COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
  and Protection of Human Rights
Fifty-sixth session
Item 4 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note by the secretariat

In paragraph 2 of its resolution 2003/83, the Commission on Human Rights requested the Sub-Commission on the Promotion and Protection of Human Rights to prepare a concept document establishing options for the implementation of the right to development and their feasibility, inter alia an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address, for submission to the Commission at its sixty-first session for its consideration and determination of the feasibility of those options. In paragraph 5 of the resolution, the Commission requested the High Commissioner to convene a two-day high-level seminar immediately prior to the next session of the Working Group and within its 10 working days, inviting all the relevant actors from the human rights, trade, financial and development fields to review and identify effective strategies for mainstreaming the right to development in the policies and operational activities of the major international organizations/institutions, and as a contribution to the Sub-Commission's work on the proposed concept document. In the same resolution (para. 8) it asked the Office of the High Commissioner to provide all necessary support to the Sub-Commission on its work on the said concept document.

In accordance with this resolution, the Office commissioned the study "Towards a human rights approach to development: concepts and implications".

GE.04-14532 (E)   020704

Towards a human rights approach to development: concepts and implications

Summary

This paper reviews the strengths and limitations of a human rights approach to development, with the idea of linking it to democratic governance and the various forms of exclusion, namely, economic, social and political, which lead to human rights denials. It outlines the types of interventions that are necessary to put into practice processes in order to remove these exclusions and create the conditions for people-centered development.

The author finds several indications that a human rights approach to development has advanced in the last two decades. He argues that human rights are inextricably linked with democratic governance. They both require an awareness of rights and duties, appropriate institutional arrangements and the existence of a democratic civic culture. He suggests that in promoting a human rights approach to development there has to be a simultaneous advance in the three processes of social democratization, which reduces inequalities and social exclusion; productive transformation, which establishes a vigorous economy capable of removing economic exclusion; and State legitimation, which creates a representative and efficient State apparatus that eliminates political exclusion.

The author concludes that the various actors in the international community, including public, private and civil society entities, have different roles to play in these three processes, but the primary responsibility for putting a human rights approach to development into practice remains at the national level.

Introduction[1]

1.   A human rights approach to development starts from the basic premise that the achievement of human rights is the objective of any process aimed at improving the human condition. It uses the various concepts associated with human rights, understood in their broadest sense, as the scaffolding of development policy. It invokes the international apparatus of human rights in support of development action. This approach is concerned not just with civil and political rights (e.g. free speech, freedom of assembly, the right to a fair trial, the right not to be tortured), but also with economic, social and cultural rights (access to food, health, education, housing, jobs) (box 1). In addition to seeking the achievement and respect of specific human rights, a rights-based approach to development emphasizes accountability, empowerment, participation and non-discrimination.

2.   First, the definition of the objectives of development in terms of particular rights - considered as legally enforceable entitlements - is an essential ingredient of human rights approaches, as is the creation of express normative links to international, regional and national human rights instruments. Rights-based approaches are comprehensive in their consideration of the full range of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social. This calls for a development framework with sectors that mirror internationally guaranteed rights, thus covering, for example, health, education, housing, the administration of justice, personal security and political participation. By definition, these approaches are incompatible with development policies, projects or activities that have the effect of violating rights and, when interpreted in a very strict sense, they permit no "trade-offs" between development and rights.

3.   Second, rights-based approaches focus on raising levels of accountability in the development process by identifying, on the one hand, claim-holders and their entitlements and, on the other, their corresponding duty-holders and their obligations. In this regard, they look both at the positive obligations of duty-holders (to protect, promote and provide) and at their negative obligations (to abstain from violations). They take into account the duties of the full range of relevant actors, including individuals, States, local organizations and authorities, private companies, aid donors and international institutions. Rights-based approaches also focus on the development of adequate laws, policies, institutions, administrative procedures and practices, as well as on the mechanisms of redress and accountability that can deliver on entitlements, respond to denial and violations, and ensure accountability. They call for the translation of universal standards into locally determined benchmarks for measuring progress and enhancing accountability.

4.   Third, rights-based approaches also give preference to strategies for empowerment over charitable responses. They focus on beneficiaries as the owners of rights and the directors of development, and emphasize the human person as the centre of the development process. Their aim is to give people the power, capacities, capabilities and access needed to change their own lives, improve their own communities and influence their own destinies.

5.   Fourth, human rights approaches require a high degree of participation, including communities, civil society, minorities, indigenous peoples, women and other social groups. According to the Declaration on the Right to Development, such participation must be "active, free and meaningful" so that mere formal or "ceremonial" contacts with beneficiaries are not

sufficient. Such approaches necessarily opt for process-based development methodologies and techniques that fully involve all beneficiaries as equal partners, rather than relying on externally conceived "quick fixes" and imported technical models.

Box 1

A summary of human rights[2]

Human rights necessary for survival and dignified living include the rights to:

- Life and liberty;

- A standard of living adequate for health and well-being of the individual and his/her family;

- Social protection in times of need;

- The highest attainable standard of physical and mental health;

- Work and to just and favourable conditions of work;

- Food and housing;

- Privacy and to family life.

Human rights also cover those rights and freedoms necessary for human dignity, creativity and intellectual and spiritual development, for example:

- The right to education and to access to information;

- Freedoms of religion, opinion, speech and expression;

- Freedom of association;

- The right to participate in the political process;

- The right to participate in cultural life.

They also include those rights necessary for liberty and physical security, for example:

- Freedom from slavery or servitude;

- The right to security of person (physical integrity);

- The right to be free from arbitrary arrest or imprisonment;

- Freedom from torture and from cruel, inhuman or degrading treatment or punishment.

Cross-cutting are the twin principles of the equal rights of women and men, and the prohibition of discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

---

6.   Finally, the human rights imperative of rights-based approaches means that particular attention is given to avoiding discrimination, promoting equality, ensuring equity and paying attention to vulnerable groups. These groups include women, minorities and indigenous peoples, but there is no universal checklist of who is most vulnerable in every given context. Rather, rights-based approaches require that such questions be answered locally: Who is vulnerable here and now? Development data need to be disaggregated, as far as possible, by race, religion, ethnicity, language, sex and other categories of human rights concern.

