Realizing the Right to Development

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ABSTRACT

The Right to Development as established in the 1986 UN Declaration on the Right to Development has now been recognized, through an international consensus arrived at in Vienna in 1993, as a universal and inalienable right and an integral part of fundamental human rights. That has not, of course, settled all the controversy regarding the nature and the content of the Right to Development, but the inter-governmental debate has shifted more to the methods of implementation of that Right. This article reviews the nature and contents of the Right to Development by virtue of which every individual is entitled to a process of economic, social, cultural and political development in which all human and fundamental freedoms can be realized. It spells out a programme for implementation of the Right, step by step, through national efforts supported by international co-operation. While the states are primarily responsible for realizing this Right for their citizens, the international community has the obligation of enabling the states to do so. A mechanism is proposed through international compacts to design, promote and monitor the process of implementation.

THE EVOLUTION OF THE CONCEPT OF THE RIGHT TO DEVELOPMENT

The Declaration on the Right to Development, adopted by the UN General Assembly in 1986, explicitly affirmed the existence of the human right to development, thus formally recognizing a principle that was at the core of the post-World War II human rights movement. That principle was spelled out by President Roosevelt in his State of the Union Address of 1944:1 ‘True individual freedom cannot exist without economic security and independence. Necessitous men are not free men’. These ‘economic truths’, according to the President, had been accepted ‘in our days’ as self evident, almost in


the same manner that the rights to life, liberty and pursuit of happiness were accepted as self-evident in the American Declaration of Independence that made them ‘inalienable’ human rights.

In the same 1944 address, President Roosevelt elaborated on a list of economic rights, such as to food, clothing, housing, health, education and employment, that according to him comprised economic security. The implementation of these rights would imply moving forward to ‘new goals of human happiness and well-being’. These economic rights were supposed to have the same status as the original human rights incorporated in the US Bill of Rights of 1891, and President Roosevelt called for the drafting of a second bill of rights incorporating them as a ‘basis of security and prosperity for all — regardless of status, race or creed’ (Israel, 1966: 2881).

Immediately after World War II, with the memory of the gross violation of human rights of the preceding years, and with the economic devastation of the war following the miseries of depression still fresh in their minds, leaders of the world community tried to reconstruct a just and egalitarian world, based on freedom and human rights. The first expression of this effort was the drafting of the United Nations Charter that came into force in October 1945. Its Article 55 clearly stated that the United Nations would promote ‘higher standards of living, full employment, and conditions of economic and social progress and development’ and ‘solutions of inter-national economic, social, health and related problems’ as well as ‘universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language and religion’. Then, in Article 56, all members pledged themselves ‘to take joint and separate action’ for the achievement of the goals set forth in Article 55. As the United Nations Charter, adopted by all countries, had practically the force of a binding treaty, the international commitment to economic rights on a par with human rights and fundamental freedom was almost complete once the charter came into force. The only thing that remained was to specify the follow-up actions at the international level.

At the suggestion of President Roosevelt, a Committee of the American Law Institute prepared a draft international Bill of Rights in 1944 to be adopted by the United Nations. It included the rights to education, to employment, to reasonable conditions of work, to adequate food and housing and to social security covering health and medical care. This draft was submitted to the UN Inter-Governmental Commission which was engaged in drafting the international Bill of Rights for the United Nations. The Commission decided that the draft under preparation should take the form of a Declaration, to exert moral and political pressure on governments, rather than a Bill of Rights which was a more binding legal document. The draft Declaration included equal provision for economic and social rights as for civil and political rights. This was strongly supported by the US delegation led by Mrs Eleanor Roosevelt, who described the drafting of the Universal Declaration in the following terms: ‘We will have to bear in mind
that we are writing a bill of rights for the world and that one of the most important rights is the opportunity for development’ (‘My Day: February 6, 1947’, cited in Alston, 1988). Thus the Universal Declaration formally recognized the Right to Development.

After the adoption of the Universal Declaration in 1948 the United Nations was supposed to begin inter-governmental negotiations towards preparing a single, overall covenant including all the provisions of rights of the Universal Declaration and giving them the sanction of an international treaty. However, as the years passed, the post-war solidarity gave way to cold war and instead of one treaty or a unified covenant, the rights became codified in two international covenants, one on civil and political rights, the other on economic, social and cultural rights, with the status of international law.

The whole process of negotiation and adoption of the two covenants took more than twenty years. It then took another fifteen years for the Right to Development to be incorporated in a universal Declaration, adopted in 1986. What Eleanor Roosevelt described in 1947 as a right to the opportunity for development, was articulated in 1972 as the Right to Development by Justin Keba M’baye of Senegal, a former Chairman of the International Court of Justice, and was examined in the Secretary General’s report in 1979. This concluded that a substantial body of principles based on the UN Charter, the covenants on rights and a plethora of conventions, declarations and resolutions, demonstrated clearly the existence of a human Right to Development in international law. A Working Group was then set up by the Commission on Human Rights to draft a Declaration on the Right to Development. In 1986 the Declaration was adopted, bringing to a close the split that had occurred earlier. The Right to Development unifies civil and political rights with economic, social and cultural rights into an indivisible and interdependent set of human rights and fundamental freedoms, to be enjoyed by all human beings, ‘without distinction as to race, sex, language or religion’.

The adoption of the Declaration by the United Nations did not of course imply a consensus or the end of controversy on any of the issues related to the Right to Development. A living document, like a constitution responding to new problems and new issues emerging out of evolving situations over time, is always open to interpretations and debates, and progress is built upon areas of agreement while working for larger consensus. When it was adopted in 1986, the Declaration had the support of the overwhelming majority of governments but was not based on a complete consensus. In the years following, attempts were made to build such a consensus during a number of international conferences and negotiations, culminating in the World Conference on Human Rights in Vienna in 1993. A political consensus was achieved at Vienna, when its Declaration recognized the Right to Development as a universal and inalienable right, and an integral part of the fundamental rights of the human person. This consensus was subsequently

As a result of this consensus, it is no longer acceptable to promote one set of rights as against another, or to put forward some rights, such as economic and social, to be fulfilled prior to or in violation of other rights, such as civil and political (or vice versa). All rights are to be fulfilled, and the violation of any one is as offensive as that of any other. The international community has now moved on to examine the question of implementation of those rights as part of the Right to Development. Realizing the Right to Development has thus become a major concern for the member governments since the adoption of the Declaration.2

The rest of this article tries to suggest a programme for realizing the Right to Development as envisaged in the Declaration. The following section will deal with the present state of the debate on the nature of the Right to Development and the evolution of an operational framework. This is followed by a review of the content of the Right to Development, and an examination of the process of development from the perspective of implementation. After spelling out a programme for concrete implementation of the Right to Development, a mechanism is proposed for monitoring and advancing this process of implementation.

