

## **BASIC HUMAN RIGHTS AND CORRELATIVE DUTIES: LITMUS FOR SUSTAINABLE DEVELOPMENT**

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### **ABSTRACT**

This paper argues that although economic development and modern sciences and technology are necessary, it is also true that improving the economy and achieving scientific progress do not necessarily guarantee happiness and the better life for all. Experience has shown us that side-by-side with the magnificent cities, first-class highways and skyscraper are miserable people who live under the bridges or makeshift shacks without the basic necessities of life for example, food and drinking water. Moreover, in the process of increasing Gross Domestic Products (GDP), some political leaders have neglected the provision of essential services as well as violating peoples' dignity and human rights. The paper argues that the goal of development should be the enhancement of human dignity, the protection of human rights and the provision of basic human needs and other non-monitory values.

**Keywords:** Gross National Products, Basic Human Rights, Correlative Duties, Human Dignity, Sustainable Development.

## INTRODUCTION

Humanistic psychologist Abraham Maslow points out that human wellbeing depends on much more than producing and consuming things valued in marketplace. He presents a hierarchy of needs where he shows that besides physical or material needs, a person also needs security, social needs, esteem needs, self-actualisation which include among other things the full development of an individual's potential (Smith and de J Cronjé: 2002). Maslow's hierarchy of human needs helps us to understand that besides material things such as money, the overall welfare of peoples' lives is shaped by other goods like self-actualisation, good health, satisfying work, a sense of belonging to a community, freedom of expression, equal opportunities and a healthy environment (Lutz and Lux:1988). Maslow further shows that when peoples' basic needs: food, shelter, water, and security, are provided, people are able to become involved with the needs that exist at a higher level of development. On the contrary, when the basic needs are not satisfied, their lack will exert pressure on them and that will result into overriding all other possible concerns and needs (Lutz and Lux: 1988). The conclusion from Maslow's argument is that focusing on economic and scientific progress only while neglecting other human values including disrespecting human rights is self-defeating. Rather than focusing on economic growth and technological progress development should focus on promoting and protecting basic human needs such as food, water, good health, social values as well as protecting the environment.

Following Maslow's argument, this paper will argue that although economic growth is very important, focusing on the increase of Gross National Products (GDP) as the prime indicator of sustainable development while ignoring the provision of basic needs confuses the means and goals of development as it can lead to ignoring important aspects of human life which include among others the ethical, social, religious, as well as ecology. A country may register high GDP while it is on the brink of social fabric decay and human rights and ecological bankruptcy. Moreover, focusing on the narrow concept of valuing development in terms of major infrastructure, foreign investments, and expanded trade only is likely to lead governments make moral decisions without thinking critically about the negative effects resulting from those decisions. This may lead to the violation of human rights like robbing humanity of social services, for example, education, healthcare and basic goods like food and clean and drinking water (Henriot: 2011). It can also rob people social values, e.g. the values of families and the virtue of solidarity and caring and worst of all it can lead to the destruction of nature. The paper strongly points out that the provision of peoples' basic human rights – not GDP only—should be the goal of a sustainable and holistic development.

The paper has three parts. The first part gives the meaning and scope of development and shows the paradox of development. Considering, many views from different scholarly sources concerning the meaning, scope and goal of development, the paper concludes the section by showing that the goal of development is to ensure that basic human rights especially subsistence rights are provided.

The second part continues with the idea of human rights by giving us the definition of it. It proceeds by elaborating on the basic human rights and their types. This is simply because the major argument is that development should at least

enable people to enjoy basic rights. Since human rights would remain a clarion unless they imposed a duty on someone/society to ensure their provision, the paper also addresses the concept of correlative duties. In order to emphasize how human rights should be the litmus for sustainable human development, the third part of the paper will give a synopsis of the relationship between human rights and development. It shows that although human rights, development and peace rise and fall together, the sad reality is that in the process of promoting economic developments, some civil leaders have valued money more than the people this leading to the denial of human rights and violation of human dignity.

## **PART ONE**

### **THE MEANING AND SCOPE OF DEVELOPMENT**

Salomon, Arne Tostensen and Wouter Vandenhole (2007) point out that development is a contested issue with no universally accepted definition. According to these scholars, the reason why it is difficult to define it is because it is so normatively charged. They argue that because many economic, political and social conflicts in the contemporary world center on normative development aspirations and how to realise them, to define development becomes what is good or rights for humankind, and to chart the road to that end. On the other hand, Debal (2009) is of the opinion that the concept of development is a historical legacy which, in the courses of the evolution of its meaning has assumed economic connotation namely: improvement of the economic status of the society, widening of the individual's life opportunities, and the betterment of the quality of life.

The purpose of the paper is not to divulge into technical meaning of the term development. It is rather to engage it in reference to its scope and implications to the basic human rights. As such, the researcher considers the definitions given by the Cambridge English Dictionary and the former High Commission for Human Rights, Ms. Mary Robinson. The English Dictionary defines development as the process of change or a systematic use of the scientific and technical knowledge to meet specific objectives or requirements. Robinson on the other hand, defines development as social, cultural, and political process aiming at constant improvement in the well being of the population as a whole and of each individual (Tlakula: 2004). Robinson's definition presupposes an individual's active, free and meaningful participation in development and in the fair distribution of the benefits of development.