7.   An important aspect of rights-based approaches is the incorporation of express safeguards in development instruments to protect against threats to the rights and well-being of prisoners, minorities, migrants and other often domestically marginalized groups. Furthermore, all development decisions, policies and initiatives, which must seek to empower local participants, are also expressly required to guard against reinforcing existing power imbalances between, for example, women and men, landowners and peasants, and workers and employers.

8.   Rights-based approaches that encompass both civil and political rights, as well as economic, social and cultural rights are not new. Indeed, both sets of rights are found in the Universal Declaration of Human Rights, and in subsequent covenants and conventions (box 2). However, economic, social and cultural rights, in particular, have become more visible in the international development agenda. The indivisibility of rights is captured in the phrase "All Human Rights for All".

Box 2

Milestones in rights-based approaches to development

1948 Universal Declaration of Human Rights

1950 European Convention on Human Rights

1951 Convention relating to the Status of Refugees

1965 International Convention on the Elimination of All Forms of Racial Discrimination

1966 International Covenant on Civil and Political Rights

1966 International Covenant on Economic, Social and Cultural Rights

1969 American Convention on Human Rights

1979 Convention on the Elimination of All Forms of Discrimination against Women

1981 African Charter on Human and Peoples' Rights

1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

1986 Declaration on the Right to Development

1989 Convention on the Rights of the Child

1993 World Conference on Human Rights, Vienna

1998 Rome Statute of the International Criminal Court

---

9.   The new human rights agenda runs alongside an agenda derived from the international development targets, which focus on poverty and human development. Civil and political rights, together with economic, social and cultural rights, are both a component of human development and a means of achieving it. For example, participation and the elimination of discrimination against women are desirable in their own right, and also necessary conditions for poverty reduction. Yet, it is legitimate to examine whether a rights-based approach offers value added over poverty-oriented or human development approaches. Therefore, it may be pertinent to ask: is a rights discourse simply another form of advocacy for human development?

Advantages and limitations of a rights-based approach to development

10.   The most influential recent focus on human rights and development is closely associated with work on poverty reduction and human entitlements. Foremost in this field is Amartya Sen, whose work provides a human rights framework for addressing poverty, as well as highlighting the relevance of freedom and human rights to development. Sen's incorporation of the concepts of entitlements, capabilities, opportunities, freedoms and individual rights into social choice theory has contributed to a paradigm shift towards "post-welfare" economics. This challenges the view that poverty is irrelevant to the characterization of fundamental freedoms and human rights. Since well-being includes living with substantial freedoms, human development is also integrally connected with enhancing certain capabilities - defined as the range of things people can do and be in leading a life (Sen 2000).

11.   Sen spells out the added value of a rights-based approach to development in terms of claims. Examining the commonalities and differences between human development and human rights, he argues that if human development focuses on the enhancements of the capabilities and freedoms that the members of a community enjoy, human rights represent the claims that individuals have on the conduct of individual and collective agents, and on the design of social arrangements to facilitate or secure these capabilities and freedoms. However, Sen also highlights the difficulties involved in aggregating individual human rights to arrive at an unequivocal expression of human rights in a collective sense (Sen 2002).

12.   The main strength of a human rights approach to development is that it may be able to offer a better foundation of operational and policy frameworks to address the sustainability and security of poor people's livelihoods (box 3). Rights constitute a valuable strategic entry point to address the ways in which power imbalances deny the excluded access to the assets necessary for a secure and sustainable livelihood. In addition, the international normative framework of human rights provides a valuable set of guidelines for strengthening the accountability of institutions (especially State institutions), pressuring them to deal inclusively and effectively with policy and administrative issues relevant to the livelihoods of the poor. Finally, a human rights approach to development also focuses on the importance of redress mechanisms for individuals to invoke when facing a denial or violation of their rights.

13.   Yet rights-based approaches to development also have some limitations. First, there are problems in determining priorities between different human rights because the principle of indivisibility is central to rights-based approaches. From this perspective, civil and political rights mean little without the attainment of economic, social and cultural rights, and vice versa. However, the lack of a "hierarchy" of rights is rather unhelpful when trying to define priorities for action or the allocation of resources. For this reason, it may be useful to focus on the

capacity of poor people to access opportunities and assets, which would require complementing a "pure" rights-based approach with other perspectives, such as a sustainable livelihoods approach.

14.   A second limitation is the emphasis on State-citizen relationships as the basis for accountability regarding the obligation to respect and achieve human rights. It has been argued that globalization undermines the position of the nation State as the focus of political accountability. In particular, in the case of so-called collapsing States, the intergovernmental framework that backs up accountability for human rights would appear to have little potential to demand compliance. In general, rights-based approaches to development would require defining procedures and mechanisms for accountability at different levels, from local to national and international.

15.   A third limitation emerges from the perception that rights-based approaches place too much emphasis on laws and legal processes. From this perspective the limitations of the judiciary in poor countries may represent a high hurdle to clear in achieving human rights. This would be the case not only in countries with weak law and court systems, but also in others that have well-developed legal frameworks. For example, this would be the case of India where it has been estimated that it would take about 350 years to clear the current backlog of court cases.

16.   The concerns of rights-based approaches overlap considerably those of poverty reduction and human development approaches. They advocate a holistic view of development, place emphasis on accountability and highlight the importance of international partnerships. At the same time, rights-based approaches add legal and redress dimensions that can strengthen advocacy and accountability in the pursuit of development objectives.

Box 3

What does a right-based approach to development offer?

