

Contributing Paper

Human Rights and Development

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**HUMAN RIGHTS AND DEVELOPMENT: LEGAL AND POLICY ISSUES
WITH SPECIAL REFERENCE TO DAMS**

Submitted to the World Commission on Dams

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1. Background

This paper has been prepared for the World Commission on Dams (WCD), to contribute elements to the process leading to the thematic review and the final preparation of the report. The focus of this paper is on the legal and policy issues that arise from a consideration of human rights and development, - both generally and in the specific context of dams, - in the light of recent international experience and to suggest some principles to guide practice in this area. The paper proceeds as follows. First, I offer a brief introduction to the gradual convergence of human rights and development discourses during the post World War II period and the difficulties that have traditionally plagued this effort. Second, I offer an assessment of right to development as a possible framework that may enable a practical integration of human rights and development, based on the Declaration on the Right to development (DRD, UN General Assembly, 1986). Third, I trace some recent international experience in mainstreaming human rights in development, or in 'developmentalizing' human rights, by looking at three specific areas of legal and policy interventions. Fourth, I offer a brief analysis of key human rights challenges that emerge from the construction of dams, in the light of the current status of the international normative corpus. I suggest that these challenges remain unresolved even under the extant 'right to development' approach, but that they need to be dealt with constructively if the WCD is to remain faithful to the real letter and spirit of the DRD. The final section offers some conclusions and recommendations.

Human rights and development discourses were born almost simultaneously after World War II. Despite this temporal coincidence, there is no apparent substantive thread that ran through them until recently. Traditional conceptions of human rights meant only civil and political rights, despite the acceptance of economic, social and cultural rights as well as the concept of duties in the Universal Declaration of Human Rights. Development, on the other hand, meant primarily economic growth to which human rights concerns were marginal, if not irrelevant. Lawyers remained the high priests of human rights discourse, while economists ruled the development field. These divisions were manifested in the UN system, where different institutions were established to deal with human rights and development, with almost no mechanisms for coordination.

These divisions were consolidated by the Cold War, with the two blocs each supporting one set of rights, and also the nation-building efforts of the newly-independent developing countries, which put development before rights. However, this situation began changing with the entry of developing countries into the UN Commission on Human Rights and the politicization of the UNGA from the 1960s. The developing countries aggressively used human rights discourse to counter racism and colonialism – especially against apartheid, - but focused most of their energy on the achievement of equitable and just economic conditions under the rubric of the New International Economic Order (NIEO). By the mid-1970s, it was becoming apparent that the NIEO initiatives were failing and that achieving the optimum international environment for promoting development was going to be very difficult to achieve. In the changed atmosphere, the developing countries began turning to the human rights discourse, to

continue their quest for a just and equitable international economic order, shorn of imperialism and capable of promoting rapid economic development. The key steps in this process include the Declaration of Teheran (1967), and the articulation of the right to development by Judge Keba M'baye of Senegal in the early 1970s. By 1977, the UNGA had affirmed for the first time that all human rights were equal, indivisible and interdependent, thus putting an end to the hierarchization of rights. Other UN agencies such as UNESCO played a key role in promoting a 'third generation' of rights including solidarity, development and peace from the late 1970s. The stage was set for the birth of the right to development in the 1980s. Since then, human rights discourse has rapidly expanded normatively and institutionally and gained in reputation as a uniquely powerful discourse of legitimacy. Indeed, as Louis Henkin has put it, we are now in "an age of rights" (Henkin, 1996:ix). More significantly, in the 1980s and 1990s, human rights discourse has thoroughly been 'localized', appropriated in struggles and peoples' movements around the world to challenge the violence of development. What the developing countries could not win at the UN in the 1970s, grass roots movements are attempting to win locally in the 1990s.

