

New development agenda

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Development agencies were on the whole conspicuous by their absence at Vienna, which is a pity for by staying away they missed the opportunity of engaging in one of the most stimulating debates - the relationship between human rights and development. In the cramped basement which housed the NGO Forum, ambassadors, development workers, human rights activists, UN experts and World Bank officials met and argued over some of the central issues on the agenda of the World Conference on Human Rights: the primacy of different categories of rights, the validity of economic and social rights, and the legitimacy of making aid conditional on respect for human rights.

The debate on the hierarchy of rights

During the Cold War period Western governments had vigorously promoted the absolute and immediate nature of civil and political rights, opposing the notion that economic and social rights were anything other than aspirations which could only be achieved gradually. In 1966 the rights enshrined in the 1948 Universal Declaration of Human Rights had been divided into two covenants - the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The first was drafted in terms of individuals' rights, the second in terms of states' duties. But, from the late 1960s until the mid-1980s, the argument of Eastern Bloc and developing countries (which formed the majority of the members of the UN) was that it was necessary to give priority to economic, social and cultural rights in order to achieve the full realization of civil and political rights - an approach epitomized, for example, in the Tehran Proclamation of 1968.

After the ending of the Cold War and the upheaval in former communist states, the attitudes of many developing countries changed, creating the possibility of a different approach to the two groups of rights. Even as early as 1986 the UN Declaration on the Right to Development had insisted that: 'the

promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.'

In the run up to Vienna, however, it seemed possible that this emerging consensus might be reversed. Asian governments, reacting against the stated policies of industrialized countries, which linked development assistance to 'good governance' and the implementation of civil and political rights, rejected what they regarded as the Western approach by insisting on the importance of cultural specificity in the interpretation of human rights. Some of their arguments were reminiscent of the Eastern Bloc rhetoric of the Cold War period:

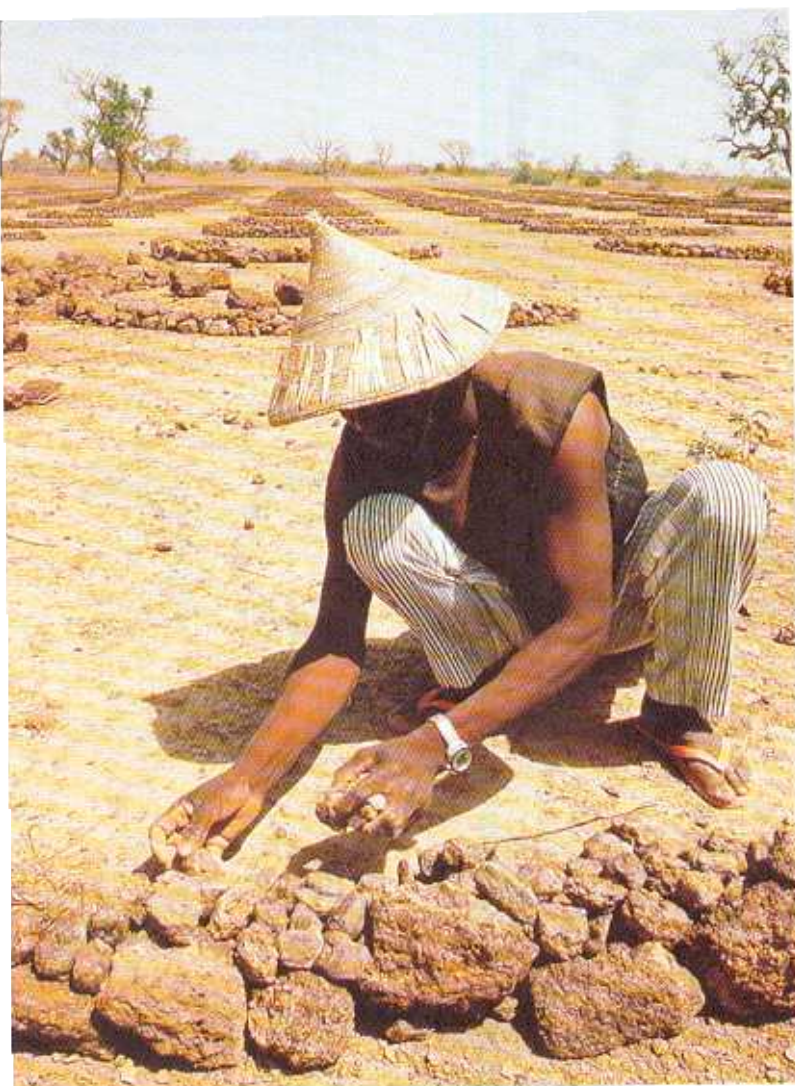
'Rights cannot be divorced from the responsibilities and obligations which derive from their social context ... In some Asian societies, for example, the right to a decent standard of living might be more important for the individual than an unimpeded right to self-expression.'

That this position failed to gain general agreement was partly due to a lack of support from African governments and partly to a well-coordinated counter campaign mounted by Asian non-governmental organizations (NGOs) who rejected such propositions as being little more than a justification for authoritarianism. In the NGO Forum the UN expert Philip Alston forcefully advised delegates to reject all such arguments because 'They are without either legal or empirical foundation ... When these arguments are made by governments, they are in essence attempts to justify the denial of basic human rights.'

