12

Human Rights and Development

For most people in Southeast Asia in the 1960s, there was no electricity, no high school, and limited medical facilities. Few people owned a car or a motorbike or had ever been in an air conditioned room.

12.1 Introduction

Most people lived on farms, did not go to school, and rarely left their country. Rapid development over the next few decades transformed Southeast Asian society. Many of the goods and services people have today, from electricity to hospitals and shopping centres, only arrived in recent decades. The transformations benefitted some but by no means all people. The challenge within developing societies is to undertake development, so people can access all the benefits that come with it, but to avoid the costs. This is especially the case for human rights given that development can be both a means to access greater human rights, but also a process where people's human rights are violated. This Chapter discusses the challenge of delivering development while protecting human rights.

For benefits, development gives people access to safer and better paying jobs, better education, government services like roads and hospitals, and access to electricity, which lead to additional luxuries such as fans, refrigerators, television, and lights. Everyone now reading this textbook has had the benefits of education, electricity, roads, and hospitals. However, developments rarely benefit everyone equally. So while some will get rich, others may stay poor, or worse, become even poorer. Reasons for these disparities include: the expansion of industry and an ensuing need for resources – a combination that can lead to the displacement of whole communities; increasing pollution and sickness rates; worker exploitation; and rising costs of living which, combined with low wages, can force people into debt, often leaving them struggling to survive. When development leaves communities behind in this way, it is argued that subsequent power disparities and tensions will eventually lead to conflict. It is important to use human rights as a tool to manage these conflicts, to assess the damage already done, and to ensure the proper conduct of those groups working towards development.

Concept
Development

The concept of development is open to much debate. The biggest question is: what should be developed? Mainstream development, as carried out by organisations like the United Nations Economic and Social Council (ECOSOC) and the World Bank focus on social and economic development (basically people getting wealthier and having more services). One question with this view is whether political development is included in development. Alternative views come from theorists such as Armatya Sen and Martha Nussbaum who argue that development also refers to building capabilities and developing human potential. In other words, development should not only be about people or countries getting richer, but should also cover access to better services such as education, health, electricity, and roads. In response to this, 'Post Development' thinkers consider development itself to be a western capitalist idea, concerning itself not so much with improving the conditions of the poor but rather encouraging developing countries to align economically and politically with the West. To conclude, social and economic development is currently the dominant model and this chapter mainly discusses it; whether it is the best model, however, is open to debate.

Governments and elites in the region have pursued their vision of development, sometimes at the expense of local communities. For example, in Southeast Asia, dams, roads, building projects, and industrial parks, have directly threatened the rights of communities. The tendency in the region has been to treat development as a purely socio-economic condition, negating the significance of political development. As a result, the region has seen many authoritarian models of development that claim to benefit individuals while at the same time preventing them from participating in the process. Such restrictions, including a lack of transparency and the inability to challenge how development is done, can lead to unjust and unequal development and an unfair distribution of its benefits. For example, forced evictions and relocations, which may lead to the destruction of traditional lifestyles, are a common violation of major development projects in the region.

Marginalization can also occur when the wages of already poor workers are reduced to provide ever lower prices for consumers. Similarly, minimum wages may be kept low to drive up investment and revenue. In addition, rapid development often leads to inflation, resulting in the increases in the cost of food and rent. While these changes are occurring, in some cases State officials and business people escape punishment for crimes committed during development because of lack of accountability and an unwillingness to punish businesses for the development they provide. **Unequal development** in the region has led to increased migration as people move from poorer rural areas to find wealth in the cities or neighbouring countries. And all the while, those who suffer as a result of development efforts are told that the benefits outweigh the costs and that such 'sacrifices' are necessary for the development of the nation.

Concept
Unequal Development

This term is normally used to describe situations where some groups benefit greatly from development (either by becoming richer or getting better access to services) while others become poorer and lose their livelihoods or access to services. Inequalities occur in many areas:

Rich and poor countries: The benefits of development throughout history tend to go to rich countries first. Firstly with colonialism, and later with the expansion of the market economy, rich western countries and corporations from those countries made significant profits. A current concern is trade agreements, with critics saying they tend to benefit rich countries the most.

Urban and rural development: Cities and rural areas develop differently and have different challenges. Bringing services to urban slums, while a difficult task, may not be technically difficult as slums are easily accessible. On the other hand, expanding healthcare to rural areas may encounter challenges of distance and communication. Rural development is often more costly, and therefore slower.

Gender and development: Though more women than men live in poverty, economic development often does not address this. Unless economic development plans consider women's role in the economy, they can make the situation worse for women. Women may find themselves excluded from development.

Are such consequences an inevitable result of development? It tends to be accepted that there will always be winners and losers in development, but the argument is that in the long term, everyone will benefit. From a human rights perspective, this logic is flawed. That improvement in society necessitates some losing their rights or otherwise suffering is false. A government cannot justify breaking laws in the belief that overall, people will benefit. The rule of law should work within development as well. Most current theories of development recognize that development should be equal and based on the rule of law. These theories argue that development projects can be done in a way that fairly distributes benefits without also requiring select groups to carry the burden. When done well, development projects can produce new job opportunities, lead to better infrastructure and public services, and facilitate the sharing of ideas and experiences. Whether development projects help or harm human rights largely depend on how they are implemented and how people are protected in the process. Development should involve and benefit everyone (including future generations) by maximizing both short and long term livelihood improvements. With adequate planning, development can reach this ideal.

Human rights and development relate in a number of ways. Already discussed is the concern that development causes many human rights violations. Another relationship is that they both have the same goals: people can live a life of dignity with access to services security, and freedoms. In addition, as more recent development theories argue, in particular the Rights Based Approach to development (RBA) discussed later in this chapter, human rights should be the standard on which to judge if development is done properly. Also, development itself is seen to be a human right. These relationships are addressed in this chapter. Firstly the impact of development on human rights is discussed by looking at an historical overview of human rights in development from the Cold War period to globalization. Next theories which incorporate human rights into development are considered, especially calls for the Right to Development and then Rights Based Approach to development. Finally, practical aspects of including human rights into the development process are explored by looking at problems and solutions arising in typical development projects.

12.2 The Politics of Development

Concept
Poverty

One of the main aims of development is to eliminate poverty. Poverty itself has many definitions, such as the narrow monetary definition of having less than $1 a day to live on, but it should also be considered more broadly as a lack of access to basic services such as health, education, food, shelter, and so on. While the number of people in poverty has reduced - mainly due to China's efforts to lift millions of its population from poverty - it is still a persistent problem in all countries, including the wealthy ones.

