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Right to Development as a Human Right

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"Development as a human right"

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DEVELOPMENT AS A HUMAN RIGHT<sup>1</sup>

SUMMARY.

I. Under its charter, the World Bank fosters development. The view of what constitutes true development, never simply limited to growth, has increasingly encompassed direct poverty alleviation, help to minority groups and women, the preservation of the environment.

II. The "right to development" cannot be equated to the right to be passively lifted out of poverty, however progressively. It is the right to be given an environment which is not unduly unfavorable to those who want to pursue efforts to develop themselves and others.

III. What exactly constitutes development, as also how to achieve it, is subject to cultural and other differences in interpretation. Judgmental choices are unavoidable. They must eschew both the unwarranted imposition of cultural or personal preferences and the tolerance of fundamental obstacles to development.

IV. To be meaningful, an individual's right must place a corresponding obligation on another individual or entity. The obligation to provide an environment conducive to development rests above all on national governments.

V. International rights and obligations with respect to the right to development are, to a large extent, those defined by international agreements.

VI. However, the growing recognition of the link between peace and the respect for human rights, as well as the shared interest in the preservation of common global resources lead to an increasingly widespread perception that there is an international responsibility to help foster development worldwide.

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I. The World Bank: Development as an obligation.

1. The World Bank's Articles of Agreement clearly establish its functions: "To assist in the reconstruction and development of the territories of members". Whatever the status of international recognition of a "right to development", even while World War II was

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<sup>1</sup> The views expressed in this text are those of the author and do not necessarily represent those of the World Bank or its affiliated organizations.

continuing the international community embodied in the World Bank its will to shoulder in common some of the burdens of development. Except for a few very early operations to help post-war reconstruction, the promotion of development has always been the central focus of the Bank's analysis and operations.

2. As time went by, ideas evolved and knowledge increased, the concept of *development*, as understood by the Bank, also took on a more precise and more comprehensive meaning. It is not necessary to retrace all the phases of this evolution, although it is well to underline that it was indeed an evolution; all of today's concerns were to some extent implicit in the founders' intentions, and to some extent expressed in the Bank's earlier dialogue with its member countries, and its financing operations.

3. It has always been widely held that true development must benefit the poor; just as it is also widely held that some benefits of economic activity, including benefits to the poor, may have to be postponed in order to derive higher benefits later. However, as the realization spread that in some forms of development benefits to the poor may be postponed for a very long time indeed, the Bank laid increasing emphasis on favoring the near-term and direct alleviation of poverty through its projects. In particular, it has sometimes tended to favor projects whose main aim was to benefit the poor, and it has often financed projects that help the poor obtain basic amenities like shelter, drinking water, health, education - and of course food.

4. Within the overall population, the World Bank is also paying particular attention to specially disadvantaged groups. Foremost amongst these are women<sup>2</sup>. They are of special importance as necessary beneficiaries - as is reflected in mortality rates, women suffer most from the acute poverty of certain population groups. But they are also of special importance as a group whose contribution to development is vital: women perform much or most of the agricultural work, particularly for food crops, in most developing countries, they also are the chief trading and marketing group in many countries. Most important, perhaps, is their role as educators: women bring the crucial influence to bear on the future adults. Women are, obviously, important to overall willingness and ability to practice family planning. It is therefore particularly disturbing that women continue to be disadvantaged with regards to education in most developing countries, a state of affairs the Bank is trying to help change.

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<sup>2</sup> In terms of what they deserve as well as in terms of what they can contribute to the common ventures of humanity, it is crucial that women and men should play equal roles. In this author's view, language best reflects this through the convention that, unless otherwise specified, words like "man", "conductor", "poet" apply to both males and females; and, when the pronoun "he" is used in lieu of such nouns, it too applies equally to males and females. This convention is followed in this document.

5. Again, without revolutionary change, environmental considerations have also assumed rising importance within the broad concept of development. For over twenty years, the World Bank has had an environmental adviser. The preservation of the environment is an important condition for the Bank's project financing. It is necessary to minimize the harmful environmental impact of investment projects, and the Bank will abstain from projects where, for whatever reason, this cannot be done. Increasingly, the preservation and restoration of the environment is directly incorporated into development projects, and has formed the main purpose of some projects.

6. Obviously, none of these objectives has been pursued over more than forty years with single-minded efficiency, nor without mistake. Nevertheless, they were pursued as constituting the Bank's main mission. Whether or not the international community recognizes a right to development, for the World Bank, assistance to development, in a broad sense - in an ever broader sense - constitutes a formal, statutory obligation.

