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ABSTRACT

This paper underlines some of the weaknesses and strengths of human rights and development approaches, in order to indicate a more effective framework to address poverty and exclusion.

KEYWORDS

Human Rights – Development – Poverty – Exclusion

THE STRENGTHS OF DIFFERENT TRADITIONS: WHAT CAN BE GAINED AND WHAT MIGHT BE LOST BY COMBINING RIGHTS AND DEVELOPMENT?*

Robert Archer

The policy connections between "human rights" and "development" have been much discussed recently. One reason is that human rights and human rights law have a more prominent place in international policy. Another is that official development policies have come to focus on poverty and its causes much more explicitly, and as a result policy-makers have been drawn into considering the relational character of poverty ("who causes it, who has a responsibility to prevent it?"), which in turn has led some towards a "rights-based approach". A third is that, coming from the opposite direction, rights activists recognized that, having focused for many years primarily on civil and political rights, they needed to engage no less deeply with social and economic rights if they were to remain relevant. This has led them into contact with development activists and professionals who often have a much deeper experience of working closely with poor people and communities.

Building ties has not been a simple matter, however. Activists and professionals on both sides take pride in their own tradition and its values – and they are rarely familiar with those of the other side. Development professionals have often felt that the highly ordered system that human rights

professionals promote, with its legal language, is invasive and sometimes inappropriate; while rights professionals have been impatient with development's fundamentally pragmatic character.

This situation invites us to reflect carefully on the strengths and weaknesses of rights-based and development approaches. What can be gained by borrowing from one tradition to the other – and what might be lost? In particular, where are the poorest people likely to benefit or lose? This paper examines, lightly, some of the issues.

Criticisms of rights

First of all, then, in what ways are the human rights and development approaches different in character? Unlike political and economic theories, or development and governance models, which are pragmatic, the human rights' approach is systemic in character. It is built around a body of principles, and derives policy from them. Many things follow, including many of the approach's real and claimed weaknesses.

Its systemic approach means that the human rights framework is more transparent and orderly than other frameworks; it is more consistent, more logical. Not for nothing do human rights proponents emphasise the value they attach to universality and interdependence. The system they advance is so powerful, not only because it has wide application, but because rights are consistent with one another (in most cases) and mutually supportive. Freedom of expression underpins both political participation and access to economic and social rights. The right to health care is relevant to achievement of many other rights, not only the right to life, and so forth. It follows, however, that human rights supporters cannot change course easily, are not flexible, do not easily engage in policy-making in one area (provision of water, for instance) without regard for others (education, political participation). They find it difficult to negotiate, to trade. In this they differ from more pragmatic approaches that change their methodologies quickly if it makes sense to do so.

It does not help communication either that many human rights activists are unfamiliar with the history and traditions of other disciplines. For example, they often do not know that development professionals worked for many years to arrive at their notions of participation and inclusion. Many believe that human rights thinkers invented and brought such ideas to development. This lack of knowledge - which, of course, is often mutual – is a major obstacle to straightforward communication across disciplines.

It is unfortunate but not surprising that as a result human rights proponents have earned a reputation for moral grand-standing, for judging

the performances of others without dirtying their hands in the mucky business of development; or that relations between human rights practioners and professionals rooted in other disciplines – economists, development experts, doctors, governance advisers - are often hedged with private criticisms that underpin the unwillingness of many institutions (NGO, government and international) to engage fully with a rights approach.

What are these criticisms, and are they justified? This paper cannot discuss them in detail, but they do need to be brought into the light and examined, because we will not be able to understand where the human rights framework can be helpful, or needs help, until this has been done. We have space to list a few examples, in illustration.

One is that human rights are "political". It is claimed that human rights advocates are inherently critical of government, interested in blaming rather than changing. This is one face of the "won't dirty their hands" critique mentioned above. I don't think this claim stands up. The role of watchdog is a vital one even if it is inconvenient. Moreover, many more human rights organizations are associating with government institutions in reform processes. Interestingly they are doing so precisely because they see that shaming and blaming will not be enough to transform government or society. In particular, where institutions are indeed incompetent or dysfunctional, shouting at them won't help. The criticism fails principally, however, because the fault of being "political" can be levelled as tellingly against development agencies. They are said to intervene in other countries, to do so in their own national interest or to suit their own convictions, and to do so unaccountably because of the power their aid budgets bestow.

A second criticism is that human rights methods focus on individuals and on individual rights rather than duties. Leaving aside the right to development and other attempts to promote collective rights, this has some truth. It is a strength of development and economic approaches that they address macro-objectives and long term investments. They can envision large processes of change, and plan through short term disruption and loss towards long term gain.