Development has been central to the UN since its foundation, and is still one of its major objectives. Many argue that a cause of World War II was **poverty**, which, in conjunction with a lack of development, drove people towards radical and militaristic ideological beliefs. The UN responded by establishing the Economic and Social Council (ECOSOC) to manage economic and social development. Since then, other development offices, such as the United Nations Development Programme (UNDP), have also been established. Other organizations outside the UN also assisted in international development at this time. In the region, the World Bank, the Asia Development Bank, and government aid programs from the USA, United Kingdom, France, and the Soviet Union were all active. After the upheaval of World War II, development was considered a matter of international interest so much time and resources were invested in developing countries. However, although well-meaning, many problems arose in the 1950s and 1960s connected with these projects. Some of the central problems were:

- *Politicization of development:* during the Cold War, countries had to follow the development theories that corresponded to their political ideologies, so those under Soviet influence would collectivize agriculture and push government-directed national plans, whereas projects supported by capitalist countries tended to embrace the free market and increase trade

- *Focus on the economy:* success (or failure) was measured purely by the wealth of the country's economy and not the happiness or well-being of its people

- *Focus on large infrastructure:* many projects focused on building freeways, electricity stations, factories, and dams. It was believed that improving infrastructure would increase a country's industrial production, in turn encouraging growth in the market economy and increasing national wealth. This ignores the fact that large infrastructure is also bad for the environment and prone to corruption

- *Lawless development:* many countries justified widespread violations of people's rights for the greater good of the nation. Communities whose land had been taken to build dams or electricity stations, or farmers whose crops had been destroyed by pollution, were considered to have made a necessary sacrifice for the benefit of the nation as a whole

- *Trickle-down theory:* many practitioners believed economic development in any part of society would eventually benefit everyone, so that benefits gained by the wealthy would make its way to the poor because they money they spend would trickle down to them. Because of this theory, development did not target the poor, and in some cases even targeted the wealthy. But money did not trickle down to the poor and the result was an increase in poverty as the rich got richer and the poor missed out on development.

12.2.1 The Politics of Cold War Development

Many countries faced a stark choice: to seek assistance from communist countries and develop according to communist theories, or to get assistance from western capitalist countries and embrace capitalism. The features of these two forms of development are as follows:

Communist development: the State organized development and controlled the economy. Sometimes called a 'command economy' because it was commanded by the State, it operated without the use of free markets. The State would decide the amount and cost of goods. A key feature of such developments was collectivization

where individual workplaces, such as farms, were joined together to form a single collective industry. Although collectives can sometimes successfully increase production, it is telling that nearly all collective farms have since been abandoned. This is because removing individual incentives, or an ability to choose one's work, or forcing workers to live together rather than with their families, generally lowers worker output.

Capitalist development: development was enabled by expanding the market economy. Individuals or companies would produce products (such as farmers growing grain, or a family running its own restaurant) to sell on the free market. Alternatively, people could sell their labour by working for companies. Many individuals left farms to work in waged jobs to earn money to buy goods, most commonly in the city. Such a market can generate great wealth as earnings are potentially limitless in capitalist systems. However, not everyone will benefit – poverty is almost always a side effect of such systems. This can be seen by the fact that in the 1960s, poverty grew most quickly in developing capitalist countries.

By the end of the 1960s, many developing countries began to complain actively about the problems of development. Supported by various Third World organizations, such as the Non Aligned Movement (NAM), there was an active criticism of development practices of both western capitalist organizations and communist programs. In countries such as the Philippines, Indonesia, and Thailand serious concerns were voiced about low wages and whether, for example, farmers could earn enough money from their land to survive. In communist countries, different issues surfaced – the poor distribution of basic necessities like, food and a general dislike of collectivized workplaces – made people question the economic and political system. In both capitalist and communist countries, development was seen as being compromised by corruption and collusion. People were looking for new ways to develop which avoided all these problems, and human rights was seen as one potential path. In the 1970s a clear connection between human rights and development had not yet gained widespread acceptance and problems associated with such projects were mainly thought to be economic in nature. However, by the end of the 1970s human rights and development would be closely associated.

DISCUSSION AND DEBATE
How difficult is it to plan a development?

Consider primary schools. Ask yourself what is needed to start a school in a poor area. Attempt to do this by listing everything you'll need to build and run that school including materials, labour, books, furniture, and so on. The list is the beginnings of a map of development, but more is required as the finished school now sits empty. What other developments are necessary to get children into the school? What else is required to fill the classrooms? How can we ensure teachers are qualified? What will they teach? How will the children get to school? What will they eat? What can be done to ensure everyone is safe?

As you begin to sketch the development issues around the right to education, write down all the human rights that impact it (for instance, the right to movement, food, freedom of expression). You will see that a project which may appear simple, like bringing education to a village, is a far larger, and more complex project if it is to

be done well. It must consider not only the economic aspects, such as buying the materials and building the rooms, but also consider social aspects (how to encourage parents that they should send their kids to school?), and cultural aspects (what language should they use?).

This exercise illustrates the *Vienna Declaration and Programme of Action's* (1993) assertion that "democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing."

12.2.2 The Right to Development

By the end of the 1960s, Southeast Asian countries had developed little (with, perhaps, the exception of Singapore). For some countries, this was due to Cold War-related conflicts, but even countries accepting foreign aid and development programs did not see any real change in the lives of its people. Problems arising from poor development planning were serious enough that by the 1970s most major development organizations realized they needed to change strategy.

The Right to Development

This right is for everyone to benefit from development so they can be lifted from poverty, or have access to better schools and hospitals; and may be found in the *Declaration of the Right to Development*, as adopted by the UNGA on 4 December 1986.

In the 1970s, a variety of responses changed this situation. Some organizations, such as the World Bank and the International Labour Organization (ILO), decided to focus directly on people's **Basic Needs**. Communist countries began to experiment with market economies and individual farming. It was in this climate that many Third World countries decided to avoid the political divide altogether by calling for a **Right to Development**. This would make development non-negotiable, compelling rich countries to help poor countries develop while setting aside their political or economic values. This right to peaceful development avoided political allegiances and focused on the individual and not the economy. Furthermore, it also requested that all States regard development as a human right, enabling all people to be lifted out of poverty through development.

Basic Needs

In development, basic needs may be defined as those necessary to keep a person alive, and include food, water, and shelter, but may also be broadened to cover health, security, and clothing.

Concept
Categorizing Countries

Countries are categorized in a number of ways according to their development, including:

First, Second, Third, Fourth Worlds
First World (capitalist West), Second World (communist and Soviet countries), Third World (poor countries wanting independence from the First and Second Worlds), and Fourth World (indigenous and marginalized groups). Such definitions are political in nature, and were rarely used following the demise of the Cold War, which essentially put an end to the Second World.

Developed and Developing Countries
Developed (rich countries) and Developing (poor countries) is used mainly by the UN. The specific categorizations depend on individual organizations, with some using wealth, GDP, or human development as indicators. Further subcategories, such as Less Developed Countries (LDCs), were also introduced to cover the poorest countries (for example, Cambodia, Laos, and Myanmar).

Global South
The North (rich countries) and Global South (poor countries). A political and development categorization from the 1990s which assumes exploitation of the South by the North.

The Declaration on the Right to Development, adopted by the General Assembly in 1986, was the culmination of over a decade of discussion and debate by developing nations. However, the debate is ongoing over its value, as opinions remain deeply divided as to the rights it created. At the UN, most developing countries unified behind the call for a Right to Development. Developed countries, on the other hand, saw it as a political gesture.