In a statement to the special session of the General Assembly on social development, held in Geneva in June 2000, the High Commissioner pointed out that rights-based approaches bring the promise of more effective, more sustainable, more rational and more genuine development processes. In particular, and among other things, they offer:

- Enhanced accountability, by identifying specific duties and duty-bearers in the development process. In this way, development moves from the realm of charity to that of obligation, making it easier to monitor progress;

    Higher levels of empowerment, ownership, and free, meaningful and active participation, by putting beneficiaries in charge of development. It is now widely recognized in development circles that local ownership and participation are fundamental to sustainable improvements;

- Greater normative clarity and detail provided by the international instruments and the authoritative interpretations of treaty bodies and human rights mechanisms, which list and define the content of development, including the requirements of, for example, health, education, housing and governance. International standards in the form of treaties, declarations, guidelines and bodies of principles are public and readily accessible tools describing in remarkable detail the institutional and developmental requirements of the various guaranteed rights;

- Easier consensus, increased transparency and less "political baggage" in national development processes, as development objectives, indicators and plans can be based on the agreed and universal standards of the international human rights instruments rather than on imported foreign models, prescriptive solutions, partisan approaches or arbitrary policies;

- A more complete and rational development framework, with development sectors mirroring the enumerated rights of the human rights framework. While some sectoral development matrices have focused exclusively on selected economic sectors, the more comprehensive human rights framework provides guidance on all areas of human development, including health, education, housing, personal security, justice administration and political participation;

- Integrated safeguards against unintentional harm by development projects. There is no shortage of examples of harm caused by development agreements, projects and activities that have taken inadequate account of human rights concerns. Rights-based approaches include measures of protection organically incorporated in development plans, policies and projects from the outset;

- More effective and complete analysis: traditional poverty analyses based their judgements on income and economic indicators alone. A human rights analysis reveals additional concerns of the poor themselves, including the phenomena of powerlessness and social exclusion. A more thorough analysis yields better responses and better results;

- A more authoritative basis for advocacy and for claims on resources, with international legal obligations and national commitments empowering development advocates in their quest to have, for example, basic social services given priority over military expenditure, or sounding the alarm when "progressive realization" of economic and social rights stalls, is reversed, or is compromised by conflicting trade or adjustment agreements.

17.   Seen from a broad perspective, there are several indications that a human rights approach to development has been steadily advancing and gaining ground during the last two decades. At the national level, many developing countries have created social safety nets to assist the poor and ensure that their livelihoods are not jeopardized by macroeconomic policy reforms. The institution of the "ombudsman" has been established in many countries to safeguard individual economic, social, cultural and political rights, primarily by using moral suasion and interceding

before the judiciary, the parliament and the executive on behalf of those whose rights are being threatened. In several countries where violence and civil wars have led to extensive and systematic human rights violations there have been "truth and reconciliation commissions", which had the task of shedding light on those dark periods and of establishing the foundation for a transition towards peace and democratic governance. Finally, at the international level, the report of the International Commission on Intervention and State Sovereignty has articulated a set of principles and guidelines that allow international interventions when a State fails to protect the rights of its own citizens (Evans and Sahnoun, 2002).

Human rights and democratic governance

18.   Concerns about governance have not always been associated with respect for human rights and the reaffirmation of democratic practices. During the 1960s and 1970s, approaches to the subject of governance emphasized the possibility of, and capacity for, exercising power "efficiently", understood in terms of achieving the objectives of the rulers, rather than in terms of the rule of law, accountability, transparency and participation that are characteristic of democracy. In some cases, democracy and governance were treated as inconsistent, with the argument that major increases in social demands were overloading democracies. In other cases, it was argued that democratic practices make it more difficult to introduce economic, social and political reforms that would affect the interests of powerful groups. From this perspective, rights-based approaches to development had to take a back seat to the urgent task of promoting economic reforms and growth.[3]

19.   Nevertheless, this apparent contradiction between democracy and the effective exercise of power is not real - especially when a long-term perspective is adopted. On the contrary, we have become aware that participation, dialogue and consensus-building have become indispensable for exercising political power in an efficient and effective manner. Recent contributions on the subject of governance and good government underscore the importance of democratic institutions. Democracy is now conceived not only as an end in itself, but also as a means to achieve political, economic and social rights.

20.   The adoption of a rights-based approach to development broadens the concept of governance and makes it necessary to add the qualifier "democratic" for it to make sense. As a consequence, the older and restricted conception of governance as efficiency in economic management has evolved into a broader understanding of the way in which leaders exercise power and authority in an effective and inclusive manner to advance the cause of human rights. We have learned that participation, dialogue, consensus, transparency, accountability and the rule of law make the State more representative and capable of responding adequately to the concerns of its citizens.

21.   Human rights are inextricably linked with democratic governance. They both require people conscious of their rights and duties, appropriate institutional arrangements, and the existence of a democratic civic culture that applies both to issues of national importance and to those of everyday life. The sense of belonging to a community is nurtured by individual responsibility and by a collective observance of democratic practices. From this perspective, the unrestricted respect and defence of human rights constitutes the foundation of an equitable and participatory society, in which everyone helps to achieve the common good, and in which individualism and competition are balanced by social awareness and solidarity. This implies

rejecting violence and intimidation, which are associated with the authoritarian exercise of political power, and condemning outright the use of violent means to achieve political, economic, or social objectives.

22.   At the international level, technological advances in telecommunications and information processing, together with the growing influence of mass media, have profoundly changed the way political power and authority are exercised, especially in the rich countries. Internet and electronic mail give citizens greater access to information that was once jealously guarded by the Government, electronic networks have given political leaders and organized groups of citizens new ways to communicate, and the spread of television has changed how elections are carried out and how Governments and politicians manage their images. Such technological advances have changed the nature and workings of representative democracy and have brought human rights abuses to light. For example, they were a major contributing factor to the demise of totalitarian regimes in Eastern Europe and the former Soviet Union, and are also creating a more open and transparent climate for political activity in most developing countries. In addition, modern telecommunications and mass media have allowed information about human rights violations, genocides, civil wars and atrocities inflicted by rulers on their people to reach a wide audience, create indignation and mobilize support for the victims.

23.   Developed countries, developing nations and international organizations are finding that their concerns about human rights and good government converge. After the fall of the Berlin wall and the end of the cold war, these issues are increasingly linked to the full exercise of political liberties, improvements in living standards and the achievement of social objectives. As a result, in many parts of the world societies are exploring different ways of promoting and consolidating democratic governance, often in the aftermath of violent conflicts, in the wake of the demise of authoritarian regimes and following political crises.

