THE RIGHT TO DEVELOPMENT: An Introduction

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What is development?

Meanings and Views of Development

- A state of being where everyone’s needs are met and conditions exist for all to develop themselves to full potential.
- Involves complete transformation brought about by economic development through industry and industrialization.
- Implies amelioration of poverty and other problems.
- Expanding the freedoms that people enjoy.
- Includes whatever is done in the name of development.
...negative views about development.

- Development is modernization...following the footsteps of the West.
- Development is not always positive.
- Development can occur without alleviating poverty; it sometimes even worsens poverty.
- Development has failed. It was always a hoax to cover up violent damage being done to the “developing world” and its peoples.

It is impossible to avoid contradictions in a single definition of development.
“Development is a comprehensive economic, social, cultural and political process, which aims at the constant 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 benefits resulting therefrom.”

.....2nd preambular paragraph Declaration on the Right to Development
United Nations Declaration on the Right to Development (1986)

Intrinsic Elements of the DRD

- The human person is the central subject of the development process.
- The creation of conditions favourable to the development of peoples and individuals is the primary responsibility of the State.
- Equal integration of all international human rights: civil and political as well as economic, social and cultural.
- Equality of opportunity for development is a prerogative both of nations and of individuals who make up nations.
What do these intrinsic elements imply in practical terms?

- Development itself is a human right.
- Development policies should be revised to meet the human-centred and participatory elements of the definition contained in the Declaration.
- Development is a process in which countries integrate human rights into their development programmes, and development partners provide enhancement of resources to assist them to achieve sustainable outcomes.
What value do human rights add to development?

*Human rights* are enshrined in a set of internationally agreed *legal and moral standards*. Such universally agreed standards are largely *absent* in conventional development theory and practice.
Human rights are inalienable.

Every human being is entitled to the same human rights from birth.

Human rights cannot be taken away or given up.
*Human rights are universal.*

Human rights treaties establish the basic civil, political, economic, social and cultural entitlements and freedoms of *every human being* – anywhere in the world – at all times.
The UDHR Principles
on which are founded all civil, political, economic, social and cultural rights

EQUALITY
NON-DISCRIMINATION
PARTICIPATION
INCLUSION
ACCOUNTABILITY
TRANSPARENCY
THE RULE OF LAW
Human rights are legally binding and enforceable through the international human rights instruments.
UDHR
ICCPR  ICESCR
CERD
CAT
CED
CEDAW
CRC
CMW
CPD
The **DRD provides the guiding principles of the right to development (RTD)** which recognizes **all human rights** as comprising **the RTD**, and imposes obligations at all levels in the process of their realization.

The RTD addresses the way outcomes of development are achieved, ensuring they are done with respect for all human rights.

The RTD thus allows for the involvement of all beneficiaries in the process, particularly women and vulnerable and marginalized groups. It also facilitates the attribution of duties and responsibilities of different agents at various levels and stages of the process.
*Human rights come with responsibilities.*

Central to the idea of human rights is the relationship between **rights holder** and **duty bearer**. States (and other ‘duty bearers’) are responsible to ensure that the rights of all people are equally respected, protected and fulfilled.
States have the duty to respect, protect and fulfil human rights. Respecting human rights means that State laws, policies, programmes and practices must not violate human rights. States must avoid interfering with people’s exercise of their human rights, whether through torture or arbitrary arrest, illegal forced housing evictions or the introduction of medical fees that make healthcare unaffordable for poor people.
Protecting human rights means that States must prevent violations by others and must provide affordable, accessible redress; e.g., ensuring that employers comply with basic labour standards, preventing monopoly ownership of the media or preventing parents from keeping their children out of school.
Fulfilling human rights means that States must take positive actions to enable individuals and groups to realize their human rights; e.g., creating and enforcing legislation that enshrines equal pay for work of equal value or undertaking special measures such as increasing budgets for the poorest regions.
This does not mean that the State is responsible to provide everything. It does mean, however, that the State has an obligation to create the conditions that enable other duty bearers, such as parents, private sector, local organisations, donors and international institutions, to fulfil their responsibilities.

Rights holders are responsible to respect and not to violate the rights of others.
Recognizing the Right to Development

(art 1, DRD)

Recognition of a right as a human right raises the status of that right to one with universal applicability and articulates a norm of action for the people, the institution or the State and international community on which that claim is made.

Human rights law establishes a binary relationship between rights-holders and duty-bearers. This binary relationship distinguishes human rights from the general valuing of freedom that exists without a correlated obligation to help bring about that freedom.
**The People** (art 2(2), DRD)

People should function both individually and as members of collectives or communities, and have duties to their communities that have to be carried out in promoting the right to development.

**The State** (art 3, DRD)

The responsibility of States is complementary to that of individuals’ responsibility and is basically for the creation of conditions for realizing the RTD. The actions of States needed for creating favourable conditions are elaborated in the different articles of the DRD.
At the national level
art 2(3); art 8(1)(2); art 6(3)

At the international level
art 3(3); art 6(1); art 7

Most importantly, article 4 declares categorically that States have the duty, individually and collectively, to formulate international development policies to facilitate the realization of the RTD, and recognizes that sustained action is required to promote rapid development in developing countries. It then states that as a complement to the efforts of developing countries, international cooperation is essential.
In the DRD, the duty of the international community to cooperate was built upon Articles 56 and 57 of the Charter of the UN, which has the legal status of an international treaty.

