

The human rights-based approach to development in the era of globalization

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I. Introduction

There is a compelling case for pursuing development policies within the framework of human rights, with or without globalization.¹ But the need for framing policies on the foundation of human rights becomes even more compelling in a rapidly globalizing world. The process of globalization can have a profound impact on the process of development, in positive as well as negative ways. The central thesis of this chapter is that the human rights approach to development, particularly the concept of the right to development and its attendant principles, may be fruitfully used to condition the process of globalization to better harness the positive impact of globalization and to minimize the pain of negative impact at the national level. The chapter illustrates this main point with specific examples; it does not embark on a comprehensive analysis of all possible positive and negative impacts of globalization or examine how the human rights approach could be used to condition them all. Section II uses the example of structural change in the economy brought about by globalization to illustrate the case of possible negative effects. It shows how the human rights approach can offer protection against the negative consequences of structural change that

would inevitably follow from globalization. Section III illustrates the positive effects of globalization with the example of its effect on economic growth. It shows how adherence to the principle of human rights can enable us to convert the growth-enhancing potential of globalization into an instrument for advancing the right to development. Section IV offers concluding remarks.²

II. The human rights approach can counter the negative effects of globalization

Globalization brings about structural changes within an economy. It opens up new opportunities for enhancing employment and income. However, it also closes down, or at least diminishes, many existing means of livelihood: opportunities open up in activities in which a country has comparative advantage, and diminish in those in which it has comparative disadvantage. This may have profound implications for the achievement of the right to development.

Economic theory suggests that the gains will in general outweigh the losses; a nation should gain an overall increase in welfare. The problem, however, is that gains and losses may not be distributed evenly

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¹ S.R. Osmani, "An essay on the human rights approach to development", in Arjun K. Sengupta, Archana Negi and Mouchumi Basu, eds., *Reflections on the Right to Development* (New Delhi, Sage Publications, 2005); S.R. Osmani, "The human rights approach to poverty reduction", in *Freedom from Poverty as a Human Right*, Bård A. Andreassen, Stephen P. Marks and Arjun K. Sengupta, eds., vol. 3, *Economic Perspectives* (Paris, UNESCO, 2010).

² A more comprehensive analysis of the links between globalization and the human rights approach to development is offered in S.R. Osmani, "Globalization and the human rights approach to development", in *Development as a Human Right: Legal, Political and Economic Dimension*, Bård A. Andreassen and Stephen P. Marks, eds. (Cambridge, Massachusetts, Harvard School of Public Health, 2007).

across the population. Much depends on who happens to be engaged in the expanding activities and who in the contracting ones, and who has the skills and other means of access to the new opportunities that open up. Evidence and common sense suggest that the losses are generally felt disproportionately by the weaker segments of the society. They suffer because, owing to impediments they face in accessing new skills and resources, they lack the flexibility to cope with changes brought about by market forces.

While recognizing that globalization can make the poor more vulnerable in the face of the changing structure of opportunities, excessive alarmism needs to be avoided. First, it is often suggested in a near-axiomatic fashion that globalization has widened income inequality in the world. This is seen as *prima facie* evidence for the view that the process has hurt the poor. However, quite apart from the fact that widening inequality can easily go hand in hand with absolute improvement in the living conditions of the poor, the very notion that globalization has widened inequality is deeply problematic. The empirical evidence regarding income distribution in the world during the current phase of globalization is inconclusive. More importantly, no one has yet found a satisfactory way of separating out the effects of globalization from the effects of other factors that might have a bearing on income distribution in the world.

Even if it could be shown that globalization has indeed contributed to widening inequality in the world, it does not follow that globalization must necessarily do so. In the 1950s and 1960s, it was believed that when a backward economy initially begins to develop towards capitalism, income distribution necessarily worsens, before improving much later. Known as the Kuznets hypothesis, this belief is now contradicted by empirical evidence. What happens to income distribution at any stage of development depends very much on the nature of policies pursued by Governments. With appropriate policies, distribution can actually improve as an economy grows; there is nothing inevitable about the Kuznets hypothesis. In principle, the same is true about the effect of globalization. Policies—at both national and international levels—can make a difference. As will be argued below, this is precisely the reason for taking the human rights approach to development even more seriously in the age of globalization.