24.   The accelerated and uneven processes of economic, financial, social, environmental, cultural and technological globalization are leading to a fractured global order at the beginning of the twenty-first century. This is an order that encompasses the entire planet, yet divides rather than integrates people; an order that puts most of the world's inhabitants in contact with each other, but at the same time creates and maintains deep fissures between them. In this fractured global order, human rights and governance problems that transcend national borders have begun to demand increasing attention from the world's political, business and civil society leaders. Issues like combating terrorism, reforming the international financial architecture, reducing pollution and mitigating global warming, and dealing with mass migration and increased numbers of refugees, among many others, pose governance problems and challenges that transcend the purview of States and demand international cooperation.

25.   In this context, international public, private and civil society entities have grown increasingly important. During the late 1980s, governance and good government became major concerns for international financial institutions, especially the World Bank and the Inter-American Development Bank; for the United Nations and regional political organizations like the Organization of American States, the Organization of African States and the North Atlantic Treaty Organization; and for international non-governmental organizations such as Amnesty International and Human Rights Watch.

26.   International financial institutions have emphasized efficiency in economic management, arguing that openness and the responsible exercise of public functions are key to economic performance. International organizations, and in particular the United Nations, have highlighted respect for human rights, the importance of democratic institutions and the prevention of violent conflicts. In addition to those issues, non-governmental institutions have focused on environmental protection and the rights of minorities and indigenous peoples.

27.   Yet the growing power of international organizations does not mean that - barring the extreme case of failed States - developing countries have no strategic and political options of their own in the management of their economic, social and political affairs. The conditions established by the international financial institutions (IFIs) for obtaining access to their resources are key reference points for the design and implementation of economic policies, but they are not completely rigid, as is often imagined. Within limits, which may be more flexible than they may appear, a Government with technical capacity, a good negotiating strategy and broad political support has a certain degree of manoeuvre to modify the conditions set by the international organizations.[4]

28.   Similarly, in parallel with the widespread international support regarding the promotion, respect and protection of human rights, public, civil society and private international organizations are playing a larger role in fostering democratic governance (international supervision of elections, assistance with the design of electoral systems), protecting the environment (financing conservation efforts, alerting about potential environmental disasters), and in promoting social and cultural equity (gender awareness campaigns, protection of indigenous peoples).

29.   Thus, at the beginning of the twenty-first century, human rights, democratic governance and international pressures from public, private and civil society organizations are coming together. They are leading to a broad-based consensus on the impossibility of delinking rights-based approaches to development with the support and promotion of democratic governance.

Rights-based approaches to development, exclusion and poverty

30.   In order to identify possible interventions to advance a human rights approach to development, it is useful to relate it to the reduction of different types of poverty and the elimination of the various forms of exclusion associated with each of them. This perspective also helps to identify the role of the international community in promoting political, economic and social rights.

31.   It is possible to distinguish between three types of poverty in most developing countries. The first is *endemic poverty*, which affects people with extremely low standards of living, with a high proportion of unsatisfied basic needs, without access to labour markets and social services, and without the possibility of having their voices heard. These are people for whom poverty has a historical and cultural dimension that goes back decades and even centuries, and who usually remain rather isolated from the modern segments of society. The second is *chronic poverty*, which affects those who generally live in the marginal urban areas and in some of the relatively more developed rural areas. They have greater access to social services, even if these are of rather low quality and do not adequately satisfy their needs. Most of them belong to the informal

sector and have been forced to generate their own livelihoods, frequently in family-centred activities and under conditions close to self-exploitation. The third is *circumstantial poverty*, which affects primarily those who, even though they have access to reasonable social services and can make their voices heard, have lost their jobs, find it difficult to participate in the formal economy, or do not receive adequate salaries, primarily because of recurrent economic crises.

32.   Table 1 summarizes the relationship between the types of poverty and the forms of exclusion - economic, social and political - that are peculiar to each. These forms of exclusion imply the negation of certain specific human rights, and a rights-based approach to development would seek to reduce poverty through the elimination of these three types of exclusion. Endemic poverty involves these three dimensions of exclusion: the endemic poor are economically, socially and politically excluded; productive employment opportunities are very limited, social services inexistent or of extremely low quality, their voices are not heard and they lack channels to participate effectively as citizens in the country's political life; in addition, they generally do not have fluid and continuous access to transport and other means of communication with the rest of the country and the outside world.

33.   Chronic poverty is directly related to economic exclusion, owing to the obstacles faced by this type of poor to access the formal labour markets, and to social exclusion because of the low quality of the social services they receive and the multiple forms of discrimination they are subjected to. They are usually not affected by political exclusion; indeed, they participate actively in electoral processes, have access to mass media, and there are channels - neighbourhood organizations, trade unions, religious groups, non-governmental organizations, and even street protests - through which they can air their views. As a result, politicians assiduously court the chronic poor, especially at election times.

34.   Circumstantial poverty is characterized mainly by economic exclusion, and affects those who have had access to education and other social services and whose poverty is the result of economic crises that reduce significantly income levels and diminish purchasing power. They do not feel the impact of social and economic exclusion to the same degree as the endemic and the chronic poor. For this reason, they are the first to benefit from economic growth and stability, and from the expansion of productive and service activities.

Table 1

Relationship between types of poverty and exclusion

Type of poverty	Type of exclusion		
	Economic	Social	Political
Circumstantial	High	Low	Low
Chronic	High	Moderate	Low
Endemic	High	High	High

35.   A reduction of economic exclusion is achieved through productive transformation, which should lead to an efficient and competitive economic system, to the use of market mechanisms and government regulation for resource allocation, and to a viable and sustainable process of accumulation. In addition to sensible macroeconomic policies to maintain stability, this requires

a series of active market-friendly sectoral policies aimed at increasing productivity, improving competitiveness and seeking a more favourable insertion into the international division of labour. This would allow the country to generate a level of economic activity and redistribution policies consistent with realizing the economic and social rights for all.

36.   A reduction of social exclusion is the result of the process of social democratization, which should lead to the elimination of extreme inequalities and all forms of discrimination, to equal opportunities for all, to the provision of good-quality basic social services for everyone and to an untrammelled respect for individual human rights. This would lead to a more vigorous and active civil society and to a more socially and culturally integrated country. In addition to the provision of social services, this requires policies aimed at the generation of employment opportunities, measures to achieve a more equitable distribution of income and programmes to assist the poorest of the poor, which would all pave the way for the achievement of social rights.

