
International Law and Human Development Index: A Case Study of Pakistan**Atiq ur Rehman**

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ABSTRACT

International law has developed over the period of centuries and while its evolution it gave international politics a way to develop very sophisticated system for the smooth dealing among states. The norms and those primordial customs which have been practiced by humans since the time immemorial are taken in to account by lying them down as consolidated principles. These principles are tightly packed with the daily activities of humans thus pushing them on the path of development. This piece of research draws an attention towards a very unique but interesting relation among the out and out observance of international law and human development. It is being observed that both of these are in direct relation with each other with one going up pushing the second alongside it. The study further shows the legal application of the concept of human development under the modern principles of international law and how the lingering HDI can impact these consolidated rules and regulations. Furthermore, while explaining the theoretical basis, Pakistan is taken as case study to explain this whole phenomenon and relation among lingering Human Development Index and the role of international law.

Key Word: *HDI, jus cogens, progress, synchronization, human rights***Introduction**

International law provides a solid basis for the development of humans in all aspects of their life. These principles which consolidated over the passage of time are mainly a pathway to development of complex societies. In the case of Pakistan it has been observed that human development index has improved a little. It marginally grew from past 0.560 in the past year to 0.562 while constantly thrusting up. The HDI indicators of Pakistan were 0.404 in 1990 when this index was formed by Mehboob ul Haq but the pace is not good. The political turmoil, imbalance in trade, geopolitical

dynamics and currently the environmental factor are some of those reasons contributing their huge role in dragging the whole society down.¹

It is observed that general development of humans and society is verily dependent on the political system and the level of human right they are enjoying. The basic human rights, like the freedom to live, freedom to tap economic opportunities, the freedom of expression, freedom of assembly and the right to practice religion of his or her own choice. These basic rights are inalienable according to the naturalists.² They argue that we are born with these rights and they are blessed to us by nature so curbing them is gruesome crime against humanity. Some of these theorist say that state is the supreme authority which can create or revoke laws whenever it wants. They argue that we are in the social contract with state in which the population gave their loyalty to a higher authority thus mitigating the dilemma of personal security. But, in return state has to provide opportunities for their people in order to not only tap their potential but to empower the overall societies, thus strengthening the state.³

Year	Life Expectancy at Birth	Expected years of Schooling	Mean years of Schooling	GNI per capita (2011 PPP\$)	HDI Value
1990	60.1	4.6	2.3	3,195	0.404
1995	61.4	5.0	2.8	3,387	0.428
2000	62.7	5.4	3.3	3,451	0.450
2005	63.8	6.5	4.5	4,101	0.500
2010	65.1	7.5	4.7	4,447	0.526

¹ Ahmad, Naved, and Ejaz Ghani. "Governance, Globalisation, and Human Development in Pakistan [with Comments]." *The Pakistan Development Review* (2005): 585-594.

² Iqbal, Khurshid. *The right to development in international law: the case of Pakistan*. Routledge, 2009.

³ Kiwanuka, Richard N. "Developing rights: The UN declaration on the right to development." *Netherlands International Law Review* 35, no. 3 (1988): 257-272.

