

DEVELOPMENT WITHIN HUMAN RIGHTS

REVIEW ARTICLE

HUMAN RIGHTS AND DEVELOPMENT. David Forsythe.
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We live in a world of glaring contrasts and contradictions. Each of us views the polarities of human life—affluence on the one hand, destitution on the other. We all despair at the suffering of the poor who now make up the majority of our planet. We shrug helplessly, caught in the relentless orbit of our own lives, unable to find either the time or the fundamental inclination to come to grips with and seriously resolve the dilemma of economic inequity. We shake our heads, we feel sympathy, even compassion. We open our wallets and salve our consciences and go back to our busy lives. Nevertheless, the problems go on, worsening each day. The combined nations of the world spend well over \$1.8 million a minute for military purposes,¹ a needless expense if the aim is killing, for malnutrition, in any event, kills 40,000 children per day.² Malnutrition is a “free” killer, the agent of some grim Malthusian ordering of life which picks on the most vulnerable as its victims. If all the technology currently available to the world were to be harnessed to improve the quality of life globally rather than regionally, there might be less contrasts and fewer contradictions. Yet this task, so simple to formulate on paper, is currently impossible to implement in practice. This is one instance where human problems have apparently gone beyond human solutions. It is not the lack of capacity but the lack of will to resolve this crisis which has bedeviled all efforts at a solution.

For once, history has not been a friend but a stern teacher. The past demonstrates a marked pattern of exploitation: colonial exploitation, gender exploitation, racial exploitation, and class exploitation. The habit appears to be an ingrained feature of human life. Why

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¹ R. GOF, *THE TWENTIETH CENTURY* 292 (1990).

² D. FORSYTHE, *HUMAN RIGHTS AND DEVELOPMENT* at x (1989).

should anything be different now? Possibly because the main thrust of political and social revolution in the second half of the twentieth century has been that exploitation is no longer tolerable or acceptable. While the meek have by no means inherited the earth, they are loudly and vociferously clamoring for a share of it. If this demand is matched by the physical violence that bursts forth from a realization that one has been the victim of gross inequity, who knows what the future holds.

Thus far, the reactions to the clamor have been to stifle it (by imposing left or right wing dictatorships); to concede without loosening the stranglehold (by granting political but not economic freedom); to deflect the anger (by encouraging cosmetic social change); to grant benefits which the recipients pay for (by incorporating unemployment insurance and medical care); and to share the wealth (by minimal inclusion of acceptable elements of society into the circle of comfort, if not affluence). You may ask, who are the exploiters? To some extent, all of us are participants as exploiters and exploited. As consumers in the West, we exploit the developing world to satisfy our craving for the cheap products that allow us to enjoy a life of consumer spending. Women in the West are exploited by a pattern of gender discrimination. Men in the West suffer as well when an unstable economy deprives them of their livelihood. There are no clear demarcations between the exploiters and the exploited. Thus, solutions remain difficult to implement.

If the proliferation of war, revolution, malnutrition and environmental destruction provide a daunting challenge, one must also realize that never in the history of the earth has there been so much awareness of global problems. Millions of human beings are knowledgeable about the situation, millions are being informed every day about the problems that plague our planet. The potential for harnessing this global mental energy has never been greater. If the world is indeed a global village, there has never been a better time for people to come together to tackle and overcome these obstacles.

There are, of course, priorities. First, the resolution of at least some festering political crises would go a long way to enthusing and galvanizing global action in the human rights arena. At the time of writing, the government of the United States, having won a brilliant victory in the Gulf War, is devoting its energies to solve the prolonged problems of the Palestinian need for a homeland. Should the United States succeed in this important mission and also guarantee peace for Israel, this would be a very significant achievement.

The second priority is economic. We simply cannot afford to ignore the growing economic problems of our time or to apply band-aid measures of treatment which do nothing to alleviate the injustice. That the need for resolution is urgent is indisputable. The world's population grows by "over one million every five days with nine-tenths of this increase in the poorer countries of the Third World."³ Each year sixty million new, young workers compete for jobs in the least developed countries.⁴ The world's population, a mere 1.6 billion in 1900, will grow to seven billion by the year 2000.⁵ These statistics are all the more alarming when we consider that inhospitable climatic and land conditions presently force 90% of the world's population to live on less than 10% of its land.⁶ "In the early 1980s, it was estimated some 450 million people in the Third World (about 14% of their total population) were living in extreme poverty and another 800 million (25%) in conditions of absolute poverty."⁷

Since the end of the second World War, nations around the world have experimented with rapid industrial development which was once considered a universal cure for the ills of the planet. The naivete of the 1950s and 1960s in believing that huge hydro-electric power projects and large industries would be a panacea has now become evident. Too often, development without a human face brought cultural shock, uprooting of people from their homes, benefits for the elite, exploitation for the majority. While GNP's rose, the quality of human life frequently declined.