37.   A reduction of political exclusion is achieved through the process of legitimation of State institutions and citizen participation, which should aim at articulating a viable political community with a shared sense of the common good, of history and of the future, and which should lead to representative and efficient State institutions that citizens could identify as their own. This requires political and administrative reforms to bring State institutions at all levels, from central to local governments, closer to the people, measures to ensure public accountability, and initiatives to make the exercise of power and authority more open, transparent and participative. Such initiatives would go a long way towards ensuring the realization of civil and political rights.

38.   The three processes aimed at reducing exclusion, reducing poverty and advancing a rights-based approach to development interact closely with each other, although each one proceeds at its own pace, at times reinforcing or blocking the other two. Sometimes democratization moves faster than productive transformation and legitimation experiences major setbacks; at other times productive transformation advances significantly without commensurate progress in democratization or legitimation; and there are situations when productive transformation is halted and democratization obstructed, but legitimation does not suffer as much as those two.

39.   Reducing social exclusion through democratization requires a vigorous and efficient economy that is able to grow and to generate wealth, and also a legitimate State capable of creating an environment favourable to economic progress and of redistributing the benefits of growth in an equitable manner. Reducing economic exclusion through productive transformation requires a legitimate State with the capacity to provide public services, implement adequate policies and regulate markets, and also the support of a democratized society that appreciates the benefits of growth. Reducing political exclusion through legitimation requires a modern economy capable of growing in a sustained manner and of providing tax revenues to the State, as well as a more integrated society in which all citizens participate actively in public life.

40.   The interactions between these three processes find a concrete expression in a social pact, which, in turn, should underpin a fiscal pact between all segments of society - political leaders, civil servants, members of civil society organizations and the business community, among others. The fiscal pact would aim at providing the State with a tax base that allows government institutions to function effectively, maintain economic and social stability, and provide security

and other public services, particularly those associated with poverty reduction and achieving human rights. These agreements should rest on a broad consensus on the role of the State, on the need to gradually integrate the informal sector into the formal economy so that it receives public services in exchange for paying taxes and on the recognition that, while the poor may not pay taxes, they contribute - through voluntary work, collective undertakings and social mobilization - to the provision of some public goods and social services - and to the creation of human social capital. The social and fiscal pacts should ensure that State expenditures reach a level commensurate with the provision of a reasonably adequate level of basic social services to all.[5]

41.   What have been called "national dialogues" could play a significant role in forging the social consensus necessary to underpin the initiatives associated with a rights-based approach to development, poverty reduction and the elimination of exclusion. These processes aim at generating consensus on the main strategic directions for development with a long-term horizon, which would find expression in a set of "State policies", rather than "government policies", which all political forces and parties, the private sector and civil society commit to uphold in successive Governments.

42.   While past habits and practices could make the consensus-building exercise of a national dialogue a difficult proposition in many developing countries, should Governments be willing to launch such a process, and political leaders willing to participate in it, it may be possible to overcome some of the severe limitations that usually prevent the articulation of a shared vision of the future and make it difficult to approach it. This may open opportunities for strategic and sustained interventions to advance human rights, reduce poverty and eliminate the various forms of exclusion by combining initiatives from Government, civil society and the private sector at all levels.

The role of the international community in rights-based approaches to development

43.   The international community has a complementary but important role to play in the complex processes of putting into practice rights-based approaches to development. Human rights considerations can be introduced into development assistance interventions in two ways: first, by ensuring that these interventions take explicitly into account the various facets involved in a rights-based approach to development. The idea is to mainstream human rights concerns, incorporating these factors into the design and execution of financial and technical assistance programmes in a variety of fields such as education, health, nutrition, population, agriculture, industry, infrastructure, macroeconomic policy reform, participation, governance and so on.

44.   In addition, it is necessary to take into account the impact of development assistance interventions on the cultural and biophysical contexts, so as to avoid disruptions and unintended negative consequences. This has been the experience in conflict-prone settings, where development assistance programmes, designed without an awareness of deep-rooted cultural factors, have sometimes exacerbated ethnic, social or political tensions, ignited violence and led to the violation of human rights. In general, some variation of the "do no harm" or "when in doubt, abstain" precautionary principle appears to be in order when taking into account such contextual factors. However, this should not lead to paralysis or inaction, but rather to more informed and explicit judgements regarding the impact of development interventions to promote human rights.

45.   The second way in which human rights considerations are incorporated into development assistance programmes is by designing and implementing interventions specifically aimed at reducing poverty and eliminating exclusion. These interventions can be related to the processes of productive transformation, social democratization and State legitimation. They aim at reducing economic, social and political exclusion, primarily by building the capacities in the private, civil society and public sectors, and by putting into practice interventions that steer institutional change in the medium term. Each of these three processes will be briefly examined in turn.

Productive transformation

46.   Initiatives in this category refer to changes in the productive system to make it capable of sustained growth and of creating wealth:

        (a)   Programmes to create new business opportunities and improve the productivity of local firms, and especially small enterprises, so as to generate surpluses for domestic investment and to improve competitiveness in foreign and local markets. These include management and technical assistance programmes (quality control, marketing, waste reduction, process streamlining, technology management, extension services), initiatives to improve the policy environment for the private sector (investment promotion, competition policies, trade policies, financial policies) and measures to facilitate the operation of productive enterprises (administrative simplification, reduction of bureaucratic requirements). Programmes of this type have been quite common for bilateral agencies and, to a lesser extent, for international financial institutions and private foundations. This category also includes initiatives to help achieve a sustainable use of natural resources and, in particular, renewable resources (biodiversity, forests, soil, fisheries and aquaculture). This is an important area that has not received sufficient attention and which requires research, studies and pilot programmes to learn more about these resources, as well as to learn how to conserve and use them in a sustainable manner;

        (b)   Programmes to improve the performance of the informal sector, which should be particularly targeted to the small and microenterprises that generate most of the jobs in poor countries. This includes training activities, the provision of appropriate technology packages, the supply of technical information, the simplification of tax collection mechanisms and measures to improve access to credit. There is a need for experimentation with potentially replicable programmes to improve the quality of self-generated jobs;

        (c)   Programmes to evaluate and learn from the experience of past public policies and those of countries in a similar situation. In particular, there is a need to take stock of economic policy reforms such as privatization of public services (energy, telecommunications and transport), financial liberalization and changes in the tax and fiscal system. As the debate on such policies has become highly charged and tinted with ideological considerations, there is an urgent need for a sober and dispassionate assessment of how these reforms are actually carried out and what their impact is, with the aim of learning from experience and improving public policies to foster modernization.