Both definitions denote a human condition in which people enjoy minimum living standards that are quintessentially enshrined in the International Covenant of Economic, Social and Cultural Rights (Solomon, Tostensen and Vandenhole: 2007). They also imply a good change and they encompass interplay of aspects of human conditions which ranger from economic, social, political, legal, technological, environmental, religious, and educational or art and culture. This resonates with what Haynes asserts:

The concept of 'human development' can be understood in varied ways. Politically and economically, human development is concerned with stability, security and the relative prosperity of citizens. Socially, it relates to

literacy, education, social relationships, more vaguely, the 'quality of life.' Morally, it involves development of conscience, moral awareness, and will and capacity to act according to societal and cultural knowledge of what is judged to be right. Psychologically, human development is to do with mental health, self-esteem, success in significant relationships, and happiness (Haynes: 2004: p.4).

Besides the wider range of understanding development as given by Haynes, it is unfortunate that in most cases the concept is understood in a narrower aspect to imply economic development so much so that an increase of Gross Domestic Products (GDP), Gross National Income (GNI) and industrialization is considered to be the meaning, the sole aim and indicator of development. Unfortunately, this narrow understanding of development ignores other essential human needs and values as presented by Maslow, and leads to the plight of the poor. Moreover, the process of pursuing economic progress sometimes leads to the violation of human rights, poisoning the environment, and degrading the social structures among other things. Therefore, the meaning of development remains debatable while considering it in economic terms only makes it rhetorical and paradoxical.

### **THE PARADOX OF ECONOMIC DEVELOPMENT**

While increasing GDP and GNI is very important and should be promoted, it remains paradoxical as it is to be explained that the countries with the highest growth rates tend to be the most polluted and afflicted by public squalor to an astonishing rate. Experience has shown that increasing GDP does not necessarily match with human development. Additionally, modern technology has left many people unemployed while those who may be employed are exploited and their lives are in danger due to poor working conditions. Ironically, even the exploiters remain with an unquenchable desire for happiness since the pursuit for money makes them ignore other important aspects of human life as Maslow cautions.

The absurdity of focusing on economic development only while ignoring other human values is summarised by the legend of King Midas in the Greek mythology narrated by Mark Lutz. It is alleged that King Midas wished that everything he would touch should turn to gold. His wish having been granted, he went to pick up a piece of bread to eat it, but it turned into gold, and when he went to hug his beloved son, him too turned into gold. The King then realised that his all-consuming passion for gold had curtailed his happiness as well as his very life (Lutz and Lux: 1988). From this legend, the lesson is that too much focus on economic development does not only overlook other crucial aspects of human development as we have already seen, but it can also lead to suffering caused by the violation of human rights as well as an abuse of human dignity as the paper will continue to indicate.

The narrow understanding of development and its paradox thereof have not gone unchallenged. Among those who have challenged them are the humanistic economists who argue that economic development must recognise and promote the dual self of human beings. They postulate that:

The self that we feel we are is at the same time perceived as divided. Its lower aspect-self-interest in its unambiguous interpretation-seeks one's own advantage regardless of the interests or well being of others. This is the self that finds it rational to free ride. In contrast, the higher self is that which identifies with a common humanity and finds its rationality in objectivity, fairness, and the truth. The recognition of the existence of the higher self as well as the lower is necessary for an economics that is responsive to human needs and not merely human fancy driven by dollars. This is an economics that promotes the well being of all, rather than just a commercialization of human activity, which by itself eats away the moral, social, and ecological fiber of society (Lutz and Lux: 319).

The major point defended by humanist economists is that development should focus on treating people as holistic individuals with a structure of basic needs and an inborn potential to grow towards higher levels of being and more meaningful lives (Lutz and Lux: 1988). They further show that while it is good for an individual to pursue personal needs, it is equally important to promote the common good of all. The promotion of personal interests and the promotion of the common good are symbiotically related.

Like the humanistic economists mentioned above, Pope Paul VI challenges the narrow concept of development when he meticulously explains that:

Development cannot be limited to mere economic growth. In order to be authentic, it must be complete: integral, that is, it has to promote the good of every man (sic) and of the whole man... "We do not believe in separating the economic from the human, or development from the civilizations in which it exists. What we hold important is man (sic), each man and each group of men (sic), and we even include the whole of humanity (Paul VI: 1967, No. 14).

According to the pope and as this paper will continue to argue, increasing economic possessions should not be the ultimate goal of nations, or of individuals for that matter. Exclusive pursuit of economic progress as the pope further points out may become an obstacle to individual fulfillment and to humanity's true greatness (Paul VI: No. 19). For example, some countries in Africa are scoring fairly high in terms of an increase of GDP/GNP while millions of children are denied of their economic and social rights. This leaves many of them starving while millions die from diseases borne by unclean drinking water, respiratory diseases caused by indoor open cooking and heating fires that cause air pollution and other treatable diseases not to mention the destruction of environment (Easterbrook: 2003).

The Catholic Bishops of United States of America like the humanistic economists and Paul VI challenge the narrow concept of development. Like Paul VI, they link the development with human rights. In their pastoral letter *Economic Justice for All* they affirm:

Our faith calls us to measure this economy, not only by what it produces, but also by how it touches human life and whether it protects or undermines the dignity of the human person. Economic decisions have human consequences and moral content; they help or hurt people, strengthen or weaken family life, advance or diminish the quality of justice in our land (United States Conference of Catholic Bishops: 1986, No. 1).

