

SHORT INTRODUCTION TO THE PUBLICATION

REALIZING THE RIGHT TO DEVELOPMENT



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Introduction

In commemoration of the twenty-fifth anniversary of the United Nations Declaration on the Right to Development, this United Nations publication presents for the first time a wide range of in-depth analytical studies by more than 30 international experts covering the context, meaning and application of this right and its potential to shape human rights and development policy and practice. Together they support the concept of an enabling environment for development that would ensure freedom from want and freedom from fear for all people.

Built around the themes of Situating - Understanding - Cooperating for - and Implementing the right to development, the contributions to this volume not only clarify the meaning and status of this right but survey the most salient challenges—based on actual development practice—to its transformative potential. These studies give specific attention to the context in which this right emerged and the principles underlying it, including active, free and meaningful participation in development and fair distribution of its benefits; equity, equality and non-discrimination; self-determination of peoples and full sovereignty over natural wealth and resources; democratic governance and human rights-based approaches to development; international solidarity and global governance; and social justice, especially with regard to poverty, women and indigenous peoples. Further, these principles are examined as they are applied to the issues of aid, debt, trade, technology transfer, intellectual property, access to medicines, climate change and sustainable development in the context of international cooperation, Millennium Development Goal 8 and the global partnership for development, including South-South cooperation. Finally, with regard to monitoring, action and the way forward, the concluding chapters consider the role of international law and national and regional experiences and perspectives as well as provisional lessons learned and thoughts for renewal, and review the proposals to monitor progress and enhance institutional support for implementing the right to development in practice.

Taken together, the contributions to this publication illustrate the far-reaching potential of the right to development and its relevance more than 25 years after the adoption of the Declaration. They make the case for reinvigorating this right in order to realize its added value to advancing human rights, development, and peace and security in an increasingly interdependent, fragile and changing world, including in the post-2015 agenda for sustainable development.

Foreword

We live in challenging times. Across the globe, millions are suffering the merciless, often devastating, effects of the many global crises of our age. The global financial and economic crisis, the food crisis, the energy crisis and the climate crisis have converged in a multi-front assault on human dignity. And our institutions of governance, at both the global and national levels, have been at best negligent, and at times complicit, in this onslaught. As a result, in both North and South, the opening years of the twenty-first century have been marked by growing poverty, inequality, hunger, desperation and social unrest.

This was not the vision of the Universal Declaration of Human Rights that gave birth in 1948 to the modern international human rights movement, promising freedom from fear and want, and declaring that “everyone is entitled to a social and international order in which the rights and freedoms set forth in [the] Declaration can be fully realized”.

And it was not the vision of the Declaration on the Right to Development, the twenty-fifth anniversary of which this publication commemorates.

Since the adoption of that landmark document, a debate has been raging in the halls of the United Nations and beyond. On one side, proponents of the right to development assert its relevance (or even primacy) and, on the other, sceptics (and rejectionists) relegate this right to secondary importance, or even deny its very existence. Unfortunately, while generating plenty of academic interest and stimulating political theatre, that debate has done little to free the right to development from the conceptual mud and political quicksand in which it has been mired all these years.

We are determined to change that.

To do so, we must first take a hard look at the parameters of that debate, as they have evolved throughout the years. This book—the first of its kind—collects articles produced by a broad range of authors and reflecting an equally broad range of positions. Most were generated by or for the many successive expert and intergovernmental mechanisms established by the United Nations to study the right to development. Others were specifically written for this book. All are valuable to our task of documenting, and advancing, the right to development debate.

For the coming years, our challenge will be to move beyond the many myths, distortions and misunderstandings that have plagued the right to development since its codification in 1986. Doing so begins with the recognition of the simple fact, affirmed in numerous United Nations declarations and resolutions, from the 1993 Vienna Declaration and Programme of Action of the World Conference on Human Rights to the 2000 United Nations Millennium Declaration and the 2005 World Summit outcome - and, indeed, the mandate of the High Commissioner for Human Rights - that the right to development is a human right. No more, and no less.

And, because the United Nations recognizes no hierarchy of rights, and all human rights are equal and interdependent, the right to development cannot correctly be viewed as either a “super-right” (i.e., an umbrella right that somehow encompasses and trumps all other rights) or as a “mini-right” (with the status of a mere political aspiration).

