HUMAN RIGHTS AND DEVELOPMENT

İNSAN HAKLARI VE KALKINMA

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ABSTRACT

In the discipline of International Relations issues of International Law and Development has often found itself a right place from the beginning either in theory or practice. While idealist scholars argue for the formation of international law, realist scholars called the idea utopia. Issues of fundamental human rights and freedom are key components of international law. As a result, many charters, declarations, conventions, protocols etc have been signed and ratified by states in order to guarantee and consolidate fundamental human rights and freedoms. Equally important, respect for and protection of fundamental human rights has occupied a central role in international relations. The issues of fundamental human rights and freedoms have not only come to shape literature but also the agendas of intergovernmental organizations. In the discipline of Development Studies, the relevance of human rights and fundamental freedoms cannot be over emphasized. Thus, the purpose of this paper is to unravel certain issues such as; the meaning of development, the theories of development, the core values and objectives of development, the meaning of human rights, human rights schools of thought. Also it shall discuss the place of human rights in development or otherwise the chemistry between human rights and development.

Key words: Development, Human Rights, Rights Based Approach to Development, International Relations.

ÖZ

Uluslararası İlişkiler disiplininde Uluslararası Hukuk ve Kalkınma konularında, hem teori de hem de pratikte baştan beri doğru bir yer bulmuştur. İdealist bilim adamları, uluslararası hukukun oluşumunu ileri sürerken, Realistler bunun bir ütopya olduğunu nitelendirdi. Temel insan hakları ve özgürlük konusu uluslararası hukukun temel unsurlarıdır. Dolayısıyla, temel haklar ve özgürlükleri garanti altına almak ve güçlendirmek için devletlerce birçok tüzük, deklarasyon, sözleşme, protokol vb. imzalandı ve onaylandı. Aynı derecede önemli olan, temel insan haklarına saygı ve korunma, uluslararası ilişkilerde merkezi bir rol üstlenmiştir. Temel insan hakları ve özgürlükleri konuları yalnızca literatürü şekillendirmekle kalmıyor aynı zamanda hükümetlerarası örgütlerin gündemlerini de şekillendirmeye başlamıştır. Kalkınma Araştırmaları disiplininde, insan haklarının ve temel özgürlüklerin önemi vurgulanmayabilir. Bu nedenle, bu yazının amacı; kalkınmanın anlamı, gelişim teorileri, gelişimin temel değerleri ve hedefleri, insan haklarının anlamı, insan hakları düşünce okulları gibi belirli konuları ortaya çıkarmaktır. Aynı zamanda insan haklarının kalkınma ortamındaki yerini veya insan hakları ile kalkınma arasındaki bağlantıyı tartışacaktır.

Anahtar Kelimeler: Kalkınma, İnsan Hakları, Kalkınma Temelli Haklar, Uluslararası İlişkiler

1. INTRODUCTION

The birth of international law in the International Relations discipline has been influenced by the great debates that occurred within the discipline. The discipline in itself is very contentious, in that almost every aspect of the discipline is/was debated[1].

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[1] Scott Burchill, v.d, *Theories of international relations,* New York, Palgrave Macmillan, 2005, p. 1.

Some of these debates were centred on issues such as; the actors in international relations, the methodology applicable to the discipline of international relations, the anarchic nature of the international system, the role of international institutions and international law in the quest to prevent wars, etc. However, as a separate academic discipline, the study of international relations began at the end of the First World War.[2] Even the definition of international relations remains a debated issue. While some scholars stick to the idea that international relations is the study of the strategic relations of states, but the focus of such a study is on issues such as peace, war, conflict and cooperation,[3] other scholars stick to the other side of the coin that it is the relationship between states and non-state actor and the relationship is of many forms, ranging from; economic, political, cultural, etc.[4]

