

HUMAN RIGHTS AND DEVELOPMENT

Edited by

DR. MIZANUR RAHMAN

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**Empowerment through Law of the
Common People (ELCOP)**

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PREFACE

The book proposed to the reader - **Human Rights and Development** - contains original contributions, reprints from earlier materials and legal documents relating to human rights and development. This is the third in the series of our publications commemorating the Human Rights Summer School. The previous two publications, **Human Rights and Human Rights and Empowerment**, emphasised on civil and political rights and economic, social and cultural rights respectively. The present book is but a logical continuation of the earlier two publications.

The dignity of an individual cannot and should not be divided into two spheres - that of civil and political and that of economic, social and cultural. The individual must be able to enjoy freedom from want as well as freedom from fear. The ultimate goal of ensuring respect for the dignity of an individual cannot be achieved without that person's enjoying all of his or her rights. Ultimately, it is a question of putting the human being in the centre - not as an atomistic individual, but as part of a community and an ecological system. This led to a fundamental shift in our understanding of human rights in the modern society.

Today, the term "human rights" is used in connection with those rights, which have been recognised by the global community and protected by international legal instruments. Human rights reflect the moral conscience of the world and the highest common aspiration that everyone should live free from want and fear and have the opportunity to develop in dignity.

There is a tendency to try to list human rights in order of their importance. However, any attempt at creating hierarchies of rights is doomed to failure. Each time one attempts to hold up a human right as being the most fundamental, it is possible to find another right that must be enjoyed as a prerequisite of realisation of the right first identified. Human rights advocates therefore prefer not to get into the game of trying to construct hierarchies or to identify so-called "core human rights". Likewise, classification of human rights into various "generations" of rights is equally futile.

All human rights are core. Denial of one right invariably impedes enjoyment of others. This is why human rights jurisprudence refers to the enjoyment of all human rights as being **universal, indivisible, inter-dependent and inter-related.**

Definition of human rights as the centrality of an individual's opportunities to live in dignity entails a paradigm shift from existing models of development. The planning model initiated in the 1920s and 30s was intended to achieve wholesale transformation of human and social structures, replacing them with new, rational ones. In that model "development" was about salvation. The process was facilitated with the launching of Development Decades by the United Nations. With each decade, the emphasis changed. In the 1950s, it was growth and national planning; in the 60s, the Green Revolution and sectoral and regional planning; in the 70s, basic needs and local-level planning; and in the 80s, the emphasis changed to environmental planning for sustainable development and planning that incorporated women and the grassroots into development. However, the impact of these development programmes has not always been positive. According to a critic,

"Even in terms of increased production, rural development programmes have had dubious results at best. Most of the increase in food production in the Third World has taken place in the commercial capitalist sector, while a good part of the increase has been in cash or export crops. In fact, as has been amply shown, rural development programmes and development planning in general have

contributed not only to growing pauperisation of rural people, but also to aggravated problems of malnutrition and hunger.”(Arturo Escobar, “Development Planning” in *Development Studies: A Reader* ed. Stuart Corbridge, London, 1995)

The United Nations has recognised the link between human rights and development in various conferences as well as in the Declaration on the Right to Development and the Declaration on Social Progress and Development (see Annex-). The human rights approach to development and for development complements existing theories and models of development, for example Amartya Sen’s entitlements and capabilities theory. There is a natural complementarity between the entitlement/capabilities approach which looks at the problem of poverty from the point of view of the poor and a human rights approach which combines a vision of what ought to be with an emphasis on choices for people and solutions in terms of the steps to be taken to achieve human rights and thereby development.

The relationship between human rights and development is at once both simple and complex. The negative relationship between human rights and development is self-evident. The very definition of poverty used by UNDP – poverty means the denial of choices and opportunities for a tolerable life – is a statement of denial of human rights and freedoms necessary to enjoy a quality of life commensurate with human dignity.

People living in poverty are in double jeopardy. They suffer a violation of their economic rights, but they are also at risk of discrimination and a denial of other civil and political rights. People living in abject poverty who daily suffer abuses of those fundamental rights necessary for survival – such as the right to adequate housing, food and clothing, and to social security in times of need – are in no position to contribute to their own development or that of their society.

We live in a post-modern era in which the assumptions of earlier times are being reassessed. The recognition of the need to give greater priority to human development and to the civil, cultural, economic, political and social rights that are the foundation of development is a part of this post-modernist challenge.

Economists are increasingly recognising that a free market is not the answer to all ills. Checks and balances are necessary to ensure equity and social justice. Unfortunately, checks and balances provided by the regnant laws and lawyering have proved to be evidently inadequate. Legal scientists and practitioners also need to reassess their ideas, doctrines and methods. *Human Rights and Development* is an attempt to answer that need. This book tries to provide a multi-dimensional picture of human rights approach to development, and at the same time calls for progressive lawyering to facilitate development.

Progressive lawyers are few in numbers and poor in material resources. But because they are strongly committed, rich in ideas, and effective in mobilizing political support, they have had and will continue to wield, significant power to change the law, the legal system, the profession, and the larger society. It is expected that this book-**Human Rights and Development**- will encourage readers in that direction.

Dr. Mizanur Rahman

Editor and

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Empowerment Through Law of The Common People (ELCOP)

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Responsibility for any errors, however, remains with the editor.

Dr. Mizanur Rahman
Editor

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