This links with two other criticisms of human rights advocates - that they think only in the present tense, and allow only unidirectional progress. This approach, it is argued, is deeply at odds with the experience of development. Development advocates are modernists and progressives but they assume that some will suffer in the process, that people living now will suffer some loss for the benefit of the next generation or their children; development is a long, messy process. A realist of this kind thinks human rights advocates are not able to balance benefits for the many against loss for a minority, or great benefits in the future against manageable loss now. As a result (it is claimed), obsessed by detail, rights

advocates fail to see the big picture. They condemn progress that takes one pace
back in order to go two steps forward. They are only concerned about violations
now, *here*, in this place.

There is some truth in this. Human rights advocates do find it difficult
to contextualise loss, and violations, either in space or time – or to relativise
the loss of one group of people against the gains of a larger group. This
weakness is also a strength, however. It is clearly one of the cardinal failures
of much development, and certainly much economic planning, that they have
concentrated on long term benefits or benefits to the majority and ignored
losses suffered by more invisible communities or minorities. This is a case
where the very particular interest that the human rights´ approach has for
individuals, and for those who suffer discrimination or loss, provides a proper
balance, a conscience one might say, for the macro focus of much development
and economic planning.

Then, there is the "refusal to choose" criticism. Human rights advocates
are said to duck hard decisions, for example between two goods (education or
health, roads or sanitation), and to reject the discipline of limited resources
and scarcity that economists take for granted.

This is also a more real challenge. For the reasons already mentioned,
human rights advocates do find it difficult to trade, to prefer one right at the
expense of another. They don't like to allow that a schoolteacher should be
employed *instead* of a nurse whose services are equally essential. However
justified theoretically, this attitude can encourage a soft or aspirational
approach to decision-making.

This said, two comments are relevant. One is that work is now being done
– for example within the WHO and in many countries on budget-analysis –
which may enable decision-makers to apply human rights principles and methods
usefully to decision-making. Secondly, it is a strength of human rights that it
perceives progress in an interconnected way. Education cannot be improved
successfully without improving health, health cannot be improved without
improving access to food, and so forth. This parallel discipline, complementary
to the discipline of scarcity, usefully discourages "quick fix" or "single cause"
approaches that have plagued many development models in the past.

Drawing comparisons that are useful

We could continue. What emerges from such a list, I think, is that success
and failure depend on what standard of judgement is used – and, at present,
the standards against which development approaches and human rights
approaches are judged are often neither explicit nor shared, and may not be
the best or most appropriate ones to use.

For example, neither development nor human rights have a good record when it comes to influencing or profoundly changing worst cases. The very poorest countries, the least strategic and least resourced, have not made the fastest progress towards ending poverty, even when (some would say because) they have received large volumes of aid. The big success stories currently are countries like China, and in the past were countries like Korea. Similarly, human rights reforms work best in states that have the capacity to be rule-based, which have human rights assets" such as an active civil society and a strong judicial tradition. In fact, it is an odd idea to suppose that economic and social development would work best in the poorest and weakest societies, or that human rights reform would advance easily in societies that are most resistant to its values. Yet both movements are most often judged against the worst cases.

It is therefore vital to understand which criticisms are sound, and which ones are "straw targets". This means assessing the extent to which the development and human rights traditions have the same or different strengths and the same or different weaknesses.

The truth is that no system works in theory: it works in practice, because people make it work and fit it together. A human rights framework that is applied to the letter, without judgement, will produce absurd results. And development plans (especially large ones) that are introduced without judgement produce white elephants and catastrophes, as we know.

We are at the point where we must try things out, work together to see whether we are using the same terms to mean the same things and to see what works. The time for theorizing is not necessarily past, but what is needed most is more experience of tying things out to see what works. Initial experience suggests that the human rights framework will not always be useful but that it does provide helpful political and economic and social tests for planning and taking decisions and then for monitoring and evaluating them.[1]

If this prediction is right, we can foresee ahead of us a rather confused period, in which organizations of different kinds will try out many different ways of working. Some will very consciously apply human rights methods and principles. Others will work in more heterogeneous ways; and many, while applying human rights explicitly, will act in ways that are consistent with human rights. Much good development practice is consistent with the latter approach. The lessons that emerge will be similarly inconsistent and difficult to compare; but where human rights methods and practice do indeed provide benefits (by increasing the effectiveness of policies that are supposed to reduce poverty, or reduce risks for those implementing such policies) they will increasingly be adopted. In such ways, the use of human rights in development will become mundane in ways that it is not today, and human rights activists will perhaps learn to tolerate the piecemeal adoption of human rights methods that development activists are almost certain to prefer.

Strengths of human rights

In this context, two core strengths of the human rights framework should be underlined.

The first strength is the opposite face of another criticism of human rights: that they are abstract and legalistic. It has been noted that the framework is systemic, and that this is a source of both strength and weaknesses. Reflecting this, the framework also takes a legal form, and this means that it is complex to use.

