish partner countries in the two regions that were being considered for the purpose of country visits in order to ensure consistency between the different study components.

Dataset

The dataset established for the analysis contains time series cross-sectional data for 191 countries in the period 2000–2010. It includes information regarding country, year and voting records. The relevant resolutions are thematically classified according to a division of 23 main themes, including all the prioritised themes identified in the Danish human rights strategy documents of 2009.¹¹⁶ The dataset further includes classificatory variables (e.g. information on country coalitions) as well as a host of explanatory variables that may theoretically be expected to exert an influence on the voting behaviour of UN member countries (GDP, GDP per capita, GDP growth, democracy scores, rule of law scores, trade, and levels and type of foreign aid).¹¹⁷

Coding procedure

The meaning of ‘voting coincidence’ is subject to debate, and one finds competing accounts in the literature of what constitutes coincidence and how it can be measured.¹¹⁸ Methodological disputes notably revolve around how voting coincidence should be numerically scored and how to factor in voting abstentions and country absences. For the present purpose, complete voting coincidence is defined as pertaining to scenarios where both countries

116 *International Human Rights Cooperation: Strategy for the Government's approach* (2009) and *Democratisation and Human Rights for the Benefit of the People: Strategic Priorities for Danish Support for Good Governance* (2009).

117 It is recognised that some of these operationalisations are controversial. This is notably true of the variables for democracy and the rule of law, as any quantitative measures of such abstract and value-laden concepts are bound to be. The purpose of this study, however, is neither to test hypotheses about the direct effect of these variables, nor to examine the validity of the different indices used to measure them. In the present context all explanatory variables, except for those related to Danish HRD aid, are being employed only as control variables.

118 See Kegley & Hook (1991); Zimmermann (1993); Thacker (1999); Palmer et. al. (2002); Hawes (2004); Barro & Lee (2005).

vote for a decision, both countries vote against a decision, or both countries abstain from voting. This is given a coincidence score of 2. Conversely, there is no voting coincidence when a country votes against a decision that Denmark/EU votes for, or when Denmark/EU votes against a decision that the other country votes for. This yields the score of 0. Partial agreement/disagreement, which carries the score of 1, applies in all other situations, i.e. notably situations in which Denmark/EU abstains from voting while the other country votes for or against, or vice versa. Partial agreement/disagreement is similarly attributed to situations where a country is absent from voting. It is recognised that this is contentious but it has been deemed the most accurate manner of assessing the significance of such scenarios based on the consideration that absence can also be used by countries as a conscious voting strategy.

Another contingency of methodological importance is the situation in which a resolution is adopted without vote. The question is whether this is to be counted as voting coincidence. Many analogous studies (including those conducted by the US Department of State¹¹⁹ and the European Council on Foreign Relations¹²⁰) exclude consensus resolutions on the grounds that the issues at stake are often trivial and that their inclusion would risk providing a skewed impression of agreement or disagreement on substantive issues. This assumption is, however, by no means unproblematic, as consensus votes are often the outcome of a complex consultation process involving significant substantive issues. Such cases clearly should be recognised as expressions of genuine voting coincidence. Since there is no simple resolution to the

119 Annual reports available at: <http://www.state.gov/p/io/rls/rpt/> (last accessed 22 May 2013).

120 For a concise description of the methodology adopted by ECFR, see http://ecfr.eu/page/-/UN_report_methodology.pdf (last accessed 22 May 2013).

dilemma of how to score consensus votes, the approach adopted in the present study has been to compile the dataset so as to allow for modelling with both scenarios i.e. voting coincidence with and without consensus votes included.

FINDINGS

Descriptive statistics

Looking at the coincidence of country coalitions, it is found that the regional UN groupings largely split into two. The Western and Nordic groups vote very much in line with Denmark, while Asian, African, Latin American and OIC groups do so substantially less. Numerically, on the scale from 0 to 2 that is employed for the purpose of coding, the former groups display scores in the range between 1.75 and 2, thus approximating full voting coincidence (with leeway for exceptions, needless to say). The latter groups range around a score of 1 or slightly below, which means that they typically display partial agreement or the equivalent of full agreement in about half of the contested votes. The figure naturally increases when consensus votes are taken into account, but the general picture remains the same.

When this distribution is examined over time a modest general decrease in voting coincidence is observed since 2005/2006, driven mainly by a decline within the aforementioned least coinciding groups.¹²¹ This is consistent with

¹²¹ With regard to the OIC countries, the group of African countries, and the group of Asian countries, the controversy over the depiction of the Muslim prophet Muhammad in a known Danish newspaper is seen as a possible explanatory factor in the downturn in voting coincidence, notably with regard to freedom of expression. This, however, is presumably only one factor among many in a situation in which the human rights agenda at multilateral level has become generally politicised and where disputes concerning 'defamation of religion' feature as just one among several high profile points of contention.

the much-publicised findings of the ECFR that the EU and like-minded countries have been ‘losing influence’ in the UN.¹²² The 2011 ECFR report registers a possible reversal of this trend,¹²³ but that is not captured by the present study due to the delimitation of the dataset (which is restricted to the period 2000–2010).

With regard to the four focus countries (Bangladesh, Ghana, Nepal, and Uganda), the study shows that these countries generally vote in line with the regional blocs to which they belong and in several cases display a slightly lower voting coincidence score than the bloc as a whole. Their voting coincidence scores also decrease over time after 2005/2006. There is thus no *prima facie* indication of an alignment of votes with Denmark/EU.

When the voting coincidence scores are disaggregated according to thematic issues, the picture becomes more complex. It is then found that resolutions related to children’s rights and rule of law are subject to a relatively high level of voting coincidence. This is, for some of the four countries, also true of indigenous peoples’ rights and issues related to human rights defenders (although the number of votes cast on these issues is low). The issues of gender equality and freedom from torture, although more contended, are also subject to a higher level of agreement than resolutions in general, whereas the issue of freedom of expression stands out as particularly divisive.

Models

In the second part of the study, which seeks to identify causal factors and thereby begin to explain the observations and correlations registered in

122 Dennison, S. & Dworkin, A. (2010). *Towards an EU Human Rights Strategy for a Post-Western World*. European Council on Foreign Relations, p. 1 *et passim*.

123 Gowan, R. & Brantner, F. (2011). *The EU and Human Rights at the UN*, European Council on Foreign Relations.

the descriptive part, the analysis initially reveals a significantly negative correlation between Danish HRD aid and voting coincidence across countries. This would at first sight appear to indicate that the given HRD activities have a negative impact on voting coincidence, i.e. that development cooperation in this area has the effect of leading partner countries to vote less in line with Danish human rights priorities. However, the negative correlation disappears when the analysis is performed with fixed effects, i.e. within countries over time. It is therefore concluded that there is no evidence of a causal effect of the above nature and that the correlation initially observed can be assumed to be due to other factors. A straightforward and plausible explanation for the finding is that Danish HRD assistance, in keeping with the government's general strategies and selection criteria, is given to countries that in a global perspective are very differently positioned than Denmark (notably, low income countries in Africa and Asia, and in several cases fragile states and new, rather weakly founded democracies) and that therefore are likely to vote differently in the UN multilateral forums.

Tests employing the various control variables confirm this general interpretation. There is an indication that certain variables such as GDP level or democracy index score may be positively correlated with voting coincidence, but further tests would be required to establish a precise causal connection in this regard, as the variables in the present context are only being employed as controls in relation to the connection between HRD support and voting.

When the sample is restricted to only include those countries that have received Danish HRD aid in the period studied there is indication of a minor positive impact of the given HRD engagements on the multilateral voting record of the partner countries in question. However, this effect is

substantively tiny and only weakly significant. It should therefore not be attributed any major importance, but may nevertheless be taken as a point of encouragement for forward-looking engagements aimed at enhancing such effects.

A final round of tests examines whether the effect of Danish HRD aid differs when it comes to voting on the issues that have been prioritised by the Danish government (as outlined in its 2009 human rights strategy). The interactions in this regard all turn out to be insignificant, so the effect of aid seems to be largely absent, irrespective of the topic of the vote.

The overall conclusion of the statistical analysis is that Danish development assistance related to HRD has little to no identifiable impact on voting behaviour in the UN multilateral human rights forums.

DISCUSSION

Any interpretation of what to make of these findings depends on the prism through which they are examined. Key in this regard are the underlying expectations and assumptions. Is there an expectation in the first place that development cooperation partners should vote in line with donor policy priorities in the multilateral normative forums, and if so, on what is this based?

The contextualising introduction to the statistics report outlines two general paradigms for how such an expectation of voting coincidence might be construed. The first model of interpretation sees an alignment of voting with donor priorities as a matter of gratitude, loyalty, or indebtedness, i.e. in one way or another giving something in return for the assistance received – a **quid pro quo**. Such an expectation, whether negatively or positively evaluated, is

tacitly assumed in much of the literature on multilateral voting patterns that has been consulted in connection with the present study component. Many authors adopt an instrumental understanding of the actions of states¹²⁴ and by implication of aid allocation decisions by donors.¹²⁵ In this connection it is not rare to see bilateral assistance associated with pejorative terms such as ‘vote buying’ or even ‘bullying’. This clearly runs counter to the notion that each state is sovereign and autonomous in its decision making, as well as to the premise that UN structures as a matter of principle position all member states equally. Some authors therefore appear to view evidence of increased voting coincidence with suspicion, as a possible indication of coercion.¹²⁶ Other authors, however, being more inclined towards a realist perspective on the actions of states, will interpret the same findings as evidence of success in the advancement of national policy objectives.¹²⁷

In the present study context it is as a point of departure categorically established that this is *not* the spirit in which Danish (or EU) development assistance is extended. Danish development activities are designed with a view to achieving an impact in the contexts in which they are being carried out and cooperation partners are selected in accordance with pre-established criteria that have nothing to do with presumed loyalty in the multilateral arena. There is therefore no a priori expectation that the partner countries

124 Kegley & Hook (1991); Lundborg (1998); Wang (1999); Morey & Lai (2003).

125 For further elaboration on the determinants of aid allocation decisions, see Schraeder et al. (1998); Alesina & Dollar (2000); Alesina & Weder (2002).

126 See, e.g. Dreher & Sturm (2006).

127 The perspective adopted in the ECFR’s annual reviews of *The EU and Human Rights at the UN* (as conducted by Richard Gowan and Franziska Brantner) is to seek to understand who wields influence on the international normative agenda and on this basis work towards a better understanding of how human rights objectives can best be safeguarded and advanced. While not condoning outright coercive measures, this approach does regard the express leveraging of influence as a fully legitimate policy approach.

should vote in accordance with Danish policy priorities. The study finding that Danish development assistance is consistently being extended to countries that for various reasons find themselves on the opposite side to Denmark and the EU on many multilateral policy issues only confirms this general premise.

The second interpretation paradigm, which fully respects the above-mentioned approach to development cooperation but nevertheless maintains an analytical interest in the voting behaviour of partner countries, builds on the assumption that partnerships forged in the context of development cooperation will be based on, and over time lead to, increasingly firmly-rooted shared commitments to human rights, which in turn may be expected to be reflected in UN voting patterns. This may be seen to justify a certain expectation of voting coincidence without involving any aspect of implicit or overt coercion. Phrased differently, it might be surmised that successful human rights engagements at country level could, as a secondary effect, have a certain impact on the multilateral conduct of the partner country involved.¹²⁸

While not objectionable in the same manner as 'vote buying', it may be argued that this assumption is methodologically questionable. It may, first of all, be unrealistic to assume that narrowly-framed initiatives revolving around specific human rights objectives should reflect, or indeed shape, the normative orientation of the partner country in question. Secondly, it may also be unrealistic to assume that surface commitments made in the context of development cooperation should directly influence voting outcomes in the multilateral sphere, where obviously many other determining factors are at play (e.g. of an economic, political, psychological or sociological nature).

128 There is reason to believe that the emphasis in the Terms of Reference of the present study on a statistical analysis of UN voting patterns in relation to Denmark's bilateral HRD engagements may have been motivated by a wish to test a hypothesis of this general nature.

Fundamental changes in the normative engagements of partner countries may in this perspective be expected to require a much longer time span and involve social changes on an entirely different scale than can be attributed to particular bilateral development cooperation initiatives.

Viewed in this light, it should not be regarded as surprising that the statistical study shows little to no impact of Danish HRD assistance on the UN voting behaviour of partner countries. What the finding indicates, in effect, is that bilateral and multilateral engagements follow separate trajectories. In the multilateral context, the development cooperation partners on both sides predominantly vote in line with the regional blocs to which they belong. HRD engagements on the ground, meanwhile, are oriented towards effecting change in the local contexts in which they are being undertaken without any expectation of also achieving an effect in the multilateral normative arena.¹²⁹

It is, however, entirely possible that specific linkages between engagements at the two levels may contribute to enhancing outcomes in the multilateral sphere without producing a statistically significant effect. General voting patterns, in other words, are not the only relevant indicator of synergy (and may, in fact, not be a reliable indicator at all). Synergy effects may be pursued on a case-by-case basis, and it would indeed make sense for donor countries to concentrate their efforts on issues and cases that are deemed

129 The fact that the statistical study based on a restricted sample indicates a very slight impact of Danish HRD engagements on the multilateral voting record of partner countries may be taken to suggest that the development cooperation engagements under consideration do contribute to the gradual shaping of a culture of human rights – albeit only in modest measure and as one contributing factor among many. Although not directly demonstrated by the analysis, it is conceivable that a much longer timeframe would be required for this effect to take hold and lead to a significant alignment of priorities and engagements in the multilateral normative realm.

to be of particular importance. The quantitative perspective established in statistical analyses is not well suited to capture such a prioritisation of efforts. It therefore needs to be supplemented by a more discriminating qualitative perspective on the question of possible bilateral/multilateral synergies.

THE QUALITATIVE PERSPECTIVE

Moving beyond the narrow focus of the statistical analysis, the remainder of the chapter is devoted to an examination of the challenges facing multi-lateral human rights diplomacy in a qualitative perspective. The aim is to elucidate possibilities for enhancing the effectiveness of engagements in the multilateral realm through linkages with engagements at country level, notably within the context of development cooperation. This is done on the basis of actor experience, an examination of cases, observations on the current trends in international relations, and an analysis of the underlying dynamics shaping diplomatic interaction in the multilateral normative arena.

SUMMARY OF SURVEY OF DANISH ENGAGEMENTS AT THE MULTILATERAL LEVEL

A self-contained subcomponent of the study has been devoted to a mapping of Danish diplomatic efforts in the United Nations General Assembly (UNGA) 2000–2012,¹³⁰ Commission on Human Rights (CHR) 2000–2006, and Human Rights Council (HRC) 2006–2012.¹³¹ This is partly based on archive access at the Ministry of Foreign Affairs as well as a review of publically available sources, and partly on consultations with diplomats and human rights experts in Copenhagen, Geneva and New York. The objective of the survey has been

130 Notably in the Third Committee which deals with social, humanitarian, and cultural affairs.

131 Danish Institute for Human Rights (2013). *Mapping of Danish human rights efforts at the normative multilateral level*, DIHR Working Paper, based on background research conducted by project analyst Aleksandra Mleczek.

to trace the development of Danish multilateral human rights priorities and engagements during the period under consideration and to identify some of the primary outcomes of Danish human rights efforts in UNGA, CHR, and HRC. The survey falls into two main parts. The first part is devoted to an identification of priority themes and other human rights issues that have been closely followed by Denmark in the multilateral normative forums, and the second part presents a more detailed elaboration of the Danish actions in relation to selected themes.