Meanwhile, development discourse had undergone several radical changes. After the 'failure' of the economistic stages-of-growth and trickle-down theories in the 1950s, development institutions began emphasizing rural development, and agricultural sectors in the 1960s, as they responded to grass roots pressure and a felt need to alleviate poverty and human suffering. In the early 1970s, this had emerged as the 'redistribution with growth' model, which made it clear that not all social objectives could be sacrificed to achieve growth. Meanwhile, the Club of Rome's 'limits to growth' thesis, combined with the 1972 Stockholm Conference on Environment, began having a profound impact on development discourse, by focusing attention on the social and environmental costs of development. By the end of the 1970s, the poverty alleviation agenda had become the principal task of development agencies, under the 'basic needs' approach. Thus, if human rights discourse turned gradually from pure law and politics towards economics, development turned from pure economics towards some politics and ethics. Still the gap between the two discourses remained. In the 1980s, under the influence of Reagan and Thatcher, the rise of neoliberalism, and the debt crisis in the developing world, the 'new' development agenda with a human focus, suffered a setback. Thus, when DRD proclaimed the right to development in 1986, development discourse was in an ideological crisis. Since then, it has attempted to capitalize on the unique legitimacy of human rights discourse in the post Cold War era, by adopting the discourse of 'good governance', 'rule of law' and finally through a 'human rights approach' to development planning. Indeed, this 'developmentalization' of human rights has given rise to concerns among activists and scholars that a narrow, market-oriented version of human rights is being used to promote economic liberalization and globalization around the world.

Before elaborating on the right to development, some unresolved issues in the area of human rights and development need to be mentioned. The first of them concerns the old question of the legal status of economic, social and cultural rights. As noted already, human rights discourse has traditionally been dominated by an overemphasis of civil and political rights, partly due to the dominance of Western scholars and NGOs. This bias is

built into the normative corpus of human rights. Thus, the International Covenant on Civil and Political Rights contains rights such as right to be free from torture, which are immediately implementable through national mechanisms, while the International Covenant on Economic, Social and Cultural Rights subjects the realization of rights such as health or education to a legal standard of “progressive realization”. The legal status of this formulation has been subject to much debate and criticism from scholars, but the fact remains that economic, social and cultural rights remain sidelined in national constitutions and international human rights enforcement mechanisms. This has a direct bearing on which human rights are likely to be more promoted by development agencies. This fact must be clearly borne in mind by the WCD.

Second, the belief that there is a legitimate ‘trade-off’ between development and human rights lives on, among policy-makers. This belief, dating from the political development literature of the 1960s, continues to see human rights in narrow, political terms, while understanding development to be economic growth. Recently, the trade-off theory has resurfaced in the form of the so-called “Asian Values” debate, wherein it is asserted by rulers of China, Singapore and Malaysia, that culturally Asians do not care much for political liberties, but rather, they do for rapid economic improvement. This belief lies behind public policy arguments for large dams, for example, which assert that the benefits provided by these dams are more important than the costs. It must be noted that as a matter of human rights law, this belief is unfounded since, as noted already, all human rights are now accepted as a matter of international law, to be equal, interdependent and indivisible.

The third issue that must be noted here is related to but different from the second: the continuing appeal of the ‘basic needs’ idea, especially among international development agencies. This issue is recirculated by arguing that since resources for social programs is limited, one should prioritize and focus on the ‘core rights’. A sophisticated version of this argument is that since governance is about choosing between priorities, we should accept such prioritization. This argument is a slippery slope and offers no credible policy guidelines for choosing which rights should qualify as ‘basic needs’. Crudely put, the danger here is that this argument will become an excuse for wholesale denial of a whole set of rights which is not permitted under the human rights corpus.

1. Right to Development as framework: Problems and Prospects

The UNGA’s adoption of the DRD in 1986 was a major milestone that brought development and human rights discourses together. To what extent is this concept appropriate as a framework for WCD’s recommendations? My assessment is that while the DRD must be approached cautiously given the meaning it has acquired as a right of (developing) states, it provides important elements that may assist the WCD in its work. Therefore, I recommend that the WCD use the DRD framework to bolster its analysis, which should ideally be based on the main human rights corpus.

As noted earlier, the right to development debate emerged at a time of the eclipse of developing countries’ redistributist claims under the NIEO and the ascendance of

neoliberalism and Reagonomics. As a result, the debate acquired a polarized North-South character, evidenced by a division between western and non-western states at the drafting and adoption of the DRD in 1986. In a nutshell, for developing countries, the right to development means the right to expand their economies rapidly, irrespective of environmental and social costs. In this sense then, right to development becomes simply a right of states to pollute rivers, displace people and create development refugees. For developed countries, the right to development is simply not a 'right', but only a goal or a claim – that is, it is not an entitlement that can be enforced in courts by individuals. Scholarly opinion on the legal status of this right is divided, with western scholars opposing the right and non-western scholars supporting it. The UNGA and the UN Commission on Human Rights have affirmed the existence of the right several times in their resolutions, but the concrete meaning of this right remains unclarified.

