

**The Discourse of Human Rights and Aid Policy.
Facilitating or Challenging Development?**

by

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Abstract

This paper seeks to ascertain whether the convergence of human rights and development agendas signal a challenge to existing approaches to development co-operation policy as its proponents allege by providing a normative framework rooted in universally recognised values and standards contained within international human rights law? Or conversely, does the language of human rights facilitate the modernising project of development framed within the prescriptions of international financial institutions, which are presented not only in the form of non-political and technical conditions, but also as inevitable and universal processes? In this paper, it is argued that the liberal principles of the discourse of human rights does not act as a mechanism to challenge the existing development orthodoxy, but is instead, simply compatible with it. In this light, the convergence of these diverse agendas which surprised many commentators almost a decade ago appears to have ultimately been less subversive and more facilitatory in nature.

Introduction

Over the past decade, the discourse of human rights has become an integral part of the development co-operation policies of multilateral and bilateral donors.¹ This paper will endeavour to inquire into the origins of this trend which will involve an overview of the ‘history of development’ in order to trace the evolution of human rights in development thinking. In the first part of this chapter, it will be shown that the notion of development was derived from modernisation theories which provided a rationale for the institutionalisation of development aid in the post-World War II climate. In the subsequent decades, it will be shown that there were strong challenges to the dominant macro-economic thinking, particularly in the 1970s, from dependency theorists and the governments of developing countries who made recourse the international fora in order to make demands for a new international economic order. In following decade, it will be shown that development strategies underwent a significant reconsideration as exemplified in the World Bank’s neo-liberal economic policies, which led to the attachment of economic conditionality to development aid, which allowed for the introduction of structural adjustment policies of the IMF and World Bank.

The turning point for the integration of human rights and development emerged at the end of the Cold War when development aid assumed a more overt political dimension through the introduction of human rights conditionality. The impetus for this approach was spurred on by the World Bank’s publication on sub-Saharan Africa in 1989, which made reference to the notion of good governance and urged donors to be more selective in the allocation of aid upon this criterion.² During this period, it will also be argued that

¹ In this paper, the term ‘donors’ refers to the UN and members of the Development Assistance Committee (DAC) of the OECD engaged in official development assistance (ODA). For evidence of the convergence of human rights and donor policies see Crawford, G., *Foreign Aid and Political Reform: A Comparative Analysis of Democracy Assistance and Political Conditionality*, (Houndmills, 2001).

² World Bank, *Sub-Saharan Africa: From Crisis to Sustainable Growth, A Long-Term Perspective Study*, (World Bank, 1989).

human rights became compatible with development thinking due to the changing normative definition of development. In this context, it will be demonstrated that the changing definition of 'development' within UN circles the late 1980s and early 1990s led to an enhanced position of the 'individual' within development co-operation policies.

By inquiring into the origins of the convergence of human rights and development, it will be considered whether this trend constitutes a new paradigm for development assistance by challenging existing approaches and providing a coherent normative framework derived from human rights law,³ or conversely, whether it facilitates the neo-liberal agenda of development by cloaking it in the current language of legitimacy, namely, that of human rights.⁴

1. Background Introduction - The Evolution of Development Thinking:

It has often been stated that the paradigm of development is rooted in the theories of modernisation, in which development is conceived as an inevitable, transformative process that follows a pre-determined linear path.⁵ This conception was influenced by nineteenth century social science, which drew from the Darwinian biological evolutionary metaphor for growth and contemporary claims regarding social evolution.

Evolution sorted history, producing an imperial panorama which dehistoricized non-western peoples, or rather, which granted a history only from the perspective of the imperial lighthouse. From the point of view of the centre, the global space appeared transformed into a time sequence, with Europeans as the only contemporaries, the sole inhabitants of modernity. Empire, then, was a time machine in which one moved backward or forward along the axis of progress.⁶

It could be contended that the dominant post-war economic policies were influenced by the modernist paradigm of development. For example, leading economists such as Rostow emphasised the inevitable and pre-determined path of national growth.⁷ In the 1950s and 1960s, the notion of national development which relied upon governments as

³ For example, Alston, P., 'What is in a Name: Does it really matter if development refers to goals, ideals of human rights?', from Helmich, H., (ed.), *Human Rights in Development Cooperation*, SIM Special No 22, (Utrecht, 1998); Häusermann, J., *A Human Rights Approach to Development*, (London, 1998).

⁴ Uvin, P., 'On High Moral Ground: The Incorporation of Human Rights by the Development Enterprise', *The Fletcher Journal of Development Studies* XVII (2002).

⁵ For more on the literature relating to modernisation and the theory of development see, for example, Nederveen Pieterse, J., *Development Theory: Deconstructions and Reconstructions*, (London, 2001); Apter, D.E., *Rethinking Development: Modernization, Dependency and Postmodern Politics*, (Beverly Hills, CA, 1987).

⁶ Nederveen Pieterse, *op. cit.*, (2001), p. 8.

⁷ Rostow, W.W., *The Economic Stages of Growth: A Non-Communist Manifesto*, (Cambridge, 1960). See also Lewis, W.A., *The Theory of Economic Growth*, (London, 1955); Huntington, S., *Political Order in Changing Societies*, (New Haven CT, 1968); Smelser, N.J., 'Towards a Theory of Modernization', from Etzioni, A., and Etzioni, E., (eds.), *Social Change: Sources, Patterns, and Consequences*, (New York, 1964).

the central actor was prevalent in development economic thinking.⁸ These theories of economic growth emphasised the role of the state through public sector and planned investment, along with rapid industrialisation, which would provide the impetus for the economy's 'take-off',⁹ rather than relying upon pure market forces.¹⁰

The economic theories of this period emphasised the benefits of 'trickle down' economics, coined in the phrase "a rising tide lifts all boats". Two exponents of this view were the Nobel Prize winners, Arthur Lewis and Simon Kuznets, who both argued that although inequalities may emerge in the early stages of development, this was an essential and inevitable outcome, but only a short-term one. According to Kuznets, this inequality would be reversed in the later phases of development as incomes rose.¹¹ It was also widely propagated that in order to achieve economic growth, traditional communities and values would be inevitably affected in the name of 'progress'.¹²

2. Questioning the Modernist Agenda

From the 1970s onwards, the mainstream theories of modernisation were strongly challenged by 'dependency' theorists, who reflected widespread opposition to the hegemony of the dominant approach of capitalist economics.¹³ Although far from comprising a homogenous group, dependency theorists, particularly in Latin America, challenged the assumptions and the necessary interconnection between capitalism and economic growth¹⁴ and argued that the causes of underdevelopment or maldevelopment¹⁵ lay in the structure of the world economy.¹⁶ These theorists presented the dependency of the developing world as the relationship between the developed world (core) and marginal developing countries (periphery).

While dependency theorists countered the dominant, linear and pre-determined path of mainstream approaches and brought a valuable critique of the structure and inequalities

⁸ For example, see Mason, E.S., *Economic Planning in Underdeveloped Areas: Government and Business*, (New York, 1958); Lewis, W.A., *Development Planning: The Essentials of Economic Policy*, (London, 1966); Lewis, W.A., *The Principles of Economic Planning*, (London, 1949).

⁹ Rostow, *op. cit.*, (1960).

¹⁰ Little, I.M.D., *Economic Development*, (New York, 1982), p. 191.

¹¹ Lewis, W.A., *The Theory of Economic Growth*, (London, 1955); Kuznets, S., 'Economic Growth and Income Inequality', 15 *American Economic Review* (March, 1955).