Second, even without globalization, structural changes occur in all economies, except the most moribund ones. Owing to changes in technology, tastes,

demographic structure and so on, new opportunities open up in the sphere of production and old ones close down all the time. The effects of these home-grown structural changes are not qualitatively dissimilar to those induced by globalization. They too create new uncertainties and vulnerabilities along with new opportunities. And in this case as well the cost of negative effects tends to fall disproportionately on the weaker segments of the population, and for much the same reasons. If this is not seen as a reason for avoiding structural changes in general, it should not be seen as a reason for shutting the door to globalization either.

There is, however, a very good reason for being especially concerned about the possible negative effects of globalization and for trying to do something about them. Home-grown structural changes typically unfold incrementally over a long period. This allows a breathing space for necessary adjustments. By contrast, globalization tends to bring about sweeping structural changes within a short period of time. The sheer pace of change can entail serious problems of adjustment, especially when it comes to setting up an adequate social protection scheme for those suffering most from the disruptions caused by structural changes. What is worse, this problem can be compounded by two further factors.

The first of these is the problem of shifting comparative advantage. As noted earlier, when a country integrates with the world economy, the structure of production begins to shift away from activities with comparative disadvantage towards those with comparative advantage. The problem, however, is that structural changes caused by this shift may not be once-and-for-all events. This is because the nature of comparative advantage may itself undergo rapid change during the process of globalization. Comparative advantage is inherently comparative in nature; that is, it depends not just on the characteristics of a particular country but also on those of other countries that participate in a trading network. As a result, any country that has already embraced globalization may find that its comparative advantage keeps changing as the net of globalization spreads and brings in new countries. Thus, Malaysia and Taiwan (Province of China) may find that the comparative advantage they have long enjoyed in labour-intensive garment industries is suddenly eroded as Bangladesh and Viet Nam enter the export market with even cheaper labour. Similarly, the Latin American countries that once found comparative advantage in labour-intensive activities

when they first embraced globalization may soon find that they no longer have comparative advantage in those activities once populous countries such as China and India enter the scene. In each case, a country that loses comparative advantage in one sphere will eventually find it elsewhere. However, the problem is that shifting comparative advantage of this kind can keep the structure of an economy in a constant state of flux for a prolonged period. The disruptive effects of globalization may, therefore, be quite serious.

The second problem stems from the erratic behaviour of international finance. One of the presumed gains from globalization is that the free flow of capital will ensure efficient use of resources by moving finance from regions with a low marginal rate of return to regions with higher returns. In reality, however, capital does not always behave in such an efficient manner because of various kinds of market failures that arise from the imperfect and asymmetric knowledge that is inherent in capital markets. In the absence of perfect knowledge, the flow of capital in and out of countries is often guided by “herd behaviour”, whereby an initial move by one investor is blindly imitated by others. The magnitude of capital movement can thus be disproportionate to the underlying rates of return. In such cases, what should have been an orderly and limited movement of capital becomes a stampede, plunging a country into a crisis deeper than it “deserves” in terms of its economic fundamentals. Even the direction of flow can sometimes be erratic, for example, when the “contagion effect” takes hold (i.e., when capital moves out of a country not necessarily because anything is fundamentally wrong with it but because some other country of a similar type is experiencing a crisis). The series of financial crises that rocked Asia and Latin America in the last decade and a half bear clear hallmarks of such erratic behaviour on the part of international finance.

This is not to suggest that the countries that experienced crises did not get many of their economic policies seriously wrong, nor that they did not need to make fundamental structural changes in their economies in order to make them more efficient. They generally did, but the erratic movement of international finance forced additional structural changes that were not needed on the grounds of efficiency and were probably quite harmful, such as when the drying-up of capital forced even potentially efficient activities to close down. Many of these uncalled-for changes were probably reversed as the countries concerned

emerged out of crisis and international finance resumed business as usual. But the crises caused disruptions and dislocations, not all of which were efficiency enhancing: the harm they caused in terms of human suffering was real and extremely painful.

Globalization can thus have both an accentuating and a distorting effect on structural changes, some of which would occur in economies even without it. The potential for creating new uncertainties and vulnerabilities, along with new opportunities, therefore grows with globalization. As such, globalization has the potential for hurting the weaker segments of the population unless conscious efforts are made to protect them.

This is where the human rights approach to development can play a vitally important role. The normative framework of international human rights is particularly concerned with individuals and groups that are vulnerable, marginal, disadvantaged or socially excluded. That is why it can effectively counterweigh the disruptive effects of globalization, whose burden is likely to fall disproportionately on these very categories of people. Two elements of the international human rights normative framework are especially relevant here. These are the twin principles of non-discrimination and equality and the principle of non-retrogression of rights.

