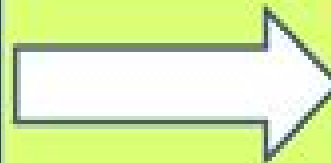


UN Declaration on the Right to Development 1986

**“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”
(Article 1.1)**



It is a human right, and the source of the human rights-based approach to development

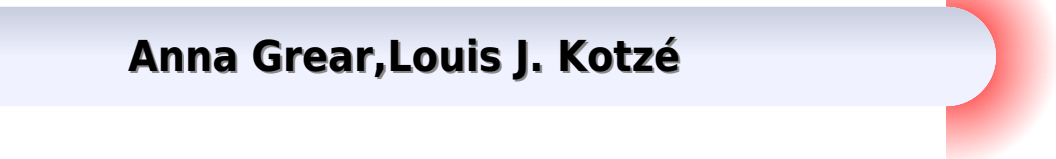
It is both individual and collective

It has both national and international dimensions

It entitles everyone to participate in, contribute to and enjoy development in its economic, social, cultural and political dimensions

Reflections On The Right To Development

Anna Grear, Louis J. Kotzé



Reflections On The Right To Development:

Reflections on the Right To Development Arjun Sengupta, Archana Negi, Moushumi Basu, 2005 The Right to Development RTD is a new and highly contested right Its emergence is linked to the demand for a new international economic order by developing countries Composite in nature and integrating civil and political rights with economic social and cultural rights the RTD approach underscores participation a fair sharing of benefits transparency and non discrimination The present volume explores the theoretical and practical aspects of RTD as an alternative to existing approaches to development It brings together the reflections and insights of some of the finest scholars on the specific aspects of RTD

The Concept of the Common Heritage of Mankind in International Law Kemal Baslar, 1998 The concept of the common heritage of mankind is one of the most extraordinary developments in recent intellectual history and one of the most revolutionary and radical legal concepts to have emerged in recent decades The year 1997 marks the thirtieth anniversary of the advent of the concept in the domain of public international law Ever since its emergence it has become evident that no other concept notion principle or doctrine has brought as much intensive debate controversy confrontation and speculation as the common heritage phenomenon did This is because it is a philosophical idea that questions the regimes of globally important resources regardless of their situation and requires major changes in the world to apply its provisions In other words the application and enforcement of the common heritage of mankind require a critical reexamination of many well established principles and doctrines of classical international law such as acquisition of territory consent based sources of international law sovereignty equality resource allocation and international personality This book aims to explore the legal theory and implications of the concept of the common heritage of mankind It addresses almost all aspects of the concept in the light of the experience of three decades The author takes into account the elements of the common heritage concept in the fields of jurisprudence outer space law the law of the sea the law of Antarctica international environmental law human rights and general principles of public international law It tries to develop a normative framework through which the concept may offer alternatives for the governance of the global commons

The Right to Development and International Economic Law Isabella D Bunn, 2012-03-01 The United Nations is commemorating the 25th anniversary of the 1986 Declaration on the Right to Development which proclaimed the right to be 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 realized The UN now aims to mainstream the right into its policies and operational activities and is reviewing prospects for an internationally binding legal instrument The evolution of the right to development however has been dominated by debates about its conceptual validity and practical ramifications It has been hailed as the cornerstone of the entire human rights system and criticized as a distracting ideological initiative Questions also persist about the role of the right in reforming the international economic order This

book examines the legal and moral foundations of the right to development addressing the major issues It then considers the right to development in the global economy noting the challenges of globalization and identifying key principles such as differential treatment of developing countries participation and accountability It relates the right to broad objectives such as the Millennium Development Goals the human rights based approach to development and environmental sustainability Implications for international economic law and policy in the areas of trade development finance and corporate responsibility are assessed The conclusion looks to the legal and ethical contributions and limitations of the right to development in this new context With an academic and professional background in international law human rights and moral theology the author brings a unique interdisciplinary focus to this timely project

The Right to Development in International Law

Khurshid Iqbal, 2009-09-10 This book explores the right to development in international law The volume draws on a range of relevant sources to analyze the legal status of international cooperation in contemporary international law before going on to explore the domestic application of the right to development looking at the example of Pakistan

Perspectives on the right to development Carol C Ngang, Serges Djyouou Kamga, Vusi Gumede, 2018-01-01 The last couple of decades has not only witnessed an increased convergence between human rights and development but also a significant shift towards rights based approaches to development including especially responsiveness to the fact that development in itself is a human right guaranteed to be enjoyed by all peoples This edited volume of peer reviewed papers constitutes the first product resulting from the annual international conference series on the right to development organised by the Centre for Human Rights University of Pretoria and the Thabo Mbeki African Leadership Institute at the University of South Africa It explores the complex nature of the right to development from a diversified perspective including from a conceptual thematic country and regional points of view Conceived with the purpose to overshadow dominant economic growth approaches to development the perspectives on the right to development articulated in this publication seek to locate the developmentalist discourse within the framework of accountability and people centred development programming necessitating appropriate policy formulation to ensure the constant improvement in human well being The book is written with the aim to reach out to researchers academics practitioners and policy makers who desire an in depth understanding of the right to development as it applies universally