The Bishops further reiterate that every economic decision must be judged in light of whether it protects or undermines the dignity of the human person. According to the bishops, our economic system must be judged by three questions.

- a) What does the economy do *for* the people?
- b) What does it do *to* the people?
- c) *How* do people participate in it?

The above questions specify that the bishops' strong emphasis is on "what impact the economy has on the poor" (Groody: 2010, p.108). They further articulate that any development programme must promote fundamental personal rights—civil and political as well as social and economic because these rights are essential to human dignity and to the integral development of both individual and society.

Economic arrangements can be sources of fulfillment, of hope, of community—or of frustration, isolation, and even despair. They teach virtues—or vices—and day-by-day help mold our characters. They affect the quality of people's lives; at the extreme even determining whether people live or die. Serious economic choices go beyond purely technical issues to fundamental questions of values and human purpose. (United States Conference of Catholic Bishops: 1986, No. 5).

Bernard Häring too challenges the basic belief that economic development guarantees the best human development and disapproves the mentality that equates technological progress with human progress. Häring further articulates:

Development is not just a matter of reducing poverty and eliminating hunger. It is a question, rather, of building a world where everyone, no matter what his race, religion or nationality, can have a fully human life, freed from servitude imposed on him by other men... a world where freedom is not an empty word, and where the poor man... can sit down at the same table with the rich man (Häring: 1981, 314).

According to Häring, focusing on economic and technological progress alone does not only destroy the free development of human needs and faculties but it also create artificial needs at the expense of human basic needs because they become obscured (Häring: 1981).

Michael Fairbanks takes us even further when he does not only challenge the narrow concept of development but also by giving the purpose of sustainable development as well as linking it to human rights when he describes development or prosperity in the following terms:

Prosperity is the ability of an individual, group, or nation to provide shelter, nutrition, and other material goods that enable people to live a good life, according to their own definition. Prosperity helps create space in people's hearts and minds so that they may develop a healthy emotional and spiritual life according to their preference... prosperity is also the broadening environment that improves productivity (Fairbanks: 2000, p. 270).

Fairbanks also considers development in relations to what it does to uplift the quality of life for the citizens including caring and protecting the environment and even upholding their cultural and religious values. He even proposes that moving away from a conceptualization of development as simply a flow of per capita income would enable us to consider a broader system and the decisions for investment in an enriched and enabling high-productive environment (Fairbanks: 2000). From Africa, the former president of Zambia Kenneth Kaunda, like the aforementioned scholars believes that:

Whatever we are producing, we must ask ourselves what we are producing it for. If the answer is to accumulate wealth, or to stay in the production race, we are behaving irrationally. If we are producing "for Man"(sic) we are doing something much more noble, but at the same time something much more difficult to understand and to communicate because man (sic) has not yet understood his own importance (Agostoni: 2001, p. 42)

What Kaunda and other mentioned scholars help us to understand is that in the process of pursuing economic progress, capitalists have not exploited the poor only but they have also ended up undermining their own dignity and destroying their own lives especially when they destroy the environment or ignore other values like we have seen. That is why this paper argues that without disregarding the importance of economic progress, the fullness of authentic and sustainable human development must address all aspects of life and lead people from less human conditions to those that are more human (Paul VI: 1967, No. 20). Focusing on profit making, increasing GDP and scientific successes is likely to result into making people servants of economic progress rather than leading to human development. In other words, focusing on economic development while ignoring other human needs particularly human rights is self-defeating. Economic development depends on the free agency of people. When people are impoverished, particularly when they are lacking food, clean water, housing, basic education, and security, they cannot contribute to economic progress.

## **THE GOALS OF DEVELOPMENT**

Up to this point the major argument is that increasing GDP and technological progress are not synonymous with development. Consequently, they should not be the goals of development plans but rather be practical means to the perceived goal. As the classical philosopher Aristotle says, material wealth is evidently not the good we are seeking, for it is merely useful and for the sake of something else (Aristotle: 2004). Therefore, the question is: what is the goal of development?

According to Aristotle:

[E]very art and every inquiry, ... every action and pursuit, is thought to aim at some good; and for this reason the good has rightly been declared to be that at which all things aim. Now there are two kinds of ends or goods of action. There are those, which we do for the sake of something else; and there are those, which we do for the sake of some end in itself, 'everything else being desired for the sake of this (2004, p. 167).

Aristotle goes farther to name happiness as the end for which other things are done. According to Aristotle, the goal of developmental activities is to bring happiness to the people. Increasing GDP and technological progress must lead not only individuals but also humanity in general to happiness. Obviously, Aristotle does not mean the happiness that comes as a result of wealth, fame, power, or pleasure rather; happiness according to Aristotle is an activity of the soul in accordance with perfect virtue (Lehmann: 2008). From Aristotle's point of view, development must lead to the supreme good or perfect happiness, which is equivalent to doing and living perfectly. Aristotle even argues that while it is desirable to secure the good/happiness of an individual, to do so for the sake of a people or a state is something finer and more sublime (Aristotle: 2004). Therefore, according to Aristotle, the aim of development must go beyond personal interests and lead the entire community to a harmonious life or perfect happiness.

