

The Right to Development as a Gender-Equitable and Holistic Approach to Human Rights

by Aileen Kwa

L'auteure affirme que les conséquences des transformations qui s'opèrent présentement dans le système économique mondial sont ressenties plus intensément par les pauvres et les femmes. Les politiques d'ajustement structurel, les coupures dans les dépenses publiques, l'impact des guerres et l'augmentation des dépenses militaires ainsi que l'épuisement des ressources environnementales ont un effet néfaste sur les femmes du monde entier ce qui cause une augmentation prononcée du nombre de femmes de milieux ruraux vivant au-dessous du seuil de la pauvreté et, conséquemment, pose de sérieux problèmes quant au respect des droits humains. L'auteure estime que les droits de citoyenneté, les droits civils et politiques ainsi que les droits au développement sont des droits humains qui doivent appartenir aux femmes du monde entier.

Despite the technological advances of this century, as well as the international and national activism around issues of democracy, human rights, environmental sustainability, and gender concerns, we nevertheless find ourselves entering the 21st century with a world wrought with global crises and challenges. The wage gap between the rich and the poor is increasing as inequality in the distribution of resources both within countries as well as between nations is becoming more acute. The environmental crises caused by a rapid resource extraction model of development has fundamentally threatened the livelihoods of whole communities. The struggle over resources has in turn resulted in widespread civil wars in the form of ethnic, religious,

and class conflicts. Simultaneously, there has been an intense race towards militarism despite the end of the cold war.

Structural adjustment policies and



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cutbacks on public expenditure, the consequences of war and increased military expenditure, as well as environmental resource depletion impact more acutely on those with less 'economic fat' and political influence than they do the rich. It is no coincidence that it is women who have borne the severe consequences of these global development processes. In the last 20 years, the number of rural women living below the poverty line around the world has doubled (Heyzer and Wee), posing serious problems in the area of the observance of human rights.

While most governments today have constitutions that uphold the rights of their citizens and the equality of the sexes, the reality is far from satisfactory. The rights of women continue to be compromised.

The Universal Declaration of Human Rights (UN 1986) guarantees in theory, a full range of civil, political, economic, social, and cultural rights

for women as well as men, yet the practice of human rights monitoring has traditionally been in accordance with a male-oriented rights hierarchy. Political and civil rights have more often been the areas closely monitored by governments, human rights commissions, and renowned human rights groups such as Amnesty International. Social and economic rights, which include the rights to food, shelter, reproductive choice, property, social security, health care, and employment, have had a traditionally low status in the eyes of governments and in the work of human rights groups. These are, of course, also the areas which most impinge on women since they make up 60 per cent of the world's poor (Heyzer and Wee). These rights, the violations of which are often perceived as "minor" offences, have usually been left to the responsibility and "good will" of national governments and international development agencies.

The distinction between "civil and political" rights and "social and economic" rights parallels the artificial division of the private and public spheres in our societies today. This division is a gendered one and its implications are political in nature. It is men who are often assumed to occupy the public or "political" arena (of state and work), and women who are assumed to be "naturally" part of the "non-political" private sphere (of family). This distinction serves to downplay the violation of women's rights globally, renders invisible the political contributions of women, and denies them recognition as full and equal citizens. I would like to argue that "social and economic" rights must indeed be considered as "political" in

essence. In turn, civil, political, social, and economic rights must be seen as interconnected and integral components of human rights. The "right to development" especially emphasizes the socio-economic component of human rights. Both governments and the private sector should be held to the observance of this right, as it promises to be a gender-equitable and holistic approach to human rights.

Mainstream discourse of human rights does nothing to address key global issues, such as the widespread abuse of the rights of women, growing poverty, and massive environmental destruction.

An overview of womens' rights as human rights violations

At present, "wife-beating" is not a criminal offense in any South Asian country. In countries such as India, Malaysia, Singapore, and Japan, a husband raping his wife is not considered a crime either. The Asia and Pacific region is also home to one of the most pernicious forms of wife abuse—dowry harassment, bride burning, and dowry death (APDC).

In Nepal, Bangladesh, India, Sri Lanka, Malaysia, and Indonesia, women (or some women living under religious laws) do not have the same rights to property and to the administrative control of land. In Japan, working women are paid about half of men's salaries and in the Philippines, women make less than 40 per cent of men's average earnings. Not only are women as workers paid less, they have fewer rights and work in less conducive conditions.

