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## **“No real development without human rights”**

### **Lecture on the inter-relationship between development and human rights when implementing the UN Millennium Development Goals**

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Outside the United Nations palace in Geneva, at *Place des Nations*, there stands a monumental, huge wooden chair. It has been there for several years by now and continues to irritate some government representatives. One of its four legs is severely wounded, partly blown off. In fact, we see the chair as a frozen image just before it is doomed to fall.

This striking piece of art was erected during the campaign against the production and use of anti-personnel landmines. It is kept there to remind governments and others that the campaign is not over.

The chair could also symbolise the very essence of the United Nations today. The world organization is based on four inter-dependent pillars. They are the four absolutely crucial programmes on security, environment, development and human rights.

The UN Charter, adopted in 1945, in the wake of two world wars, defined peace, development and human rights as the major purposes of the organization. The awareness of the threat of environmental degradation and the need to combat pollution and climate change came later. All these four concerns were however integrated into the Millennium Declaration which the General Assembly Summit adopted in September 2000.

That the UN has adopted these four major ambitions at the core of its programmes is to a large extent the result of demands and pressure from civic society. The peace movement, activists for human rights, green parties and solidarity and development organizations have had a tremendous impact through advocacy, education and concrete action.

That these non-governmental groups, for the sake of effectiveness, have often tended to specialize in one field may have dimmed the fact that the four key programmes inter-relate and are indeed inter-dependent. If one leg is broken, the chair will not stand up for long.

Dag Hammarskjöld once said that “[w]e will never have peace unless human rights are recognized, and human rights can only be fully developed in a peaceful framework.” There are similar interconnections between all four of these major UN programmes.

I will here focus on the links between human rights and development.

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The Millennium Declaration was adopted one year before Nine Eleven and the start of the “war on terror”. No doubt, the enormous investment put into counter-terrorism and the wars in Afghanistan and Iraq has dwarfed the priority given to the development goals. That the superpower demonstrated such contempt towards the United Nations and openly violated international law, including human rights standards, strained international relations at a time when multilateralism would have been particularly important.

While the political energy of governments tended to focus on repressive actions against terrorism, the UN agencies began to draw up plans for the implementation of the Millennium Development Goals. They could have argued that the fight against poverty and injustices in a longer perspective might reduce the risk that young people are attracted to extremist movements.

One of the challenges was to clarify the role of human rights. Some human rights advocates expressed disappointment that there was no specific goal for human rights. This was a misunderstanding. If you include economic and social rights in the very definition of human rights - which I would argue you should and must - you will find that there is a human rights dimension in a majority of the eight goals. Freedom from hunger, access to education and health care, non-discrimination, children’s and women’s rights are clearly human rights concerns.

The Millennium Declaration includes the pledge that “[w]e will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development”.

Governments agreed “[t]o respect fully and uphold the Universal Declaration of Human Rights”. Emphasis was put on “more inclusive political processes, allowing genuine participation by all citizens in all societies”.

While the Millennium Summit did confirm the importance of human rights for development, there is clearly a need to further develop the understanding on how these two concepts inter-relate. For years, development and human rights have been regarded as separate disciplines, the one based on economic factors and the other on legal and ethical factors. The terminology and analyses were different, as were the conclusions that were drawn.

Reality has gradually pulled down the fence between the two. The World Bank and the United Nations Development Programme (UNDP) have begun to demonstrate the importance of human rights to economic development. This applies of course to economic and social rights, such as the right to education and healthcare, but also to the classic freedoms and the right to participation.

However, the inter-dependence goes deeper. In order to clarify the true connections between human rights and development, it is necessary to revisit the very definition of both these concepts.

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The Universal Declaration of Human Rights lists the rights themselves. Its 30 articles have during the past 60 years been further developed and given a treaty format in the many regional and thematic conventions adopted.

However, it is also important to understand the nature of a human right. What distinguishes a human right from other aspirations and demands? Let me mention some characteristics.

*Human rights are universal.* The Universal Declaration refers to the rights of all the members of the human family, and many of its articles start with the words “Everyone has the right ...”. In fact, universality is at the core of the concept of rights. There must be no discrimination against anybody.