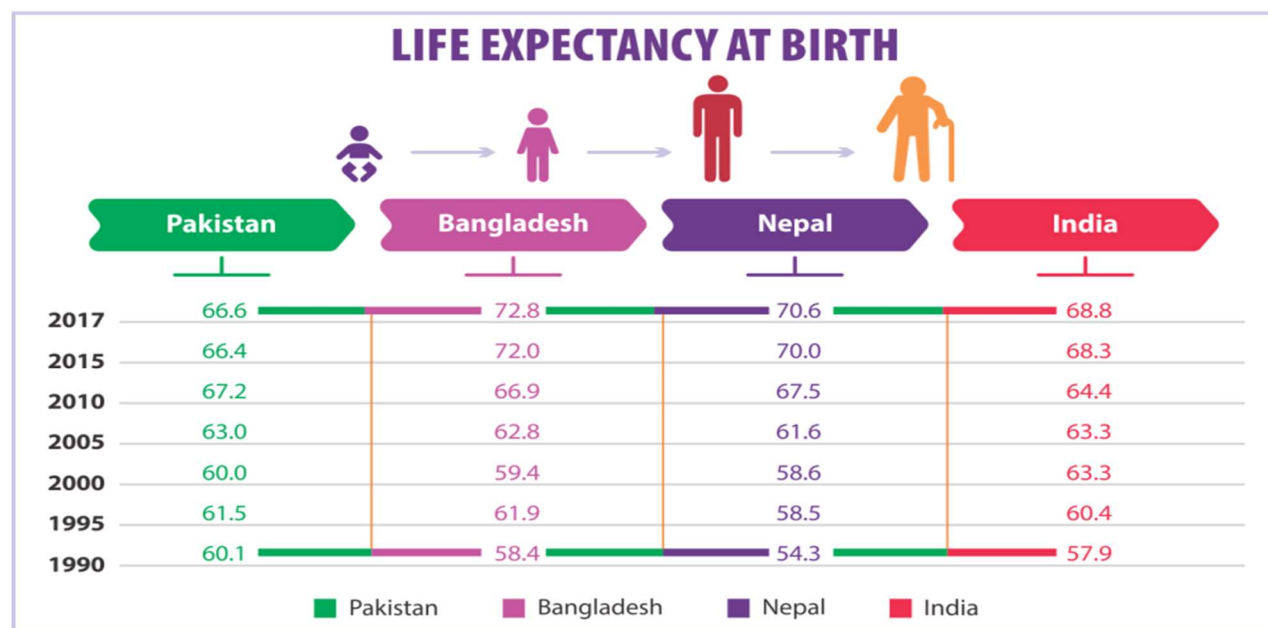
2015	66.3	8.2	5.1	4,978	0.551
2016	66.5	8.6	5.2	5,155	0.560
2017	66.6	8.6	5.2	5,311	0.562

4

Pakistan is lingering in its Human Development sector but there are hundreds of other factors involved alongside contributing in this down fall. The India and Bangladesh both are going ahead in the HDI Pakistan while India with a gap of 0.078 and Bangladesh with 0.046 value figures. Here the point to ponder is that Pakistan and India both got independence at the same time but India moved to 130th position among 189 countries. It is true that Pakistan was deprived of its various rights at the time of independence but still, in the case of Bangladesh which was once its part and whose HDI ranking was low then even Pakistan in 1990 is now ranked at 136th place while Pakistan is at 150 among 189 other countries. It is the slowest developing country in whole of south Asian region which is in itself ironic.⁵

⁴ Pakistan, U. N. D. P. "Human Development and Inequality-Panel Discussion II with UNDP Pakistan." (2021).

⁵ Khan, Noor Hashim, Yanbing Ju, and Syed Tauseef Hassan. "Investigating the determinants of human development index in Pakistan: an empirical analysis." *Environmental Science and Pollution Research* 26, no. 19 (2019): 19294-19304.



6

As mentioned that human development of any society is in direct relation with the amount of human rights it's getting so in this regard, the ministry of human rights of Pakistan in 2017 tendered a project in order to document Pakistan domestic compliance with international human right frameworks. This project is one of the biggest studies ever carried out for fulfilling the gap among domestic legal frameworks. RSIL was given this task in 2018 who handed over the first draft to ministry in October 2018.⁷

There were various objectives of this study among which the most crucial one was to bring Pakistan's domestic legal frameworks in synchronization with international human rights obligations. The project was to identify those liabilities and obligations Pakistan has to follow as per the international law. The principles and rights enshrined in the constitution or verdicts given by apex court of Pakistan with the identification of all those lacunas and gaps present at federal and provincial level causing hindrance while its implementation. Lastly that research provided recommendations and some endorsements like rules, SOPs and rules helping the domestic legal

⁶ Ibid.

⁷ Aziz, Jamal. "RSIL Law Review."

frameworks to get in sync with international law parameters. There are various factors mentioned in the report which can be considered as the back factors for the human development in Pakistan.

Theoretical Basis for Human Development under International Law

The main theoretical explanation regarding human development under international law can be carried out through normative or naturalist perspective. They argue that international law or in fact every law comes from the norms or those customs which are being consolidated over the period of time. The basic emphasis is on morality and reason and as per naturalists there are certain rights and laws which are given to humans by nature. These laws are inalienable and cannot be revoked in any circumstances.

