

EUROPEAN MASTER IN HUMAN RIGHTS & DEMOCRATISATION

---

---

# The Right to 'De-development':

Restriction of Living Standards of Affluent People  
as a Complementary Aspect to the Human Rights Regime

---

---

BENJAMIN TOUSSAINT

Henrik NIELSEN  
Danish Institute  
for Human Rights

E.MA Academic Year 2008/2009

University of Southern Denmark

## Acknowledgment

*Have you ever observed that we pay much more attention to a wise passage when it is quoted than when we read it in the original author?*

- [Philip G. Hamerton](#)

Thanks to my family for their endless support.

Thanks to the terrific Copenhagen Crew that cheered me up through the entire summer semester.

Thanks to my supervisor Henrik Nielsen for his patience.

Thanks to Eva and Lone for the warm welcome we had here at the Danish Institute for Human Rights.

Thanks to my special German task force for pimping up my thesis.

Special thanks also to Leo, I would not be writing these sentences without him.

Thanks to Tino's, who provided me with lots of brainfood.

Thanks to Sachs Wolfgang & Santarius Tilman for having said already all that had to be said.

And last but not least, thanks to Mahatma Gandhi and all his 'Paparazzi' that never got sick of writing down his sayings, providing the posterity with an abundance of wonderful quotes.

## Abstract

In light of the environmental constraints humanity faces today, a different prosperity model and general lifestyle, less focused on economic growth is necessary to achieve equity in economic wealth and adequate living standards for all. Mainstream development and environment frameworks largely neglect strategies that focus on behavioural adaptation to these environmental constraints. It is the explicit vocation of the de-development approach to establish a framework of ethics, strategies and policies able to set boundaries on endless economic growth and the excessive, resource-exhausting consumption of luxury goods and services. At the individual level this implicates a restriction of an undue living standard, respectively an undue individual economic capacity to afford endless goods and services. A deliberate interference with individuals' lifestyles implies a certain risk of state power abuse. Therefore it is beneficial to scrutinise de-development strategies and policies with regard to human rights compliancy. A Human Rights Based Approach (HRBA) to de-development, applying human rights norms and methodologies to the de-development concept does exactly this. Thus, the human rights framework provides structural and legal means to develop an ethical approach to de-development. This thesis examines the context surrounding the de-development issue, the theoretical background of the concept and its integration into the human rights framework.

## Abbreviations:

Acquired immunodeficiency syndrome (AIDS)

Africa Alternative Framework to Structural Adjustment Programmes for Socio-Economic Recovery and Transformation (AAF-SAP)

Carbon dioxide (CO<sub>2</sub>)

Civil and Political Rights (cpRs)

Civil society organisations (CSOs)

Clean Development mechanism (CDM)

Conference of the Parties (COP)

Contraction and Convergence (C&C)

Committee on Economic, Social and Cultural Rights (CESCR)

Committee on the Right of the Child (CRC)

Council of Europe (CoE)

Economic, Social and Cultural Rights (escRs)

European Convention on Human Rights (ECHR)

General Comment (GC)

Greenhouse Development Rights (GDR)

Greenhouse Gas (GHG)

Gross Domestic Product (GDP)

Human Development Index (HDI)

Human Immunodeficiency Virus (HIV)

Human Rights Based Approach (HRBA)

Human Rights Committee (HRC)

International Court of Justice (ICJ)

International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

International Monetary Fund (IMF)

Intergovernmental Organisation (IGO)

Joint Implementation (JI)

Millennium Development Goals (MDGs)

Non-governmental organisations (NGOs)

Office of the UN High Commissioner for Human Rights (OHCHR)

Official development assistance (ODA)

Organisation for economic co-operation and development (OECD)

Poverty Reduction Strategy Papers (PRSP)

Responsibility Capacity Index (RCI)

Structural Adjustment Programmes (SAP)

Trade Related Intellectual Property Rights (TRIPS)

UN Commission on Human Rights (CHR)

UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

United Nations (UN)

United Arab Emirates (UAE)

United States of America (US)

United Nations Development Programme (UNDP)

United Nations Environment Programme (UNEP)

United Nations Framework Convention on Climate Change (UNFCCC)

Universal Declaration of Human Rights (UDHR)

World Bank (WB)

World Trade Organisation (WTO)

World Wildlife Fund (WWF)

