

Equality, non-discrimination and fair distribution of the benefits of development

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To invoke the right to development for the sake of greater equity is therefore an untrustworthy undertaking. At the core of this cover-up ... lies the semantic confusion brought about by the concept of development. After all, development can mean just about everything. It is a concept of monumental emptiness, carrying a vaguely positive connotation. For this reason, it can be easily filled with conflicting perspectives. On the one hand, there are those who implicitly identify development with economic growth, calling for more relative equity in GDP. Their use of the word "development" reinforces the hegemony of the economic world-view. On the other hand, there are those who identify development with more rights and resources for the poor and powerless. Their use of the word calls for de-emphasizing growth in favour of greater autonomy of communities. For them, development speech is self-defeating; it distorts their concern and makes them vulnerable to hijack by false friends. Putting both perspectives into one conceptual shell is a sure recipe for confusion, if not a political cover-up.¹

I. Introduction

The era of a global commons is hard upon us.² Climate change, terrorism, the social media that connect millions of people from the farthest points of the globe instantaneously and the spread of the idea of democracy in North Africa and through the "Arab Reawakening" have thrust the reality of this phenomenon upon us so hard we barely manage to stand upright.

Throughout history, the global South has consistently raised its artificially hushed voice, now in plea, now in anger, to the North and either begged or demanded the recognition of a global commons. They have insisted that both the North and the South are more intimately connected than some would care to acknowledge, and that they must rise or fall together. The Universal Declaration of Human Rights, the Declaration on the Establishment of a New International Economic Order and the Declaration on the Right to Development are examples of the few instances in which the global South (the "Rest"), supported by some allies in the North, was able to script the story.

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¹ Wolfgang Sachs, ed., *The Development Dictionary: A Guide to Knowledge as Power* (Zed Books, 2010), p. xi.

² "In the global South, for instance, initiatives emphasize community rights to natural resources, self-governance and indigenous ways of knowing and acting. In the global North, post-development action instead centres on eco-fair businesses in manufacture, trade and banking, the rediscovery of the commons in nature and society, open-source collaboration, self-sufficiency in consumption and profit-making, and renewed attention to non-material values." (Ibid., p. xiii.)

In this chapter I re-examine the international principles of equality and non-discrimination as they relate to the right to development; give a snapshot of inequality, discrimination and unfair distribution of the benefits of development; establish the centrality of serious, concrete and effective mechanisms to ensure equality, non-discrimination and the fair distribution of the benefits of development, undergirded by human rights principles; and recount a number of efforts to do this in the recent past.

I conclude, apocalyptically and eschatologically, that the globe is inching towards a disaster that can only be averted if the principles of equality, non-discrimination and the fair distribution of the benefits of development are taken seriously, implemented and monitored at the national and international levels. When the benefits of development can be shared, allowing effective opportunities and access for the 80 per cent of the world's population and the 80 per cent of populations within nations that suffer discrimination, we will have begun to pull back from the precipice.

II. Clarifying and rethinking equality and non-discrimination³

Equality and non-discrimination are central to the corpus of rights guaranteed by international human rights law. Indeed, international law and international human rights law were born of a desire to ensure that States and their most precious assets, human beings, are treated with some measure of equality and non-discrimination, regardless of their origin and circumstances.⁴

Further, principles of international law, and specifically of international human rights law, allow, at least at a formal, rhetorical level, affirmative action to favour historically disadvantaged States to regain their former strength through greater equality, non-discrimination and access to global resources.⁵ It is safe to say that equality and non-discrimination have been widely adopted into law at the international and national levels. They carry a huge potential for underpinning various moves to correct social and economic inequalities through the fair distribution of the benefits of development.

³ Ideas for this section are partly drawn from Gillian MacNaughton, "Untangling equality and non-discrimination to promote the right to health care for all", *Health and Human Rights*, vol. 11, No. 2 (2009).