It is complex, first, because human rights is at once a *popular* language, with which almost everyone can identify – the language of human dignity that is found in the initial statements of the Universal Declaration – and at the same time, a *technical* one. Human rights law sets out rather precise understandings reached by governments through negotiation. These understandings are not romantic: they represent what governments believe to be the realistic limits of their moral and political and economic obligations in relation to their citizens. This political realism is one of the great strengths of human rights. Because the language of rights is grounded on negotiation, and its requirements are relatively precise, it can be used by governments to negotiate with one another.

The collateral of this is that the simple and noble assumptions of human rights are girded with legal conditions that limit their application in practice. This is what makes them realistic, and potentially (if not actually) effective – but it is a second reason why, in practice, their application is complicated and often counterintuitive.

Yet no other public or official language provides anything like the same range of reference, or precision. This makes the human rights framework really very important. Compared to it, development can be morally appealing but does not have the force of law. The same can be said about good government. Human rights law may not be applied (and very often it is not); governments may behave illegally (and very often they do): but the human rights framework offers levers of influence that other discourses lack.

This is also one of the core foundations of human rights' legitimacy. It has deep legitimacy because it has been signed by governments - yet is independent of the interests of a single government and has formal legal authority. The policies of development organizations do not have legitimacy of this sort. Development organizations of all colours are often accused of being illegitimate in important ways – of representing the interests of the powerful, ignoring the sovereignty of poor countries, overriding democratic principles, lacking accountability etc. This is a further reason why those

working on economic and development policy should look carefully at where they can usefully adopt the language of rights.

A second underlying strength is particularly relevant to discussion of poverty. Let us be optimistic and imagine the position ten years from now. The OECD[2] governments (except the US which is about to do so) have signed up to 0.7. The G-8 has agreed to cancel the poorest countries' debt and approved new financial mechanisms that free for development an amount of new money equal to the aid budget. The IMF has revalued its gold reserves. The world has united around "MDGs."[3] What core obstacles would still stand in the way of progress on poverty?

Quite a number of course. But an important one would be capacity: the capacity of poorer countries to absorb and manage, invest and reinvest, much larger flows of resources effectively. This of course is a political as much as an economic problem. Absorbtion capacity has been a source of political risk since the OECD refocused aid on the very poorest rather than on a wider range of developing countries. It is the same risk that occurs when large donors, impressed by the quality of work of small NGOs, overgive and destroy them.

There is no simple way to grow effective financial and governance institutions quickly. They need to be rooted in societies, and to have earned their legitimacy. This said, human rights can make a distinctive and vital contribution in this area. Here I will refer to yet another criticism, which is particularly misplaced. Human rights advocates are still sometimes blamed for undermining sovereignty and imposing foreign international values on countries. This is a variant of the "human rights are political" argument. It is misplaced because the human rights framework is in fact highly focused on national obligations. It puts the responsibility and authority of national governments at the centre of its arrangements and it does so precisely for the reasons I indicated earlier: the framework was negotiated and agreed by governments in all their realism.[4]

A fundamental merit of the human rights framework is that it puts in place a range of mechanisms and tests that oblige governments to be more transparent and accountable than they would normally wish to be. The big practical tests that the human rights framework requires – inclusiveness (non-discrimination), communication of information, political participation in decisions, and accountability (above all) - all have the effect of sharpening the performance of public (and eventually private) institutions. But they also make them legitimate. If a rights regime is in place, those whom institutions affect have access to information about their policies, are able to make their views known, and can see that the institutions concerned are obliged to report upon and justify their conduct. And again, the system has a legal foundation, with the additional precision and legitimacy that this implies.

Once again, no short cuts are available. There is no magic wand. Human rights activists are as dismayed as everyone else by the glacial pace of most institutional improvement, and as depressed as developmentalists by the ineffectiveness of their advocacy. In the longer term, nevertheless, the human rights framework offers a route towards achieving better institutions, and it is a sounder route than most because it creates mechanisms that generate local and national legitimacy – as well as better performance. The system does not impose foreign values (development does that far more often, and more arbitrarily). It puts the onus firmly on national governments to be publicly accountable. And it does so legitimately, because national governments have signed the standards in question.

This is a second core reason why governance and development professionals should look for ways of drawing on the human rights framework wherever they can when they seek to strengthen capacity and institutional performance. It is not always easier to do so; nor is the human rights framework quicker or more effective. But it builds in political and democratic legitimacy, and this is a priceless commodity if one is seeking sustainable change.