The principles of non-discrimination and equality are among the most fundamental elements of international human rights law. These are elaborated in numerous human rights instruments, including the Universal Declaration of Human Rights, the two International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Recognizing the fundamental importance of these twin principles, the international community has established two treaty bodies, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women, which are devoted exclusively to the promotion and protection of non-discrimination and equality.

If left unattended, the uneven burden of the adjustments to globalization can violate the principles of non-discrimination and equality. The problem is not just that globalization will not have a neutral or uniform effect on everyone in the society—no policy or economic change can be expected to be ideal in

that regard. The problem arises when there is a systematic bias against certain groups or individuals. If the adverse effects of a policy or economic change were to be distributed randomly among the population, the question of discrimination would not arise. But this is unlikely to be the case. Since the brunt of the burden is likely to be borne by the weaker segments of the population, the possibility of discrimination is very real. Two considerations are important to bear in mind in this context.

First, discrimination and inequality may take many different forms and stem from many different sources. They may arise from explicit legal inequalities in status and entitlements. But they can also arise from policies that disregard the needs of particular people, or from social values that shape relationships within households and communities in a manner that discriminates against particular groups. Second, it is important to look at the effects of policies, not just their intentions. For example, if the effect of a policy regime is to impoverish disproportionately women, or indigenous peoples, or some other marginalized group, it is *prima facie* discriminatory, even if the policymakers had no intention of discriminating against the group in question.

Adherence to the human rights approach to development will, therefore, require that those who are systematically hurt by the disruptions caused by globalization be accorded special attention. In particular, efforts will have to be made to equip them with the skills and resources necessary to take advantage of the new opportunities being opened up by structural changes and to remove the impediments they face in getting access to productive employment so that their loss from adjustments can be minimized and the scope for gaining from new opportunities maximized.

The principle of non-retrogression of rights can also play a vital protective role for vulnerable people. This principle states that no one should suffer an absolute decline in the enjoyment of any right at any time. The right to development approach acknowledges that full enjoyment of all human rights may only be possible over a period of time, and that as time passes some rights may be advanced faster than others. But it does not permit the level of enjoyment of any particular right to decline in comparison with the past. Globalization can clearly lead to a violation of this principle if the rapid and overlapping structural changes it brings about lead to such a serious disruption that the weak and vulnerable suffer an absolute decline in

their living standard. Such a decline clearly occurred, and in a spectacular manner, for a large number of people during the financial crises of the recent past. Even in normal times, many individuals and groups have suffered a decline in living standards which was perhaps less significant, but which was no less real. The right to development approach demands that an adequate social protection scheme be put in place to prevent such a decline. This is essential if globalization is to be pursued in a manner consistent with the principle of non-retrogression of rights.

III. Globalization, growth and the right to development

If increased vulnerabilities of the poor are one side of the coin of globalization, the other side is the potential for faster economic growth. This has implications for the achievement of the right to development. In much of the traditional discourse on human rights as well as on development, economic growth is viewed with suspicion. This is not entirely surprising, given that many enthusiasts of economic growth are so obsessed with it as to almost disregard the adverse human consequences of the wrong kinds of economic growth. But one needs to distinguish between economic growth in general and the wrong kinds of economic growth in particular. The kind of growth that either neglects or, even worse, curtails and violates human rights naturally has no place in the human rights approach to development. But that does not mean that the need for economic growth can be neglected by this approach. The power of economic growth can and should be harnessed for speedy realization of the right to development.

It could be argued that economic growth is not just compatible with the human rights approach, but is an integral part of it. One of the salient features of the human rights approach to development is the recognition that the existence of resource constraints may entail a progressive realization of rights over time. But to prevent the duty holders from relying on the leeway offered by the idea of progressive realization in order to relax their efforts to realize human rights, the human rights approach also requires that measures be taken to fully realize all the rights as expeditiously as possible. Once the speed of realization of rights is accorded due importance, it is easy to see why rapid economic growth is essential for the human rights approach to development. The point is made most forcefully by the Independent Expert on the right to development, Arjun Sengupta:

It is of course possible, by reallocation and redistribution of existing resources, to improve the realization of some of the rights, separately and individually, for a limited period and to a limited extent, without economic growth ... However, it must be recognized that all rights, including civil and political rights, involve using resources to expand the supply of the corresponding goods and services and, possibly, public expenditure. Therefore, if all or most of these rights have to be realized fully and together and in a sustainable manner, steps have to be taken to relax the resource constraint by ensuring economic growth.³

In short, since realization of rights involves resources, speedy realization of rights calls for softening the resource constraint. This in turn calls for economic growth.