DANISH PRIORITY ISSUES AND OTHER THEMES FOLLOWED IN UNGA, CHR AND HRC

A review of Danish diplomatic instructions prior to sessions of the relevant multilateral bodies and internal reports after the given sessions shows that the following thematic areas have been followed with attention throughout the period in question and in all three human rights institutions:

- Gender equality and women's rights
- Children's rights
- Rights of indigenous peoples
- Freedom from torture
- Abolition of death penalty
- Racism
- Freedom of expression and related issues
- Freedom of religion
- Upholding human rights in the fight against terrorism

These may be regarded as the primary Danish priority themes throughout the period. The list is for the most part consistent with the priority themes identified in the government's human rights strategy of 2009, although the latter includes certain additional themes (the protection of human rights

defenders, rule of law, and corporate social responsibility) but makes no explicit mention of racism. Such variations may be interpreted to signal a minor, forward-looking policy reorientation, or they may simply indicate that the given issues have not been explicitly addressed in the documents reviewed, even if Denmark has adopted a proactive stance in relation to them whenever relevant. The ministry's current website contains a further updated list of human rights themes that will henceforth be subject to special attention ('særlige indsatsområder').¹³² This, again, is consistent with the above-mentioned priority areas with only minor variations. In comparison with the 2009 strategy, it may be noted that rule of law and human rights and counter-terrorism have been removed from the priority list, whereas racism (which the mapping shows has been closely followed throughout the past decade) and the rights of the disabled have been added. Overall, the Danish multilateral policy orientation in relation to human rights displays a large degree of consistency over time.

It is noteworthy that none of the documents or internet sources reviewed makes express mention of economic, social and cultural rights. The current ministry website does however, in conformity with the 2012 development cooperation strategy, highlight the area of social progress as a primary focus of Danish efforts at both bilateral and multilateral level.¹³³ Ministry representatives have accordingly confirmed that the area of ESC rights is emerging as a Danish priority. This may be regarded as significant, as it will align the Danish policy stance more closely with the multilateral human rights priorities of partner countries.

132 This list only features on the Danish version of the website, which is found at: <http://um.dk/da/politik-og-diplomati/retsorden/menneskerettigheder/dansk-menneskerettighedspolitik/> (last accessed 23 May 2013).

133 *ibid.*

In addition to the primary priority themes, the survey shows that a broad range of human rights themes have been followed on an *ad hoc* basis. These are typically themes that are taken up by other EU member states or directly by the EU representations. They are firmly supported by Denmark, albeit in a less proactive manner than themes on the priority list. This applies, for example, to:

- Rights of refugees and internally displaced persons
- Extrajudicial, summary and arbitrary executions
- Involuntary disappearances
- Human rights and climate change
- Human rights of migrants in detention centres
- Human trafficking
- Human rights and peaceful demonstrations
- Human rights issues related to migrants and asylum seekers
- Transitional justice
- The safety of journalists
- Sexual orientation and human rights (LGBT rights)

A third cluster of themes has been regarded with scepticism by the Danish diplomatic service, but has been closely followed due to the prominence attributed to the underlying issues by representatives of other geopolitical blocs. This includes:

- The right to development
- The rights of the elderly
- Cultural diversity and traditional values
- The right to peace

A general concern within Danish and European diplomatic circles is that human rights initiatives in these areas are too loosely defined. In some cases the assessment is also that the core content of the given initiatives is

already covered by existing human rights instruments or is better addressed in other settings (e.g. in relation to the rights of the elderly). The **right to development** is, within this context, clearly the most challenging theme as it has been on the UN agenda for more than 25 years, is the subject of a self-standing declaration adopted in 1986, and has in the past decade been extensively elaborated by a high level task force which has taken significant strides towards defining the right in operational terms. This may lead to an international reorientation on the issue in the years to come. Like the broader area of economic, social and cultural rights, the right to development presents important opportunities for bridge-building in the multilateral normative realm, yet fundamental concerns remain on the part of Denmark and other EU member states that the right, as it is currently understood and advocated by other members of the international community, is imprecisely defined and may be interpreted as entailing far-reaching obligations related to money and technology transfers from developed to developing nations.

ELABORATION OF ENGAGEMENTS AND OUTCOMES

Denmark, like other countries, is engaged in multilateral normative proceedings in a variety of different ways depending on the importance attributed to the given topic, the country's own capacity in the area, and a broad range of other circumstances. Specific engagements typically involve a combination of the following measures:

- sponsoring draft resolutions (be it as main sponsor or as co-sponsor)
- voting on resolutions (in favour, against or abstaining)
- statements in the general debates; explanations of vote or position
- engagement in negotiations that may or may not lead to the adoption of a resolution, convention, or declaration
- encouraging other UN member states to table or support resolutions (so as to break up regional alliances or to create more legitimacy around a resolution)

In what follows, a brief summary will be provided of Danish engagements in relation to some of the main priority themes identified above. This is done for illustrative purposes only. The reconstruction of proceedings and outcomes in the short sections below is not exhaustive, but it does illustrate some of the characteristic issues at stake and thereby sets the stage for a closer qualitative examination of challenges and synergy potentials in the area of human rights diplomacy.

Freedom from torture

A theme of particular interest to Denmark and in relation to which the Danish international profile is especially high (as already noted above) is the fight against torture. As a general rule Denmark is the main sponsor of torture resolutions in the UN bodies. Denmark thus submits an omnibus resolution against torture each year at UNGA and a thematic resolution in the CHR/ HRC in Geneva. Within the context of EU human rights cooperation, Denmark has assumed the role of 'burden sharer' in relation to torture prevention. During the period under present review, Denmark was actively engaged in the negotiations leading to the adoption of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman, Degrading Treatment or Punishment in 2002,¹³⁴ and was one of the first countries to ratify the protocol in 2004, while encouraging others to do the same. Denmark has on several occasions been engaged in renewing the mandate for the special rapporteur on torture and other cruel and inhuman or degrading treatment.¹³⁵ In 2009 and 2010 thematic resolutions were tabled in the HRC about the role of health personnel in the protection of persons against torture,¹³⁶ and

134 A/RES/57/199

135 See, e.g. CHR resolution 2001/62

136 A/HRC/RES/10/24

the role of judges and prosecutors in preventing torture,¹³⁷ both of which were adopted.

Abolition of the death penalty

Denmark's engagement in campaigns against the death penalty has primarily been channelled through the EU. Like other EU member states and in conformity with the *EU Guidelines on the Death Penalty*,¹³⁸ Denmark perceives the adoption of moratoriums as an important step towards prohibiting the use of the death penalty with the aim of eventually achieving complete global abolition. At Italy's instigation, a landmark resolution calling for a general moratorium on the death penalty was adopted in UNGA in 2007.¹³⁹ Since then the issue of the death penalty has, in spite of major controversies, become prominent on the UNGA agenda. The international community adopted three additional resolutions on the death penalty in UNGA in 2008,¹⁴⁰ 2010,¹⁴¹ (EU was co-facilitator of the draft text) and 2012.¹⁴² The 2010 and 2012 resolutions were tabled by a cross-regional group and met increased international support, including from Denmark. In the CHR, the resolutions against the death penalty were tabled by the EU throughout the period (2000–2005).¹⁴³

137 A/HRC/RES/13/19

138 Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/10015.en08.pdf> (last accessed 23 May 2013)

139 A/RES/62/149

140 A/RES/63/168

141 A/RES/65/206

142 A/RES/67/176

143 European External Action Service. *Background: The Death Penalty and the EU's policy on its abolition*. EEAS Department for Human Rights and Democracy. Available at: http://eeas.europa.eu/human_rights/adp/docs/20121009_death_penalty_background_en.pdf (last accessed 23 May 2013)

Rights of indigenous peoples

Denmark has been at the forefront of promoting indigenous peoples' rights at the multilateral normative level throughout the period under review. The UN Permanent Forum on Indigenous Issues was thus established in 2001 on the basis of a joint Danish/Greenlandic initiative.¹⁴⁴ Denmark played a leading role in negotiations towards the adoption in 2007 of the UN Declaration on the Rights of Indigenous Peoples.¹⁴⁵ This was a challenging initiative, as it met with resistance from, among others, USA, Canada, Australia and New Zealand as well as the African Group. This was based, notably, on concerns regarding provisions in the declaration related to the right to self-determination for indigenous peoples and the control over natural resources on indigenous peoples' traditional lands.¹⁴⁶ Denmark was also actively involved in establishing the Expert Mechanism on the Rights of Indigenous Peoples under the HRC (2007),¹⁴⁷ and in the adoption of the Second International Decade of the World's Indigenous Peoples (2005–2015) by presenting resolutions in support of it together with the Nordic Group.¹⁴⁸ Within the EU context, where there is fundamental opposition in certain corners to any articulation of collective rights, Denmark has played a key role in including the issue of indigenous peoples' rights on the joint agenda. A current priority is the preparation of the UN World Conference on Indigenous Peoples 2014.

144 A/RES/57/191

145 A/RES/61/295

146 See Indigenous Foundations: <http://indigenousfoundations.arts.ubc.ca/?id=1097> (last accessed 23 May 2013)

147 HRC Resolution 6/36.

148 FN's 60. *Generalforsamling. Instruktion for den danske delegation*. Udenrigsministeriet 2005. Available at: <http://www.ft.dk/samling/20042/atmdel/uru/bilag/206/198833.pdf> (last accessed 29 July 2013).

Gender equality and women's rights

Gender equality and the promotion and protection of women's rights have been Danish priorities at multilateral level since the establishment of the United Nations and at bilateral level throughout the 50 years of Danish development cooperation. Gender issues cut across virtually all aspects of the UN's work. At intergovernmental level, they are primarily being taken up in the Commission on the Status of Women, but as they obviously have important human rights implications, for example with regard to discrimination, violence against women, and sexual and reproductive rights, they are also regularly taken up in UNGA and HRC.

Denmark has, during the period under review, consistently engaged in promoting the ratification and implementation of the Optional Protocol to CEDAW (adopted in 1999 and assuming effect in December 2000) and has, in close cooperation with Nordic partners, presented two resolutions in UNGA related to the CEDAW convention.¹⁴⁹ A similar general priority has been the implementation of, and follow up to, Security Council resolution 1325 (adopted in October 2000),¹⁵⁰ which addresses the need for protection of women against gender-based violence in situations of armed conflict and calls for the involvement of women in mediation and post-conflict reconstruction efforts.

Resolutions on the prevention and elimination of violence against women have regularly been sponsored or co-sponsored by Denmark as well as other

149 A/RES/55/70 and A/RES/62/218

150 S/RES/1325

EU member states, in conformity with the EU guidelines on the issue.¹⁵¹ An achievement of particular note was the inclusion of strong human rights language in resolutions on the elimination of crimes against women committed in the name of honour, as adopted in 2000, 2002 and 2004.¹⁵²

The issue of maternal mortality has, in recent years, emerged as a fundamental human rights concern. At the 18th session of the HRC in 2011 a resolution on preventable maternal mortality and morbidity and human rights was subject to divisive discussions about access to abortion.¹⁵³ A Danish priority in this connection was to ensure that references were included to the Beijing Declaration and Platform for Action and to the ICPD Programme of Action so as to protect earlier gains in relation to the issue. A resolution on maternal mortality tabled at the 21st session in the HRC in 2012¹⁵⁴ included explicit reference to sexual and reproductive health rights and was met with resistance from the USA, the Vatican, and the OIC. Denmark engaged actively in the negotiations and co-sponsored the resolution, which in the end was adopted without a vote (although subject to a statement that some states, spearheaded by Saudi Arabia, would dissociate themselves from parts of the resolution).¹⁵⁵

Throughout the period under review, Denmark has maintained a strong focus on gender equality, both in the relevant international forums and

151 Available at: http://eeas.europa.eu/human_rights/guidelines/index_en.htm (last accessed 28 May 2013)

152 A/RES/55/66, A/RES/57/179, A/RES/59/165

153 A/HRC/18/L.8

154 A/HRC/21/L.10

155 See <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12592&LangID=E> (last accessed 28 May 2013).

in its development cooperation. In this regard Denmark launched the MDG3 Global Call to Action campaign – commonly referred to as the Torch Campaign – in March 2008.¹⁵⁶ By presenting a torch to 150 internationally prominent persons and soliciting a personal commitment from each, the campaign managed to engage a truly impressive line-up of government representatives, diplomats, business leaders, and pioneering civil society actors in the worldwide promotion of gender equality and women’s economic and social empowerment. The campaign was concluded in 2010, coinciding with the establishment of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). By deliberately connecting engagements at, respectively, country level and in the multilateral normative arena, this campaign may be seen as an inspirational example of what in the present study context is identified as an integrated approach to the generation of bilateral/multilateral synergies.

A fundamental Danish concern in recent years is that women’s rights are increasingly coming under pressure internationally.¹⁵⁷ This is notably true of sexual and reproductive rights due to their association with the contested concept of gender (as a social construction rather than simple biological function) and hence, by further association, also with the agenda to protect human rights in relation to sexual orientation.¹⁵⁸ This has generated a strongly

156 See <http://um.dk/en/danida-en/activities/strategic/human-right-demo/gender/mdg3/receivers-of-the-mdg3-torch/> (last accessed 28 May 2013).

157 Cf. *FN’s 67. Generalforsamling 2012. Instruktion for den danske delegation*. Udenrigsministeriet 2012. Available at: <http://um.dk/da/~media/UM/Danish-site/Documents/Politik-og-diplomati/Internationale-organisationer/Instruktion%20UNGA%2067%202012.ashx> (last accessed 29 July 2013).

158 Several diplomats and practitioners consulted in conjunction with the study independently of each other drew attention to such gliding associative links as an important factor behind hardliner opposition to the women’s rights agenda.

divisive situation within the relevant UN multilateral forums with a risk of significant setbacks to the international women's rights and gender equality agenda. It is anticipated that the defence of this agenda will remain a high multilateral priority for Denmark in the years to come.