Inclusiveness is a common value

I will end with a final comment about poverty and inclusiveness. I have tried to argue that one of the strengths of human rights is that it focuses on those who are excluded. It requires policy makers to ask: Who has not benefited? Who has been forgotten? Who has been excluded? It offers valuable corrective tools to development planners, who are predisposed to sum progress and overlook the often somewhat invisible minorities who do not benefit.

For very good reasons, development organizations have refocused on poverty in recent years. The political test of development policies now is whether they reduce extreme poverty. I have suggested this creates a political risk – that the wider public could become disillusioned with the whole project (at national level and in donor countries) if quick progress is not made (although quick progress may be impossible).

There is another political risk that both movements ought, however, to avoid. Neither are minority movements. The objective of development is, or ought to be, that the whole of society benefits from it. Of course that must include the very poor, the marginalized and excluded, the least resourced, the most oppressed. They are the acid test of commitment. But *all* should benefit from development and progress, and those who are poor cannot in fact be made better off unless society as a whole prospers. This is a crucial political message, if pro-poor policies are to win the support of the middle class in middle income countries, or of the broader public in industrialised countries.

Development is about everyone, not just the prosperous – but not just the poor either.

The same is true of human rights. Every person is entitled to claim his or her rights. They empower everyone. This is a much broader message than one which focuses only on the very poor, only on political prisoners, only those who suffer systemic discrimination. In this respect, the universality of human rights is central to its credibility. If the project is to work politically, they must have appeal to the prosperous as well as the poor – and must remain relevant to both. In fact this is where their true power lies: we do all benefit if everyone is treated justly, if we all feel safe, if people are protected against extreme poverty, if all are healthy and educated. The obligation to include the excluded is clearly there: it is the acid test of justice. But the legitimacy and authority of the project – and the legitimacy and authority of the development movement too – lie in their universal interest and appeal. If we do not communicate this, we will fail in the end to achieve either.

NOTES

1. The International Council recently did some work on the policies of local governments that sketched in some of this experiential reasoning. See international Council on Human Rights Policy, "Local Government and Human Rights", 2005.

2. *Organisation for Economic Co-operation and Development.*

3. *Millennium Development Goals.*

4. Yet again, this strength has generated a weakness. The difficulties of agreeing when international actors can legitimately intervene in the affairs of other countries - peacefully let alone forcefully, to protect life for example - has frequently paralysed policy making. But that is the subject for a different paper.
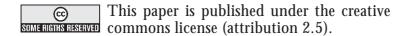
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ABSTRACT

The last fifty years of economic and political development in Africa have resulted in only limited success. Projects lacking essential components, local institutions unable to sustain the activities once the external input disappears, and local actors responding to external stimuli and strategies rather than becoming agents of their own development are some of the reasons for this limited success. This pattern in Africa contrasts with the successful development in Europe that took place after 1945, and later in countries like Israel, Taiwan, Malaysia and the like. Recently this contrast has inspired a new interest in rights-based development and a search for new paradigms and new opportunities to redefine the relationship that exists between "subjects of development" and the external institutions that seek to help them.

KEYWORDS

Rights-based development – Africa – Social engineering – Poverty alleviation – Foreign aid.

DEVELOPMENT AND RIGHTS REVISITED: LESSONS FROM AFRICA*

J. Paul Martin

"People cannot be developed;
they can only develop themselves."
Julius Nyerere, 1968

It is becoming customary within the communities of development and human rights to assume that an integration of human rights will make development projects work better.[1] Unfortunately, this issue is much more complex. Imagine a car that has wonderful lines, fine upholstery, a powerful engine and an affordable price, but it also has an unreliable transmission or a defective braking system. No one would buy such a car and the makers would waste no time in fixing the problems. Unfortunately, defects in development projects are not so easily recognized. As beneficial as a rights perspective might be, simply adding human rights to the development mix does not create an adequate recipe for successful development.

This essay argues that the mindset required to build a good car, or a similar all-encompassing mental process, is also badly needed in the social engineering that takes place in political and economic development projects. Development, like the building of a good car, is the end product of multiple scientific and technological input carefully crafted together to make the end product functional, reliable and cost effective. To be successful every development project depends on the input of a range of other things, notably: a minimum of good governance, the rule of law and human rights, adequate local human and physical capacities, appropriate technology, a receptive host community and a minimum of social order, access to required markets,

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financing, and equipment; and, to make it sustainable, capacity building. Development projects are rarely subjected to systematic pre-evaluations to ensure that all these components are present.

Beginning with the design, such a process requires thorough testing until all its contributors and participants can stand behind it and are willing to be accountable for the end product or products. At this planning stage a development project must be honestly scrutinized to ensure that (a) all the necessary components are there, (b) they work well together, (c) they have the capacity to overcome likely obstacles and respond to changing demand, and that (d) the project can outlive external and other temporary input. If the car analogy is relevant, effective and sustainable development projects call for planning that addresses *all* the elements and takes into account all the above considerations. This might also be called integrated or comprehensive planning, namely planning that takes into account all the details and the most likely outcome.

