
THE RIGHT TO DEVELOPMENT: EVOLUTION, PRINCIPLES, CHALLENGES, AND FUTURE DIRECTIONS

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ABSTRACT

The concept of human rights has undergone a great amount of evolution since the Declaration of the Universal Declaration of "human rights" in 1948. The "human rights" framework began albeit in the civil and political liberties and was extended to economic, social and cultural rights in recognition that the inherent dignity and equal and inalienable rights inherent in all members of the human family are the basis of freedom, justice and peace in the world. The Right to development (RTD) is an important but also a tedious human right in this progressive development of "human rights" norms to fill the gap between traditional "human rights" and state and individual aspirations for a better future. Taking this as its starting point, this article takes an article that aims to furnish a comprehensive sketch of the Rights to Development, outlining their historical genesis, conceptual bases, central tenets, problematic of their realization, roles played by actors and their interconnection with other "human rights", and their fundamental importance in the contemporary global setting.

Introduction: Bridging Human rights and Development

In the latter half of the 20th century, more and more people came to recognize that the enjoyment of civil and political rights frequently required meeting basic economic, social and cultural needs. The big gap between developed and developing countries, the colonial heritage and building of the nation, were indications of the linkage between "human rights" and development. It began to become an idea that people and peoples have a right to improve their living standards and have the ability to play a role in deciding on the lives they lead. The RTD was based on this nascent understanding of the concept.¹

Essentially, the RTD is that people and all peoples have the right to the conditions which they need for the full and harmonious development and the enjoyment of the "human rights" and fundamental freedoms to which they are entitled, with the RTD being deemed as essential to peace and development at every level and for all — national, regional, and international. This right is both individual and collective in nature and it reflects the requirement to have in place an enabling environment at the national and international level to promote holistic and sustainable progress. Development becomes seen as a specific human right, the development of both people and of countries, obviating the view that development is simply an economic or technical process, but a human right with attendant obligations to state and international communities to realize it. The RTD, as the topic for this paper will explore, is a complicated and versatile concept with the potential to influence global justice and human dignity. It will analyze the main debates on its definition, implementation and justiciability, as it will be a paramount solution to the hardships of the world, including poverty, inequality and environmental degradation. If we only want to understand the RTD to merely propagate a more equitable and sustainable world where all individuals and peoples can live with dignity and with the IF, then we should fail.²

II. Historical Evolution and Conceptual Foundations of the RTD

The RTD is the product of the latter part of the twentieth century when decolonization movements and growing inequality consciousness combined in a new variety of "human rights" 'articulations.' This idea, taken from earlier international instruments that seek to establish principles of equality, self determination and the right to an adequate standard of living,

¹ International standards OHCHR and the RTD, available at <https://www.ohchr.org/en/development/international-standards>

² Realizing the RTD, United Nations, New York, 2013

expressly acknowledge development as a "human rights", came only with time. The development of the RTD was under way in the 1970s.³

However, many resolutions that established a basis for formal recognition were adopted by the United Nations General Assembly. Social justice and development as the right for all members of society become the focus in the Declaration of Social Progress and Development (1969). Principles such as the national sovereignty, self reliance and the right of every state to choose its own economic and social system referred in such declarations as “the Declaration on the Establishment of a New International Economic Order (1974) and the Charter of Economic Rights and Duties of States (1974)” are essential elements constituting the RTD.