¹² Schumpeter, J.A., *Capitalism, Socialism and Democracy*, (London, 1943); Schumpeter, J., 'The March into Socialism', American Economic Association, New York, 30th December 1949.

¹³ For more on this subject see Escobar, A., *Encountering Development: The Making and the Unmaking of the Third World*, (Princeton NJ, 1992); Wallerstein, I., *The Modern World System*, (New York, 1974); Amin, S., *Accumulation on a World Scale*, (New York/London, 1974).

¹⁴ Jones, P., 'Postdependency? The Third World in an Era of Globalism and Late Capitalism', 22 *Alternatives* 2 (1997), p. 209.

¹⁵ Amin, S., *Maldevelopment: Anatomy of a Global Failure*, (London, 1990).

¹⁶ Snyder, F.G., 'Law and Development in Light of Dependency Theory', 14 *Law & Soc. Rev.* (1980), p. 723. See for example, Frank, G.A., *Capitalism and Underdevelopment in Latin America*, (New York, 1967); Amin, *op. cit.*, (1974); Dos Santos, T., 'The Structure of Dependence', reproduced/reprinted in Seligson, M., and Passé-Smith, J., *Development and Underdevelopment*, (Boulder, 1993); Leys, C., 'Underdevelopment and Dependency: Critical Notes', reproduced in *Journal of Contemporary Asia* (1977); Wallerstein, *op. cit.*, (1974).

of the world economy, their position was not free from contradictions.¹⁷ For instance, it could be argued that their own rationalist methodology somehow replicated the notion that the path of development was known and followed a certain formulae, as the majority of these theories were derived from Marxist critique of capitalism.¹⁸ Furthermore, according to Friedmann, “like the mainstream doctrine to which it stands in dialectical opposition, alternative development is not primarily a set of technical prescriptions, but an ideology” ... “Centred on people on people rather than profits, it faces a profit-driven development as its dialectical other. Actual development will always be the historical outcome of the ideological and political conflicts between them.”¹⁹

At the same time, developing countries made recourse to various international fora in order to express their dissatisfaction during a decade of global economic downturn following the oil crises of 1973/74 and 1979. An early example of collective action among developing countries was the Bandung Conference of 1955 at which developing countries and members of the non-Aligned movement voiced their claims regarding decolonisation and development.²⁰ Due to the large presence of developing countries on the international arena following decolonisation, attempts were made to address concerns relating to the World Bank and International Monetary Fund (IMF) policies in the United Nations. In this regard, the establishment of a new economic order was initiated and several UN resolutions reflected these developments. For example, in 1974, the Declaration on the New International Economic Order (NIEO) was adopted by the UN General Assembly.²¹ This was followed by the Charter on Economic Rights and Duties of States,²² which, along with the Declaration on the NIEO, should be seen in light of decolonisation.²³

In the context of ECOSOC, these events led to creation of United Nations Conference on Trade and Development (UNCTAD) in 1968.²⁴ The Generalised System of Preferences (GSP) was established in order to facilitate the access of products from developing countries to the European Community markets.²⁵ The motivation for its creation was influenced by the United Nations Conference on Trade and Development (UNCTAD)

¹⁷ Jones, *op. cit.*, pp. 210-211.

¹⁸ Apter, *op. cit.*, p. 25.

¹⁹ Friedmann, J., *Empowerment: The Politics of Alternative Development*, (Cambridge, 1992), pp. 8-9.

²⁰ See Rist, G., *The History of Development: From Western Origins to Global Faith*, (London/ New York, 1997), pp. 82-83. According to Rist, these demands, which were issued in the final communiqué of the conference, were largely identical to the values expressed in the UN Charter, such as respect of equal sovereignty of states and non-interference in internal affairs, respect for human rights and international obligations.

²¹ Declaration on the Establishment of a New Economic Order, *adopted* 1st May 1974, GA Res. 3201 (S-VI), 6 (SPECIAL) UN GAOR, 6th Spec. Sess. Supp. No. 1, at 3, UN Doc. A/9559 (1974), *reprinted* in 3 *ILM* (1974) 715.

²² Charter of Economic Rights and Duties of States 1974, *adopted* 12th December 1974, GA Res. 3281, UN GAOR, 29 Sess., Supp. No. 31 at 50, UN Doc. A/9631 (1975), *reprinted* in 14 *ILM* (1975) 251.

²³ Orford, A., ‘Globalization and the Right to Development’, p. 131, from Alston, P., (ed.), *Peoples Rights*, (Oxford, 2001).

²⁴ *Ibid.*, p. 129.

²⁵ The GSP forms part of the EC’s Common Commercial Policy (CCP), rather than development co-operation policy. Article 133 (ex Article 113) ECT governs the conclusion of treaties within the framework of the common commercial policy and also provides the legal basis for the GSP.

and it represented a step towards the realisation of some of the demands of developing countries. However, significant reform of the IMF, World Bank and GATT was unsuccessful at this time.²⁶

Mainstream development thinking was not only challenged by dependency theorists but also within the domain of development economics itself. In particular, the clear trade-off between equity and growth, which was inherent within earlier theories of development, was criticised by several development economists.²⁷ From the perspective of these economists, several studies were undertaken to demonstrate that economic growth alone was insufficient to achieve equality. One theory which was challenged was the Kuznets theory, mentioned above, which indicated that inequality was inevitable during the early stages of development although it was believed that it would be automatically reversed as income rose. This theory was countered by the research of Adelman and Morris, published in 1973, who argued that the trend in inequality would not be reversed unless it was assisted by specific policies.²⁸ Similarly, the following quote of Hirschman demonstrated the increasing climate of scepticism regarding the assumptions of previous development thinking.

“...When it turned out that the promotion of economic growth entailed, not infrequently, events involving serious retrogression in other areas, including the wholesale loss of civil and human rights, the self confidence that our sub-discipline exuded in its early stages was impaired.”²⁹

Although attempts to create an alternative international economic order were largely unsuccessful at UN level, this movement led to increased references to basic needs, participatory development and human rights, which ultimately made their way onto the development agenda in subsequent years. The assessment of basic needs became an integral part of World Bank and IMF strategies, thus highlighting some of the lasting legacies of the radical dependency theories which, thus, became part of mainstream approaches.³⁰ The identification of basic needs was achieved through methods of quantitative analysis and the collection of empirical data and standards which were set in terms of minimum physiological requirements of the individual in terms of food, clothing, shelter and water.³¹ The ethos of basic needs was summed up in the words of leading economist in this field, Paul Streeten, who stated that the aim of this approach

²⁶ Orford, *op. cit.*, p. 129.

²⁷ Taylor, L., *et al*, ‘The Links between Economic Growth, Poverty Reduction and Social Development: Theory and Policy’, p. 437, from Mehrotra, S. and Jolly, R., (eds.), *Development with a Human Face: Experiences in Social Achievement and Economic Growth*, (Oxford, 1998). See also Chenery, H., *et al*, *Redistribution with Growth*, (London, 1974).

²⁸ Adelman, I., and Morris, C.T., *Economic Growth and Social Equality in Developing Countries*, (Stanford, CA, 1973).

²⁹ Hirschman, A., *Essays in Trespassing: Economics to Politics and Beyond*, (Cambridge, 1981), p. 385.

³⁰ Macrae, J., *Aiding Recovery? The Crisis of Aid in Chronic Political Emergencies*, (London, 2001), p. 14.