The emphasis on *non-discrimination* has given rise to provisions designed to prevent, for instance, oppression of women, racial persecution, discrimination against disabled persons and marginalization of minorities.

The universality of human rights also means that they belong to *all countries and all cultures*. No political leader can say that human rights are not applicable in his country because it has a different culture or tradition.

*Rights imply a possibility to influence* and take part in decision-making. The concept of rights goes much further than charity. It is not limited to the satisfaction of specific needs, it has to do with *how* needs are met. The dignity of all human beings is central. Disadvantaged people should not have to beg for something they have a right to.

*Accountability* is crucial to the human rights approach. There would be no point in having rights if no one was responsible for their realisation. This obligation is normally on the government. The ongoing discussions about whether large companies, international organizations, political movements and even individuals can be held responsible does not reduce the duties of governments. The principle of accountability emphasizes the need for legislation and an effective judicial system, as well as a political system that is transparent.

*Human rights are enshrined in law.* Human rights are an integral part of international law, and should also be supported in national legislation. It is sometimes argued that economic and social rights cannot be underpinned by law. This is a misunderstanding and most countries have, in fact, laws also in these areas.

*The rights have an international dimension.* The government in each country is primarily responsible for protecting its citizens and safeguarding their rights. However, there are also provisions in international human rights law that all state parties to treaties share responsibility for the implementation of rights. It is a principle of solidarity that people who cannot defend their own rights can receive support from outside to claim and regain them.

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The term “development” is closely connected to the struggle against *poverty*; development aid or cooperation is understood as economic and “technical” assistance to poor countries.

Years back, development progress was measured only in terms of economic growth. This approach has become nuanced with time to include aspects such as distribution and government response to human basic

needs. The term “human development” was coined to move the emphasis from gross national product per capita to indicators such as child survival, literacy rates and average life expectancy. With “social development” came also a focus on whether development efforts reached minorities and those most vulnerable.

A major World Bank study on poverty – published 2000-2002 after surveys in some fifty countries - demonstrated that poverty was not only a question of low income but also of marginalisation, vulnerability and *powerlessness*. Poor people had little access to the system of justice and generally lacked the means of being heard and claiming their rights.

This is what Amartya Sen calls “*capability deprivation*” in his book “Development as Freedom”. He sees development as a “process of expanding the real freedoms that people enjoy”. For him, human rights are in themselves a component of development and it is therefore a misunderstanding to ask whether human rights contribute to development. Development and freedom are intertwined.

Mary Robinson has said that instead of talking about a “human rights approach” to development we should recognize the *convergence* of the two concepts. I agree and would go one step further and say that the very purpose of the development efforts should be to ensure human rights for everybody.

Full realisation of human rights is the goal, development work is a means.

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This argument assumes that the economic and social rights are recognized as part of the human rights package. Although these rights are included in the Universal Declaration, they are still far from accepted in the United States. “Freedom from want” – to use Franklin D. Roosevelt’s term in his famous speech about the four freedoms - is generally seen as an ambition rather than as a right.

Since the Universal Declaration was adopted the principles of the right to education, healthcare, an adequate standard of living and reasonable conditions of work have been codified in a number of international and regional treaties, including the European Social Charter and the ILO core standards on, for example, trade union rights, protection against forced labour and exploitation of child labour.

However, also in Europe there is still some resistance against economic and social rights. One argument is that these rights are an unnecessary drain on resources and tend to dilute the concept of human rights.

The response is that efforts to promote human rights are not a zero sum game, in which steps taken to promote one right have a negative impact on others. Amartya Sen has convincingly shown that freedom of the press and a free debate are crucial factors when it comes to preventing famine. Likewise, a person who is starving is hardly in a position to exercise his or her right to participate in society. Deprivation of one right undermines the possibility to enjoy other rights.

The 1993 World Conference on Human Rights in Vienna confirmed these linkages. It declared that “*all human rights are universal, indivisible and interdependent and interrelated*”. This statement was a refutation of the view that economic and social rights cannot be compared with other human rights and also the view that human rights must be realized in a particular order, for example first food then freedom of expression.