The Declaration made some vital advancements to people's rights, especially around development, but it unfortunately did not manage to escape politicizing the issue. On the positive side, it recognized that:

> The human person is the central subject of development and should be the active participant and beneficiary of the right to development. (Art. 2.1)

In other words, *people* should be regarded as the object of development, as opposed to capitalist views which highlighted the economy. As such, development should be measured by improvements in people's lives, as opposed to a bigger GDP. Following this, the UN also adopted the person as the central subject with its Human Development Index and *Human Development Report*, which measured development in terms of people's health, education, and personal wealth. Another positive element of the Declaration was that it demanded *participation* in development. Previously, people were rarely consulted about development projects, meaning most were unaware of the impact of development. Similarly, governments rarely consulted people on the development they wanted and rather would merely expect them to accept what was given.

On the negative side, however, the *Declaration on the Right to Development* did not gain universal support. Worried about the claims such rights make on rich countries, developed countries voted against it at the UNGA. For example, Article 7 requires States to strengthen international peace by "complete disarmament under effective international control," and then to ensure the resulting profits be used for development in developing countries. Although the intentions were good, it seems highly unlikely that rich countries will sell their military weapons and give the money away to poor countries.

Similarly, the Declaration asked all States to eliminate violations such as colonialism, foreign domination, and foreign interference. European countries with overseas territories were obviously concerned about this article, as were many other countries who simply considered the violations too vague: just what was foreign interference? Another concern was that the Declaration's view of development was too State-centric as there was no mention of civil society and NGOs. This may have been due to the fact these organizations were not common at the time, but regardless, the Declaration assumed all development and development policy would be settled between States; when often it was the State that violated people's rights.

Finally, the Declaration did little to address the problem of human rights violations occurring in the development process. States want the power to decide where and how development occurs, and as they saw it, the imposition of too many human rights could challenge on their decisions. As a result, the Declaration, and the Right to Development movement, did not successfully incorporate human rights into the agreement. In fact, during the 1990s with the rise of globalization and the establishment of the global economy, human rights violations were just as prevalent, proving that the Right to Development did not do enough to reduce the problems of human rights violations in the development process.

12.3 Globalization and Development

The period of most rapid development in Southeast Asia coincided with the rise of globalization in the 1990s. As the world economy globalizes, more money will flow into the region. As a result, factories will be built, banks will lend more money, and people will buy more houses, cars, and holidays. The 1990s was also the decade that the internet arrives enabling people to communicate across the region, to be more global in their knowledge, and finally also to see how other people lived. All these changes transformed the region.

The global economy also caused new human rights issues to emerge. For example, concerns arose around workers' rights due to growing inequalities. With the increase in migrant labour, worries also grew about trafficking and slave labour. In addition, it was believed that trans-national corporations (TNCs) could affect local economies. Pollution too became a major problem, as demonstrated by the smog from Indonesia that now annually envelops Malaysia and Singapore. Challenges to traditional values have also surfaced including the push for women's equality, the desire for democracy, and the younger generation's questioning of traditional values following exposure to global media. With globalization also came the consequences of the increase in global trade on worker's rights and the environment (discussed in Chapter 13). The period of globalization is one of significant change, but with change often comes instability and conflict.

Concept
Globalization

Globalization is defined as a process whereby the world begins to operate as an inter-connected single global system, rather than as separate local or national units. The system includes the global economy (where economies become interlinked); the global culture (where people around the world begin to practice a similar culture and watch similar media); or global values (such as consumerism, digital cultures, women's rights, or human rights). Globalization has replaced internationalization where different nations were connected. In globalization, the globe is the main structure, not the nation.

For much of the 1990s, development in Asia was considered so successful that in a 1993 report, the World Bank called it the 'East Asian Miracle.' The 'miracle' centred on the growing economies of countries like Singapore, Thailand, Indonesia, and Malaysia (although the report also included Japan, Taiwan, South Korea, and Hong Kong) which led to massive increases in wealth, health, and education. The quality of life improved drastically for many people in the region with almost universal access to primary schools, higher paying jobs, and consumer goods widely available. While benefits increased for people during the 'East Asian Miracle,' some governments in the region avoided many human rights obligations by arguing for **trading off rights**, where human rights were traded off for economic growth. Governments would argue, for example, that political rights and freedom of expression were unnecessary because they slowed economic development. This is part of the 'Asian Values' debate.

Concept
Trading Off Rights

When a government argues for trading off rights, they argue that because they provide some rights (most commonly economic rights), they can be excused from proving other rights (commonly political rights) because they are less important. In other words, rights to health, education, and housing are considered a trade-off for political rights, freedom of expression, and other civil rights. Governments fear that personal freedoms will lead to complaints and protests which could destabilize their rule and endanger developments in health, wealth, education, and so on. Countries which have supported this view are Singapore, Malaysia, China, and Indonesia.

There were underlying tensions during this miracle. A growing inequality was emerging at the regional level, with countries like Laos, Cambodia, and Myanmar being left behind. As a result, large numbers of workers began leaving these countries to work for higher pay in wealthier Southeast Asian countries like Malaysia, Singapore, and Thailand. However, even within wealthier countries, the influx of money had not always been invested wisely, and economic problems soon surfaced. This led to the 1997 Asian Financial Crisis, which started in Thailand in May, but by the end of the year had caused financial instability in Indonesia, Singapore, and Malaysia. The crisis was a direct result of the global economy. Vast amounts of money from the global economy

poured into these countries in the years before 1997, then was rapidly withdrawn afterward, causing instability in currencies, stock markets, and the import/export industries. When the crisis occurred, and many lost their jobs and savings, the 'trade-off' argument no longer seemed to make sense. If rights were traded off for wealth, then surely the deal is broken when people no longer get wealthier. Such beliefs led to a period of political unrest throughout the region with governments changing in Thailand and Indonesia after people protested.

It was also during this period that people began questioning the popular theory of neo-liberal economic development, as globalization, neo-liberalism, and the economic crisis were blamed for the economic misfortunes. The basis of the **neo-liberal theory** is that State influence over the market economy should be reduced (the 'liberty' in neo-liberalism is liberating markets from government control), and that entrance to the market economy should be free, even to people outside the country. Neo-liberal economic theory was strongly supported by rich western countries (the then G8), and also by the World Bank (WB), the International Monetary Fund (IMF), and the World Trade Organization (WTO) which together were known as the Bretton Woods Institute (BWI). Neo-liberalism influenced international aid and trade with an approach known as **The Washington Consensus**.

Neo Liberal Theory

Neo-liberalism is an economic theory which holds that economies function best when the market is free from State interference. In other words, markets should be accessible to all, whether local or outsiders, to increase international trade. Consequently, neo-liberalism is considered advantageous for transnational corporations. Markets should not be regulated or controlled by governments, so prices are made by the markets which can lead to an increase in prices.

Neo-liberalism made many rich, but it does not help everyone equally. Some claim neo-liberalism only benefits the elite. Others considered that the wealth created by neo-liberal economic development was so great, affecting so many people, that surely the overall benefits outweighed the costs. The impact of neo-liberalism is still argued today in discussions about development and human rights, or when analysing business and human rights (as examined in Chapter 13).