Nor should we permit the fog of political debate to confuse the identity of the right holder to whom the right to development belongs: as with all human rights, the rights holders are human beings. Not Governments, not States, not regions, but human beings—that is, individuals and peoples. And because human rights are universal, the right to development belongs to all people, everywhere—from New York to New Delhi, from Cape Town to Copenhagen, and from the deepest forests of the Amazon to the most remote islands of the Pacific. Wherever the accident of their birth, whatever their race, sex, language or religion, all human beings are born free and equal in dignity and rights, including the right to development.

Like all human rights, the right to development also contains a specific entitlement—in this case *the right “to participate in, contribute to, and enjoy economic, social, cultural and political development”*. This basic entitlement, set out with perfect clarity in article 1 of the Declaration, includes a number of constituent elements, enumerated subsequently in the Declaration. Among them are:

- *People-centred development*. The Declaration identifies “the human person” as the central subject, participant and beneficiary of development.
- *A human rights-based approach*. The Declaration specifically requires that development be carried out in a manner “in which all human rights and fundamental freedoms can be fully realized”.
- *Participation*. The Declaration calls for the “active, free and meaningful participation” of people in development.
- *Equity*. The Declaration underlines the need for “the fair distribution of the benefits” of development.

- *Non-discrimination*. The Declaration permits “no distinction as to race, sex, language or religion”.
- *Self-determination*. The Declaration integrates self-determination, including full sovereignty over natural resources, as a constituent element of the right to development.

Equally explicit are the prescriptions provided by the Declaration for the implementation of this right, among them:

- The formulation of appropriate national and international development policies
- Effective international cooperation
- Reforms at the national and international levels
- Removal of obstacles to development, including, *inter alia*, human rights violations, racism, colonialism, occupation and aggression
- Promotion of peace and disarmament, and the redirecting of savings generated therefrom to development

Thus, when you enter into the right to development discussion, when you hear the phrase invoked in academic discourse or in political debate or, indeed, when you review the contributions to this book, I encourage you to do so critically. Ask yourself these questions: Is this the “right to development” codified in the United Nations Declaration? Is the analysis grounded in the recognition of the right to development as a universal human right, with human beings as the right holders, Governments as the duty bearers, and an entitlement to participate in, contribute to and enjoy development at its centre? Where you are unable to answer these questions in the affirmative, you will know that you have left the realm of human rights analysis, and entered into a geopolitical boxing match that uses the right to development as a proxy for other issues that have long complicated relations between North and South.

Our mission, on the other hand, is to promote the realization of all human rights - including the right to development - **as** human rights.

Today, the ideological edifices of the dominant economic models of the nineteenth and twentieth centuries are crumbling under the weight of the realities of the twenty-first. Growing inequalities, global poverty, systemic deprivation, hunger, unemployment, environmental degradation and social unrest raise human rights imperatives that cannot be deferred to the invisible hand of the market, the pilfering hand of the greedy few or the repressive hand of autocratic regimes. The call now, written across the banners of a mobilized citizenry from Tahrir Square to Wall Street, is for accountable and democratic economic and political

governance under the rule of law - at both the national and international levels - with the paramount, sacred mission of ensuring freedom from fear and want for all people, everywhere, without discrimination.

In other words, people are demanding a human rights-based approach to economic policy and development, with the right to development at its centre.

This collection is intended to serve as a resource for experts, advocates and other stakeholders in development and in human rights, United Nations delegations and agencies, policy makers, academics and students, and is a part of ongoing efforts by my Office to advance understanding and, ultimately, the realization of the right to development.

Navi Pillay

High Commissioner for Human Rights

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Realizing the right to development and a new development agenda

This book annotates, elucidates and celebrates the right to development, its evolution, multiple dimensions and usefulness as a development paradigm for our globalized future. It provides the reader with a wealth of resources, including for the actual application of this right in development practice and for monitoring, action and progress.

The alternative vision for development policy and global partnership that was enshrined in the Declaration on the Right to Development, in 1986, an era of decolonization, carried the potential to bring about a paradigm shift that promised to advance human rights, development, and peace and security. Unfortunately, the years that followed saw the continuation of the predominant model of economic development, which despite leading to considerable progress, neglected social concerns, including human rights. Globalization, fostered and facilitated by advances in information, communications and technology, provided the context and overarching philosophy of development and brought many benefits. However, those benefits were, and continue to be, overwhelmingly concentrated among the already privileged: nations and populations alike. The interdependence and interconnectedness that globalization reinforced also meant that the negative impacts of such development crossed national boundaries with increased speed and ease, resulting in global economic, financial, food, energy, climate and other challenges. These, exacerbated by a lack or poor implementation of regulations, culminated in multiple crises.

