

Two sides of Different Coins—Human Rights and Development An Example of the Right to Food and Nutrition

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Introduction

World over, local communities—both rural and urban—are displaced from their homes, denied access to natural resources, and stripped away of their abilities to sustain their livelihoods. In Brazil, the so-called “predatory model of development” promotes large-scale infrastructure projects and serves the interests of small privileged groups at the expense of natural sources and human rights of the most vulnerable minorities, who are primarily traditional populations, such as indigenous and *quilombo* (African descent) communities.¹ A shift in India’s urban development policy towards a more neo-liberal approach to urban development is evident in its 1 billion-dollar “Smart Cities Mission”, which aims to develop 100 “smart cities” by 2050.² Often without following due process of law, the city administration demolishes slums in order to seize the land in the name of beautification and development.

The dominant current economic and development model is generally known to be highly growth and profit-oriented, and exploitative of people and natural resources. It places profit before people, people’s sovereignty and their human rights. Furthermore, the current neoliberal trajectory of the global economy encourages an agribusiness-dominated food system, which views rural populations and their natural resources as production banks, results in rural-to-urban migration, and weakens the ability of States to hold third parties accountable for human rights violations within the economic sector.

There are several reasons why human rights and development disciplines and discourses have taken on different routes. This short article attempts to present three disconnects between human rights and development, looking from the conceptual, institutional and implementing perspectives, applying where applicable, concrete examples from the right to food and nutrition.

1. Conceptual Disconnect between Human Rights and Development

One main disconnect between human rights and development relates to their concepts. Human rights and human rights frameworks are social constructions resulting from the age-long struggles of individuals and peoples against oppression and abuses of power by governments and other powerful actors in society. Human rights have never been won without a struggle. Every breakthrough in human rights was part of a broader social mobilization for a more just society. On the other hand, the concept of development first became prominent following the decolonization process after World War II. Development theories were predominantly occupied by economists, focusing on

¹ Timo, Pétalla Brandão. Development at the Cost of Violations. The Impact of Mega-Projects on Human Rights in Brazil, in <https://sur.conectas.org/en/development-cost-violations/>

² Smith, Russell M and Pathak, Prasad: The ‘Smart’ Cities Mission: An Initial Assessment of India’s Newest Urban Development Policy.

the state and micro-phenomena.³ It, therefore, does not have the same deep roots as human rights nor did it originate from the people. In the '50s, foreign aid was reinforced and the main development thinking was centered around country GDP growth through industrialization and capital accumulation dynamics, which became synonyms to the development process in this period.⁴ Hunger was to be tackled by growing more food by using more advanced technologies, and this paved the way for the introduction of the Green Revolution in the late 1960s. The social aspects were hardly considered as they were only a means to ensure more effective use of resources, rather than a goal in themselves.⁵

With respect to the right to food and nutrition (RTFN), this development discourse also influenced its conceptual understanding. The RTFN is a human right enshrined in the International Covenant on Economic, Social, and Cultural Rights (1976). As of this writing, 169 countries worldwide have ratified this international law, thereby obliging themselves to respect, protect, and fulfill the RTFN. It is one of the most referenced human rights today, yet it is also one of the most neglected and violated in practice.⁶

The conceptualization of the RTFN coincided with the period characterized by the dominance of international financial institutions in the global governance of food. The structural adjustment programs were imposed onto developing countries by the World Bank and the IMF, drastically curtailing the national policy decision making, opening up the markets of developing countries, and severely curbing state support and regulation of agriculture.⁷ Trapped in debt, developing countries were forced to restructure the economy and reduce public spending on health, education, and development, while debt repayment and other economic policies have been made the priority. People's ability to sustain their livelihood was increasingly being jeopardized by the actions of the transnational corporations as well as policies implemented by the international financial institutions, often supported by local elites and states. FIAN has thus from its inception interpreted the RTFN as a right to feed oneself, emphasizing the importance of securing access to natural resources.

While the conceptualization of the RTFN was later influenced by different approaches to development which were introduced (e.g. basic needs approach, entitlement approach, and the right to development approach), the RTFN was recognized as a justiciable right at the national and international levels. This is perhaps one of the major disconnects between human rights and development: notion of accountability and justiciability. Rights holders and duty-bearers are two sides of the same coin: Human rights transform "beneficiaries" in development discourse into "rights-holders" who are capable of holding "duty-bearers" (states) accountable vis-à-vis their human rights obligations and of claiming their rights when these rights are violated.