FINDINGS BASED ON ACTOR INTERVIEWS AND FIELD VISITS

FOCUS ON THE DYNAMICS OF DIPLOMATIC INTERACTION

Interviews have repeatedly shown that the actors involved in multilateral human rights diplomacy are deeply preoccupied with understanding the nature of the environment in which they operate.¹⁵⁹ A common observation is that relations in the multilateral normative sphere are more divisive and antagonistic than is typically the case at bilateral level. Diplomats and civil servants working in this context are confronted with seemingly greater differences about fundamental human rights issues than professionals and experts engaged in project implementation on the ground. Closely related to this observation is a perception that interaction in the multilateral sphere is largely shaped by bloc politics, whereby countries cluster into different ideological, regional or religious groupings that adopt seemingly irreconcilable positions on issues of fundamental importance to the international community. This is borne out by the statistics analysis, which shows a fundamental split in the voting patterns of opposing blocs. Thirdly, observers often remark that multilateral diplomatic environments display a peculiar tendency towards isolation and self-sufficiency. They operate as closed environments with their own implicit behavioural norms, power

159 For a wide range of contemporary perspectives on human rights diplomacy, see O'Flaherty, M., Kedzia, Z., Müller, A., and Ulrich, G. (eds.), *Human Rights Diplomacy - Contemporary Perspectives*, Martinus Nijhof Publishers/Brill.

dynamics, and parameters of failure and success. This is sometime expressed in terms of a metaphor implying that diplomatic interaction unfolds in a Geneva or New York 'bubble', which is relatively isolated from what goes on 'on the ground' at country level. This, in turn, may be seen to contribute to the salience of bloc groupings as well as to the characteristic divisiveness of multilateral diplomatic interaction.

THE BUBBLE METAPHOR AND THE THEORY OF NORMATIVE SUASION

The above characterisation calls for closer scrutiny. What the bubble metaphor implies, in essence, is that decisions about how to engage in the multilateral sphere are being taken not primarily or exclusively on the basis of instructions from capital or policy decisions adopted at national level, but also on the basis of influences within the diplomatic environment itself, which is seen in that regard to close in on itself. Observers point to several factors contributing to this tendency. Important in this regard is the observation that diplomatic representations are often poorly staffed and relatively weak on the substantive issues being discussed. Conversely, there is a sense that the multilateral outcomes are not always followed with close attention in capital or by other actors at national level, and that the multilateral envoys therefore have considerable leeway to act autonomously. This creates a context in which a few well-resourced, regionally dominant players can wield significant influence – often by invoking established loyalties, solidarities and a sense of common interests, which may or may not be factually accurate. The prevailing dynamic is also sometimes explained with reference to psychological factors: diplomats naturally gravitate towards a comfort zone and situate themselves within peer groupings that are based on ideological, regional or religious affinities; shared historical experience; or perceived common interests. Expressions of loyalty within such groupings are assumed to be reciprocated and thus constitute a sort of mutual 'insurance' mechanism whereby

members can count on the bloc's support if their country should come under pressure in a future context.

Interestingly, this study finding, which in the present context is largely supported by anecdotal evidence, is mirrored by recent sociological research into the socialisation effects of international institutions and organisations. A growing body of literature aims to shed light on how actors in various institutional contexts may undergo a shift from operating in terms of a 'logic of consequences,' which implies seeking to attain predefined objectives (that are consistent, e.g. with the directives given by the competent national authorities) in the most rational manner possible, to a 'logic of appropriateness,' where actors internalise new roles and group norms and begin to act in accordance with expectations that arise within the given environment itself.¹⁶⁰

The two primary socialisation mechanisms facilitating such a shift are role playing (as an unconscious or deliberate socialisation strategy) and 'normative suasion' – the latter of which arises in environments that are heavily focused on an exchange of persuasive arguments and eventually leads to a spontaneous identification with emerging shared positions. J. Checkel has applied this theory to the conduct of actors in international institutions with a view to explaining how they tend, to a certain extent, to become detached from their national policy base.¹⁶¹ Diplomatic environments

160 This analytical perspective is inspired, among others, by the pioneering work of March and Olsen. For a recent elaboration of their theory, see March, James G., and Olsen, Johan P., *The Logic of Appropriateness*, Arena Working Papers WP 04/09, University of Oslo.

161 Checkel, Jeffrey T., 'International Institutions and Socialization in Europe: Introduction and Framework' in *International Organization* 59, Fall 2005, pp.801–826.

are also characterised by a prominent element of normative suasion. J. Lewis has, in an intriguing study, applied the constructivist perspective outlined above to socialisation processes in the Brussels-based Committee of Permanent Representatives (Coreper).¹⁶² The perspective is arguably equally applicable to multilateral human rights diplomacy and may help to shed light on the underlying challenges in linking up engagements at bilateral and multilateral level.

Limits to the metaphor

While informative, the bubble metaphor should not be taken entirely at face value. It would notably be misleading to suggest that the self-contained nature of interaction in the diplomatic sphere renders its outcomes irrelevant to what goes on in the wider world. Multilateral human rights diplomacy has, over a period of several decades, led to momentous accomplishments – despite a preponderance of adverse relations. The former Commission on Human Rights was widely perceived to be politicised, co-opted for extraneous purposes and hence discredited, and yet it was the main forum in which the most important human rights treaties were negotiated and in which the global human rights architecture has been forged. The Human Rights Council was created in 2006 with the express intention of overcoming the politicisation and divisiveness of the previous commission. Several years later it is not obvious that such a change has in fact been accomplished, yet the Council continues to produce significant outputs, now including the UPR outcomes, which as seen in the previous chapter constitute a powerful resource for effecting changes on the ground. Beyond the specific accomplishments of human rights diplomacy, observers have also suggested that the ongoing

162 Lewis, Jeffrey, 'The Janus Face of Brussels: Socialization and Everyday Decision Making in the European Union' in *International Organization* 59, Fall 2005.

contestation of divisive issues in the multilateral realm has the effect of creating a general atmosphere or 'cloud' in the context of which it is impossible for states to ignore basic human rights considerations. It may be argued that this effect is achieved not in spite of, but rather precisely due to the high level of adversity, and hence forthrightness, with which the relevant issues are being contested. Viewed in this light, it is clearly an asset for the international community to have a secluded forum for candid normative confrontations.

Complementing this picture, the legacy of constructive multilateral interaction needs to be recognised. Side by side with the characteristic patterns of antagonism, it abounds with examples of positive cooperation, visionary engagements, outreach, and willingness to compromise. This is the flip side of the same coin, so to speak. The multilateral diplomatic sphere thus continually manifests openings and possibilities for fluid alliances on thematic and/or geographical human rights issues, the salience of bloc politics notwithstanding. The European Council of Foreign Relations has, as previously noted, in its most recent reports on The EU and Human Rights at the UN identified this as a prominent feature of contemporary international relations:

” The picture of the UN that emerges from [geopolitical events in 2011] 163 is one of an institution in flux. While the UN has recently seemed to be drifting into bloc politics, this year coalitions formed on a crisis-by-crisis basis. This may foreshadow the emergence of an increasingly

163 In addition to the general developments associated with the so-called Arab Spring, the three main geopolitical events seen by the ECFR to point towards new constellations in the UN multilateral forums are the post-electoral violence in Côte d'Ivoire, the descent of Libya into full-blown civil war and the beginning of bloodshed in Syria.

multipolar UN dominated by fluid diplomatic alliances. Although it sometimes struggles to maintain its own unity, the EU now has opportunities to build coalitions of states that can deliver action on human rights and crisis management.¹⁶⁴

A balanced approach to the challenges and opportunities of human rights diplomacy needs to take into account the socialisation pressures and polarising factors that shape multilateral interaction but must be equally attentive to the concurrent possibilities for overcoming such limitations and forging new strategic alliances. The **synergy perspective** defining the present study is pertinent in this regard, as it is about connecting efforts in the normative sphere with realities on the ground and thereby possibly reframing the underlying multilateral relations.

The study has identified two main 'avenues' for reinforcing multilateral engagements through linkages with human rights engagements at country level. One has to do with mobilising relations developed through bilateral partnerships and the other with carrying knowledge, information and experience about human rights situations on the ground over into the work undertaken at multilateral level. In the following, study findings related to each of these avenues are presented, based on a stocktaking of current practices, actor experience, and relevant policy documents.

MOBILISING RELATIONS

The most obvious way to connect engagements at bilateral and multilateral level consists of carrying existing bilateral relations over into the multilateral sphere. This implies seeking to invoke relations, partnerships and shared

164 Gowan, R. & Brantner, F. (2011). *The EU and Human Rights at the UN*, European Council on Foreign Relations, p. 1.

normative commitments related to human rights, as well as the sense of goodwill and loyalty that may result from development cooperation, with a view to reinforcing (Danish and/or European) priorities in the multilateral arena. It is common practice in diplomatic relations to seek to capitalise on existing partnerships and alliances in order to advance multilateral priority issues. Countries on different sides of a divisive UNGA or HRC resolution will thus naturally seek to mobilise support for their respective positions by leveraging the influence they may have with third countries based on past interaction or on common strategic interests. EU interlocutors have in this regard drawn attention to a practice of ‘burden sharing’, whereby Member States agree to jointly promote a given human rights outcome by ‘dividing up the territory’ and each seeking to mobilise support from third countries with which they have good relations.

For analytical purposes, it has been found relevant to draw a distinction between two different modes of mobilising bilateral relations.¹⁶⁵ One is **unidirectional** in character. It involves communicating one’s policy priorities on a given matter and letting it be known that support for this position from the partner country would be appreciated. This is a common formula applied in diplomatic *démarches*. It may involve an aspect of tacit coercion, but not necessarily, and it is also by no means given that the implied request will be heeded. The other mode of mobilising bilateral relations, by comparison, is more **interactive** and involves reaching out to partner countries in an effort to define joint policy positions on issues of common concern. Such thematic alliances have the potential to cut across existing bloc divisions and may

165 It should be emphasised that this is intended as an analytical distinction rather than an empirical description of how diplomatic relations are being developed on a day-to-day basis. In practice, diplomatic interaction at both bilateral and multilateral level involves an important element of informal contacts, exchanges of views, and a non-committal exploration of possible policy stances and outcomes.

conceivably be developed as an integral aspect of development cooperation. In the above review of the Danish policy orientation on the matter, it was found that the 2009 human rights strategy prioritises the former mode of mobilising relations, whereas the development cooperation strategy launched in 2012 indicates a clear orientation towards a more interactive approach to forging partnerships in the multilateral realm – even if this aspect of the strategy remains vaguely defined. However, the two approaches should not be seen as mutually exclusive. Both are potentially viable and may be deployed in a flexible manner depending on the exigencies of the situation at hand and the judgment of the practitioners involved.

STRATEGIC CONSIDERATIONS

A theme which lies at the heart of strategic deliberations in the multilateral normative realm has to do with striking a balance between **principled** and **pragmatic** approaches to human rights diplomacy. Virtually all diplomats consulted have emphasised the importance of building cross-regional alliances in support of contentious human rights resolutions and policy initiatives, preferably including representation of all major geopolitical groupings. In the current multilateral environment, and in particular in view of the composition of the HRC, this is essentially a requirement for carrying a given resolution and for ensuring – or at least increasing the likelihood – that it will subsequently be regarded as relevant in operational contexts. To achieve cross-regional support requires a demeanour of openness towards different viewpoints, a willingness to reach out to countries that are differently positioned in the global arena, and a willingness to compromise and settle for what is possible in the given context.

This is the pragmatic strain of multilateral diplomacy. While recognising it as vitally important, the diplomats interviewed also repeatedly pointed

to reasons for not taking it too far. One has to do with a sense of cynicism based on the perception that a disproportionate amount of energy is being invested in containing bad faith engagements. This is reflected in the widely used notion of 'spoiler countries,' i.e. countries that do not engage on the basis of principled policy positions but rather in the spirit of a game in which the objective is to disturb the adversary as much as possible, and 'spoiler resolutions' or 'spoiler initiatives,' which by the same token are not considered to be genuine or serious but are, rather, designed to divert attention from other initiatives or drain resources from an already overburdened multilateral system and thereby hamper its functionality. This too is part of the internal game unfolding within the multilateral arena, and diplomats are, on this account, sometimes inclined to question the value of outreach, bridge-building and constructive engagements.

Moreover, even when the contestation of competing priorities is genuine, there is still a concern that the quest to ensure broad co-sponsorship of a given resolution may be achieved at the price of watering down its substantive content. The thematic torture resolutions that are tabled on an annual basis by Denmark in the HRC are a case in point. An attempt was made a few years back to involve countries from the global South in a more prominent role in the drafting and promotion of these resolutions, but the endeavour eventually stalled on account of political vacillation in the countries involved and has not since been renewed. This course of events was actually greeted with relief by some of the key actors, who noted that the torture resolutions being tabled each year anyhow enjoy broad support and are usually adopted without a vote. The essential contestation about the resolutions takes place prior to their adoption in conjunction with negotiations about how far to push substantive points, and in this connection it is deemed more important to ensure a strong resolution text than to pursue even wider support. Accordingly, the Danish

actors are inclined to give priority to maintaining as principled a stance as possible, and not to compromise essential substantive aspects in an attempt to signal inclusiveness.

Some interlocutors have also expressed concern about not spreading oneself too thin in the attempt to accommodate policy priorities articulated by other parties. This is a key factor behind the inclination of Denmark and many likeminded countries to dismiss seemingly spurious initiatives in the international human rights arena (e.g. initiatives in support of peasants' rights, traditional values, or the right to peace). Even well-established human rights objectives in the areas of economic, social and cultural rights, which are genuine priorities for most partner countries, are sometimes regarded with caution. As one interlocutor put it, 'if Denmark and the EU, without allocating additional personnel resources, seriously expand their policy orientation so as to also include a central focus on ESC rights, and if this becomes a predominant trend among like-minded countries, then who will be left to defend the classical civil and political rights at global level?' This is a valid point, but so is the contrary sentiment articulated by a Danish foreign ministry representative that the willingness to engage systematically with ESC rights at both bilateral and multilateral level marks an essential 'entry point for political dialogue in a global context in which human rights are increasingly coming under pressure'.

Such considerations show that multilateral human rights engagements need to be both principled and pragmatic. It is necessary to establish clear priorities in the multilateral realm and sometimes adopt an uncompromising stand, but it is also necessary to display openness and willingness to engage with other perspectives and priorities. A paramount challenge for human rights diplomacy lies in striking a functional balance between these two competing impetuses.

United States human rights diplomacy in recent years may be seen as illustrative in this regard. Since its reengagement with the HRC in 2009, the US has adopted a highly pragmatic stance oriented towards bridge-building and outreach to traditional adversaries in the multilateral realm. Such engagements are widely applauded and accredited for having helped to set multilateral proceedings in the area of human rights on a more constructive track. But this should not happen at the cost of compromising essential human rights objectives – as sometimes might appear to be the case. While extolling the advantages of his country's predominantly pragmatic approach, a representative of the US diplomatic service interviewed for the study emphasised that the representation is at times prepared to adopt an uncompromising stand on human rights, even knowing that it does not have global support behind its position, and 'go down in flames', if this is what the situation requires.

Although less dramatic in terms of imagery, it may be suggested that the two competing models for how to engage development cooperation partners at multilateral level (unidirectional and interactive) that were identified above display a similar complementarity of principled and pragmatic human rights engagements. The issue, therefore, is not to exclusively prioritise one model or the other, but rather to employ both in a balanced and well calibrated manner.