## II. What is development?

7. While there can be no question about the Bank's obligation to assist its members in the pursuit of development, the interpretation of that objective may sometimes give rise to divergence, particularly in terms of the broader implications listed above. There may be conflicts between immediate equity and longer-term efficiency objectives in terms of specific fiscal measures, or salary and wage rates, or land tenure legislation. There may be different interpretations about the consistency of women's education and professional roles with certain religious obligations or honored social customs. There may be differences concerning the trade-offs between the need for space-using development projects, like reservoirs or roads, and the rights of the occupants of the soil, particularly if these are ethnic or religious minorities. Similarly, there may be disagreement on the proper trade-off between environmental costs and benefits, say in terms of health; or indeed between different types of health benefits.

8. The Articles of Agreement also provide that "*The Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member country concerned*"<sup>3</sup>. The Bank must therefore be careful that its interpretation of what constitutes proper development should not extend to political choices. Care is all the more necessary as in fields like equitable income distribution, women's roles or family planning, the boundary between economic and political choices is sometimes fuzzy.

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3 Articles of Agreement, IV - Section 10.

9. The World Bank itself does not always have a single monolithic viewpoint; nor is it always necessarily right. The Bank's staff itself has some cultural diversity. More important is that the Bank recognizes that legitimate cultural, historical and ethical differences exist, and must be respected. These are obvious in the different patterns taken by the final consumption whose increase constitutes one of the finalities of development. They also take other forms. Disciplines easily accepted in some countries are abhorrent in others. The organizational forms of enterprises differ. Social practices, property laws, acceptable income disparities, all differ in different countries, and these differences must be respected.

10. Such differences are sometimes difficult to deal with. What some view as a legitimate cultural difference, or indeed an absolute ethical necessity, may appear to others as a fundamental impediment to the right to development. For instance, natural population growth rates in many countries correspond to thirty and forty-fold increases of population over a single century. A radical decrease in these rates is clearly necessary for sustained development. Yet birth control methods practiced and advocated by many individuals and governments are totally rejected by others as ethically wrong, and as violations of fundamental human rights.

11. Differences that are perhaps less fundamental, but not less large, exist in many other areas. The World Bank, like all practitioners of developmental action, must constantly make judgmental choices between two equally unacceptable risks: undue imposition of one's own subjective cultural standards and economic judgments, and undue acceptance of practices that are fundamentally incompatible with development.

12. When speaking of the World Bank one is referring to staff and management that come from most member countries; and Executive Directors that represent all member countries and very rarely have made decisions otherwise than by consensus. The World Bank has, over the years, made mistakes. It has held mistaken views as to how best to foster development. It has mistakenly pressed for unnecessary policy conditions. Probably much more frequently, it has mistakenly accepted, in the name of diversity and of non-interference, country policies fundamentally inimical to development. It may well have, on occasion, let its attitude towards a member be influenced by the political attitudes of other member countries, which make up its Board and sustain its financial strength. But overall, to a surprising extent, it has applied its best efforts and best judgment to fulfill the fundamental obligations laid down by the Articles of Agreement.

### III. Right to Development: the right to a reasonable environment.

13. As this paper ventures beyond discussing World Bank practice, the opening warning takes on particular strength: the discussion

that follows is truly based on the author's views. It seems more than ever reasonable to accept that development, in some sense, constitutes a human right. Extreme poverty can lead to unhappiness and to moral and material degradation fully as complete as those produced by some types of governmental repressions. It appears reasonable that the human right to be protected from physical or moral misery so extreme as to be incompatible with human dignity should extend to a right to be protected from underdevelopment.

14. But a right is nothing, does not truly meaningfully exist, without a corresponding responsibility. Nor is a right very meaningful if it is kept in the abstract, if its extent and time-frame are not defined. What exactly constitutes the *right to development*? What are the corresponding obligations? In what time-frame are they to be fulfilled? By what entity?

15. Even if the process of "development" were finite, if there were a state that could be defined as the state of development, it would clearly not be practical to pretend reaching it instantly. It would be meaningless to proclaim the right of any group of poor people to become instantly rich people; or even to proclaim the right of the average peasant in a developing country to become, here and now, as prosperous as the average inhabitant of Switzerland. The gap is too large; any "right" to bridge it instantly would be inoperative and meaningless.