Social democratization

47.   Initiatives in this category refer to the reduction of inequalities, the creation of opportunities for the poor and the provision of basic social services. This is an area in which the international community has played an important role, especially during the last decade and a half:

        (a)   Initiatives to design, organize, launch and coordinate special poverty reduction and social emergency programmes, in particular those aimed at reducing endemic poverty. As public-sector resources are clearly insufficient to reduce poverty, there have emerged a number of public-private-civil society partnerships (preventive health services, nutrition programmes for children, employment programmes for women) in which public funding, mobilization and volunteer work by beneficiaries, private sector provision of some goods and services, and development assistance have all converged. The international community can help to evaluate the results of these partnerships and to assess their impact and possible replication, and also assist in the design of more appropriate poverty reduction interventions;

        (b)   Initiatives to help improve the provision of basic social services provided by the public sector. Only a very small minority have access to private education and health services, and the quality of public services in developing countries is rather low. The administrative and technical challenges involved in reforming public health, education, water supply, sanitation, transport, telecommunications, energy and housing are daunting, and joint efforts between public, private and civil society entities are essential to achieve lasting improvements. These initiatives need to be sustained for several decades to bear fruit, and improvements will be slow at the beginning. However, after overcoming bureaucratic inertia and the opposition of special interest groups, progress is likely to proceed at a faster pace. For this reason it is necessary to have a clear vision of what should be achieved in the medium and long term, while at the same time taking small but firm steps to approach the vision;

        (c)   Initiatives targeted at reducing the social exclusion of particularly vulnerable groups, such as children with disabilities, old destitute people, indigenous communities, children orphaned as a result of terrorism and civil wars and victims of domestic violence. These initiatives should be highly focused and complement public services and poverty reduction programmes, and have often been sponsored by international and national non-governmental organizations;

        (d)   Initiatives aimed at strengthening civil society organizations, many of which play a leading role in a variety of fields related to social democratization. This involves support for human rights organizations, grass-roots groups and local associations active in poverty reduction and organizations that promote transparency, fairness and accountability in public sector activities.

State legitimation

48.   Initiatives in this category refer to changes in the way the State and government organizations work and respond to citizen demands. They aim at making State institutions more efficient and representative and to promote citizen participation in public affairs. The

international community has played a role in this category of initiative through public sector reform programmes, most of which have focused on improving the capacity of the central Government and of local governments:

(a)   Initiatives to help clarify and consolidate the role that the State should play in the economic and social life of the country. In most developing countries, the inconsistencies and contradictions of arguments regarding the role of the State during the last 30 years have left a legacy of confusion that must be overcome. Debates on this issue are clouded by ideological positions, vested interests and unrealistic expectations that underscore the need for clear thinking on what the State could and should do in developing countries during the coming decades. The international community can help in raising the level of debate by providing information on the situation of other countries, promoting the exchange of experiences, supporting research and studies, providing fellowships for young professionals interested in public sector issues, and making available the expertise of senior policy makers on the role of the State in economic and social development;

(b)   Initiatives to strengthen the role of political parties and their political intermediation role. This is a rather difficult area of intervention for the international community, primarily because of the risk of undue interference in domestic political affairs and the risk of favouring one or another political group (although some foundations with political party ties do precisely this). However, it is possible to identify programmes that could strengthen the political system as a whole and could help consolidate democratic governance. These include training programmes for political leaders, assistance in the design of electoral systems that could lead to greater political stability and the provision of information on the experience of other countries facing similar processes of political disintermediation;

(c)   Initiatives to modify the incentives that condition the behaviour of political leaders, aligning them so as to promote public sector reforms. This is also a difficult area for the international community to intervene, primarily because of the short-term gains and losses for one or another political group that is involved. Yet, considering the political system and the State apparatus as a whole, it is possible to identify specific initiatives - which should be conceived and placed within a broader framework of substantive institutional reforms - that would lead to a more efficient and representative State. In addition to greater transparency, accountability, openness and participation, these would include changing the rules of the electoral process (for example, to balance territorial with functional representation), changes in the way candidates for political office are designated (for example, replacing or complementing decisions by party bosses to hold internal primary elections), modifications in the terms of office (to disengage presidential and congressional elections). The idea is to create an incentive system for political actors that would induce behaviour congruent with institutional reforms and that is also compatible with the objective of reducing poverty. Learning about the experience of other countries would be most valuable in this regard;

(d)   Initiatives to promote decentralization and the devolution of decision-making powers to lower levels of government. This has been a long-standing demand of peoples outside metropolitan areas in developing countries, one which has usually been ignored by political leaders in the central Governments of many developing countries. However, the way in which

decentralization and the closely related concepts of "de-concentration" and "regionalization" are understood will condition the nature and impact of such initiatives. The international community should support decentralization while pointing out its risks.

Actors in the international development assistance community and their roles

49.   Many actors take part in the design and implementation of development interventions within the framework of rights-based approaches. At the national level, there are public, private and civil society organizations, and there are also political actors that link all of these with the State apparatus. At the international level, public institutions can be divided into multilateral and bilateral agencies; the former comprise international financial institutions (multilateral development banks, the International Monetary Fund, special funds), as well as international institutions of a political and normative nature (the United Nations system, regional bodies).