With regard to the question of which policy instruments to deploy and when, it has been found that diplomats engaged in multilateral human rights diplomacy tend to be conservative with regard to using pressure as a means of soliciting support for a given policy position. *Démarches* are thus only considered relevant in occasional high priority cases and preferably when this can be done in conjunction with a coordinated effort involving several

countries. Several observers have noted that the former colonial powers, notably the UK and France, have a longer and far more developed tradition for bilateral outreach than most other EU member states. The same is true, albeit for different historical reasons, of the USA. It is therefore opportune to get these actors on board in cases of high priority. EU démarches, similarly, carry considerable weight, but are regarded as cumbersome due to the need to solicit advance approval from all 27 member states.

This being said, there are numerous cases in recent years where multilateral outreach efforts involving a combination of different strategies have met with success. We shall now turn to a review of three such cases with the intention of identifying some of the main factors behind a successful mobilisation of bilateral relations for the purpose of advancing multilateral priority themes.

CASE STUDIES

Danish interactive diplomacy in the lead-up to Durban II¹⁶⁶

A UN follow-up conference to the World Conference against Racism in Durban 2001 took place in Geneva from 20–24 April 2009. Officially designated the Durban Review Conference, the event is commonly referred to as Durban II. The preparatory phases leading up to the conference were surrounded by controversy and several EU member states chose not to participate (Germany, Italy, the Netherlands, and Poland) or to discontinue their participation on the first day of the conference (Czech Republic). Even so, the conference outcome document is widely regarded as a success, as in the end it was cleared of all the main passages that in the lead-up to the conference were seen as problematic or outright contrary to international human rights. Thus, in addition to affirming the international community's

¹⁶⁶ This case has been prepared on the basis of observations and materials assembled by senior project advisor Arnold Skibsted.

resolve to combat racism in all its contemporary manifestations, the outcome document confirms the universal right to freedom of expression, refrains from imposing restrictions on this right with reference to a prohibition against defamation of religion, refrains from depicting defamation of religion as a form of racism, refrains from language expressly targeting Israel, and reflects a commitment to enhanced global protection of the rights of women and children.

This was seen by the Danish government as a better than expected outcome, and was taken as indication that significant headway can be made in the international human rights arena, even under adverse circumstances, through proactive multilateral engagements. Denmark accredited itself after the conference for having played a constructive role alongside other committed parties.¹⁶⁷ Justifying the Danish decision to not boycott the conference, the then Foreign Minister Per Stig Møller thus observed, 'If we are to defend the agenda of democratic nations, this can only be done by creating the necessary alliances with likeminded countries also outside the Western world – for example in Africa and Latin America – as it is here a majority is to be found. And such alliances will only materialise if one stays the course until the end.'¹⁶⁸

In advance of the conference, Denmark took multiple concrete steps to facilitate a satisfactory outcome:

167 Interestingly, the OHCHR also claims credit for contributing to the positive outcome of Durban II though sustained and constructive human rights diplomacy; see e.g. Salama, I., 'Human Rights Diplomacy from a UN Perspective: a complement to advocacy' in: *Human Rights Diplomacy – Contemporary Perspectives*, M. O'Flaherty, G. Ulrich, A. Müller and Z. Kedzia (eds.), Martinus Nijhof Publishers/Brill 2011.

168 'Skal demokratiernes dagsorden forsvares, gøres det kun ved at skabe de nødvendige alliancer med ligesindede lande også uden for den vestlige verden – f.eks. Afrika og Latin Amerika – det er her flertallet skal findes. Og det kan kun gøres ved at blive på banen til kampen er slut.' Møller, P.S. 'Derfor deltog vi i Durban 2', Kommentar, *Berlingske Tidende*, 29 April 2009.

- 
- July 2008: Foreign Minister Møller encouraged the French EU presidency to prepare a proactive European policy note for the conference. This document became a reference point for preparatory engagements in the months that followed.
- Oct. 2008: The Danish Foreign Minister held advance consultations about the conference with his Egyptian counterpart and the General Secretary of the Arab League and warned that a general Western boycott of the event would render the outcome document irrelevant. He signalled a willingness to engage and work towards a mutually satisfactory compromise, but only on the condition that this would be reciprocated by the Arab counterparts.
- Dec. 2008: At a meeting in Copenhagen convened by Denmark, the Nordic foreign ministers jointly assessed the conference process and reached agreement about a common forward-looking strategy.
- Jan. 2009: Foreign Minister Møller participated in a summit meeting in Addis Ababa for foreign ministers of the African Union, and on this occasion held intensive discussions with his counterparts from African Islamic countries about the importance of keeping the conference focused on racism, defending freedom of expression, and avoiding any language prohibiting the criticism of religion, as was contained in the OIC's draft outcome document.
- March 2009: A meeting was convened in Elsinore, Denmark, of Nordic and African foreign ministers with the participation of ten African and five Nordic ministers. The African countries represented included five Danida partner countries (Benin, Ghana, Mali, Tanzania, Mozambique) as well as regionally influential countries such as Nigeria, Senegal (which at the time held the presidency of OIC), South Africa, Botswana and Lesotho. At the meeting Denmark reiterated the policy line outlined above, which was generally, although not universally, supported by other EU member states. The meeting did not directly lead to a softening or revocation of controversial positions (the OIC members still maintained a strong focus on the issue concerning defamation of religion and a pointed condemnation of Israel), but it did generate a more receptive attitude towards the policy position of the Nordic countries. Senegal's foreign minister thus strongly emphasised the need for OIC countries to promote and defend the freedom of expression as a right of fundamental importance also to Muslims.
- April 2009: Five out of the 27 EU member states decided in the end not to attend the conference, but the remaining participants managed to achieve a better than expected outcome, in part thanks to constructive diplomatic engagements in advance of the event.
- 

Swedish initiative on internet freedom¹⁶⁹

On July 5 2012 the UN HRC adopted a resolution on the promotion, protection and enjoyment of human rights on the internet – in particular freedom of expression. The resolution, adopted by consensus by the 47 states of the Council and co-sponsored by states such as India, Egypt and Indonesia, to name but a few of the 85 co-sponsors, was part of Sweden's long-term effort to secure that fundamental human rights also apply on the internet. The adoption of the resolution in Geneva in July 2012 had broad support from all regional groupings.

Brazil, Nigeria, Tunisia, Turkey and the USA formed an alliance with Sweden, and this core group of main sponsors prepared the draft resolution. The general aim of the resolution was to affirm 1) that the same rights that people have offline must also be protected online, in particular freedom of expression; and 2) that the global and open nature of the internet is an important catalyst for development.

Attempts to include restrictive language towards freedom of expression on the internet, e.g. with reference to Art. 20 of the ICCPR, were averted through intense negotiations with all regional groups as well as directly with China. The group of sceptical countries initially represented by China (including Bangladesh, Ecuador, Egypt, China, Cuba, Malaysia, Pakistan and Russia) broke up early in the negotiating process, and Egypt became co-sponsor of the resolution. When the draft resolution was presented to the Council, China and Cuba took the floor to announce that – in spite of the fact that their amendments to the resolution had not been approved – they nevertheless regarded the process as inclusive and transparent and in light of this were prepared to join the consensus.

¹⁶⁹ This case has been prepared on the basis of valuable input from a Swedish diplomat involved in the initiative.


The main sponsors succeeded in obtaining broad co-sponsorship for the resolution through concerted outreach efforts. One of the issues discussed was the inclusion of a reference to GA resolution 66/184, which contains language on internet governance, the digital divide, etc. Acceptable compromise language was agreed.

The Swedish embassies played a central role in mobilising support for the adoption of the resolution. Several diplomatic démarches were delivered to relevant Swedish partner countries, including Sweden's African development cooperation partners, in order to gain support for the resolution. This kind of outreach was seen as important due to the fact that many permanent missions to the UN in Geneva – particularly those of developing countries – are relatively small, understaffed and therefore unable to deal with all the incoming tasks.

The activist role played by Sweden together with a broad recognition of the importance of the internet for developing countries' economic and social development, created a positive momentum which meant that more and more states became co-sponsors of the resolution.¹⁷⁰

The broad cross-regional support for the resolution was achieved through a gradual process involving, inter alia, the following steps:

170 An interlocutor in the Swedish foreign ministry has furthermore suggested that agreement was reached because of the fact that many countries did not have an articulated or unified position on internet issues at that time. This made it easier to convince them of the importance of the resolution.

- 
- 2009: Foreign Minister Carl Bildt emphasises the importance of increasing efforts to strengthen freedom of expression on the internet. Freedom of expression online becomes a priority issue for Sweden and Frank la Rue, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, seeks Sweden's support for his work on freedom of expression on the internet.
- Feb. 2010: Frank la Rue is invited to Sweden together with 25 experts to an expert meeting on freedom of expression and the internet. Experts were drawn from different stakeholder groups – notably the business and technical communities – as well as from relevant civil society organisations.
- 2010–2011: Frank la Rue participates in regional consultations in Cairo, Bangkok, Buenos Aires, Johannesburg and New Delhi based on the outcomes from the first expert meeting in Stockholm. These consultations again primarily involve representatives of business and the technical community and relevant CSOs. The regional consultations are financially supported by Sweden. The last meeting is held in February 2011.
- March 2011: A second expert meeting is convened in Stockholm together with Frank la Rue. Seventy-odd experts from all over the world participate in the event, which concludes the worldwide consultation.
- June 2011: Based on the above consultations Frank la Rue concludes his report to the UN HRC 17th session. It is the first UN report ever to deal with freedom of expression on the internet.
- June 2011: Sweden initiates a statement on freedom of expression on the Internet in the HRC 17th session based on the conclusions of Frank la Rue's report, which gains broad support from approximately 40 states. This created a cross-regional momentum.
- Feb. 2012: The HRC arranges an expert panel discussion on freedom of expression on the internet. Swedish Foreign Minister Carl Bildt, Frank la Rue, and the UN High Commissioner for Human Rights Navi Pillay, as well as stakeholders from Brazil, Indonesia, etc., participate in the discussions. This event sparks a lot of debate in the Council and many countries want to take the floor. China, Russia, Belarus and Cuba are reluctant to engage in the event.
- July 5, 2012: As a culmination of this long process, the resolution is adopted by consensus in the HRC.
- 

Sexual orientation and human rights resolutions in UNGA and HRC

The third case to be reviewed in the present context does not concern a single coordinated campaign but rather a series of loosely related initiatives in UNGA and HRC.

The issue of sexual orientation and the rights of people identifying as lesbian, gay, bi- or transsexual (LGBT) has, over the past two decades or more, been taken up with increasing frequency by special procedures mandate holders and treaty monitoring bodies,¹⁷¹ but has not, with the exception of occasional, largely symbolic, statements, been addressed in the intergovernmental bodies.¹⁷² This changed in December 2008 when the Netherlands and France, with the backing of the EU (France held the EU presidency at the time), presented a *Statement on Human Rights, Sexual Orientation and Gender Identity* to UNGA.¹⁷³ The statement had initially been intended to be adopted in the form of a resolution, but in view of the likelihood that it would not receive sufficient support it was instead presented in the form of a declaration open for signature by UN member states. This prompted the Arab League to put forward a counter-statement which was supported by 57 states. The Dutch/French initiative garnered support from some 67 countries representing all regions of the world,¹⁷⁴ and thereby set an important

171 An important precedent was set by the *Toonen v. Australia* case reviewed by the Human Rights Committee in 1994.

172 For a general overview of UN actions in relation to sexual orientation prior to 2008, see Michael O'Flaherty, M. Fisher, J. 'Sexual Orientation, Gender Identity and International Human Rights Law: Contextualising the Yogyakarta Principles.' *Human Rights Law Review* 8:2(2008), pp. 207–248.

173 The text of the statement can be found at: <http://www.refworld.org/docid/49997ae312.html> (last accessed 28 May 2013). The full list of initial signatories can be found at: http://www.ilga-europe.org/home/issues/ilga_europe_s_global_work/united_nations/ilga_europe_and_joint_statements/joint_statement_on_sexual_orientation_gender_identity_and_human_rights_at_united_nations_2008 (last accessed 28 May 2013).

174 The United States, interestingly, did not initially support the statement, which was presented in the final days of the Bush presidency, but this changed immediately after President Obama assumed office in early 2009.

precedent for confronting the issue of sexual orientation and human rights in the multilateral normative forums.

In March 2011, at the 16th session of the HRC, a core group on LGBT issues comprising more than 30 countries, including Denmark, presented an analogous joint statement entitled: *Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity*.¹⁷⁵ This statement has at the time of the present report been signed by 82 UN member states, which is a historically high number of signatories on the issue.

At the same session of the HRC, it is reported that South Africa had planned to present a draft LGBT resolution which was seen to counteract the above-mentioned statement as it stipulated that LGBT issues should only be discussed in an inter-governmental working group. Ultimately, however, South Africa withdrew the resolution and instead chose to join the LGBT statement.

At the 17th HRC session in June 2011 South Africa, Brazil and 39 co-sponsors, including Denmark, went a step further and tabled a formal resolution concerning the situation of LGBT people worldwide. This resolution requested the OHCHR to commission a study ‘to document discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity.’¹⁷⁶ In a groundbreaking decision, the resolution was passed with 23 votes in favour,

175 The text of the statement can be found at: <http://www.state.gov/r/pa/prs/ps/2011/03/158847.htm> (last accessed 28 May 2013).

176 A/HRC/17/L.9/Rev.1, §1.

19 against, and 3 abstentions. This was the first time that the UN has adopted a resolution affirming LGBT rights. The ensuing report, which was presented by the High Commissioner in December 2011, further contributed to the mounting global attention to patterns of discrimination and acts of violence on the basis of sexual orientation and gender identity. It was followed by a candid, albeit still highly divisive, debate in the HRC in March 2012.

The active role of South Africa is widely regarded as essential to framing this issue as a matter of genuine global concern rather than as a partisan issue dividing the international community along predictable geopolitical and ideological lines. In view of the legacy of the struggle against apartheid, South Africa holds great authority on issues concerning discrimination and carries considerable weight when leveraging its influence in opposition to other deeply-rooted patterns of discrimination. It is in this regard noteworthy that South Africa's post-apartheid constitution is the first to expressly prohibit discrimination based on sexual orientation. In taking on the issue of LGBT rights at UN level, it may be surmised that the South African government has been influenced by a well-organised domestic and international civil society campaign as well as by the example set by Latin American nations, notably Brazil, that have been highly proactive in this regard. Several other African countries voted against the resolution and accused South Africa of breaking ranks and siding with the West on a resolution that most African nations opposed. However, Cape Verde, the Central African Republic, Gabon, Guinea-Bissau and Mauritius voted in favour, as did most Latin American nations and a few Asian nations, including Japan. A defining feature of the initiative, therefore, is its inclusive cross-regional character.