In recent years, the experiences of those decades have gone through agonizing reappraisals. The result has been a renewed emphasis on making an explicit connection between development and human rights. This process would improve economic conditions within a framework of human rights values and would be sensitive to cultural needs and susceptibilities. The possibilities of such an approach underlie most of the contributions to David Forsythe's *Human Rights and Development*.

The volume consists of contributions to a conference on human rights and development. Participants from a number of countries gathered at the Hague in June 1987 for an exchange of ideas. David

³ G. LOESCHER & L. MONAHAN, *REFUGEES AND INTERNATIONAL RELATIONS* 38 (1989).

⁴ *Id.* at 56.

⁵ GOF, *supra* note 1, at 492.

⁶ *Id.*

⁷ FORSYTHE, *supra* note 2, at 48.

Forsythe, the editor, is President of the Human Rights Research Committee of the International Political Science Association. When a book has over twenty contributors, it can be hard to gain a sense of cohesive purpose from it. Fortunately, Forsythe provides this by categorizing the articles into "four orientations: a focus on the private sector, a focus on the public sector, country studies, and an integrated or general analysis."⁸ Forsythe culls the kernel of all the articles by suggesting that the central theme proposed by the contributors is that "the key to better implementation of internationally recognized human rights in the Third World rests with political choice."⁹

This book is useful for students of international law, political science and human rights. Though law professors and political science educators might already be familiar with some of the political and historical examples, the views, ideas and perceptions are quite interesting. Forsythe has been careful to present the work of Western and non-Western authors, giving the book an international flavor which is useful for students. Undoubtedly, the book is most likely to benefit the undergraduate university student of human rights. I am presently teaching such a course and observed the reaction of my students when I read from "Testimony I" in Mariclaire Acosta's contribution to this book. The chapter on Women's Human Rights Groups in Latin America¹⁰ partly concerns a forty-one year old woman from San Salvador whose husband (a student and photographer) "disappeared" after a term in prison. Eventually she found his mutilated body in a dump and learned to live with her nightmare by assisting other women facing similar problems.¹¹ My students were obviously shocked by the testimony. The silence of a usually very vocal, large class spoke eloquently of their feelings.

The contributors to the "Private Sector" category of the book describe conditions in Latin America, the Philippines, Nigeria and India. The interest in human rights in these nations is clearly evident from these studies. Testimony from El Salvador:

The people of El Salvador are at war because they are tired of being exploited The people are tired to death of being hungry Our real struggle is for human rights; and for us, human rights are the rights to work, to go to school, to join a union, to

⁸ *Id.* at xiii.

⁹ *Id.*

¹⁰ *Id.* at 3-18.

¹¹ *Id.* at 5-11.

say what we want These are the rights of the people. Human rights are part of life¹²

As 2% of El Salvador's population is estimated to own 60% of its land,¹³ it is inevitable that the cycle of poverty and repression can only be terminated by determined action in favor of human rights. Arguably, the very existence of such gross inequity is a type of rights violation.

That such problems have spilled over into other societies is also inevitable. El Salvador has produced thousands of refugees, men, women and children who have fled to neighboring countries and the United States. The active implementation of human rights is the single most important need for the people of that troubled nation. Such active implementation would require more than the formation of human rights groups.

Contributor Richard Claude mentions the attempt by President Corazon Aquino of the Philippines to require that human rights be taught throughout the Filipino educational system.¹⁴ The idea was enshrined in the new Filipino Constitution of 1987 which stated: "The State shall enforce the teaching of human rights in all levels of education, as well as in non-formal training, to persons and institutions tasked to enforce and guarantee the observance and protection of human rights."¹⁵

If development with a human face is to be the priority of the present and the future, education is still a classic method to awaken people; to inform them and to equip them to become intelligent watchdogs of their government's actions. While science and humanities train young people to lead a productive life, human rights education can help them to evaluate the quality of that life and to ensure that they are not forced to become hapless victims of social, political and economic exploitation. An awareness of the possibilities and limitations of each human right will create a more informed, more mature citizenry in every nation. Such education ought to emphasize that "rights" require a sense of responsibility in the greater interest of the entire community. Only by opening up human rights possibilities through education can we hope to demonstrate that exploitation need not necessarily be an inevitable feature of human life.