³¹ For further details see, Hopkins, M., ‘A Basic-Needs Approach to Development Planning’, World Employment Programme, Working Paper 3, (Geneva, 1977); Khan, A.H., ‘Basic-Needs Target: An Illustrative Exercise in Identification and Quantification’, from Ghai, D.P., *et al* (eds.), *The Basic Needs Approach to Development: Some Issues Regarding Concepts and Methodology*, (Geneva, 1977).

was to “improve the lot of the absolute poor”.³² The basic needs agenda did not seek to address issues of distribution relating to power and resources which are necessary to prevent ill-health, disease and under-nourishment,³³ nor did it deal with the impact of structural adjustment policies and individual access to basic services in the context of privatisation. However, what is significant about this approach is that it witnessed the initial phases of the individualisation of poverty which contributed to the changing trends in development.

The basic needs strategy was met with enthusiasm from international financial institutions (IFIs), development agencies and non-governmental organisations as it provided a new impetus and continued justification for development. However, a strong critique of the basic needs terminology is offered by Rist who argues, among other things, that the concept does not challenge the basic assumptions of economics, namely, that one must choose between scarce resources to provide for ‘insatiable needs’.³⁴ According to Rist, ‘the ever-worsening conditions of life in the South meant that a morality of urgency took precedence over rigour of analysis; the time seemed to have come for action rather than reflection.’³⁵ Furthermore, quoting Baudrillard, he conveys the idea that the notion of a shortage of goods is not a natural phenomenon, but rather a structural one.³⁶

“in every society ... the ‘minimum necessary for life’ is residually determined by the basic urgency of a surplus: of God’s share, the share needed for sacrifice, the extravagant expenditure, the economic profit. It is this levy for luxury purposes which negatively determines the subsistence level, and not the other way around ... There have never been ‘societies of shortage’ or ‘societies of abundance’, because a society’s expenditure – *whatever the objective volume of its resources* – is decided in accordance with a structural surplus and an equally structural deficit...”

3. International Financial Institutions, Structural Adjustment & Social Impact

In the context of economic development thinking, the following decade was dictated by the World Bank and IMF strategies of macro-economic structural adjustment and the privatisation of public sector activities for the receipt of development aid. Increasing scepticism regarding the central role of governments, particularly in light of claims of excessive planning, unprofitable public undertakings and wasted resources, led to an emphasis on market-economies and privatisation. Although aid continued to be couched in technical and functional terminology,³⁷ this approach was based upon neo-liberal

³² Streeten, P., *First Things First: Meeting Basic Needs in Developing Countries*, A World Bank Publication, (Oxford, 1981), p. 25.

³³ Ibid.

³⁴ Rist, *op. cit.*, p. 167.

³⁵ Rist, *op. cit.*, p. 169.

³⁶ Ibid., pp. 167 and 168. Quoting Baudrillard, J., ‘La genèse idéologique des besoins’, from Baudrillard, J., *Pour Une Critique de l’Economie Politique du Signe*, (Paris, 1972), pp. 84-85.

³⁷ See Griffin, K., ‘Foreign Aid after the Cold War’, *22 Development and Change* 4 (1991).

approaches to economics which encouraged the “removal of government interference in financial markets, capital markets, and of barriers to trade.”³⁸

In contrast with the previous emphasis upon national economic growth and state-controlled development, the notion of ‘rolling back the state’ and embracing the free market became the staple tenets of World Bank and IMF policies.³⁹ In this way, the neo-liberal regime of the 1980s constituted a break with the traditional emphasis of the state as the key agent in economic development which was prevalent in Keynesian economic theory. Also known as the Washington Consensus, this new criteria provided a framework for the imperatives of new international architecture of development aid from the leading international financial institutions.⁴⁰

Economic reform was linked to World Bank and IMF loans through conditionality, which was implemented through the framework of stabilisation policies and structural adjustment policies.⁴¹ In this context, the IMF reforms centred upon stabilising macro-economic factors through short-term measures including devaluation, deflation, and fiscal restraint and also through a reduction in imports and the expansion of exports. These reforms were immediate and were implemented in tandem with World Bank loans which were allocated in the form of project loans and structural adjustment. The underlying theory of structural adjustment was derived from neo-classical economic theories and the general development strategy was influenced by World Bank officials, such as Ernest Stern, who argued that structural adjustment would lead to improved efficiency and policy reform.⁴²

Structural adjustment programmes incorporated more market-based approaches to the organisation and delivery of public services, and coincided with or formed an integral part of overall government policies on deregulation, privatisation and trade liberalisation. In this way, the ‘rolling back of the state’ was a visible part of structural adjustment and as stated by the World Bank, ‘the state should not intervene where markets can work even moderately well.’⁴³ However, according to Mohan et al, structural adjustment is not

³⁸ Stiglitz, J.E., *Globalisation and Its Discontents*, (New York, 2002), p. 59.

³⁹ Pender, J., ‘From Structural Adjustment to ‘Comprehensive Development Framework’’, 22 *Third World Quarterly* 3 (2001), p. 399; Krugman, P., ‘Dutch Tulips and Emerging Markets’, 74 *Foreign Policy* 4 (1995).

⁴⁰ This term was coined by Williamson, in Williamson, J., ‘What Washington Means by Policy Reform’, (1989) from Williamson, J., (ed.), *Latin American Adjustment: How Much Has Happened?*, (Washington DC, 1989). Quoted in Pender, *op. cit.*, p. 400. This consensus included the following criteria: fiscal discipline, reform of public expenditure, financial liberalisation, unified exchange rates, foreign direct investment, privatisation, deregulation and the protection of property rights. See also Williamson, J., ‘Democracy and the “Washington Consensus”’, 21 *World Development* 8 (1993), pp. 1332-1333.

⁴¹ For evidence of growth of adjustment loans see Sparr, who has shown that from 1980-1982, the figure for structural adjustment loans was \$190m. This figure rose consistently during the following decade and for the period 1990-91, it had reached \$10,025m. Sparr, P., (ed.) *Mortgaging Women’s Lives: Feminist Critiques of Structural Adjustment*, (London, 1994).

⁴² Woodward, D., ‘Structural Adjustment Policies: What are they? Are they Working?’ (CIIR Briefing Papers, 1993), p. 4; Milward, ‘The Macro-Economic Impact of Structural Adjustment Lending from Mohan, J., et al (eds.), *Structural Adjustment: Theory, Practice and Impacts*, (London, 2000), p. 26.

⁴³ World Bank, *Adjustment in African: Reforms, Results and the Road Ahead*, (World Bank, 1994), p. 183.

a static policy and although there has been a strong emphasis on the scaling back of the state, this position has been influenced by new trends in governance, which emphasise the interrelationship of a network of actors including the state, the market and the private sector.⁴⁴

The underlying rationale of structural adjustment was aimed at creating an ‘enabling environment’ for economic growth, however, the social impact of these programmes did not go undocumented. For example, as noted above, the privatisation of public services constituted a key element of the Washington Consensus. According to the World Bank, the ‘best remedy for reform of inefficient public enterprises is privatisation within a competitive environment.’⁴⁵ However, this necessarily ‘implies that services, which were traditionally deemed to be public services such as the provision of water, energy or education’⁴⁶ would be removed from the public domain and issues such as access and distribution are left to the mercy of market forces. Furthermore, due to public sector reform, which often lead to the reductions in expenditure, governments may have been less inclined to adopt economic and social policies. It has also been convincingly argued that, by their nature, structural adjustment programmes lead to labour displacement and have a direct impact on employment, working conditions and labour relations in the public sector,⁴⁷ while the consequences of these policies are not always compensated by pure market mechanisms.⁴⁸

The first major publication which highlighted the negative impact of structural adjustment came in the form of UNICEF’s *Adjustment with a Human Face* in 1987.⁴⁹ Although UNICEF did not challenge the premises or underlying philosophy of the approach of the international financial institutions, it instead sought to expose the socio-economic impact of structural adjustment upon the individual (i.e. the ‘human face’ of development). The social impact of structural adjustment was acknowledged to some extent by the World Bank,⁵⁰ which responded, at least at a rhetorical level, by taking the social dimension into account in order ‘to shield the poor from the full impact of the cost of adjustment.’⁵¹

There is a significant amount of literature dealing with the negative impact of structural adjustment upon human rights, therefore, this paper will not deal with this subject in

⁴⁴ Mohan *et al*, *op. cit.*, (2000), p. xvii.

