

The Normative Framework of the Right to Development: Renewed Relevance in an Era of Globalization and Interdependence

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“We solemnly appeal to the International Community, including the UN, to take concerted and urgent measures to increase access to food, nutrition, clean water and health protection for these very vulnerable people”. Today, the worst regional drought in the Horn of Africa in 60 years affects 10 million people including 3.2 million in northern Kenya, 3.2 million in Ethiopia, 2.6 million in Somalia, 117,000 in Djibouti and many thousands more in Eritrea and South Sudan.

Shamsul Bari¹ and Olivier de Schutter,² Geneva, July 2011.

I begin with these lines simply to remind ourselves that even as we speak here this afternoon, a section of the human family, or several sections in different parts of the world are suffering. Their issue is grave. Their cause is urgent. They are not just numbers. They are people. And each of them was born free and equal in dignity and rights. It is also to remind us that development or lack of development, is also about people.

One of the greatest dangers in development policy lies in the tendency to give to the more material aspects of growth an overriding and disproportionate emphasis. The end may be forgotten in preoccupation with the means. Human rights may be submerged and human beings seen only as instruments of production rather than as free entities for whose welfare and cultural advance the increased production is intended.³

Today we live in an interdependent world, within by and large, a single, unified, global economy. We have reached the heights of progress in practically every sphere of human existence. Paradoxically, it is also a world which stands witness to multiple crises including climate change; conflict, war and violence; and disasters, both natural and man-made. Despite the new bonds that globalization has created, divisions and fragmentation are also on the rise. The resounding calls for change worldwide make clear the quest for democracy and social justice in both development and governance, both globally and locally. The normative framework of the right to development and its fundamental principles present a paradigm of development which has a renewed relevance in the context of global interdependence.

¹ UN Independent Expert on the situation of human rights in Somalia.

² UN Special Rapporteur on the right to food.

³E/3417/Rev. 1, para. 90.

The 4th of December 2011 marks the 25th anniversary of the adoption of the 1986 United Nations Declaration on the Right to Development by the General Assembly.⁴ This right emerged out of the historical context of de-colonization and independence and has since been continuously and consistently reaffirmed by the international community including in the 1992 Rio Declaration on Environment and Development, the 1993 Vienna Declaration and Programme of Action, the 2000 Millennium Declaration, the 2002 Monterrey Consensus, the 2005 World Summit Outcome, the 2007 Declaration on the Rights of Indigenous Peoples, the 2010 MDGs Review Summit and the 2011 Istanbul Programme of Action for the Least Developed Countries for the decade 2011-2020.

25 years along the way, it is time to realize the noble ideals of the UN Declaration on the Right to Development towards creating an enabling environment and eliminating obstacles at all levels - so that all people everywhere can live in dignity, with freedom from want and freedom from fear. This Declaration must be accorded its due value as it represents the consensual opinion of an overwhelming majority of States, and has been consistently reaffirmed by the international community. The vision of development in this Declaration is a comprehensive and holistic one, aimed at the constant improvement of the well-being of all. Development itself is declared as a right, and as such, is, like all human rights, based on human dignity. The right to development is a constant reminder that development is about people, by people and for people.

Article 1 gives the right to development to every human person and all peoples, enabling them to participate in, contribute to, and enjoy economic, social, cultural and political development, and all human rights and fundamental freedoms. Further, all peoples have the right to self-determination and full sovereignty over all natural wealth and resources. **Article 2** recognizes that the human person is the central subject of development and the active participant and beneficiary of the right to development, and the individual and collective responsibility of all human beings for development and duties to the community. It also envisages the free and complete fulfilment of the human being, an appropriate political, social and economic order for development and the right and duty of States to formulate appropriate national development policies aimed at the constant improvement of the well-being of everyone. All have the right to active, free and meaningful participation in development and fair distribution of the benefits from development.

Article 3 makes clear, the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development, and requires full respect for the principles of international law on friendly relations and cooperation among States, the duty of States to cooperate to ensure development and eliminate obstacles to development and to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States. **Article 4** refers to the duty of States to take steps, individually and collectively, to formulate international development policies for the full realization of the right to development, sustained action for

⁴ UNGA resolution A/RES/41/128.

more rapid development of developing countries and effective international co-operation to provide them with appropriate means and facilities to foster comprehensive development.