¹² *Id.* at 14.

¹³ *Id.* at 18 n.15.

¹⁴ *Id.* at 30.

¹⁵ *Id.*

While it may be idealistic to assume that all the world will "convert" to human rights, the alternatives for our planet are so bleak that some action has to be taken urgently to change traditional attitudes. Human rights have to be enlarged from the world of lawyers and a few thousand activists and brought into the parlance of everyday life for millions of men and women. Given that they know about the problems that plague this world, would it not be worthwhile to present them with a frame of reference within which they can formulate some solutions? Given that there is a global lack of leadership to tackle these problems with courage, ultimate answers may have to come not from above but from below, in grass-roots campaigns which deal with issues on the level of each nation, province, district, village, or even each household.

The emphasis on education might serve to mitigate one serious offshoot of development—namely, the violations of human rights which can accompany extensive economic development. One of the great ironies in this field of human rights studies is that development which ought to inspire positive connotations can often be perceived as a major threat to human rights. A number of contributors deal with this topic.

As Jack Donnelly points out, "[c]onventional wisdom holds that short and medium-run sacrifices of human rights are required to achieve rapid development."¹⁶ The assault of development projects on fragile cultures has sometimes caused suffering out of all proportion to the benefits of the "development." Development has occasionally been used as a catch-all to impose majority ways of life on indigenous minorities. Development has been invoked to justify brutal repression as traditional economic systems have been forced into alien, largely Western molds. If development is to be perceived as a positive force for improvement in the quality of human life, that has not yet happened in much of the Third World despite the plethora of industries, factories, dams and power projects which now mark the landscape of ancient nations.

That shrewd observer of world problems, Mahatma Gandhi once asserted that "[i]ndustrialism is . . . a curse for mankind. Exploitation of one nation by another cannot go on for all time. Industrialism depends entirely on your capacity to exploit, on foreign markets being open to you, and on the absence of competitors."¹⁷ Though Gandhi's

¹⁶ *Id.* at 305.

¹⁷ M. Gandhi, *YOUNG INDIA*, Dec. 11, 1931.

preference for the simplicity of village life may be an impractical, and for many, an undesirable alternative, he did have a pragmatic idea which still has validity sixty-six years after he wrote in 1925: "industrialism is like a force of Nature, but it is given to man to control Nature and to conquer her forces. His dignity demands from him resolution in the face of overwhelming odds. Our daily life is such a conquest."¹⁸

The conquest of the negative concomitants of development may not be easy, but there is emerging now a near-universal realization that development within human rights is not only a preferred alternative but a vital necessity. If the political leaders of some Third World nations have not accepted the idea, their peoples are certainly leaning in that direction. In the face of looming environmental devastation and increasing poverty, who can deny the cry for development with a human face. Hence, the earlier emphasis on "trade-offs" or on the necessity for human rights sacrifices to achieve development has to be adjusted in the face of historical experience. Contributor Jack Donnelly suggests that "human rights trade-offs, except at the very early stages of the move from a traditional to a modern economy, are not required by the imperatives of development. Rather they are contingent political choices, undertaken for largely political not technical, economic reasons."¹⁹ Donnelly also believes that "[i]n at least some circumstances, development simply does not require a growth-first strategy, with its attendant sacrifice of social and economic rights."²⁰

When development involves active, brutal repression as part of the process of rights deprivation, the connection between ends and means has to be made. Can repressive means justify developmental ends? Ethically and morally, the answer would have to be in the negative. Practically and pragmatically, the negative answer has been justified by historical experience. Donnelly argues that "in far too many instances repression is without significant economic rewards, except for a tiny predatory elite, and this is capable of no developmental justification."²¹

If the aim of development is an improvement in the quality of human life, repression cannot be a concomitant of that ideal. To

¹⁸ M. Gandhi, *YOUNG INDIA*, June 8, 1925.

¹⁹ FORSYTHE, *supra* note 2, at 306.

²⁰ *Id.* at 308.

²¹ *Id.* at 314.

suggest, as Donnelly unfortunately does, that "[s]ome repression almost certainly is unavoidable,"²² or that repression can be "functional for a particular development strategy,"²³ is to allow a loophole for tinpot dictators to violate the rights of their people. While Donnelly portrays the present with realism, there is no particular reason why the reality of today has necessarily to provide the standards for tomorrow. One could even suggest that the extent of human suffering occasioned by "development" in the Third World demands that we create a new reality for the 1990s. Ultimately, development with a human face must concern itself with human needs, human sensitivities and human priorities. The challenge for the next century will lie in implementing this new reality. While it may be somewhat dramatic to suggest that the survival of our planet depends on it, it is certainly not difficult to visualize the fate of our world should the present trends continue.