The past two decades in the Asia and Pacific region have also witnessed the proliferation of Free Trade Zones (FTZs), where multi-national corporations rely on the cheap labour of women to produce goods for export purposes. These corporations, with the blessings of the International Monetary Fund (IMF) and the World

Bank, have been allowed to set up factories without the restraints of national tax as well as trade and labour laws. Furthermore, many governments such as those of the Philippines, Sri Lanka, and Malaysia, have effectively legislated against the right of workers to organize unions within these zones. Since the 1980s, unemployment and wage disparities between men and women have also led to the large-scale emigration of female labour from the less developed or developing countries, such as the Philippines and Sri Lanka, to the more developed countries of West Asia as well as to the newly in-

dustrialized countries of Southeast Asia. The exploitation and even abuse of these women, mainly domestic workers, is not an uncommon phenomenon. Furthermore, the majority of women in the Asia Pacific region are found in the informal sector. In India, for instance, 90 per cent of women workers are employed in this category. Yet again, these women face job insecurity and an absence of legal protection (APDC).

Another area of gross discrimination against women is in the area of citizenship rights. In Singapore, Malaysia, and Fiji, for instance, foreign male nationals marrying female citizens of these countries are not given citizenship. Foreign wives of men of these countries, however, are accorded citizenship automatically. In Fiji, a female Fijian citizen who bears children with a non-Fijian husband when they are not in Fiji, cannot transfer her citizenship to her children. Again, the situation does not apply to male Fijian citizens (APDC).

These are but some of the human rights violations that women in the Asia and Pacific region face and these examples are by no means relevant only to the region. More women die each day from various forms of gender-based violence than any other type of human rights abuse. Female

infanticide, the disproportionate malnutrition of girl children, coercion, battery, mutilation, sexual assault, and murder are violations faced daily by women in all regions of the world throughout their lives.

Mainstream discourse of human rights with its abstract language, individualistic tendency, and state bound responsibilities does nothing to address the key global issues of the day, such as the widespread abuse of the rights of women, growing poverty, as well as massive environmental destruction. To address "human rights" issues in a way that is relevant to the majority, a more holistic approach must be employed.

The chauvinism of human rights discourse

"Civil and political" rights are those associated with the life, liberty, and security of a person. These include the right not to be held in slavery or be tortured, the right to equality before the law, the right to a fair trial, to marry, to seek asylum, and to own property. Civil rights also include the right to fundamental freedoms, such as freedom of thought, conscience and religion, freedom of opinion, freedom of expression, and free association. The right to actively take part in politics is a key aspect of citizenship and human rights (UN 1985).

"Economic, social and cultural rights" are those right relating to the right to work, to free choice of jobs, to just and favorable conditions of work, and to protection against unemployment. It also includes entitlement to equal pay for equal work, the right to an adequate standard of living and the means for enough food, the rights to clothing, housing, medical, social services, and social security, the rights to education, and the right to participation in the cultural life of the community (UN 1985).

"Civil and political" rights are mostly concerned with violations that are taking place in the "public" arena such as freedom of speech, thought, and participation in politics. This is of course also largely associated with

the sphere of “public” citizenship, or the sphere of men. The rights to shelter, education, food, and health care are, however, more closely associated with the “private” sphere, as these are struggles that take place within the family or the community. This is the arena that most heavily impinges on the lives of women. Its non-public and seemingly “non-political” nature serves to downplay the violation of women’s rights. Women’s “civil and political” rights are, in fact, invisible. For instance, wife battering is a threat to the life and security of a person. However, since this takes place in the home, the “private” sphere, it is not considered by many states a criminal offence or a violation of women’s civil rights.

While documents on human rights violations have reinforced time and time again the indivisible nature of rights, the practice of human rights observance remains largely desegregated. In reality, however, political, civil, economic, and social rights cut across each other. Women’s exclusion from “political” rights and their compromised civil rights as citizens have a crucial impact on their access to equal economic and social rights. The converse is also true. Lack of food security, education, poor working conditions, and health, for example, would not give an individual the resources to fully participate in the “political” realm. All these rights are therefore interconnected and cannot be dealt with in isolation.

Citizenship rights and wrongs

The concept of citizenship also possesses both a private and a public face. It is an area that merits closer examination since rights are largely being accorded to individuals by the state, and it is through citizenship status that individuals enjoy these rights. Citizenship, in liberal political thought can briefly be defined as a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed. Carole

Pateman has written extensively on the subject of citizenship and observes that the idea and practice of citizenship is not gender neutral. Women all over the world, despite having gained suffrage, have been incorporated as citizens only in a subordinated and compromised fashion.

