MARLBOROUGH BRANDT LECTURE

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"PUTTING DEVELOPMENT TO RIGHTS"

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The focus of my lecture is the role of human rights in international development policy.

Since human rights are so central to my lecture– and given that the concept of rights is so frequently misrepresented in the UK media and at times by UK politicians - perhaps I should take a moment, at the very outset, to restate what human rights are and why they matter.

Philosophically, to believe in human rights is to believe that there are some things that it is simply wrong to do to another human being, no matter what, and some things that every human being – whoever they are, wherever they live – should be entitled to, no matter what. Anything less is a denial of their basic humanity.

It is therefore wrong to torture people or subject them to degrading treatment.

Wrong to prevent them from expressing themselves freely or associating with others.

Wrong to deny people fairness and equality before the law.

Wrong to discriminate against them on grounds of gender, sexuality, ethnicity or disability.

Wrong to deny people access to essential healthcare, educational opportunity and adequate food.

These are just some of the core entitlements set out in key human rights agreements, like the Universal Declaration of Human Rights, the

International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination against Women, the UN Convention on the Rights of the Child, and the European Convention on Human Rights.

These are international and regional human rights agreements that governments across the world have signed up to and therefore have existing obligations to uphold. For example, since the passage of the UK Human Rights Act in 1998, the provisions of the European Convention on Human Rights are now part of UK law and UK citizens can take cases against the UK government through UK courts if they feel their basic rights have been violated.

Why are these human rights instruments important? Because we know from history – not least the history of the European continent in the middle of the last century – that without these core safeguards and entitlements and the means to enforce them, governing authorities are capable of treating human beings with great brutality and cruelty.

Human rights are designed to safeguard human autonomy and dignity. They serve as a check on abusive governments, abusive power and the tyranny of the majority, as well as oppressive policies and practices pursued by the community, religious organisations or the family, against the individual.

If that's what human rights are and why they matter, what exactly is meant by development?

Development is commonly understood as an economic and social process leading to higher incomes, improved infrastructure, better access to clean water and safe sanitation, greater access to healthcare and improved health outcomes, and expanded educational opportunity.

While I strongly support these goals, my core argument this evening is that this definition of development is too narrow and that the struggle against poverty and want cannot be separated from the struggle against tyranny, oppression and injustice.

Yet for too long and in too many cases still, these remain highly separated. The fact that we talk about the development movement and the human rights movement is illustrative of that.

Development policy and programmes overseas, supported by governments like the UK, have often been overly technocratic and top-down and have consistently ignored the critical interdependence between these issues.

They have therefore failed to give adequate priority to challenging systemic patterns of discrimination and disadvantage – violations of rights - that keep many people in poverty.

This is even true of the much-praised Millennium Development Goals or MDGs. Many of you will be familiar with these. A set of targets for poverty reduction and development, they include commitments to halve income poverty, cut child and maternal mortality by two-thirds and three-quarters respectively, and secure access for all children to primary schooling.

The goals were agreed in 2001, using a baseline from 1990, and they were supposed to have been achieved by 2015. There is progress against some of these goals, but most will not come close to being achieved by the end of next year, the target date.

Back in September 2000, at a special UN Summit, the world's governments endorsed a commendably holistic Millennium Declaration. This asserted that freedom, equality, solidarity and tolerance were fundamental values. Making progress on development, the statement rightly said, depended on "good governance within each country", adding that governments should "spare no effort" to promote democracy, strengthen the rule of law, and respect internationally recognised human rights and fundamental freedoms.

Strong words. But the Millennium Declaration's vision, and the important human rights principles it contained, never found their way into the MDGs agreed the following year, which soon became the dominant framework for international development cooperation.

While drawn from the Millennium Declaration, the MDGs were far more limited in scope. They gave priority to an important set of economic and social issues, such as child and maternal mortality and access to primary education, seen as easier to measure and less political.

These issues were defined in technical terms rather than as a set of rights obligations. Nor did the MDGs set any goals or targets related to political freedom or democratic participation, equality for ethnic minorities or people with disabilities, freedom of expression, or rights to peaceful protest and assembly – as if these issues were of less importance or perhaps because they were deemed irrelevant to economic progress.

