

PART TWO

**Understanding
the right to
development**

underlying principles

Introduction

Each of the 10 chapters in Part II analyses one or more of the principles underlying the Declaration on the Right to Development or the special obligations towards people whose welfare is a priority for the proper understanding of this right.

The principle of self-determination, like the right to development, has been conceived as a right belonging to peoples. The concept of peoples' rights emerged in human rights standard-setting in large part through the affirmation of the right of peoples to self-determination, which is inextricable from their right to permanent sovereignty over their natural resources. These two peoples' rights, which are the topic of chapter 5 by Nicolaas Schrijver, are related to the right to development in several significant ways. Nico Schrijver attaches particular importance to the development of the principle of permanent sovereignty in the Declaration on Permanent Sovereignty over Natural Resources of 1962 and the United Nations Declaration on the Rights of Indigenous Peoples of 2007. The right to self-determination is reaffirmed in the Declaration on the Right to Development to recognize the economic dimension of this right, complementing the political dimension; both have evolved dynamically and are integral to the right to development today.

Participation emerged as pre-eminent from the earliest efforts to clarify the normative content of the right to development. The Declaration introduced the qualifiers of "active, free and meaningful", which Flávia Piovesan takes as the theme of chapter 6. Piovesan identifies political liberties and democratic rights as instrumental to participatory development.

She analyses how this principle applies both in national-level policymaking and in the decision-making processes of global institutions, and concludes by finding the recent political transformation in the Middle East and North Africa region to be a response to the violation of the right to development and an exemplary case of its significance as an empowering process.

Raymond Atuguba addresses in chapter 7 the principles of equality, non-discrimination and fair distribution of the benefits of development and explores how these three principles are reflected in the Declaration. The first two are common to the entire corpus of human rights, while the third is specific to the right to development. Finding that "inequality, inequity, discrimination and unfairness characterize the determination of what constitutes development", Atuguba challenges the "monolithic conception of development", which has produced the "unequal distribution of the benefits of development". He then identifies counter-trends reflected, among others, in the Declaration on the Right to Development, the Vienna Declaration and Programme of Action adopted at the 1993 World Conference on Human Rights, the Monterrey Consensus adopted at the 2002 International Conference on Financing for Development and in the work of the high-level task force. Drawing lessons from the Arab Spring of 2011, he concludes by inviting the reader to contemplate "what will happen if the rest of the world, similarly denied the right to development, rose up in similar fashion on a global scale".

Siddiq R. Osmani clarifies in chapter 8 the meaning of the human rights-based approach to

development in the context of an era of globalization and the right to development. The concepts are often confused, and Osmani sheds light on how they are related. He explains how a human rights-based approach can “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”. The right to development, on the other hand, refers to a “comprehensive framework of policies and institutions”, which complies with three categories of principles: “(a) those informing the process of policy formulation; (b) those shaping the content of policies; and (c) those guiding the monitoring of policy implementation”. He concludes that if these principles are followed it will be “possible to harness the growth-promoting potential of globalization to the cause of advancing the right to development”.

In chapter 9 on “A human rights approach to democratic governance and development,” Francisco Sagasti identifies three processes that reduce inequalities and exclusion: productive modernization; social democratization; and political legitimization. The first of these principles is conducive to establishing a vigorous economy capable of removing economic exclusion; the second contributes to eliminating social exclusion; and the third creates a representative and efficient State apparatus that eliminates political exclusion. He identifies the role of the responsible actors (intergovernmental organizations, international financial institutions, bilateral aid agencies, civil society and the private sector) in advancing these three processes.

Social justice lies at the core of the right to development, and the chapters on poverty, women and indigenous peoples address issues which are particularly significant in the pursuit of social justice outcomes. Irene Hadiprayitno discusses in chapter 10, “Poverty”, the interconnection between the right to development and poverty in its multidimensionality. She looks at two of the most distinguishable elements of the right to development, popular participation and fair distribution of benefits, and stresses that, in their absence, poverty persists and perpetuates both in its economic and non-economic forms. She considers global institutional arrangements as tools that can impede or support poverty eradication schemes and recommends their reform in order to realize the fair distribution of benefits, promote participation and address vulnerability and social exclusion stemming from poverty.

Fareda Banda, in chapter 11, entitled “Women, human rights and development”, traces the evolution of the promotion of women’s rights since the 1970s and notes that the Declaration on the Right to Development emerged at a moment in that history when “women and development” had prevailed over the idea of “women in development”. This was due partly to the former’s “failure to engage with the particularities of women’s experiences of dispossession and dislocation in ... development discourse”, in spite of its explicit references to women. She regrets that the Working Group has not focused on this issue and recommends that “greater attention ... be paid to the impact of discrimination on women’s access to resources and power and the impact on their ability to participate in and benefit from development”. In her view, even the positive use of human rights-based approaches does not go far enough in generating real improvement in the lives of women.

In chapter 12, Koen De Feyter, addresses “Indigenous peoples” in relation to the right to development, pointing out that they are not mentioned in the Declaration on the Right to Development and that little attention has been paid to them in the work of the United Nations on the right to development, including by the high-level task force. After considering the recognition of an indigenous right to development in Convention No. 169 of the International Labour Organization (ILO) and the United Nations Declaration on the Rights of Indigenous Peoples, he focuses on the *Endorois* case under the African Charter on Human and Peoples’ Rights and concludes by arguing that indigenous peoples should be considered as “peoples” as understood in the Declaration.

Balakrishnan Rajagopal, addresses in chapter 13 the important question of global governance. Taking as his starting point the real threats to world economic expansion and to real wealth and, consequently, to economic and social well-being, especially of the most vulnerable populations, Rajagopal finds in the Declaration on the Right to Development a call to identify who is accountable and who will be responsible for ensuring a more sustainable future. The right to development, he asserts, “could provide a framework for tackling these questions”. He identifies four challenges of global governance: its changing character and location; the geopolitics resulting from the rise of the “rest” and the transformation of the global development agenda; the reorientation of the third world as a counter-hegemonic force; and the need after the 2008 crisis to “reckon with the limits to development itself, and ... with the implications of

such an approach for human rights". He concludes by noting that the Declaration is disconnected from the real politics of human rights and that there is a "need to recover the more progressive elements of the right to development".

The final chapter in this part elucidates a principle that is implicit in the Declaration, namely, international solidarity. Chapter 14, "International solidarity in an interdependent world" by Shyami Puvimasinghe describes how international solidarity can be a bridge to collective responses to interconnected

challenges in an interdependent world. Building on the links between the idea of solidarity and the duty to cooperate, integral to the right to development, she traces its evolution through the course of international law and organization, connecting solidarity to emerging conceptions of shared responsibilities. The chapter considers examples of State practice through international commitments and organizations and the workings of a broad range of stakeholders, notably global civil society, which provide evidence of international solidarity in action, and concludes by reiterating its significance for a shared future.