It is assumed by many states, influenced by liberal democratic traditions, that the test of allegiance and the ultimate duty of citizenship is to “die” for the state. The other duty of all citizens is the obligation to “live” for the state. Both these duties are typically discussed only with reference to men. It is taken for granted that the duty of the citizen to die for the state is the duty to bear arms (Pateman). Since women are constructed as unable or unwilling to use physical force, bearing arms and dying on the battlefield have been held to be beyond the reach of women. The duty to live for the state is seen as promoting the general welfare of the country through work. This, too, is perceived as the duty of men, not because only men work, but because women’s paid as well as unpaid work have never had the status and recognition accorded to men’s work.

While employment and military service are the two major vehicles for the political incorporation of men as citizens, motherhood, both the bearing and rearing of children, is the

erhood, on the other hand, represents everything that stands opposed to the public world and citizenship. Therefore, while women are contributing to the state in the form of motherhood, their political contributions have been excluded from the dominant discourse on what constitutes public service (Pateman).

An example of the state according recognition and status to men for the accomplishment of their contribution as citizens, and the lack of such recognition to women, can clearly be illustrated in the case of Singapore. The political duty to take up arms for the state is very real to male citizens, who are required to serve a two-and-a-half year term in the armed forces, air force, or navy. This is known as “national service” and is a political duty compulsory for all male citizens. Upon completion of this “service,” men begin employment with a two year increment in their starting salaries. They also receive a national service tax relief. Furthermore, when called from work to subsequently serve as reservists, they receive no reduction in their usual income and employers are compensated by the state for the costs borne by the company.

If indeed states were to give women equal recognition for their reproductive work, payment should also be made to women in respect of her citizenship duties. The consequences

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equivalent “duty” expected of women as citizens. However, although employment and military service have ensured the rights of men in the political order, motherhood has been constructed somewhat differently. This links back to the public and private divide mentioned earlier. Employment and military service are both part of the public arena. Moth-

of this non-recognition of women’s contribution, however, is that the same public standing and citizenship rights that men have been given are denied to women. Behind state policies which treat women differently and unjustly, is often the notion of man as the public figure and provider and of woman as the legal minor or dependent. Women’s political con-

tribution is thus rendered invisible. This translates, in policy terms, into access to resources, rights, and autonomy, or, in the case of women, the lack thereof.

Development as a global concern for all states

Development paradigms of the last four decades have been unsuccessful in breaking the cycle of poverty and

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in bringing about sustainable development. Development processes have been based on a model of "growth" that implies gross national production (GNP)-monocentrism and the uncontrolled accumulation of wealth. The result has exacerbated the environmental problems of certain sectors and countries, as well as augmented the impoverishment of many. While some countries have excelled in terms of economic growth, others are still mired in poverty, unemployment, and debt.

Within the structures of the current development model, one region of the world is closely interlinked with another. This is compounded by the current globalization of trade, the enormous economic power of multi-national corporations, as well as the penetrating control of international financial agencies such as the imf and the World Bank on debtor countries. A few examples will illustrate the extent to which in fact developed countries are drawing upon the developing world for their continued wealth accumulation. The inequity, however, is justified within the current understanding and widely accepted practice of "development."

The issue of debt alone will clearly illustrate the extent to which resources from the South are being transferred

to the developed countries. George writes that according to the oecd, the total resource flow to developing countries from the oecd countries amounted to \$927 billion between 1982 and 1990. Much of this inflow was in the form of new debt, for which interest would have to be paid. In that same period, developing countries remitted \$1345 billion in debt service to creditor countries. The difference, George concludes, is a "much understated" \$418 billion in the rich countries' favour. The overall effect is that the debtor countries as a group began the 1990s fully 61 per cent more in debt than they were in

1982, with the debt burden falling on the "least developed countries" and the poorest, such as Sub-Saharan Africa. International economic policies therefore, while attempting to aid the "development" process of the less developed countries, have effectively caused untold suffering, massive environmental destruction, whilst emptying debtor countries of their resources.

Governments forced to service debts of over 50 per cent of all government spending are not surprisingly lax on ecological protection and sustainable resource management. The toll on the environment from this extractive development model has its most devastating effects on the local people of debtor countries, especially those whose immediate livelihoods are dependent upon the natural resources around them. Environmental degradation also extracts higher costs on women than on men. Women continue to be the main subsistence farmers of Africa, Asia, and South America. Women farmers are faced on a daily basis with struggles of food security for their families and communities. Furthermore, research has also shown that the level of pollutants in the environment directly correlates with the state of women's health as women's bodies absorb

more toxins than men's bodies. The prevailing global economic structure, much of it is controlled by the developed countries as well as by the capitalist class of the South countries, has ripple effects on the poor and on women all around the world. This model of development cannot therefore coexist with the notions of social equity, the observance of human rights and justice.