Sen is not far from Aristotle when he argues that material wealth ought not to be the good/end we are seeking but rather it should serve as a means to something else. Sen calls this "something else"—the goal of economic development— "what it allows us to do" or substantive freedom (1999, p. 14). According to Sen, sustainable development should give us freedom to be what we ought to be; namely, to live a dignified life. Like the fore-mentioned scholars, Sen holds that an adequate conception of development must go much beyond the accumulation of material wealth and an increase of GDP and other income-related variables. Without ignoring the importance of economic growth, Sen argues that we must look well beyond it (Sen: 1999). He considers development to be a process of expanding human freedom and the assessment of development has to be informed by this consideration. By freedom, Sen means the processes that allow freedom of actions and decisions, and the actual opportunities that people have to, given their personal and social circumstances (Sen: 1999).

In other words, according to Sen the ability of citizens to exercise their full range of internationally recognized human rights is the litmus test for determining the level of economic development. In that regard, for Sen, development occurs when economic growth generates the freedoms associated with human rights. He further contends that increasing people's capability to exercise their fundamental human rights is also critical, in an instrumental way, to the promotion of economic growth (Sen: 1999). Sen goes ahead to link human rights, freedom and poverty as he describes poverty not in economic terms but as the absence or inadequate realization of certain basic freedoms, human rights, such as the freedom to avoid hunger, disease and illiteracy. According to Sen, therefore, development—not economic development—must eradicate poverty by fostering an enabling condition for all. Health, education and social welfare among other things must be incorporated into development programmes (Sen: 1999).



Philosopher Nussbaum (2000) takes us a step further when she talks about normative conception of humanness that involves a specification of basic human limits and capabilities, the possession of which are offered as necessary conditions of human flourishing. Nussbaum gives a list of capabilities that serves as a kind of ground floor, or minimal conception of the good life. In Nussbaum's approach, any creature lacking even one (let alone all) of these traits would be too lacking, too impoverished, to be human at all, let alone to have a good life (Nussbaum: 2000). According to Nussbaum, a life that lacks any of these capabilities, no matter what else it has, will fall short of being a good human life. Consequently, any society that does not provide these capabilities is an unjust society and any development plan that does not ensure the provision of these capabilities is null and void.

The United Nations Development Programme (UNDP) on the other hand has developed a composite Human Development Index (HDI) as a measure of the level and goal of human development. According to UNDP the goal of development is to produce the tangible outputs that contribute to poverty reduction. It further emphasizes that:

Apart from being a socio-economic state of affairs that negates poverty, development is also a process, which extends far beyond the mere minimum level of livelihood. In the early phases development denotes a movement from a situation of poverty to one of non-poverty. But the development process does not stop there; its subsequent phases lead to affluence or abundance (Salomon, Tostensen, and Vandenhole: 2007, p. 8).

To recapitulate what Aristotle, Sen, Nussbaum and the UNGP have said, this paper argues that the goal of development must be structured and function not according to the maximization of profits and an increase of GDP but according to the promotion of the intrinsic worth, freedom and human rights of every person. The respect for and observance of human rights ought to be both a means and an end of development. Consequently, any scientific achievements and economic progress that lead to the peoples' miseries, for instance, unemployment, underpayment, air pollution and destroying the environment is not development at all. As we have seen, a holistic and a sustainable development must consider and promote all human conditions. It must promote peoples' welfare whereby welfare does not mean material abundance, but human dignity and human rights. As the next part of this paper will demonstrate, the ultimate goal of any development plans and economic development in particular is to ensure that the human rights of all are protected and that everyone lives a dignified life (Rodwan and Cingranelli: 2007).

## **PART TWO**

### **THE CONCEPT OF HUMAN RIGHTS**

Tlakula (2004) brings it to our attention that human rights have undergone a complete revolution from being rights of men particularly white men, to include black men and women respectively. According to Donnelly, this revolution is:

In response to social and technological changes, the emergence of new techniques of repression, changing ideas of human dignity, the rise of new political forces, and even past human rights successes which allow

attention and resources to be shifted to threats that previously were inadequately recognized or sufficiently addressed (Donnelly: 2003, pp.57-58).

Ishay (2004) agrees with both Tlakula and Donnelly. She affirms that globalization presents new features that have an impact on various aspects of human rights which have shaped the human rights agenda of this era. I agree with these scholars, because features like environment, immigration, terrorism and many others have brought many questions concerning human rights. And who knows? Soon or later the contentious issue of whether animals have rights might become universally recognised. This revolution has rendered it difficult to find a concise definition of human rights.

That being said, some scholars have given us laudable definitions of human rights. For examples, Little (1986) defines human rights as a set of justifiable or legitimate claims. According to Little, in this definition, are six important features namely:

1. They impose duties of performance or forbearance upon all appropriately situated human beings, including governments.
2. They are possessed equally by all human beings regardless of laws, customs, or agreements.
3. They are of basic importance to human life.
4. They are properly sanctionable and enforceable upon default by legal means.
5. They have special presumptive weight in constraining human actions.
6. They include a certain number that are considered inalienable, indefeasible, and unforfeitable (Little: 1986, 279).