³ Sano, Hans-Otto: Development and Human Rights: The Necessary, but Partial Integration of Human Rights and Development, in *Human Rights Quarterly*. p. 739.

⁴ FAO (2011): *Development Paradigms and Related Policies*, page 16

⁵ Sano, *Ibid.*

⁶ <https://journals.sagepub.com/doi/pdf/10.1177/15648265000213S107>

⁷ Nora McKeon: *Global Governance for World Food Security: A Scorecard Four Years After the Eruption of the "Food Crisis"*.

2. Institutional Disconnect between Human Rights and Development

Another disconnect relates to the institutional separation between human rights and development work. Human rights and development works are usually carried out within different institutional frameworks. As already mentioned above, development has traditionally been the purview of economists, but also social scientists and other technical or sectoral experts. On the contrary, it was mainly lawyers who were engaged in human rights, interpreting and drafting them. Policies and frameworks are drafted and executed by completely different institutions: For development, at the international level, this is the realm of UN organizations such as the UNDP and the World Bank. At the national level, this is carried out by respective ministries and officials. Human rights policies are debated at human rights mechanisms of the UN at the international level, while at the national level it is the national courts and human rights institutions, and many state bureaucracies often under the ministries of justice. Automatically, therefore, human rights and developments are dealt with by different institutions and structures within governments and also internationally.

The objectives of most human rights NGOs, including FIAN, are to strengthen international human rights norms and standards and contribute to better protection and implementation of human rights, while holding states accountable. For example, FIAN works with communities on the ground, as well as with national governments and national human rights commissions, and regional and international/UN human rights bodies and special procedures (e.g. UN special rapporteur on the right to food), often in collaboration with other human rights and like-minded organisations and social movements. Meanwhile, the scope of development NGOs varies from providing aid (food and emergency assistance) to poverty reduction and advocacy. Although their activities may be rights-based, development NGOs rarely articulate in terms of international and universal standards of human rights.⁸

3. Implementational Disconnect—Human Rights and Development

Human rights and development have converged in the promotion of a rights-based approach to development, culminating in the adoption of the Declaration on the Right to Development in December 1986. The 2030 Agenda and its Sustainable Development Goals (SDGs), adopted in 2015 and 2016 respectively, are informed by the right to development and aim to “(...) end all forms of poverty, fight inequalities and tackle climate change, while ensuring that no one is left behind”.⁹

While the SDGs specifically acknowledge the rights to health (SDG 3), education (SDG 4) and water (SDG 6) as universally guaranteed human rights, the RTF which is so fundamental, has not merited recognition; in fact, the human rights approach had not been considered in a strategy to combat hunger. Food SDG 2 assumes that market mechanisms will be enough to secure safe and nutritious food for all.¹⁰ Despite the fact that most of the member states of the UN General Assembly are state parties to the ICESCR, and in many of these countries the right to food is enshrined in national constitutions, the right to food has completely disappeared in this international

⁸ Paul Nelson: At the Nexus of Human Rights and Development: New Methods and Strategies of Global NGOs. Page 2017-2018.

⁹ <https://www.un.org/sustainabledevelopment/development-agenda/>

¹⁰ Vivero Pol JL, Schuftan C. BMJ Glob Health 2016, 1.

agreement due to several reasons. According to Veveo Pol and Schuftan¹¹, the reasons are quite straight forward: Opposition of the US and EU members who believe in the efficiency of market-based resource distribution over “a rights-based scheme”.

This is not only a clear setback and regression but another disconnect between human rights and development, specifically the RTFN and development agenda. In addition, it should be highlighted that it is not clear how states will be held accountable for achieving SDGs. In fact, already during the negotiation process, states were applying a narrow understanding of accountability, reasoning that accountability would not be important because the SDGs are not legally binding, thus ultimately re-naming the chapter “monitoring and accountability” to “follow-up and review”.¹²

Conclusion

This short article attempted to show the disconnects between human rights and development. Despite the evidence of convergence, the two concepts continue to stay apart. While as long as human rights and development remain two sides of different coins, there will always be human rights violations induced by development.

¹¹ Ibid.

¹² <http://www.cesr.org/promising-world-accountability-and-sdgs>