Neo-liberalism relies on human rights, specifically civil and political rights, because it considers freedom of expression, the rule of law, and political freedoms as necessary for markets to function smoothly. At the same time, reducing the strength of the State will put many social rights (particularly welfare, health, and education) under stress. One side of the debate around human rights and neo-liberalism argues that the benefits of free market development creates more wealth, so even if that wealth is unevenly distributed, the overall growth of a country will lead to more jobs, bigger markets, and more opportunities for all. The term commonly used to express this is 'a rising tide lifts all boats.' Conversely, others argue that too often only a small group of elites benefit, leading to growing inequality between the rich and the poor, and instability in society caused by growing poverty and declining access to services. The first time these debates came to prominence was during the anti-globalization movement around the time of the Asian Financial Crisis.

FOCUS ON
The Washington Consensus and the Bretton Woods Institutes (BWIs)

The Washington Consensus was a term coined in 1989 to refer to this neo-liberal ideology and the organizations which promoted it. The standard, or 'Consensus,' came in the form of conditions on banking, finance, and aid to encourage countries to make neo-liberal adjustments, such as the privatization of State-enterprises, opening sectors to Foreign Direct Investment, reducing tax rates and public spending, liberalizing property rights, and deregulating markets. Such a Consensus would

increase the ease of doing business and allow free market economies to trade with less government interference. The belief was it would lift people out of poverty. Organizations that advocated this stance mainly hailed from Washington and consisted of the Bretton Woods Institutes (BWIs), and the US Government's Treasury and State Department to name but a few, although Wall Street in New York was also considered part the consensus. The Consensus was agreed to by major European economic powers, and other wealthy countries. In summary the BWIs are:

Bretton Woods Institutes

The World Bank (WB): not a single bank, but at least five inter-connected banks and institutions whose purpose is to assist developing countries by lending money, running development projects, and giving technical assistance

The International Monetary Fund (IMF): lends money to countries in economic crisis. Called the bank of last resort, it is the organization countries turn to when no other options are available. It also provides technical assistance such as economic advice to its members.

The World Trade Organization (WTO): set up in the 1990s as a venue to encourage international trade and reduce barriers to trade such as tariffs, taxes, and embargoes on trading goods and services

The Asian Financial Crisis caused many grievances about development, economic theory, and human rights to the surface. In particular, people complained they had been forced into agreements with the IMF that allowed TNCs to enter their local economies and seize markets from smaller, local businesses. Moreover, concerns were voiced that States were also being forced to privatize industries and reduce spending on education and health. And instead of caring for their unemployed workers, countries were pressured to pay back loans to banks from rich western countries, even though the banks were not poor and often lent money irresponsibly. These concerns were made very public by the **anti-globalization movement**, a broad coalition of people and organizations critical of neo-liberal capitalism and concerned about the actions of the IMF, the WB, and the WTO. The anti-globalization movement was a strong advocate for the rights of the poor, particularly under-paid workers and people losing access to basic needs because of the reduction of State welfare.

Concept
The Anti-Globalization Movement

The purpose of the anti-globalization movement was to protest the impact of the global economy, or more precisely neo-liberal economic theory. It was made up of a diverse range of interest groups from environmentalists, development activists, feminists, peace activists, human rights defenders, and students to name but a few. Their focus was global economic organizations such as the BWIs, but also TNCs and wealthy countries. They were concerned with Third World debt and the exploitation of developing countries by the Developed World, and they held a famous protest in Seattle (1999) against a meeting of these organizations. By the mid 2000s, however, the movement had dispersed. Many shifted their interest to anti-war protests against

The impact of privatization, the paying off of loans, and increased TNC activity were detrimental to the poor in many cases, but not entirely. Privatization, for example, does not always have to be bad. For instance, private service providers in some cases may be more efficient and effective than the State. Mobile phone networks (usually run by private industry) are often better than government phone services. It is when States privatize services such as prisons, education, and electricity that services can decline. Another concern revolved around the introduction of foreign corporations who were now allowed to compete with local industries. In many countries, the rise of convenience stores (such as Seven Eleven in Thailand, Circle K in Malaysia, and Alfamart in Indonesia) has seen the decline of many locally owned shops. Whether this is good or bad is open to debate. Convenience stores are convenient. But do they support the economy the same way as a locally owned corner shop?

A final pressure created by globalization and neo-liberalism concerns the role of governments in neo-liberal economies. Governments can be placed under pressure because neo-liberal policy forces them to reduce their influence over markets, yet as these markets grow, a greater need for regulation and delivery of services will inevitably ensue. Traditionally, governments have played a vital role in regulating markets by ensuring products are safe, transactions are fair, and labour is well treated. But enforcing such regulations is more difficult in an increasingly powerful market that does not want these regulations. This effect can be seen in the rising amount of pollution created by big business which States have little ability to stop. It can also be seen in the way companies are failing to observe labour regulations which, again, States have been unable or unwilling to enforce. Also, Governments will be forced to deliver services like health and education on ever smaller budgets. In conclusion, the impact of globalization on development and human rights has created many concerns alongside improving the human rights of people.

12.3.1 The VDPA and New Ways of Understanding Development
The relationship between development and human rights began changing in the 1990s. Following the end of the Cold War, arguments over ideological and political differences became less relevant. Rather the issue now revolved around free markets and privatization. Growth in the development sector continued as States began to outsource their development funding to NGOs. There was a substantial increase in the number of active NGOs, partially because of the increased funding, but also because of the changes caused by globalization. Alongside this was a trend for people to talk more about human rights in development. Development organizations realized that human rights were sensible objectives of development and human rights organizations got involved in development activities though economic and social rights.

Though the Right to Development was not universally accepted in the 1980s, by the 1990s it was formally recognised through its inclusion in the Vienna Declaration and Programme of Action (VDPA), and endorsed by the UNGA. This radical shift can be attributed to many factors, including the end of Cold War ideological differences, universal support for human rights, and less obligations on donor States. The VDPA set a new agenda for human rights and development. One of the key statements was:

> The World Conference on Human Rights reaffirms the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights (Art. 10).

The acrimonious debate in the 1980s around the Right to Development was over and all States now recognized it. The Right to Development was now considered a human right – though what it entailed was not entirely clear. The VDPA also stated:

> Democracy, development, respect for human rights, and fundamental freedoms are interdependent and mutually reinforcing (Art 8).

Linking the three goals of democracy, development, and human rights became possible after the Cold War ended because political divisions between communism and capitalism no longer seemed relevant. Three points of interest can be inferred from Article 8. First, development was given the same standing as human rights. Second, these three goals cannot be undertaken independently, but are rather part of the same objective. Development can only work by respecting human rights, and can only effectively occur within the context of democracy. Finally, given the universal support for the VDPA, all States recognized development as a human right, and that democracy and development must be achieved together.

Human Development

Human development examines how human life is improved by development so the subject of development becomes individuals, not the economy. Development should focus on making *people's* lives better by improving health (measured by life expectancy rates), increasing education (measured by years of schooling), and making them wealthier (measured by personal wealth). As such, the UNDP's Human Development Index, the most well-known and widely used measurement, uses wealth, health and education indicators.

Other developments in the 1990s included a shift to more human-centred development with the rise of the concept, **human development**. The United Nations, through the UNDP, began to produce reports which aimed to measure human development. From 1990, these reports differed because they looked at human indicators of development, and ignored GDP, the economy, or other industrial outputs. The Human Development Report measured development by determining people's life expectancy, education, and income per person. In other words, it examined how development improved someone's life. Countries were then ranked according to their human development (recent rankings are found by downloading the most current *Human Development Report*).