Article 5 requires that States take steps to eliminate massive and flagrant violations of human rights. Under **Article 6** States are to co-operate to strengthen universal respect for and observance of all human rights and fundamental freedoms for all without distinction and to eliminate obstacles to development resulting from failure to observe human rights. This article also enshrines the indivisibility and interdependence of all human rights and fundamental freedoms.

Article 7 encompasses international peace and security, and states that released resources from disarmament must be used for the comprehensive development of developing countries. **Article 8** calls upon States to ensure at the national level, all measures for realizing the right to development, equality of opportunity for all in access to basic resources and services, fair distribution of income, and an active role in the development process for women. It also calls for appropriate economic and social reforms to eradicate social injustice. **Article 9** recognizes the indivisibility and interdependence of all aspects of the right to development. Under **Article 10** steps are to be taken to ensure full exercise and progressive enhancement of the right to development.

The vision of international cooperation in the Declaration is founded in sovereign equality, interdependence and mutual interest. The UN Charter, in the full spirit of multilateralism, sets out as a purpose of the United Nations, the achievement of international cooperation in solving problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction. Under Article 56 of the Charter, all Members pledge themselves to take joint and separate action in cooperation with the Organization to further the purposes enshrined in Article 55 which recognizes that conditions of stability and well-being are necessary for peaceful international relations. Peace and security, development and human rights are the three interlinked pillars of the UN Charter, and also underlie the Declaration on the Right to Development. Development and human rights are the most secure basis for peace.⁵ Under the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth therein can be fully realized.

The right to development reinforces the individual and collective responsibilities of States for the creation of an enabling environment for development. This helps to ensure that the rights of the most vulnerable and marginalized are taken into account in economic growth policies. Mainstreaming the right to development at all levels, through activities to strengthen global partnership for development between all concerned actors, can be vital in realizing the purposes and principles of the UN Charter, and the core values agreed by Member States. At the global level, a commitment to effective international cooperation and solidarity between States is essential. This includes fair aid, trade, investment, debt relief, transfer of technology, access to medicines, financing for development as well as climate change responses. Reform

⁵ “An Agenda for Peace”, United Nations, New York, 1992; “An Agenda for Development”, United Nations, New York, 1994.

for more democratic and inclusive global economic governance would help create an environment more conducive to development. Developing countries as well as non-governmental organizations need to have effective participation in international decision-making. In the same vein, an enabling environment at the national level needs to be inclusive for all, especially the vulnerable groups, including – women, children, the elderly, the disabled, minorities, migrants and indigenous peoples. Freedom from corruption and good governance at the national level is also key to realizing the right to development.

The Millennium Declaration which calls for the right to development to become a reality for everyone perceives the fundamental values of freedom, equality, solidarity, tolerance, respect for nature and shared responsibility as essential to international relations in the twenty-first century. The Millennium Development Goals are interrelated and require a global partnership for development. This is articulated in Goal 8 which upholds the collective responsibility for international cooperation and assistance to achieve all the MDGs. Progress in attaining the other seven Goals can be enhanced through strengthening the global partnership. To attain the MDGs and realize the right to development, our global partnership for development must recognize the interdependence of States and all other stakeholders; the interrelation of rights and responsibilities; the linkage between the national and international levels of governance and development; the indivisibility of all human rights; and above all, the value of human dignity, the basis of all human rights. The right to development adds value to efforts to realize the MDGs because it provides an integrated, holistic and cohesive normative framework for achieving just and equitable development for all people. It encompasses both the civil and political and the economic, social and cultural dimensions of human rights and addresses both the national and international dimensions of development.