In my view, the views of both developing and developed countries are inconsistent with the DRD. At issue are the very meaning of 'development', and the question of rights and duty-holders. In other words: development of what, of whom, and at whose expense? In the DRD, the right to development means "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." The DRD makes it clear that this implies the full realization of the right of peoples to self-determination and "their inalienable right to full sovereignty over all their natural wealth and resources." It is then clear that local communities and individuals, not states, have the right to development. Indeed, the DRD articulates just such a definition.

The implications of this definition are vast: under this definition, communities and individuals can define what development is (the extent to which they want to 'modernize' for example), as well as the pace and direction of development. This is bolstered by the recognition of the right to permanent sovereignty over natural resources which strengthens the positions of communities, for example, versus dam builders and governments. Such a definition would indeed destabilize the statist paradigms of human rights and development discourses, for example, in the areas of police powers and eminent domain doctrines.

There is also the issue of rights and duty-holders. The DRD vests the right in peoples and individuals and imposes obligations to respect the right upon the international community, private actors, states and individuals. Clearly, such a vast scope leaves the right fuzzy and difficult to enforce. Nevertheless, I believe that the duties it imposes on the international community, individuals and private actors to respect human rights is unique and should be further explored by the WCD as a potential source of normative obligations. This is essential because, a change in the way dams have been built and operated around the world will need a fundamental transformation of the way in which international institutions 'do development' or private actors do business. There is no other human rights norm that can offer this advantage. Having said this, I am not fully convinced of the practicality and the normative propriety of relying on the DRD as the exclusive framework for WCD's recommendations dealing with the normative aspects.

This is not only because the right is controversial and lacks political weight, it is also due to a concern that countries may exploit this ‘right’ as simply an affirmation of the way development has been ‘done’ in the past. The construction of dams have raised extraordinarily important questions that bear upon the very meaning of development, as well as key human rights aspects. The DRD approach may not fully help the WCD in effectively answering all of them, but as I have argued, it provides important elements towards a people-and-community-centered synthesis with development.

2. Recent global trends in the developmentalization of human rights

In the 1990s, substantial strides have been made to merge development and human rights, which may be useful to consider as potential areas to borrow ideas from, as well as political and theoretical landmines to avoid. I discuss three key areas.

a. Integrating Human Rights with Sustainable Human Development

Experience in integrating human rights with development is limited, though attempts towards this end have been made since the 1970s by UN agencies. A rights-based approach to development assumes that rights can be defined and operationalized in ways that facilitate planning and programming for their realization. This is not self-evident. How, for example, would one define freedom of speech and access to information in the context of a development project or program? Or the right to participation in decision-making? When it comes to economic, social and cultural rights the situation becomes even more complex. Does the right to health mean freedom from illness or just access to health services, or entitlement to all health services required to restore health? Does the right to education involve a right to ‘modern’ education through nine years of primary school or will ‘religious’ education do? And once such rights have been defined and integrated in development, do they then become enforceable through courts, if not realized? There are no simple answers to these questions.

Clearly these issues need to be resolved in specific country contexts, even when elaborate global guidelines through treaties have been developed. Much work needs also to be done at global and regional levels to operationalize a rights-based approach to development. For example, how would development institutions change their own practices to be consistent with the objective of integrating and realizing human rights in development? A human rights approach means, for example, taking self-determination and cultural rights seriously, but development practices often seek to displace traditional practices with more modern, efficient ones. Indeed, the World Bank Chief Economist Joseph Stiglitz defines development as the replacement of everything ‘traditional’ with everything ‘modern’ (Stiglitz, 1999:3). How can we reconcile localizing human rights with globalizing development?