This is not to deny that the MDGs have made an important contribution to development. They have certainly encouraged higher levels of international public investment in education and health, contributing to very significant and welcome increases in primary school enrolment and big reductions in child mortality over the last decade.

But the general neglect of human rights by the MDG framework, as well as by many governments, donors and international institutions, has come at a high cost.

It has diminished and distorted development efforts and had other harmful consequences.

Let me set out what these are. My critique of rights-free or rights-lite development is threefold.

First, many poor people have been excluded, or have failed to benefit, from mainstream development programmes and policies. This is particularly true of women, children, ethnic minorities, people with disabilities and indigenous people. I call this the problem of unequal development

Second, in other cases, people have actually been harmed by abusive policies carried out in the name of development – forced from their land to make way for large commercial investors, compelled to toil long days for low pay in dangerous and exploitative conditions, or exposed to life-

threatening pollution from poorly regulated industries. I call this the problem of abusive development.

Third, done badly, development can impact negatively on the environment – including through carbon emissions, soil erosion, pollution, depletion of fresh water supplies, over-fishing or damage to biodiversity – which then damage people's rights, including those to life, health, safe food and clean water. This is the problem of unsustainable development.

Given the pressures of time, I am going to say very little this evening about unsustainable development. It is huge topic and worthy of a lecture of its own. Let me make just one point. It is the unsustainable consumption of the world's wealthier countries and people that is primarily responsible for global environmental problems, particularly climate change, but it is the world's poorest people and communities that suffer most acutely from it. It is countries like ours therefore that need to make a decisive shift towards more sustainable patterns of production and consumption if global environmental catastrophe is to be avoided and further harm minimised.

Let me now turn back to the problems of unequal and abusive development and flesh out what I mean by these terms.

In doing so, I will draw quite a lot on recent Human Rights Watch research which has documented some of the abuses and problems that I describe.

Unequal development

What do I mean by unequal development?

Many governments around the world are unwilling or unable to address discrimination in their development strategies and their broader social and economic policies. Authoritarian governments are reluctant to empower restless minorities or disadvantaged groups that might threaten their grip on power, and are generally unwilling to address sensitive issues around ethnic or religious conflict. Such governments often refuse to accept that women, girls, indigenous people, or other marginalized social groups deserve equal status under the law.

But development donors and international institutions like the World Bank or the UK's Department for International Development have also often shied away from - and sometimes actively discouraged - the more complex and politicized approach to development implied by an explicit emphasis on rights.

Moreover, the MDGs, with their stress on measuring development in terms of average or aggregate achievement of particular goals, for example on child and maternal mortality, have done little to change these calculations.

Indeed, because it is often more difficult or expensive to assist poor and marginalized communities, the MDG framework may have actually worked against them, incentivising a focus on people who are easier to reach and assist, such as those living in cities rather than far-flung rural areas.

Nowhere is unequal development more pronounced than in the widespread and systematic discrimination against women and girls in large parts of the world. In recent years, most development organizations have woken up to this problem and identified gender discrimination as a major obstacle to inclusive development.

Nonetheless, development agencies often underreport or fail to properly address many forms of gender discrimination. In Bangladesh, for example, where considerable progress has been made (at the aggregate level) towards some MDGs, Human Rights Watch has documented entrenched discrimination in the country's Muslim, Hindu, and Christian laws governing marriage, separation, and divorce. These often trap women or girls in abusive marriages or drive them into poverty when marriages fall apart, contributing to homelessness, reduced incomes, hunger, and ill-health for Bangladeshi women and children.

People with disabilities are another overlooked group. Many of the 1 billion people with disabilities worldwide—80 percent of whom live in the developing world—are marginalised and excluded from development programmes and opportunities. Human Rights Watch's research on education in Nepal and China, for example, has documented widespread discrimination against children with disabilities, who are much less likely to be in school than other children, and suffer worse

education even when they are in school. And yet the MDGs make no reference whatsoever to disability.