THE RIGHT TO DEVELOPMENT AS A HUMAN RIGHT

There has been considerable debate around the question of whether the Right to Development can be regarded as a human right. This issue can now be taken as settled since the achievement of the consensus for the Vienna Declaration and Programme of Action in 1993, which reaffirmed ‘the Right

2. After 1993, this process was intensified through the establishment of a Working Group of experts to identify obstacles to the implementation of the Right to Development and to recommend ways and means to the realization of that right. The first Working Group of Experts, nominated by Governments, was appointed in 1993 with a three-year mandate; it met five times and produced a comprehensive but not a consensual report (see Human Rights Commission, 1993). The second Working Group, appointed in 1996 for a two-year period, proposed a global strategy, involving efforts of the United Nations and its agencies, States parties and Civil Society. In November 1998, the Commission on Human Rights, in pursuance of its Resolution 1998/72, appointed the author of this article as the Independent Expert on the Right to Development; he was also asked by the General Assembly to report on the current state of progress in the implementation of the Right to Development and to propose measures for more effective realization of the Right to Development, at the national and international levels. As noted above, this article is based on the author’s first report on the subject.
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’. Another Article of the same Declaration states that: ‘the universal nature of these human rights and freedoms is beyond question’.

In the final analysis, human rights are those rights which are given by people to themselves. They are not granted by any authority, nor are they derived from some overriding natural or divine principle. They are human rights because they are recognized as such by a community of people, flowing from their own conception of human dignity, in which these rights are supposed to be inherent. Once they are accepted through a process of consensus building, they become binding at least on those who are party to that process of acceptance.

The American Declaration of Independence (1776) which has become the basis of the modern human rights movement, enunciates the principles of human rights, declaring that ‘We hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain inalienable rights’ — implying that they did not require any other justification. To underline the binding nature of these principles, it goes on to say, in effect, that the duty of governments, which derive their powers from the consent of the governed, is to secure these rights; if they fail to do so, the people have the right to overthrow them. Even at that time it was recognized that the list of rights would expand with changed circumstances. In 1791, the United States adopted the first ten amendments to its Constitution of 1789, known as the Bill of Rights, containing a list of guaranteed human rights, beyond those of life, liberty and pursuit of happiness. This list was further expanded by a number of subsequent amendments to the constitution, the adoption of each of which was preceded by intense debate and discussion regarding their worth and implications. The sanction behind their recognition as rights was their acceptance by the people through due process.

Over time, a variety of views have been expressed on the source and the nature of human rights — for example, whether they are culture-specific or universal, whether they are rights of persons as individuals or as members of a group or a community. However, these debates in no way detract from the fact that, at the Vienna Convention of 1993, all states represented by their governments adopted the Vienna Declaration and Programme of Action, which obliges all governments to treat the Right to Development as a human right in all their dealings and transactions.

The recognition of the Right to Development as an inalienable human right confers on its implementation a claim on national and international resources, and obliges the states and other agencies of society, including individuals, to implement that right. Human rights are the fundamental basis on which other rights, created by the legal and political systems, are built. States, both nationally and internationally, as well as organs of civil society, have an unquestionable responsibility to give the utmost priority to helping to realize these rights. The Vienna Declaration and Programme of
Action, in fact, states categorically that: ‘Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of governments’. It goes on: ‘enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations’.

**Justiciability**

Another element of controversy regarding the Right to Development is its justiciability. There is a view, particularly among lawyers of the positivist school, that if certain rights are not legally enforceable, they cannot be regarded as human rights. At best they can be regarded as social aspirations or statements of objectives. This view, however, confuses human rights with legal rights: human rights precede law and are derived not from law but from the concept of human dignity. There is nothing in principle to prevent a right being an internationally recognized human right even if it is not individually justified.3

The two international covenants gave legal force to the obligation to respect civil and political rights as well as economic, social and cultural rights. Mechanisms have been established to review and monitor state compliance, and under the optional Protocol to the International Covenant on Civil and Political Rights, individuals may bring a complaint to enforce their human rights. The absence of an individual complaints mechanism under the International Covenant on Economic, Social and Cultural Rights does not prevent these rights from being recognized as human rights. Furthermore, a number of economic and social rights (such as labour rights) are already protected in national law, and are justiciable before national courts.

Civil and political rights and economic, social and cultural rights have been codified in the International Covenants and ratified by a large number of countries, but the Declaration of the Right to Development does not have the status of a treaty and therefore cannot be enforced in a legal system. This does not reduce the responsibility of states, nationally or internationally, or of other individuals and agencies of the international community, to realize the Right to Development. It may be necessary to suggest some mechanism to monitor or exercise surveillance over the State parties and the agencies of the international community to ensure that they comply with their commitment to realize the Right to Development. That mechanism might not have the same legal status as a Treaty Body but may still be effective in ensuring

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3. This issue has been dealt with extensively in the deliberations of the Committee on Economic, Social and Cultural Rights and its General Comments (for example, General Comment No 3, of 1990; E/1991/23, Annex III). See also Addo (1992); Hausserman (1992).
the realization of this right through peer pressure, democratic persuasion and the commitment of the civil society.

Resource Constraints

A related issue is the question of resources — financial, physical and institutional, both at the national and the international levels — which could represent a constraint on the speed and the coverage of the realization of the Right to Development and of the individual rights recognized in the two covenants. There is a view that civil and political rights have a greater claim to be regarded as human rights, because they can be protected immediately by law, mainly through proscriptive and enforceable legislation, without much expenditure of resources. Economic, social and cultural rights, on the other hand, need to be protected through positive action which takes time and consumes resources, the supplies of which are always limited. According to this view, if certain rights cannot be realized and protected promptly and fully, they cannot be regarded as inalienable and indefeasible human rights.

