



HUMAN RIGHTS AND HUMAN DEVELOPMENT

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Abstract

Human Rights and Human Development share a common vision and purpose – to secure the freedom, well-being and dignity of all people everywhere. Human Rights add value to the agenda of development. It shifts the priority to the most deprived, especially to deprivations based on discrimination. According to the 1986 United Nations Declaration on the Right to Development, the Right to Development is an inalienable human right by virtue of which every human being is entitled to enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized. Ensuring the Right to Development, however, is not easy. It requires the state to acknowledge considerations of equity and justice as primary determinants of development. Simply stated, the human rights approach to development requires a complete re-conceptualization of 'development'.

"The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized."

Article 1, UN Declaration on the Right to Development, 4th December 1986

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Human rights and human development share a common vision and a common purpose – to secure the freedom, well-being and dignity of all people everywhere. Human rights and human development are both about securing basic freedoms. Human rights express the idea that all people have claims to social arrangements that protect them from abuses and deprivations, and to secure the freedom for a life of dignity. Human development, in turn, is a process of enhancing human capabilities – to expand choices and opportunities so that each person can lead a life of respect and value. When human development and human rights advance together, they reinforce one another, expanding people’s capabilities and protecting their rights and fundamental freedoms.

Human rights can add value to the agenda of development. They draw attention to the need to respect, protect and fulfil the human rights of all people. The tradition of human rights brings legal tools and institutions to secure freedom and human development. Rights also lend moral legitimacy and the principle of social justice to the objectives of human development. The rights perspective shifts the priority to the most deprived and excluded, especially to deprivations based on discrimination. It also directs attention to the need for information and political voice for all people as a development issue, and to civil and political rights as integral parts of the development process.

Human development brings a dynamic, long-term perspective to the fulfilment of human rights. It directs attention to the socio-economic context in which rights can be realized. The concepts and tools of human development provide a systematic assessment of economic and institutional constraints to the realization of rights, as well as of the resources and policies available to overcome them. Human development thus contributes to building a long-term strategy for the realization of human rights.

Right to development as a human right

The Declaration on the Right to Development, stating unequivocally that the right to development is a human right, was adopted by the United Nations General Assembly in 1986 by an overwhelming majority. The Second UN World Conference on Human Rights, in 1993, reaffirmed, “the right to development as a universal and inalienable right, and an integral part of fundamental human rights”. According to this Declaration, “human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of government”. It also committed the international community to the obligation of cooperation in order to realize these rights. In effect, the right

to development emerged as a human right, which integrated economic, social and cultural rights with civil and political rights.

Article 1 of the Declaration on the Right to Development succinctly explains the concept. It states: "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in and contribute to and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized." Subsequent Articles in the Declaration clarify the nature of this process of development further and elaborate on the principles of exercising the right to development. Article 1.2 even explicitly refers to the people's right to self-determination. Article 2.1 categorically states that it is 'the human person' who is the central subject of development, in the sense of "active participant and beneficiary of the right to development."

The process of development, "in which all human rights and fundamental freedoms can be fully realized," would lead to, according to Article 2.3, "the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom". Article 8 elaborates this point further by stating that the measures for realizing the right to development shall ensure "equality of opportunity for all" in their access to basic resources, education, health services, food, housing, employment and in the fair distribution of income. The realization of the right would also require that women have an active role in the development process, and that "appropriate economic and social reforms should be carried out with a view to eradicating all social injustices."

Whose responsibility is it to ensure the realization of this process of development? According to the Declaration, there are responsibilities to be borne by all the concerned parties: 'the human persons', 'the states operating nationally', and 'the states operating internationally'. According to Article 2.2, "all human beings have a responsibility for development, individually and collectively," and they must take appropriate actions, maintaining "full respect for the human rights and fundamental freedoms as well as their duties to the community."

However, "the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development" is that of States, as Article 3.1 reiterates: "States have the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development." Article 2.3 states: "States have the right and the duty

to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom." According to Article 8.1, "States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices." Article 8.2 states: "States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights." States should also take steps "to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights." (Article 6.3)

With regard to the obligation of States operating at the international level, the Declaration emphasizes the crucial importance of international cooperation. According to Article 3.3, "States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfill their duties in such a manner as to promote a new international order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights." Article 4.1 states: "States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development." And Article 4.2 states: "Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development."

It must be emphasized that the UN Declaration on the Right to Development is a consensus document. A textual analysis of the document would clearly suggest the following four main propositions of the Declaration:

1. The Right to Development is a human right;
2. The human Right to Development is a right to a particular process of development in which all human rights and fundamental freedoms can be fully realized;

3. The meaning of exercising these rights consistently with freedom implies free, effective and full participation of all the individuals concerned in the decision-making and the implementation of the process. Therefore the process must be transparent and accountable; and
4. The right confers unequivocal obligation on duty-holders: individuals in the community, States at the national level, and States at the international level.

Viewed from this perspective, the responsibility of realizing the right to development would not end with designing a set of national and international policies; it calls for exercising the human rights approach of respecting the fundamental freedom of individuals to choose the lives they want to live, and exercising the rights they want to claim, transparently and accountably, through participation, with equal access, and with full share of the benefits. When development is seen as a human right, it obligates the authorities, both nationally and internationally, to fulfil their duties in *delivering* that right in a country.