Human Rights Watch has similarly documented barriers to treatment for women and children in Kenya living with HIV. Mothers and children suffered discrimination, abuse, and abandonment by husbands and relatives, and many lived in precarious conditions after being kicked out of their homes.

Ethnic and religious minorities also experience serious discrimination, sometimes rooted in basic prejudice towards them on the part of other groups; at other times linked to hostility towards the political or separatist agendas of particular ethnic groups. This discrimination can worsen levels of poverty and prevent these groups from benefiting from development opportunities. The London-based Overseas Development Institute (ODI) suggested in a recent report that two-thirds of the world's poorest people live in households headed by a member of an ethnic minority, with these families more likely to be sick, illiterate, and malnourished.

These are just some examples of unequal development, where people of low social status are excluded or fail to benefit from development programmes because of discrimination and exclusion.

Mainstream development donors have done far too little to address these issues or put in places policies and strategies to help counter them.

Abusive Development

But what about the phenomenon I describe as abusive development?

Incongruous as it may sound—especially to those who view development as a uniformly benign process—large numbers of poor, vulnerable and marginalized people around the world are actually harmed and sometimes further impoverished by policies carried out in the name of development.

These abusive patterns occur because basic rights—including the right to consultation, participation, fair treatment, to join with others in a trade union, and to just and accessible legal processes—are missing.

In China, for example, the government – and much of the international development community for that matter - maintains that the country's development progress is extraordinarily successful. Income poverty has indeed fallen very rapidly in recent years: with the UN estimating a decline in income poverty from 60 to 12 percent from 1990 to 2010.

But the record is decidedly less impressive if development is defined, as it should be, to include freedom from fear, violence, ill-health, life-threatening environmental pollution, and abusive employment practices. All of these ills are rife in China. But they are not captured in conventional economic and development indicators.

In a 2011 report, Human Rights Watch documented the devastating effects of lead poisoning on children. This occurred in four provinces—Shaanxi, Henan, Hunan, and Yunnan. Without institutions to protect their rights and hold local officials accountable for abuses, hundreds of thousands of Chinese children have suffered appallingly, including from reading and learning disabilities, behavioural problems, comas and convulsions.

Aspects of Ethiopia's development model have similar problems. The country has made real progress in some elements of its health and education policies, and it is often cited – especially by the UK government - as a development success story and a poster child for the Millennium Development Goals. But other elements of its development strategy have led to serious human rights abuses and worsened economic and social conditions.

Human Rights Watch has documented serious rights violations linked to the government's so-called "villagisation" or resettlement programme. Ethiopia justifies this programme in development terms and says it is voluntary. Some 1.5 million people in five regions are being relocated over three years to new model villages with the stated aim of giving them better infrastructure and services. But our research into the first year of the programme in one region, Gambella, found that people were forced to move against their will and that government security forces beat and abused some who objected. We also found that new villages often lacked promised services and adequate land for farming needs, resulting in hunger.

In another part of the country, the Ethiopian government is forcibly displacing indigenous communities from the Lower Omo Valley to make way for large-scale sugar plantations. The cost of this development to indigenous groups is massive: their farms are being cleared, prime grazing land is being lost, and livelihoods are being decimated. Failing to meaningfully consult, compensate or discuss with these affected communities, the Ethiopian government has used harassment, violence and arbitrary arrests to impose its development plans. Yet the response to these abuses by international development donors like the UK has been seriously muted.

Workers in many parts of the world are also particularly vulnerable to abusive development. This includes the more than 50 million domestic workers worldwide, most of them women and girls, who are employed as cooks, cleaners, and nannies. In many countries, such workers lack basic legal rights and protection. Yet their work provides essential services to households and enables the economic activity of others.

Human Rights Watch's research over 10 years, in countries as diverse as Indonesia, Saudi Arabia, Morocco, Guinea, and El Salvador, has exposed many examples of abuse, including employers insisting on extremely long working hours; withholding or providing low wages; confiscating passports; and subjecting workers to beatings, verbal abuse, and sexual violence.

