

## Right to Development

Concept: Right to Development

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Description Justice Keba M'Baye of Senegal expressed his vision for a right to development in a speech to the United Nations Commission on Human Rights in 1972. He sought to add the language of rights to Third World voices that were articulating universal principles and prescriptions for the world economy that they believed would speed economic development in the South. With his call, M'Baye attempted to fuse the legacy of the Bandung Conference and the demands emanating from United Nations Conference on Trade and Development (UNCTAD) with the United Nations human rights architecture. In his view, the adoption of the enabling covenants of the Universal Declaration of Human Rights had opened a space for development advocates to make claims on the international community, but such efforts had been largely frustrated by the politics of the Cold War. As debate over the South's package of policy options polarized along, North-South lines in the 1970s, Southern leaders increasingly used rights language. In 1977, under M'Baye's leadership, the Commission on Human Rights recognized the existence of a Right to Development (RTD).

Nearly ten years later, on 4 December 1986, the UN General Assembly adopted a Declaration on the Right to Development by a vote of 146 to one with six abstentions. The declaration defined the RTD as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized." States were challenged to focus more on human development, and were tasked with ensuring the RTD's realization. However, the Declaration was considered by many observers to be too vague to have any real impact on development issues, and several commentators in the West considered it to be an expression of Southern frustration with the failure of the New International Economic Order.

In 1990, a Global Consultation Group on the RTD as a Human Right was convened in Geneva to report on the practical problems of integrating the RTD into UN operations. Their findings highlighted difficulties with implementing the right. Nonetheless, all human rights were unified under the RTD by a consensus reached at the 1993 Vienna Conference on Human Rights (Sengupta 2002). The following year, the Commission on Human Rights released guidelines for its achievement. Building upon this process, an Open-Ended Working Group was established in 1998 to promote the RTD, monitor its implementation, and report to the Commission, and an Independent Expert was appointed to chart progress

(Marks 2003). Consensus on a framework for implementing the RTD had not been reached by the 2004 meeting of the working group.

Since its adoption, debate has raged over the legality and content of the RTD amongst many commentators and insiders' holding different views on what qualifies as international law. By the standard of one popular measure, the RTD appears to be highly political due to its imprecision and the fact that no third party has been delegated the task of legal enforcement (Abbott et al. 2000). However, natural law theorists and those in the Third World trying to make international law work for the relative economic improvement of the South tend to view the RTD as customary international law (Mickelson 1998). For their part, post-colonial theorists ask whether the process of western development caused poverty and environmental degradation in the first place, and reject the RTD process (Rajagopal 2003). Regarding content, no international legal consensus currently exists on what the RTD entails. Some analysts have asserted that the RTD is about the right to formal democracy, while others have noted that it implies the achievement of an equality of condition amongst all individuals and peoples. Whether the RTD confers individual or collective rights has also been the subject of an ongoing argument. These disagreements and the RTD's sheer breadth have forced the Independent Expert to narrow his focus to the economic, social, and cultural rights to food, education, and healthcare.

For nearly two decades attempts have been made to define the respective responsibilities of the developing and developed world and establish a balance between them as regards the RTD, with little success. During this period a split also became apparent amongst Southern countries as several Asian nations that were rapidly integrating with the global economy sought autonomy from universal principles of human rights. UN Secretary General Kofi Annan hoped to move beyond the "era of declaration" and into the "era of implementation" of the right to development when he tabled his ambitious package of reforms at the fifth anniversary of the UN Millennium Summit in September 2005. A challenge faced by Annan and other RTD supporters was to reframe the transnational movement for poverty eradication into the language of rights while balancing desires for effective universal principles and policy autonomy.

Work Cited: **Abbott, Kenneth W., Robert O. Keohane, Andrew Moravcsik, Anne-Marie Slaughter, and Duncan Snidal.** 2000. The concept of legalization. *International Organization* 54 (3): 401-19.

**Marks, Stephen.** 2003. Obstacles to the right to development. Francois-Xavier Bagnoud Center for Health and Human Rights, Harvard University. (accessed 16 August 2005)

**Mickelson, Karin.** 1998. Rhetoric and rage: Third World voices in international legal discourse. *Wisconsin International Law Journal* 16: 353-419.

**Rajagopal, Balakrishnan.** 2003. *International law from below:*

*Development, social movements and Third World resistance*. Cambridge, UK: Cambridge University Press.

**Sengupta, Argun.** 2002. On the theory and practice of the Right to Development. *Human Rights Quarterly* 24 (4): 837-89. (accessed 16 August 2005)

Suggested  
Reading:

**Barsh, R. L.** 1991. The right to development as a human right: Results of the Global Consultation. *Human Rights Quarterly* 13: 322-38.

**Cutler, Claire.** 2002. Law in the global polity. In *Towards a global polity*. ed. Morten Ougaard and Richard Higgott, 58-77. London: Routledge.

**Steiner, Henry J. and Philip Alston.** 2005. *International human rights in context: Law, politics, and morals*. 3rd ed. Oxford: Oxford University Press.