The decisions taken in Vienna put an end to the pointless debate during the Cold War years on whether one rights package was more important than the other. Nelson Mandela's comment on this dispute was that no-one should be forced to choose between bread and the ballot.

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Even before rights-based approaches to development had been accepted, countries in the South promoted the concept of a *right to development*. It started as a quest for more fair economic and trade relations between the North and the South. This idea was, not surprisingly, difficult to fit into a human rights format. Indeed, there were suspicions that the real intention was to undermine the strength of agreed individual rights.

However, a UN Declaration on the Right to Development was adopted by the General Assembly in 1986 and this particular right has since acquired clearer content. One key point in the declaration is that the "human person is the central subject of development and should be the active participant and beneficiary of the right to development". In other words, a major message is the importance of *participation* in development work of those affected. This point is particularly relevant in relation to women's rights.

The declaration also makes clear that the promotion of the right to development must be consistent with respect for other human rights. Failures to observe civil and political rights, as well as economic, social and cultural rights, are mentioned as obstacles to development. This put some fears to rest.

Another fear had been the proposal that development assistance would be an obligation for the richer countries. The Declaration spells out that the primary responsibility lies with the domestic state itself, but it also says that all states have a duty to cooperate in ensuring development and that international cooperation is essential in providing poor countries with appropriate means and facilities. This is in line with the International Covenant on Economic, Social and Cultural Rights.

In retrospect, it would have been much better if the intention behind the idea of a "right to development" had been formulated as political argument rather than as a human rights norm. I read the declaration as a strong quest for the full implementation of the already agreed human rights norms. The appeal for more solidarity with those who are disadvantaged underlines the great importance of these standards.

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Amartya Sen's "development as freedom" and Mary Robinson's "convergence" have helped to build bridges between the worlds of human rights and development. What we have today is an increasing understanding of the value of "rights-based" development programmes.

It has been decided within the United Nations that human rights principles and standards are to be mainstreamed into all efforts to promote security and social and economic development. The UNDP, UNICEF and other UN agencies have adopted a "rights-based" approach.

*This means that the development plans should prioritize anti-discrimination measures; treat individuals as participants rather than recipients of charity; and clearly define the responsibility for implementation of the rights, ensure evaluation of the results of the measures and establish human rights in effective legislation.*

Has this new approach changed reality?

Not very much so far. Institutions change slowly, particularly within the UN family. Many of those who represent development programmes continue to see human rights as a potentially dangerous addition, rather than as an integral part of the UN contribution. Some even avoid using the term “human rights”. They fear that the human rights approach would disturb cooperation with governments who do not like to discuss or address shortcomings in their exercise of power.

This makes it essential to stress that the human rights are rooted in binding treaties and not an offer à la carte. The impartial, principled and people-oriented approach of human rights has not yet been fully adopted in the development community.

Another obstacle has been the simplicity of the human rights discourse. In several of the donor countries there has been an unfortunate tendency, also in the parliaments, to focus exclusively on the conditions for assistance. Proposals have been made that no aid should be provided to such and such country because of their bad human rights record.

There are indeed situations when assistance should stop precisely because it does not, and could not, enhance the rights of people. This, however, is exceptional. We have learnt that ill-advised sanctions can damage the lives of ordinary people while in fact strengthening the repressive regime. The human rights approach should give a much deeper contribution to development than defining aid conditionality.

Some national development agencies have made efforts to integrate human rights into their programmes for several years now and this has produced some positive results. For instance, I have seen some real progress in the work for the emancipation of women.

The parallel processes of the UN Convention of the Rights of the Child and the UNICEF-initiated national plans for children have been clearly successful. The rights-based approach has given a basis for more effective advocacy in support of disadvantaged children, in particular. The principle of the “best interests of the child” has come to influence the development programmes. This has meant an important break with outdated charity attitudes.

To sum up. I believe that the rhetoric which has developed with the help of Kofi Annan, Amartya Sen, Mary Robinson and a number of non-governmental organizations is useful and important. Indeed, I believe that the very purpose of development is to contribute to the full realization of human rights for all.

But much, much work remains to be done.