12.3.2 Human Development and Human Security

Development thinking was expanded further in 1994 with the UNDP's Human Development Report which introduced the concept of Human Security. The introductory paragraphs explain why this type of security should be considered part of development:

> The world can never be at peace unless people have security in their daily lives. Future conflicts may often be within nations rather than between them – with their origins buried deep in growing socio-economic deprivation and disparities. The search for security in such a milieu lies in development, not in arms. More generally, it will not be possible for the community of nations

to achieve any of its major goals—not peace, not environmental protection, not human rights or democratization, not fertility reduction, not social integration—except in the context of sustainable development that leads to human security.

Under the leadership of Secretary General Boutros Boutros-Ghali, the UN sought to set a new security agenda by changing the way people thought about and discussed the concept of security. For example, it asked if an individual is relegated to silence, or under the control of someone with a gun and uniform, can such a person really be considered secure? The UNDP report proposed that such an arrangement is not security, but was rather insecurity or dependency. Security necessitates situations where individuals feel safe or are able to do as they wish. As the report states, the objective of development is for people to lead secure lives.

Security, in this case, is not about National Security (the most common type of security), but about security for people. National Security is focussed on keeping the nation secure, which means protecting the government, the territory, and perhaps the ideas of the State. These are not protecting people but institutions, land, or ideas. Security at the human level is a different matter entirely. Human security is where people are free from fear, free of want, and are able to take action on their own behalf. Freedom from fear means innocent people should not have to face threats or fear reprisal from State or non-State actors. Freedom from want means people should not have to worry constantly about their livelihoods. Likewise, freedom to take action on one's own behalf means a human who is secure does not have to depend on others, nor ask for permission to pursue their interests or express themselves. Human security is about human development.

The 1994 report outlined seven dimensions of human security, each of which requires a certain type of development. For instance, if someone lacks access to hospitals, they could be said to be facing health insecurity. Food security necessitates assurance that local systems of food production and distribution are effective. Without the development of mechanisms to ensure adequate social welfare and public services, people may live with constant concerns about where they will eat, sleep, and whether their families will have access to services like health and education. Finally, without the development of institutions and processes that facilitate liberties and protect the rule of law, individuals may be unable to pursue the type of life they want to live and may fear their neighbours, their government, or predatory forces in society.

Table12-1: Relationship between the Seven Dimensions of Human Security and Human Rights

Human Security Element	Related Human Rights
Economic	Economic Rights (ICESCR)
Food	Right to Food and Food security (ICESCR)
Health	Right to health (ICESCR)
Environment	Right to a clean environment
Personal	Right to life (ICCPR)
Community	Cultural Rights (ICESCR and ICCPR)
Political	Political Rights (ICCPR)

12.4 Development as Freedom and Capabilities Approach

While many development theories tend to focus on measureable elements of development (money, schooling, or health), others point to a person's ability to act freely as the main objective of development. These theories, such as **sustainable development**, consider the environmental impact and long-term consequences of badly planned development. The two major proponents of these theories are Armatya Sen's (development as freedom) and Martha Nussbaum (development should improve an individual's capabilities).

In his 1999 book, *Development as Freedom*, Armartya Sen argued that for someone to be considered free, they must be able to enjoy both civil and political rights, as well as an adequate level of socio-economic well-being. People living in poverty or forced into dependency cannot be free, because they have no control over their lives. In the language of human security, no person can be considered free if they live in a constant state of want and are unable to take action on their own behalf. As such, Sen criticizes the various ways in which unjust development has compromised freedom. For example, development that is not transparent or participatory must undermine freedom because people are not given choice in the development. Even if basic needs are met, a person may be pushed into silence or dependency. If basic needs are not met and individuals are forced into poverty, this produces what Sen calls a state of "unfreedom" because poverty can lead to feelings of exclusion and vulnerability that prevent people from making choices or pursuing opportunities. Poverty robs individuals of the chance to realize their full potential, and realizing one's potential is at the core of human development.

To better define why development is important, Martha Nussbaum took inspiration from earlier thinkers who considered development to be a precondition of security and freedom when she proposed that development should ultimately promote an individual's central capabilities for them to realize their human potential. A person's capabilities are both what a person is able to do and also what opportunities they have to, for example, become healthier or more educated. Naussbaum proposed a list of central capabilities (detailed in the Focus On box) which should be the target of development. These capabilities overlap with human rights in that both are

Sustainable Development

The theory of sustainable development emerged in the 1980s in response to concerns about the overuse of non-renewable resources like oil and coal. It is a theory that development should meet the current needs of people, but should not impact future generation's needs by overusing resources, pollution, and so on.

about ensuring people live a life of dignity. Capabilities, however, sees the objective of development as the creation of opportunities, and not as the enforcement of government duties and obligations which is the human rights view. Capabilities offer another framework to measure development at the individual level and in terms of specific factors, though some of these factors, such as morality and play, can be difficult to measure and open to much debate. Development of the kind Sen, Nussbaum, and others speak of is about creating the conditions under which individuals can take ownership of their lives and the situation around them. In this way, these theories challenged the more economic focused theories dominant in the development sector.

FOCUS ON
Nussbaum's Central Capabilities

- These are the central capabilities which should be the focus of development, according to Nussbaum

- Life: being able to live a lengthy life

- Health: being able to enjoy a healthy existence

- Pain free: being spared any unnecessary suffering

- Sensory: having the skills and knowledge to think and create

- Material: being able to obtain the things we need and desire, within reason

- Morality: having a clear sense of justice

- Relational: being able to enjoy and care for others

- Contribution: having opportunities to contribute to society

- Environment: being able to interact with nature

- Play: being able to enjoy oneself

- Expression: being able to hold opinions and act on them

12.5 Pursuing Development Goals: the MDGs and SDGs

An innovation in the global pursuit of development came at the end of the 1990s in the United Nations Millennium Development Goals (MDGs), agreed to by all 189 States. The purpose of these goals (launched on 1 January 2000) was to unite the world around a common set of eight goals aimed at mobilizing the poorest in society. The strength of the MDGs is that they encouraged more coordination on the problems of poverty and the education of girls. However, the MDGs have been criticized for focusing on basic needs while avoiding direct mention of human rights. Nor did they reflect on evolutions in the understanding of development as discussed above.

FOCUS ON

Had Southeast Asia Met the Eight Goals of the MDGs by 2015?

The Eight Goals

1. Eradicate extreme poverty and hunger

2. Achieve universal primary education

3. Promote gender equality and the empowerment of women

4. Reduce child mortality

5. Improve maternal health

6. Combat HIV/AIDS, malaria, and other diseases

7. Ensure environmental sustainability

8. Develop a global partnership for development

By 2015, it could be said that the richer Southeast Asian countries (Brunei, Thailand, Malaysia, and Singapore) had reached nearly all their goals. Mid-level countries (the Philippines, Indonesia, and Vietnam) had met over half, and poor countries (Laos, Myanmar, and Cambodia) had met only one or two of the goals. The main problem areas are poverty reduction (goal 1), as many countries have pockets of poverty, often amongst ethnic groups. Maternal care (goal 4)is also weak in most countries. Furthermore, HIV/AIDs (goal 6) has not been reduced, and there is little environmental protection (goal 7).