Henry Shue on the other hand defines human rights as the rational basis for a justified demand that the actual enjoyment of a substance is socially guaranteed against standard threats (Shue: 1996). Shue points out that being socially guaranteed is probably the most important aspect of a standard right, because it is the aspect that necessitates correlative duties, as the paper will emphasize later (Shue: 1996). Shue further indicates that as a justified demand, human rights impose moral obligation on other people to make some arrangements so that one will still be able to enjoy the substance of the right even if it is not within one's own power to ensure the enjoyment of the substance of the right (Shue: 1996).

Moreover, Gewirth briefly defines human rights as an individual's interest that ought to be respected and protected (Gewirth: 1996). According to Gewirth there are five elements in this definition. These elements are: first, the subject of the right which is also known as the right-holder; second, there is the nature of the right that is, what being a right consists in; third, there is the object of the right or what it is a right to; fourth, there is the respondent of the right, that is, the person or group that has the correlative duty; and fifth, there is the justifying basis of the right (Gewirth: 1996). As far as the "ought" is concerned, Gewirth has this to say:

The "ought" involves on the one side, that the interest in question is something that is due or owed to the subject or right-holder as her personal property, as what she is personally entitled to have and control for her

own sake; and, on the other side, that other persons, as respondents, have a mandatory duty at least not to infringe this property (Gewirth: 1996, p.9).

The above definitions point out a common feature about human rights; that is, human rights are moral trumps with justifiable demands, which impose duties of performance.

Being moral trumps, as Velasquez points out, human rights are an individual's entitlement to something. Meaning that a person has a right when that person is entitled to act in a certain way or is entitled to have other people act in a certain way towards him or her (Velasquez: 2006). If that right derives from a legal system, empowering a person to act in a specific way or requiring other people to legally act in a certain way toward that person, we have legal right (Velasquez: 2006). Legal rights can be clearly explained thus: If George for example, has legal rights against Bernard; it means that Bernard has a duty to George, which will be enforced, by the court. George has a claim against Bernard recognized by an existing law (MacDonald: 1984). On the other hand, if the right derives from moral standards independently of any particular legal system, that right is known as a moral right (Velasquez: 2006). Using the above example, moral rights mean that George has rights against Bernard and Bernard has a duty towards George although this duty is not necessarily a duty that can be legally enforced (MacDonald: 1984). Therefore, as moral trumps human rights provide individuals with autonomy and equality in the free pursuit of their interests (Velasquez: 2006).

The reason why the right-holder is authorised to make a special claim if his or her rights are denied or threatened, is that they are not merely requests, pleas, and petitions. People ought to insist on having their rights fulfilled as Gewirth and Shue point out. In addition, Villa-Vicencio (1992) agrees on this note that human rights are not merely aspirations, assertion of the good, mere gifts, or favours motivated by love or piety for which gratitude is the sole fitting response. Like the other aforementioned scholars, Villa-Vicencio points out that human rights empower those who own them and they can be demanded or insisted upon without embarrassment or shame.

As far as the basis of human rights is concerned, it is very important to note that it is the human dignity. Human dignity is the supreme value on which all human rights and duties depend (Schulman: 2008). As Kraynak (2008,p.63) highlights, "The concept of human dignity is that membership in the human species is somehow special and therefore a matter of moral significance that includes duties and rights which most cultures recognize and which reason can justify as objectively good." This implies that human rights are rights that one has, simply because one is a human being, irrespective of one's social status, cultural accomplishments, moral merits, religious beliefs, class memberships, or cultural relations (Donnelly: 2003). Conversely, human rights promote and ensure the enhancement or flourishing of human dignity. As Jack Donnelly succinctly puts it, human rights are needed not for life but for a life of dignity (Donnelly: 2003).

Furthermore, human rights like human dignity are equal, meaning that all people have the same human rights irrespective of age, sex, status, and race (among other things). Like human dignity, human rights are also inalienable such that even notorious criminals and other sinners for that matter never lose either their dignity or their human

rights. Lastly, human rights are moral rights of the highest order needed for the life of dignity. This means that any actual or prospective agents, regardless of their self-interested inclinations or their variable ideals, institutional affiliations, or social conventions, cannot rightly evade their requirements (Gewirth: 2996). It is because human dignity and human rights rise and fall together as this paper argues that there are some rights which human beings are entitled to independently of their varying social relationships. They are *prima facie* rights, meaning that the claim of any of them may not be overruled except in special circumstances (Vlastos: 1984). They are inalienable and imprescriptible. They impose a duty on the respondents as illustrated above.

Human rights are tightly correlated with duties. Therefore, to have a right necessarily implies that other people have certain duties towards the bearer of that right. Villa-Vicencio succinctly points out that:

When a society recognizes that the person has a right, it affirms, legitimates, and justifies that entitlement, and incorporates and establishes it in the society's system of values, giving it important weight in competition with other societal values (Villa-Vicencio:1992, p.157).