Development activities have recently received new impulse from such promotional activities as the Millennium Development Goals, the New Economic Plan for Africa (NEPAD) and the US Millennium Fund, which is designed to channel US development funds towards nations that meet higher standards of democracy and rule of law. At the same time the UN Global Compact is calling upon multinational businesses to be more sensitive to the needs of developing countries, and requesting the World Bank to adopt new strategies in its fight against poverty. Are these new perspectives signs that we are entering a more promising era for economic and political development? Or are they merely the re-packaging of traditional paradigms and strategies?

Modern economic and political development derives its inspiration from the Marshall Plan, which was launched in 1947 following World War II. This plan to re-build Europe ushered in the first 'golden era' of modern development activities. Secretary of State George Marshall defined its purpose as "the revival of a working economy in the world so as to permit the emergence of political and social conditions in which free institutions can exist". The US Congress authorized more than $13 billion a year for this purpose between 1948 and 1951, which was close to ten per cent of the annual Federal budget. The United States provided the dollars and Europe provided the infrastructure and the skilled workforce.[2] One of the unforeseen yet most lasting benefits of the program has been the degree to which it has promoted the collaboration and cooperation among participating European states, leading eventually to the European Union and the various other alliances that characterize modern Europe. So successful was the project that it quickly became a metaphor, the normative

paradigm and the model used to advance development programs in other parts of the world.

Over the last fifty years the Marshall Plan paradigm has underpinned, consciously or unconsciously, a myriad of development schemes for other parts of the world. Among success stories where major external investments and other forms of development aid brought strong economic and political growth are countries like Israel and the "Asian tigers," Taiwan, S. Korea, Malaysia, Singapore and Thailand. As in Europe in 1945, these successful countries all possessed important pre-conditions, for example their skills and educational preparedness; and equally important, their economic and political development were guided by *domestic* political leaders and *domestic* entrepreneurs, albeit assisted by external expertise and financing.

Why then have the economies of the vast majority of the other developing countries languished, when they were also beneficiaries of substantial external financial and technical development aid? Studies have evaluated the reasons why only some, rather than all the other countries have advanced economically and politically. Their findings are extensive, identifying especially the lack of preparedness on the part of recipient countries with respect to their endogenous levels of education, skills, entrepreneurship, infrastructure and government. Where these spheres of preparedness are strong, the recipient countries appear to possess the necessary capabilities to take control of and re-fuel the process of advancement. This contrasts dramatically with the 100 or so of today's poorest countries whose educational systems are not able to locally produce the qualified professionals needed to run the country, nor the skilled workers needed to support more advanced industries. These are countries whose communications, healthcare, utilities and other infrastructure are all inadequate to sustain major investments; and whose governmental institutions, procedures and personnel are poorly adapted to promoting rapid economic change. In many of these countries this situation is accompanied by a sense of fatalism, namely a sense on the part of the citizenship at large that society-wide change is unlikely. In a slightly more optimistic assessment, some of today's parents in Africa accept the fact that although they are a "lost generation" and that nothing will change in their lifetime – they feel they must do something for their children.

Unfortunately this analysis of development in Africa is not new. One has only to read Rene Dumont's classic, *False Start in Africa (L'Afrique noir est mal partie)*, first published in French in 1962.[3] An agronomist by profession, Dumont focuses on the need to integrate Africa's rural populations into national trading economies. He argues that underdevelopment in agriculture seriously affects the entire economy. "It is inseparable from the

lack of industry and underdevelopment in general."[4] "Progress in agriculture should not be considered as a preliminary to industrialization, but an indispensable corollary."[5] His book went on to list all the various factors that have contributed and were continuing to contribute to what he called underdevelopment in Africa. He pointed to the then already widening gap between the population at large and the elites; the badly conceived and administered development programs; and such details as timing the vacation periods of Chad schools to coincide with those in France, rather than with farming cycles in Chad. The continuing value of the analysis is its emphasis on the weak entrepreneurial role played by African communities and on the variety of factors that hindered political and economic development in Africa forty five years ago, and still does today.

The donor and recipient relationship

> *"Freedom won for a people by outsiders is lost to those outsiders, however good their intentions, or however much the outsiders had desired to free their oppressed brothers."* [6]
> Julius Nyerere, 1968

Conceptually, the heart of the current development paradigm is that of a relationship between external agents and intended beneficiaries.[7] Putting aside any other implication from adult-child relationships, the development ideal could be compared to the analogy of a child learning to walk. In this analogy the whole effort of the parent is to encourage the child to stand on its own two feet and walk, while the parent provides only the minimum necessary support and then withdraws it as soon as it is safe and possible. At the same time, the parent praises the child's achievements and glories in every independent step the child takes toward self-reliance. Moral physical support continues in various forms until the child develops all the skills needed to cope with its situation and to become self-reliant, self-assured and eventually fully self-supporting. Is this what happens in development programs? Abstracting from the parent image, is this how external development agents operate?