To summarize, there are three key problems in integrating human rights and development. First, there are no objective indicators or benchmarks that measure all human rights. This makes it impossible to do programming, implementation and monitoring. Indicators on political and civil rights are most problematic due to their

political bias, such as the Freedom House Index. Indicators on economic, social and cultural rights are more developed, such as the Human Development Index, but they are not free of bias in using criteria that favor ‘modern’ over ‘traditional’ ways of living. The second problem in integrating human rights into development is that the normative framework for imposing responsibilities on development institutions is underdeveloped. As I said above, adopting a human rights approach to development often means changing the way development has been done before. This entails responsibilities on international institutions and private sector and there is very little normative framework except the DRD, which aims at this. The third problem in integrating human rights into development is the central role accorded to the state in realization of human rights under international law. This is a very complex problem with no easy answers. On the one hand, the crisis over dams has arisen largely because of the failure of the state to ‘do development’ in a socially and environmentally responsible manner. It would then be problematic to ‘return’ to the state under the rubric of human rights, when it stands thoroughly discredited in the eyes of civil society in many developing countries. On the other hand, relying entirely on the market means simply caving in to neoliberalism. The key challenge here is to try to identify modalities for planning, construction and maintenance of dams that does not replicate, but goes beyond both the state and the market.

b. Supporting the Strengthening of Human Rights Institutions

The second strand in the recent ‘developmentalization’ of human rights is the increasing attention bestowed on the strengthening of human rights institutions. This has emerged primarily from the neoliberal turn towards ‘good governance’, ‘rule of law’ and the demands for the reform of developing countries’ state/governance structures including Parliamentary, executive and judicial branches, NGOs, educational institutions and the media. Human rights discourse has assisted this drive by insisting on the establishment of ‘national institutions’ for promotion and protection of human rights, such as human Rights Commissions and Ombudspersons, in addition to supporting the institutional reforms which also form the core of neoliberal demands. The UNHCHR has a special advisor on this topic, and has provided technical assistance to numerous countries for establishment of these national institutions. The UNDP has been very active in supporting this idea in several countries, as part of its Country Cooperation Framework. Bilateral aid, especially from countries which have national institutions on human rights, is not difficult to obtain, though it often comes ‘tied’ to the specific model – such as Ombudsperson – that the donor wishes to promote.

In my view, the WCD should use the synergy and the momentum created due to this new development but not go all the way in supporting the neoliberal demands for complete overhaul of state institutions. Given the crisis of developing countries’ state structures, an independent human rights body that has the additional responsibility of monitoring the process leading to construction of dams in terms of the impact on project-affected peoples, could play a valuable role. This is so, provided the institution has met some basic principles such as:

1. Formal and operational independence
2. Adequate technical and financial capacity to assess all issues arising from the construction of dams including resettlement and rehabilitation
3. Impartial focus on monitoring all human rights violations committed by State and non-State actors, relating to dams
4. A decentralized approach to enforcement that links with NGO monitoring
5. Speedy resolution of complaints and transparent communication of its work with the public
6. Focal point for a broad public dialogue on human rights, including through public hearings, that enable a consensus to be formed on critical issues that arise from the construction of dams including alternatives to dams.
7. An approach that is sensitive to the rights of vulnerable groups such as women and indigenous peoples, that ensures equal representation for women and men and mainstreams indigenous peoples' rights.
8. Non-replacement of judicial review of administrative action and access to justice.

In addition, the WCD should not overlook the importance of well-functioning regular state institutions for ensuring a participatory, transparent and culturally-sensitive approach to dams. Indeed, since the human rights violations relating to construction of dams stem largely from dysfunctional state structures including democratic ones, they can not be remedied simply by establishing a new institution. The establishment of any new institution should go hand in hand with the reform and strengthening of existing institutions.

c. Preparing National Plans on Human Rights

The third area in which human rights is being gradually 'developmentalized' is in the drafting of National Action Plans on Human Rights (NAPHR) by a number of countries. The 1993 Vienna Conference on Human Rights called on states to develop such plans in order to set concrete national priorities and the process for achieving them. Since then, the UNHCHR has been active in promoting this idea and has held a number of regional workshops to develop guidelines for principles and processes. A number of countries such as Philippines and South Africa, have adopted such national plans since then.

The NAPHR concept is the most definite example of the developmentalization of human rights. The whole idea of planning, which is foreign to the area of human rights, has been borrowed from development. On the one hand, this is an unfortunate occurrence, as the state is accorded the central role in planning and the 'experts' assume their role as the gatekeepers of human rights. On the other hand, if done properly, the NAPHR also has the potential to achieve two things, which will assist the reform of the development apparatus and ensure concrete implementation of human rights. First, by 'projectizing' human rights, it may bring much-needed resources for social programs that have been cut under neoliberalism and Washington-consensus. One of the key problem for human rights enforcement was always lack of resources, which may improve considerably because of this factor. Second, the NAPHR may also compel policy-makers to take human rights more seriously as essential components of development planning,

programming and implementation, rather than treating them as after-thoughts. The WCD may find this an opportune moment to develop concrete human rights indicators and benchmarks relating to dams, which may then form part of the NAPHR.