This argument overlooks the fact that many civil and political rights often require as much positive action and consume as many resources as economic and social rights. More importantly, however, the existence of a right should not depend on the method of realizing it. Once rights are recognized as human rights, the determination of the methods of their realization should depend upon the objective conditions of countries and of State parties, including the availability of resources, and taking account of the international environment. The realization of these rights does require expenditure of resources, especially if the implementation requires programmes of positive action to be undertaken over a period of time. Resources, be they financial, physical, human or institutional, are never unlimited, but have to be allocated among many alternative and competing uses. They can thus constrain the extent and the pace of the realization of rights, but cannot alter the nature or importance of those rights.

The human rights instruments recognize the importance of resource constraints quite explicitly. Article 2(1) of the International Covenant of Economic, Social and Cultural Rights states: ‘Each State party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures’. Article 10 of the Right to Development states that: ‘steps should be taken to ensure the full exercise and progressive enhancement of the Right to Development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels’.
International lawyers and human rights agencies have been debating the implication of such resource constraints; the Limburg Principles, formulated at the University of Limburg (Maastricht, The Netherlands) by a group of distinguished experts in international law, laid down the principles for dealing with them. The Limburg Principles stated, *inter alia*, ‘the obligation to achieve progressively the full realization of the rights requires State Parties to move as expeditiously as possible towards the realization of the rights. Under no circumstances shall this be interpreted as implying for States the right to defer indefinitely efforts to ensure full realization. On the contrary all States Parties have the obligation to begin immediately to take steps to fulfil their obligations under the Covenant’. Further, ‘Progressive implementation can be effected not only by increasing resources, but also by the development of societal resources necessary for the realization by everyone of the rights recognized’. Similarly, ‘The obligation of progressive achievement exists independently of the increase in resources; it requires effective use of resources available’. The Principles define the term ‘available resources’ as referring to ‘both the resources within a State and those available from the international community through international cooperation and assistance’. ‘In determining whether adequate measures have been taken for the realization of the rights’, the Principles reiterate, ‘attention shall be paid to equitable and effective use of and access to the available resources’.

This approach is based on the principle that all states must make ‘the best endeavour’ to fulfil their obligations and that the monitoring mechanisms of the treaty bodies would have the jurisdiction to examine and pronounce on whether that best endeavour has been exercised. Included in the process are those measures that can be adopted immediately and without much expenditure of resources, such as prohibiting discrimination in access to available services and benefits, and adopting legislation and administrative measures to fulfil, or to redress the violation of, the obligations. If all parties follow the Limburg Principles, this would go a long way towards the realization of economic, social and cultural rights, which, together with civil and political rights, form an essential basis for the Right to Development.

This brings us back to the issue of prioritization among the different rights, even if all are human rights deserving to be fully implemented. This issue cannot be ignored, when the realization of these rights requires expenditure of resources, the supply of which remains limited, preventing the realization of all the rights fully and simultaneously. This problem should not be exaggerated or used as a pretext for avoiding action. Many of the activities needed to fulfil the rights do not need many financial resources. They may require more input of administrative or organizational resources whose supplies are relatively elastic, depending upon political will rather than on finance or physical infrastructure. Similarly, the resources required may not be limited to national availability and can be complemented by international supply, of an appropriate quantity and quality. Thus, for many countries to make real progress towards the realization of the Right to
Development, the resource constraint may not be insurmountable. The better use of existing resources — more efficiently and less wastefully — may have a much greater impact on realizing the rights than increasing the supply of resources.

Resource constraints of course affect different countries differently. For the very poor countries, institutional constraints may be so important that unless they are removed, little can be done to use financial and other resources efficiently to realize rights. For other developing countries, it may be the fiscal resources of the government rather than overall savings that are more crucial. For many others, infrastructure services, such as roads, communications, transportation, electricity or water supply, may turn out to be the binding constraints. If all rights are of equal value or have the same importance — as claimed in the human rights instruments — it is the nature of the resource constraints that may determine the priorities. Those rights that require the least expenditures of resources which are in short supply will tend to be realized first. The risk here is that this may result in the failure to bring about the social change that is the ultimate objective of following the rights approach to development. For example, providing primary education to every poor child is equally important, whether the child lives in a remote village or in an urban area; in a country with limited road connections or transport facilities, however, the children in the remote village could be ignored. Although providing food to poor families in all parts of the country is given equal value in a financially expensive programme of food security, the female children in backward villages may continue to be deprived, if social reforms are not pursued effectively.

One of the benefits of using a human rights approach to development is that it focuses attention on those who lag behind others in enjoying their rights, and requires that positive action be taken on their behalf. In the human rights literature, this is often dealt with in terms of favouring the poorest or the most vulnerable groups of the society. The theoretical basis for this is provided by the Rawlsian Difference Principles which require that the advantages of the worst-off be maximized, no matter how that affects the advantages of all others (Rawls, 1971). Although not always clearly stated, this is the motivation of the human rights approach to development — protecting the worst-off, the poorest and the most vulnerable. However, if choices have to be made between different objectives, they must be made through a democratic process, through discussion, persuasion and social choice. It is following the democratic process whilst simultaneously pursuing the universal principle of justice, that is most important in making such decisions in a particular context.

**International Co-operation**

As suggested above, substantial progress could be made towards realizing most human rights, even within existing resource limits, if the waste and
inefficient use of those resources could be reduced. Domestic resources can be augmented by international co-operation; the Declaration on the Right to Development calls for this explicitly. However, in working out a programme of action based on international co-operation, it may be useful to choose a few specific areas which have a universal applicability and for which an adequate supply of international resources may be available. Given the fact that the transfer of resources from the industrial to the developing countries has reached a virtual plateau in recent years, with little prospect of a substantial increase, however desirable that might be, it is necessary to concentrate on a few areas which can be effectively developed within that constraint of international resources.

I would propose a programme of international co-operation, in the form of a compact between the donor countries of the OECD, the financial institutions and the concerned developing countries, with a view to realizing three basic rights — the right to food, the right to primary health and the right to primary education — within a specified time period. These three rights are closely related to the right to life, the most basic of all human rights. Food is essential for survival; primary health care is indispensable as a minimum requirement for living without illness, at least in the early years; and primary education is necessary for the mental development of an individual. The choice of these three aspects is also influenced by the fact that there are already international organizations working in these areas; it may be possible to use their action plans to build into a feasible, global human rights programme.

Clearly, there are many other areas of human rights which could be chosen by the international community as being of equal importance. None the less, it seems desirable, at least initially, to limit the choice to a few areas and to concentrate efforts on attempts to make a success of these programmes; the experiences gained can then be applied to other areas. The only way of selecting some areas over others is through discussions and deliberations in the international forums, spelling out the implications of each choice and its feasibility within the possible supply of national and international resources.