50.   Yet, the main actors in rights-based approaches are national organizations. Eliminating endemic poverty is primarily a responsibility of public sector institutions under the strong leadership of political actors. Civil society organizations play a complementary role and the private sector a minor one. The reduction of chronic poverty requires joint interventions by the State and civil society, which in turn should have the support of political actors, private sector entities and small enterprises in particular playing an important but complementary role. Reducing circumstantial poverty is primarily a task for the private sector with the support of public policies and institutions, with civil society playing a limited role.

51.   International public, civil society and private actors play roles similar to those of their national counterparts in the reduction of the three types of poverty, but with some important variations. In contrast to the domestic private sector, foreign firms play only a limited role in the reduction of circumstantial poverty while international financial institutions influence significantly the modernization policies aimed at reducing this type of poverty. Bilateral agencies, multilateral institutions and international civil society organizations are increasingly involved in the design, implementation and financing of projects to reduce chronic poverty. On the other hand, international financial institutions - and the international community in general - have a very limited role in addressing endemic poverty.

52.   It is difficult to venture suggestions on the specific roles that the various international institutions should play in rights-based approaches. They operate through many different financial, technical assistance and information exchange instruments and also by utilizing their convening power to forge consensus at the country level. For this reason, it is important to emphasize the importance of policy harmonization and the coordination of their activities and interventions, so as to realize the potential cross-sectoral synergies that exist between the different international institutions and also those that could emerge out of more effective coordination with their national counterparts to advance human rights.

53.   Intergovernmental organizations, such as the United Nations and regional organizations, have primarily a normative and technical assistance function and can count on only limited resources to initiate rights-based approach interventions. These institutions are perceived as more neutral than international financial institutions and frequently are a source of alternative policy advice to developing countries. They can disseminate information, foster the exchange of experiences, organize and launch demonstration projects, provide technical assistance to policy

makers, arranging the provision of public goods, and use their convening power to organize dialogues and promote consensus on rights-based interventions at the national and local levels.**6** In many developing countries they have played all of these roles at different times during the last three decades, and at present there is a need for evaluating their experiences and assessing their future roles in the light of a "poverty reduction strategy" that the Government is in the process of preparing. The United Nations Development Assistance Framework, which should be prepared by all United Nations agencies under the coordination of the United Nations Development Programme, should specify the activities and programmes each agency should focus on.

54.   International financial institutions, and the multilateral development banks in particular, play three roles: a financing role, a development role that focuses on building capacities, and a role in helping to finance the provision of global and regional public goods. They can back their advice and policy recommendations with substantial financing, and their involvement in rights-based approaches focuses on the provision of large-scale financing for social, productive and infrastructure projects and on supporting administrative and policy reforms to improve the provision of basic social services, to ensure economic stability and to promote growth. The International Monetary Fund deals primarily with short-term financing, although its conditions for access to resources under its control are primarily related to the maintenance of economic stability, which usually has important consequences for a rights-based approach. There is a need for strengthening the government capacity to negotiate with international financial institutions, which requires both the articulation of a national development strategy and the organization of a team of experienced negotiators who should have an intimate knowledge of how these institutions operate.

55.   Bilateral development assistance agencies can usually count on resources at a level somewhere in between the tens and hundreds of millions of dollars that are at the disposal of international financial institutions and the tens of thousands that are available to international organizations. In addition, they respond to the foreign and development assistance policies of their Government and can be more selective in their involvement in rights-based approaches. As a consequence, they have more freedom to experiment with and test alternative approaches in, for example, the provision of primary health care or training primary school teachers. Their involvement in promoting institutional changes in a particular field or region can be sustained over relatively long periods of half a decade or more, which allows them to see the results of their interventions to a larger extent than other international actors.

56.   International civil society organizations have played a relatively minor role in development assistance, although in some specific fields they have had a major impact. This is the case of the environmental field in which, together with private international foundations, they have played a leading role in conservation efforts and in preserving some cultural traditions. Similar remarks apply to the international private sector, for foreign investors have not played a major role in rights-based approaches except in the cases where social and corporate responsibility activities have led to the establishment of community development programmes in the areas adjacent to their centres of operation. Private foundations have played a limited but significant role in a few fields, such as scientific and technological research (seed development, alternative sources of energy, environment) and the provision of some social services (family planning, vaccination, education for girls). Their advantage lies in the great freedom they have

to experiment with and explore new rights-based approaches and poverty reduction interventions, for they are not subjected to the same accountability constraints faced by publicly financed bilateral agencies and international organizations.

57.   International community initiatives to foster rights-based approaches can be related to the different types of poverty and exclusion and to the three processes of productive modernization, social democratization and political legitimation of the State. Table 2 provides a few illustrative examples of the types of intervention that the various national and international actors can play in these processes.

Concluding remarks

58.   This paper has briefly reviewed the basic concepts, advantages and disadvantages of a human rights approach to development with the idea of linking that approach to democratic governance, the various forms of exclusion that lead to denials of human rights and the types of intervention that are necessary to put into practice processes that would remove the various types of exclusion and create the conditions for people-centred development.

59.   The main idea is that promoting a human rights approach to development requires simultaneous advances in the three processes of social democratization, which reduces inequalities and social exclusion; productive transformation, which establishes a vigorous economy capable of removing economic exclusion; and State legitimation, which creates a representative and efficient State apparatus that eliminates political exclusion.

60.   The various actors in the international community, including public, private and civil society entities, have different roles to play in these three processes. Yet the primary responsibility for putting into practice a human rights approach to development remains at the national level, which requires that political, economic and social elites become conscious of the responsibility they bear for advancing towards prosperous, inclusive and free societies for all.