The DRD declares that States have not only the duty but the right to formulate appropriate national development policies, and other actors of the international community have the duty to facilitate that process. Clearly, States on their own may not be able to formulate and carry out that process in an increasingly globalized and interdependent world without the cooperation of other States and international agencies.
Realization of the RTD applies not only to a few rights in isolation, but as implementing all or most rights in a planned manner in tandem with an appropriately sustainable growth of the economy. Implementing a plan of development with fundamental institutional changes may not be possible for individual States without substantial help from or the cooperation of other States.

International cooperation should not be considered only in terms of transfer of resources, but as well in making more effective use of existing resources.
International donors have an obligation to ensure that their social and economic policies are based on, and promote international human rights standards, such as gender equality, free and compulsory education for all children. They have an obligation to ensure that debt payments and economic restructuring do not force poorer countries to cut back on the provision of basic social services and leave poor countries without the resources to provide education for all children.
Tools for Realizing and Implementing the Right to Development

The Human Rights Approach to Development (HRAD)

The Rights-Based Approach to Development (RBAD)

The Human-Rights Based Approach to Development (HRBA)

Human Rights in Development (HRID)
All of the above should...

...focus on the strengthening of the capacities of government institutions, civil society including NGOs and peoples’ organizations representing the vulnerable and marginalized sectors, and the private sector; and,

...are in accordance with the specifications of the DRD that development should be a participatory, environmentally sound, accountable and transparent process with equity in decision-making and sharing of the outcome of the process, while respecting and maintaining civil, political, economic, social and cultural rights.
HOWEVER...
these tools are NOT the same as, and should not be mistaken for, the right to development itself.

The Right to Development focuses on BOTH process and outcome, TOGETHER.
**Human Rights in Development: An Example**

Human rights in development recognizes and respects the **right of peoples to promote their own development** in accordance with their self-identified needs and aspirations.

The HRID process is a **participatory engagement** among and with community members who come together to reflect and to discuss with each other, so that they are able to better understand their situation, act on it and transform it.

**Participation means dialogue**, through which the thinking, creative, active participants are
considering common concerns and finding their own solutions, rather than being decided upon and imposed on them by others.

In this process, a facilitator ensures that in the dialogue, human rights principles are not merely learned but practiced.

**Facilitation** does not apply only to the activities to be taken, but also to the critical reflection on the consequences of such activities.

The universal principles enshrined in the UDHR underpin the human rights in development process: equality, non-discrimination, participation, inclusion, accountability, transparency, the rule of law.
It is not the same to talk of bulls as to be in the bullring.

...a Spanish proverb

On the Ground: Working Beyond Rhetoric
The 7 Stages in the Human Rights in Development Process

1. Consultation
   --The Facilitator explains the project and its objectives to the community and establishes baseline data on the community.
   --The Community indicates acceptance and willingness to cooperate until the completion of the project.
2. Identification of Human Rights Issues
   - The Community expresses its concerns, needs and aspirations and identifies its human rights issues.
   - The Facilitator conducts a “needs assessment,” explains universal human rights values and principles and refers and links them to international norms and standards.
3. Prioritisation of Issues

- The Community discusses, argues, and finally agrees by consensus, on a prioritized list of human rights issues.

- The Facilitator discusses the prioritized human rights issues with the community, making sure that the community members indeed understand whether or not these are legitimate human rights issues.
4. Formulation of Desired Outcomes and Planning of Activities

- The Community agrees on its goals and the activities to achieve them; the timeframe and resources required, identifies key responsible persons in the community, and relevant stakeholders and agencies with whom to work.

- The Facilitator assists the community to translate the goals and activities into outcomes and measures that are realistically achievable.
5. Organizing community structures

- The Community selects its community leaders responsible for planned activities, designs assessment, monitoring and evaluation mechanisms for their activities.

- The Facilitator assists in the organization of community structures, advises the community members as they design assessment, monitoring and evaluation mechanisms.
6. Implementation of project plans

- The Community undertakes the conduct of project plans.

- The Facilitator regularly monitors progress of activities, assists the community in the timely achievement of their desired outcomes through the efficient implementation of measures.
7. Assessment, monitoring and evaluation

- The Community conducts a self-assessment of its activities, monitoring its own progress, and evaluating its outputs.

- The Facilitator assists in the methodical self-assessment, monitoring and evaluation of progress, as conducted by the community.
The community learns about human rights by doing and living in accordance with human rights principles. This learning by doing builds self-reliance and a sense of responsibility, as well as respect for the rights of others. It is also the anchor to ensure the sustainability of the community’s achievements in the exercise of its right to development.
Claiming human rights is all about the practice of human rights and responsibilities in every aspect of daily living, in constructive partnership with the State towards the goal of a continuous improvement in the well-being of all the people. The enjoyment of human rights is the enabling environment for the realization of the right to development.
THANK YOU!