⁴⁵ World Bank, Operational Directive 8.60 on Adjustment Lending Policy, December, 1992, paras. 30-31.

⁴⁶ De Feyter, K., ‘Contracting for Human Development: International Law and Development Revisited’, 10 *Asia Pacific Law Review* 1 (2002), p. 70.

⁴⁷ Sarafi, H., ‘Trade Unions in the Context of Structural Adjustment: Transition to a Market Economy’, IRRA 10th World Congress, Study Group No. 16, Industrial Relations in the Public Sector, Washington D.C., 4th June 1995.

⁴⁸ Stiglitz, *op. cit.*, p. 59.

⁴⁹ Cornia, G.A., Jolly, R. and Stewart, F., (eds.), *Adjustment with a Human Face: Protecting the Vulnerable and the Promotion of Growth*, (Oxford, 1987).

⁵⁰ World Bank, *op. cit.*, (1994).

⁵¹ Mehrotra and Jolly, *op. cit.*, (1987), p. 11. See World Bank, *World Development Report 1990*, (New York, 1990).

detail.⁵² However, for the purposes of this paper, which is concerned with the extent to which human rights have become integrated in donor policy, it is clear that the implementation of structural adjustment continued to promote the idea of a development/rights-trade off, by suggesting that economic reform would take priority over civil and political rights and would require and even serve undemocratic means.⁵³ This explains, for example, why many authoritarian regimes were supported during the 1980s,⁵⁴ despite the rhetoric of donors concerning human rights conditionality.⁵⁵

4. The United Nations and the Changing Definition of Development

Although the convergence of human rights and development aid may have come as a surprise to both lawyers and development professionals, it could also be argued that the changing conceptual boundaries of the definition of development in recent decades facilitated the convergence between these previously distinct spheres of interest. In the following section, it will be argued that this convergence was facilitated to a large extent by the changing conception of development by UN agencies, which redefined development in terms of the realisation of individual needs and set human rights as both the framework and objective of development activities, in sharp contrast with traditional emphasis upon national economic growth.

During the 1970s and early 1980s, growing support for the existence of the right to development was manifest among academics and human rights activists. This link was first recognised at the international level by the UN Commission on Human Rights in 1977,⁵⁶ which led to the establishment of the working group of government experts in 1981.⁵⁷ The Right to Development was defined as the right to ‘participate in, contribute to and enjoy economic, social and cultural and political development’, and accorded states with the primary responsibility for creating national and international conditions for its realisation.⁵⁸

The Right to Development should be seen in the context of post-colonialism and NIEO as mentioned above. It belongs to the so-called ‘third generation’ rights,⁵⁹ which are not

⁵² See for example, Skogly, S.I., ‘Crimes Against Humanity – Revisited: Is there a Role for Economic and Social Rights’, 5 *International Journal of Human Rights* 1 (2001); Conklin, M., and Davidson, D., ‘The IMF and Economic and Social Human Rights: A Case-study of Argentina 1958-1985’, 8 *Human Rights Quarterly* 2 (1986).

⁵³ Lal, D., ‘The Poverty of Development Economics’, Hobart Paperback 16, IEA, London, 1983, p. 33.

⁵⁴ Abrahamsen, R., *Disciplining Democracy: Development, Discourse and Good Governance in Africa*, (London, 2000), p. 30.

⁵⁵ This is illustrated in Tomasevski, K., *Development Aid and Human Rights Revisited*, (London, 1989).

⁵⁶ Commission Resolution 4 (XXXIII) of 21st February 1977, para. 4.

⁵⁷ Commission Resolution 36 (XXXVII) of 11th March 1981.

⁵⁸ Preamble of the Declaration on the Right to Development. Declaration on the Right to Development, adopted by the UN GA, 4th December 1986, GA Res. 41/128 (Annex), UN GAOR, 41st Sess., Supp. No. 53, at 186, UN Doc. A/41/53. The Declaration on the Right to Development was adopted in 1986 at the UN General Assembly by 146 votes to 1.

⁵⁹ Dixon, M., *Textbook on International Law*, 3rd ed., (London, 1990), p. 312; Flinterman, Cees, ‘Three Generations of Human Rights’, from Berting, *et al*, (eds.) *Human Rights in a Pluralist World*, (Westport, 1990).

enshrined in an international treaty, in contrast to civil and political rights and economic, social and cultural rights.⁶⁰ Although there is no shortage of rhetorical support for the right to development,⁶¹ third generation rights should be regarded as an emerging, rather than an existing part of international law.⁶² Although it is a highly contested issue and by no means universally accepted,⁶³ the right to development is significant as it further contributed to the changing normative definition of development in terms of an individualised and human-centred concept. This can be most clearly illustrated from the definition of development within the Preamble as a “comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.”

In line with the correlation between economic growth and development in mainstream economic literature, developing countries have traditionally been classified on the basis of income per capita and gross national product (GNP). In 1990, aggregate indicators based on the human development index (HDI) were put forward by the United Nations Development Programme (UNDP), to rival the traditional measure of GNP per capita.⁶⁴ In this way, the definition of developing countries was determined by alternative variables and indicators which include, life expectancy at birth, adult literacy rate, school enrolment ratio and income per capita. It is not clear whether the HDI constituted a radical breakthrough in the collection of statistical information as some of these criteria were already being used, however, this index provided a revolutionary counterpoint to dominant development indicators based exclusively upon economic growth.⁶⁵ Consequently, in the *Human Development Report* of 1990, development was defined in terms of the individual.⁶⁶

⁶⁰ International Covenant on Civil and Political Rights, *adopted* 16th December 1966, G.A. Res. 2200 (XXI), UN GAOR, 21st Sess., No. 16, UN Doc. A/6316 (1966), *entered* into force 23rd March 1976 and International Covenant on Economic, Social and Cultural Rights, *adopted* 16th December 1966, G.A. Res. 2200 (XXI), UN GAOR, 21st Sess., No. 16, UN Doc. A/6316 (1966), *entered* into force 3rd January 1976.

⁶¹ See for example, Vienna Declaration and Programme of Action, UN GAOR, World Conference on Human Rights, 48th Sess., 22nd plen. mtg., part 1, UN Doc. A/CONF.157/24 (1993), *reprinted* in *I.L.M.* (1993) 1661.

⁶² Brownlie, I., *Principles of International Law*, 5th ed., (Oxford, 1998), p. 583.

⁶³ For evidence of the controversial nature of this subject, see Donnelly, ‘Third Generation Rights’, pp. 119-150 from Brölmann, C., Lefeber, R., and Zieck, M., (eds.), *Peoples and Minorities in International Law*, (Dordrecht, 1993); Alston, P. ‘The Right to Development at the International Level’, from Dupuy, R.J., (ed.) *The Right to Development at the International Level*, (1980).

⁶⁴ The HDI first appeared in UNDP, ‘Human Development Report 1990’, (UNDP, 1990). It was largely based on the economic theories of Mahbub Ul Haq. See Ul Haq, M., *Reflections on Human Development*, (Delhi/Oxford, 1999).