A further significant development along the same trajectory occurred in November 2012 when the UNGA Third Committee included specific reference to sexual orientation and gender identity in a cross-regional

resolution condemning extrajudicial, summary and arbitrary executions.¹⁷⁷ The condemnation of killings on the grounds of sexual orientation had featured in earlier resolutions on the same topic but was removed by the Third Committee in 2010 – only to be reinstated by the General Assembly. The reference to gender identity was novel and in fact appears for the first time in a UN human rights context in this resolution. The resolution, which was introduced by Sweden and co-sponsored by 34 states from all regions of the world (including Denmark and 21 other EU member states), was passed by a vote of 108 to 1, with 65 abstentions and 19 countries absent.¹⁷⁸ It was strongly contested among others by Egypt for not being precisely defined and for introducing what was perceived as a new human rights standard, but like the above-mentioned initiatives it received broad cross-regional support, thus signalling a reorientation in geopolitical alignments.

Lessons learned

On the basis of these and other cases encountered in conjunction with the study, and taking into account observations made by practitioners, it is possible to identify a number of factors contributing to the ability to mobilise support for human rights initiatives in the multilateral sphere.

Swedish diplomats have, on the basis of their involvement in the campaign for internet freedom, highlighted the importance of the following factors:

- planning very well ahead and persistently pursuing the given issue in numerous relevant settings;
- consultation with as many countries as possible – and listening to what they have to say;

177 A/C.3/67/L.36, §6(b)

178 <http://www.hrw.org/news/2012/11/21/un-semantic-vote-gender-identity> & <http://www.crin.org/violence/search/closeup.asp?infoID=29900>

- involvement of a broad range of relevant stakeholders representing government, business, the academic community, the technological sector, and civil society;
- emphasis on the development aspect of the resolution. To many of the countries involved this was more important than the normative parts. The resolution was not just about political participation, it was also about the fact that openness and free flow of information creates a situation where business and development in many forms can flourish.

The case concerning Danish efforts in the lead-up to Durban II generally confirms the above observations. Actors involved in or having closely observed the process have additionally drawn attention to the following factors:

- the possibility to leverage goodwill based on a positive track record in the areas of both multilateral diplomacy and bilateral development cooperation. This constitutes a form of political capital that can be invoked in high priority cases, yet should be used sparingly and must be maintained and regenerated through ongoing constructive engagements;
- the ability to present a convincing case for how the proposed outcome is in the mutual interest of all parties. The Swedish initiative made such a case specifically in relation to internet freedom and the Danish initiative was confronted with making a similar case in relation to freedom of expression more generally;
- the ability to link the given human rights issues with pre-existing national priorities of the partner countries involved;
- a well planned and sustained coordination of efforts with like-minded countries;
- constructive outreach and bridge-building; a willingness to accommodate the core priorities of the other party without compromising one's own basic stance.

The LGBT case is noteworthy as it concerns one of the most divisive human rights issues of our times. The moderate advances achieved at multilateral level in recent years highlight the following success parameters:

- the importance of opinion leaders in different regions of the world, including the Global South, assuming a proactive leadership role in relation to genuinely divisive issues;
- the importance of Western countries aligning behind such initiatives in a sensitive and constructive manner without further adding to the existing polarisation of the international community in relation to the issue at hand;
- the interplay of processes in UNGA and HRC and the strategic advantages of carrying momentum from one forum over into the other;
- the crucial importance of multilateral lobbying and input from international civil society organisations, as well as national-level civil society mobilisation in the countries involved in the given diplomatic negotiations.

Independently of these or other particular cases, interlocutors in the multilateral domain have, on various occasions, drawn attention to certain general factors that are seen to condition the ability to mobilise support for priority initiatives. A recurrent theme in this regard has to do with the implicated countries' **credibility** in relation to the issues at hand as well as generally. In a divisive diplomatic environment, one of the most effective strategies to oppose a given resolution consists in confronting its sponsors with charges of inconsistency and double standards. When such charges stick, they lead to a draining of political capital. A few high profile instances of (actual or perceived) double standards may have a detrimental impact on the given party's credibility which can take a long time to reverse. To avoid this it is necessary to invest considerable efforts in being, and being seen to be, principled and consistent both in terms of normative engagements and in relation to the follow-up to and implementation of multilateral outcomes. This confirms the importance of bilateral/multilateral

linkages and illustrates how development cooperation efforts can contribute to reinforcing multilateral engagements. Geneva-based interlocutors have remarked that the EU's credibility is generally good in relation to thematic resolutions but somewhat weak in relation to country resolutions, as too many extraneous interests are at stake. The overall assessment is that Denmark's credibility (like that of other Nordic countries) in relation to multilateral normative issues is high, to a large extent as a direct function of the country's progressive track record in the area of development cooperation.

A Geneva-based diplomat, interviewed in conjunction with the study remarked, on a related note, that he sees a need to move beyond isolated case-by-case interventions towards a more sustained and comprehensive approach to the advancement of human rights in the multilateral sphere. The point is to situate human rights objectives more firmly in relation to other legitimate priorities of the countries and geopolitical blocs involved. The Swedish emphasis on how a vibrant – and uncensored – internet culture is key to economic and social development in the current era illustrates the appeal of this approach, which logically points to a closer integration of human rights and other development cooperation efforts.

Diplomats in the field have repeatedly affirmed that they detect a high level of willingness on the part of development cooperation partners to carry cooperation over into the multilateral sphere by defining and pursuing joint policy priorities. A precondition for this is that the thematic focus must be in the mutual interest of both parties and should hence correspond to pre-existing policy objectives of the partner country. In Bangladesh, for example, an interesting starting point could consist of linking human rights with issues related to climate vulnerability. Any such forward-looking cooperation needs to be well prepared and requires extensive dialogue. A natural forum for this

is the political dialogues that are being regularly conducted at country level, sometimes bilaterally and sometimes in a wider EU forum. However, the relevant Danish strategy documents, including the HRBA Guidance Note, provide only limited indication of how this is to be done. If one looks at the guidance provided in relation to political dialogues with partner countries, one finds that this is quite elaborate with regard to soliciting support for human rights interventions at country level, whereas little or no explicit attention is being given to the possibility of seizing the dialogues also as a forum for defining joint policy positions at multilateral level. It may therefore be suggested that this marks a synergy potential that is recognised in principle but not (yet) well developed in an operational sense.

SOURCING INFORMATION AND MANAGING INFORMATION FLOWS

The second main means of reinforcing multilateral engagements through linkages with human rights work being undertaken at country level has to do with knowledge management and information flows. This is a theme that cuts across different aspects of the study. In the previous chapter the examination of information flows centred on how to facilitate awareness of multilateral outcomes among development cooperation actors so as to strengthen human rights efforts on the ground. Here the focus is on information flows in the opposite direction – ‘upstream,’ as one interlocutor phrased it, from the field to the multilateral environments. What is at stake, first and foremost, is to ensure that multilateral engagements are well informed and relevant. The infusion of experience-based knowledge into diplomatic processes may reduce the impact of dominant actors in the multilateral sphere, as the ability to exercise control over the multilateral agenda is dependent on how issues and value judgments are being framed. The bilateral/multilateral linkages under present consideration also involve an aspect of establishing **accountability** for how multilateral delegations represent their national-level

constituencies, as this too presupposes effective information flows. In what follows, these interrelated aspects of this subtheme are examined in relation both to Danish practice and to the practice of partner countries.

STOCKTAKING OF THE EXISTING PRACTICE

Diplomats working, or having worked, in Geneva and New York display a keen awareness of the importance of linking their substantive engagements with input from practitioners in the field. This was found to be equally true of Danish diplomats and diplomats from other EU member states. As already noted, there is a widespread concern within the multilateral diplomatic environments about working in relative isolation from what goes on 'on the ground', and the infusion of input from practitioners is seen as a way of mitigating this effect. One interlocutor pointed to this type of linkage with bilateral engagements as the single most promising means of enhancing the relevance of the work undertaken in the multilateral normative realm. Others regarded the matter as relevant primarily in relation to particular multilateral engagements, notably the UPR process and country resolutions.

In practical terms there are different channels through which information can be sourced from diplomats working in partner countries or from human rights and development practitioners working in the field. Within the context of a foreign service, the standard communication flow goes from the operational environments on the ground to the diplomatic representation in the country in question and from there to capital, where any information of relevance to ongoing multilateral negotiations is extracted, analysed, packaged and relayed on to the multilateral representations. Such regulated information flows ensure a high level of centralised management and overall policy coherence, but can also be resource intensive and entail a risk of losing concrete detail in the processing of information. They are

therefore increasingly being supplemented by more direct communication flows, sometimes from embassies on the spot directly to the multilateral representations in Geneva and New York (with ministry colleagues at headquarters copied in),¹⁷⁹ and sometimes from development/human rights experts and civil society actors working on the ground, directly to the diplomatic representations at multilateral level. Large human rights NGOs, some of which have consultative status at the UN, are highly proactive in this regard and generally enjoy good relations of cooperation with their diplomatic counterparts.¹⁸⁰ The plethora of ‘side events’ that are being organised in conjunction with meetings of the HRC and UNGA also offer concrete opportunities for contributing substantive input to the work being undertaken by diplomats. Many embassies and international organisations active at country level make it a priority to occasionally sponsor local human rights actors to take part in such events.

The clear impression emerging from the two country visits conducted in conjunction with the study is that there is a high level of readiness within the bilateral diplomatic representations to feed country-specific, experience-based information into the multilateral normative process. The same is true of civil society and development cooperation actors working at country level. All convey a sense of having something important to contribute, and all are keen to work towards a closer integration of efforts at bilateral and multilateral level.

179 The Danish embassy in Ghana thus informed the study team about a recent agreement to open up a direct line of communication with the representation in New York, precisely for the purpose of strengthening the coherence and synergy in the work being done in the respective contexts.

180 See Hicks, P. (2011). ‘Human Rights Diplomacy: The NGO Role.’ In *Human Rights Diplomacy - Contemporary Perspectives*, M. O’Flaherty, G. Ulrich, A. Müller and Z. Kedzia (eds.), Martinus Nijhof Publishers/Brill.

Nevertheless, the general perception on both sides appears to be that the actual practice does not fully match aspirations. Some of the human rights experts and civil society actors interviewed thus conveyed frustration that their input is not being heeded, sometimes despite persistent attempts to flag particular issues or facts as relevant to ongoing diplomatic proceedings. Members of diplomatic representations at multilateral level, conversely, have spoken of difficulties in sourcing input from the field.

A positive example in this regard was mentioned by the Danish New York representation, which regularly issues calls for field-based input into its involvement in the governance of the multilateral funds and programmes, where Denmark plays a significant role by virtue of being a major donor. Contributions related to the identification of health priorities from the point of view of Sub-Saharan African countries, e.g., have in this connection been found to be useful and the representation would welcome more input along similar lines.

What the practitioners interviewed are in effect indicating is that there is here an underutilised potential for synergies between engagements at bilateral and multilateral level. Mirroring the implementation gap encountered in the first study track, this may be described as a **communication or information gap**. As this is not due to a lack of good will on the part of the actors involved, it may rather be attributed to the inherent difficulties in linking up actors and connecting different professional environments in the context of already overburdened work routines. This in turn points to a **need for structured procedures** that facilitate essential information flows without placing excessive demands on the actors involved.

An important finding of the study, referring specifically to the Danish practice, is that some such procedures are already in place or are in the process of

being put into place. It is in this regard informative to look more closely at two concrete examples – one having to do with UPR engagements, the other with civil society consultations at national level – with the aim of extracting lessons that can be applied more generally.

REINFORCING UPR ENGAGEMENTS THROUGH INPUT FROM THE FIELD

The UPR process provides an illustrative example of **knowledge management**, as this is an area where the need for informed engagements is beyond dispute and where semi-formal structures are being developed to facilitate the necessary information flows.

In the scheme of the overall multilateral human rights architecture, the UPR process has, in the span of only a few years, emerged as an important platform for integrating outputs from all the main human rights monitoring mechanisms and rendering them operational at country level. UPR outcomes enjoy a high degree of legitimacy, as the countries up for review have the opportunity to respond to questions posed by other members of the international community and accept or merely take note of (reject) the recommendations made. As a government-to-government peer review mechanism, the UPR process also draws legitimacy from the fact that it positions all countries equally.¹⁸¹

181 The UPR was deliberately established as a balancing mechanism whereby all states parties are subject to review, irrespective of their perceived human rights record. In a statement on human rights diplomacy delivered before an audience at Harvard University in October 2009, UN High Commissioner Navi Pillay points out that '[c]rucially, the new Universal Periodic Review of the Human Rights Council, designed to examine the human rights record of all States, seeks to overcome the perceived selectivity and regional confrontations of the former Commission on Human Rights.' Statement by Navanethem Pillay, United Nations High Commissioner for Human Rights '*Human Rights Diplomacy: An Oxymoron?*', Cambridge, Massachusetts (28 October 2009), p.3, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/HumanRightsDiplomacy.aspx> [last accessed 21 May 2013].

At the time of collecting data for the present study, a natural focus of attention was on the transition to the second UPR cycle, which commenced with the 13th UPR session in May 2012. This was widely regarded as a crucial moment for the mechanism to confirm its relevance. A primary challenge lies in ensuring consistency and effective follow-up to the proceedings of the first cycle. In operational terms, this implies a targeted effort to implement accepted recommendations – by the affected countries themselves, first and foremost, but also as an agreed objective of bilateral development cooperation. This has been discussed in the previous chapter. Of interest in the present context is the concomitant need to demonstrate consistency in the manner in which diplomatic representations engage in the process. This may involve inquiring about what has been done in relation to recommendations that were accepted after the first review, or it may involve reiterating the thematic focus of input from the first round of examination. It is in this connection essential to ensure that UPR interventions are well informed and pertinent. As the process is still relatively new – and given the intensity of the review schedule and limited time available in each particular case – it is not surprising that the quality of engagements is found to vary considerably from country to country and from case to case. Some observers have remarked that UPR participation is often accorded secondary priority, yet the impression emerging from interviews in Geneva and at country level is that the process in fact is being taken very seriously.

Looking at the Danish policy orientation in relation to UPR, the 2009 human rights strategy restricts itself to a general affirmation that ‘[t]he Government will ... work towards ensuring that the Universal Periodic Review (UPR) becomes a credible, efficient and operational tool.’¹⁸² The Guidance Note

182 *International Human Rights Cooperation: Strategy for the Government's Approach*, The Ministry of Foreign Affairs of Denmark, 2009, p. 4, 10.

on HRBA launched in 2013, by comparison, expressly recognises the UPR as a catalyst for constructive bilateral relations and against this background stresses the importance of sourcing informed input from the field:

”The Universal Periodic Review (UPR) offers a unique possibility to base policy dialogue on international human rights norms as well as the country’s own constitution and legal framework. We will actively seek to leverage relevant UPR recommendations accepted by the partner country. We will therefore also seek to contribute with constructive UPR recommendations to all partner countries and seek alignment between our cooperation on the ground and our UPR recommendations. Bilateral embassies will, in coordination with departments at HQ, participate in the Danish preparation of the UPRs.¹⁸³

In keeping with this policy commitment, Denmark has put a standardised procedure into place to source information from the embassies on site as well as from other key actors with an in-depth knowledge of the human rights situation on the ground. Such information is collected by country desks in the ministry, which in close consultation with the implicated embassies, the ministry’s human rights unit, and the Geneva delegation assesses the given human rights situation in view of Danish engagements and priorities and on this basis articulates two or three written questions and/or recommendations that will be communicated to the country under review through the OHCHR in accordance with the established procedure. It is further assessed whether it is relevant in the given case, in view of the scale and nature of Denmark’s relations with the country under review, to take direct part in the oral examination procedure.