THE RIGHT TO DEVELOPMENT AS THE RIGHT TO A PROCESS OF DEVELOPMENT

Review of the Content of the Right to Development

The text of the Declaration on the Right to Development provides the main elements of the rights approach to development. The declaratory statement lays the groundwork for the rest of the Declaration, by establishing the assumption on which it is based. It states: ‘The Right to Development is an inalienable human right by virtue of which every human person and all
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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’. It implies that there is a human right which is called the Right to Development and that this right is inalienable, meaning it cannot be bargained away. Then, there is a process of ‘economic, social, cultural and political development’, which is recognized as one in which ‘all human rights and fundamental freedoms can be fully realized’. The Right to Development is that human right, by virtue of which ‘every human person and all peoples’ are entitled to ‘participate in, contribute to and enjoy’ that process of development.

Subsequent Articles elaborate these important basic principles and clarify the nature of the Right to Development. For example, Article 1 recognizes that not only ‘every human person’ but also ‘all peoples’ are entitled to the Right to Development. Article 1, paragraph 2, explicitly recognizes the right of peoples to self-determination. Article 2, paragraph 1, categorically states that it is ‘the human person’ who is the central subject of development, in the sense of being the ‘active participant and beneficiary of the Right to Development’. Even if ‘peoples’ as collectives of ‘human persons’ are entitled to some rights, such as full sovereignty over their natural wealth and resources, the human person must be the active participant and beneficiary of that right.

The process of development, ‘in which all human rights and fundamental freedoms can be fully realized’, is elaborated in several Articles as the objective of development policies or of measures to realize the Right to Development. For example, Article 2, paragraph 3, defines such a development process as: ‘the constant improvement of the well-being of the entire population and of all individuals, on the basis of their actions, free and meaningful participation in development and the fair distribution of the benefits resulting therefrom’. Article 8 states more specifically that realizing the Right to Development would ensure ‘equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income’, and ‘that women should have an active role in the development process’ as well as ‘appropriate economic and social reforms’, ‘eradicating all social injustices’.

In order to realize this process of development, to which every human person is entitled by virtue of the Right to Development, there are responsibilities to be borne by all the concerned parties — the human persons, states operating nationally, and states operating internationally. According to Article 2, paragraph 2, ‘all human beings (persons) have a responsibility for development, individually and collectively’; they must take appropriate actions, maintaining ‘full respect for their human rights and fundamental freedoms as well as their duties to the community’. Human persons are thus recognized to function both individually and as members of collectives or communities; they have duties to communities that are necessary for the promotion of the process of development.
States, according to Article 3, have ‘the primary responsibility for the creation of national and international conditions favourable to the realization of the Right to Development’. This responsibility is complementary to the individuals’ responsibility mentioned above; it is the responsibility of States to create the conditions for realizing the Right to Development, not actually to realize it. The individuals themselves are the only ones who can do that. The actions of States needed for creating such conditions are elaborated in the different Articles in terms of both national and international operations. At the national level, Article 2, paragraph 3 points out that ‘States have the right and the duty to formulate appropriate national development policies’, and Article 8 says that ‘States should undertake ... all necessary measures for the realization of the Right to Development’, and ‘should encourage popular participation in all spheres’. In addition, States are required by Article 6, paragraph 3 to take steps ‘to eliminate obstacles to development resulting from failure to observe civil and political rights as well as economic, social and cultural rights’, because the implementation, promotion and protection of these rights would be essential for realizing the Right to Development, as ‘all human rights and fundamental freedoms are indivisible and interdependent’ (Article 6, paragraph 2). Furthermore, States are expected 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 those resulting from apartheid, ... racial discrimination, colonialism, foreign domination ...’ (Article 5).

Regarding the obligation of States operating at the international level, the Declaration forcefully emphasizes the crucial importance of international co-operation. According to Article 3, paragraph 3, States have the duty ‘to cooperate with each other in ensuring development and eliminating obstacles to development ... and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest’. This is reiterated in Article 6, which states that ‘all States should cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms’, which are essential ingredients, as observed in Article 1 of the Declaration. Article 7 in particular talks about all States promoting international peace and security and complete disarmament, ensuring that resources thereby released are used for comprehensive development, in particular of developing countries.

Most importantly, Article 4 declares quite categorically that States have the duty, individually and collectively, to formulate international development policies to facilitate the realization of the Right to Development. It recognizes that sustained action is required to promote rapid development of developing countries, and then declares: ‘as a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development’. To appreciate fully the emphasis the
Declaration puts on international co-operation, Article 4 should be read in conjunction with the opening sentence of the preamble of the Declaration which refers to ‘the purposes and principles of the Charter of the United Nations relating to the achievement of international cooperation in solving international problems of an economic, social, cultural and humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms’. That reference is to Article 1 of the Charter; the case for international co-operation could be further strengthened by referring to Articles 55 and 56 of the Charter, by which Member States pledge themselves to take joint and separate actions to promote: ‘(a) high standards of living, full enjoyment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health and related problems, and international cultural and educational cooperation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion’, and then declare that all members of the United Nations ‘pledge themselves to take joint and separate action in cooperation with the Organization’ for the achievement of these purposes. Because the Charter has a special status as the foundation of the present international system, this pledge is a commitment to international co-operation by all States within the United Nations.

The Vienna Declaration and Programme of Action reaffirms the solemn commitment of all States to fulfil their obligations in accordance with the Charter of the United Nations (para I.1), that States should co-operate with each other in ensuring development and eliminating obstacles to development; that the international community should promote effective international co-operation for the realization of the Right to Development (para I.10); that progress towards the implementation of the Right to Development requires effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level (ibid.); and that the international community should make all efforts to alleviate specific problems, such as the external debt burden of developing countries, to supplement the efforts of the governments of those countries.

The essential elements of the Right to Development can thus be summed up as follows. The Right to Development is the right to a process of development in which all human rights and fundamental freedoms can be fully realized (Article 1), and which has to be exercised in a manner that ensures:

- that the individuals concerned would participate effectively, fully and meaningfully at all stages of decision making (Articles 1, 2[3] and 8);
- that the individuals would have equal opportunity of access to resources (Article 8);
- that they would be entitled to a fair distribution of the benefits of development and of income (Articles 2 and 8);
that States would carry out their responsibilities to enable that process of development to materialize through appropriate national and international development policy (Articles 3 and 4);
- that there would be international co-operation among the States (and international agencies) to facilitate the realization of this Right to Development; and finally, and most importantly;
- that all such activities would be carried out maintaining full respect for civil and political as well as economic, social and cultural rights (the preamble, Articles 6 and 9).