A related reason why growth is essential for the pursuit of a rights-based approach to development is that it will ease the pain of making trade-offs among rights. The idea of trade-offs among rights does not sit easily with the notion of the indivisibility of rights and the principle of non-retrogression of rights, both of which hold hallowed positions in the human rights literature. Strictly speaking, however, trade-offs need not be inconsistent with these principles when one recognizes that there are actually two types of trade-offs. One refers to actually reducing the level of one kind of right in order to raise the level of another right; such trade-offs are obviously incompatible with human rights principles. However, there is another kind of trade-off that is not only compatible with human rights principles, but also unavoidable.

When trying to improve the levels of various rights under resource constraints, we necessarily face the choice of allocating scarce resources among alternative rights. We can either spend more on the improvement of right X and less on right Y, or the other way round: that is the trade-off. For example, when a Government faced with severely limited resources obtains additional revenue (for example, through new taxes), it may have to confront the painful choice of whether to spend the additional revenue on providing health care that will promote the right to health, or to spend it on employment-generating investments that would promote the right to work. A decision to spend on health would mean achieving less in terms of the right to work than what would have been possible with the newly acquired resources; conversely, a decision to spend on employment-generating activities would mean achieving less in terms of the right

to health than was potentially achievable. This kind of trade-off at the margin, which might be called an incremental trade-off, is unavoidable in the real world of scarce resources.

Incremental trade-offs do not violate either the principle of indivisibility or the principle of non-retrogression of rights, because they do not require that the level of any particular right be diminished from the existing level in order to promote another right; nor do they require that advancement of one right be put completely on hold while trying to advance another. Nonetheless, they do present painful choices for policymakers who are keen to improve rapidly the realization of all rights at once, but are unable to do so because of resource constraints. In this situation, a faster rate of growth will help ease the pain of making unavoidable trade-offs by making more resources available.

A strategy for promoting economic growth must, therefore, constitute an integral part of the human rights approach to development. Globalization can be a powerful ally in this regard, because of its growth-promoting potential. There is of course no guarantee that by embracing globalization a country will automatically accelerate the rate of growth. Things can go wrong for many reasons. Some of these reasons could be external, such as collapse of the international financial system. However, many could be internal, such as poor governance, civil war, or a deteriorating environment. Other things remaining equal, however, globalization will enhance growth potential by bringing about a more efficient allocation of resources, fostering competition and spurring the diffusion of technology. This potential must be harnessed for advancing the cause of the right to development.

It must be realized, however, that faster growth does not by itself guarantee that the right to development will be advanced. Growth merely makes it easier to advance the right to development by speeding up the progressive realization of rights and by easing the pain of unavoidable trade-offs. It does not ensure that the right to development will in fact be advanced, for the simple reason that the resources made available by growth may not actually be used for the purpose of furthering human rights.

For growth to be put to the service of human rights, any strategy of growth must be embedded in a comprehensive framework of policies and institutions that is consciously designed to convert resources into rights. This comprehensive framework will have

³ "Fifth report of the Independent Expert on the right to development, Mr. Arjun Sengupta, submitted in accordance with Commission resolution 2002/69: frameworks for development cooperation and the right to development" (E/CN.4/2002/WG.18/6), para. 9. See also Arjun Sengupta, "The human right to development", in *Development as a Human Right*.

to have both international and national components. The precise details of policies and institutions will of course vary from one situation to another, but some general principles can be derived from the normative framework laid down in international human rights law. The more important among these principles, especially those relevant at the national level, have been elaborated by this author elsewhere.⁴ These principles may be classified into three categories: (a) those informing the process of policy formulation; (b) those shaping the content of policies; and (c) those guiding the monitoring of policy implementation. A brief summary of the main points under each category is provided below.

A. Principles informing the process of policy formulation

The human rights approach to development demands that the process of policy formulation satisfy two important sets of principles, relating to (a) participation by stakeholders; and (b) the progressive realization of rights. One of the most important principles of the human rights approach to policy formulation is that it should be participatory in nature. In particular, those population groups directly or indirectly affected by a particular policy should be able to play an effective role in the process of formulating that policy. Active and informed participation of stakeholders at all stages of formulation, implementation and monitoring of a development strategy is not only consistent with but also demanded by the human rights approach because the international human rights framework affirms the rights of individuals to take part in the conduct of public affairs.