Human rights and development

According to the report to the World Conference by the UN Committee on Economic, Social and Cultural Rights, the fact that one fifth of the world's population is afflicted by poverty, hunger, disease, illiteracy and insecurity 'is sufficient grounds for concluding that the economic, social and cultural rights of those persons are being

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economic and social rights**



Poverty tends to be characterized by the denial of rights as well as material insufficiency

denied on a massive scale'. Yet on the whole development agencies have been slow to explore ways of bringing their concerns into the UN human rights framework.

The work of development agencies, which was originally welfare-orientated, has gradually evolved into a twin-track campaign for community organization and pressure for improved public policies. It was perhaps primarily the work of the Indian philosopher and economist Amartya Sen which impressed on development agencies the need for a more 'rights-based' approach, since he appeared to demonstrate the crucial importance of civil and political freedoms in averting famine.

Economic and social rights, unlike civil and political rights, have not been subjected to precise legal interpretation. It has often been suggested that these rights are not 'justiciable' – that is to say, lacking in elements susceptible of determination by the courts. But it is clear that many of the rights do have elements which are already, in the law and practice of some states, justiciable. There are also other approaches by which meaningful

administrative or judicial remedies might be provided to individuals or groups whose economic and social rights have been violated. These possibilities have been given insufficient attention not because of their legal complexities but because governments have lacked political commitment to economic and social justice.

As part of its contribution to the Vienna Conference, Oxfam UK/Ireland organized two workshops on the issue of economic and social rights. The first of these, run on behalf of a new international coalition of human rights and development organizations, examined one of the central themes outlined above – the relationship between civil and political rights and economic, social and cultural rights. Oxfam wished to emphasize the view, based on experience of working with poor people throughout the developing world, that poverty tends to be characterized not only by material insufficiency but also by denial of rights. In some cases this involves the violation of basic civil and political rights; in others, the withholding of social and economic necessities. Political participation and economic empowerment, it believes, can be shown to be essential elements in all successful development programmes. The workshop was chaired by Pedro Nikken, of the Inter-American Institute for Human Rights, and the speakers included Dr Neelan Tiruchelvam from the Law and Society Trust, Sri Lanka, and Dr Philip Alston, Professor of Law at the Australian National University, and current Chair of the UN Committee on Economic, Social and Cultural Rights.

This workshop explored the potential of the UN's institutional mechanism for promoting economic and social rights and invited NGOs to consider how different strategies might be adopted to achieve the implementation of basic rights – subsistence, security and liberty. There was general agreement about the need to create a complaints procedure for the International Covenant on Economic, Social and Cultural Rights which would enable individuals and groups to submit alleged violations of their rights to the relevant UN Committee. This would require the drafting and adoption of an Optional Protocol to the original Covenant of 1966.

The second workshop examined the growing tension between development and the rights of indigenous and rural people. Millions have been uprooted by large-scale projects, their cultures devastated, their livelihoods threatened. The scale of the catastrophe has led to the adoption of international resettlement guidelines, yet these have not been widely or consistently enforced. Oxfam partners spoke eloquently of their personal

In the new emerging world order, the issue of human rights has assumed increased prominence and importance. As a member of the UN Commission on Human Rights and a staunch defender of the principles outlined in the Universal Declaration of Human Rights, Barbados remains committed to playing an active role in promoting and protecting the rights and freedoms to which all men, women and children are entitled without discrimination. I take this opportunity to commend the UN for its work in this vital area.

The Hon. Lloyd Erskine Sandiford
Prime Minister
Barbados

A new challenge is presented as poverty and hunger are recognized as gross and systematic violations of human rights

experiences of displacement. Ezra Twinomunjuni, representing 30,000 people displaced by a European Community funded forestry project in Uganda, gave a graphic description of how he and his community were left destitute after losing their homes, their land, their livestock and their belongings. Members of COIAB, a Brazilian Indigenous People's regional organization, spoke of the need for greater legal protection for their ancestral land, the exclusion of indigenous people from decisions about development and the delays experienced in getting their land demarcated by the Brazilian Government. There was strong endorsement for the view that international financial institutions and donors should incorporate human rights criteria into their policies and procedures and should take the necessary measures to inform and obtain the participation of people affected by their programmes.

The increasing emphasis being placed on free market policies brings with it a far greater need to ensure that appropriate measures are taken to safeguard and promote basic rights. Florence Mwale, the President of Zambia's YWCA, an NGO, told workshop participants how, under the Structural Adjustment Programme, many people in Zambia have

found themselves out of work, pushed towards the 'informal sector' in which they cannot compete effectively. Not only do they suffer economic displacement, but those unable to afford rent have to move to shanty towns.

Conclusion

One of the most important achievements at Vienna was the consolidation of the right to development, which obtained support from previously hard-line opponents such as the United States. Much work still needs to be done to clarify the concepts involved and to examine how to implement them - by, for example, developing a complaints mechanism to the International Covenant on Economic, Social and Cultural Rights. But the fact that poverty and hunger are now unequivocally included in the Declaration's catalogue of gross and systematic violations presents development organizations with a new challenge as to how to address these problems more strategically. The World Conference comprehensively rejected the old arguments about the hierarchy of rights and concluded that the two 'generations' of rights (political and civil; economic and social) are parts of a single whole. The practical fusion of the two is the agenda of the future.



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