The result of these acts came in 1986, with adoption of the United Nations General Assembly of the Declaration on the RTD. This landmark declaration, in its Article 1, specifically noted “the RTD as an inalienable human right, meaning that every human person and every people have a right to participate in, to contribute to and enjoy economic, social, cultural and political development, in which all "human rights" and fundamental freedoms can be fully realized.” It went into further aspects of the RTD, invoking principles of people centeredness, active and free participation, equity, self-determination, international cooperation among others. It allocated the main responsibility for the implementation of the RTD to states and together with the commitments of the international community in creating an environment supporting the realization of the RTD. The RTD rests on several basic principles of international law and international "human rights". “First, the aim of the RTD is based on the principle of self determination, as enshrined in the UN Charter, which is the right of peoples to freely choose their political status and freely pursue their economic, social and cultural development, and second, the RTD has very close link to the principle of sovereignty over natural resources, as the same is to the right of states to dispose freely of natural wealth and resources in accordance with national interests.” Thirdly, the recognition of the integral and indivisible character of economic, social and cultural rights among civil and political rights is another important element in the framework of the RTD since development is viewed as being a process to the full realization of all "human rights".⁴

Not only that, but the RTD is supported by the ethical obligation to address Global Inequalities

³ Declaration on the RTD, 1986

⁴United Nations Declaration on the RTD available at https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTD_booklet_en.pdf

and to ensure that the entire world population has the possibility of living a life of dignity and reaching his or her potential. This captures the rising awareness that development does not end at economic matters only, but rather it is an all encompassing process involved in the general development of all humankind.⁵ Though formally acknowledged, the RTD has been a topic of debate and different interpretations. One major dispute concerns whether the RTD is first and foremost an individual or collective, right or some combination of the two. The 1986 Declaration is asserted to apply to 'every human person and all peoples' but the focus on state responsibility and collectivity in processes of development has resulted in the oft appealed collective nature of the right. Proponents of the RTD, on the other hand, contend that the RTD has both individual and collective components in that individuals have the right to participate in as well as benefit from development, while peoples have the right over their development path. A further ground of controversy is the justiciability of the RTD. While one would argue that the RTD is a programmatic right with the right to progressive realization, others would contend that some aspects of the RTD, such as the right to participation and non discrimination are immediately justiciable. The implications of this debate involve the mechanisms and remedies for cases of violation of the RTD. Nonetheless, the conceptual foundations of the RTD maintain their position in the principles of human dignity, equality, self-determination and international cooperation. It is a significant step forward towards a totality view in terms of the comprehensiveness of combining "human rights" and development.

III. Key Principles and Elements of the RTD

Several key principles and elements are specified in the Declaration on the RTD for an understanding and realization of that human right. The applicable principles contribute to the framework for policy- and practice-driven development policies and practices on a national and international level.

People centeredness: The central principle in realizing the RTD is, that development must be centered and focused on the well-being of the individual and community. "Article 2(1) of the Declaration reads: The human person is central to development and should be active participant and beneficiary of the RTD." This principle stresses the fact that development must not be regarded as an aim in itself, it must be the means of increasing the entire well-being of people

⁵ Imme Scholz, Reflecting on the RTD from the Perspective of Global Environmental Change and the 2030 Agenda for Sustainable Development, Sustainable Development Goals and "human rights" , Conference proceedings, 2020

and of their density, and promoting their welfare as a whole. It exemplifies that all development processes must take into account the needs and desire of the people and the community.⁶

The RTD emphasizes the participation in all aspects of development which may affect their life, of individuals and peoples. This is expressed in Article 2(3) of the Declaration which indicates that there ought to be “active, free and meaningful participation” of individuals and peoples in the drafting of development policies, in their implementation and monitoring'. It is a principle that development has to be undertaken from below, participatory and inclusive and that people should be empowered to write their own futures. This means creating spaces for dialogue and consultation, with all stakeholders including excluded groups, not just for participation in decision making in an indirect procedural sense.

Non discrimination and equity: The principle of non discrimination and equity is one of the principal components of the RTD. Article 8 of the Declaration says equality of opportunity for all is a basic requirement for the realization of the RTD. It is hereby ensured that all human beings shall have equal access to the means of development." The principle of this is that development must be equitably done with none left behind in the benefits. First, it prohibits discrimination on any grounds, for example, on grounds of race, sex, religion, or disability, and secures mechanisms for eliminating past and current inequalities and to ensure that marginalized groups have equally mutually constable opportunities for (participation in) and (benefit from) development.