16. Nor is it this that any of the proponents of a *right to development* have in mind. Perhaps it might seem more reasonable to proclaim the right to some minimum, the right to emerge from abject poverty, to a threshold at last compatible with human dignity. However that threshold were to be defined in precise monetary terms, it cannot be denied that a large part of humanity has not reached it yet. It also cannot be denied that reaching it constitutes a legitimate aspiration.

17. Even such a minimal threshold cannot be reached immediately in many countries. However, it is normally possible to make reasonable progress towards it. This is a key word. The speed of potential progress depends on many things: on the starting point, on natural endowments, on the state of the human capital built up through past education, on the amount of man-made capital built up by past generations. Making reasonable progress is then surely a legitimate aspiration.

18. But a *legitimate aspiration* is a *right* only if one can clearly identify an individual or entity that bears a corresponding obligation, and is capable of fulfilling it. The individual's own responsibility to fulfill his own aspirations is an important component of this issue. One may illustrate this in the field of political rights: in the majority of countries, citizens have the well-established right to elect the government. This does not usually entail the right to be provided all facilities, such as transportation, to attend the polling place; to be compensated for

the time spent; or even to be provided, free of charge, all the information each individual deems desirable.

19. Or, to use an example from a closer field, the right to education is generally considered a basic human right in most countries. Governments have the corresponding legal responsibility to provide education. The government must provide schools; it is usually obligated to ensure that they are free of charge up to some level, or that other measures, like a scholarship program, facilitate school attendance by those too poor to pay. The government has obviously no duty to ensure that a child becomes educated if he is in fact unwilling to study, or clinically unable to do so. Nor can it be obligated to provide facilities out of keeping with the economic situation of the country.

20. It is well established that society at large, and the government that represent it, have some obligations to those completely destitute, powerless, friendless. Duties towards the defenseless orphan have been recognized by all moral codes, and most legal ones. The same is true for the supportless old. They have a right to be helped. How much of this obligation falls on each level of government (municipal, provincial, central...), and what level of support it entails, of course depends on individual country circumstances.

21. Beyond this, and at the other extreme, nobody would argue that able-bodied men have any right to be kept in idle luxury, or that any corresponding obligation falls on the government. At most, in relatively prosperous countries, able-bodied adults have a right to an environment in which they can earn a decent living. In poor countries, one may not even be able to go that far. However, surely everyone has the right to an environment where self-help efforts are not wilfully and systematically prevented or frustrated.

22. The right to development then appears as a right to a favorable environment, which allows people to make, through their efforts, reasonable progress out of poverty. Development is a basic human right, in the sense that everyone has a right not to face unreasonable obstacles to his efforts to uplift himself and others.

#### IV. The obligations of national governments.

23. The most important determinant of development is the entirety of policies surrounding the individual. These policies, in the broad sense, undoubtedly include social obligations imposed by the collective will, by customs and beliefs; but a very important, probably the most important component they have is the laws, regulations and other actions of government.

24. There are all too numerous examples of government policies and actions that complicate and hinder the development task. Old unwise men cling to outdated ideologies whose failures they have not understood. Men of party or of tribe, family men continue with policies

that protect the privileges, wealth and power and influence of the small group to which they give their primary loyalty. Dishonest men apply policies that bring them personal comfort and wealth and power. Weak men pursue policies that benefit the powerful. Misguided men persist in applying the wrong recipe. In too many countries too many men - including a very few women - pursue government policies that prevent or hinder the development of those they govern.

25. Some of these "policies" may be expressions of collective will, or of widespread private beliefs and practices, which nevertheless conflict with collective and widespread wishes to develop: attitudes that prevent girl children from taking full advantage even of existing educational opportunities; attitudes that require lavish marriage parties or burials, thus draining savings; attitudes that disfavor collective effort and discipline; attitudes that lead to too many children. How responsible the government is for modifying these attitudes, how much right it has to do so, within the framework of its obligation to respect the human right to development, is one of the most difficult issues, and the answer to it must clearly be tentative, broad and vague, and judgmental.

26. How close a policy framework is to being optimal for development cannot be sharply defined. Even among reasonable men, there are divergences about what promotes development most effectively. There are also trade-offs, between immediate satisfaction and future needs, between social and economic goals. Moreover, those who are crushed by poverty, and perhaps even more or those whose aspirations to greater well-being are frustrated, it is often quite natural to blame others for their plight, even when they themselves failed to exert adequate effort. Consequently, violations of the right to development are often more difficult to identify than violations of other human rights.