When the model involves external agents and their intended beneficiaries, the most basic issues are the quality and complexity of the relationships between those agents and beneficiaries. This topic has fascinated me ever since I began research on my dissertation, which probed the relationships between the Sotho people and the different groups of European missionaries, traders and administrators who first settled among them, beginning in 1833. Donor-recipient is obviously too simplistic a term to describe these multi-faceted relationships. In this case, the relationships ranged from an intense initial collaboration between the leader of the Sotho, Moshesh, and the

missionaries who quickly launched a translation of the Bible into Sotho, then continued on, even to the deathbed of Moshesh, when the different groups of missionaries were in competition to baptize him.

The modalities and outcomes of these relationships were remarkably rational throughout, in the sense that each party could be seen to use and adapt the relationship, or elements of it, to its own goals. Equally interesting were the ways in which circumstances beyond their control put one or the other in a weaker or stronger position. These relationships evolved long before concepts of development and rights dominated international parlance, but it does illustrate basic relationship components and mutually beneficial outcomes. Among these were, for example, the missionaries making converts and Moshesh preserving his language and maintaining an independent political entity, even in the face of Boer invasions and later *apartheid.* The arrival of the missionaries in 1833, however, was soon followed by the arrival of the traders, who cultivated, and then profited from the Sothos' attraction to such European products as sugar, soap, clothes, horses and guns. The problem was that the Sotho could only acquire those products by working for the Europeans who had access to the needed currency. This set in motion the extensive labor migration patterns that continue to dominate the region until today, and which are, not so parenthetically, a major factor is the continuing spread of HIV/AIDS in the region.

Lesotho thus became a classic worst-case scenario of underdevelopment: an ostensibly independent country whose economy and external relations were soon completely dependent on economic and political forces outside its control. It was too small to build its own economy, and lacked independent financial and technical resources. Labor remittances from those working in South African industries and homes kept families alive, but the funds quickly exited the economy as families spent their income at the local stores owned by expatriate traders. Neither the missionaries nor the British administrators recognized this situation as a problem. The only contentious issue arose in 1881 when the British first decided that the Sotho had bought too many guns, then they decided to disarm the gun owners, resulting in a war of resistance. Today the country's dependence has been further illustrated by a major development project supported by the World Bank, namely a dam system designed to provide more water and electricity to neighboring regions in South Africa than to Lesotho itself.

"Man is developing himself when he grows, or earns enough to provide decent conditions for himself and his family; he is not being developed when someone gives him these things."

Julius Nyerere 1968[8]

Today not all poor countries are as dependent as Lesotho. But they are all caught up in the complex powerful economic and political forces of a global economy beyond their control. The poorest are also targets for development activities initiated by diverse external agents, such as government development agencies, small NGOs, multinational corporations and international organizations like the World Bank and the UNDP. With their limited professional personnel and desperate social needs, the poorest countries are also the least equipped to ensure that outcomes truly benefit all their citizens. With these poorest countries in mind, what would make possible the opening of a new era in economic and political development? Is a new paradigm necessary? Possible?

Some of the most debated dimensions of the North-South relationship are those comprised of legal and ethical questions. One issue is whether, on the part of rich countries, a legal or moral obligation exists to help poor countries. This debate appeared during negotiations at the UN that led to the passing in 1981 of the Declaration on the Rights to Development; and more recently in a proposal by development economists for a development compact which would impose obligations on both the rich donor nations and recipients.[9] Such an obligation might have been hinted about in the Covenant on Economic, Social and Cultural Rights when it mentioned development being dependent on international support.[10] In practice any imposition of obligation has been – and will no doubt continue to be – resisted by the richer nations.

The actual physical and attitudinal aspects of the relationship are most visible between donor and intended beneficiary when the relationship is literally face-to-face, namely, on the ground in the developing country. With the exception of senior government officials, the in-country external agents and especially the visiting consultants typically live very different lifestyles, benefit from very different levels of income, and have a very different pattern of commitment to the project than do their domestic partners. What is not so obvious is the impact that these visible differences have on the outcome of any given project. Also at issue are the patterns of accountability, and the degree to which local partners are in fact empowered to engage and take over from the in-country external agents. Equally relevant but generally unmeasured is the impact of intangibles, such as attitudes of one toward the other.