By 2015, the MDGs were complete and a new set of goals, the Sustainable Development Goals (SDGs), were announced. There are interesting developments including more recognition of human rights. The 17 SDGs that will set development standards for the next 15 years, still do not explicitly use rights language. However, the 2030 Agenda for Sustainable Development Declaration does, stating:

> We resolve, between now and 2030, to end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources.

While it is disappointing that human rights cannot be named in the goals, obvious linkages do exist between SDGs and human rights (as can be seen in Table 12.1). For human rights, SDG Goal 16 is focusing on human rights when it demands access to justice and accountable and inclusive institutions. To meet this goal, civil and political rights all must be met, and governments must fulfil their obligations to all individuals in their territory. Many other goals are also connected to human rights, such as the rights to food, education, health, decent work, and gender equality.

Table 12-2: The Connection Between the 17 Sustainable Development Goals and Specific Human Rights

Sustainable Development Goal	Related Human Right Category
Goal 1: End poverty in all its forms everywhere	Livelihood Rights
Goal 2: End hunger, achieve food security and improved nutrition, and promote sustainable agriculture	Right to Food
Goal 3: Ensure healthy lives and promote well-being for all at all ages	Right to Health
Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all	Right to Education
Goal 5: Achieve gender equality and empower all women and girls	CEDAW and CRC: Women's Rights
Goal 6: Ensure availability and sustainable management of water and sanitation for all	Right to Water
Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all	Right to Housing
Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all	Right to Work
Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation	Economic Rights, Social Rights
Goal 10: Reduce inequality within and among countries	Non Discrimination
Goal 11: Make cities and human settlements inclusive, safe, resilient, and sustainable	Right to Housing
Goal 12: Ensure sustainable consumption and production patterns	Livelihood Rights
Goal 13: Take urgent action to combat climate change and its impacts	Rights to a Clean Environment[*]
Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development	Rights to a Clean Environment[*]
Goal 15: Protect, restore, and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation, and halt biodiversity loss	Rights to a Clean Environment[*]
Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels	Civil Rights
Goal 17: Strengthen the means of implementation, and revitalize the global partnership for sustainable development	Economic Rights, Social Rights

[*] The right to a clean environment, detailed in Chapter 14, is an emerging category of human rights

12.6 Introduction to a Human Rights-Based Approach (RBA) to Development

The **Rights Based Approach to Development** (RBA) is now one of the dominant theories and practices in this area, with most organizations, and importantly, the UN, agreeing that all development should comply with RBA. The move from a Right to Development in the 1980s, to RBA in the 2000s is an indication of how human rights is becoming a central part of development and a broadly accepted standard in the process. Accordingly, it becomes necessary to detail the meaning of RBA, and incorporating human rights into development activities. This section details a conceptual understanding of RBA, and gives examples of how development actors using RBA.

RBA was taken up, partially, because the Right to Development never received serious support in development activities. Though the Right to Development was accepted in the VDPA, there was little, if any, discussion about what States should do to realize it. There were calls for more international funding and recognition of the importance of development which were not disputed by any State. However, States did not necessarily feel accountable to this. Following the establishment of the Right *to* Development in the VDPA, interest in human rights and development moved from the right to development, to rights *in* or *during* development. This is an important distinction. The monitoring of human rights in or during development covers the maintenance of rights while developments are occurring. That is, RBA ensures that the projects themselves do not violate human rights. While this is partially addressed in the Right to Development, the 'right' here refers primarily to the right of States to instigate development, not the rights of the person undergoing development. RBA has become the main way in which rights during development are monitored.

A number of factors in the 1990s contributed to the growth of RBA. First, development organizations (such as the UN) saw a greater use for human rights in their development activities, even deciding that projects should be assessed according to how they improved individual rights. These organizations began to consider human rights to be an objective of development. As the sections above illustrate, previously development had been measured by economic growth, a person's human development, increased infrastructure, or by an individual's increased capacity. However, these measurements alone do not guarantee that someone's rights are met.

A need arose to counter the growing lawlessness in development and to ensure that people were protected during development. RBA questioned why governments should be allowed to run projects that violated human rights, and why others were disproportionally affected by development. Another factor was the need to respond to various violations occurring during the development process. Too often governments built large dams or developed industries at great cost to many people, often the poor. Poor people were evicted from inner city housing to build shopping centres, or industrial zones were built that polluted nearby villages. In many such cases, governments justified the violation of rights during development as a sacrifice for the greater good: some people have to sacrifice their resources for the greater good of society. A dam would provide electricity to cities enabling hospitals and schools to operate; industries would bring great wealth to societies. So while some people's rights were violated, it was generally argued that short term problems would lead to better life situations for all. The 'greater good' argument resulted in many people being displaced for development.

A final factor to note is that RBA allowed human rights to engage with development at the level where development activities actually occur. Contrast this with debates on the right to development which mainly discussed how States should act, and how they related to each other as donors and recipients. RBA, on the other hand, is primarily an approach that occurs at the level of planning and programming. Consequently, by using RBA, NGOs can plan development activities to improve human rights. It can also be used to solve problems during development to prevent the erosion of human rights. That being so, RBA can be regarded as a method to understand and examine development at the community level.

12.6.1 Features of RBA

RBA is an *approach*, meaning that it can be used to help conceptualize or understand what development should be doing. An approach is not a code, law, or formula, but a way to think about development. RBA provides a way to approach a problem or plan an activity to ensure human rights remain vital to the process. For this reason, there are as many types of RBA as there are organizations that use it. This variety is not a problem or weakness, but one of its features. While there are many different ways to define RBA (see the Focus On box), there are some key features to the approach. The next sections of this chapter will examine some common features of RBA.

FOCUS ON
Some Definitions of RBA

A rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights (Mary Robinson, UN High Commissioner for Human Rights)

The human rights approach to development means empowering people to take their own decisions, rather than being the passive objects of choices made on their behalf (United Kingdom Development Agency, DFID)

A … human rights approach translates poor people's needs into rights, and recognizes individuals as active subjects and stakeholders. It further identifies the obligations of states that are required to take steps - for example, through legislation, policies and programs - whose purpose is to respect, promote and fulfil the human rights of all people within their jurisdiction (Swedish Development Agency, Sida 2002: 34)

12.6.2 Core Concept 1: No Human Rights Violations

RBA uses the international legal framework of human rights as the standard which determines what actions are permissible, and what is illegal. Development cannot be used as an excuse to violate people's rights. Clearly, development should obey the law regardless of the benefits it might bring to society. Human rights are legal standards, and to violate those rights is to break the law. To argue that breaking the law is necessary to a project demonstrates nothing more than lazy development planning.

DISCUSSION AND DEBATE
Is development possible without violating rights?

A children's hospital needs to be built in a densely populated part of the city. The hospital has to be near where most children live and accessible to the poorer suburbs. But the hospital will displace people whose homes will be knocked down to build it. These people complain that the building will force them to move from where they, and their families, have lived for as long as they can remember. They refuse to move.