In this paper, the researcher strongly agrees with Villa-Vicencio and Shue that rights go hand-in-hand with duties. This is because the virtue of justice and the principle of solidarity impose a duty on other people and society in general to make arrangements so that the right owner is able to enjoy the substance of the right, especially if it is not within one's power to personally arrange for the enjoyment of the substance of the right. As Shue cautions:

It is extremely difficult to mind one's own business amidst a scarcity of vital commodities. The very scarcity draws people into contact with each other, destroys almost all area for individual maneuver, and forces people to elbow each other in order to move forward (Shue 1996: 46)

The *divided ownership thesis* emphatically state that "private owners have obligations to the other members of their society because the former have made use of primordial natural resources that are not their private property but are in some sense collectively owned" (Gewirth: 1996:197). What Shue and the *divided ownership thesis* point out is more relevant particularly in the case of basic human rights as the next section elaborates.

## **BASIC HUMAN RIGHTS**

The purpose of human rights is to provide some minimal protection against exploitation of those who are too weak to protect themselves. Basic rights therefore, are a shield for the defenseless against some of the more devastating and common threats to life and survival, which include among others, loss of physical security and lack of basic subsistence like food and shelter (Shue: 1996). They are social guarantees against actual and threatened deprivation of at least some basic needs of life. Their purpose is to give, to the powerless a veto over some of the forces that would otherwise harm them most. Bill O'Neil refers to them as constituting the morality of the depths, meaning that they

specify the line beneath which no one must sink.<sup>1</sup> They are everyone's minimal reasonable demands upon the rest of the humanity. Since, they are the rational basis for justified demands, no self-respecting person can reasonably be expected to accept their denial.

According to Shue, what makes basic rights distinctive is that, their enjoyment is essential to the enjoyment of all other rights (Shue: 1996). Meaning that when a right is genuinely basic, any attempt to enjoy any other right by sacrificing the basic right would be quite literally self-defeating. For example, one cannot sacrifice the right to food in order to secure the right to freedom of peaceful assembly and association. Actually, when a right is basic, if necessary, other non-basic rights may be sacrificed, in order to secure the basic rights. For example, one may decide to forego the right to rest and leisure in order to secure right to food. Sen agrees with Shue that there are basic human rights. However, for Sen basic human rights are basic not because they are indispensable to the fulfillment of any other rights but because they are a way of formulating the urgency of minimal levels of eminently valuable human functioning (Crocker in Nussbaum: 2000). According to Sen, "to justify something as a fundamental right is to identify a human functioning (actual and possible) as basic, that is, as intrinsically and supremely good"(Crocker: 2000).

Gewirth agrees with Sen that basic rights are not instrumental. He elaborates that:

These basic rights should not be subjected to the democratic political process for decision whether they should be fulfilled or not, because they are not specifications of the general human rights; they are not means to the fulfillment of the generic rights to freedom and well being. Rather, they directly are those rights; they are not instrumental to them but are constitutive of them in their most basic part. For violations of these rights are attacks against the essential preconditions for action. To infringe these personal rights is directly to infringe the human rights themselves that are the foundation of moral rightness (Gewirth: 1996: 324).

However, what is not meant when the above scholars say that a right is basic is that the right is more valuable or intrinsically more satisfying to enjoy than some other rights. Rather, what is meant as both Shue and Gewirth illustrate is that, if a choice must be made, the basic right ought to supersede the provision of non-basic rights (Shue: 1996).

## **TYPES OF BASIC HUMAN RIGHTS**

According to Shue, basic human rights fall into two categories. There are basic human rights to physical security, for example, not to be subjected to murder, torture, mayhem, rape, or assault (Shue: 1996). There are also subsistence (minimal economic security) basic rights; for example, a right to adequate food, adequate clothing, unpolluted air, clean drinking water, shelter and minimal preventive public health care (Shue: 1996). These two categories are fundamental because no one can enjoy other rights unless he or she is assured of them. That is why this paper argues that any government plans and developmental goals must not only jeopardize the enjoyment of these rights but must make necessary arrangements and provision to ensure that everybody enjoys them.

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Shue agrees with both Donnelly and Gewirth that basic human rights and other human rights in general are either positive or negative (Shue 1996; Donnelly: 2003). Rights are called positive because their being enjoyed requires other people to act positively. For example, providing goods and services or opportunities. Thus, the enjoyment of adequate food for example, requires other people to act positively by providing it. As can be seen, there is a close relationship between human rights and the entire community that must make provisions to ensure that every person enjoys his or her rights (Donnelly: 2003).

Rights are also called negative when their enjoyment requires other people to refrain from acting in certain ways that would hamper someone to enjoy his or her rights. For example, the right to physical security requires others people to refrain from violating it (Shue: 1996). Precisely, the distinctive difference between positive and negative basic human rights is between acting and refraining from acting: the positive rights are those with correlative duties to act in certain ways while the negative rights are those with correlative duties to refrain from acting in certain ways as we shall see in the next section.

## **CORRELATIVE DUTIES**

As already noted above that rights are not derived from charitable activities; they are entitlements that impose, in this view, correlative duties. This indicates that rights and duties are concomitant. The basis of duty is the moral requirement of the mutuality of human rights. It is noteworthy that although the right claimer also has duties towards other people's interests, as Gewirth reminds us, the duties referred to here are duties of other persons to provide the first person with the substance of his or her right (Gewirth: 1996).