The importance of the last element derives from the fact that the Right to Development is a human right, and as such it is interdependent with and indivisible from other civil, political, economic, social and cultural rights, in the sense that the denial of any one of these rights would tend to deny the Right to Development itself. The foundation of a programme for realizing the Right to Development must therefore be the protection of all these rights. It must be built upon the ideas of the Vienna Declaration and Programme of Action and measures of international co-operation, supplementing the efforts of national governments to promote development in a manner that is consistent with the Right to Development, as enunciated above and elaborated in the Declaration on the Right to Development.

The Process of Development

The nature of the process of development to which every human person and all peoples are entitled as the Right to Development has been identified in the Declaration as one in which all human rights and fundamental freedoms can be fully realized. It is centred around the concept of equity and justice, with the majority of the population who are currently poor and deprived enjoying raised living standards and the capacity to improve their position. It also implies that the well-being of ‘the entire population’ be improved. The concept of well-being in this context extends well beyond the conventional notions of economic growth to the expansion of opportunities and capabilities to enjoy those opportunities.

On the face of it, this approach is contrary to the usual approach to economic development which for many years was preoccupied with the growth in output of material products and marketable services. The industrial countries, which have had centuries of economic growth, developed through a process of capital accumulation and, at least in the initial phases of industrialization, did not have an impressive record of equity and justice. After World War II, they succeeded in reconstructing their war-ravaged production structures, first with large resource transfers under the Marshall Plan, and then through the expansion of trade and payment arrangements among themselves. The developing countries, lagging far behind the indus-
trial countries in technological and physical capacities, were expected to follow the same path of pursuing accumulation of wealth and production capacities through the growth of gross national product and expansion of trade and payments.

The international community was of course conscious that the developing countries as a group were handicapped by the initial conditions of under-development in capacities, skills, technology and accumulated capital. It provided substantial assistance to the developing countries through bilateral and multilateral resource transfer, balance of payments support from the IMF and long-term investment finance from the World Bank. But development policies were dominated by considerations of maximizing the growth of GNP, increased industrial production, and improved technology and aggregate consumption. The notions of equity, justice, participation and freedom were peripheral and were raised only as afterthoughts in the approach to national and international development policies. These, however, are the factors that comprise the value added by the concept of the Right to Development.

There has always been a sector of academic economists, from the time of Adam Smith and classical economists to the present day, who believed that the idea of development went far beyond growth in output and material wealth, to include welfare and equity, or at least the improvement of the lot of the poor, and giving people a wider range of choices. Most of them, however, were persuaded to accept the principle of maximizing per capita GDP as the basic strategy for development, rather than re-orienting their whole approach according to concerns with equity and justice. The Nobel Laureate, W. A. Lewis, was an example of this. In *The Theory of Economic Growth* (1955), he agreed that the objective of development was to increase the range of human choice, but decided to concentrate his analysis on the growth of output per head, which ‘gives man greater control over his environment, and thereby increases his freedom’.\(^4\) The growth of GDP thus becomes both the objective and the instrument of development.

Many economists and policy makers were influenced by the Kuznets thesis that income growth and income equality are negatively related, so that policies to increase equality may actually lead to reduced growth (see Kuznets, 1955). Even those who did not subscribe to this thesis — and later empirical research has failed to substantiate the theory on the basis of experiences of developing countries — were not always in favour of re-orienting the whole development process based on considerations of increasing equity. Rather, they advanced the idea of promoting policies to maximize the growth of GDP, and then adopting some redistributive measures to improve the lot of the poorest and the worst-off. A well-known example of this was the ‘minimum needs approach’ by which the

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4. Lewis (1955); see especially pp. 9–10, 420–1.
international agencies tried to help the developing countries to supply the poor with the provisions that met their minimum needs.

The Right to Development, or the right to the process of development in which all the human rights and fundamental freedoms can be realized, suggests a qualitatively different approach, where considerations of equity and justice are primary determinants of development and the whole structure of development is shaped by them. For example, if poverty has to be reduced, if the poor have to be empowered, or if the poorest regions have to be lifted out of their poverty, the structure of production has to be adjusted to produce these outcomes through development policy. The aim of policy should be to achieve this with the minimum impact on other objectives, such as the overall growth of output — but if there is a trade-off, such that growth will be below the feasible maximum in order to satisfy the concerns of equity, it will have to be accepted. If the development process is to be participatory, decisions have to be taken with the full involvement of the beneficiaries, keeping in mind that if this involves a delay in the process, that delay should be kept to a minimum. If a group of destitute or deprived people are to have a minimum standard of well-being, a simple transfer of income through benefits or subsidies may not be the right policy; rather, they may have to be provided with the opportunity to work or to be self-employed, which could require the generation of activities that a simple reliance on market processes may not be able to ensure.

The rights approach to development requires us to re-examine the ends and means of development. If improvement of people’s well-being is the objective of development, then economic growth consisting of the accumulation of wealth and the growth of GNP would not be an end in itself. It can be one of the ends, and it can also be a means to some other ends, when ‘well-being’ is equivalent to the realization of human rights. A prosperous community of slaves who do not have civil and political rights will not be regarded as a society with well-being. Education, learning and skill formation may make a person more productive, generating more income to satisfy more wants, and thereby become a means to the end of economic growth. But education also expands the capacity to read, communicate, argue, and lead a fuller life.

In order to capture these nuances and to develop more useful categories of variables in making development policy, Amartya Sen, Nobel Prize winner in Economics in 1998, approached this problem almost entirely from the point of view of the Right to Development. According to Sen, development is best seen as a process of expanding the substantive freedoms that people enjoy (see Sen, 1997). Growth of GNP, or industrialization, or technological advances are very important as means to expanding these freedoms: but they also depend on other determinants, such as social and economic arrangements, education, provision of health care, social security, as well as political and civil rights, the freedom to participate in public discussion and in development activity. Substantive freedoms are constituent components of
development, but they are also instruments of development. Free agency of
the people, when they enjoy civil and political rights promoting development
through participation, is essential for that process. The concept of devel-
opment as freedom thus fully integrates human rights with the Right to
Development.