⁴ This is evident from the preamble to the Universal Declaration of Human Rights and its articles 1 and 2.

⁵ See, for example, *Affirmative Action: A Global Perspective* (Global Rights, 2005), pp. 2 ff. Available at www.globalrights.org.

However, the difference between the concepts of equality and non-discrimination is not very clear. They mean different things in particular jurisdictions and circumstances and over time. Despite the limited clarity, it is obvious that in the international economic order, positive equality has a greater propensity than status-based non-discrimination to support the kinds of reforms that can lead to a fair distribution of the benefits of development. As MacNaughton notes:

Over the past three decades, legal scholars have often affirmed that equality and non-discrimination are equivalent concepts in international human rights law. They further describe these concepts as "two sides of the same coin", or as negative and positive forms of the same principle. Positive and negative concepts of the principle of equality, however, are not equivalent. In positive terms, the principle would require that everyone be treated in the same manner unless some alternative justification is provided. In negative terms, the principle might be restated to allow differences in treatment unless they are based upon a number of expressly prohibited grounds.

Thus, positive and negative forms of equality are very different. When positive equality is the norm, any inequality must be justified. When negative equality is the norm, most inequalities are accepted; only inequalities based upon one of the prohibited grounds, for example, race, sex, language or religion, must be justified.

Importantly, in international law, the equality principle is usually stated in the negative form, which is commonly known as "non-discrimination". By equating the two forms of equality in international human rights law and calling them "non-discrimination", the positive right to equality has disappeared.⁶

The literature on this subject hardly acknowledges that poverty and economic status are prohibited grounds of discrimination under international human rights law. Again, international human rights law has focused primarily on bloc equality, more often known as non-discrimination, in its attempt to ensure that groups such as persons of colour and ethnic and political minorities are not discriminated against.

The equality and non-discrimination provisions in the International Bill of Human Rights would be more useful for ensuring the fair distribution of the benefits of development if "poverty" were recognized as a prohibited ground of distinction. Importantly, the non-discrimination provision in the Universal Declaration of Human Rights lists "property" as one of the prohibited grounds of distinction and this provision applies to all of the rights in the Declaration. This "means that it prohibits wealth-based distribution of education, health care and social security, just as it

⁶ MacNaughton, "Untangling equality and non-discrimination", pp. 1-2.

prohibits wealth-based access to voting in public elections or to justice in the courts".⁷

The Human Rights Committee, in its general comment No. 18 (1989) and drawing on the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women, defined "discrimination" in the International Covenant on Civil and Political Rights as "any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms". Despite the more elaborate provisions on equality and non-discrimination in the Covenant, the Human Rights Committee has almost exclusively limited its discussions to bloc equality.⁸

General comment 20 (2009) of the Committee on Economic, Social and Cultural Rights states that discrimination undermines the fulfilment of economic, social and cultural rights (para. 1). It addresses discrimination in the recognition, enjoyment or exercise, on an equal footing, of the rights in the International Covenant on Economic, Social and Cultural Rights, noting that a similar definition of discrimination appears in other international human rights instruments (para. 7). Both formal and substantive discrimination must be eliminated, implying that, firstly, States' constitutions, laws and policy documents must not discriminate on prohibited grounds (para. 8 (a)) and, secondly, that States must prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination (para. 8 (b)). This general comment addresses direct discrimination, which occurs when a person is treated less favourably than another person in a similar situation for a reason related to a prohibited ground, and indirect discrimination, which takes place when laws, policies or practices that appear neutral have a disproportionate impact on the exercise of rights (para. 10). It also addresses the issues of discrimination in the private sphere, systemic discrimination, the permissible scope

of differential treatment, membership of a group and multiple discrimination. It lists the prohibited grounds for discrimination (race and colour, sex, religion, political opinion, national or social origin, property, birth, disability, age, nationality, marital and family status, sexual orientation, health status, place of residence, and economic and social situation) (paras. 15-35) and concludes by laying down measures for national implementation: legislation; policies, plans and strategies; elimination of systemic discrimination; remedies and accountability; and monitoring, indicators and benchmarks.