183 *A Human Rights Based Approach to Denmark’s Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark, February 2013, p. 17.

ENGAGING CIVIL SOCIETY

Before attending sessions of the HRC, the human rights unit of the Danish Foreign Ministry regularly convenes **information meetings** or **public briefing sessions** for representatives of civil society and other interested parties. This serves as an occasion to present an overview of Danish and EU policy positions in relation to the upcoming HRC agenda and solicit reactions and suggestions from participants in the meeting. The ministry is, on such occasions, represented both by officers in the human rights unit working on the particular thematic issues and by desk officers in charge of relations with the affected countries. There is thus ample opportunity for an informed discussion of the given policy positions.

In addition to opening up a direct channel of communication with civil society, which occasionally may lead to substantive input into Danish multilateral engagements, the organisation of such information meetings signals transparency and accountability in the proceedings of the ministry – and thus, in effect, compliance with the fundamental principles of the Danish HRBA.¹⁸⁴ A related advantage is that the meetings may serve to draw attention among civil society actors to what goes on in the multilateral normative realm. While most of the Danish organisations involved are well informed about multilateral proceedings, this cannot be universally taken for granted. A contributing factor to the relative isolation and self-sufficiency of multilateral diplomatic proceedings, globally speaking, is precisely the lack at national level of attention to and awareness of what goes on in this context. Any efforts that contribute to bridging this information/awareness gap may, by the same token, contribute to softening adverse dynamics within the multilateral sphere.

184 *The Right to a Better Life: Strategy for Denmark's Development Cooperation*, The Ministry of Foreign Affairs of Denmark, 2012, p. 10f.

It is for this reason recommended that the ministry should also facilitate follow-up information on what actually transpired in the given multilateral forum in relation to the policy positions discussed. This, however, remains subject to internal briefings within the foreign service. While there are valid reasons for keeping the evaluation of diplomatic proceedings confidential, a general orientation about the outcomes of a given HRC or UNGA session could further reinforce civil society's attention to the given multilateral developments. In the analogous proceedings of the European Union, key policy objectives are each year published on the internet in advance of sessions of the General Assembly¹⁸⁵ and sometimes in advance of a given session of the HRC in the form of EU Council conclusions on the matter.¹⁸⁶ The EU websites also contain considerable information about outcomes of the given sessions, but not in a fully consistent fashion.¹⁸⁷

Aside from organising public briefing sessions, the Danish foreign ministry has a longstanding practice of **involving independent experts** in particular policy deliberations. This is regularly done in relation to the preparation of torture resolutions, and human rights actors working in specific regional settings (West Africa has been emphasised as a case in point) similarly report on fruitful channels of information exchange with the ministry (as well as with EU HOMs). This is widely appreciated by the actors involved as it signals openness, a commitment to developing informed policy positions on key human rights issues and, once again, an element of transparency in the conduct of the ministry. It has been noted by some observers that the ministry's connections with civil society and independent experts tend to be

185 See: <http://www.eu-un.europa.eu/> (last accessed 23 May 2013).

186 See, e.g. http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/135514.pdf (last accessed 23 May 2013).

187 See, e.g. http://eeas.europa.eu/delegations/un_geneva/press_corner/focus/events/2013/hrc22_en.htm (last accessed 23 May 2013).

based on personal contacts and sometimes do not allow for as candid and critical input as might be desired, but this remains a relatively minor concern. In view of the central importance of information flows to the objective of achieving coherence and synergy between multilateral and country-level human rights engagements, the Danish practices identified here in relation both to the UPR process and to other multilateral engagements have the character of *best practices* that could serve as a model for capacity development efforts in the context of bilateral cooperation.

ESTABLISHING ACCOUNTABILITY FOR MULTILATERAL ENGAGEMENTS

Looking at the same cluster of themes in relation to the partner countries visited, it has been a recurrent finding that there is limited awareness at country level of what transpires in the multilateral sphere. This was found to be true of most government actors encountered. Civil society organisations present a more mixed picture. Some are well connected internationally, others much less so. The crucial point, however, is that irrespective of the general awareness of multilateral mechanisms and outcomes, virtually all of the actors encountered displayed a very low level of information about their government's concrete involvement in multilateral proceedings (except in cases where a given ministry was directly involved in such proceedings).

This poses a barrier both to the operationalisation of multilateral outcomes at country level and to the prospect for channelling experience-based input into the given multilateral proceedings. And importantly, the given information/awareness gap makes it difficult for national-level stakeholders to monitor and exercise an **accountability** function in relation to the country's multilateral engagements. This, in turn, reinforces the impact of pressures and socialisation mechanisms within the multilateral diplomatic sphere itself with all the adverse consequences that this has been seen to entail. Overall, the pattern may be described as a 'synergy effect in reverse', i.e. a missed

opportunity for linking bilateral and multilateral human rights actions that has the effect of weakening impact at both levels. Concrete measures towards instituting structured information flows, as described above, should therefore be recognised as highly pertinent. Although simple, they hold a considerable potential for reinforcing human rights engagements. To seek to facilitate such structured information flows in the context of bilateral development cooperation would be fully in conformity with the core HRBA principles of participation, transparency and accountability.

The theme of information flows and accountability may also be taken up from an intergovernmental perspective. While sometimes keeping a low profile about this, donors take a legitimate interest in the multilateral conduct of partner countries. The Danish human rights strategy launched in 2009 is explicit in this respect and repeatedly emphasises that Denmark will monitor and attach importance to ‘the attitude to and effort made in international human rights work’ by the countries with which it forges bilateral relations.¹⁸⁸ As previously discussed, this manner of framing relations in the context of bilateral development cooperation is potentially contentious as it could be perceived as an attempt to interfere with sovereign matters of another state – yet another form of implicit donor conditionality. But that need not be the case. The interest in tracking and drawing attention to positions adopted multilaterally may also signal a **will to understand** and exchange views on how best to advance agreed normative objectives in the global arena. This is not a matter of accountability in the strict sense of the word, but it involves a related expectation that it should be possible in the given bilateral relation to confront and openly address diverging multilateral conduct.

188 *International Human Rights Cooperation: Strategy for the Government's Approach*, The Ministry of Foreign Affairs of Denmark, 2009, p. 13.

Representatives of other EU member states have expressed a keen interest in this theme and one Geneva-based interlocutor mentioned a recently instituted practice of reporting internally on the voting conduct of partner countries in the HRC. This is in the first instance being done to the home ministry but with the understanding that any relevant information may be relayed to the diplomatic representations in the countries concerned so as to establish a reference point for political dialogues. A United States interlocutor, on a similar note, stated that his country consistently reviews the multilateral voting records of other countries and brings this up in bilateral dialogues, sometimes expressly asking for an explanation or clarification of the policy positions adopted (typically on sensitive and high priority issues). Such a practice establishes an element of intergovernmental accountability and signals an orientation towards understanding and bridging divergent policy perspectives. Over time this may contribute to laying a foundation for new thematic alliances.

CONCLUSIONS AND RECOMMENDATIONS

The endeavour to advance human rights as ‘a common standard of achievement for all peoples and all nations’ and thereby effect real change in people’s lives requires a complex interplay of engagements at different levels. Denmark, in its foreign policy, is intensely engaged both in diplomatic interaction at the multilateral level and in efforts to advance human rights on the ground through bilateral development cooperation. The main question of the present study is [how to connect these engagements in a mutually reinforcing manner so as to attain an optimal effect at both levels](#). This is a question of immediate relevance to other bilateral donors as well as to the EU. With some modifications, the question of connecting and integrating normative and operational engagements is also a pressing concern for the UN and its agencies.

An initial focus of the study was on [how to properly frame the analysis](#) of bilateral/multilateral coherence and synergy. This led to the identification of two primary study tracks: track I, the implementation track, being devoted to an examination of how human rights implementation on the ground can be reinforced through linkages with multilateral mechanisms and outcomes, and track II, the diplomacy track, addressing the question of how efforts in the area of multilateral human rights diplomacy can be enhanced through linkages with engagements at country level. Certain engagements cut across this division, as they are simultaneously oriented towards achieving an impact at both bilateral and multilateral level. Such engagements display the

character of an integrated approach to the promotion of human rights. It may be submitted that the elaboration of a comprehensive analytical framework in and of itself constitutes a significant outcome of the study, as it contributes to delineating an emerging policy area that otherwise appears to be vaguely defined.

At each stage of the study, findings have been examined and articulated in a close dialogue with the relevant Danish (and sometimes EU) policy documents. It has generally been found that there is considerable scope for enhanced linkages between engagements at bilateral and multilateral level, but that such linkages are largely consistent with the policy orientation foreseen in the existing strategy documents, notably the Danish development cooperation strategy launched in 2012. The recommendations presented in the following do not therefore suggest a radical shift of policy orientation but rather affirm the newly-defined Danish human rights and development strategy and encourage that it be realised more consistently than was apparent in the transitional time period during which the research for the present study has been undertaken.

IMPLEMENTATION TRACK

Part I of the study, the implementation track, is about [working with human rights in the context of development cooperation in a systematic fashion that takes guidance from and makes consistent use of international and regional human rights standards, mechanisms and policy instruments](#). This bears a strong affinity to the notion of a human rights-based approach to development (HRBA), which has been introduced in development cooperation by many bilateral donors but which is also being met with some resistance on the part of partner countries, as in some instances it is perceived as an external interference with domestic affairs.

A key aspect of the rationale behind the Danish government's commitment to HRBA lies in the perception that the global human rights architecture, indeed the very concept of human rights,¹⁸⁹ contains a **powerful transformational potential**. This may be interpreted in two ways. Ratified human rights instruments and accepted UPR recommendations (as well as, to a lesser degree, HRC resolutions, treaty body observations, findings of the special procedures, and global conference outcomes, etc.), firstly, present an occasion to legitimately raise and seek to address human rights concerns that might otherwise be regarded as off limits to development cooperation. And secondly, the focus on realising universal human rights may be seen as a means of empowering people to challenge social injustices and seize control over their own lives and political destinies. Hence the close **association between human rights and poverty reduction**. Key in this regard is the adherence to a multidimensional concept of poverty, whereby poverty is defined not only in narrow economic terms but also by the 'the inability to influence and access public and social goods and communally managed services, the inability to exert political influence, the lack of physical integrity etc.'¹⁹⁰ The effort to eradicate poverty in this broad sense brings into play the full range of human rights and renders the commitment to implementing the agreed international standards essential.

A principal finding of the study, which has been derived with reference to Danish development cooperation practice but seems equally applicable to

189 'Human rights are one of the most powerful visions ever established by man.' *The Right to a Better Life: Strategy for Denmark's Development Cooperation*. The Ministry of Foreign Affairs of Denmark 2012, p. 2.

190 *A Human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark, February 2013, p. 9.

other bilateral donors as well as to multilateral implementation agencies, is that [limited use is being made of explicit references to the multilateral normative framework](#). This applies not only to development cooperation efforts in other policy areas such as economic development, social progress, environment protection, stability and security, etc., but also to programmes and activities that are specifically devoted to the promotion and protection of human rights.

The general pattern observed is that development programming is undertaken in a [contextual manner](#), which involves identifying [windows of opportunity](#) in the given social and political environment. These are determined by national development plans and priorities and are further affected by political will, local needs, identification of an available niche, and the capacity of local partners. Human rights programming does not appear to involve a systematic identification of the specific human rights standards and mechanisms of relevance to the given policy area. Activities in the areas of economic development and social progress, including education and health, are intuitively seen as related to human rights, but the concept of human rights in this connection tends to shift from carrying precisely defined technical and legal implications to serving as a loosely defined, predominantly informal concept.

This overall approach is widely perceived as a matter of pragmatism. It reflects a fundamental commitment to engage constructively with the local context. This clearly is a source of strength. But if the orientation towards pragmatism leads development cooperation partners to refrain from engaging directly with the applicable human rights standards and mechanisms, then it risks lowering the bar in relation to issues that are perceived to be politically sensitive and where the resistance to change is

strongest. This, however, is not a necessary compromise, as the ability to adapt international standards to local circumstances is part and parcel of effective human rights implementation. What is needed, therefore, is [a form of pragmatism that involves both a strong command of the relevant universal and regional mechanisms and standards and an in-depth understanding of the given social context](#) and will to enter into constructive dialogue. When properly articulated, the global and local orientations reinforce one another. References to the multilateral normative framework gain in relevance and credibility by being placed in relation to local conditions, and local agendas for change, conversely, gain legitimacy and focus by being linked with globally agreed norms and policy agendas.¹⁹¹

Current Danish strategy documents affirm the importance of working with multilateral normative outcomes in the context of development cooperation. The newly launched Danish HRBA is defined by the adherence to four principles – non-discrimination, participation and inclusion, accountability, and transparency – which do not in and of themselves guarantee a rigorous application of human rights standards but which, in the 2012 strategy, are expressly linked with a resolve to ‘make [more systematic use](#) of UN human rights conventions, standards, norms and instruments in our development cooperation.’¹⁹²

191 The relation can also be expressed in the negative. Without being effectively linked with practice on the ground, multilateral outcomes atrophy. Experienced human rights actors have observed that this is sometimes the fate of hard-won human rights resolutions, which in their substance are highly pertinent yet risk gradually fading into oblivion if they are not regularly invoked in relation to concrete implementation initiatives.

192 *The Right to a Better Life: Strategy for Denmark’s Development Cooperation*, The Ministry of Foreign Affairs of Denmark 2012, p. 9 (emphasis added).

In view of a stocktaking of current development cooperation practices, an assessment of the capacity of different actor groups to engage with the multilateral human rights framework, and a review of challenges and accomplishments in relation to particular human rights, **the overall conclusion of the study is that there is scope for working far more consistently with human rights standards and mechanisms in bilateral development cooperation**, but also that there are numerous openings and possibilities in this regard.

The study suggests that **development cooperation would be strengthened by working with and taking guidance from international and regional human rights instruments in a systematic fashion at all levels of development cooperation**, including in conjunction with political dialogues, analysis, programming, implementation, and the evaluation of donor supported programmes and activities. This means orienting HRBA firmly towards the implementation of standards, as is a commonly accepted feature of HRBA in theory but not always in practice.¹⁹³ A related recommendation is to adopt an explicit human rights-based approach to select activities in the economic and social areas.