For every basic right – in fact for many other rights – there are three types of required duties to be fulfilled, all of which must be performed if the basic right is to be fully honoured. The first duty is to avoid depriving. For instance, governments must avoid depriving the citizens of their subsistence rights by taking away their available means of subsistence such as, taking their land on which they produce food for their home consumption, as we shall soon see. Secondly, there is a duty to protect people from being deprived of their means of subsistence by any other third party. The government, for example, should protect the citizens from being deprived of their necessities by the private companies. Price setting, taxations, institutions and some laws are some of the ways and means governments sometimes take to protect the citizens. Governments also have a duty to protect people against deprivation of security by other people (Shue: 1996).

Thirdly, there is a duty to aid the deprived. The principle of equal concern and respect requires that the government intervene to reduce certain social and economic inequalities (Donnelly: 2003). The governments must put in place ways and means of helping people whose basic human rights have been violated. For example, in South Africa the implementation of Affirmative Action (AA) also known as “fair discrimination to correct past unfair discrimination,”

the provision of food parcels to the needy communities and individuals, as well as social grants are vivid examples of how South African government has implemented the duty of redressing the past imbalances caused by the apartheid regime.

What the South African government has done fulfills the moral principles of solidarity and caring that call on individuals, communities and the government in general to ensure that everyone in society has access to the basic necessities of life. The duties to providing, protecting, and assisting the deprived of their basic human rights resonate with the goal of sustainable development as we have seen already. Although these duties fall on each person as the social principle of solidarity, justice and theological virtue of charity demand, the moral obligation falls most of all to those who are in a position as the next section will indicate as it focuses on the relationship between human rights and development.

### **PART THREE**

#### **A SYNOPSIS OF THE RELATIONSHIP BETWEEN DEVELOPMENT AND HUMAN RIGHTS**

It is very important to note that this paper is not against economic development. Actually no sane person would oppose the development in terms of economic uplifting of individual and the betterment of the standard of life. Any individual, society, and nation strive to achieve economic development. I myself have always striven to attain the betterment of other people's lives by trying to ease their hardships created by material poverty as well as trying to increase their opportunities for better life (Deb: 2009). What the paper is challenging is an economic development that focuses on increasing GDP while ignoring or violating peoples' rights.

Human rights especially basic human rights as we have seen are not only crucial for an individual's survival but they are also indispensable for a person's opportunity to enjoy other human rights and participate in development activities. They enhance the process of development by enabling a person to be self-reliant and also to influence the world (Sen: 1999). Otto Sano articulates this relationship between human rights and development as:

Strategies for rights-based development are predicated on the assumption that the promotion and protection of human rights result in the general strengthening of development, both because human rights have an intrinsic value in relation to development, and because human rights have an instrument value in relation to achieving development goals (In Salomon et al: 2007).

Even the international community recognizes the relationship between development and human rights. For example, the charter for the United Nations recognizes the right to development. Article 55 of the charter requires the UN to promote:

- a) Higher standards of living conditions of economic and social progress and development nationally.

- b) Solutions to international economic, social, health and related problems and international cultural and educational cooperation.
- c) Universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race or sex .

Tlakula claims that since the charter was endorsed, the rights to development has been recognized in various international and regional human rights instruments, which have affirmed and reaffirmed this right as a human right (Tlakula: 2004). Furthermore, in 1986 the UN General Assembly adopted the Declaration on the Right to Development according to which:

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized (Tlakula: 2004, p. 110).

The African Charter on Human and Peoples' Rights too recognizes development as a human right. Article 22 states "All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in equal enjoyment of the common heritage of mankind" (Tlakula: 2004, p. 110).

The International Finance Institutions particularly the World Bank and International Monetary Fund (IMF) also are overtly and deliberately seeking to support the relationship between development and human rights. As Salomon informs us:

Today, the World Bank concentrates on poverty alleviation, by means of the self-described objective of economic growth with social equity. These defining elements reflect the Bank's current purposive understanding of 'development', which is no longer limited merely to economic development (Salomon: 2007, p. 156).

The former secretary general of United Nations (UN) Kofi Annan showed the relationship between development and human rights by moving a step further as he integrated human rights into security and development agenda. According to Annan, development, security and human rights go hand in hand. He elaborates:

Accordingly, we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed. In this new millennium, the work of the United Nations must move our world closer to the day when all people have the freedom to choose the kind of lives they would like to live, the access to the resources that would make those choices meaningful and the security to ensure that they can be enjoyed in peace (Nowak in Salomon: 2007, 35).



Annan's tripartite integration of human rights, development and security or peace resonates with pope Paul VI's argument that when development does not reduce inequalities, fight discriminations, and set people free from all types of servitude, it does not only violate human dignity but it also leads to conflicts. According to Paul VI:

When whole populations destitute of necessities live in a state of dependence barring them from all initiative and responsibility, and all opportunity to advance culturally and share in social and political life, recourse to violence, as a means to right these wrongs to human dignity, is grave temptation (*Populorum Progressio*: 1967: No. 30).

Plato (1987) too argues that in any state where there are beggars, there are also thieves and pickpockets and temple robbers and all other forms of crime. As both Annan and Paul VI maintain, Plato is the first one to have foreseen the relationship between human rights, development and peace. This explains the reason why many countries in Africa are gripped by violence, insurgency and other forms of crime. There can never be peace where people's rights especially the right to development is denied.