Most of us who work in developing countries are familiar with the disparaging remarks expressed by local personnel as they watch the work of external agents whom they know will be paid, no matter what the outcome. Similarly, one also hears remarks by local professionals who feel they could do the job equally well. In fact it is not uncommon to find experts working

in countries other than their own for international salaries, rather than doing the same work in their home country for a local salary. One is also familiar with the local personnel and NGOs who acknowledge that their priorities are largely defined by whether or not they will provide access to the external aid funds coming into the country. These are all modalities, and I would argue undesirable modalities, that, with alternative paradigms, need not be seen as inevitably associated with contemporary externally driven development.

Where do human rights fit in?

> *"A man can defend his rights effectively only when he understands what they are, and how to use the constitutional machinery which exists for the defense of those rights – and knowledge of this kind is part of development."*
>
> Julius Nyerere 1968[11]

Rights are usually promoted on normative grounds, namely that human activities are necessarily governed by moral and legal standards. The right to life, for example, means that no one can take away another's life with impunity except through following some society-sanctioned proces s, self-defense, or in a legal war. Rights that can be claimed universally by all human beings are deemed human rights, no matter what their circumstances, and these claims are established in international law. Thus the corpus of human rights laws elaborated by the UN in the past fifty years legitimately governs, *inter alia*, all development projects and those who would promote them.

Recent writings have identified those rights that are most likely to be jeopardized by economic and political underdevelopment. Such a list would be premised on an overall definition of the goal of development as human development. Rights as defined in the UN Bill of Rights can be used as criteria to measure the human impact of poverty. Included in this normative approach to integrating human rights into development is the instrumental role of rights in the development process itself. This view emphasizes the ways in which civil and political rights on one side, and economic and social rights on the other, are interdependent. Development strategists are thus urged to incorporate in their plans mechanisms to assure accountability, transparency, participatory decision-making, non-discrimination and attention to vulnerable groups, social justice, equity, and empowerment.[12] Human freedom, for example, is seen as both a goal and a means towards development.[13] The danger is that this all adds up to a hefty set of demands, which can easily be portrayed as beyond the resources of a poor government, as well as beyond the mandate of international development agencies or private sector initiatives.

The Covenant on Economic, Social and Cultural Rights, in its second article, emphasizes that it is an obligation of government to implement these rights, and recognizes that this process will take time, but that that a government must show progress in implementing rights. It must also use a maximum of available resources.

> *"Without freedom you get no development, and without development you soon lose your freedom."*

> Julius Nyerere[14]

This integrated view of human rights is supported by Amartya Sen[15] who pointed out that human rights, and in his opinion more specifically human freedom, are both the goal and the necessary means; that human development is best attained with human freedom as part of the agency. Human beings able to exercise freedom are more likely and more expeditiously able to achieve greater freedom and thus greater human development. Sen advances empirical arguments for his case based on his earlier findings that throughout history societies with democratic practices have not suffered from severe famine. Other economists such as Jagdish Bhagwati[17] argue that this combination of development and democracy is further promoted by outward-oriented trade policies. His argument is that trade contributes to the observance of civil and political rights, which in turn can be shown to contribute to the economic well-being of an entire society. Only a growing economy can provide the additional resources needed to improve healthcare and education, which in turn are needed to further enrich citizens' capacity to exercise their rights.

There seems to be strong evidence to show that participatory political processes provide the necessary space for the advocacy activities of civil society, notably by NGOs. In developing countries, with limited public education, active and effective domestic NGOs bring knowledge of human rights abuses to public attention more quickly, thus also bring their redress more expeditiously. NGOs are the eyes and ears of socially progressive legislation, argues Jagdish Bhagwati.[17] Their energy has appeared as especially important with respect to some major development schemes, such as the Narmada Dam project in India, and with respect to recent activities in many parts of the world attempting to privatize water supplies. As illustrated in the case of the Chad-Cameroon pipeline, by working with international NGOs, local NGOs can make issues visible to the international community and thus influence the actions of external agents; notably in this case those of Exxon-Mobil and the World Bank.[18] However, the advocacy roles of local NGOs depend upon their actually enjoying

such rights as freedom of association, assembly, speech, access to information etc.

Typically the response of governments to this human rights advocacy is defensive. A high percentage of governments in poor countries regard local and international human rights NGOs with hostility. Some see the NGOs as vehicles of the opposition, or of ethnic or other minorities. Others see NGOs as hostile to the national image, because they collect data and publish overseas reports on abuses that portray the country in an unfavorable light. Others object to NGOs receiving funding from overseas, or even portray the NGOs as being tools of hostile external interests. Others paint NGOs as frustrating legal processes by their being too supportive of the formal rights of criminal processes. Rarely do governments of developing countries see NGOs as working together with them in common tasks to maximize development benefits for their country. Governments therefore ought to recognize that their civil society is an important source of the local entrepreneurship and initiative needed to promote not only their countries' economic growth, but also it's political development.