⁶⁵ Sen, A., *Development as Freedom*, (Oxford, 1999), p. 318, 41n.

⁶⁶ UNDP, *Human Development Report 1990*, (UNDP, 1990), p. 10. “Human development is a process of enlarging people’s choices. ... But human development does not end there. Additional choices, highly valued by many people, range from political, economic and social freedom to opportunities for being creative and productive, and enjoying personal self-respect and guaranteed human rights ... According to this conception of human development, income is clearly one option that people would like to have, albeit an important one. ... Development must, therefore, be more than just the expansion of income and wealth. Its focus must be people.”

The advent of the HDI was strongly influenced by the writings of Ul Haq and Amartya Sen who were both involved in the drafting of the 1990 *Human Development Report*.⁶⁷ In particular, it could be argued that the seminal work of Amartya Sen, as later consolidated in the publication of *Development as Freedom*, provided some impetus for this reconceptualisation of development. Whilst not adopting a human rights approach to development, Sen has highlighted the intrinsic value of integrating human rights and development concerns. In this way, he has moved beyond traditional welfare economics which is premised on the concept of ‘utility’. This concept was based on Jeremy Bentham’s theory of justice and also influenced by the dominant welfare approaches such as those which had been put forward by John Stuart Mill. In this way, he challenges “the equation of rational behaviour with self-interested utility maximisation; the use of self-interested utility maximisation as a predictor of individual behaviour; and the use of choice information as an indicator of individual preference and value.”⁶⁸

Furthermore, Sen argues that ‘utility’ should be replaced by ‘individual freedoms’,⁶⁹ in other words, using freedoms as a variable in economics⁷⁰ and that it is possible to ensure “...a competitive market equilibrium guarantees that no one’s freedom can be increased any further while maintaining the freedom of everyone else.”⁷¹ His critique of the pure market mechanism calls for an increased role for the consideration of inequality and distribution and a reconceptualisation of poverty as the absence of capabilities and entitlements.⁷²

Following on from the creation of the human development index, UNDP have reiterated the mutual relationship between human rights and development in several policy documents⁷³ and also within the subsequent annual human development reports of UNDP, in particular, the report of 2000, in which its conception of human development is equated with “the enhancement of capabilities with the concept of basic freedoms.”⁷⁴ Similarly, the human centred conception of development has assumed a prominent position in the declarations at various UN conferences in the 1990s.⁷⁵ In particular, the Final Declaration and Programme of Action of the Vienna World Conference on Human Rights 1993 stated that “democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing” and furthermore, that “the international community should support the strengthening and promoting of

⁶⁷ The group which was chaired by Ul Haq included: Paul Streeten, Meghnad Desai, Gustav Ranis, Keith Griffin and Amartya K. Sen.

⁶⁸ Overseas Development Institute, ‘Economic Theory, Freedom and Human Rights: The Work of Amartya Sen, Briefing Paper, November 2001, p. 1.

⁶⁹ Sen, *op. cit.*, (1999), p. 117.

⁷⁰ *Ibid.*, p. 118.

⁷¹ *Ibid.*, p. 117.

⁷² *Ibid.*, p. 120.

⁷³ UNDP, *Integrating Human Rights with Sustainable Development*, (New York, 1998).

⁷⁴ UNDP, *Human Development Report 2000*, (UNDP, 2000), p. 19.

⁷⁵ Vienna World Conference on Human Rights, *op. cit.*, (1993); Fourth World Conference on Women, Beijing (1995); ‘Copenhagen Declaration on Social Development’ from UN World Summit for Social Development, A/CONF.166/9 (1995), [the Copenhagen Declaration]; World Food Summit, Rome (1996) .

democracy and respect for human rights and fundamental freedoms in the entire world.”⁷⁶ In this way, donor countries affirmed their commitment to the promotion of positive measures within development co-operation and efforts in this regard have intensified in recent times.⁷⁷

In addition, many non-governmental organisations have also incorporated human rights as an integral aspect of their work.⁷⁸ Furthermore, the human centred conception of development is also visible from the declaration of the Millennium Development Goals in September 2000, although, it should be noted that these goals were not framed in human rights terms. Evidence of the human centred concept of development has also been reflected in World Bank speeches in recent years of President Wolfensohn and former General Counsel, Ibrahim Shihata.⁷⁹ This is illustrated, for example, through the introduction of poverty-reduction as a central theme of the *Comprehensive Development Framework*,⁸⁰ which provides the overall strategy for the World Bank activities and also in the World Development Report 2000-2001.⁸¹ A more thorough analysis of the role of the current World Bank strategy will be undertaken below.

As we see above, the changing definition of development from exclusive correlation with economic growth to an increasing centrality of the individual led to convergence of human rights and development discourses in the 1990s. These developments also coincided with the end of Cold War and the fall of Communism in Central and Eastern Europe, at a time in which respect for human rights, democratic principles, the rule of law and free markets emerged as the universal signs of external legitimacy.⁸² This became known as the “third wave of democratisation.”⁸³ During this period, aid no longer served the geo-strategic function that it had during the Cold War, and it became acceptable to integrate political conditionality within aid policies. This has taken the form of the so-called ‘hard’ conditionality, which allows for the suspension of development co-operation agreements in light of sustained violations of human rights. This is combined with ‘soft’ conditionality which allows for the promotion of human rights through various forms encompassing technical and financial assistance in the area of democracy, human

⁷⁶ Vienna Declaration and Programme of Action, *op. cit.*, at 1661.

⁷⁷ For example, in the context of UK aid, see DFID, ‘Strategies for Achieving the International Development Targets: Human Rights for Poor People’, Consultation Paper, February 2000.

⁷⁸ For example, OXFAM and CARE. However, IRC and GOAL are among those organisations which have not followed suit.

⁷⁹ Wolfensohn, J., ‘The Challenge of Inclusion’, Annual Meetings Address, Hong Kong SAR, China, 23rd September 1997; Wolfensohn, J., ‘The World Bank and the Evolving Challenges of Development’, Speech at the Overseas Development Council Congressional Staff Forum, Washington DC, 16th May 1997; Shihata, I.F.I., ‘Human Rights, Development and International Financial Institutions’, 8 *American University Journal of International Law and Policy* 27 (1992); Shihata, I.F.I., *The World Bank and Human Rights: An Analysis of the Legal Issues and the Record of Achievements*, 17 *Denver Journal of International Law and Policy* 39 (1988);

⁸⁰ Wolfensohn, J.D., ‘A Proposal for a Comprehensive Development Framework’ (1999). Source: <http://www.worldbank.org/cdf/cdf-text.htm>; World Bank, ‘Comprehensive Development Framework: Questions and Answers’, source: <http://www.worldbank.org/cdf-faq.htm>

⁸¹ World Bank, *World Development Report 2000-2001*, (Washington DC, 2000).

⁸² Crawford, *op. cit.*, (2001), pp. 12-13.

⁸³ Huntington, S.P., *The Third Wave: Democratization in the Late Twentieth Century*, (Norman, 1991).

rights and the rule of law, support to human rights civil society and non-governmental organisations and political dialogue on human rights.