Closely related to this is the concept of capability, which Sen and many
other economists have extensively dealt with and operationalized (see Sen,
1984, 1995). ‘Functionings’ are defined as things that we value doing or
being, such as being in good health, being literate, or educated, being able
to participate in the life of the community, being free to speak, being free
to associate, and so on. The freedom to achieve valuable functionings is
called ‘capability’. In that sense, development becomes the expansion of the
capabilities of persons to lead the kinds of lives they value. Public policies,
national or international, can expand the capabilities, and participatory
capabilities used effectively by the public can themselves influence the for-
mulation of these public policies. Therefore, in determining public policies
which would realize the Right to Development, it would be useful to focus
on capabilities and their enhancement in specific sectors.

A PROGRAMME FOR REALIZING THE RIGHT TO DEVELOPMENT

The following paragraphs propose an approach to the implementation of
the Right to Development that can be debated meaningfully in international
forums and among academics, experts, international institutions and non-
governmental agencies — not just individually, but through meetings, seminars
and conferences. The aim would be to initiate a process of international
confidence building around the methods of realizing the Right to Develop-
ment.

The Right to Development has to be implemented mainly by collective
action. The Right incorporates personal rights which, according to the
Canadian philosopher, Charles Taylor, concentrate on ‘the individual’s ability
to determine the way society behaves towards him’, such as the right to life
and the freedoms of speech, association, opinion and religion (Taylor,
1986). However, it also goes beyond this, to include rights that can be
secured only through positive action by the state, or actions by civil society
groups complementing the actions of the state. These are the ‘solidarity
rights’ of Karel Vasak (1975), or what Taylor (1986) described as ‘funda-
mental social objectives’. The elements of personal rights can be imple-
mented in the traditional way by the State parties carrying out their
obligations towards the individual. But the elements of solidarity rights
related to economic, social and cultural aspects of the Right to Development
have to be implemented through appropriate designs of social actions. These
include the positive actions of the State and of non-state public activist
groups but — given our globalized world in which national actions are
constrained by the international environment — also have to be complemented by international action by other states and international institutions.

Economic policies of a country in a globalized world can no longer be set in isolation from international interactions and even for a single country there are many policy options that can affect different sections of people differently. Making the Right to Development a human right, recognized by all governments, enjoins on them a code of conduct that not only restrains them from disrupting the conditions required to fulfil that right but also actively assists and promotes its fulfilment. As it is a human right, it pertains to every individual irrespective of nationality, country or continent, and the obligations of a State extend beyond its boundaries to helping, through positive action, the citizens of all other states. The obligations of the State to its own citizens remain paramount, since a citizen’s mode of living vitally depends upon the actions of the State — but no State can ignore the impact of its actions on the citizens of other states. Consequently, every State having recognized the right to development is obliged to ensure that its policies and actions do not impede enjoyment of that right in other countries, and to take positive action to help the citizens of other states to realize that right.

So long as the rights relating to the Right to Development are not codified in a covenant, such obligations may not have the sanction of international law; but a voluntary acceptance of the Declaration implies acceptance of the moral obligations which are in any case the basis of a legal system.

The effective implementation of the Right to Development still has a long way to go, but not because it has not been incorporated in a treaty or covenant. Even after their formulation and acceptance by many governments, it took a long time before civil rights or political rights were incorporated in national and international laws and made justiciable and enforceable. Even today their implementation is not always universal and comprehensive. Similarly it will take time before the Right to Development is honoured universally and comprehensively. But the process has begun. It must now evolve through the resolution of conflicts between national and international interest groups, which can be achieved through collective action, mutual co-operation and coalition-formation. Until procedures are worked out to resolve conflicts, so that the different interest groups have an incentive to honour these rights, the mere rhetoric of acceptance or even being encoded as law is no guarantee that the Declaration will be implemented.

### International Co-operation for Realizing the Right to Development

The need for international co-operation, or the obligation of the states to co-operate with each other for realizing the Right to Development has, as we have noted, been duly recognized. One of the instruments of international economic co-operation has been official development assistance (ODA) or foreign aid, but that is just one of several options that can be used
by the members of the international community. Providing access to markets through trade liberalization, providing incentives to increase investment flows and transfer of technology, providing bilateral and multilateral assistance to implement structural adjustments and economic reforms and debt forgiveness, and assisting countries to meet financial crises and other emergencies are some of the different ways the members of the international community have co-operated effectively with each other.

Development assistance or foreign aid remains, however, the most important instrument of international co-operation, because it can be used at the discretion of the authorities in pursuit of policies. It would therefore be desirable if the volume of foreign aid were to increase. There is on record a voluntary, albeit morally binding, commitment by the industrial countries to provide 0.7 per cent of GDP as foreign aid, and the countries involved should try to meet their commitments. However, given that the majority of countries fail to reach even half of this target, that in the last few years the volume of aid has remained stagnant, and for a few major countries has even fallen, it does not seem realistic to base a programme of international action on the expectation of a large increase in foreign aid. On the other hand, there has been a phenomenal increase in international private and non-concessional capital flows from the industrial countries. It would be useful to examine if aid, which is available in limited quantities, can be used as a form or leverage to channel large sums of private flows especially to those countries which are normally bypassed by private capital — which are, after all, the very countries which most need them in order to realize the Right to Development.5

5. There is a prevalent opinion that it is counter-productive to plead for increased foreign aid because the OECD countries have developed ‘aid-fatigue’. I do not find much evidence of aid-fatigue in the records of ODA performance of DAC countries (see OECD, 1998). ODA as a percentage of GNP of the OECD countries never reached 0.7 per cent, but it hovered around 0.32/0.33 per cent consistently for more than fifteen years, until about 1992. Even the USA, whose ODA-share of GNP was always much smaller than other DAC countries, maintained relative stability in its share until 1992, after which it fell steadily. Since the volume of US aid was very large in absolute terms, it dominated the overall share of the OECD countries, even though a number of them maintained larger percentage shares of ODA to GNP throughout the period. After 1993, these shares fell for all major DAC countries, but this had more to do with the internal conditions of their economies and other factors than with aid-fatigue. The value of net ODA (in real terms at 1995 prices) was significantly higher in 1995–6 than in 1985–6 for major donor countries including Japan, France, Germany, the Netherlands and the UK. The trend was similar for ODA in per capita terms (in 1995 dollars). Only in the USA was the decline in ODA, both in absolute and per capita terms, unequivocal. This did not mean the USA had lost interest in co-operating with the developing countries through resource transfer: the amount of assistance in dollar terms from the USA continues to be very large (the second largest after Japan in recent years), and the way in which the USA has mobilized large-scale support for countries facing crisis, for example in Latin America or in East Asia, indicates its willingness to co-operate with these countries when it is convinced of the usefulness of such co-operation.
The volume of resource transfers, however, is not as important as the use that is made of the resources. Donors have a legitimate concern about the effectiveness of the resources they provide to the developing countries in furthering the objectives of development. When imposed without the willing consent of the recipient, conditionalities go against the spirit of the rights approach to development. But if they form part of an understanding and are perceived as a ‘compact’ based on mutual commitment to fulfilling conditions for implementing programmes, they can become an effective instrument for realizing the Right to Development.