“Self-determination and sovereignty over natural resources”: RTD also strongly interconnects with the principle of sovereignty and self-determination over natural resources. Article 1(2) of the Declaration affirms that "The RTD also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on "human rights", the exercise of their inalienable right to full sovereignty over all their natural wealth and resources." “This principle recognizes the right of peoples to freely determine their political status and to pursue their economic, social, and cultural development without external interference. It also acknowledges the right of states to control and utilize their natural resources for the benefit of their people.”

The RTD emphasizes the great importance of international cooperation and solidarity to its realization. According to Article 3 (I) of the Declaration, it is the duty of States to create

⁶ Q&A on the Declaration on the RTD\, available at “<https://www.cetim.ch/qa-on-the-declaration-on-the-right-to-development/>”

national and international conditions favourable to the realization of the RTD.

Good governance and accountability: “Good governance and accountability are prerequisites for the realization of the RTD at national and international levels. Enabling environment for development includes good governance, which is characterized by the rule of law, respect for "human rights" and absence of corruption.” Accountability mechanisms are key to accountability of states and other actors toward the RTD.⁷

This set of key principles and elements gives a thorough picture of the RTD as a human right. They emphasize the diversity of development and the integration of “economic, social, cultural and political achievement” with all "human rights".

IV. Challenges and Obstacles to the Realization of the RTD

Even though the RTD is recognized in international law, its realization at national and international level is hindered by many of its challenges and obstacles. These challenges prevent people and individuals from the right to participate in, benefit from and contribute to the development in a manner consistent with their "human rights" and fundamental freedoms.

Global inequalities and power imbalances: Global inequalities and power imbalances between developed and developing countries greatly hamper the realization of the RTD. There are several forms in which these inequalities appear, including those of wealth, income, resources and technological capabilities. The existing international economic and financial systems tend to perpetuate these imbalances and make it hard for developing countries to implement their own development paths and RTD.

Absence of political will and commitment: Realizing this Right entails high degree of political will and commitment of both the states and the international community. Yet, in most cases, it is by far no longer pointed towards development as a human right and it is by no means sufficient political will to place development at the top of the agenda. The lack of such a commitment results from a cluster of factors: such as the existence of competing national interests; short term political considerations; and political ideas about development which are at odds.

⁷What is governance available at “<https://www.unodc.org/e4j/en/anti-corruption/module-2/key-issues/what-is-good-governance.html>”

Different interpretations and contestations: As noted above, the RTD is disputed in terms of definitions, the scope and implementation of it. However, some of the developed countries have often been reluctant to endorse the RTD in full; as conceptual and aspirational, the RTD is justiciable in nature rather than concrete and concrete, such that at the smaller area, has not been fully embraced by the developed countries. Such differences in interpretation can be a cause for lack of consensus building and effective action in its realization.

Globalization: While globalization is seen to open up economic growth and development, it presents a challenge to the achievement of the RTD, especially under circumstances of the neoliberal policies that foreground market liberalization, deregulation and privatization. Sometimes these policies may result in the opposite with increased inequalities, the weakening of social safety net and the marginalization of groups of disadvantages, thus counteracting the RTD objectives.

“Environmental degradation and climate change: Environmental degradation and climate change pose significant threats to sustainable development and the realization of the RTD. 12 developing countries feel the impacts of climate change — such as rising sea levels, extreme weather events and resource scarcity — most and these impacts can always reverse development gains.” To tackle these environmental challenges, a global effort in this form is needed as well as the way toward more sustainable development models.