To ensure real equality, non-discrimination and the fair distribution of the benefits and the burdens of development, the international community must work assiduously to include in the interpretation of the International Bill of Human Rights explicit mention of a prohibition of discrimination on the bases of "social or economic status" and "property". Again, the one-to-one equality for which strict enforcement measures are available, as in the case of the right to vote, for example, must be extended in some measure to economic and social rights as well as the right to development. Without this, our quest for equality and non-discrimination in the distribution of the benefits of development will remain an ideal that is never realized.

The three concepts, discrimination, equality and the equitable distribution of the benefits of development, are well defined in the Declaration on the Right to Development. Regarding discrimination, article 5 stipulates a duty of States to "take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as ... racism and racial discrimination ...". Regarding equality, the preamble states that "equality of opportunity for development is a prerogative both of nations and of individuals who make up nations", and article 3 refers to "a new international economic order based on sovereign equality." Article 8 calls on States to "undertake, at the national level, all necessary measures for the realization of the right to development", adding that they "shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income". Finally, the Declaration is more explicit when it comes to the unfair distribution of the benefits of development. One of its most juridically significant provisions is article 2 (3), according to which "States have the right and the duty to formulate appropriate national development policies that aim at the constant

⁷ *Ibid.*, p. 3.

⁸ The Committee's concerns are, inter alia, homelessness among African Americans in the United States of America; discrimination with regard to equal access to health services, social assistance, education and employment against the Roma in some European countries, against lesbian, gay, bisexual and transgender persons in Japan and against the Maori in New Zealand; and the impact of severe cuts in welfare programmes on women and children, especially Aboriginal people and Afro-Canadians, in British Columbia, Canada (*ibid.*, pp. 51-52).

improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom". Further, as already mentioned, article 8 refers to "the fair distribution of income" in the context of "economic and social reforms [which] should be carried out with a view to eradicating all social injustices".

Twenty-five years after the adoption of the Declaration, frustration with the lack of equal opportunity for development of individuals and nations, and especially with the unfair distribution of the benefits of development, has not abated.

III. Inequality, discrimination and the unfair distribution of the benefits of development

To say that the benefits of development are unfairly distributed is a contradiction in terms. Development, in the real sense of the word, implies fair distribution of resources in an equitable manner.

At the international and national levels, and unfortunately in most of the world, underdevelopment—defined as inequitable distribution of resources—is seen in the face of plenty. Inequality, inequity, discrimination and unfairness characterize the determination of what constitutes development, circumscribe the avenues available for participation in development and hamper access to the resources spawned by development.

At the international level, one monolithic conception of development has been foisted on the world, fathered, mothered, nannied and nurtured by a small cabal. Many credible insiders have bemoaned the fact that we have a system that might be called global governance without global government, one in which a few institutions—the World Bank, the IMF, the WTO—and a few players—the finance, commerce, and trade ministries, closely linked to certain financial and commercial interests—dominate the scene, but in which many of those affected by their decisions are left almost voiceless. It's time to change some of the rules governing the international economic order.⁹

As noted by Flávia Piovesan in the preceding chapter of the present volume, ironically, these policies of the international financial institutions are determined by the same States that have legally binding obligations under the International Covenant on Economic, Social and Cultural Rights. Thus, the struggle

for improving democracy, transparency and accountability in the global financial architecture is becoming an indispensable prerequisite for equality, non-discrimination and the fair distribution of the benefits of development.

Some 80 per cent of the world's resources are consumed by 20 per cent of the world's population.¹⁰ Even the efforts at addressing this glaring disparity by democratizing development processes and ensuring the free, active and meaningful participation of the beneficiaries of development have met serious roadblocks. Generally, those efforts have been defeated and captured by the same rule of law formalism¹¹ and the same hegemonic forces of globalization that created the problem in the first place.