It is now widely recognized that reliance on market forces as the sole engine and framework for development has failed. In the wake of these failures, it is time to end the political polarization that has stifled the right to development. Instead we must reinvigorate it if we are to surmount the challenges to our common future, including poverty, inequality, hunger, unemployment, lack of access to clean water and sanitation, and limited sources of energy and natural resources. Doing so is a human rights imperative of the first order.

The normative content of the right to development reflects principles that should guide and shape policies and practices in a new development agenda for the future. All the present crises, most notably the climate crisis, have demonstrated that development itself has limits. We must rethink how we can achieve a kind of development that is not

aimed exclusively at creating and distributing material wealth, with its pressures on the environmental resources of our shared planet, but takes into account human rights and respect for the individual and for peoples in all countries.

The international community has agreed on the need for sustainable, inclusive and equitable development. This must take place against the backdrop of the changing contours of geopolitical and socioeconomic realities in an increasingly multipolar world. The fundamental changes taking place around us, including the resounding worldwide calls for democracy, human rights and responsible governance and institutions, will in all likelihood continue to shift the ground beneath our feet. Whereas laws and policies concerning development issues and those relating to human rights and the environment have been evolving in their separate compartments, the multidimensional right to development can promote coherence in the policies emerging from the new ways of thinking that this paradigm demands.

The concept of an enabling environment for development which supports the enjoyment of all human rights by all lies at the heart of the Declaration. The right to development offers a framework in which to address gaps and failures in responsibility, accountability and regulation in both national and global governance. This right is strong in its emphasis on duties, especially the duty of the international community to cooperate, which is particularly consonant with multi-stakeholder involvement in contemporary governance at all levels, and the emergence of a multiplicity of actors and forms of global partnership. The multiple crises of recent years further affirm the call of the Declaration on the Right to Development for meaningful reform in global governance most notably in the economic arena, to ensure equality, democracy and accountability in line with human rights standards.

Making the right to development a living reality for all people everywhere calls for coherent policy, convergent practice and collective action supportive of all civil, political, economic, social and cultural rights, development and peace both within and between countries. Realizing the right to development will serve to renew, strengthen and revitalize the global partnership for development, bringing to it a focus on human dignity and the human rights-based approach to development, and a vibrant sense of community and humanity, participation and mutual understanding, solidarity and shared responsibilities. Real development far surpasses economic growth, and is premised on the values of human well-being and dignity as envisioned in the Declaration on the Right to Development. This can therefore inform our search for responses to the multiple crises, for sustainable development and for a transformative Post-2015 Development Agenda.

The United Nations Declaration on the Right to Development was adopted by the General Assembly in its resolution 41/128 of 4 December 1986, with a recorded vote of 146 in favour, 1 against (United States) and 8 abstentions (Denmark, Finland, the Federal Republic of Germany, Iceland, Israel, Japan, Sweden and the United Kingdom). The right to development has since been reaffirmed in the 1992 Rio Declaration on Environment and Development, the 1993 Vienna Declaration and Programme of Action (which by consensus reaffirmed the right to development as a universal and inalienable right, and an integral part of fundamental human rights), the United Nations Millennium Declaration, the 2002 Monterrey Consensus of the International Conference on Financing for Development, the 2005 World Summit Outcome, the 2007 United Nations Declaration on the Rights of Indigenous Peoples, the 2010 outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, the 2011 Istanbul Programme of Action for the Least Developed Countries for the Decade 2011-2020, the 2012 outcome document of the thirteenth session of the United Nations Conference on Trade and Development, and 'The Future We Want', the outcome document of the United Nations Conference on Sustainable Development in 2012 ("Rio+20").

"It's not an act of nature that leaves more than one billion people around the world locked in the jaws of poverty. It's a result of the denial of their fundamental human right to development.

We must act together to make the right to development a reality for everyone."

*United Nations High Commissioner for Human Rights
Navi Pillay*

This booklet is produced in all United Nations official languages to serve as a short introduction to the publication by the Office of the United Nations High Commissioner for Human Rights (OHCHR) "Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development". The book contains over 500 pages and is available in English only. Both the printed and e-book versions are United Nations sales publications.



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