Conflict and instability: Conflict and instability, whether internal or international in context, greatly diminish development and the enjoyment of "human rights", including the RTD. Armageddon style economic activity is again handed their opponent. Economic activity is disrupted by armed conflicts, populations are displaced, infrastructure is destroyed, social cohesion is undermined. They rove resources away from development priorities and turn by turn, create environments that have impunity for "human rights" abuse.⁸

Good governance and corruption: Good governance structures and low levels of corruption at both the national and international levels significantly contribute to the fulfilment of the RTD. In corrupt countries, these diverts resources to essential services and development programming, strengthen the rule of law, enhance public trust. Development cannot take place in an environment that is not enabling unless the political context is governed by the principles of good governance involving transparency, accountability and the participation of civil

⁸ P. Alston, "Making Space For New "human rights": The Case Of RTD" 1 Harvard "human rights" Year Book 14 (1988).

society.⁹

Lack of international cooperation and assistance: The RTD emphasizes the need for international cooperation, however, the amounts of development assistance given by developed countries often do not meet their commitments.

These challenges and obstacles should be addressed by concerted and coordinated efforts of all the stakeholders, state, international organisations, civil society and the private sector. It requires achieving a new multilateralism, international cooperation and building development policies based on "human rights" principles.

V. The Role of Different Actors in Promoting and Protecting the RTD

Solving these challenges and the associated obstacles can be effectively addressed by all stakeholders, including the states, the international organizations, the civil society, and the private sector. A renewed commitment to multilateralism, the enhancement of the international cooperation and the development of development policies based on principles of "human rights" is needed.

The RTD may only be enjoyed by those States in which national conditions are created favourable to such enjoyment. Moreover, this entails adopting and implementing adequate laws and policies, and making adequate programs, in respect of the economic, social, cultural and political development that is in conformity with principles and values of "human rights". Development processes must be participatory, inclusive and equitable, and equitable to all members of society, and lack of discrimination. In addition, they are obliged to cooperate internationally in the establishment of an enabling international environment for development.¹⁰

“United Nations and other international organizations: United Nations, and the other international organizations, are vital to promote and protect the RTD.” They facilitate international dialogue and cooperation, create the norms and standards for international community and provide international technical assistance and assistance for states development

⁹ What is governance available at <https://www.unodc.org/e4j/en/anti-corruption/module-2/key-issues/what-is-good-governance.html>

¹⁰ RTD, the duty to cooperate, available at <https://www.globalpolicywatch.org/futureofglobalgovernance/index/d-right-to-development-the-duty-to-cooperate/>

activities. The Working Group on the RTD of the UN "human rights" Council is crucial to monitoring and fulfillment of the RTD. Both development agencies, i.e. UNDP and the World Bank, are also immensely important in assuring that their development programmes and policies conform to "human rights" paradigm, in particular, the RTD.

Civil society organisations: Civil society organisations (CSOs), including non government organisations (NGOs) promote the RTD, ensures that stakeholders perform their duties with regard to the RTD and advocates and creates awareness on the importance of the RTD. CSOs usually work with communities to empower them to participate in development process and claim their rights. They also help in monitoring the actual implementation of the development policies and programs as well as in providing alternative views and critiques.

The private sector: The private sector plays a larger role in development. The RTD is realized through the creation of jobs, the provision of infrastructure, the supply of goods and services that accord with the needs of people. While it is important that the private sector does not fail to operate in a way that respects "human rights", among them the right to freedom of association, the right for local communities and that of local communities to develop and enjoy their natural resources, there is also a critical need for the private sector to take responsibility in a way that can prevent the abuse of "human rights" in the future and the violations that are perpetuated under the guise of investment. The private sector should provide the service for the best to the people in need regardless of their race, colour, creed, religion etc.

Individual beneficiary and subject of the RTD Active and meaningful participation of women is important otherwise development processes will not be responsive to their needs and aspirations. People and communities have a right to demand their RTD and to require states and other actors to realise it. The exercise of this right requires that individuals and communities are empowered and capacity built for this to actually happen.