The first great debate in international relations, which was between realists and idealists scholars, laid the foundation for international law in the discipline. Idealism the first international relations theory[5] argues for an international system characterised by law, norms and customs; whereas realism argues on a self-help system. The arguments of idealist scholars gave the much needed foundation on which international law was established. Some of the issue that have fervently surfaced in the arguments made by idealist scholars comprise but not restricted to the following; the formation of a more extensive international law, the formation of something resembling an international government, the formation of international/global courts, the formation and empowerment of international police.[6]

Indeed the concept and implementation of international law is a complicated issue. Among the issues that make international law a complicated subject is the sources of international law. The sources of international law are; "treaties, general principles of law, customary law, judicial decisions and writings."[7] Generally the problem with international law is the tools and instruments by which it is or should be enforced. The problem of international law is further compounded by lack of legislature for the purpose of enacting laws, and also the jurisdictions of international courts are totally dependent on the consent of states.[8] An additional problem is that international law depends on customary law, which is a very weak and an unwritten source of law. Dissimilar to domestic law which has mechanism of enforcement such as; legislature, judiciary and an executive, international law does have such structure for enforcement.

The carnages of the Second World War has resulted to formations of the United Nations, but also the emergence of a new academic discipline, in the early 1950s, which was later known as Development studies.[9] Because Development Studies is purely a post Second World War incident, a moment when desire for economic progress surpasses any other issue, apparently it became very clear why economic thinking dominates the discipline. Consequently, whenever people try to give a befitting answer to the question of what development entails; economic progress often rushes to occupy the front seat. The development of several theories in the discipline coupled with paradigm shift resulted in issues such as human rights to take a place in the agendas of development practitioners. The paradigm shift further solidifies the place of human rights in development and thus a new approach to development called the Rights Based Approach to development emerged in the early 1990s,[10] even though the principles expressed in this approach are anything but new. Development is indeed a multidimensional concept while the discipline has a multidisciplinary approach to understanding the multidimensional concept of development.[11]

2. UNDERSTANDING THE CONCEPT OF DEVELOPMENT

Putting up a succinct and uncontroversial definition around the concept of development has become a very tedious job, and this situation prompts one to ask why devoted scholars cannot agree among themselves and make up their mind on one simply definition. Unfortunately they leave us with no option but to swallow the bitter pills of many different definitions. The British economist Dudley seers attempted to put forth a very straight forward definition to the concept of development and he argued that in order to understand the meaning of development there are three main questions one needs to ask. Seers argued that these questions are; "what has been happening to poverty, what has been happening to unemployment, and what has been happening to

[2] Ibid, p. 1.
[3] Chris Brown, Kirsten Ainley, Understanding International Relations, Palgrave Macmillan, 2005, p. 1.
[4] Erdem Özlük, "The birth, identity and problems of the International Relations discipline", Şaban Kardaş and Alı Balcı (ed.), Introduction to International Relations, Istanbul: Küre Yayınları, 2014, p. 103
[5] Ramazan Gözen, "Idealism" Ramazan Gözen (ed.), International Relation Theories, Istanbul: İletişim yayınları, 2014, p. 68
[6] Ibid, p. 71.
[7] Peter Malanczuk, Akehurst's Modern Introduction to International law, New York: Routledge, 1997, p. 35.
[8] United Nations, Office of Legal Affairs, http://legal.un.org/avl/pdf/ls/greenwood_outline.pdf (20.05.2017)
[9] Andrew Summer, "What is Development Studies", Development in Practice, Vol. 16, No. 6, 2006, p. 644.
[10] Andrea Cornwall and Celestine Nyamu Musembi, "Putting the Rights – Based Approach to Development into Perspective", Third World Quarterly, Vol. 25, No. 8, 2004, p. 1420.
[11] Summer, ibid, p. 646.

inequality?"[12] He argued that if there has been a significant decrease in unemployment, inequality and poverty, then one can say that country has recorded some development.