A useful tool in this regard is the **systematic analysis of gaps between human rights in principle and human rights in practice**.¹⁹⁴ This involves a) forming an overview of applicable human rights treaty provisions as well as key UPR recommendations, treaty body observations, findings of special procedures,

193 The International Human Rights Network thus identifies 'express application of the international human rights framework' as one among five core principles defining HRBA; see http://www.ihrnetwork.org/what-are-hr-based-approaches_189.htm (last accessed 28 May 2013).

194 *A Human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, The Ministry of Foreign Affairs of Denmark, February 2013, p. 23f.

HRC or UNGA resolutions, etc., and b) identifying unfulfilled human rights commitments, possible systemic violations, and patterns of discrimination and social exclusion in urgent need of attention. Against this background, and in close consultation with the partner government and other stakeholders, the aim of the analysis should be to define specific development objectives which address local needs and priorities as rooted in a human rights analysis. This may be viewed as a new way of searching for windows of opportunity within the given operational contexts.

Efforts should be made to [encourage and support the partner country's engagement with international human rights standards and mechanisms](#). This entails encouraging ratification of treaties and optional protocols, consistent treaty body reporting, serious engagement in the UPR process, and cooperation with special procedures and other multilateral human rights mechanisms. A related development objective must be to facilitate an enhanced understanding of the international human rights architecture and the concrete implications of particular standards and policies. This is relevant not only for government officials with a direct responsibility for interacting with the applicable multilateral mechanisms, but also for a broad cross-section of public officers and professionals whose daily work (e.g. in law enforcement, correction facilities, the judiciary, educational and healthcare systems, or public infrastructure development) has profound consequences for the enjoyment of human rights.

In relation to civil society, similarly, emphasis should be placed on strengthening capacities to invoke human rights standards and mobilising the related international and regional mechanisms as a means of holding government accountable, facilitating public awareness, and campaigning for rights protection and social change. This may involve direct capacity development, support to participation in multilateral events, support to

international and regional networking, and helping to establish a local platform for civil society cooperation and knowledge exchange. Given the [crucial role played in a local context by resourceful and well-connected individual actors](#), priority should also be given to facilitating access to advanced education and specialised skill building in the area of human rights. EU efforts in this regard, for example in relation to the funding of human rights education, are highly effective and should be further encouraged.

[NHRIs have a key role to play in facilitating awareness about human rights and promoting national-level compliance with the applicable international standards](#). The Danish support to such institutions is pertinent and should be maintained and possibly increased. It is found, however, that more could be done by NHRIs in the partner countries visited to broker linkages between national-level human rights debates and practices and ongoing developments in the international arena. Denmark and likeminded donors should encourage and support this role, in part by facilitating cooperation with internationally resourceful NHRIs.

To facilitate linkages between multilateral human rights outcomes and country-level development engagements requires a high level of technical expertise. It is therefore imperative that the commitment to HRBA be linked with targeted [in-house capacity development](#). There is a need, furthermore, to streamline such efforts throughout the organisation and in relation to implementing actors representing different professional disciplines and outlooks. In conjunction with the launch of the Danish HRBA, specific tools are being developed to assist diplomatic staff and development practitioners in navigating the international human rights architecture, which may otherwise seem vast and overwhelming to non-specialists. These include guidance and screening notes on HRBA as well as a resource database

facilitating easy access to the international and regional human rights instruments. The close integration of development cooperation structures and dedicated human rights units and focal points, both within the foreign ministry itself and at embassy level, similarly marks a source of strength. This may be further reinforced by ensuring continued attention to the challenges related to actor integration, policy coordination and the management of communication flows.

The Danish MFA maintains close and constructive partnerships with international civil society organisations that are active in specific human rights priority areas. The three examples examined in the study concern torture prevention and rehabilitation, indigenous peoples' rights and (to a lesser degree) Dalit rights. Analogous arrangements can also be found in relation to children's rights and gender equality and the empowerment of women. Support to such organisations as Dignity, IWGIA and IDSN is provided through framework agreements which, on the one hand, facilitate the important work being done by the organisations in question and, on the other hand, establish a functional complementarity between what a donor country like Denmark can do in its own name and what is best done in partnership with or through the mediation of resourceful civil society organisations that are subject to fewer diplomatic restrictions and enjoy a greater degree of independence and critical leverage. This too can be considered a valuable synergy effect between efforts undertaken at different levels.

A noteworthy feature of the above-mentioned civil society organisations is that they display an impressive ability to connect and integrate their activities at, respectively, country level and in the multilateral normative arena. This is often done in a deliberate fashion involving simultaneous or coordinated actions at different levels with a view to generating sideways synergy effects.

Such [integrated approaches](#) to the promotion and protection of human rights are seen as exemplary and it is recommended that they be further pursued both by the ministry and by human rights organisations, such as NHRIs, working with a broader thematic remit than the INGOs identified above.

Several particular examples have been identified in the study of a possible sideways integration of normative and operational human rights engagements. UPR interventions, when properly planned, aim to establish normative guidance and generate concrete operational outcomes at one and the same time. Another example, in which Denmark has played an active and prominent role, is the campaign to facilitate [positive complementarity](#) between advocacy at international level for ratification of the Rome Statute of the International Criminal Court and bilateral development cooperation activities aimed at building national-level capacity to effectively prosecute genocide, crimes against humanity, war crimes and the crime of aggression. This too may be seen as an integrated approach to the generation of bilateral/multilateral synergies. Something similar can be said about the much publicised Torch Campaign spearheaded by Danish ministers for development cooperation between 2008 and 2010, which generated numerous high profile pledges for action in support of women's equality and empowerment at country level and at the same time contributed to building international momentum towards the establishment and inauguration of UN Women.

The generation of sideways synergy effects of this nature requires a combination of context insight, technical competence and ingenuity. The possibilities are numerous. It is recommended that coordinated engagements involving a deliberate interplay between actions at bilateral and multilateral level should be expressly recognised as a core feature of the Danish human rights and development strategy.

DIPLOMACY TRACK

Part II of the study is devoted to an examination of how efforts in the area of multilateral human rights diplomacy can be enhanced through linkages with engagements at country level in the context of development cooperation. The core objective is **to maintain, safeguard and further develop the multilateral human rights framework**, which in some regards is perceived to be **under threat** in contemporary international relations. This manifests itself inter alia in the form of: renewed challenges and setbacks in relation to established human rights standards; the launch of spurious human rights initiatives that may weaken the integrity and credibility of the existing human rights regime; threats to functionality and independence of international human rights institutions, notably the OHCHR, and monitoring mechanisms; lack of support to special procedures mandates; funding constraints or, more subtly, counter-productive instructions being given to the OHCHR; opposition in some circles to the very idea of country resolutions, notably under agenda item 4 in the HRC; and a strong re-assertion of the principle of national sovereignty. The reverse side of this picture is that the emerging multipolar world order also presents new opportunities for establishing *ad hoc* and cross-regional alliances in support of human rights. The focus of the diplomacy track is on how to respond constructively to this set of opportunities and challenges from the perspective of a bilateral donor.

As foreseen in the TOR, a self-contained study component has been devoted to a statistical analysis of voting patterns in UNGA and CHR/HRC in relation to Danish bilateral development assistance. The overall conclusion of this survey is that development assistance related to HRD has little or no identifiable impact on voting behaviour in the UN. Findings indicate that that the regional UN groupings are largely split into two. The Western and Nordic groups vote very much in line with Denmark, while the Asian, African,

Latin American and OIC groups do so substantially less. An examination of the Danish policy orientation affirms that there is [no a priori assumption that development cooperation partners should vote in accordance with Danish or EU priorities in the multilateral arena](#). Moreover, the factors influencing multilateral normative conduct are so complex that bilateral human rights activities within a relatively short time span are unlikely to have a statistically significant impact in this regard. It is in this light concluded that multilateral voting patterns cannot reliably be treated as an indicator of synergy.

Approaching the question of bilateral/multilateral synergy in a [qualitative perspective](#), the study has identified numerous concrete examples of productive linkages between human rights engagements in the two spheres. An initial mapping of Danish priorities and engagements in UNGA and CHR/HRC shows that core thematic priorities have been consistently pursued during the time period under consideration and that significant results have regularly been achieved – to a large extent though close EU coordination and cooperation with likeminded countries.

To elucidate the prospects for establishing cross-regional alliances in support of human rights, a key focus of the study has been on the dynamics of interaction in the multilateral normative realm. Many of the implicated actors observed that multilateral relations tend to be more divisive and antagonistic than relations at bilateral level, and that the multilateral diplomatic environments display a characteristic tendency towards containment and self-sufficiency, implying that procedures in Geneva and New York unfold in relative isolation from what goes on 'on the ground'. This to some extent accounts for the prominence of bloc politics in multilateral human rights diplomacy, as also borne out by the statistical analysis of UN voting patterns.

This should not necessarily be viewed as a drawback. It may be argued, to the contrary, that it is vitally important for the international community to have a secluded forum for candid normative confrontations and, by the same token, essential that engagements on the ground can be undertaken in a cooperative spirit despite possible differences in perception about the underlying normative premises. Reflecting this basic sentiment, many of the multilateral actors consulted saw only limited scope for enhancing their efforts through linkages with the work being undertaken in the context of development cooperation. However, it may equally well be argued that the world of multilateral human rights diplomacy stands to benefit from an infusion of input derived from engagements at country level. The study has identified [two main avenues](#) through which this can be accomplished: one has to do with mobilising relations and the other involves carrying knowledge, information and experience about human rights situations on the ground over into the proceedings at multilateral level.

With regard to [mobilising bilateral relations in a multilateral context](#), it was for analytical purposes found relevant to distinguish between two different ways of approaching this. One is [unidirectional](#) in character and involves communicating one's policy priorities on a given matter and letting it be known that support for this position from the partner country would be appreciated. The other mode of mobilising bilateral relations, by comparison, is more [interactive](#) and involves reaching out to partner countries in an effort to define joint policy positions on issues of common concern. Both approaches are potentially viable and may be deployed in a flexible manner depending on the exigencies of the situation at hand and the judgment of the practitioners involved. A review of the Danish policy orientation on the matter shows that the 2009 human rights strategy prioritises the former mode of mobilising relations, whereas the development cooperation strategy

launched in 2012 indicates a clear orientation towards a more reciprocal, non-coercive approach to forging partnerships in the multilateral realm.

As this aspect of the current Danish strategy remains vaguely defined, the study suggests that [possibilities within the existing bilateral partnerships for defining common positions on selected human rights priority issues should be identified and on this basis joint initiatives at multilateral level should be actively explored](#). This holds a clear potential to cut across existing bloc divisions and may, moreover, be viewed as a constructive and proactive way of extending longstanding partnerships beyond the narrow and asymmetrically defined relation between donor and aid recipient.

Interviews have shown that there is a high level of interest among development cooperation counterparts – including government representatives, representatives of national human rights institutions, and civil society representatives – in carrying country-level cooperation over into the multilateral sphere. A precondition for this is that the thematic focus of any joint initiatives must be in the mutual interest of both parties and should correspond to pre-existing policy objectives of the partner country. Any such forward-looking cooperation needs to be well prepared and requires extensive dialogue. It is therefore [recommended that current or prospective priority issues on the multilateral normative agenda are included, as a matter of common practice, in the political dialogues and human rights dialogues that are being conducted at country level](#), sometimes bilaterally and sometimes in a wider EU forum. With increasing experience in this regard, concrete guidance on how to exploit this underutilised potential of bilateral development cooperation could be included in the HRBA Guidance Note and equivalent EU policy documents.

A review of multilateral campaigns with successful outcomes (related to freedom of expression in conjunction with Durban II, the promotion of internet freedom, and LGBT rights) has led to the identification of the following [success parameters](#):

- credibility and goodwill ensuing from longstanding development commitments;
- constructive outreach and bridge-building;
- long-term planning and careful coordination with allies and partner countries;
- involvement of a broad range of relevant stakeholders;
- ability to link the given specific policy issue with wider development gains and pre-existing priorities of the partner countries;
- the importance of involving opinion leaders in different regions of the world.

Based on participant observation, it is further suggested that Denmark and the EU should aim to [move beyond discrete, case-by-case interventions towards a more sustained and comprehensive approach to the advancement of human rights at multilateral level](#). To this end it will be relevant to identify a limited number of key medium or long-term human rights objectives that respond to pressing challenges in the geopolitical arena and that may be framed as joint initiatives with partner countries in different regions of the world through a process of reciprocal engagement.¹⁹⁵ A consistent strategy in this regard should also involve elaboration and documentation, based on empirical evidence, of the linkages between human rights and other essential priorities of the international community, including classical development priorities such as poverty reduction and sustainable, inclusive economic

195 e.g. safeguarding women's sexual and reproductive rights; global reduction/elimination of exploitative and hazardous child labour; advancing priorities in the area of economic and social rights through the empowerment of disadvantaged groups, including girl children; protecting the freedom of expression and freedom of religion while at the same time promoting respectful inter-religious relations.

growth. It is in this connection suggested to update the Danish human rights strategy published in 2009 so as to bring it expressly in line with the 2012 development cooperation strategy.

With regard to the prospects for [linking bilateral and multilateral engagements through enhanced communication and information flows](#), the study affirms that there is a high level of readiness, both within bilateral diplomatic representations and among civil society and development cooperation actors, to feed country-specific information into the multilateral normative process. Multilateral diplomats, conversely, attribute considerable importance to the ability to source factual and experience-based input to their work, notably in relation to particular multilateral engagements such as the UPR process, country resolutions and participation in the governance of multilateral funds and programmes. A widespread expectation is that this will contribute to enhancing the credibility and relevance of multilateral interventions.

Nevertheless, there is a general perception on both sides that the actual practice in this regard does not match aspirations. It is found that the interface between different operational environments is associated with communication and information gaps, which in turn indicate an underutilised potential for synergy between engagements at bilateral and multilateral level. This is not due to a lack of good will but may rather be attributed to the inherent difficulties in linking up actors and connecting different professional environments in the context of already overburdened work routines. The study therefore concludes that there is a need to [work towards establishing structured knowledge management procedures that facilitate essential information flows, notably of information deriving from concrete field experience, without placing excessive demands on the actors involved](#).

Referring specifically to the Danish practice, it is found that some such structures and procedures are already in place or are in the process of being put into place. Organisationally this includes the creation of a dedicated human rights unit within the Ministry of Foreign Affairs and the establishment of human rights focal points in embassies in priority countries. Operational measures include a detailed blueprint for how to feed country-specific input into Denmark's participation in the UPR process as well as various less formalised but nonetheless highly effective procedures for consultation with civil society actors and independent experts in advance of sessions of the HRC and UNGA. Such measures should, where relevant, be further extended. Without in any way diminishing the important coordination role of centralised and dedicated human rights units and focal points, it may at the same time be appropriate to encourage direct communication between practitioners on site and the relevant multilateral diplomatic representations, as this may to some extent diminish the strain that is being placed on overburdened institutional structures and help to preserve concrete detail and immediacy of engagement in the input provided.