## Table of Content

1. Introduction.....	9
<b>A. The Road to De-development .....</b>	<b>13</b>
2. The 'Development Sphere' and the 'Environment Sphere' .....	13
2.1 The Final Aim of Development.....	13
2.2 Common Development Strategies.....	14
2.2.2 Economic Solutions .....	16
2.2.2.1 Development Aid and Poverty Reduction Strategy Papers (PRSP).....	16
2.2.2.3 Market Access / Trade.....	17
2.2.3.1 Technology Transfers .....	18
2.2.3.2 Technical Cooperation .....	18
2.2.3.3 Capacity Building .....	18
2.2.4 Political Solutions .....	19
2.2.4.1 Good Governance .....	19
2.2.4.3 Strengthening Civil Society .....	21
2.3. Climate Change: Emergence and Impact on Development and Strategies .....	21
2.3.1 Climate Change at the Top of the Agenda .....	21
2.3.2 Mutual Impacts of Climate Change and Human Development .....	22
2.3.3 Strategies for Climate Change Mitigation and Adaptation .....	24
2.3.4 From Rio to Copenhagen: Setting an International Framework .....	25
2.3.5 Carbon Budgeting .....	26
2.3.5.1 Converting the Global Carbon Budget into Corresponding National Obligations .....	27
2.3.5.2 Carbon Taxes v. 'Cap-on-trade': Putting a Price on Carbon Emission .....	27
2.3.5.3 State-induced Regulations and Other Incentives to Carbon Emission Sparing Behaviour .....	28
2.3.5.4 An International Framework for Finance and Technology, Knowledge and Capability Transfer .....	29
2.3.5.5 Avoiding Deforestation Equals Avoiding Carbon Emission .....	29
2.3.6 The 'Contraction and Convergence' Approach.....	30
2.4. Interrelated Concepts, but Distinct Strategy Frameworks .....	35
3. A Cutback in Resource Consumption, the Categorical Imperative for Resource Justice .....	37
3.4 The Deficiencies of the Euro-Atlantic Prosperity Model .....	43
3.5 Loosening Quality of Life from the Consumption of Goods and Services .....	44
3.6 De-development - a Neglected Approach .....	46
4. Openings Pointing to a De-development Strategy, in the Fields of Development and Environmental Protection .....	48
4.1 Extending the Development Concept to Sustainable Development .....	48
4.2 Sen's Capability Approach and the Human Development Paradigm as a Supporting Brick to Justify De-development .....	48
4.3 Development Aid and Cooperation.....	49
4.4 Tackling the Consumption Demand.....	49
4.5 From Raising Awareness to Global Education.....	50
4.6 Providing Information, Setting Standards, Encouraging Behavioural Change in the Broadest	

Sense .....	52
4.7 Car Taxation .....	53
4.9 Need for a Specific Approach to De-development .....	55
<b>B. The Human Rights Based Approach to De-development .....</b>	<b>56</b>
5. Objectives of the De-development Approach .....	56
6. Restricting the Standard of Living, but Changing Lifestyle .....	58
6.1 Restricting the Standard of Living .....	58
6.2 Changing Lifestyle .....	59
7. The Foundation Stones of a HRBA .....	61
7.1 Human Rights and Development .....	61
7.2 What Human Development Can Add to the Human Rights Debate .....	62
7.3 A Human Rights Based Approach to Development .....	63
7.4 The Right to Development .....	66
7.5 Human Rights and Environment .....	70
7.6 The Right to a Healthy Environment .....	71
7.8 Adapting the Human Rights-based Approach to the De-development Concept .....	73
8. Arguments for a HRBA .....	75
8.1 A Human Rights-based Approach as a More Stringent Complement to Voluntary Efforts .....	75
8.2 To Grasp the Problem at the Root .....	76
8.3 The International Human Rights Framework as a Strong Backup .....	77
8.4 Touching a Sensitive Historical Issue .....	77
8.5 Why Not a 'Real' Right to De-development? .....	77
9. Backing De-development on the Human Rights Law Framework .....	79
9.1 Balancing Individual Duties and Obligations Respective to Global Circumstances .....	79
9.1.1 The Duty to Exercise One's Rights Responsibly .....	79
9.3 Adding the Global Dimension to State Obligations .....	85
9.3.1 A Common but Differentiated Approach .....	85
10. Features of a HRBA to De-development .....	90
10.1 Individual Right-holders and Duty-bearers Examined From a De-development Perspective .....	90
10.2 What Can an Individual Claim Within the De-development Context? .....	91
10.3 What Are the Individual Responsibilities Within the De-development Context? .....	92
10.4 The State as Right-claimer .....	93
10.5 International State Obligations Fitting the De-development Framework .....	94
10.6 Corresponding National State Obligations .....	95
10.7 Conceivable De-development Strategies .....	96
10.7.1 Financial Incentives .....	96
10.7.2 Educational Incentives .....	97
10.7.3 Structural Incentives .....	98
10.8 Human Rights Violations According to the De-development Framework .....	100
11. De-development as an Added Value .....	101
11.1 An Added Value for the Common Approach .....	101
11.2 An Added Value for the Human Rights Regime .....	101
11.3 An Added Value for the Development Regime .....	102
12. Possible Objections to a De-development Approach .....	103