3. Human rights challenges arising from the construction of Dams

Construction of dams raises complex human rights issues. These issues relate to all stages of the planning, construction and maintenance of dams. For convenience, I discuss the main human rights issues under the following headings. While these are not the only human rights issues that arise in relation to dams, they are the most significant.

a. Right to Development and Self-Determination: Autonomy, Culture and Land

The first issue that arises is the very decision to build dams and the political and moral justifications given for it. If one adopts a narrow understanding of the right to development, then the state's right to build a dam for ensuring respect for economic and social rights of people - water, electricity, sanitation, roads etc – will take precedence. However, if one adopts the DRD approach that I analyzed above, the communities that stand to be most affected by the dams need to approve the decision to build dams. They have the right to determine the sort of development that a dam will bring, because they have the right to self-determination and permanent sovereignty over their natural resources as part of their right to development.

Doctrinally, this approach entails of at least three components: first, the autonomy of these communities must be ensured, through appropriate changes in the domestic constitutional structure or through special legislation. This has been done, for example, in India and Colombia, through recent constitutional amendments that grant collective property rights to indigenous/tribal communities. The result of this would be that the decision to build dams becomes a multi-stakeholder decision-making process. Second, the cultural rights of project-affected communities must be respected. Here, international law has developed norms relating, for example, to the rights of ethnic, linguistic and cultural minorities, as well as the rights of indigenous peoples through recent UN declarations. These norms must be codified in domestic law and capable of being enforced in courts. This is important as large dams tend to violate the cultural rights of communities due to the mass evictions (which are per se illegal under international human rights law), and the resultant impact on the cohesiveness of communities, especially indigenous ones. The third doctrinal component relates to land rights, relating both to possession and use. There is the initial legal requirement to respect the possession rights of communities with respect to land, deriving from the doctrine of PSNR as well as communal property rights. There is also a legal requirement to respect use rights of communities in order to ensure their livelihoods, which are often derived from the land. As such, a massive eviction of people for constructing dams, and the availability of land-for-land rehabilitation (rare in itself) must be assessed with regard to the use rights of these communities before the evictions took place. It is needless to mention the importance of land for ensuring cultural survival of many of these communities as well.

b. Right to Participation

The second issue that arises in the building of dams is right to participation. This must be distinguished from the initial right to determine whether a dam is needed or not, which is not an issue of participation but self-determination. Participation rights begin to be relevant once the initial decision has been taken to build. At this point, there are several questions that need to be settled: participation of whom, when, in what, and how. First, all project-affected communities must participate, with special reservations for women, and all disparate groups. The participation must begin at the level of project design and planning and consideration of alternatives and extend all the way through monitoring and maintenance of dams. This is harder to achieve but guidelines may be drawn upon by the WCD for this purpose. Third, the affected communities must be able to participate in different levels of decision-making, from the local (project), state (program), national and international levels. This does not have to be continuous, but must be effective enough to be real. Finally, a process for participation must be ascertained that will not automatically put some parties in a better position. This process must be transparent, time-bound, flexible and viable in terms of material and technical support.

Legally, these requirements are not fully articulated yet in terms of development projects. Still, the right to participation is normatively very-well grounded in the International Bill of Rights and provides a framework within which these requirements could conceivably be worked out.

c. Right to Life: Livelihood and right to environment

It goes without saying that decisions to build – or not to build - dams affect the right to life of individuals. They may do so directly as when right to life is violated through flooding of peoples' houses or through police/private coercion against civil disobedience to the project. However, it also results in violation of right to life when individuals are deprived of their livelihoods as a result of massive evictions and displacement. As the Indian Supreme Court affirmed in a landmark case in 1986 (*Olga Tellis v. Commissioner of Bombay*), right to livelihood is part of right to life. This principle has begun entering the corpus of international law through affirmation by UN bodies. It is important for the WCD to operationalize this principle in its recommendations, to ensure the basic survival rights of the most vulnerable people who are affected by dams.

