

International financial institutions:

# Linking rights and development

Lawyers Committee for Human Rights

■ The international community, both official and non-governmental, has increasingly come to understand that there are linkages between the respect for basic human rights, both civil and political and economic, social and cultural, and effective and sustainable development. In other words, human rights are not only worthy of protection in their own right, but as vehicles necessary to permit such development to occur.

Increasing attention has been paid to human rights concerns in the context of development among both bilateral and multilateral donors. Some bilateral donors have adopted explicit policies incorporating human rights requirements into giving programs and have provided assistance for efforts to promote human rights observance. International Financial Institutions (IFIs), such as the World Bank, have also focused on these issues. While IFIs are subject to some limitations not applicable in the bilateral sphere – arising out of their multilateral character and existing obligations under governing legal instruments – they too have come to understand the relevance of respect for human rights to development.

The IFIs, particularly the World Bank, are deserving of attention given their multinational character. In addition, the World Bank is a member of the UN family, as a specialized but independent UN agency.

The consideration by the World Bank of human rights issues has occurred in two contexts. First, there has been recognition that the substance of development includes respect for human rights, particularly economic and social rights:

‘It will be appreciated that some basic human rights such as the right to an adequate living standard, education, nutrition, health etc., are closely interwoven with the problem of the alleviation of poverty itself.... The relevance of [poverty eradication] efforts cannot be overemphasized because the enjoyment of a number of basic rights cannot, in many parts of the world, be divorced from eradication of poverty.’

The very objectives of economic and social rights are to a great extent also the subject of economic development. Moreover, economic and social progress is not the only objective of development:

‘Freedom from fear and arbitrary arrest, free speech, free association, and the right to run for and hold political office can all be viewed as important elements in living a fuller and more meaningful life. It is therefore arguable that actions in these areas can and should be subsumed under a broadened heading of development well-being.’

The World Bank has also more recently come to consider human rights in another context – within its discussion of the importance of ‘good governance’ to sound and effective development. Governance has been defined by the Bank to mean ‘the manner in which power is exercised in the management of a country’s economic and social resources for development.’ The Bank has restricted its consideration of these factors to instances where there are ‘direct and obvious economic effects relevant to [the Bank’s] work.’

While there is debate about which rights are relevant to governance and thus development, the World Bank has already identified some: an objective and efficient judiciary (rule of law); freedom of association and organization (institutional pluralism); political and bureaucratic accountability; and freedom of information, including transparency of decision-making process. Observance of these rights also enables the intended beneficiaries of the development activity to participate effectively in both political and economic life and is closely correlated with another key governance concern – the legitimacy of the government. These concerns are also recognized in the UN Declaration on the Right to Development which calls on States to ‘take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.’

While recognition of these rights and their important role in the development process is welcome, to date, their consideration by the World Bank has been *ad hoc* – there has been no systematic integration of these concerns into its work. In addition, the nexus between these and other rights to sound development needs to be explored in greater depth. The reference point for this review should be those rights which the vast majority of the world community has determined to be universal and fundamental, that is, those rights identified in the International Bill of Human Rights – the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Within this framework, key rights necessary for an enabling environment are:

- Government officials must be accountable for their actions through clearly formulated and transparent processes, and more particu-

One of the greatest achievements of this century has been the awareness by the international community of the role of human rights as the foundation for progress, development, democracy and prosperity. Nicaragua shares the concerns of the international community to protect and supervise fundamental rights. This Conference has been convened at a time when the world is going through profound changes: a redefinition of political structures, a movement for democratization and growing importance attached to human rights problems. I wish to express my sincere wishes on behalf of my people, my government and myself for success and progress towards the joint welfare of the people and states of the world.

**H.E. Violeta de Chamorro**

President

Republic of Nicaragua



**A woman in India plants tea trees: women like her are at the sharp end of economic decisions made 'thousands of miles away**

The World Conference on Human Rights in Vienna represents a milestone in the promotion and the protection of human rights throughout the world. Human rights activists, representatives of indigenous peoples, NGOs and media alike must join forces to ensure that this unique event will produce tangible results for all those who are suffering persecution, maltreatment or oppression. Abhorrent crimes against humanity are still being committed today, both in the former Yugoslavia and elsewhere. The world community should take this opportunity to provide the United Nations with the necessary authority and capacity to fully discharge its mandate in the field of human rights.

**Gro Harlem Brundtland**  
Prime Minister  
Kingdom of Norway

larly the legitimacy of a government must be regularly established through a well-defined open process of public choice (Universal Declaration, Article 21).

- The safety and security of citizens must be assured (Articles 3, 5), the rule of law must prevail, and citizens must be legally protected from arbitrary or capricious actions by public authorities (Articles 7, 8, 9, 10, 11).
- Everyone has a right to an adequate standard of living and the basic necessities of life, which should be provided for the benefit of all citizens in an equitable manner (Articles 22, 23, 24, 25).
- Freedom of association and expression of opinion must be permitted, and information must be readily available to ensure accountability (Articles 19,20).

The importance of the international community ensuring that indigenous non-governmental organizations are effective cannot be underestimated in this context. 'The World Bank has learned from its experience that the participation of such independent groups is important for the success of projects economically, environmentally, and socially.' Such groups make crucial contributions to the effectiveness of particular development projects (through their participation in project design and

implementation), as well as enhancing and reinforcing other core objectives, particularly accountability.

'The capacity of NGOs and institutions (professional associations, trade unions, business organizations, grassroots groups, research centres, universities, and the mass media) to articulate the needs of important constituencies, analyze policy requirements, and contribute to policy formulation is an important aspect of accountability. Building this capacity is a central aspect of developing an enabling environment for growth.'

In his final report of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr Danilo Turk, the Special Rapporteur on the Realization of Economic, Social and Cultural Rights, also emphasized the critical role played by NGOs: 'The participation of persons and groups particularly affected by the projects and policies supported by the World Bank is of particular importance, both for the success of policies and projects and for the realization of human rights.'

The Lawyers Committee calls on the World Conference to advocate that greater attention and resources be devoted by the World Bank and other international financial institutions to the identification of the linkages between human rights and development and between human rights and governance. The World Conference should also encourage the World Bank to consider the larger implications of the Bank's membership in the UN family and how that relationship can be strengthened to the mutual benefit of both institutions. Development must be seen in much broader terms than strict economics; core human rights concerns must be respected to create the fertile environment necessary to foster sound, effective and equitable development. The time has come for a systematic examination by the IFIs of these issues to promote development as well as civil, economic and social justice. As UN Secretary-General Boutros Boutros-Ghali stated in his 1992 report to the General Assembly:

'Respect for human rights is clearly important in order to maintain international peace and security and to achieve social and economic development. In turn, without development, long-term enjoyment of human rights and democracy will prove illusory.... Good governance, democracy, participation, an independent judiciary, the rule of law and civil peace create conditions necessary to economic progress.'

*EXTRACT FROM: Human Rights, Development and International Financial Institutions, Lawyers Committee for Human Rights*