

A Rights Based Approach to Development
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In 1948, the Universal Declaration on Human Rights established 30 basic universal rights of persons. These rights, over the last half century, have served as a road map for humanity to understand its place and identity on our planet. They have served us to define relationships between persons and between societies. Today, they are inextricably linked to us, and we carry them as a treasured inalienable belonging. A question we might ask ourselves today is to what extent do we refer to and ensure that we are protecting our rights and the rights of others in our daily lives.

The 20th Century was a century of growth and expansion, as no other. We have greatly changed the face of the planet and its people in just a handful of decades. The rapid technological explosion that occurred at the close of the century also made an enormous impact on the way we see ourselves, on the way we treat ourselves, and on the way we want to be treated. Unfortunately, the problems of poverty and underdevelopment, which were so much part of our global agenda in the mid to late century, have found no cure. In fact, poverty and even more alarmingly, inequality seems not to show signs of abatement.

In 1992, as the world community came to the first World Summit on the Environment, to address the rational use of planetary resources in a term we call sustainable development, we made a leap of understanding by declaring that:

"Human beings are at the center of concern for sustainable development. They are entitled to a healthy and productive life in harmony with nature." (principle 1 of the Rio Declaration).

This linkage, between people and the environment is key to understanding the harmonic society we must work to achieve. The imbalance that we have created between people, the planet and profit places our healthy continuity at enormous risk.

The topic of this paper has to do with framing this maturation and understanding in a comprehensible and usable format. It has to do how we exercise our rights, such as the right to development, the right to equity, the right to health, the right to a healthy environment, the right to education, the right to a decent standard of living, and an overarching right to human development.

When we think of or refer to human rights, history and circumstance has taught us that human rights have to do with civil liberties and freedoms; or at least this

is how we perceive our rights. Freedom of speech and expression, of religion, the right to life and physical integrity, these are all human rights of the more common type. We think of these rights because we have learned of many cases over the past half-century in which they have been egregiously violated. In fact, democracy has been born in the Americas, for example, as such rights have become more commonly protected and respected. The end to dictatorships and the rise of democracy have taught us to cherish civil liberties.

Other rights, however, such as economic, cultural and social rights have not been the focus of much attention. In fact, poverty as a development issue and poverty reduction as an assistance objective by governments and international aid institutions has only surfaced late in the 20th Century. As we celebrated the 50th birthday of the Universal Declaration on Human Rights nearly four years ago, we have awoken to a world in which the apparent violation of other, less talked about rights, is becoming unavoidable. We cannot deny that in our quest for growth, we are leaving aside many basic human right. Civil society, conscious or not of the grounding of their work in economic, cultural and social rights, are bringing economic, cultural and social rights to the forefront. Traditional human rights advocates going before international tribunals, unfortunately, have not made this connection. Nor do sectoral actors, such as actors from health, education, or environmental actors, for example, frame their agendas from a human rights perspective. Health or education are merely thought of as sectoral issues, and their development or improvement as part of a programmatic development agenda with political and social objectives. Advancing health or education quality, or environmental quality, is generally not seen as a protecting a right. Of even further concern is that rarely do cases of human rights violations regarding, for example, violations of the right to health, or education, ever make it the court systems.

The Human Rights Council of Australia has given extensive thought to the relationship between human rights and development, and particularly to the work of inter-governmental aid agencies. Their premise is that “human rights and development are *not* distinct or separate spheres and, therefore, that the question is *not* how to identify points of actual or potential intersection but to accept that development should be seen as a subset of human rights. The realization of the importance of economic and social rights in the development process and the tendency of governments to ignore steps to their full realization, have led us to look closely at the precise actions needed to realize these rights. An essential aspect of the Right to Development is its emphasis on the centrality of the human person as a subject of the development process”.

If we consider the multilateral institutions such as the World Bank and the United Nations (the same holds for many others), such agencies have broad mandates and objectives that do not necessarily respond to a coherent, universal acceptance of what our goals are as humanity. The objectives of development programs of such agencies depend, in the end, on the enlightened (or not) opinion of international aid workers. It is not always clear what drives the World Bank to decide that poverty reduction is a priority, or that health care provision is more or less important in a given circumstance than paving roads or building a bridge. The question we may ask ourselves is, what should be the

basis for a decision to build a hospital as opposed to paving city streets, or building a child care center as opposed to providing export subsidies to farmers. Such decisions are clearly and usually taken according to pressure received by the decision makers from interested parties. They may respond to vertical decision-making by a governor, city manager, a World Bank project manager or in the best of cases from participatory decision making processes. What is clearly missing is the roadmap to help us make such decisions.

What is quite disturbing of the variety of incentives, influences and pressures that may make a difference in the decision or not to move forth with a public project, is that there are no clear and universally acceptable priority-setting mechanisms in place to assist in determining the best possible use of the investment funds made available for program/project work. Proponents for a rights based approach argue that human rights can provide that guidance and framework.

The idea of a rights based approach to development uses human rights as a framework to guide development agendas. The wide acceptance of the Universal Declaration of Human Rights, particularly in the Western Culture, although also in many non-western countries of Asia, the Middle East and Africa, provide one of the most universal and multicultural agreements upon which to define development objectives. Especially if we get away from viewing human rights as merely civil and political, and begin to focus on economic, social and cultural rights, we can easily ground our development agenda in the basic provision and protection of human rights.

It would do most of well to return to our basic documents, and leaf through the Declaration of Human Rights and recall some of the economic, social and cultural rights therein contained. Rights such as:

The Right to Property (Article 17)

The Right to Social Security and to ECS Rights (Article 22)

The Right to Work (Article 23)

The Right to Rest and Leisure (Article 24)

The Right to an Adequate Standard of Living (Article 25)

The Right to Education (Article 26)

The Right to Participate in Cultural Life (Article 27)

Further, the UN System and certain regional systems, such as the Inter-American System have developed protocols on ECS Rights, detailing the types of rights that if adequately protected will ensure equitable and sustainable growth for our societies.

Taking a rights based approach to development has to do with rethinking our problems looked at through a production and growth-focused framework, and shifting towards an approach more in tune with our objectives as society. While a growth-based model promises advancement and quality of life for many, it also leaves out many more. A rights based approach begins with the objective of ensuring equity and a decent standard of life for all persons. With this as a

starting point, we can then examine growth-led development and hope for better equity, lower poverty rates, and improved standards of living.