Taking it from a different angle all together, the British academic and development practitioner Robert Chambers defined development as "good change."[13] Even though he has succeeded in putting forth a very simplified definition of development, his definition prompted further questions as to what exactly 'good' change entails. The argument made towards such a definition is that the term good remains to be questionable. Another heavyweight champion in the development studies discipline, Edgar Owens argues that development is about "improving the quality of life of people."[14] The argument of Owens is that, using whatever policies, strategies and blueprints the end results and the ultimate aim of development has always been the quest to improve the quality of life of people.

Another definition of development was set forth by Denis Goulet. Goulet tried to define development as " *a multidimensional process, and that the process must not only involve major changes in social structures, popular attitudes, and national institutions, but also the acceleration of economic growth, the reduction of inequality, and the eradication of poverty*."[15] The main thesis of Goulets' definition is that development must not in any way be seen as a one-dimensional process but a multidimensional one. In that the focus shall not only be on poverty eradication, economic growth but also on changing social structures and national institutions.

For the India born economist and philosopher Amartya Sen, development means "the capacity to function."[16] Sen further argued that the centre piece of development should be "enhancing the lives we lead and the freedoms we enjoy." In addition, he defines capacities as "the freedoms that a person has in terms of the choice of functioning, and that includes education and health."[17]

To sum up all the definitions postulated by the different academic heavyweight champions, there is a common point within all the definitions. The common point that all the definition try to depict is that development is not an issue that is only concerned with economic progress but the improvement of the living condition of the people. Yet another common point is that development is multidimensional concept. That is to say the concept of meaningful development has to simultaneously include; political, social, cultural and economic advancement.

3. THE CORE VALUES OF DEVELOPMENT

Whereas development is defined as improving the quality of life or the capability to function, the question that is triggered by these definitions is what constitutes a good life. The concept of a good life is universal. Every human being irrespective of the realities you live in or your geographical location, there are certain fundamental things without which the quest for a good life becomes an insatiable thirst. Consequently, the core values of development are listed as; "Sustenance, Self esteem and Freedom from servitude."[18]

The first core value of development is sustenance. Sustenance as a core value of development refers to those basic life sustaining human needs without which the possibilities of surviving becomes very much questionable. These basic life sustaining needs are; food, shelter, health and protection. These basic life sustaining needs are sometimes called the "inner limits" of development.[19] Therefore the ultimate aim of development at anywhere and anytime must always be the struggle to provide people with the means of having sufficient access to food, health, shelter and protection.

Self esteem follows as the second most fundamental universal value of a good and desirable life. Every human being irrespective of gender, age, sex, nationality, etc desires for some degree of a sense of self respect, honor, dignity, etc. This desire for a degree of self worth or self respect is more demanding especially after the basic life sustaining needs are met.

The third most fundamental universal value of development is freedom from servitude. Freedom from servitude simply entails human freedom. Human freedom as a concept contains many issues in it. These issues

[12] Michael P. Todaro, Stephen C. Smith, Economic Development, New Jersey: Pearson, 2015, p. 17.
[13] Robert Chambers, "Poverty and livelihood: Whose Reality Counts?", Environment and Urbanization, Vol. 7, No. 1, 1995, p. 174.
[14] Todaro, ibid, p. 23.
[15] ibid, p. 17.
[16] ibid, p. 18.
[17] ibid, p. 18.
[18] ibid, p. 23.
[19] Hugo Slim, "What is Development?", Development in Practice, Vol. 5, No. 2, 1995, p. 143.

for example include; freedom of expression, political participation, political freedom, personal security, equality of opportunity, etc.