It is not only at the international level that unequal distribution of the benefits of development exists. Indeed, the international framework that unleashes inequity finds concrete expression in national contexts: it is there that those who are unable to be caught up by the elevating forces of globalization are left behind. This chilling note from an intelligent observer is very long, but worth the reading:

In hindsight it has become obvious that the events of 1989 finally opened the floodgates for transnational market forces to reach the remotest corners of the globe. As the era of globalization came into being, hopes of increased wealth were unleashed everywhere, providing fresh oxygen for the flagging development creed.

On the one hand, the age of globalization has brought economic development to fruition. The Cold War divisions faded away, corporations relocated freely across borders, and politicians as well as populations in many countries set their hopes on the model of a Western-style consumer economy. In a rapid—even meteoric—advance, a number of newly industrializing countries acquired a larger share of economic activity.

But, on the other hand, the age of globalization has now superseded the age of development. This is mainly because nation-states can no longer contain economic and cultural forces. Goods, money, information, images and people now flow across frontiers and give rise to a transnational space in which interactions occur freely, as if national spaces did not exist. For this reason, development thinking increasingly

¹⁰ United Nations Development Programme, *Human Development Report 1998: Consumption for Human Development* (New York and Oxford, Oxford University Press, 1998), p. 50. Similar statistics updated to 2011 are contained in World Bank, *World Bank Development Indicators 2011*, p. 17.

¹¹ This term draws a parallel between: (a) "legal formalism", the legal positivist view that the substantive justice of a law is a question for the legislature and not the judiciary; and (b) "rule of law formalism", the insistence by donor countries and agencies that countries in the South must ensure the rule of law in their countries in order to continue to benefit from aid. The latter does not inquire into the history, circumstances, future and other features of those rules, which would be a prerequisite for achieving equality, non-discrimination and fairness in distributing the benefits of development for historically disadvantaged groups.

⁹ Joseph E. Stiglitz, *Globalization and its Discontents* (New York and London, W.W. Norton, 2003), pp. 21-22.

lost its way, as both the actor and the target of development withered away under the influence of transnationalization.

As a result of this shift, development came to mean the formation of a global middle class alongside the spread of the transnational economic complex, rather than a national middle class alongside the integration of a national economy. Seen from this perspective, it comes as no surprise that the age of globalization has produced a transnational class of winners. Though they exist in different densities at different points around the globe, this class is to be found in every country ... Western style ... development, to be sure, continued spreading during the globalization period, but boosted the expansion of the transnational economic complex rather than the formation of thriving national societies.¹²

While the beneficiaries of “the transnational economic complex” are soaring, “national societies” are fragmenting under the weight of the forces of globalization. Significant minorities in North America and Europe and clear majorities in countries such as South Africa and the Sudan are denied opportunities to live a full life. In particular, they are systematically subjected to policies that ensure that they are starved of food, water, health care, education, peace of mind and happiness. Poverty denies many children an education and the capabilities to live a full life. It leads to struggles over resources, many of which escalate into ethnic, national and regional crises. All these consequences of poverty and underdevelopment diminish the human condition. Thus, inequality, polarization and a threat to national and global peace coexist and increase, together with spiralling growth rates for the “Rest”.

One cannot but agree with Stephen Marks when he notes that the right to development has both an external and an internal dimension, “the former referring to the obligations to contribute to rectifying the disparities and injustices of the international political economy and to reduce resource constraints on developing countries, while the latter referred to the duty of each country to ensure that its development policy is one in which all human rights and fundamental freedoms can be fully realized ...”.¹³ Such a development policy—one that is based on human rights—cannot but be equitable, non-discriminatory and fair in the distribution of resources, as required in the articles of the Declaration on the Right to Development quoted above.