For genuine participation to be possible, however, some preconditions must be met and certain other rights must be fulfilled. The essential precondition is that ordinary people must be empowered to claim their rights and to participate effectively in the decision-making process. The process of empowerment can be quite complex and time-consuming because of the deep-rooted nature of the asymmetries of power that exist in most societies. To begin with, the character of the polity must be democratic. Though by no means sufficient, democratic governance is a

necessary condition for creating a space in which all groups of people can effectively participate in national decision-making processes. The second precondition is to strengthen the bargaining power of the marginalized groups so that they are able to participate effectively in potentially conflictual situations. In part, this will depend on the realization of a minimum degree of economic security without which the poor and the vulnerable are unlikely to be able to resist established structures that hold the power. Furthermore, poor people must be allowed to receive support from sympathetic civil society organizations (including the media) that might be willing to champion their cause. For this to be possible, the State must create the necessary legal and institutional environment in which an independent civil society can flourish. In turn, the creation of such an environment requires simultaneous efforts to promote a range of civil and political rights. These include the right to information, the right to freedom of expression, the right of association and the right of equal access to justice. Since empowerment is not possible without the fulfilment of these rights and without empowerment effective participation is not possible, taking measures to fulfil these rights is also an essential component of the human rights approach to development.

The second set of principles of the human rights approach to policy formulation relates to the notion of progressive realization of rights. The discourse on human rights recognizes that it may not be possible to fulfil many rights immediately because of resource constraints and that they may have to be fulfilled over a period of time in a progressive manner. While the idea of progressive achievement is common to all approaches to policymaking, the human rights approach is distinctive for imposing certain conditions on the behaviour of the State so that progressive realization cannot be used as an excuse for relaxing efforts.

The most important condition is the State's acknowledgement that it may be possible to make rapid progress towards the realization of many human rights even within the existing resource constraints. To the extent that fulfilment of certain rights will have to be deferred because of resource constraints, the State must develop, in a participatory manner, a time-bound plan of action for their progressive realization. The plan will include a set of intermediate as well as final targets, based on appropriate indicators, so that it is possible to monitor the success or failure of progressive realization. Moreover, institutions will have

⁴ See, in particular, "An essay on the human rights approach to development" and "The human rights approach to poverty reduction". In the specific context of the human rights approach to poverty reduction strategies, many of these principles are also discussed in OHCHR, *Human Rights and Poverty Reduction: A Conceptual Framework* (HRI/PUB/04/1) and OHCHR, *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies* (HR/PUB/06/12). Both are available at www.ohchr.org.

to be developed to hold the State accountable if the monitoring process reveals a less than full commitment to realizing the targets the State has set.

B. Principles shaping the content of policies under the human rights approach

The content of policies refers to the goals and targets that are set by the State, the resources that are committed for the realization of those targets and the methods that are adopted to achieve them. It is recognized that setting targets and committing resources for them will necessarily involve setting priorities, which in turn will involve considering trade-offs among alternative goals. Both the act of setting priorities and of accepting trade-offs must necessarily involve some value judgements. For a policy regime to be consistent with the human rights approach, these value judgements must be shaped by the human rights norms. This has several implications for the characteristics of policy content.

First, the goals and targets set by the State must conform to those set by various human rights instruments and elaborated by the relevant treaty bodies. In particular, the State must ensure immediate fulfilment of a set of minimum targets with respect to the rights to food, health and education that have been identified as “core obligations” of the State. Only the obligations not specified as core can be subject to progressive realization.

Second, policies must recognize people’s rights to equality and non-discrimination. These rights are among the most fundamental tenets of international human rights law. This implies that development cannot be concerned simply with aggregate improvement in the living conditions of a country’s population as indicated by, for example, growth in per capita income or availability of doctors per person. Special consideration must be given to those who fail to share in aggregate improvement owing to explicit or implicit discrimination.

Third, the human rights approach requires sectoral integration at the level of policymaking because of complementarities among rights. Complementarity exists both among the specific rights within the broad category of economic rights and also between the broad categories of economic and non-economic rights. The existence of causal connections between various types of rights implies that a preoccupation

with individual rights might fail to achieve the best possible results by ignoring complementarities.

The fourth set of principles relates to the possible trade-offs among rights. While the human rights approach to development cannot avoid such trade-offs, it also imposes certain conditions on them, which must be treated as essential features of rights-based policymaking. In particular, the principles of indivisibility and non-retrogression of rights must be respected. Moreover, decisions regarding trade-offs must respect the stipulations made by treaty bodies about certain minimum core obligations, which the States must fulfil, with immediate effect, even under existing resource constraints.