As the international community looks towards Rio+20, we must recall that Principle 3 of the 1992 Rio Declaration which we will re-visit in 2012 states: “The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.” Sustainable development is today universally recognized as a goal of the global community and a principle of international law. The idea of shared responsibilities is further developed here, to recognize the principle of common but differentiated responsibilities, embodied in international legal instruments accommodating global inequalities and the need to deal with them equitably. Sustainable development principles involve obligations to all those within a generation, and also to those yet unborn encompassing the idea of solidarity with humanity, and its ecological habitat. Sustainable development which integrates the 3 pillars of economy, society and the environment requires us to address the interlinkages and aim for policy coherence. Conventional wisdom on development policy gave primacy to economic growth while neglecting the social and ecological dimensions, resulting in increased poverty and inequality, malnourishment and unemployment, multiple crises, and environmental degradation. The current pursuit of a green economy will have the same pitfalls if it integrates the economic and environmental pillars without due regard to the human rights and social dimension.

The Istanbul Programme of Action for 2011-2020 integrates all human rights, including the right to development and gender equality and empowerment in its plan of implementation for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States. These States face particular vulnerabilities, both in economic and environmental terms.

Realising the right to development is a priority for the High Commissioner for Human Rights, and this is a priority which has been established by Member States in General Assembly resolutions. These resolutions require the High Commissioner's Office to undertake activities aimed at strengthening the global partnership between Member States, development agencies and international development, financial and trade institutions in the quest for development for all people. They also mandate the High Commissioner to promote and protect the right to development at the international, regional and national levels, with the support of relevant bodies of the United Nations.

The intergovernmental Working Group on the Right to Development has underlined that the core human rights principles of equality, equity, non-discrimination, transparency, accountability, participation as well as international cooperation are essential to the realization of the right to development.⁶ The Working Group has engaged in dialogue with 20 institutions responsible for 12 global partnerships in the areas of development cooperation, aid, trade, access to medicines, technology transfer and debt relief, in efforts to strengthen the global partnership for development.

International solidarity was a key principle underlying the emergence of the right to development. It is also core to the realization of the right to development, and to strengthen the global partnership for development, which requires policy coherence. International solidarity and the right to development are mutually reinforcing. Solidarity, which is not mere aid or charity but an underlying value for fairness in international relations, is an indispensable component in realizing the right to development, and should inspire international relations. In an era of globalization, the rights and responsibilities of all are interrelated and interdependent. The importance of collective and shared responsibilities and a sense of inter and intra-generational equity are key in equitable and inclusive development.

I would like to recall these words which date back to some years before the 1986 Declaration:

*"There exists a right to development. The essential content of this right is derived from the need for justice, both at the national and the international levels. The right to development draws its strength from the duty of solidarity which is reflected in international co-operation. It is both collective and individual. It is clearly established by the various instruments of the United Nations and its specialized agencies."*⁷

⁶ E/CN.4/2002/28/Rev.1.

⁷ Commission I, Conclusions and Recommendations, (Mimeo, Dakar, September 1978), para. 10.

It is also helpful to remember that both international solidarity and human rights including the right to development all have their beginning ‘in small places close to home’,⁸ in the home, the school, the workplace, in fact, it begins in our hearts and minds. The international community begins with you and with me, and value based education to young children can make a difference, to promote both empathy and empowerment in us. Further, as the Declaration on the Right to Development lays down, development must be self-determined, so it must ideally come from within societies, as each society has its one needs and priorities. This is where civil society, NGOs and grass roots organizations have an important role to play. At this event organized by Association Papa Giovanni XXIII and New Humanity, 2 organizations which have shown consistent support to the cause of international solidarity as well as the right to development, I think it is appropriate to also mention the role of faith – based organizations, and the message of treating others as oneself, and its parallels in other religious and philosophical teachings, including the universal brotherhood of Islam, or the non-violent treatment of all living beings, as reflected in Hindu and Buddhist scriptures. The core values of the United Nations Charter, further built on by numerous international instruments including the Declaration on the Right to Development give us key guidance.

This also brings me back to the humanitarian crisis in the Horn of Africa, where it has been noted by the independent expert on the situation in Somalia, that it was heartening that there was strong social solidarity in Somali society so that those who had been displaced did receive hospitality and support from villages they passed through in the course of their perilous journey to the Kenyan border.

In the course of history, there comes a time when humanity is called to shift to a new level of consciousness, to reach a higher moral ground - A time when we have to shed our fear and give hope to each other. That time is now.

Wangari Maathai, Winner of the 2004 Nobel Peace Prize

⁸ Eleanor Roosevelt, “The Great Question,” at the United Nations in New York on March 27, 1958.