What can be done? The children need a hospital (they have a right to a health service) – but in this case, it is unfeasible to build the hospital elsewhere. Can all these people be forcibly moved for the hospital? All countries have laws which allow for the forcible displacement of people (under very strict circumstances), usually requiring them to be displaced to homes with better access to services.

However, the people refuse to go because they say, quite accurately, that their community will be destroyed. Can this development go ahead? If so, what kind of compensation or provisions would the government need to enact it?

12.6.3 Core Concept 2: The Objective of Development is to Improve People's Rights

Different theories of development have their own objectives. For example, economic theories aim to increase the economy (as measured by the GDP). RBA, on the other hand, has the objective of improving people's rights. If their rights are not improved, why develop in the first place? For example, if a bridge allows people better access to schools, markets, jobs, and health clinics, it makes sense to build the road. But if it merely allows easier access to a casino then building the bridge does not make sense as part of a tax-payer funded or government supported development project. Another element to consider in RBA is to maximise the human rights improved by the development project. For instance, providing free lunches to children at school improves a number of human rights including: ensuring attendance at school (meeting their right to education); ensuring children are not hungry (right to food); supplying nutritious food (right to health); and ensuring girls and boys are equally fed (non-discrimination). Development should have a human rights objective, and if a development does not improve human rights, it should not be considered a development at all.

12.6.4 Core Concept 3: The Rights-Based Approach Differs from Charity and Needs-Based Approaches

Charity is an important, but limited, approach to development. Charity is especially useful for the quick distribution of funds to help people, and is the best method to raise money. However, it does not create sustainable development, nor deliver aid in a transparent and accountable way. An act of charity, for example, giving money to a beggar on the streets, will not stop that beggar from begging. Further, there is no control over what the beggar will do with that money (the beggar may spend it on alcohol). Finally, the beggar's position is entirely powerless. The beggar cannot force the giver to give more or determine when to get the money. It might make the giver feel better, and it may help the beggar's immediate needs (for example, to buy food), but it does not solve the beggar's problem.

Different from charity is the needs-based approach. This is more sustainable as it addresses an individual's fundamental needs. It ensures they have enough food, water, and shelter, and their life is unthreatened. But likewise, it does not always solve the problem. Addressing a beggar's immediate needs (such as food and shelter) will help the beggar, but will not necessarily stop them from begging. Under this approach, the beggar has slightly more power as they can express their particular needs, but the beggar still must rely on the giver to have them met. In a humanitarian context of emergencies and disasters, the needs approach is the best. In the aftermath of an earthquake, many will be left without food, water, or shelter, and they will require these quickly. A needs-based approach would ensure no one starves or has no place to sleep.

Under RBA, the beneficiaries of development are the rights holders, while the developer is seen as the duty bearer. Any person who needs development has a right to the development, and it will then become the duty of developers to ensure they are met. To achieve this, they must first find what rights the beneficiary has been deprived of. For example, the beggar's rights to health, housing, and work have obviously not been met. Preventing these violations will lift the beggar out of poverty. RBA can be seen as a more involved process as it entails identifying missing rights and fixing them. In conclusion, charity and needs-based approaches are quicker, easier, and better suited to humanitarian activities. RBA is more sustainable, transparent, and accountable, but it is also more work and a difficult task.

12.6.5 Core Concept 4: Ensuring All People Participate in the Development Process

To ensure development is people-centred, it should also be participatory. Participation simply requires that those affected by a development be included in its discussion, planning, and implementation. Participation should solve many of development's problems by uncovering a population's needs and reducing conflict by allowing people to discuss and prepare for the costs and benefits of development. Likewise, participation will empower people as they will feel a greater ownership of the development because they can offer inputs and modifications to the development. Participation ensure development has higher levels of **accountability and transparency**, however, participation cannot solve all problems because development leads to changes which will rarely be welcomed by everyone. Good development projects should be aware of these changes and their risks, and as a result, will consider ways to reduce their negative impact. Participation is an important tool to deal with and reduce conflict arising from development.

Another aspect of participation in RBA is to ensure the inclusion of vulnerable or marginalized groups. It is generally more cost effective to develop those segments of the population who are easily accessible – sometimes called the 80/20 rule, as in, it takes about 20% of the budget to reach 80% of the people, but 80% of the budget to reach the last 20%. Budgeting for vulnerable groups (for example, people with a disability or people in remote communities) tends to be more expensive due to greater transportation costs, less infrastructure (such as electricity), or they may even speak another language. Such challenges make development more expensive (see the **Discussion and Debate** box for an example in the field of education). Clearly, organizations will be tempted to show their cost effectiveness by emphasizing the numbers who have benefitted from their development, but these impressive figures are often achieved at the expense of the hard to reach or vulnerable. If development only targets the most accessible, then vulnerable and marginalized groups will always miss out. Development should ensure that the poorest and most vulnerable do not miss out.

Acountability and Transparency

Accountability is where duty bearers are responsible for their actions. Development organizations should be accountable for all direct outcomes of a project and they cannot ignore or dismiss an outcome as not their problem, Accountability may take the form of risk management or compensation for negative outcomes. Transparency refers to the availability and accessibility of information, so as to ensure the participation in development of all stakeholders.

DISCUSSION AND DEBATE
Should development only focus on the poorest people?

A government in a developing country wants to improve the education system by providing computers to a number of high schools across the country. But it turns out the cost of providing these computer rooms to distant rural areas will cost ten times more than in the city because of the need to build new rooms, provide electricity, train the teachers, and transport the computers to these remote locations. So instead, the government decides to build ten times as many computer rooms in the city, claiming that ten times as many children will get access to training computers, and city children are more likely to use computers in their jobs, study, and future work. However, opponents counter this by saying the development project will only increase the disparities that already exist in the levels of education between urban and rural children. Because rural children are not given the opportunity to become computer literate, they will have more trouble getting good jobs or getting into university.

Do you agree with the government's approach? Is it more important that ten times as many children get educated, or is it better to spend the money on getting computers into remote areas to help rural children catch up to city children, consequently reducing inequality?

12.6.6 Core Concept 5: Development Causes Changes in Power Relationships

Power sensitivity is also a significant element of RBA, recognising that those who cannot access development will be disempowered. Violations during development are often carried out by powerful groups over disempowered people. Rectifying these inequalities often becomes an objective of development under RBA which seeks to counter such imbalances by empowering the disempowered by activities such as educating women, introducing capacity development programs, allowing access to finances, and so on. In particular, people are empowered through knowledge, or learning about their rights, or gaining better access to services.

However, empowering one sector of society can often leave another sector feeling left out – for instance, financially supporting women can leave men feeling relatively disempowered because when a husband is no longer the main breadwinner he does not have the same power at home or in the community. For many husbands this may be of no concern if the household is wealthier, but others may feel embarrassed or threatened by the changes. Although developments could be considered successful in terms of wealth and related improvements in health, education, and livelihood rights, it may create unintended consequence such as increased conflict in the household. Conflict because of the changes in power relationships during development should be addressed by those managing development.