The methodology for effecting such dramatic change in the mindset of leaders and elites around the world presents us with a formidable challenge. While education is the key to generating new attitudes within developing nations, creating a climate conducive to change may require both internal and external efforts. Development aid, channelled to the dissemination of human rights literature, the training of legislators, and the creation of independent critical media are all possible routes to this end. Contributor Rhoda Howard proposes that "if citizens are empowered, especially through literacy, freedom of the press, and freedom of association, there is a chance that their internal organizations can undermine repressive government policies."²⁴

It must be emphasized, however, that external assistance must be given with grace, not with condescension and definitely not with a patronizing attitude which can be used by any Third World leader to refuse the aid in the name of nationalist sensitivities. As any diplomat knows, walking the fine line between ensuring honest utilization of one's foreign aid (a priority on the home front) and offending a Third World leader or government requires all the skill and delicacy of a tightrope walker. Hence, while it is important to demonstrate an enthusiasm for human rights implementation, criticism of human rights violation can pose problems for foreign governments.

²² *Id.* at 325.

²³ *Id.*

²⁴ *Id.* at 231.

Though United States President Jimmy Carter committed his nation to a foreign policy that emphasized human rights,²⁵ the Carter record in implementing that policy was not very encouraging.²⁶ The Reagan Administration went to the extent of attempting to thwart congressional actions (in adjusting foreign aid in favor of human rights) to support regimes in Argentina, Chile and Guatemala.²⁷ One critic of the Carter and Reagan Administrations suggested that "the trouble with the Carter human rights policy . . . was the inconsistency between what it originally said and what it subsequently did. The trouble with the Reagan policy . . . was the consistency between what it originally said and subsequently did."²⁸

Contributor and editor, David Forsythe concludes that "[n]o human rights situation was immediately turned around by manipulation of economic aid."²⁹ Forsythe offers an historical explanation for this:

One should not expect much positive impact from US bilateral economic assistance in support of the implementation of internationally recognized human rights. The US is preoccupied with its global competition with the Soviet Union; most US economic aid is politically designed for that competition. US economic aid . . . has declined drastically in relation to the US past and, more importantly, to others in the contemporary world. US bilateral aid, to the degree that it goes for something more than reward for political orientations, is more sympathetic to macro-economic growth according to traditional capitalistic strategies than to focusing on rights per se Specific attention in US economic aid programmes to rights as rights is marginal and largely cosmetic.³⁰

It is certainly true that one nation alone, even a donor nation, cannot have a resounding impact on the global human rights picture by manipulating its aid. Katarina Tomasevski has pointed out that some donor states which contribute significantly to development aid do not make an explicit connection between human rights and aid. Tomasevski cited the examples of Japan, Saudi Arabia and the U.S.S.R.³¹

²⁵ D. HILL, *HUMAN RIGHTS AND FOREIGN POLICY* 121 (1989).

²⁶ FORSYTHE, *supra* note 2, at 180.

²⁷ *Id.* at 181.

²⁸ K. TOMASEVSKI, *DEVELOPMENT AID AND HUMAN RIGHTS* 50 (1989), *quoting* *HUMAN RIGHTS AND U.S. FOREIGN POLICY: THE FIRST DECADE 1973-1983*, p. 46 (1984).

²⁹ FORSYTHE, *supra* note 2, at 181.

³⁰ *Id.* at 191.

³¹ TOMASEVSKI, *supra* note 28, at 18.

A further obstacle arises when foreign aid is partly utilized as a method of assistance to citizens of the donor nation. Tomasevski stated that "[h]alf of the bilateral aid is tied, and thus spent in the donor countries themselves."³² When self-interest rather than idealism dominates development assistance policies, it is difficult for any government to attempt to impose a moral standard in favor of human rights on the recipient nation.

A solution might involve greater utilization of United Nations machinery both to express a commitment to human rights and for channelling development aid. If the major donor nations were collectively to commit themselves to implementing human rights by distributing their aid through the United Nations and within that frame of reference, some improvement could be effected.

The Commonwealth of Nations has committed itself to an explicit linkage between human rights and development. In October 1989, the Commonwealth announced its decision to establish a "10-nation group of senior experts to strengthen human rights in countries which have been accused of abuses."³³ A Commonwealth source was quoted as suggesting that if developed nations "feel they have a right to criticize human rights in another Commonwealth country, they should be willing to do something about it."³⁴

One has to consider that some of the most generous donor nations, such as Saudi Arabia, arouse serious international concern about their own domestic policies with respect to human rights. In such instances we can only hope that Operation Desert Storm helped blow some progressive winds of change into the region.