IV. Efforts to reverse the trend

The global South has always known development, as operationalized by mainstream development agents, to be quite farcical. As the “Rest”, it has always known that a development paradigm that is not centred on a genuine understanding of and respect for human rights—an understanding that has at its core a striving for equality, equity, non-discrimination, fair distribution of resources and broader social justice—is a waste of time.

It is not surprising that the Declaration on the Right to Development calls for appropriate economic and social reforms to be carried out with a view to eradicating all social injustices. Indeed, the right to development as a human right emerged in the United Nations system in parallel to the quest for a new international economic order and the Charter of Economic Rights and Duties of States,¹⁴ obviously as bastions for equity. Nonetheless, as Sachs notes,

It is crucial to distinguish two levels of equity. The first is the idea of relative justice, which looks at the distribution of various assets—such as income, school years or Internet connections—across groups of people or nations. It is comparative in nature, focuses on the relative positions of asset-holders, and points towards some form of equality. The second is the idea of absolute justice, which looks at the availability of fundamental capabilities and freedoms without which an unblemished life would be impossible. It is non-comparative in nature, focuses on basic living conditions, and points to the norm of human dignity. Generally speaking, conflicts about inequality are animated by the first idea, while conflicts about human rights are animated by the second.¹⁵

The World Conference on Human Rights, held in Vienna in 1993, reaffirmed that the “Rest” who are committed to the process of democratization and economic reforms (a euphemism for deploying a particular type of development) should be supported by the international community in their transition to democracy and economic development. The World Conference reaffirmed the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights and urged States to cooperate with each other in ensuring development and eliminating obstacles to development.¹⁶

There was a renewed commitment to development at the turn of the millennium. The United Nations Millennium Summit in 2000 agreed to quite ambitious targets to combat the consequences of underdevel-

¹² Sachs, ed., *The Development Dictionary* (see footnote 1), pp. vii–viii.

¹³ Stephen P. Marks, ed., *Implementing the Right to Development: The Role of International Law* (Geneva, Friedrich-Ebert-Stiftung and Harvard School of Public Health, 2008), p. 130.

¹⁴ General Assembly resolution 3281 (XXIX) of 12 December 1974.

¹⁵ Sachs, ed., *The Development Dictionary* (see footnote 1), p. ix.

¹⁶ Vienna Declaration and Programme of Action, Part I, para. 10.

opment—poverty, hunger, disease, illiteracy, environmental degradation and discrimination against women—and to establish a global partnership for development.¹⁷ Soon after, in 2001, these commitments were formulated into goals with a time horizon, targets and indicators, in the form of the Millennium Development Goals. The Ministerial Declaration of the Fourth Ministerial Conference of the World Trade Organization (the Doha Declaration), adopted the same year, underlined the need to ensure that intellectual property rules do not restrict access to medicines for the poor in order to improve public-health. The following year, the Monterrey Consensus of the International Conference on Financing for Development strengthened the framework for a global development partnership, including agreeing on how to mobilize resources, nationally and internationally, to finance development. The World Summit on Sustainable Development, held in Johannesburg, South Africa in 2001, renewed the commitments to sustainable development made a decade earlier across the Atlantic in Rio de Janeiro, Brazil.¹⁸

In 2005, the Kyoto Protocol to the United Nations Framework Convention on Climate Change, going beyond rhetoric to more concrete action, committed the Parties to reduce greenhouse gases. In the same year, the Paris Declaration on Aid Effectiveness set out principles for donors to improve aid effectiveness and set targets for monitoring progress on new practices. And in September 2008, in Accra, where the present chapter was written, the parties to the Accra Agenda for Action agreed to assist developing countries and marginalized people in their fight against poverty by making aid more transparent, accountable and results-oriented.¹⁹ Two months later, the Follow-up

International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus reviewed progress on the subject since 2001, noted the widening of inequality since then and committed to renewed and more aggressive action to address global poverty and inequality, adopting the Doha Declaration on Financing for Development. Since then there have been many more meetings, declarations, resolutions, conventions, plans, programmes and projects at the international level aimed at righting the international wrong of a world of poverty in the midst of plenty.