Similarly, millions of migrant workers in more visible sectors of the economy, like construction, suffer abuses. Ironically, these are often most egregious in the context of hugely expensive and high-profile construction projects intended to showcase economic achievements and encourage investment and tourism. Abuses include arbitrary wage deductions; lack of access to medical care, and dangerous working conditions.

A recent investigation by the UK's Guardian newspaper found 44 Nepalese workers died from work related accidents in Qatar between June and August 2013, more than half of them from heart attacks, heart failure, or workplace accidents.

Human Rights Watch has also exposed terrible abuses that many thousands of people have suffered while working in tanneries and small-scale mining in places like Bangladesh, Tanzania and Mali. In Bangladesh, thousands have suffered fevers, nausea, and skin conditions –including skin prematurely aged, discoloured and itchy – in the country's lucrative but dangerous tanneries sector. In Tanzania, children have been exposed to toxic mercury and mercury poisoning in the poorly regulated gold mining industry. And in Mali, thousands of children have been exposed to mercury poisoning through their work as child labourers in the country's artisanal mining sector.

These are just some examples. There are sadly many more. Western governments like the UK have often played down these abuses.

They have also chosen to trumpet the selective development achievements of authoritarian governments, like those in Ethiopia, China, Rwanda, Uganda and Vietnam, while turning a blind eye to their repression. This is no longer tenable.

If rights-free development can produce outcomes that are unequal and sometimes abusive, what are the advantages that might result from rooting development more concretely in internationally-agreed human rights standards and principles?

Clearly, governments have existing legal obligations to uphold human rights standards. But my argument is that the fuller integration of human rights can contribute to improved development outcomes – promoting a form of development that is more inclusive, transparent, participatory, sustainable and accountable, precisely because it is rights-respecting.

Rights-Respecting Development

While influencing any process of social change is difficult and complex, requiring long-term engagement and commitment, rights-respecting development offers at least six advantages over more mainstream, top-down and technocratic development approaches.

First, it would encourage greater focus on the poorest and most marginalized communities, the very communities that are often left behind. The MDGs include global targets for percentage reductions of child and maternal mortality and hunger. Many mainstream

development approaches are similarly focused. By contrast, a human rights approach to development would require that universal goals be set for providing effective and accessible healthcare and nutrition for all women and children, including the poorest and most disadvantaged, alongside specific targets and policies for reducing disparities between social groups and improving the conditions of the worst off.

Progress towards more inclusive development would be greatly aided and incentivised by disaggregating national and international data, making it possible to measure policy impact on different social, income and age groups.

Second, rights-respecting development would encourage action to address the root causes of poverty—such as inequality, discrimination, exclusion, and low social status—by promoting legal and policy reforms and challenging patterns of abuse, as well as harmful cultural practices like child marriage. And it would require action to tackle formal, informal and cultural barriers that prevent women, ethnic minorities, people with disabilities, and indigenous people in particular from owning and having equal access to land, property, assets, and credit; inheriting and transferring property; and accessing education and health services.

Third, rights-respecting development would help make people agents and not subjects of development, giving priority to empowerment, participation, transparency, the rule of law and access to justice. A rights approach requires that poor people are fully consulted about development projects or programmes that affect them. Indigenous peoples, for example, should have the right to give or withhold consent to development projects on their traditional lands, before they are approved and after receiving all relevant information.

Such safeguards would help prevent the kind of abusive, environmentally harmful patterns of development already cited – and which development donors currently do too little to prevent.

But abusive development also occurs in places like China because basic civil and political freedoms are not respected more generally and because the legal system is politicized and discriminatory. Transparency and free flow of information are critical too, creating space for informed debate about use of the national budget, exposing mistakes and

environmental harm, and allowing communities to mobilize for social change and redress for abuse and malpractice.

Fourth, rights-respecting development can help tackle corruption. Each year, senior government officials or powerful private individuals steal hundreds of millions of dollars that were intended to benefit the poor through development programmes in health, education, nutrition, or water. For example in a 2013 report on Uganda, Human Rights Watch documented pervasive corruption at the highest levels and the harmful developmental consequences of this.