4. THE OBJECTIVES OF DEVELOPMENT

According to Michael Todaro, in all societies, there are at least three basic objectives of development. These objectives of development are; "to increase the availability and widen the distribution of life sustaining good, to raise the levels of living, and to expand the range of economic and social choice."[20] Todaro's argument is that development must always have the objective of increasing basic life sustaining goods such as; food, shelter, health etc. He also argued that the objective of raising the level of living has to commensurate with providing more jobs, better education and more focus on human values. Finally the third objective is to expand the range of economic choice by freeing people from servitude and dependence. If one takes a look at the core values and objectives of development then it is no mistake to agree with Hugo Slim that development is "a universal goal for all societies but not a third world problem."[21]

5. THEORIES OF DEVELOPMENT.

As it is the norm in the social sciences, every new discipline finds itself trapped in a theoretical debate about the best course of action. From the 1950s, Development Studies found itself in a theoretical dilemma and consequently many theories emerged within the discipline. The main theories of development are; "modernization, dependence, neo-liberalism and sustainable development, human development, and post development."[22] Each of these theories argues a completely different thing as to what development should be like and the best approach to development.

Modernization theory of development was formulated by the American economist Walt Rostow in the 1960s, and his main argument it that development is a successive stages that every country must follow. He named these stages as; "the traditional society, Precondition for takeoff, Takeoff, Drive to maturity and Age of mass consumption."[23] The thrust of this theory is on economy growth.

Andre Gunder Frank a German political economist opposed the modernization theory of development and thus postulated the Dependence theory of development in the 1970s. The thesis of his theory is that underdevelopment is a direct consequent of the exploitative and unfair trade relations between poor and industrial nations.

In the 1980s neo-liberal or counterrevolution theories and sustainable development theories emerged. This theory is a reaction to the arguments made by dependence theorists. The main thesis of this theory is that the inability to develop is not a consequence of the unfair and exploitative trade relations but a result of government interference and regulations in the economy. The sustainable development theory argued for a more fervent responsibility towards the environment.

In the early 1990s perhaps the most important theory of development emerged. The human development theory took the center stage with a new argument that factor development from a completely different angle. The master mind of this theory is Amartya Sen. The main thesis of this theory is that development should not be viewed only in number, as in the gross domestic product, but through a humanistic approach. The argument is that development is multidimensional or multifaceted concept and the dimensions are; political, economic, cultural, and social, and that the ultimate aim should be to improve the quality of life.

Post development theory argues that for development to take place local communities must be the solutions to their own problems using local solutions. They argued that the old system of drinking the bitter pills of western design policies and theories will do more harm than good.

6. WHAT ARE HUMAN RIGHTS?

In trying to suggest a befitting answer to the question of what human rights means, our point of focus is to the founding document of modern human rights doctrine – the Universal Declaration of Human rights – adopted by the United Nations General Assembly in 1948.[24] The United Nations Human Rights office defines human right as "rights inherent to all human being irrespective of; sex, nationality, religion, language, ethnicity or any other status, and that these rights are interrelated, interdependent and indivisible."[25] Zeisler argued and defined

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[20] Todaro, ibid, p. 24.
[21] Slim, ibid, p. 143.
[22] Todaro, ibid, p. 119.
[23] ibid, p. 119.
[24] Charles Beitz, "What Human Rights Means", *Daedalus,* Vol. 32, No. 1, 2003, p. 36.
[25] United Nations Human Rights Office Of The High Commissioner, http://www.ohchr.org/en/issues/Pages/WhatareHumanRights.aspx (20.05.2017)

human rights as "something a person may do without incurring any blame, liability or so on."[26] Other theorists such as the natural right theorist argued and define human rights as "rights that individuals enjoy in the state of nature."[27] The point of convergence of all the above definitions is that human rights are inalienable[28], that is to say they should not be taken away from us.

The interdependent, interrelated and indivisible nature of human rights is such that the enhancement of one right assists the improvement of another, while the denial of another right negatively affects the others. For example the right to life, education, freedom of expression and the right to social security are all interrelated and interdependent. There are various types of human rights for example; social, economic, cultural, political and civil rights.[29] Civil and political rights include; the right to life and freedom of expression, while economic, social and cultural rights includes; the right to self-determination, the rights to education, etc.

Human rights are both rights and obligations in that states have an obligation to respect, protect and also to fulfill human rights under the international human rights law.[30] State must not in any way prevent the enjoyment of universal human rights protected by the Universal Declaration of Human rights.