27. Nevertheless, there are cases when the overwhelming weight of evidence points to inappropriate policies; there are cases when those most concerned, those whose right to development has been denied, overwhelmingly share this opinion. These whose development is frustrated, those who are kept in poverty because of their governments' policies, have a basic right to better policies. Sometimes, they can assert that right through their right not to reelect governments. When the right to do so is also denied them, they have been known to assert both rights by pressing through extralegal means for the overthrow of the governments that have prevented their development. Recent history provides illustrations of both success and failure of such attempts.

#### V. International aspects.

28. Is responsibility towards the human right to development confined within each country? to what extent, and in what manner, does it fall on citizens and governments of other countries, and on the international community?



29. Given the lack of precision in the expression of the right to development, and of the corresponding obligations, even at the national level, it is not surprising that the answer is even less sharp at the international level. Moreover, as in the whole field of human rights, the obligation to ensure human rights worldwide must take into account the well established principle of respect for the sovereignty of other countries, and non-interference in their internal affairs; a principle based on solid experience, and essential to the preservation of peace.

30. There is, however, one long-established method through which sovereign countries limit their sovereignty in specific fields: that of international treaties and conventions. Such conventions have, at various times, protected religious freedoms, ended slavery, given civil rights to minorities, and more recently established supranational judicial review of human rights in Europe. Once such a convention is negotiated and signed, it gives signatories certain rights relative to what happens in other signatories' territories.

31. Negotiation and acceptance of human rights conventions has been the basis of official international enquiries into specific human rights violations in certain countries. Acceptance of more specialized conventions - say, of the charter of the International Labour Organisation - has been the basis for official international enquiries into the violation of workers' rights in member countries. Negotiation of a convention on Development as a Human Right might similarly form the basis of official enquiry into violations of this right.

32. It is important, however, to bear in mind the difference between a general declaration principles and a formal convention or international agreement. The former proclaims general goals, but does not set operational aims, does not set up standards whose respect or violation can be clearly determined. The Universal Declaration of Human Rights is a case in point. It does not really provide a framework for legal recourse against violators. The latter are more specific; they need to provide firm guidelines and objective criteria, even if minimal ones. The European Convention on Human Rights, or the Helsinki Agreement, are good examples. assistance to development.

33. An important issue is to what extent an international convention embodying the right to development might link national governments' obligations with respect to such a right to an international obligation of assistance. It is noteworthy that well before development was discussed in terms of human rights, the international community recognized some responsibility towards fostering global development. This recognition was reflected in the setting up of institutions like the World Bank and regional development banks; in the establishment of the United Nations Development Programme (UNDP); in specific references in the charters of various

international organizations. Treaties like the General Agreement on Tariffs and Trade, declarations of political intent like the Punta del Este declaration setting the negotiating goals and framework for the Uruguay Round of trade negotiations recognize the need to foster development as a common international objective. In an evolving world, it may well be desirable to extend those obligations, increase them and render them more specific, and to complement them with others.

VI. Reappraising a small globe: common prosperity or ruin, shared obligations and rights.

34. In an individual capacity, one may perhaps go beyond what seems to be actual practice to speculating about what should be. I have noted earlier the extension of the concept of development to include such distributional aspects as women's participation; and such qualitative aspects as environment. These reflect the specific interests of the international community in events within individual countries. A legitimate interest in demanding progress cannot be divorced from some obligation to assist in it.

35. The obligation is particularly acute in the environmental field. The growth of human population and of economic means has reinforced the commonality of human interests. Increasingly, actions that once were purely domestic are seen to have implications for the common welfare of humanity. Pollution of the atmosphere and of the seas are obviously cases in point: pollutants, acid rain and carbon dioxide generated in one country ultimately spread worldwide; so do the effects of the exhaustion of marine resources.

36. Many people, particularly in industrial countries, have also taken conscience of their own interest in resources that just happen to be situated on the territories of other countries: tropical jungles, endangered animal species, pristine icebergs... There can be little doubt that, even beyond the physical aggressions of pollution, all humanity suffers through the loss of such resources; that they really contribute to the common wealth of mankind.

37. In every legal system, common wealth means common responsibility. Only through development can common resources be preserved; and their preservation is a vital necessity for all mankind. Thus will perhaps the circle be completed. Everyone needs development in every country, because his own and his children's prosperity are inextricably linked to those of others, to the rational common exploitation of the world's limited resources. Everyone shares a common interest in each others' success in this pursuit; everyone therefore bears an obligation to facilitate it.