Ugandan anti-corruption institutions have been crippled by political interference, as well as harassment and threats to prosecutors, investigators and witnesses. Most recently, US$12.7 million in donor funds was discovered to have been embezzled from Uganda's Office of the Prime Minister. This money had been earmarked to help rebuild northern Uganda, ravaged by a 20-year war, and to help development in Karamoja, Uganda's poorest region. A greater focus on rights would help to tackle corruption of this kind by emphasizing budget transparency, freedom of information, and free media, and by supporting anti-corruption civil society organisations.

Fifth, rights-respecting development would bring rights standards into the work of international and national business. Over the years, Human Rights Watch has documented many cases of international corporate complicity with human rights violations, including a mining company using forced labour, via a local contractor, in Eritrea; out-of-control mining operations fuelling corruption and abuse in India; and sexual violence by private security guards employed by an international company in Papua New Guinea. A key reform would be for governments like the UK to introduce mandatory requirements for corporations to report publicly on human rights and the social and environmental impact of their work.

Sixth, rights-respecting development would help to strengthen accountability. Rights are of limited value if no-one is charged with guaranteeing them or if citizens whose rights are denied have no opportunity to seek redress or remedy. Development rooted in rights requires all those involved in development – governments and donors, international financial institutions, and others – to be more transparent

about implementing their commitments and the impact that their policies have on the rights of the poor. This should include through legal mechanisms, but also feedback and complaints mechanisms and regular reporting at the local, national and global level.

Bringing rights to the fore

I mentioned at the beginning of my lecture and I have made reference throughout to the Millennium Development Goals, or MDGs.

As some of you will know, there is currently a major, UN-led process to agree new global development goals and targets to replace the current MDGs that expire next year. Human Rights Watch, like many other non-governmental organisations has been highly engaged with this process, making the case – as I have made it to you tonight – for human rights to be fully integrated into new development goals, targets, strategies and programmes.

It is encouraging that support for rights has emerged as a priority amongst many of the civil society participants that have taken part in UN-sponsored consultation meetings around the world. There were also strong references to human rights in the reports of the High Level Panel of Eminent Persons on the post-2015 development agenda (co-chaired by David Cameron) and in the UN Secretary General's own report on these issues. Both these reports were published last year, and it suggests that the compelling case for rights is at last being heard.

But many governments remain hostile. With the process of agreeing a new global development agenda now at the stage of inter-governmental negotiations, we can anticipate serious efforts to marginalise the role of rights or chip away at progress made to date.
Some will continue no doubt to invoke the tired old argument that poor people care mainly about material improvements and that wider human rights entitlements, like freedom of speech and association or access to justice, are not necessary, and perhaps even an obstacle, to securing them. But this position has been thoroughly discredited, not least by ordinary peoples' own actions and expressed preferences. To give one further and final example, just consider the recent case of Tunisia.

Before Tunisia's popular uprising in late 2010, the country was considered by many in the international community as a development success story. Economic growth was close to 4 per cent, 9 out of 10 children went to primary school, and life expectancy was an impressive 75 years.

But for many Tunisians this clearly was not enough: higher incomes and better access to services for some did not compensate for the ills and costs of corruption, repression, inequality and powerlessness. Nor did it satisfy their aspirations for greater justice, freedom and dignity. In January 2011, popular protests ousted Zine el-Abidine Ben Ali from the presidency after 23 years in power.

While Tunisia's struggle to consolidate rights-respecting democracy continues, its recent experience exposes the narrowness and inadequacy of many existing approaches to development. It also reinforces the argument I have made in my lecture this evening: that development should be reframed more broadly, not just as higher income, but as the creation of conditions in which people everywhere can get an education, visit a doctor, and drink clean water, but also express themselves, associate with others, live free of abuse and discrimination, access justice, and with the chance for their voices to be heard and the opportunity to shape their future.

As UN Secretary General Ban Ki-moon stated in July 2013: "Upholding human rights and freeing people from fear and want are inseparable."

A post-MDG global development agenda and development policies that embrace this essential truth will help promote better development – development that is more inclusive and just and that advances basic rights and freedoms for all. Freedom from fear as well as freedom from want.