Furthermore, the members of the DAC Committee of the OECD were also urged to ensure greater selectivity in the allocation of funding to include positive conditionality in the area of human rights, rule of law and democratic reform. For example, in 1990, it was stated that ‘allocation decisions henceforth will be more influenced than in the past by a country’s record on human rights and democratic practice.’⁸⁴ In addition, the OECD also stressed the “vital connection between open, democratic and accountable political systems, individual rights and the effective and equitable operation of economic systems with substantial reductions in poverty.” Finally, the OECD 1995 guidelines to DAC donors clearly illustrated the importance of measures to promote human rights.⁸⁵

There is a steady flow of literature on the subject of human rights and development,⁸⁶ however, this body of work is far from homogeneous. From the perspective of international law, a large proportion of this has focused on the legal aspects of aid conditionality and the conditions for the suspension of aid in light of human rights violations.⁸⁷ In addition, there has also been a number of studies carried out in the area of the right to development⁸⁸ and a proliferation of insights into a rights-based approach to development⁸⁹, in particular, following UNDP’s publication on *Human Rights and Development* in 2000. In the field of political science, there is a significant number of studies in this area, which centre largely on two areas, namely, the analysis of donor activities to encourage political reform with a clear emphasis on democratisation and an examination of the correlation between donor commitments and compliance.

According to some authors, the convergence between the human rights and development agenda, in particular, in the UN agencies, signifies the emergence of a more widespread human rights-based approach to development.⁹⁰ This approach sets the achievement of

⁸⁴ OECD, ‘Development Co-operation: 1990 Report’, Paris, December 1990, p. 12.

⁸⁵ OECD, ‘Participatory Development and Good Governance’, Development Co-operation Guideline Series, (Paris, 1995).

⁸⁶ Most notably see Tomaševski, *op. cit.*, (1989); Tomasevski, K., *Development Aid and Human Rights Revisited*, (London, 1993); Stokke, O., (ed.), *Aid and Political Conditionality*, (London, 1995); Crawford, *op. cit.*, (2001); Uvin, P., *Human Rights and Development*, (Bloomfield, 2004). See also conference on ‘**Human Rights and Development: Towards Mutual Reinforcement**’, **Conference held at New York University**, co-sponsored by the Center for Human Rights and Global Justice and the Ethical Globalization Initiative (EGI) with support from the World Bank, **1st March 2004**.

⁸⁷ Tomasevski, *op. cit.*, (1993); For example, see Bulterman, Mielle, *Human Rights in the Treaty Relations of the European Community: Real Virtues or Virtual Reality?*, (Gronigen, 2001); Fierro, Elena, ‘Legal Basis and Scope of the Human Rights Clauses in Bilateral Agreements: Any Room for Positive Interpretation?’, *7 European Law Journal* 1 (2001).

⁸⁸ Alston, P., ‘Revitalising United Nations Work on Human Rights and Development’, *18 Melbourne University Law Review* (1991). More recently, see Sengupta, A., ‘On Theory and Practice of the Right to Development’, *24 Human Rights Quarterly* (2002); Orford, *op. cit.*, (2001).

⁸⁹ ODI, ‘What Can We Do with a Rights-Based Approach to Development?’, Briefing Paper 3 (4) (September 1999); Häusermann, *op. cit.*, (1998); UNDP, *Human Development Report 2000*, (UNDP, 2000).

⁹⁰ Häuserman, *op. cit.*, (1998); Alston, ‘What’s in a Name’, *op. cit.*, (1998).

human rights as the main objective of development and uses the philosophy of human rights as the framework of development policy.⁹¹ The rights-based approach relies upon existing, internationally recognised human rights guarantees in order to attain the fulfilment of developmental needs. It works toward the agenda of international development goals and emphasises the interdependence of both civil and political and economic and social rights.⁹²

Many authors have advocated a link between human rights and development,⁹³ however, certain authors have assumed the automatic relationship exists between human rights and development.⁹⁴ In this way, the interrelationship between human rights and development is often presented as a *fait accompli* within the literature.⁹⁵ Writing in the *Human Rights Quarterly journal*, Hamm states that development co-operation should be viewed “as a common obligation based on the voluntary entry into human rights treaties...”⁹⁶. Furthermore, she states that:

“I understand development and human rights as being interdependent. A human rights approach to development recognizes primarily the legal obligation of members of human rights treaties to development co-operation and development efforts and so goes beyond human rights as the context of development policy.”⁹⁷

For the proponents of the ever closer relationship between human rights and development, it constitutes a new paradigm for development by challenging existing approaches and providing a coherent normative framework derived from human rights law.⁹⁸ Whilst there were many tangible examples of the convergence of human rights and development, rather than witnessing a shift in the paradigm of developmental thinking as its proponents allege, it is considered whether the language of human rights challenges the prevailing orthodox of development as determined by the international financial institutions, or whether it is simply compatible with it.

⁹¹ ODI, *op. cit.*, (1999).

⁹² Ibid.

⁹³ See for example Tomasevski, *op. cit.*, 1993); Rosas, A., ‘The Right to Development’ from Eide/Krause/Rosas, *Economic, Social and Cultural Rights: A Textbook*, (Dordrecht, 1995).

⁹⁴ See for example, Hamm, B.I., ‘A Human Rights Approach to Development’, 23 *Human Rights Quarterly* (2001), p. 1005.

⁹⁵ See for example, Human Rights Council of Australia, *The Rights Way to Development: A Human Rights Approach to Development Assistance*, (Sydney, 1995). Source: <http://www.hrca.org.au>; Alston, P., ‘The Rights Framework and Development Assistance’, Human Rights Council of Australia Symposium Papers’. Source: <http://members.ozemail.com.au/~hcra/symposium.htm>

⁹⁶ Hamm, *op. cit.*, pp. 1016 and 1030.

⁹⁷ Ibid., p. 1005.

⁹⁸ For example, Alston, *op. cit.*, (1998); Häusermann, *op. cit.*, (1998).

5. The Changing Definition of Development and the International Financial Institutions (IFIs)

The role of the international financial institutions development cannot be underestimated, particularly due to their role as opinion setters and in the formulation of poverty reduction strategy papers, which is framework within which most OECD donors operate. As we have seen in the above section dealing with the World Bank, the traditional argument for a ‘rights- trade off’ in development has lost much of its support.⁹⁹ Instead, it has been replaced by good governance agenda,¹⁰⁰ which combines the promotion of democracy, civil and political rights and free markets.¹⁰¹ Similarly, during this period, a number of studies found a positive correlation between respect for ‘civil liberties’ and economic performance.¹⁰²

The Member States of the World Bank and IMF are bound individually and collectively by human rights obligations under international law. A detailed investigation of the human rights obligations of the IMF and World Bank are beyond the scope of this paper, however, there is a wide range of existing literature on this subject.¹⁰³ The World Bank is a specialised agency of the UN, which has often refused to comment directly on this issue due to the absence of a ‘human rights mandate’ in the Articles of Agreement of the organisation¹⁰⁴ and thereby, its inability to interfere in the political affairs of recipient countries.¹⁰⁵ Although human rights are outside the scope of its direct mandate, it has stated that its poverty reduction programmes *indirectly* contribute to the realisation of economic, social and cultural rights.¹⁰⁶ Furthermore, in the 1999, it stated that “lending over the past 50 years for education, health care, nutrition, sanitation, housing, environmental protection and agriculture have helped turn rights into reality for millions.”¹⁰⁷

⁹⁹ Donnelly, J., *Universal Human Rights in Theory and Practice*, 2nd ed., (Ithaca and London, 2002), p. 198.

¹⁰⁰ Freeman, M., ‘Development and Globalization: Economics and Human Rights’, from Freeman, M., (ed.), *Human Rights: An Interdisciplinary Approach*, (Cambridge, 2002), p. 151.