To achieve the effective promotion and protection of the RTD, all these actors need to collaborate and coordinate with one another. This implies a common understanding of the RTD principles and elements and the will to cooperate in attempting to tackle the challenge and obstacles in the way of its realization.¹¹

¹¹ BEST PRACTICES IN DEVELOPMENT CO-OPERATION SERIES, "Applying a human rights and gender equality lens to the OECD evaluation criteria", available at https://www.oecd.org/content/dam/oecd/en/publications/reports/2023/06/applying-a-human-rights-and-gender-equality-lens-to-the-oecd-evaluation-criteria_beebe308/9aaf2f98-en.pdf

VI. The RTD and Other human rights

Implying that the RTD can claim itself in relation with all other "human rights", whether civil or political, economic, social or cultural. This approach is based on a principle of indivisibility and interdependence of all "human rights" which takes into account that the full realization of one set of rights is of necessity to be achieved *inter alia* through the realization of other sets of rights.

The enjoyment of other "human rights" is enabled by the realization of the RTD. Thus, for instance, economic development that contributes to poverty reduction can help people to achieve education, healthcare and sufficient housing, which are economic and social rights. Political development that is in support of and promotes democracy, the rule of law and good governance facilitates the assurance of civil and political rights such as freedom of expression, association and participation in public affairs.

On the other hand, ability to enjoy other "human rights" is an important prerequisite to realising the RTD. For someone the right to participation means that people and communities can contribute to and shape development process. It is due to the rights of freedom of expression and association people can speak out and advocate for development policies those are in their interest. The right to education is a tool for giving the knowledge and skills to involve themselves equally in the process of development. Right to health means the people have a right to be physically and mentally well being for their contribution to, or development.¹²

It should also be noted that the principle of non discrimination, as is central to the RTD, is also an underlying fundamental principle of all "human rights". "human rights" discrimination in any ground can prevent people in taking part and deriving the benefit from development, and hence jeopardizing the realization of the RTD and other "human rights".

The interrelation of the RTD with other "human rights" necessitate the consideration of development in its totality and in an integrated and holistic manner taking into account all of the dimensions of human well-being. Therefore, development policies and programs should be designed and carried out with a view to securing, protecting and realizing all "human rights", and that progress in one area shall not prejudice the progress in other areas.

By placing the RTD within the wider context of "human rights", his significance as a fundamental entitlement is further highlighted and that it is an entitlement which, if realised, will aid in the creation of a just and equitable one whereby all people can live in dignity and realising their full

¹² Soumi Das/ActionAid, Understanding education as a right, Matkota Primar School, India

potential.

VII. Conclusion: The Enduring Significance of the RTD

The RTD is a recognition of man's evolving "human rights" understandings in that real human dignity and well being are not just the subject of the protection of the civil and political liberties but also of creation of conditions conducive to the economic and social and cultural as well as political progress. Due to various interpretations, implementation and justiciability issues, the life of the organization has been challenging; however, the fact remains that its impact in the twenty first century global context is considerable and cannot be overlooked.

In context of this world which is still struggling with poverty, environmental degradation and conflicts, the RTD offers a valuable framework for developing approaches to development that are human dented, participatory, equitable and sustainable. This highlights the need to tackle the root causes of underdevelopment and make certain that all people and peoples have the possibility to lead a life of dignity and to achieve their potential.

This RTD incites that development must be our default and talks about a shift in paradigm from the way we gauge development to one that encompasses everything from "human rights" to social justice to environmental sustainability. Designed to give states and the international community obligations to work together to fashion an enabling environment for development, it recognises that the prevention of global threats imperils the prospects of sustainable development and hence calls for collective action and solidarity.¹³

In that regard, it is needed to consolidate the implementation and monitoring of the RTD at national and international levels. Therefore, it requires greater political will and commitment, the concrete indicators and benchmarks, and the appropriate accountability mechanisms. In addition, this also requires constant talk and cooperation among all the stakeholders, including the states, international organizations, civil society, private sector and individual as well as the community.

The realization of the RTD is not just a desirable thing for our societies, but is absolutely a fundamental imperative for a more just, equitable and just world. To create such a future, fulfilling the principles, we must embrace them and work together to achieve them. The RTD is a potent reminder that development is no longer about economic growth, it's about people's empowerment, equality, and opportunities for everyone enjoying dignity, and opportunities of life.