Development Compacts

The idea of a ‘compact’ was first floated by the Norwegian Foreign Minister, T. Stoltenberg, in the late 1980s, and was elaborated upon by other development economists and in the UNDP’s *Human Development Reports*. The intention was to support programmes which were to be implemented by developing countries, according to a sequenced design of policies, with a clear commitment by donors to provide the necessary assistance in terms both of finance and trade access as well as other policies to match the efforts of the recipient countries. Stoltenberg talked about development contracts as comprehensive long-term commitments by industrial countries for development assistance to implement long-term development plans of the third world countries. This was taken up by others at the OECD Development Centre, when it was suggested that a Development Commission be formed to conduct continued dialogue between developing and industrial countries. The idea of a development compact is less ambitious and more linked to an understanding or an agreement between a developing country undertaking programmes of adjustment and reform and a group of industrial countries, which would ensure the provision of necessary assistance to implement the programmes. The logic of such reciprocal obligation was first spelled out in a report of the IMF Group of 24, on the functioning of the international monetary system (IMF, 1985), which was discussed at a meeting of the Executive Board of the Fund. Later, an attempt was made by the IMF to apply these principles in their special programmes for helping out the highly indebted and defaulting countries, described as ‘countries in arrears’, through support groups.

It would be useful to invoke the concept of development compacts once again in working out programmes for implementing the Right to Development. Without seeking to replace any existing arrangements, the international community might choose to adopt a few specific international programmes to begin implementing the Right to Development through com-

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6. Stoltenberg (1989); see also IMF (1985). For further elaboration of the idea of reciprocal obligations along these lines, see Sengupta (1990), UNDP (1992).
pacts between developed and developing countries: the latter would take on the obligation of following policies and procedures mutually agreed upon, the former of providing the necessary financial and other assistance identified. As long as implementing these programmes does not detract from the achievement of other, ongoing programmes or objectives, they could represent definite progress towards realizing the Right to Development.

As noted above, the concept of development as incorporated in the Right to Development is much broader than securing adequate income or consumption standards. It is a ‘vector’, consisting of a large number of elements such as income, employment, health, education or opportunities in general, which include all forms of freedoms reflected in civil and political rights. An increase in any one element of the vector, such as per capita income or employment, does not automatically raise the level of other elements, such as health, nutrition, longevity or education, but a higher level of per capita income or employment does facilitate improvement in those other elements, if appropriate policies are applied. This is also true of other elements: a higher level of education or health improves productivity and facilitates an increase in per capita income or employment, provided the right complementary policies are adopted. Thus, any programme that raises the level of any of the elements of the vector of development without lowering the level of any other element would increase the overall level of development. In the current context, this essentially means not violating other rights, such as civil and political rights, and respecting the principles of transparency, accountability, equity and participation — in other words, realizing the Right to Development.

Clearly, then, the Right to Development has to be implemented step-by-step, according to the growth of national and international economies, overall physical, financial, and institutional resources, as well as the strength of the human rights movements reflected in international commitments for co-operation. A good starting point may therefore be the identification of a few well-defined rights with which to begin the process. As proposed earlier in this article, the right to food, the right to primary health care and the right to primary education seem obvious selections, since these can be seen as the minimum indicators of the right to development. Essentially these three rights are complementary to the non-derogable right to life, which is the foundation of all rights and the violation of which attracts sanctions and reprimand not only from the national states but also from all other states and the international community. The next stage may be an international agreement, either embodied in a new covenant or as part of some existing Covenants or Protocols, to make these three rights ‘non-derogable’.7 All

7. The existence of non-derogable rights is recognized in the International Covenant on Civil and Political Rights (1966). Article 4 permits the derogation from the obligations of the Covenant during emergencies, but declares certain rights to be non-derogable, such as the right to life, the right to be protected from torture and the right to freedom of thought.
the signatories of the agreement must accept the obligation not only to fulfil these rights for their own citizens, but also to provide the necessary assistance and create the necessary condition for their fulfilment in other states. These three rights would then be assigned priority in the use of the State's financial and administrative resources: an individual should be able to claim the fulfilment of these rights as an obligation of the State. The international community and the governments of developed countries must act together to devise ways to help the governments of developing countries to implement these rights, as they do in implementing civil and political rights. Although these obligations are voluntary and consensual, once accepted they become binding and must be implemented.

All three rights — to food, to primary education and to primary health care — are part of the International Covenant on Economic, Social and Cultural Rights. Article 11(1) of that Covenant recognizes the right of everyone to an adequate standard of living, including adequate food, and Article 11(2) enjoins the State parties to take the necessary steps, individually and through international co-operation to improve the production, conservation and distribution of food, recognizing ‘the fundamental right of everyone to be free from hunger’. Article 13 recognizes ‘the right of everyone to education’, and with a view to achieving the full realization of this right, states that ‘primary education shall be compulsory and available free to all’. Article 14 requires each State party which has not been able to secure compulsory primary education, free of charge, to work out and adopt a detailed plan of action for the progressive implementation of such education within a reasonable period. The right to primary health care is included in the recognition, in Article 12(1), of the right of everyone to enjoy the highest attainable standard of physical and mental health. To achieve this right, according to Article 12(2), the State parties must provide, inter alia, for the reduction of the still-birth and infant mortality rates, the prevention and control of epidemics and the provision of medical services. Primary health care would consist of only a part of these provisions; it has been identified by the WHO primary health care strategy as consisting of maternal and child health care, family planning, immunization, treatment of common diseases, essential drugs, safe water and sanitation. To this may be added, access to ‘trained personnel, with regular supply of twenty essential drugs, within one hour’s travel’.