¹⁰¹ *Ibid.*

¹⁰² Isham, J., Kaufman, D., and Pritchett, L., ‘Civil Liberties, Democracy and the Performance of Government Projects’, 11 *World Bank Economic Review*, 2 (1997); Dollar, D., and Pritchett, L., *Assessing Aid: What Works, What Doesn’t and Why*, (Washington DC, 1998).

¹⁰³ Darrow, M., *Between Light and Shadow: The World Bank, The International Monetary Fund and International Human Rights Law*, (Portland, 2003); Skogly, S., *The Human Rights Obligations of the World Bank and the International Monetary Fund*, (London, 2001); Bradlow, D., ‘The World Bank, the IMF and Human Rights’, 6 *Transnational Law and Contemporary Problems* 1 (1996); Skogly, S., ‘The Position of the World Bank and the International Monetary Fund in the Field of Human Rights’, from Hanski, R., and Suksi, M., *An Introduction to the International Protection of Human Rights*, (1997), pp. 193-205; Rajagopal, B., ‘Crossing the Rubicon: Synthesising the Soft International Law of the IMF and Human Rights’, 11 *Boston University International Law Journal* 81 (1993); Tomasevski, *op. cit.*, (1993), pp. 61-62.

¹⁰⁵ According to its Articles of Agreement, ‘neither the Bank nor its officers shall be influenced in their decisions by the political character of the member...concerned.’ Tomasevski, *op. cit.*, (1993), p. 65. quoting World Bank, Articles of Agreement, Article IV(10).

¹⁰⁶ See World Bank, *op. cit.*, (1994), p. 53.

¹⁰⁷ World Bank, *Development and Human Rights: The Role of the World Bank*, (Washington DC, 1999).

In line with its neutrality clause and in the absence of a human rights mandate in its articles of Agreement, the IMF has also refused to take human rights issues into consideration in the implementation of its policies. For example, it rejected the report of the UN Special Rapporteur on economic, social and cultural rights which highlighted the negative impact of certain structural adjustment programmes upon human rights and also put forward the suggestion that alternatives could be found instead of the severe adjustment process.¹⁰⁸ In addition, the IMF has also stated that ‘social issues’ should be dealt with directly by providing for economic growth.¹⁰⁹

The lack of attention afforded to human rights by the international financial institutions has been dealt with in the literature,¹¹⁰ however, for the purposes of this paper, the changing nature of conditionality within the World Bank to incorporate political dimensions can be strongly contrasted with previous policy which demonstrated the centrality attached to the role of economic growth in development thinking.¹¹¹ For example, in 1988, Ibrahim Shihata, the General Counsel of the Bank, raised the issue of the interconnection between respect for human rights and the successful implementation of development activities.¹¹² Explicit recognition of the political dimensions appeared on the World Bank agenda in the 1989 study on Sub-Saharan Africa, in which the World Bank stressed the importance of good governance and respect for rule of law and human rights as a condition for aid.¹¹³ In this report, it was stated that ‘underlying the litany of Africa’s development problems is a crisis of governance’, and governance was defined as ‘the exercise of political power to manage a nation’s affairs’.¹¹⁴ In this way, political reform was recognised by the World Bank as a necessary complement to economic reform.¹¹⁵ According to the Bank, ‘history suggests that political legitimacy and consensus are a precondition for sustainable development’.¹¹⁶ Following this, donors were urged to introduce more selectivity in the allocation of funds in order to give priority to countries on the basis of performance. In this regard, it was stated that,

¹⁰⁸ Written statement submitted by the IMF on the realization of economic, social and cultural rights, UN Doc. E/CN.4/Sub.2/1992/57 of 14th September 1992. Osunsade, F.L., and Gleason, P., *IMF Assistance to Sub-Saharan Africa*, (Washington DC, 1992).

¹⁰⁹ See Capdevila, G., ‘IMF Not Taking into Account Human Rights Issues’, 13th August 2001. Source: <http://www.globalpolicy.org/socecon/bwi-wto/imf/2001/0813hr.htm>

¹¹⁰ See for example, Culpeper, R., Berry, A., and Stewart, F., (eds.), *Global Development Fifty Years After the Bretton Woods Institutions*, (Basingstoke, 1997); Caufield, C., *Masters of Illusion: The World Bank and the Poverty of Nations*, (New York, 1996); Rich, B., *Mortgaging the Earth: The World Bank, Environmental Impoverishment and the Crisis of Development*, (London, 1994).

¹¹¹ Pender, *op. cit.*, p. 388. See for example, World Bank Report, ‘Accelerated Development in Sub-Saharan Africa’, (Washington DC, 1981); World Bank, *op. cit.*, (1994).

¹¹² Shihata, I.F.F., ‘The World Bank and Human Rights’, *The Bank’s World*, February 1988, p. 15. Quoted in Tomasevski, *op. cit.*, (1993), p. 62. “Human rights violations in specific cases also have broader implications related to the country’s stability and prospective credit worthiness or to its ability to carry out Bank-financed projects, or to the Bank’s ability to supervise them, which obviously are factors that the Bank must take into account to the extent they prove relevant in the circumstances of the case.”

¹¹³ World Bank, ‘Sub-Saharan Africa: From Crisis to Sustainable Growth. A Long-Term Perspective Study’, (Washington DC, 1989), pp. 13 and 192.

¹¹⁴ World Bank, *op. cit.*, (1989), p. 60.

¹¹⁵ *Ibid.*, p. *.

¹¹⁶ *Ibid.*, p. 60.

“countries with weak performance should receive much less assistance, limited where possible to programs important to long-term development (such as research, health, education)”¹¹⁷.

According to some commentators, the good governance agenda also implied a role for human rights in World Bank strategies. “Solutions to the crisis of governance were necessarily found in the core of human rights: accountability of the government, rule of law, independent and effective judiciary, transparency of decision-making and freedom of information, institutional pluralism and freedom of association and participation.”¹¹⁸ In the *World Development Report of 1991*, it was stated that the aim of development was ‘to increase the economic, political and civil rights of all people across gender, ethnic group, religions, races, regions and countries.’¹¹⁹ The IMF has also issued documents on the issue of good governance in recent times,¹²⁰ however, it should be noted that this only applies to the economic aspects of governance, rather than political issues and this step was undertaken in order to achieve macro-economic stability.¹²¹

Although the political dimensions of development aid became apparent in the policies of the World Bank from the late 1980s and early 1990s, this debate has largely centred on the subject of good governance. As mentioned above, this has been interpreted by many as indicating greater political conditionality and therefore, contributes indirectly to the promotion of human rights. In contrast, it could be argued that the willingness of the World Bank, in particular, to acknowledge the role of human rights in development could indicate rather that they are simply compatible with current development thinking, namely that of neo-liberalism.

To expand upon this argument, it could be contended that there were several reasons for the inclusion of political conditionality within neo-liberal approaches to development, which ultimately required the governments of developing countries to respect certain criteria relating to good governance, respect for democratic principles and human rights. Firstly, the perceived short-comings of aid and in particular, the disappointing results of structural adjustment programmes provided a new impetus to focus on political dimensions of aid – such as the ‘good governance’ agenda of international financial institutions.¹²²

Secondly, there was increasing recognition that the neo-liberal emphasis upon ‘rolling back the frontiers of the state’ was not enough to stimulate growth. This was influenced by the criticism of economists such as Paul Krugman who argued that there were limits to

¹¹⁷ Ibid., p. 183.

¹¹⁸ Quoted in Tomasevski, *op. cit.*, (1993), p. 62. Landell-Mills, P., and Serageldin, I., ‘Governance and the Development Process’, *Finance and Development* (1991), pp. 14-17.