This school of thought is very pertinent in the case of human development. As they talk about human rights and some of those laws which are given by nature and there is a tight link present between human development and human rights. The more human rights will be given such as economic liberty, political rights, and civic rights the more society will thrive toward its betterment. The normative theorists argue that rules can be changed with a passage of time and they are entangled with the consolidation and aggregation of various norms in society.⁸

International law is mainly formed by the codification of those customs and norm which were remained prevalent over the long period of time. These laws mainly talk about the formation of system which is just and provide opportunities for every competing actor. The human rights which are enshrined in various frameworks of international statutes are considered as those basic rights which, as per naturalists are given by nature to mankind. These laws if implemented and rights if given, thus transform themselves into other fruits of progress and prosperity, ultimately leading to the sustainable development of society. In Pakistan this link is missing, the governments have ratified various treaties but its practicality at domestic level is jeopardized, hence pulling the whole country to its knees in the context of its human development and wellbeing.

Legal Basis of Human development Under International Law

The DRTD also called as Declaration on the right to development was a first ever solid framework adopted by United Nations General Assembly under the resolution 41/128 on 4

⁸ Gontarek, Stan. "International Legal Theory: Positivist, Naturalist, and Much More." *Int'l Legal Theory* 1 (1995): 5.

December 1986. It was a breakthrough in this particular area which melted the ice by providing the blend of rules and regulations by international human rights agencies. It broadened the girth of human development by inculcating various tentacle subjects hereunder. It elaborated that every human has some inalienable rights which includes their participation in economic, political and other social activities to gain benefit from them.⁹ A comprehensive approach is followed at different levels to ensure the development of humans at both domestic and international level. And for that justice, equity and the sense of equality are the basic parameters which are set to determine the level of development in any society.¹⁰

There is a tight link between human development and human rights. It is obvious that if some society is given all their basic rights and opportunities then the fruit will be a comprehensive development. This crucial link was first recognized by Tehran conference on human rights in year 1968. It encouraged both state and non-state actors such as NGOs and IOs to work in this regard at both national and international levels. While stressing on this link United Nations General Assembly under the resolution 2027(XX) invited all states to share their plans to materialize the economic and social development of their respective citizens. They are directed to ensure all those rights which are enshrined in the universal declaration of human rights thus ensuring the development of their people. Another major push factor in human development is article 2(1) of the international covenant on economic, social and cultural rights. This article lays a proper framework and guide map for states to enhance the socio-economic conditions of their citizens.

Alongside this there are many other frameworks which are being ratified by Pakistan to show its commitment with international drive for human development. Most of them directly deals with the human rights to show their direct link with human development. ICESR, ICCPR, UNCAT, CRPD, CEDAW, CRC, CERD and UDHR are those prudent international frameworks which in combination have approximately more than 197 articles enshrined to inculcate every

⁹ Arts, Karin, and Atabongawung Tamo. "The right to development in international law: new momentum thirty years down the line?." *Netherlands International Law Review* 63, no. 3 (2016): 221-249.

¹⁰ Nanda, Ved P. "The right to development under international law-challenges ahead." *Cal. W. Int'l LJ* 15 (1985): 431.

single human right in their girth ultimately leading to the socioeconomic development of vast spread societies across the globe.¹¹

Human Development Index

First created by the Pakistani economist Mehboob-ul-Haq in 1990, human development index or HDI is used to measure countries development at more holistic level. It not only includes economic factors but also two other major parameters of life expectancy and education as well. It is a gist analysis and geometric measure of three key dimensions contributing to an overall betterment of society and human development index.

As per “*human development report, UNDP*” these three factors are accessed by their respective nature i.e. the dimension of health is analyzed by life expectancy rate for specific population. The population is considered as healthy if the rate of infant mortality are low, moreover including the condition of women giving birth broadens the horizon of HDI.¹² The educational standards are calculated by getting average of the years children are entering to school till the years of schooling for adults aging 25 years or more.¹³ The living standards are calculated by GNI per capita by using logarithmic measure of income with its increasing or decreasing importance. These three dimensions are measured separately and then aggregated into a single composition by using geometrics to get overall Human development index of certain country. After its mainstreaming HDI has a great impact on the foreign policy choices of certain country.¹⁴ Governments opt for those options which help them increasing the above mentioned three factor to pave the way for development and prosperity of their civilians.¹⁵ But the measure of factors mentioned in Human

¹¹ Hussain, Amjad, Muhammad Arif Saeed, and Shahzada Aamir Mushtaq. "Application of Human Rights Laws in Pakistan: A Study with Reference to International Bill of Human Rights." *Journal of Business and Social Review in Emerging Economies* 7, no. 4 (2021): 963-976.