¹³ Felix Kirchmeier, The RTD - Where do we stand?, available at <https://library.fes.de/pdf-files/iez/global/50288.pdf>

VIII. Future Directions and Strengthening the RTD

Although the Declaration on the RTD lays the foundation, realisation of its practical implications as the world evolves means continuous work and adaption. The years ahead can be of significant assistance for the development of the strong RTD to several key directions strategy.

Mainstreaming the principles of the RTD into national development plans, policies and legal frameworks: An important step is to integrate the RTD into National Development Frameworks. For this reason, governments have to conduct "human rights" impact assessment of development initiatives, and in so doing they need to be participatory, equitable, and contribute to realizing all "human rights". Targeting and indicators related to RTD can also improve accountability through the incorporation into national monitoring and evaluation mechanisms.¹⁴

International Cooperation: Strengthening of international cooperation and partnerships continues necessary in view of its global dimension. It includes demonstrating the fulfillment of strict commitments connected to Official Development Assistance (ODA), enforcing fair trade practices, addressing overt flows of illicit funds and facilitating technological transfer. But South South and triangular cooperation workings can also become more and more relevant in the sharing of the best practices and the building of capacities to achieve the goals of the RTD.

The United Nations system, to wit, the "human rights" Council and its Working Group on the RTD, can additionally facilitate strengthening its role in promoting and monitoring the RTD. It might include developing practical guidelines and tools for implementation, conducting thematic studies on emerging challenges, and stimulating a dialog, exchange of experience and cooperation between stakeholders. As well, the RTD must be strengthened as means to better integrate the RTD into different UN agencies and programs.

Further study deserves to be devoted to efforts aimed at popularizing or at the very least, enhancing justiciability of the RTD, including some – albeit not necessarily all – fundamental aspects of it, including the Right to participation and non-discrimination. It could include the creation of national level legal remedies for RTD violations and a support to the work of the regional and international "human rights" mechanisms in respect to related questions. To make development processes rights respecting, it is imperative to strengthen accountability mechanisms of both state actors and non state actors.

¹⁴ Yuefen Li, Daniel Uribe and Danish, THE INTERNATIONAL DISCOURSE ON THE RTD AND THE NEED TO REINVIGORATE : ITS IMPLEMENTATION, SOUTH CENTRE, 2022

The RTD: Addressing Emerging Global Challenges Through an RTD Lens offers a relevant platform for dealing with past and emerging global challenges that include climate change, pandemic, digital divides and forced migrations. The principles of participation; equity; international cooperation should be applied in responding to these challenges, to bring such responses to be "human rights" based and contribute to sustainable and inclusive development for all. For instance, there must be differentiated responsibilities of states in the provision of climate action; it must support a just transition which not only addresses the rights of the communities affected, but also respond to livelihoods and economic shocks and vulnerabilities.

Strengthening Individuals and Communities: It is important to empower individuals and communities in asserting their RTD. It entails driving "human rights" education, providing for the right to access the information and supporting the efforts of civil society organizations that are working to promote the RTD at the grass roots. It is particularly important to enable marginalized groups to participate in making and implementing development processes.

Building Multi Stakeholder partnerships: Realizing the Right of (development) requires multi stakeholder partnership amongst governments, international organizations, civil society, the private sector, academia and individuals. Having platforms available for dialogue and collaboration can help us to come to a shared understanding of the RTD and from that understand the need for coordinated strategy implementation.

Developing Context Specific Approaches: So is the recognition of diversity of the national contexts and the development challenges faced. The principles of the RTD are universal but its implementation must be modified to local country situations keeping in view local needs, priorities and cultural ethos.

Furthering these transformational future directions and strengthening their implementation will assist the international community to more closely attain its vision of a world where all people and all individuals are able to participate in and to enjoy development while fully respecting their "human rights" and fundamental freedoms. RTD still serves as the guide for efforts for a more just and sustainable future of global build.