Yet another way in which the North has benefited from the resources of the South, under the guise of "development" and progress, has been through the exploitation of human resources. In the international environment of free trade and globalization, trans-national corporations in particular have capitalized on the cheap labour available in the South in their quest for greater profits. Furthermore, many have also maximized upon the lax legislation on work conditions of these countries. The rights of workers are often compromised when developing countries are eager to attract foreign investment. Incidents of factory fires killing hundreds of women who have been locked up in factories are not uncommon in the industrializing countries.

Developed countries have also benefited from the sale of arms to developing countries. Financial resources that South countries have barely been able to afford have flowed towards arms producing countries, many of which are developed nations, through the sale of armament. The level of arms spending is inversely related to the Human Development Index in most countries. There is also a direct correlation between arms spending, warfare, and debt.

The above are only a few examples of the ways in which global economic structures have led to an interdependency between states. This relationship is also essentially unequal and detrimental to the achievement of the sustainable development of many Third World states. The economic, foreign, and defense policies of some states therefore have a powerful impact on the observance of or

abuse of the right to development of other states. It becomes clear, therefore, that in order for the right to development to be realized, it is essential that rights are addressed not only as responsibilities of the state towards their citizenry, but also as the responsibility of states within the international arena, should the global effort towards sustainable and just development be taken seriously. That is, their foreign and economic policies must be assessed on the baseline that the integrity and holistic development of other nations is not being curtailed.

Development as a human right

After some controversy over the issue of development as a "right," 1986 finally saw an end to the long debate and the passing of the Declaration on the Right to Development by the UN General Assembly. Some developed countries had for a long time been opposed to the issue of development as a right. The stand they had taken was that development was not a right but an opportunity and an economic goal.

What is this right to development? Article 1(1) of the Declaration states:

The right to development is a human right by virtue of which every human person and all persons 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.

There are two areas in the Declaration on the Right to Development that should be highlighted. Firstly, the Declaration emphasizes in several different articles, the importance of political participation. Article 2 of the Declaration states that it is the duty of the state "to formulate appropriate national development policies" for its citizens "on the basis of their active, free and meaningful participation in development." Article 8 also states that "states should encour-

age popular participation in all spheres as an important factor in development and in the full realization of human rights" (Candelaria).

The other issue that is highlighted in the Declaration is the duty and responsibility of states for the well-being of countries beyond their national borders.

States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should fulfill their rights and duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all states, as well as to encourage the observance and realization of human rights. (Article 3)

Although the right to development is often narrowly defined, it has the potential (should the focus in practice be broadened) to address many of the global crises facing our world today. Since political, civil, social, and economic concerns are an integral part of development, the right to development offers an approach to human rights which circumvents the chauvinism that exists in the traditional human rights discourse.

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The focus on the responsibility and duties of states not only for their own development but for the facilitation of global development, draws attention to the pressing need for an international approach to the current global crises, the negative effects of which are skewed towards the most vulnerable groups, particularly women. These crises require the concerted

efforts of all nations as well as the contribution and leadership of women in all countries and in all spheres.

Political participation as an essential component

Women have already long acknowledged the importance of participation in achieving the right to development and have, for some time offered alternatives to the mainstream model of development. As the editors of the Indian women's journal, *Manushi*, write:

Today we no longer say: "give us more jobs, more rights, consider us your 'equals' or even allow us to compete with you better." But rather: Let us re-examine the whole question, all questions. Let us take nothing for granted. Let us not only re-define ourselves, our role, our image—but also the kind of society we want to live in. (Kishwar and Vanita qtd. in Bunch and Carillo 72)

Participation is an important component of citizenship. Free and equal citizens are assumed to be party to the democratic order through their participation in politics. However, in most societies, the gender hierarchy forms the basis for the assumption that the rightful place of women

is in the non-political and non-public sphere.

The issue of participatory democracy has caused some controversy in the Asian countries. The model of development they have followed has approached democratic participation as an item to be dealt with only when a certain standard of living has been achieved. The inequalities of such a

model are easily smoothed over in conditions of economic well-being and particularly so if this is combined with a strong state with a very weak civil society. However, development that is sustainable, gender and class equitable, can only be realized when in fact the full participation of particularly the vulnerable sectors of society is achieved.