The paradigm proposed here emphasizes the potential in development planning of rights such as individual freedoms and local community participation. Human rights advocacy is only part of the development process. Human rights are, on one hand, a goal, but they are also a part of the process that leads to development. Truly rights-based processes, on the other hand, lead to processes that assure greater economic and political emancipation in the local communities. The challenge today is, however, to make the rights-based approach effective within specific social circumstances. Advocates for human rights must therefore educate themselves about how economic and social institutions work and how they can be used to reduce all types of human rights abuses. Education, and human rights education in particular, are core elements of human rights advocacy and a rights-based development strategy. These forms of education focus on capacity building, that is, putting into place the institutions and personnel able to sustain both the learning and the practices needed to commence and sustain self-reliant, rights-based development.

Conclusion

The purpose of this paper has been to identify human rights as both goals and means in processes to facilitate economic and political emancipation of communities that have been marginalized, and which are still benefiting little from global economics. The emphases have been on (a) the need for inclusive social engineering that develops blueprints that address all the elements, and

(b) a rights-based approach that emphasizes self-help, self-reliance and the input that best encourages such a strategy. Nyerere was able to enunciate the philosophical premises of this paradigm, but he was not able to create the necessary economic and political institutions for the implementation of these processes at the national level. As in the analogy of the car; ideas are not enough. Good will and even hard work are only two of the necessary components. Social science research is not enough. Social engineering for development in Africa needs a detailed new blueprint as well as capacity building at all levels.

Given the limited achievements (compared with other parts of the world) over the last 50 years in the externally-driven development in Africa, a radical change is called for in the paradigms that govern relationships among the indigenous actors, the external agents and the financial institutions. This is not yet visible in the financial provisions of current development planning. Greater priority needs to be given to encouraging and protecting the nascent responsive indigenous forces (individuals, communities, institutions, industries, professionals, etc.), until they are capable of dealing with their more powerful counterparts outside the country. This calls for a new generation of economic planning, for example, one that prevents the precious funds that reach a given country from being quickly, legally and illegally, re-cycled out. Many such pieces need to be in place if development is going to begin to emancipate the world's poorest peoples, both politically and economically. The rights-based approach must, however, be integrated into detailed blueprints that are comprehensive enough to assure more successful individual projects and national development planning.

NOTES

1.Center for Development and Human Rights, *The right to development*: *A primer*, New Delhi, Sage Publications, 2004, available at <www.hsph.harvard.edu/fxbcenter/flyer.pdf>, access on March 28, 2006.

2.See for example, Alan Milward, *The Reconstruction of Western Europe, 1945-51,* Berkeley, University of California Press, 1984.

3.Rene Dumont, *False Start in Africa*, New York, Praeger, 1966.

4.Dumont, op. cit., p. 31

5.Dumont, op. cit., p.32

6.Julius K. Nyerere, *Man and Development* (Speech to Diplomats, 1, January 1968, Nairobi), New York: Oxford University Press, 1974, p.3.

7.For an extensive discussion of insider-outsider relations see Lara Olson, " Confronting War: Critical Lessons for Peace Practitioners" , in: Mary B. Anderson and Lara Olson, *Reflecting on Peace Practice Project, Collaborative for Development Action* (with the Collaborative for Development Action in Cambridge, Massachussetts), 2003.

8.Julius K. Nyerere, op. cit., 1974, p. 27.

9.See Arjun Sengupta, " On the Theory and Practice of the Right to Development," *Human Rights Quarterly*, v. 24, 2002, p. 880.

10. Covenant on Economic, Social and Cultural Rights, article 11 and article 23.

11. Julius K. Nyerere, op. cit.,1974, p.27.

12. Centre for Development and Human Rights, op. cit., 2004.

13. Amartya Sen, *Development as Freedom*, NY: Anchor, 2000.

14. Julius K. Nyerere, *Freedom and Development*, Oxford: Oxford University Press, 1973, apud Julius K. Nyerere, *Man and Development*, op. cit., p.25.

15. Amartya Sen, op. cit., 2000, p. 35.

16. Jagdish Bhagwati, *In defense of globalization*, NY: Oxford University Press, 2004, p. 51ff.

17.,Penny Abeywardena, " Interview with Jagdish Bhagwati" , *Rights News*, v. 26, n. 1, 2004, available at <www.columbia.edu/cu/humanrights/publications/publications_rn.htm>, access on March 29, 2006.

18. Peter Rosenblum, " Teaching human rights advocacy: The dilemmas of an 'ambivalent activist'" , *Rights News*, v. 26, n. 1, fall 2003, p.2, available at <www.columbia.edu/cu/humanrights/publications/rn/RightsNews03.pdf>, access on March 28, 2006.