At the level of rhetoric, therefore, plans, programmes and projects reflect a clear consensus around the exhortation in the Declaration on the Right to Development that “States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development” (art. 4 (1)). What is not happening quickly enough is a genuine and deep realization of the core international obligation of the Declaration, specifically, effective international cooperation ... “[a]s a complement to the efforts of developing countries, in providing these countries with appropriate means and facilities to foster their comprehensive development” (para. 4 (2)). Such cooperation is a crucial antecedent step to operationalizing the Declaration’s demand for States to take “[s]ustained action ... to promote more rapid development of developing countries” (ibid.).

The imperative of a global response to global inequality and discrimination in the distribution of global resources is clear, especially considering that almost all of the “Rest” were colonized by the “Best”:

The disintegration of the colonial empires brought about a strange and incongruous convergence of aspirations. The leaders of the independence movements were eager to transform their devastated countries into modern nation-states, while the “masses”, who had often paid for their victories with their blood, were hoping to liberate themselves from both the old and the new forms of subjugation. As to the former colonial masters, they were seeking a new system of domination, in the hope that it would allow them to maintain their presence in the ex-colonies, in order to continue to exploit their natural resources, as well as to use them as markets for their expanding economies or as bases for their geopolitical ambitions. The myth of development emerged as an ideal construct to meet the hopes of the three categories of actors.²⁰

Clearly, lasting progress towards the implementation of the right to development requires effective

¹⁷ United Nations Millennium Declaration, General Assembly resolution 55/2.

¹⁸ The 1992 Rio Declaration on Environment and Development reaffirmed the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm in 1972. It underpinned the importance of: (a) recognizing the integral and interdependent nature of the Earth as our home; (b) ways to promote global partnership; (c) the protection of the global environmental and developmental system; (d) the centrality of human beings in sustainable development; (e) the need to bear present and future generations in mind; (f) eradication of poverty in order to decrease disparities; and (g) prioritizing the least developed countries and those most environmentally vulnerable. The themes for Rio+20, held in June 2012, are the green economy in the context of sustainable development and poverty reduction, and an institutional framework for sustainable development.

¹⁹ The Fourth High Level Forum on Aid Effectiveness was held in Busan, Republic of Korea, in November/December 2011. Delegates representing donor members of the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD) and developing country signatories to the Paris Declaration of 2005 met to evaluate progress made since the Third High Level Forum in 2008 and to set out a new framework for increasing the quality of aid in order to achieve the Millennium Development Goals by 2015. Priority areas were predictable aid; use of country systems; an end to policy conditionality; country-driven capacity development; mutual accountability; and reduced transaction costs.

²⁰ Majid Rahnema, ed., *The Post-Development Reader* (Zed Books, 1997), introduction.

development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.

The voices of the “Rest”, having shouted themselves hoarse, are now, in frustration, consciously introducing a discourse of apocalyptic eschatology. If their farsightedness is downplayed and extinguished, the “Rest” will become a fertile breeding ground for terrorist activities, cybercrime and piracy, all of which are activities that are aimed at getting back at the “Best” for presiding over their undoing. This cannot continue, for, as Gandhi said, an eye for an eye will leave the whole world blind. What do we do?

First, we need to acknowledge the farsightedness of the “Rest” in drawing attention, half a century ago and continuously since then, to the apocalyptic course that the “Best” were steering. Second, we need to return to the road not taken and excavate all the principles of equality, non-discrimination and fairness in the distribution of the benefits of development from the declarations at the United Nations that were spearheaded by the “Rest”. Third, we must recognize that the “Rest”, explicitly and implicitly, undergirded the notions of the development for which they fought with human rights principles. As one shrewd observer has noted:

We owe this thinking on the relationship between development and human rights largely to countries of the South. When the newly independent countries of the 1960s and 1970s joined the United Nations, they took the promise of universal human rights principles [seriously] and insisted that they were applied to the conditions of their peoples. Despite serious problems of governance, and often of corruption, the belief was there. From their efforts came the UN Declaration on the Right to Development of 1986. From that deeply influential statement—adopted in Cold War conditions—has come the current thinking of a rights-based approach to development that seeks to bring about the promise of universal human rights and dignity.²¹

Only a process of agreeing on effective development policies, the mode and timing of their implementation and monitoring their implementation at the national and international levels will get us there. This was the noble effort of the high-level task force on the implementation of the right to development.²²

²¹ Mary Robinson, “Bridging the gap between human rights and development: from normative principles to operational relevance”, Presidential Fellows’ Lecture by the United Nations High Commissioner for Human Rights at the Preston Auditorium, World Bank, Washington, D.C. (3 December 2001).

²² See Maria Green and Susan Randolph, “Bringing theory into practice: operational criteria for assessing implementation of the international right to development” (A/HRC/15/WG.2/TF/CRP.5), paper prepared for the high-level task force, summarized and updated in chapter 29 of this publication. See also the report of the task force on its sixth session (A/HRC/15/WG.2/TF/2 and addenda and corrigenda).

V. The work of the high-level task force on the implementation of the right to development

The Working Group on the Right to Development was established by the Commission on Human Rights in 1998 as an open-ended intergovernmental body with an explicit mandate, inter alia, to “monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment”.²³ Civil society organizations could participate as observers at the sessions of the Working Group.

From 2004 to 2010, the Working Group gave a high-level task force on the implementation of the right to development the task of translating the right to development from political commitment to development practice.²⁴ As part of its work, the task force developed criteria and indicators to assess the extent to which States are individually and collectively taking steps to establish, promote and sustain national and international arrangements that create an enabling environment for the realization of the right to development. They were also to serve as a useful tool for stakeholders to assess the current state of implementation of the right to development and facilitate its further realization at the international and national levels; contribute to mainstreaming the right to development in the policies and operational activities of relevant actors at the national, regional and international levels, including multilateral financial, trade and development institutions; and evaluate the human rights implications of development and trade policies and programmes.²⁵

The task force was emphatic that the operationalization of the right to development requires the application of human rights principles and the principles of good governance to the activities of all relevant stakeholders at both the national and international levels.

The information provided by the quantitative and qualitative indicators developed by the task force is also useful for measuring progress in the implemen-

²³ Commission on Human Rights resolution 1998/72, para. 10 (a)(i), endorsed by Economic and Social Council decision 1998/269.

²⁴ The task force was created by Commission resolution 2004/7 and Human Rights Council decision 2004/249.

²⁵ The criteria developed by the task force (A/HRC/15/WG.2/TF/2/Add.2) are reviewed in the chapters in this volume by Sakiko Fukuda-Parr, Maria Green and Susan Randolph, and Stephen Marks.

tation of human rights in general and of the right to development in particular. The indicators are specific structural, process and outcome indicators that support comprehensive and objective assessments.

The high-level task force ceased to exist upon the termination of its mandate. A good number of stakeholders hope that it, or a similar expert group dedicated to transforming the right to development from political posturing to development practice, will rise again like the phoenix.

VI. Conclusion

Equality, non-discrimination and the fair distribution of the benefits of development can no longer wait. Most of the world have been waiting for over a

quarter of a century to see practical results based on the right to development, and they are tired of waiting. They have listened to excuses and endured meetings, conferences, declarations and resolutions. They are now resorting to some inimical actions to reinforce their yearnings: terrorism, money-laundering, piracy, kidnappings, cybercrimes.

The recent events in North Africa and the Arab world are not only an example of uprisings in the face of repression of civil liberties; they are the result of “underdevelopment”—whatever that means—or, more accurately, the absence of “development” in the sense understood by the Declaration. One can only imagine what will happen if the rest of the world, similarly denied the right to development, rose up in similar fashion on a global scale.