Also included in the right to life is the right to environment, which makes life worth living, materially and culturally. Increasingly, many new constitutions adopt this position – such as the South African and Mongolian – and some 'old' constitutions such as India's, have already taken this position through judicial determinations. This right is undoubtedly under threat in most instances when dams are built – the Narmada valley being the most notorious example. As such, WCD's recommendations in this area are crucial to ensure the right to life of project-affected peoples in the future, around the world.

d. Rights of Vulnerable Groups

Fourthly, the rights of vulnerable groups such as indigenous peoples and women are relevant to the human rights normative corpus that relates to dams. From India to Brazil to Turkey, dams are often built in areas inhabited by indigenous communities whose cultural rights are already under threat. Consequently, large numbers of them get displaced and become ‘development refugees’, with devastating impacts on their communities and culture. Similarly, women form a large segment of rural households in many developing countries and are significantly affected when they lose land to dams.

International human rights law has a well-developed normative framework relating to vulnerable groups. These derive not only from relevant UN resolutions, but also treaties such as the CEDAW, and relevant ILO Conventions. The crux of the legal obligation here is to ensure that special social safety measures are available, which are targeted towards the conditions of vulnerable groups. The formulation of such programs has become easier in recent years with their adoption by development agencies as part of their assistance. Virtually every agency – from the UN to bilateral ones – have special programs that target vulnerable groups in most developing countries. The WCD can take advantage of this synergy in formulating its recommendations with regard to vulnerable groups.

e. Right to remedy

The final human rights issue that arises in the building of dams is the right to a remedy, which is itself a human right, guaranteed in Article 2 of the International Bill of Rights. This is a crucial right for project-affected peoples and individuals, since most decisions relating to dams are taken at the administrative level, locally or nationally, which can not be easily challenged in courts of many countries. These decisions arise at every stage of the dam building process, from planning, to building to monitoring. Often, due to the nature of the extant development process, the project-affected peoples come to know about actions that have been taken without their knowledge or consent. Therefore, they need a quick and efficacious remedy that can halt on-going violations and prevent future ones. The right to remedy is therefore crucial to the humane building and operation of dams, indeed to all development projects. The WCD should make specific recommendations towards the realization of this right, to ensure that it is formally available and institutionally protected.

However, the right to remedy goes beyond formal judicial remedies and covers a range of accountability systems that need to be in place and functioning effectively, such as media and NGOs, communication systems and available informal mechanisms. The WCD should pay special attention to these inter-related factors in making recommendations about the most effective systems for determination of decisions relating to dams.

4. Conclusions And Recommendations

Human rights and development have had a highly problematic relationship during the last 50 years. Just as the two discourse are attempting to merge together, they are also raising

a number of theoretical and policy issues of serious moral and legal importance. As I have argued in this paper, the first consequence of taking human rights seriously, is the need for a fundamental transformation of the way development has been done in the past. This means that one should ask questions about development of whom or what, by whom, for whom and how, at what cost and who is to bear the cost. All development agencies, including the UN and bilateral, need to address these questions as they attempt to refocus their development efforts to embrace human rights. All governance structures at all levels (international, regional, national and sub-national) have to change their policies and practices to be consistent with human rights goals, as called for by the Declaration on the Right to Development. The WCD has an important and unique opportunity to move the global practice in this direction.

Second, only a holistic vision of human rights that encompasses all human rights, as envisioned in the DRD, can effectively be integrated with development. But this requires an approach to development that is itself holistic and human or people-centered. The practice of states and the UN system have begun moving in this direction. The WCD could contribute to this global process in a significant way by articulating a holistic notion of human rights as a substantial basis of its normative recommendations.

Finally, the WCD should proceed cautiously and with sensitivity to the ways in which human rights discourse could simply legitimize existing practices relating to development. There are high expectations about the WCD, as it explicitly resulted from the demands of popular movements for accountability and change in development practices. As such, WCD's main constituency remains the global civil society and local activists, not the private sector or the international institutions – though the WCD has acted with admirable impartiality towards all. This is important to bear in mind if the WCD adopts a human rights approach, since such an approach puts, by definition, the human beings ahead of ‘developmental’ imperatives that have driven dam-building so far.

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