7. HUMAN RIGHTS SCHOOLS OF THOUGHT

Even whereas human rights have been previously defined as rights that are inherent to all human beings, there are arguments that not everyone thinks about human rights in the same way. Generally there are four schools of thought with regards to human rights. Each of the schools of thought has their own set of argument as to what human rights are. The four schools of thought are the; "natural, deliberative, protest and discourse scholars."[31]

The natural scholars believe in and cherish the modern definition of human rights as the "rights people possess simply because they are human beings."[32] They push along the wave that human rights are entitlements given by nature and they are universal. On the subject of recognition, natural scholars hold on to the belief that human rights exist independent of social recognition, even though social recognition is desirable.

The argument put forth by the deliberative scholars is a different one all together. The deliberative scholars argue that "human rights are political values that liberal societies choose to adopt."[33] They reject the argument that human rights are natural entitlements, and thus putting a counter argument that human rights exist because the society agrees to them. They think with time human rights could become universal.

The protest school believes that human rights are "rightful claims made by or for the poor, underprivileged and the oppressed," and those human rights allows for the status quo to be contested.[34]

The discourse school of thought has argued for human rights but in perhaps the simplest term. They argue that "human rights exist only because people talk about it."[35] They raised an alarm on the possibility of an imperialism to be build out of human rights and they acknowledge the power behind the language of human rights.

8. CONNECTING THE DOTS BETWEEN DEVELOPMENT AND HUMAN RIGHTS – RIGHTS BASED APPROACH

The argument here is that whereas development has been defined in many different ways, but in many cases the economic perspective takes the front seat. From the very beginning of the discipline in the 1950s and all the way through to the 1980s, development was simply a measure of a country's gross domestic product. The yards stick to measure progress was purely in the numbers. But why was there a paradigm shift from purely economic terms to Rights-Based Approach. In other words why did development change her face from an economic to a humanistic one?

Perhaps a very befitting answer to this question was the argument of Todaro. He argued that in the 1950s, 60s and 70s, many of the developing countries achieved economic growth per their targets. However what was clear enough for all and sundry to see is that the living standards of a lot of people remain somewhat the same,

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[26] E. B. Ziesler, "Towards a Theory of Human Rights", American journal of Economic and Sociology, Vol. 11, No. 4, 1952, p. 416.

[27] Nezir Akyeşilmen, Who is Responsible For Human Rights, The State or Corporations?, Ankara: Orion, 2009, p. 8.

[28] Jack Donnelly, "Human Rights, Democracy and Development", Human Rights Quarterly, Vol.21, No. 3, 1999, p. 612.

[29] Patrick Kilby, NGOs and Political Change, Canberra: ANU Press, 2015, p. 113.

[30] United Nations Human Rights Office Of The High Commissioner, http://www.ohchr.org/en/issues/Pages/WhatareHumanRights.aspx (20.05.2017)

[31] Marie Benedicte Dembour, "What are Human Rights? Four Schools of Thought", Human Rights Quarterly, Vol. 32, No. 1, 2010, p. 1.

[32] ibid, p. 3.

[33] ibid, p. 3.

[34] ibid, p. 3.

[35] ibid, p. 4.

thus indicating "that something was really wrong with this model of development."[36] The result was that the pursuit for redefining development and taking whole new approach was apparent. Donnelly argues that most developmental dictatorships are indeed a failure and in rare cases where economic growth has been achieved by repressive regimes, it is clear the repression is not compatible with development.[37]

The development narrative began to change in the 1990s, but prior to this period at the international area third world countries struggled to rewrite the international agenda on development through debates on the 'right to development'- an idea bitterly argued in 1972 by the Senegalese legend Jurist Mbaye.[38] When newly independent states began to take their seats at the United Nations, the previous belief that human rights and development are different domains began to close up; these new states tirelessly worked on narrowing the gap. The concept of the right to development was a demand by third world countries for the international relocation of resources. In order to partially fulfill the demands of the third world and to keep the economic imbalance intact, the first world decided to put more emphasis on political and civil rights rather than on economic rights. Suffice it to say, debates about rights are anything but new in the developing countries whereas international development agencies were struggling to fully embrace the concept.[39]