¹¹⁹ World Bank, ‘1991 Annual Report’, (Washington DC, 1992), p. 31.

¹²⁰ IMF, ‘Good Governance: The IMF’s Role’, (1997), Source:

<http://www.imf.org/external/pubs/ft/exrp/govern/govindex.htm>

¹²¹ See IMF, ‘The Role of the IMF in Governance Issues: Guidance Note’, Approved by the Executive of the Board, 25th July 1997; IMF, ‘Partnership for Sustainable Growth’, Interim Declaration, 19th September 1996. The above references are quoted in Darrow, *op. cit.*, (2003), p. 176.

¹²² Abrahamsen, *op. cit.*, (2000), p. 37.

what could be achieved exclusively through market mechanisms.¹²³ In this regard, he stated that ‘the widespread belief that moving to free trade and free markets will produce a dramatic acceleration in a developing country’s growth represents a leap of faith, rather than a conclusion based on hard evidence.’... ‘trade liberalisation and other moves to free up markets are almost surely good things, but the idea that they will generate a growth takeoff represents a hope rather than a well-founded expectation.’¹²⁴ In addition, the East Asian ‘miracle’ which was achieved through the strong interventionist states, rather than the prescriptions of the Washington Consensus and furthermore, the subsequent crisis in these countries, which also led to increased demands for democratic participation on behalf of the people, also led to a re-evaluation of dominant thinking.

The Bank’s policy was also influenced by the theories of neo-institutionalism following the appointment of Stiglitz as a chief economist 1997. Stiglitz emphasised the importance of alternatives to the Washington Consensus which would allow for democratic, broad-based participation, equitable and sustainable development and to achieve greater development dialogue.¹²⁵ This policy allowed for neo-liberalist economic thinking to be accompanied by a renewed interest in the role of institutions, in contrast with neo-classical theories, thus recognising the links between the political process and economics and the failure of states to provide institutional infrastructure for market economy.¹²⁶ This also differed from the liberalist tendencies of the 1980s, as there was increased emphasis upon on the necessity of state intervention and good governance. According to Darrow, these changes signified a new approach to the governance of development, which accommodates both market-based approaches with role of State and networks of other actors, such as civil society groups.¹²⁷ It should be noted that new emphasis upon the state did not represent a break with neo-liberalist thinking, instead, it recommended that the ‘good governance state’ had a role to play in the provision of an enabling environment for the smooth functioning of the market, along with accountable and transparent decision-making procedures.

However, rather than witnessing a challenge to the prevailing development orthodoxy, it is argued that human rights and political conditionality more generally fit with the so-called post-Washington Consensus, which emphasises an enhanced role for the state and good governance development in contrast with previous emphasis on pure market mechanisms. Therefore, in contrast with the proponents of rights-based approaches such as Alston and Tomasevski, it is contended human rights are simply compatible with contemporary development thinking, rather than something that challenges it.

¹²³ Krugman, *op. cit.*, (1995), p. *

¹²⁴ *Ibid.*, p. *

¹²⁵ Quoted in Pender, *op. cit.*, p. 403.

¹²⁶ Stiglitz, J., ‘Development Thinking at the Millennium’, (online version* find citation), p. 6 and 8-9.

¹²⁷ Darrow, *op. cit.*, (2003), p. 17.

5.1. Questioning the Human Rights and Development Consensus: Current State of the Debate

As we have shown above, following from recommendations of the World Bank, UN, OECD and commentators such as Alston and Tomasevski at the beginning of the last decade, the issue of human rights and development has become increasingly intermingled. Whilst this convergence has become a tangible reality, most of the literature in this area has focused on the consensus of donors in the area of human rights conditionality, and is largely concerned with improving donor policies – i.e. what donors could be doing better. However, it is pertinent to question whether this marks a universal consensus on the integration of these two diverse agendas, or whether the alliance is simply convenient in order to re-legitimise the flagging image of development and to provide a continued justification for aid both internally and externally.

The tenuous nature of the link between human rights and development has also been highlighted in the literature. For example, Donnelly has shown that the relationship between human rights and development should not be automatically assumed.¹²⁸ Instead, the changing normative definition of development “simply redefines human rights, along with democracy, peace and justice as subsets of development.”¹²⁹ As mentioned above, this redefinition was prompted by the more human centred and individualised concept of development, which led to a widespread re-evaluation of the correlation between development and economic growth. Similarly, as it was shown in the first part of this paper, whilst human rights and economic development are no longer necessarily seen as incompatible within mainstream development thinking, there is no indication that these two agendas have converged. Whilst there has been a reconceptualisation of development in terms of the individual, this should not be confused with the exclusive adoption of a human rights-based approach to development.

Furthermore, it has also been argued that rather than representing an innovation in development thinking, the convergence of human rights and development simply redefines its existing practices in terms of human rights.¹³⁰ According to Duffield, the rights-based approach is indicative of the liberal discourse of development and was introduced to fulfil the need and desire to reinvent the image of development in the face of sustained criticism of previous strategies.¹³¹ However, instead of presenting an opportunity to deal with the issue of civil and political rights, it simply introduces human rights (in his view, economic, social and cultural rights) as a moral force within

¹²⁸ Donnelly, *op. cit.*, (2002), p. 186. See also Rist, *op. cit.*, (1997).

¹²⁹ *Ibid.*, (2002) p. 195. See also McCarthy-Arnolds, E., ‘Human Rights, Development and Democracy: Conceptual Challenges’, p. 21, from Campbell, P.J., and Mahoney-Norris, K., (eds.) *Democratization and the Protection of Human Rights: Challenges and Contradictions*, (Westport, 1998).

¹³⁰ Duffield, M., *Global Governance and the New Wars: The Merging of Development and Security*, (London, 2001), p. 223.

¹³¹ *Ibid.*, (2001). See also Manzo, K., ‘Africa in the Rise of Rights-Based Development’, 34 *Geoforum* (2003), p. 438

developmental rhetoric.¹³² In line with this view, Manzo contends that the rights-based approach to development has emerged in a climate of “revisionist neo-liberalism” and that this debate should not be viewed in isolation but instead within the broader political context.¹³³

Similarly, the notion of repackaging existing aid strategies within the language of human rights is also supported by Uvin, who alleges that it is simply a case of ‘old wine in new bottles’.¹³⁴ In this way, rather than challenging development, the integration of human rights is simply consistent with existing practices. Furthermore, ‘it does not contradict the classical definition of economics as the art of choosing between scarce resources to satisfy unlimited ‘needs’,¹³⁵ nor does it break with the perceived necessity of development co-operation as the only response to ‘development’.¹³⁶

6. Conclusions: Human Rights in the History of Development – Facilitating or Challenging Development?

In this paper, it was shown how human rights as ‘the spirit of our age’ have found their way to become an integral part of donor development assistance policies. However, whilst some commentators view the tangible convergence of human rights and development as a *fait accompli*, this topic remains a controversial one. As it was argued in this paper, the interconnection between human rights and development depends upon a normative re-definition of development in terms of the individual and rather than challenging the paradigm of development or assisting in human rights-proofing donors – the human rights-based approach is simply consistent with existing dominant thinking on development.

¹³² Ibid., (2001), p. 222.

¹³³ Manzo, *op. cit.*, pp. 438 and 440. On the compatibility of human rights and neo-liberalism, see Evans, T., ‘Citizenship and Human Rights in the Age of Globalization’, 25 *Alternatives* (2000), pp. 415-416.

¹³⁴ Uvin, *op. cit.* (2002).

¹³⁵ Rist., *op. cit.*, p. 209.

¹³⁶ Ibid, p. 208.

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