If a desire for more human rights can be generated locally, so much the better. At the time of writing, the citizens of Kuwait are agitating for freedom and democratic systems and demanding that the Emir agree to extensive popular participation in the Government of Kuwait. Those Kuwaitis who stayed and endured the Iraqi onslaught are now among the most vociferous. The Kuwaiti experience in surviving Iraqi depredations has also led to an insistence by the women of Kuwait for their human rights.

Contributor Rhoda Howard stresses the importance of empowering groups in such societies "to claim their rights."³⁵ Whether the rights

³² *Id.*

³³ The Times (London), Oct. 26, 1989, § 9 at 5-8.

³⁴ *Id.*

³⁵ FORSYTHE, *supra* note 2, at 223.

gained are political or economic, the positive benefits of such local agitation can be far more significant than by resort to foreign intervention. There is always a danger that the latter policy could be construed as an act of external interference. A somewhat extreme example of local self-empowerment is presently occurring in Iraq in the attempt by the population of that troubled nation to dismantle the totalitarian dictatorship of Saddam Hussein. With obvious reference to a less volatile situation, Howard suggests that "foreign aid could be geared toward enhancing" freedom of association, freedom of the press and educational opportunities.³⁶ Howard's emphasis on internal activism to undermine repressive governments is tuned to the nationalist sensitivities and cultural susceptibilities of the new nations of Afro-Asia and the Middle East. As she states: "The best chance for protection of economic rights, and all other human rights, comes from changing internal actors, internal policies and internal social structures, especially relations of power and relations of production."³⁷

One of the difficulties scholars have faced is in agreeing on a definition of development. The United Nations Declaration on the Right to Development states that: "'development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.'"³⁸ While these works are inspiring, it is quite apparent that there can be serious contradictions in implementation. For instance, should the well-being of the majority culture be the correct frame of reference? How much should the majority sacrifice to accommodate minority interests? It is quite obvious that "no uniform and universally applicable model exists as regards the process of development."³⁹ The country studies in the book demonstrate this point quite clearly.

Because this book constitutes the proceedings of an international conference, the contributions detailing conditions in various countries are reflective of the research interests of the participants. While the international flavor is interesting, the collection does no justice to

³⁶ *Id.* at 226.

³⁷ *Id.* at 230.

³⁸ *Id.* at 126.

³⁹ *Id.*

significant areas of the world and to some relevant problems which are completely excluded. To have three articles on India also appears somewhat lopsided but this, of course, could not be helped. More analysis of the themes of this book and less recitation of chronological history might have enhanced the country contributions. This is why the book is recommended largely for the student audience for whom it will undoubtedly be an eye-opener and an exposé of conditions in some nations. As the volume presents donor and recipient perceptions of development, it is also useful for informing undergraduate and graduate students about the diversity of opinion on this subject. The book makes it clear that "[h]uman rights do not function in isolation but in concrete contexts and situations."⁴⁰

By stressing the role of people who are actively working to achieve their rights, the contributors demonstrate the global interest in human rights. If this activism can affect the policies of ruling elites in some nations, there might well be an expansion of "the psychological universe of obligation."⁴¹ This significant ideal, emphasized by contributor Howard and clarified by editor Forsythe, stresses "that the state is not a toy for the enrichment and comfort of the elite, but rather is a tool to be used for the maximum good of the nation as a whole. At a minimum, the elite is obligated to the rest of the nation to rule for the nation; the people have a right to implementation of that idea. In larger perspective, under the notion of universal human rights all elites have presumably an obligation to give some assistance to realise the recognized rights."⁴²

The dimensions of this problem of human rights and development should not obscure the fact that both human rights and development are twin pillars required in any society and indeed, indispensable for its survival. On a related issue, former Tanzanian President Julius Nyerere commented: "Freedom and development are as completely linked as chickens and eggs. Without chickens, you get no eggs; and without eggs you soon have no chickens."⁴³ A common sense approach incorporating development and human rights would stress inherent cohesion rather than artificial division.

⁴⁰ *Id.* at 123.

⁴¹ *Id.* at 222.

⁴² *Id.* at 356-57.

⁴³ R. CLAUDE & B. H. WESTON, HUMAN RIGHTS IN THE WORLD COMMUNITY 141 n.2 (1989).