The RBA to development is one that focuses on issues such as state policy accountability and discrimination, and the approach emphasis on issues such as participation, equity in decision making and transparency.[40] The Rights-Based Approach to development can be said to be an approach that seeks to find the common denominator for both development and human rights, and these common denominators are; food, shelter and clothing.[41]

What connects the dots between human rights and development is that the thin line between development and human rights has vanished and consequently both concepts have become operationally indivisible parts of the same quest for social change.[42] What makes the thin line disappear is that intellectual came to realize that development and human rights not only have the same nominators but they were like two passengers on a boat heading to a common destination. A hyper-myopic view at the core values and objectives of development even makes it more revealing that human rights also struggles to cater for the right to basic life sustaining good, freeing people from servitude and advocating for respect for the human dignity.

Article 3 of the Universal Declaration of Human Rights state that "everyone has the right to life, liberty and security of person," and article 4 state that "no one shall be held in slavery or servitude; slavery and slave trade shall be prohibited in all their forms."[43] The contexts of these two articles are no different from the core values of development – sustenance and freedom from servitude.

9. CONCLUSION

The concept of development has a very positive connotation and people of all societies constantly seek for better living conditions. After the Second World War a new academic discipline emerged called Development Studies. Overall this discipline is focus on and concerned with improving the living conditions of people, however during the early days of the discipline and perhaps even now this discipline is more focus on third world countries or better still developing countries. From the beginning of the discipline up to the 1970s a good chunk of countries made significant economic growth, but the living conditions of people in those countries was more or less the same. This situation suggests that something was wrong with the concept of gauging development based on economic growth, thus a multidimensional approach to development was conceived.

In order to improve the quality of life of people, issues such as human rights and fundamental freedoms needs to take a center stage. At the international arena, human rights issues are accentuated in the Universal Declaration of Human Rights. Recently, human rights issues have become so important that they even result in a struggle for regime changes (the case of Syria) and in some instances regime changes altogether – one example of such is the case of Libya. Some articles of the UDHR – article 3, 4,6,21 for example – are in one

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[36] Todaro, ibid, p. 17.
[37] Donnelly, ibid, p. 627.
[38] Peter Uvin, "From the Right to Development to the Rights-Based Approach: How 'Human Rights' Entered Development", Development in Practice, Vol.17, No. 4, 2007, p. 597.
[39] Andrea Cornwall and Celestine Nyamu Musembi, ibid, p. 1420.
[40] Peter Uvin, "From the Right to Development… ibid, p. 602.
[41] J. D. Sethi, "Human Rights and Development", Human Rights Quarterly, Vol. 3, No. 3, 1981, p. 11.
[42] Peter Uvin, Human Rights and Development, New Jersey: Kumarian Press, 2004, p. 122.
[43] United Nations Human Rights Office Of The High Commissioner, "Universal Declaration of Human Rights", http://www.ohchr.org/EN/UDHR/Pages/UDHRIndex.aspx (21.05.2017)

way or the other the same as the core values and objectives of development. This clearly indicates that human rights and development are intertwined, interconnected and interrelated.

After many approaches to development had failed to improve the quality of life of the people, another approach to development was envisaged. This approach was called the Rights-Based Approach to development. The main thesis of this approach is to use basic and fundamental human rights in order to propel development, and that development must not be a measure of economic growth but the fulfillment of basic condition necessary for every human being. The center pieces of this approach are; participation, accountability, and transparency. Rights-Based Approach to development is the chain that connects human rights and development by emphasizing on their common grounds such as; the right to food, shelter, protection, freedom from servitude, etc. The target of the approach is the address issues such as absolute and abject poverty, inequality, etc.

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