Active participation should be viewed as both a means to an end as well as an end in itself. It is of paramount importance that the poor and women, since they make up the majority of the world, become active agents in the political process.

Women's political participation in the international arena

The 1990s has been a particularly exciting decade for women. It has been a time whereby women, through their lobbying efforts, have demanded that their rights to development be addressed. What has been even more revolutionary is the fact the women at recent UN conferences have successfully managed to mainstream women's perspectives into issue areas not traditionally seen as gendered concerns. In so doing, the results have been that development issues have been re-defined in different and broader terms. With women's input, these re-definitions are more equitable and comprehensive, promising greater effectiveness in tackling the various crisis areas

The UN Conference on Environment and Development held in Rio in 1992, for instance, saw women's perspectives assuming a very important role. With great determination and strong collective strategizing, women brought to the forefront the fact that both the environment and women are resources which are vital to the pursuit of sustainable and equitable development. Unfortunately, both these key factors have been undervalued and have been treated as free goods in economic development.

The Conference on Human Rights in Vienna in 1993 saw the strong voices of women tackling the male-

bias in traditional human rights practice and discourse and asserting that the rights of women, too, are human rights that must be attended to. In particular, the issues of male violence and battering within the domestic sphere was raised as the systematic violation of women's fundamental human rights.

Women in Cairo in 1994 again took center stage. Their activism at the Population and Development Conference saw important amendments being made to the official conference document. For the first time, the issue of population became redefined not as a demographic and resource issue, but in terms of the health, empowerment, and reproductive rights of women.

With the World Summit on Social Development in Copenhagen and the UN Conference on Women in Beijing, 1995 is another important year for women. For the past two years women have been preparing for both these events and are demanding that their rights to development be met through changing global structures and institutions. The central concerns to be addressed at the World Summit are the issues of poverty, employment, and social integration. Women have spoken up and asserted that poverty is not simply an economic issue, but is a political issue as it reflects the imbalances in the allocation of power and resources to different social groups. They have pointed out that the current model of economic growth will not create an enabling environment for the elimination of poverty, social integration, or the creation of productive employment. Instead, the focus on the interests of international capitalism will only serve to further entrench social inequities. Again, the importance of human-centered development and the overriding need for women in the decision-making processes at all levels has been highlighted (Antrobus). It is hoped that the Conference in Beijing will pull together all the gains that have been achieved in the last few years and that women's voices on all issues will be pushed to the forefront of the inter-

national political agenda.

It should be noted that women in claiming space in this international political sphere have, in the process, transcended the confines of the state. While lobbying is and should certainly continue at the level of the state, women have also found that pulling together on common issues at this macro arena transcends the limitations of states and the reluctance of many states in addressing women's right and concerns. Furthermore, women's gains made at the international level are also a powerful form of norm-setting for states to comply with. Governments, in wanting to publicly preserve at least the appearance of being equitable and just, are therefore under pressure to maintain the appearance of progressiveness. Women must capitalize on this.

Creating an enabling environment

How can states ensure that women's right to development is observed? Firstly, within the national context, it is important that the political, civil, economic, and social rights of women are given priority and are treated holistically. This means that women's compromised citizenship status will have to be tackled and so, too, the gendered divide of the public and private spheres. No longer should women be assumed to be merely subjects of the "private sphere." Hence, women should be as likely as men to be involved in politics. Likewise, men will just as likely be full-time caregivers in the home as women. There will be no wage discrimination between the sexes and reproductive work should also show up as part of the GNP of nations. Only when women are equal partners in the decision-making processes can their redefinitions of inequitable social structures be heard and acted upon. Concurrently, acknowledging women's citizenship also means taking seriously—as the responsibility of states to citizens—rights to food, education, health, reproductive choices and upholding these as fundamental rights, not merely welfare needs.

Governments must also realize that as key actors in the international arena, the impact of their economic policies on the rights and lives of others living outside their borders can be considerable. The policies they implement should therefore observe the right to development of other peoples.

A concerted and urgent effort is needed globally for the rights of peoples all over the world to be realized. The most pressing needs of the majority are access to food, clean water, shelter, health care, education, employment, and freedom from violence. I have argued that the conventional approach to human rights is male biased as well as being far too narrow in scope to address needs at this level. Attention to the right to equitable and sustainable development should therefore offer an approach to rights that is more relevant to all.

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