Rodwan and Cingranelli (2007) report that there is plenty of evidence that focusing on increasing GDP only undermines respect for many human rights. Unfortunately, some leaders in Africa argue that compromises in human rights observance are necessary for rapid economic development. Such leaders maintain that it is necessary and justifiable, or even desirable to limit peoples' rights in order to achieve rapid economic development especially to attract foreign investor (2003). As a result, those leaders carry out systematic infringements of human rights—including basic human rights. Instead of devoting scarce resources to social programmes to satisfy basic human needs, they contend that relatively high levels of absolute poverty must be accepted to maximize investment (Donnelly: 2003). Even the exercise of liberty is sometimes considered as a disruption or threat to the base-laid development plan (Donnelly: 2003). Osinbajo puts it nicely when he points out that: human rights violation then becomes a key component of the policy of "keeping the cow steady while it is being milked" (Osinbajo: 2004, p.120. In Teymbe Zeleza).

A case in point where political leaders are willing to sacrifice people's basic rights for the sake of economic development is Uganda where some people have been evicted from their land and given to foreign investors. For example, the government gave away 16,000 acres of land to BIDCO—a Palm Oil Company in Ssesse Islands, which, for many years were gazetted as a forest reserve. At present, the government is seriously engaging the people of Amuru district—Northern Uganda in a discussion trying to get 40,000 acres of their agricultural to be given to Amuru Sugar Works Limited (ASWL). All these decisions take place irrespective of peoples' resistance. In Uganda, anyone who questions the government policy or opposes it invites vengeance from the state organs. Peoples' rights to stage genuine strikes or demonstrations are curtailed. The government argues that strikes and demonstrations disrupt businesses and threaten foreign investors. In this paper, the researcher strongly agrees with Stephen Nathanson that:

A country can meet the economic needs of its citizens and provide them a decent standard of living without having the highest per capita gross national product... a country need not possess the greatest number of artists and thinkers, so long as it possesses enough creative people to sustain a culture that enriches its citizens (Nathanson: 1993, p.31).

Caring for economic development has supplanted caring for human life. The abuse of economic and social rights always manifests itself in situations where children die of starvation, waterborne diseases, and malaria due mismanagement and corruption. Surprisingly, as Todd Whitmore declares, leaders who violate human rights like many African leaders are, continue to garner support from developed countries and international organisations (Whitmore: 2010). International bodies too like the World Bank and International Monetary Fund (IMF) support the trade-off between economic development and human rights. The pursued neo-liberal economic reforms introduced by these International Finance Institutions sometime have grave repercussions on rights to adequate standards of living to food, water, health, education and social security. As Abouharb and Cingranelli further indicate:

Compliance with structural adjustment conditions causes governments to lessen respect for the economic and social rights of their citizens, including the rights to decent jobs, education, health care, and housing. This problem is compounded, because pressures from the World Bank and IMF to create a more business-friendly climate have encouraged the leaders to developing countries to reduce protections of workers from exploitation by employees (Rodwan and Cingranelli: 2007, p. 4-5).

If the fact that the respect for and observance of human rights is both a means and an end of development are acceptable as raised above, it must also be acceptable that gross violation of human rights is inimical to sustainable development (Tlakula: 2004). A human rights-based development approach requires that political priorities and behaviour of public institutions conform to human rights standards. The more determinate and guiding aim of just legislators should be that of promoting the capability to live a rich and fully human life (Crocker: 2000). Governments ought to set up structures in such a way that it becomes impossible for individual's rights to be pushed aside for the sake of the private interests of those in power or even in pursuit of other social goals and aspirations. Human rights institutional reforms should therefore aim at nurturing institutional functioning, including the behavioural skill, mind-set, and culture that produces human rights accountability.

## **CONCLUSION**

In both Europe and North America many poor people survive on handouts provided by charitable organizations such as the society of St. Vincent de Paul and the Salvation Army. The homeless too sleep under bridges because in some of these countries, the law does not allow them to build shacks. Above all, air pollution from factories and locomotives threatens many lives. In Africa, governments invest billions of money constructing magnificent hotels and international conference centers to accommodate foreign visitors while millions of citizens lack the basics of life such

as healthcare, education, food, and clean water. This paper has argued that situations like these, where leaders focus on increasing GDP and the accumulation of material wealth or success in science and technology, while neglecting the basic human rights, are misleading.

The paper has shown that a human person must be the goal of development. Therefore, GDP and scientific/technological advancements should not be the goal but means to human development. The enhancement of human dignity manifested through the respect for human rights, particularly basic human rights, is the ground floor of sustainable development processes. Any development plan must lead to peoples' realization of the human rights. Otherwise it goes awry if it does not promote the good of every person and of the whole person by ensuring that every citizen has an adequate level of access to subsistence goods and key services as a matter of right and justice. If development is only concerned with accumulation of finances and technology, rather than on what is happening to the people, (especially the impoverished) it is a destructive sham that is oppressive.

Furthermore, although principles of justice, solidarity and charity demand that each person has to care for one another, the duty to protect people from being deprived of their basic rights and to assist those who are deprived is incumbent on government, which should create democratic systems to safeguard against the gross abuse of human rights. Development programmes should be enabled to direct economic development to empower people to develop their capacities for producing goods including their own effective sense of personal responsibility so that they then secure their basic wellbeing. They should not only address peoples' economic needs but also their social conditions and other human values including the protection of environment.

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