Re-conceptualizing development

The nature of the process of development has been identified in the UN Declaration on the Right to Development as one in which all human rights and fundamental freedoms can be fully realized. It is centred around the concepts of equity and social justice. It also implies that the well-being of the *entire* population be improved. The concept of 'well-being' in this context extends well beyond the conventional notions of economic growth, to the expansion of opportunities and capabilities to enjoy those opportunities.

This approach is obviously quite contrary to the classical theories of economic growth and development, which are preoccupied with quantitative growth of material products and marketable services. For too long, development was, and still is, obsessed with considerations of maximizing the growth of GNP, increasing industrial production, improving technology and increasing consumption. Concepts of equity, justice, participation and freedom were peripheral, and were raised only as afterthoughts in the development process. The Right to Development suggests a qualitatively different approach, where considerations of equity and justice are primary determinants of development and the whole structure of development is shaped by them. Simply stated, the human rights approach to development requires us to re-conceptualize *development*.

Realizing the right to development

According to the United Nations Development Programme, seven key features are needed for securing the Right to Development:

1. *Every country needs to strengthen its social arrangements for securing human freedoms – with norms, institutions, legal frameworks and an enabling economic environment.*

It must be appreciated that laws alone cannot guarantee human rights. Institutions to support the legal process are also needed – as is a culture of social norms and ethics to reinforce the legal structures. An enabling economic environment is essential, too.

2. *The fulfilment of all human rights requires democracy that is inclusive – protecting the rights of minorities, providing separation of powers and ensuring public accountability.*

A broader view of democracy needs to be pursued, incorporating five features:

- Inclusion of minorities;
 - Separation of powers;
 - Open civil society and free and independent media;
 - Transparent policy and decision-making;
 - Containment of the corrupting power of big money.
3. *Poverty eradication is not only a development goal; it is a central challenge for human rights in the 21st century.*

Poverty eradication is a major human rights challenge of the 21st century. A decent standard of living, adequate nutrition, health care, education, decent work and protection against calamities are not just development goals; they are also human rights.

Three priorities for human rights and development policies would be:

- Ensuring civil and political rights – freedom of speech, association and participation – to empower poor people to claim their social, economic and cultural rights.
- For the state, meeting its human rights obligations to implement policies and policy-making processes that do the most to secure economic,

social and cultural rights for the most deprived and to ensure their participation in decision-making.

- Investing economic resources in promoting human rights.
4. *Human rights – in an integrated world – require global justice. The state-centred model of accountability must be extended to the obligations of non-state actors and to the state’s obligations beyond national borders.*

As the world becomes more inter-dependent, both states and other global actors have greater obligations. But little in the current global order binds states and global actors to promote human rights globally. The present world order suffers from three gaps – in incentives, jurisdiction and participation.

- *Incentive gaps.* Governments in trade negotiations pursue national, not global interests.
 - *Jurisdictional gaps.* Human rights treaties have weak enforcement mechanisms, while trade, the “teeth” of enforcement backs agreements. Global corporations can have enormous impact on human rights – in their employment practices, in their environmental impact, in their support for corrupt regimes or in their advocacy for policy changes. Yet, international laws hold states accountable, not corporations.
 - *Participation gaps.* Small and poor countries hardly participate in global economic rule making.
5. *Information and statistics is a powerful tool for creating a culture of accountability and for realizing human rights.*

Four priorities may be suggested for strengthening the use of indicators in human rights:

- Ensuring greater public access to official data.
 - Diversifying the sources of information – from national human rights institutions to civil society and community organizations.
 - Setting benchmarks for assessing performance.
 - Strengthening the procedures that hold actors accountable.
6. *Achieving all rights for all people in all countries in the 21st century will require action and commitment from the major groups in every society – NGOs, media and businesses, and local as well as national governments.*

In every country, five priorities will help advance national action:

- Assessing nationally the existing human rights situation to set priorities for action.
 - Reviewing national legislation against core international human rights to identify areas where action is needed to deal with gaps.
 - Using education and the media to promote the norms of human rights throughout society.
 - Building alliances for support and action.
 - Promoting an enabling economic environment.
7. *Human rights and human development cannot be realized universally without stronger international action, especially to support disadvantaged people and countries and to offset growing global inequalities and marginalisation.*

Here, too, a few priority areas may be suggested for international action:

- Strengthening a rights-based approach in development cooperation, without conditionality.
- Mobilizing the support of international corporations for human rights.
- Embarking on new efforts for peace making, peace building and peacekeeping.
- Strengthening the international human rights machinery.

Concluding observations

Six paradigm shifts in Cold War thinking that dominated the 20th century, are called for:

- From the state-centred approaches to pluralist, multi-actor approaches.
- From the national to international accountabilities.
- From the focus on civil and political rights to a broader concern with all rights.
- From a punitive to a positive ethos in international pressure and assistance.
- From a focus on multi-party elections to the participation of all through inclusive models of democracy.
- From poverty eradication as a development goal to poverty eradication as social justice.

References

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