¹² Harrison, Makiko Ito. *The Human Development Index: a search for a measure of human values*. London School of Economics and Political Science (United Kingdom), 2001.

¹³ Malik, Khalid. "Human development report 2013. The rise of the South: Human progress in a diverse world." *The Rise of the South: Human Progress in a Diverse World (March 15, 2013)*. UNDP-HDRO Human Development Reports (2013).

¹⁴ Noorbakhsh, Farhad. "A Modified Human Development Index." *World Development* 26, no. 3 (March 1, 1998): 517–28. [https://doi.org/10.1016/S0305-750X\(97\)10063-8](https://doi.org/10.1016/S0305-750X(97)10063-8).

¹⁵ Khan, Noor Hashim, Yanbing Ju, and Syed Tauseef Hassan. "Investigating the Determinants of Human Development Index in Pakistan: An Empirical Analysis." *Environmental Science and Pollution Research*

development index does not give a complete picture of county's situation. Its girth does not includes the ills like corruption, inequalities, human security, human rights, poverty and most importantly environmental factors.¹⁶ For that purpose HDRO provides the aggregation of various different indices for broader analysis by inculcating above mentioned elements.¹⁷

Calculation of Human Development Index (HDI)

Human development index is mainly a statistical measurement of three basic factors of certain country. It includes life expectancy rate, average years of schooling and income index. There are distinct designed formulas for the calculation of these factors which are given below.

$$\text{Development Index} = \sqrt[3]{\text{Life Expectancy Index} * \text{Education Index} * \text{Income Index}}$$

$$\text{Life Expectancy Index} = \frac{\text{LE} - 20}{85 - 20}$$

$$\text{Education Index} = \frac{\text{MYSI} + \text{EYSI}}{2}$$

$$\text{Income Index} = \frac{\ln(\text{GNIpc}) - \ln(100)}{\ln(20,000) - \ln(100)}$$

18

The components of these formulas are described below:

- Life expectancy at the time of birth → it shows an average long and healthy life

26, no. 19 (July 1, 2019): 19294–304. <https://doi.org/10.1007/s11356-019-05271-2>.

¹⁶ Stanton, Elizabeth A. "The human development index: A history." *PERI Working Papers* (2007): 85.

¹⁷ Nations, United. n.d. "Human Development Index." *Human Development Reports*. United Nations. Accessed November 6, 2022.

¹⁸ Tarabusi, Enrico Casadio, and Paolo Palazzi. "An index for sustainable development." *PSL Quarterly Review* 57, no. 229 (2004).

- Education index → it is an average of mean years of schooling and expected years in school
- Income index → it shows GNI per capita

For the calculation of education index there is needed the values of ‘mean years of schooling index (MYSI)’ and ‘estimated years of schooling index.’ The formulas for the calculation of these two are here below.¹⁹

$$MYSI = \frac{MYS}{15}$$

$$EYSI = \frac{EYS}{18}$$

The value of these two will then be put in the main formula of education index to find the mean of both. After the calculation of all required values they will be inserted in the main formula to find the human development index of certain country.

For example:

- Average life expectancy in Pakistan is 65 approx.
- MYS in Pakistan is 4.4 approx.
- EYS in Pakistan is 10.7 approx.
- Income index of per capita in Pakistan is 5,350 approx.