These problems of conflict arising from development cannot be ignored, as under RBA, development NGOs must be accountable for changes they cause. NGOs must always be aware of such risks and keep track of them by, for example, examining the risks associated with the increase in domestic violence as caused by disempowered husbands. Risk assessment is part of the NGO's planning processes and should include suggestions as to how risk can be reduced or eliminated. At the very least, risk assessments should ensure the programme will not cause human rights violations

(such as a rise in domestic violence) by seeing to it that everyone participates fully in the development. Only in this way will NGOs be better prepared to deal with problems as they emerge.

The features of RBA (as listed above) are not complete, nor are they universally agreed upon. However, the issues listed here are ones most commonly addressed and debated when organizations carry out RBA programming. In summary, RBA uses concepts and tools to shift the objectives of development towards improving human rights and preventing violations. RBA should ensure developments are more participatory and sustainable by seeing individuals as rights holders which will empower them in the process.

12.7 Conclusion.

This chapter has shown how development has been a contested issue throughout Southeast Asia. Even though development is a right and is important for many people in the region, what should be developed, and how development should occur, have been debated for much post World War II history. Development related to human rights in a number of ways: they share similar goals, human rights is a way to assess development, and development is a human right. The final section shows how a common current practice in development is RBA, which brings in human rights standards and principles into the planning and deliver of development, and ensures that rights are maintained during development.

A. Chapter Summary and Key Points

Introduction
The relationship between development and rights covers both rights to development and rights during or *in* development. Rapid development in Southeast Asia since the 1960s has transformed societies and resulted in many changes, both good and bad. Development does not benefit everyone equally. Some become wealthy, while others may be evicted from their homes, or forced to work under poor conditions. Human rights should be protected during development but are often ignored. Human rights and development are related because they both have the same goals, yet development often leads to human rights violations. Human rights should be the standard on which development is judged.

The Politics of Development
Post war international development was overseen at the international level by the United Nations (which established organizations to manage economic and social development) and also by the World Bank and other development banks. However, development has created many problems including: politicization which occurred during the Cold War; excessive focus on the economy that ignored the impact of development on populations; a focus on large infrastructure which damaged the environment and was open to corruption; and the reliance of trickle-down theory. In the Cold War, countries had to choose between assistance from communist or capitalist countries; both models were problematic for development. By the end of the 1960s, many were looking for new ways to develop avoiding all these problems – human rights were seen as one potential path.

History of the Right to Development

The right to development was claimed by many Third World countries as a response to these problems. This right called for developed countries to help undeveloped countries, and for peaceful development. *The Declaration on the Right to Development*, adopted by the General Assembly in 1986, was not universally supported, with some First World countries abstaining or voting against it because they saw it as politicized or unrealistic. The Declaration considers the person as the central subject of development and that participation must be a part of it.

Globalization and Development

New human rights issues emerged because of changes due to globalization, such as the rise of the internet, an increase in women's equality, changes to work practices, and the rise of trans-national corporations. While countries did experience increases in wealth, health, and education, people's rights were sometimes 'traded-off' because governments claimed they wanted to maintain security. The rise of neo-liberal economic models also put a strain on governments and people as inequality grew. This period also witnessed the rise of migrant workers and the global economic crisis which started in 1997. All this led to the anti-globalization movement of the 1990s which addressed many human rights concerns, including the rise of neo-liberalism, privatization, the environment, and the power of the Washington Consensus. The right to development was recognized in the *Vienna Declaration and Programme of Action* which stated that human rights, democracy, and development should be interdependent and mutually re-enforcing. Other developments included the Millennium Development Goals.

Human Security and Capabilities

The 1994 *UNDP Human Development Report* introduced the concept of human security and related this to development. Human Security assumes that the person should be the focus of security, not the nation. Development should ensure human security is respected. Other ways to think about development include Sen's view that freedom is the objective and Nussbaum's capabilities approach.

Human Rights-Based Approach (RBA)

RBA examines how individuals maintain their rights while development occurs. RBA has become a dominant theory in development because organizations now see human rights as central to development and needed to respond to violations occurring during development. RBA is an 'approach,' meaning it can be used to help conceptualize or understand how developments should progress. Common elements of RBA include the goal that no human rights violations should occur during development and that the objective of development is to improve people's rights. RBA differs from charity or rights-based approaches. It considers development should be participatory, accountable, transparent, and non-discriminatory. Also, RBA recognises that development causes changes in power relationships, empowering some and disempowering others, but that the consequences of inequality and disempowerment can be addressed through its methods.

B. Typical exam or essay questions

- Who is affected the most by major infrastructure developments (such as dams, highways, and electricity stations)? By examining one major infrastructure development in your country, determine which groups of people were affected, and how they were compensated.

- What role has your country played in the non-alignment movement? Was it an active participant in debates around the right to development? If so, what did it do? If not, why wasn't it an active participant?

- Globalization brings many positive and negative changes to a country. What do you think are three positive impacts caused by globalization, and three negative impacts?

- What has been the impact on human rights caused by an economic crisis in your country? Did the 1997 economic crisis have a big impact? Or the food and fuel price increases in 2008? Or local economic crises?

- What are some of the major differences between a right to development and a rights-based approach to development?

- What must NGOs do to ensure compliance with RBA when working on development?

- How is participation in development ensured? Who should participate, and how should they participate?

- Should all development focus on society's poorest? Or should all developments attempt to fix inequality?

C. Further Reading

Development
Useful websites on development research and reports are:

- United Nations Development Programme (UNDP): *Human Development Report*
- World Bank: World Development Indicators
- United Nations Conference on Trade and Development (UNCTAD): *The Least Developed Countries Report*

There are a range of textbooks on development. Students can search for the following authors who have examined development:

- Amartya Sen
- John Martinussen
- Vandana Shiva
- Paul Collier
- William Easterly

- Arturo Escobar
- Martha Nussbaum
- Joseph Stiglitz
- Dambisa Moyo

Right to Development

The right to development is mainly studied as a part of human rights history.

- Office of the United Nations High Commissioner for Human Rights (OHCHR): a webpage on the right to development can be found at the OHCHR with links to the Task Force and the Working Group on development

Authors who have written about this include:

- Arjun Sengupta
- Brigitte Hamm
- Bonny Ibhawoh

Rights-Based Approach (RBA)

- Many organizations have guides to RBA but a useful starting point is the HRBA Portal for Practitioners at the UN which contains a large list of resources, case studies, and introductions. Alongside the guide are many studies on the use of RBA in practice, which can also be found at the HRBA portal

Many organizations provide their own guides to RBA, including:

- UN Women
- UNICEF Finland
- United Nations Population Fund (UNFPA)
- United Nations Development Programme (UNDP)
- United Nations Educational, Scientific and Cultural Organization (UNESCO): Strategy on Human Rights called *The Human Rights-Based Approach and the United Nations System*, which gives an excellent history and overview
- *IDS Bulletin* 36.1 devoted an issue to this topic in 2005

Numerous development organizations have their own guidebooks including:

- Action Aid
- Danish International Development Agency (DANIDA)
- Equitas
- Care
- Save The Children

Little academic work has been done on RBA, although some authors to search include:

- Celestine Nyamu-Musembi
- Andrea Cornwall
- Brigitte Hamm