Table 2

Poverty, exclusion and rights-based approaches to development: Illustrative examples of the role of national and international actors

Exclusion / Poverty	Economic	Social	Political	National			International			
				State institutions	Civil society	Private sector	Public institutions		International civil society	Private sector
							IFIs	Bilaterals		
Circumstantial	High	Low	None	The private sector and State institutions are primarily responsible for achieving economic growth and reducing economic exclusion.			International financial institutions play an important but supporting role. Bilateral agencies can lobby to remove trade barriers that block exports and hamper growth in developing countries.			
Chronic	High	Medium	Low	In addition to the role of the private sector in reducing economic exclusion, State institutions and civil society organizations play the major roles in reducing social exclusion.			In addition to the above, bilateral agencies, international financial institutions and international non-governmental organizations can contribute to the elimination of social exclusion.			
Endemic	High	High	High	In addition to what is stated above, the main protagonist in eliminating political exclusion is the State, while civil society has a limited role and the private sector plays practically no role.			International entities play a limited role in eliminating political exclusion, with minor exceptions for the IFIs and an occasional supporting role for international civil society.			
State legitimation				• Become more efficient and representative • Openness, transparency, accountability • Improve participation • Change incentives for political actors	• Hold government institutions accountable • Mobilize public opinion for democratic governance and practices	• Reject corrupt practices • Be a good taxpayer	• Avoid supporting authoritarian rule	• Support civil society organizations • Exert pressure on the government for democratic governance	• Assist in democratic transitions • Support programmes to bring the State closer to the people	• Report corruption in government • Be a good corporate citizen
Social democratization				• Improve provision of basic social services • Eliminate discrimination • Poverty reduction programmes • Special programmes for disadvantaged groups	• Participate actively in poverty reduction programmes • Become involved in the provision of basic social services • Demand equity, fairness and efficiency in the delivery of social services	• Social responsibility programmes • Philanthropic activities	• Be sensitive to social demands that are reflected in requests for increased public spending	• Finance special programmes aimed at poverty reduction • Spread best practices	• Uphold respect for human rights • Denounce discrimination and human rights violations • Assist in programmes to reduce inequalities and improve equity	• Social responsibility programmes • Community development initiatives
Productive transformation				• Create favourable policy environment for investment and growth • Provide services to productive sector • Policies to "formalize" the informal sector	• Consumer protection programmes • Provision of services to members of professional and business associations	• Create wealth and managerial achieve economic growth • Improve efficiency of productive activities • Increase exports • Small and microenterprises should gradually abandon informality	• Support of local productive initiatives • Assist in the transformation of economic structures	• Provide technical and managerial assistance to private sector • Special programmes for small and informal enterprises	• Provide information about export markets • Assist small firms in complying with foreign standards and regulations • Help achieve environmental sustainability	• Upgrade capabilities of local suppliers • Help in developing human resources • Expand investments in the country

Notes

[1] This paper was prepared for the high-level seminar on the right to development held in Geneva on 9 and 10 February 2004 by Dr. Francisco Sagasti, Director, Agenda: PERÚ, PO Box 18-1194, Lima. It is based on work carried out as part of the Agenda: PERÚ programme of studies on development strategies, democratic governance and institutional reforms (see: www.agendaperu.org.pe), and on a paper on the rights-based approach prepared for the Lima Office of the United Kingdom Department for International Development (DFID).

[2] J. Häusermann, "A Human Rights Approach to Development", *Rights and Humanity*, London, DFID, p. 56.

[3] See, for example, Crozier, Huntington and Watanuki (1975), and also a review of that report 20 years later by Putnam, Casanova and Sato (1995).

[4] At the same time, financial globalization - and the discipline imposed by international markets on macroeconomic policies - may prove more important for middle-income countries with access to global sources of private capital than the conditions set by the financial institutions. This suggests the need for some kind of mechanism to reduce the potentially destabilizing influence that volatile international capital markets can have on developing countries, which may affect negatively their efforts to embark on a rights-based approach to development.

[5] For a review of the experience with public dialogues in Peru and Latin America, see Sagasti and Prada (2002) and Piazze-McMahon (ed.) (2004).

[6] On the provision and financing of global and regional public goods, see Sagasti and Bezanson (2002).

References

Crozier, Michel, Samuel Huntington and Joji Watanuki (1975), *The Crisis of Democracy*, New York, New York University Press for the Trilateral Commission.

Evans, Gareth and Mohamed Sahnoun, "The responsibility to protect", Foreign Affairs, vol. 81, No. 6, 1 November 2002.

Moser, Caroline and Andy Norton with Tim Conway, Clare Ferguson, Polly Vizard (2001), *To Claim our Rights: livelihood security, human rights and sustainable development*, Overseas Development Institute, London.

Overseas Development Institute (1999), Briefing Paper, No. 3, September.

Piazze-McMahon, Ada (ed.) (2004), *Diálogo Social: Nuevos Mecanismos Deliberativos en las Democracias Latinomericanas*, Washington DC, Banco Inter-Americano de Desarrollo.

Putnam, Robert, Jean-Claude Casanova and Seizaburo Sato (1995), *Revitalizing Trilateral Democracies*, Task Force Report No. 47, Washington DC, The Trilateral Commission.

Sagasti, Francisco and Gonzalo Alcalde (1999), *Development Cooperation in a Fractured Global Order: An Arduous Transition*, Ottawa, International Development Research Centre.

Sagasti, Francisco (coordinator) (2001), *Development strategies for the 21st century: the case of Peru*, Lima, PERÚ Monitor/Agenda: PERÚ.

Sagasti, Francisco, Pepi Patrón, Max Hernández and Nicolás Lynch (2001), *Democracy and good government*, Lima, PERÚ Monitor/Agenda: PERÚ.

Sagasti, Francisco and Keith Bezanson (2002), *Financing and Providing Global Public Goods: Expectations and Prospects*, Stockholm, Ministry for Foreign Affairs of Sweden.

Sagasti, Francisco and Fernando Prada (2002), "Los Procesos de Diálogo Social en el Perú", Lima, Agenda: PERÚ; (forthcoming, in a book to be published by the Inter-American Development Bank).

Sagasti, Francisco (2004), "Hacia un cambio en favor de los pobres en el Perú: el papel de la comunidad internacional", (forthcoming, in a book to be published by the Instituto de Estudios Peruanos).

Sen, A.K. (1999), *Development as freedom.* Oxford University Press: Oxford.

Sen, A.K. (2000), "The ends and means of sustainability", Keynote address at the International Conference on Transition to Sustainability: May 2000: http://www.iisd.org/pdf/sen_paper.pdf.

Sen, A.K. (2002), *Rationality and freedom*, Cambridge, Harvard University Press.

United Nations, Human Rights in Development, web site: http://www.unhchr.ch/development/right.html.