Article 2 of the International Covenant on Economic, Social and Cultural Rights lays down the general principle for the realization of these rights by State parties through all appropriate means, particularly the adoption of legislative measures, making maximum use of available resources, and through international assistance and co-operation.

In formulating these development compacts, certain arrangements will have to be worked out between the governments of developing countries and the international community, represented by the donors and the international financial institutions. These arrangements will require planning of
appropriate policies, phasing of the activities and the expenditure, and provision and distribution of the necessary facilities at the national and international levels. Most importantly, the human rights approach must be followed meticulously. There has to be transparency and accountability with decentralized decision making, with the full and effective participation of all the beneficiaries. There has to be equal opportunity of access to resources, and a fair distribution of the benefits; and full respect for human rights. There will also have to be assessments of the costs of programmes, and of how much of this can be mobilized by the State itself. On that basis, the requirements from international co-operation, in terms of providing financial resources as well as technical assistance, market access and provision of other facilities, will need to be determined.

The process of working out these arrangements will have to be fully democratic. The governments concerned should be able to negotiate on an equal footing with the representatives of the donors and the World Bank, which have expertise in running projects in such countries; the IMF, which is involved in assessing the capacity to mobilize resources; and the specialized agencies, such as FAO, WHO and UNICEF, which are familiar with the requirements of implementing projects in the areas of food supply, primary health care and primary education. Once the arrangements are worked out for implementing programmes in the areas of the right to food, the right to primary health care and the right to primary education, there will need to be agreement about what the States are expected to do in pursuance of other aspects of the Right to Development, in clearly determined phases. The representatives of the international community can then enter into an assurance that they will provide the resources and other means of international co-operation, as determined in the assessment of the requirements. The compact is essentially the acceptance of mutual obligation. If the developing countries concerned follow the obligations of realizing these rights, in accordance with the arrangements worked out with their full participation, the international community, the donors and the financial institutions will meet their part of the obligation by providing the necessary financial, technical and other assistance.

It will be necessary to explore appropriate mechanisms to work out arrangements for these compacts. The international financial community has had experience of working out such mutually negotiated plans of action with individual countries facing specific problems. As noted above, for example, in the late 1980s the IMF experimented with an approach when dealing with highly-indebted developing countries that fell into arrears in meeting their repayment obligations. A group of donor countries was formed as a Support Group for the country concerned with the help of the international financial agencies, such as the World Bank, the Regional Development Banks and the IMF, to work out programmes of reforms and adjustment; if the concerned developing country followed all the steps as agreed, the international community would guarantee to provide the
necessary resources. The difference between this and other conventional arrangements of the IMF and the World Bank was in the scope of the dialogue between the developing and the donor countries during the process of implementation, which allowed the introduction of changes in the programme if necessary to make the process fully participatory.

A model similar to this Support Group concept could be used to work out the arrangements involved in a development compact. For instance, a Standing Group including representatives of DAC (on behalf of the donors), the IMF, the World Bank and the Regional Development Bank of the country concerned (to represent the financial institutions), representatives of FAO, WHO and UNICEF (concerned with the areas of the three rights, food, primary health care and primary education), and a representative of the Commission on Human Rights (to examine the programme from a human rights perspective), could meet to negotiate with a country willing to accept the obligation to fulfil those rights, a plan of action to realize the rights to food, primary health care and primary education in a well-defined sequence within a stipulated time. This need not be the only model of such a mechanism, however, and it would be necessary to explore what would be most feasible and acceptable. Once the idea of the compact is accepted, it should not be difficult to reach an agreement about the most desirable mechanism to work it out in practice.

Complementary Policies and Actions at the National Level

It must be reiterated that making these three rights non-derogable or the minimum to be satisfied, does not mean that other elements of the Right to Development — including civil and political rights — can be violated or ignored. One way to ensure that would be to follow the approach as described above, implementing the rights with transparency, accountability and full participation. In addition, positive steps must be taken to protect all rights and freedoms. Indeed, all signatories to the Declaration have the moral obligation to do everything possible to help realize all the elements of the Right to Development as a human right. At a minimum, as they accept the treaty-obligation to realize the three basic rights, they should at least ensure that there is no deterioration with respect to the other elements of the rights related to the Right to Development.

While this article has proposed that the three minimal rights should be realized through a development compact as a form of international cooperation in a step-by-step approach, it should not be taken as underplaying the paramount importance of action at the national level. As the Declaration on the Right to Development makes clear, and the Vienna Declaration and Programme of Action reaffirms, primary responsibility for ensuring enjoyment of human rights lies with individual states. It is thus vital that states follow policies of growth and development which complement policies
to implement the individual rights, including the three identified above. Among those complementary policies the most important would be taking steps to remove poverty, by national and international action. By reducing the numbers of those who live below the poverty line, the total well-being of the population will increase. It will also improve equity, measured by whatever index is appropriate. If there is sustained growth of GDP, and no worsening of the distribution of income, overall per capita consumption should improve, and thus reduce the overall level of poverty. If GDP growth is not sustained, however, or if the distribution of income and expenditure deteriorates, an increase in per capita GDP may not lead to a reduction of poverty.

Measures must therefore be taken to prevent the worsening of income distribution when the average income is increasing, or to ensure that income growth is not accompanied by a decline in non-income indicators of well-being such as health, nutrition or education. In other words, policies for realizing the Right to Development with respect to any specific rights such as to food, primary health care and primary education, must be accompanied by well-designed programmes for growth and development, specifically targeted to the poor (that is, those who live below the poverty line) whether through public distribution or through special employment programmes or other social development schemes that improve the capabilities of the poor. Only against the background of such policies will it be possible to implement the Right to Development. The programme for realizing this right cannot be formulated and implemented without basic programmes for growth and development.

Finally, it bears repeating that the proposal for realizing the Right to Development put forward in this article is only an illustration of how the international community can apply concrete measures of international co-operation to enable individual states to implement the Declaration on the Right to Development. It is not a substitute for, but entirely complementary to, the juridical and institutional measures that national governments and international institutions, including the treaty bodies, must adopt in order to implement this Right in accordance with international legal instruments. Implementing the Right to Development, however, is not simply a matter of enforcing an instrument of international law. It calls for positive action both at the national and international level through concrete programmes of co-operation.

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