C. Principles of monitoring policy implementation under the human rights approach

Monitoring and evaluation of performance is a necessary part of any kind of development strategy, rights-based or otherwise. But the characteristic feature of the human rights approach is that it emphasizes the notion of accountability in a way that traditional approaches do not. The very notion of rights implies the notion of duties or obligations. The State needs to adopt appropriate policies for fulfilling various rights not merely because it is desirable for reasons of benevolence; the State has a duty to do so, but a duty can only be meaningful if the duty bearer can be held accountable for failing to perform its duty. The need to ensure accountability is, therefore, central to the human rights approach to development. The emphasis on accountability in turn entails a number of characteristics required of the process of monitoring policy implementation.

First, mechanisms must be in place for the culpability of the State to be ascertained if it fails to adopt and implement appropriate policies and for sanctions to be imposed if it is found culpable. Such accountability mechanisms can be of various kinds: judicial, administrative, community based and so on. Second, accountability procedures must be participatory in nature so that citizens, especially those directly affected by policies, are able to hold the State accountable for its actions. Third, the State must adhere to the accountability procedures adopted by treaty bodies; by signing treaties, the State has agreed to subject itself to such external accountability. Fourth, the international community has a responsibility to help realize universal human rights. This is

the case even as, in international law, the State is the principal duty bearer with respect to the human rights of the people living within its jurisdiction. Thus, monitoring and accountability procedures must extend not only to States but also to global actors, such as the donor community, intergovernmental organizations, international non-governmental organizations and transnational corporations, whose actions bear upon the enjoyment of human rights in any country. Fifth, certain interrelated rights, such as the right to information, the right to free speech, the right to access to justice, etc., which, it was argued earlier, are important for effective participation, are also essential in the context of accountability. Without the fulfilment of these rights, it will be impossible to make accountability effective. Finally, it must be noted that holding the duty bearers to account does not necessarily imply taking recourse through a court of law. There can be both judicial and non-judicial means of accountability. The latter might involve quasi-judicial (e.g., ombudsman, treaty bodies), political (e.g., parliamentary process), administrative and civil society institutions. The human rights approach to development would require setting up an appropriate mix of accountability mechanisms.

Only when all these principles are followed in the process of policy formulation, in choosing the content of policy and in devising monitoring mechanisms would it be possible to harness the growth-promoting potential of globalization to the cause of advancing the right to development.

IV. Concluding observations

This chapter addresses key issues that arise in implementing the human rights approach to development at the national level. It examines the implications of the current wave of globalization for the pursuit of the right to development and goes on to elaborate a set of principles that must guide national development policies if the right to development is to be achieved in a globalizing world.

Globalization brings about structural changes within an economy, opening up new opportunities for enhancing employment and income. However, it

also closes down, or at least diminishes, many existing means of livelihood. Although structural changes of this kind will inevitably occur within any economy over its normal course of evolution, globalization tends to have both an accentuating and a distorting effect on structural changes. The uncertainties and vulnerabilities that accompany structural changes are, therefore, much greater in the context of globalization than without it. It is usually the weaker and marginalized segments of the society that bear the brunt of these structural dislocations. The human rights approach can play a vital protective role here by invoking the principle of non-retrogression of rights and the principles of equality and non-discrimination. Recognition of these principles will require policymakers to set up, on the one hand, adequate social protection schemes for those suffering most from disruptions and, on the other, to equip vulnerable groups with the skills and resources necessary to take advantage of the new opportunities opened up by globalization.

Globalization can of course play a more positive role by enhancing the growth potential of the economy. Economic growth, whether induced by globalization or otherwise, is an essential condition for speedy realization of the right to development. Most rights need resources for their realization. This poses a constraint on realizing the right to development in a world of scarce resources. Because of this constraint, policymakers are obliged to undertake progressive realization of rights over a period of time and to make painful trade-offs among alternative rights at any given point in time. Economic growth can help in this regard by softening the resource constraint, which will help speed up the pace of progressive realization and ease the pain of inevitable trade-offs.

Growth, however, does not guarantee that the right to development will be advanced. This is simply because the resources made available by growth may not be used for the purpose of promoting rights. The human rights framework suggests a number of guiding principles that can help achieve this goal. This chapter has discussed these principles under three categories: (a) those informing the process of policy formulation; (b) those shaping the content of policies; and (c) those guiding the monitoring of policy implementation.