→ Life Expectancy Index (LEI)

Average life expectancy is 65

$$LEI = LE - 20 / 85 - 20$$

¹⁹ Moles, Richard, Walter Foley, John Morrissey, and Bernadette O'Regan. "Practical appraisal of sustainable development—Methodologies for sustainability measurement at settlement level." *Environmental Impact Assessment Review* 28, no. 2-3 (2008): 144-165.

$$LEI = 65 - 20 / 85 - 20$$

$$LEI = 45 / 65$$

$$LEI = 0.692$$

➡ Education Index (EI)

$$\text{Education index} = \text{MYSI} + \text{EYSI} / 2$$

$$\text{Mean Years of Schooling Index} = \text{MYS} / 15$$

$$\text{MYSI} = 4.4 / 15$$

$$\text{MYSI} = 0.293$$

$$\text{Expected Years of Schooling Index} = \text{EYS} / 18$$

$$\text{EYSI} = 10.7 / 18$$

$$\text{EYSI} = 0.594$$

So in aggregation, Education Index is:

$$\text{EI} = 0.293 + 0.594 / 2$$

$$\text{EI} = 0.443$$

➡ Income Index (II)

$$\text{Income Index} = \ln(\text{GNIpc}) - \ln(100) / \ln(75,000) - \ln(100)$$

$$\text{II} = \ln(5,350) - \ln(100) / \ln(75,000) - \ln(100)$$

$$\text{II} = 8.584 - 4.605 / 11.225 - 4.605$$

$$\text{II} = 3.979 / 6.62$$

$$II = 0.60115$$

Now let us calculate an overall human development index of Pakistan:

$$HDI = \sqrt[3]{LE \times EI \times II}$$

$$HDI = \sqrt[3]{0.692 \times 0.443 \times 0.60115}$$

$$HDI = \sqrt[3]{0.184}$$

$$HDI = 0.5695$$

- (Points of HDI varies from time to time and with the flow of new data present at disposal)

Lingering HDI in Pakistan and International Law

Pakistan is one of the most little developed countries in south Asia. It has been ranked 150 among 189 countries in the context of its human development index (HDI).²⁰ There are various reasons for this fallback which are contributing their huge role in pulling back the socio-economic conditions of whole country. The growing population is the biggest problem for Pakistan, above 60 percent of country's population is youth. The population is a very tricky factor as it can be a blessing and liability as well. Skilled people can contribute their crucial role in the wellbeing of not only their family but will ultimately contribute to the upheaval of overall society. But in Pakistan most of the population is either not skilled or under skilled and their improper regulation is a core hindrance in the path of its development.²¹

There is always a difference in theory and practicality but in the case of Pakistan the second most problematic thing is countries incapacity to adhere with those core human development

²⁰ Pakistan, U. N. D. P. "Human Development and Inequality-Panel Discussion II with UNDP Pakistan." (2021).

²¹ Arshad, Malik Junaid, and Nadia Khadam. "Legislation for the Domestic Application of International Humanitarian Law in Pakistan." *IJLDLR* 10 (2021): 1.

frameworks the previous governments have signed. The political tussle is not allowing the country to follow a proper path which can ultimately help to meet its long term development goal. The core dilemma is that one party ratifies a framework but as soon the other comes the focus changes and mostly they work on those areas which can help these parties winning the upcoming elections. This power wrestle is just like the fight of various mammoths in which the grass is suffering most, which obviously are the people of state.

International law provides a proper roadmap in the context of human development and the statues Pakistan has signed lays a concrete foundations while inculcating various human rights, imperative for the human development. It includes the right to equality, right to life with dignity and non-discrimination, liberty, protection from exploitation and other inhuman abuses. Moreover, right to fair trail, privacy, assembly, economic and political rights, right of nationality, right of movement and even the right to reproduce is enshrined in these covenants which are promising the people of those rights which are inalienable and important for development.

Epilogue

Human development is very tightly linked with various other factors like human rights, economy, right to education and political freedom. This link plays its crucial role in the betterment of the society but ironically in the case of Pakistan it's missing. The human development index (HDI) is lingering day by day and all thanks to political turmoil, economic whirl and lack of focus for implementation frameworks. Pakistan has signed various international frameworks while pledging to work for the betterment of its people. It includes ICESR, ICCPR, UNCAT, CRPD, CEDAW, CRC, CERD and UDHR which are committed to enhance the socio economic conditions of people. But their commitment only will go in vain if Pakistan will not change its focus from geopolitics to geo-economics. Domestic political parties must sit together and think of a larger picture by working on the human development of their people because if public will be given their basic rights and opportunities, they will change to blessing from liability, thus taking Pakistan to the pinnacle of progress, development and prosperity.

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