A final theme of the chapter concerns the natural linkage between effective information flows and the ability for national-level stakeholders to monitor and exercise an [accountability function](#) in relation to the given country's multilateral engagements. Danish and EU public information practices related to multilateral priorities and outcomes are found to be commendable precisely because they facilitate realisation of the core HRBA principles of participation, transparency and accountability.

Study findings indicate that there is a relatively low level of awareness in partner countries of what transpires in the multilateral normative sphere, and that this is likely to reinforce the detachment of multilateral proceedings from

policy discussions and social processes at country level. A key human rights objective in the context of development cooperation should therefore be to facilitate both structured and informal information flows between the relevant operational environments. This may in part be modelled on the analogous Danish (or EU) practices but should be adapted to needs and capabilities in the given local context. A related, simple but effective, development cooperation measure is to support the participation of civil society actors in multilateral proceedings and side events as a means of generating attention to the local relevance of multilateral normative outcomes.

The theme of information flows and accountability can also be taken up in an intergovernmental context. Donors take a legitimate interest in the multilateral conduct of partner countries and in various ways track and report on this through their own diplomatic channels. In view of the aim to integrate bilateral and multilateral engagements, it is suggested that conflicting multilateral voting records, notably on significant policy issues, should be broached in the context of bilateral political dialogues, not as a means of asserting authority or tacit coercion but rather in an open-ended fashion signalling a will to understand and possibly bridge divergent policy perspectives. The essential premise, in this regard, is that [value-based partnerships involve an element of mutual accountability that, on the one hand, requires effective and transparent information flows and, on the other hand, is integral to realising the shared objective of mobilising bilateral relations in a constructive fashion in the multilateral normative arena.](#)

BIBLIOGRAPHY

- Alesina, A. & Dollar, D. (2000). "Who gives foreign aid to whom and why?" *Journal of Economic Growth*, 5(1), 33–63.
- Alesina, A. & Weder, B. (2002). "Do corrupt governments receive less foreign aid?" *American Economic Review*, 92(4), 1126–1137.
- Bach, C.F., Borring Olesen, T., Kaur-Pedersen, S., & Pedersen, J. (2008). *Idealer og Realiteter: Dansk udviklingspolitik historie 1945–2005*, Gyldendal: Copenhagen.
- Barro, R.J. & Lee, J.W. (2005). "IMF programs: who is chosen and what are the effects?" *European Economic Review*, 52, 1245–1269.
- Carter, D.B. & Stone, R.W. (2011). *Vote buying in the UN General Assembly*, Pennsylvania State University.
- Checkel, J.T. (2005). "International Institutions and Socialization in Europe: Introduction and Framework", in *International Organization* 59, pp.801–826.
- Commission on Human Rights and Administrative Justice Ghana. Annual Reports. Available at: http://www.chrajghana.com/?page_id=53
- Commission on Human Rights and Administrative Justice Ghana. *Five Year Strategic Plan 2011–2015*. Available at: <http://www.chrajghana.com/>
- Council of the European Union (June 2012). *EU Strategic Framework and Action Plan on Human Rights and Democracy*.
- Danish Institute for Human Rights (2013). *Mapping the Vote: A Quantitative Analysis of Voting Coincidence with Denmark at the UN*, DIHR Interim Report.

- Danish Institute for Human Rights (2013). *Mapping of Danish human rights efforts at the normative multilateral level*, DIHR Working Paper.
- Dennison, S. & Dworkin, A. (2010). *Towards an EU Human Rights Strategy for a Post-Western World*, European Council on Foreign Relations, United Kingdom.
- Dreher et al. (2008). “Does US aid buy UN general assembly votes? A disaggregated analysis”, *Public Choice*, 136(1–2), 139–164.
- Dreher, A. & Sturm, J.E. (2006). “Do IMF and World Bank influence voting in the UN General Assembly?” *KOF Working Paper 137*.
- European Centre for Development Policy Management (May 2007). *Evaluation Study on the EU Institutions and Member States' Mechanisms for Promoting Policy Coherence for Development*. The Netherlands.
- European Commission (September 2012). *Budget Support Guidelines*. DEVCO A2. European Commission. Brussels.
- European Commission. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (October 2011). *Increasing the Impact of EU Development Policy: An Agenda for Change*, COM(2011) 637 final. Brussels.
- European Commission High Representative of the European Union for Foreign Affairs and Security Policy (December 2011). Joint Communication to the European Parliament and the Council. *Human Rights and Democracy at the Heart of EU External Actions – towards a more effective approach*, Brussels. COM(2011) 886 final.
- Garbone, M. (2008). “Mission Impossible: The European Union and Policy Coherence for Development”, in: *Journal of European Integration*. 30:3, pp. 323–342.
- Glaeser, E.L., La Porta, R., Lopez-de-Silanes, F., Shleifer, A. (2004). “Do institutions cause growth?” *Journal of Economic Growth*, Vol. 9, No. 3, 271–303.

- Government of Ghana – Development Partners Compact (June 2012).
Leveraging Partnership for Shared Growth and Development. Joint GoG and Ghana development partner document. <http://amg.um.dk/en/~media/amg/Documents/Policies%20and%20Strategies/Country%20and%20Regional%20Strategies/Priority%20Countries/Ghana/Ghana%20development%20partners%20compact.pdf>
- Gowan, R. & Brantner, F. (2008). *A Global force for human rights? An audit of European power at the UN*, European Council on Foreign Relations.
- Gowan, R. & Brantner, F. (2011). *The EU and Human Rights at the UN: 2011 review*. Policy Brief, European Council on Foreign Relations.
- Gowan, R. & Brantner, F. (2010). *The EU and Human Rights at the UN: 2010 review*. Policy Brief, European Council on Foreign Relations.
- Gowan, R. & Brantner, F. (2009). *The EU and Human Rights at the UN: 2009 review*, Policy Brief, European Council on Foreign Relations.
- Hawes, M.B. (2004). *Inflationary influence – the diminishing effect of US aid on UN voting*, University of California: San Diego.
- Hicks, P. (2011). “Human Rights Diplomacy: The NGO Role”, in *Human Rights Diplomacy – Contemporary Perspectives*, M. O’Flaherty, G. Ulrich, A. Müller & Z. Kedzia (eds.), Martinus Nijhof Publishers/Brill.
- Inception Report (2011). *Study of Synergies and Linkages between Danish Efforts to Promote Human Rights at the Normative Multilateral level and in the Development Cooperation*, DIHR Copenhagen.
- Kato, M. (1969). “A model of US foreign aid allocation: an application of a rational decision-making scheme”, in Mueller, J.E. (ed.), *Approaches to Measurement in International Relations*, Appleton Century Croft: New York.
- Kegley, C.W. Jr. & Hook, S.W. (1991). “US foreign aid and UN voting: did Reagan's linkage strategy buy defense or defiance?” *International Studies Quarterly*, 35(3), 295–312.
- Keohane, R. O. (1967). “The study of political influence in the General Assembly”, *International Organization*, 21(2), 221–237.

- Kerrigan, F. (2013). *Getting to Rights: The Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons in Africa*, The Danish Institute for Human Rights.
- Lewis, J. (2005). "The Janus Face of Brussels: Socialization and Everyday Decision Making in the European Union", in *International Organization* 59.
- Lindholt, L. (2013). *Analysis of Danish bilateral development aid human rights programmes*, The Danish Institute for Human Rights.
- Lundborg, P. (1998). "Foreign aid and international support as a gift exchange", *Economics & Politics*, 10(2), 127-142.
- March, J.G., & Olsen, J.P. (2009). "The Logic of Appropriateness", *Arena Working Papers WP 04/09*. University of Oslo.
- Ministry of Foreign Affairs of Denmark (1994). *A Developing World. Strategy for Danish Development Policy towards the Year 2000*, Copenhagen.
- Ministry of Foreign Affairs of Denmark (February 2013). *A Human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming*, Copenhagen.
- Ministry of Foreign Affairs of Denmark (June 2009). *Democratisation and Human Rights for the Benefit of the People: Strategic Priorities for Danish Support for Good Governance*, Copenhagen.
- Ministry of Foreign Affairs of Denmark (October 2000). *Denmark's Development Policy: Strategy. Partnership 2000*, Copenhagen.
- Ministry of Foreign Affairs of Denmark (July 2010). *Freedom from poverty – freedom to change: Strategy for Denmark's Development Cooperation*, Copenhagen.
- Ministry of Foreign Affairs of Denmark (September 2011). *Guidelines for Programme Management*, Copenhagen.
- Ministry of Foreign Affairs of Denmark (2009). *International Human Rights Cooperation: Strategy for the Government's approach*, Copenhagen.
- Ministry of Foreign Affairs of Denmark (2010). *On course for 2020 – Danish foreign policy in uncharted waters*, Copenhagen.

- Ministry of Foreign Affairs of Denmark. Danida's Evaluation Department – Development Cooperation (March 2008). Evaluation Study 2008/2. *Synergies between bilateral and multilateral activities*, Copenhagen.
- Ministry of Foreign Affairs of Denmark (June 2012). *The Right to a Better Life: Strategy for Denmark's Development Cooperation*, Copenhagen.
- Ministry of Foreign Affairs of Denmark (January 2012). *Denmark's engagement in multilateral development and humanitarian organizations*, Copenhagen.
- Ministry of Foreign Affairs of Denmark (February 2013). *Danish Multilateral Development Cooperation Analysis*, Copenhagen.
- Morey, D. & Lai, B. (2003). *Liberalism, realism, and United Nations voting: an empirical test of contending theories*. Department of Political Science, University of Iowa.
- Munck, G.L & Verkuilen, J. (2002). “Conceptualizing and Measuring Democracy: Evaluating Alternative Indices”, *Comparative Political Studies*, Vol. 35 No. 1, 5–34.
- National Human Rights Commission Bangladesh. Strategic plan (2010–2015) and annual reports available at: <http://www.nhrc.org.bd/>
- Office of the High Commissioner for Human Rights (September 2002). *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies*, Geneva.
- Office of the High Commissioner for Human Rights (2004). *Human Rights and Poverty Reduction: A Conceptual Framework*, Geneva.
- Office of the High Commissioner for Human Rights (December 2006). *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*, Geneva.
- Organization for Economic Cooperation and Development (2009). *Building Blocks for Policy Coherence for Development*, OECD Publishing: France.
- Organization for Economic Cooperation and Development (2012). Creditor Reporting System [cited 12-07-2012]. Available at: <http://stats.oecd.org>

- Organisation for Economic Cooperation and Development (June 2006). *Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges*, OECD Publishing.
- Organisation for Economic Cooperation and Development (2008). *The Paris Declaration on Aid Effectiveness and the Accra Agenda for Action*, OECD Publishing.
- Palmer et. al. (2002). "Give or take: foreign aid and foreign policy substitutability", *Journal of Peace Research*, 39, 5–26.
- Roth, K. (2011). "A Façade of Action: The Misuse of Dialogue and Cooperation with Rights Abusers", in: *Human Rights Watch World Report 2011*.
- Schraeder et al. (1998). "Clarifying the foreign aid puzzle: a comparison of American, Japanese, French, and Swedish aid flows", *World Politics*, 50, 294–323.
- Skaaning (2010). "Measuring the rule of law", *Political Research Quarterly*, 63, 449–460.
- Svensson, J. (1999). "Aid, Growth and Democracy", *Economics and Politics* 11(3): 275–297.
- Søholm, I. & Kessing, P.V. (2012). *Practical Guidance Paper on Counter-Terrorism and Human Right, Draft*, The Danish Institute for Human Rights.
- Terms of Reference (2011). *Two-Year Study Program on Synergies and Linkages between Danish Efforts to Promote Human Rights at the Multilateral Level and in the Development Cooperation*, Danish Ministry of Foreign Affairs, Copenhagen.
- Thacker, S.C. (1999). "The high politics of IMF lending", *World Politics*, 52, 38–75
- The United Nations (2003). *The Human Rights Based Approach to Development Cooperation. Towards a Common Understanding Among UN Agencies*, The UN: Stamford.

- The Yogyakarta Principles: The Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. Available at: <http://www.icj.org/yogyakarta-principles/>
- Ulrich, G. (2011). "Framework for the Analysis of Human Rights Diplomacy", in *Human Rights Diplomacy – Contemporary Perspectives*, M. O'Flaherty, G. Ulrich, A. Müller & Z. Kedzia (eds.), Martinus Nijhof Publishers/Brill.
- US Department of State. Reports. Voting Practices in the United Nations 2000–2012. Available at: <http://www.state.gov/p/io/rls/rpt/>
- Wittkopf, E. (1973). "Foreign aid and United Nations votes: a comparative study", *The American Political Science Review*, 67(3), 868–888.
- Wooldridge, J.M. (2002). *Econometric Analysis of Cross Section and Panel Data*, MIT Press.
- Zimmermann, R. (1993). *Dollars, diplomacy and dependency – dilemmas of US economic aid*, Colorado: Lynne Reiner.

NEWSPAPER ARTICLES

- Arnfred, S. "Vestlig dagsorden for ligestilling i Afrika". **Dagbladet Information**.
- Bach, C.F. "Udviklingspolitikken skal bygge på enighed og stærke værdier". **Politiken**.
- Bach, C.F. "Ny strategi for fattigdomsbekæmpelse". **Berlingske**.
- Engberg-Pedersen, L. & Therkildsen, O. June 2012. *Udviklingsbistandens udvikling. Værdier? Resultater? "Best fit"?* DIIS Comment. Copenhagen. <http://www.diis.dk/sw120447.asp>
- Kaarsholm, L.F. "Flyvske idealer, men små ambitioner". **Dagbladet Information**.
- Mchangama, J. "Basale rettigheder fjerner ikke verdens fattigdom". **Politiken**.
- Pedersen, C.F. "Rettigheder er fremtiden for udvikling". **Dagbladet Information**.
- Toft, S.B. "Kan ministerens kamp for rettigheder udrydde fattigdom?" **Dagbladet Information**.

THE DANISH INSTITUTE FOR HUMAN RIGHTS

The endeavour to advance human rights as a common standard of achievement for all peoples and all nations and thereby effect real change in people's lives requires a complex interplay of engagements at different levels. Denmark, in its foreign policy, is intensely engaged both in diplomatic interaction at the multilateral level and in efforts to advance human rights on the ground through bilateral development cooperation. The main question of the present study is how to connect these engagements in a mutually reinforcing manner so as to attain an optimal effect at both levels. This is a question of immediate relevance to a wide range of international actors.

The overall finding of the study is that there is considerable scope for enhanced linkages between human rights engagements at the bilateral and multilateral level. Such linkages are largely consistent with the policy orientation envisaged in the Danish strategy documents. The recommendations presented in the study therefore do not suggest a radical change of policy, but rather indicate ways in which the current strategic framework may be realised more consistently.

The study has been conducted by the Danish Institute for Human Rights on the basis of an assignment commissioned by the Danish Ministry of Foreign Affairs.