Insights into Policies and Practices on the Right to Development Carol Chi Ngang, Serges Djyouou Kamga, 2020-10-06 As the world continues to grapple with a range of practical development challenges that are directly linked to livelihood concerns about human well being and declining living standards often overlooked is the human right to development which remains largely unfulfilled In the face of successive global initiatives seeking to remedy these challenges it has become urgent to ask what the universal recognition of the right to development implies if it cannot be translated into improved well being for impoverished peoples around the world The contributors in this timely volume argue that setbacks to development are deeply rooted in the failure to implement the right to development which by nature guarantees equality of

opportunities and equitable redistribution of the resources that contribute to better living standards Assessing policy and practical measures or the lack thereof they offer practical suggestions for implementation that will make the right to development a reality for everyone **The Right to Development in Africa** Carol Chi Ngang,2021-10-18 In The Right to Development in Africa Carol Chi Ngang provides a conceptual analysis of the human right to development with a decolonial critique of the requirement to have recourse to development cooperation as a mechanism for its realisation In his argumentation the setbacks to development in Africa are not necessarily caused by the absence of development assistance but principally as a result of the lack of an operational model to steer the processes for development towards the highest attainable standard of living for the peoples of Africa Basing on the decolonial and capability theories he posits for a shift in development thinking from dependence on development assistance to an alternative model suited to Africa which he defines as the right to development governance **Reflections on the Constitutionalisation of International Economic Law**

,2013-12-09 This book collects a large number of essays written in honour of Professor Ernst Ulrich Petersmann by his friends colleagues and former students The respective contributions cover the fields of international economic law international constitutional law transnational constitutionalism EU law and human rights The broad thematic scope of this book mirrors the extremely large field of interests of the jubilarian Paying tribute to a particular trait of Professor Petersmann s character who was always both a dogmatic thinker and a curious researcher the authors try to cover both structural issues of law as well as most recent developments in particular in the field of international economic law Construing the constitution of international economic law in both senses of this activity was an aim throughout Professor Petersmann s academic career and this goal stands also at the heart of this book **The Right to Development in the African Human Rights System** Serges Djoyou Kamga,2018-01-29 The right to development RTD seeks to address global inequities hidden in world politics and global institutions through the game of influences played by powerful actors The negative impacts of the Atlantic slave trade colonialism and the subjugation of Africa through globalisation and its institutions are key factors that have caused Africa and African people claiming their RTD This book examines how the African continent protects the right to development examining the nature of the RTD and controversies surrounding it and how it is implemented The book then goes onto explore the RTD at the regional level including through the jurisprudence of the African Commission and the African Court on Human Rights at the sub regional level including in sub regional courts and tribunals at the national levels through case studies and through the African Union governance institutions Through this examination the author unveils what are the prospects and challenges to the realisation of the RTD in Africa **The Right to Development: Obligations of States and the Rights of Minorities and Indigenous Peoples** Margot E. Salomon,Arjun Sengupta,2003-02-10 The United Nations adopted the Declaration on the Right to Development in 1986 The Declaration recognizes that development is an inalienable human right and describes development as a comprehensive

process leading to the well being of all people All states are called upon to cooperate internationally and work nationally to ensure that this comprehensive process in which all human rights can be realized is undertaken without discrimination and that all people may participate fully and equally in this process This paper provides an elaboration of the content of the right to development by drawing on international law It addresses the obligations of states particularly with regard to international cooperation and considers the application of obligations of conduct as well as those of result in giving this right meaning This paper also details the rights of minorities and indigenous peoples and how they relate to the right to development The creation of conditions that enable a state to develop will not necessarily lead to the realization of the right to development by the individuals within that state Traditionally marginalized groups notably minorities and indigenous peoples may not benefit from this development or may be harmed by it Even where the right to development is being realized by the majority the rights of minorities and indigenous peoples could be violated if the process undertaken does not take account of their rights The authors discuss the need to have in place the standards to ensure that the protection and promotion of minority and indigenous rights are fully integrated into policies designed to fulfil the right to development Written in cooperation with the UN Independent Expert on the right to development this work builds on his contribution to the mandated objectives of the inter state UN Working Group on the Right to Development It provides an important contribution to the scope of rights and obligations in this area and the implications that stem from them particularly for minorities and indigenous peoples

Natural Resource Sovereignty and the Right to Development in Africa Carol Chi Ngang, Serges Djoyou Kamga, 2021-08-25 This book explores the nexus between natural resources ownership and the right to development in Africa The right to sovereignty over natural resources and the right to development are recognised and protected in an extensive framework of international regional and domestic instruments They guarantee people s entitlement to fully and freely utilise their natural resources as a means of subsistence and for economic social and cultural development Yet despite the abundance of natural resources in Africa a majority of the people on the continent remain largely impoverished This book articulates the central argument that to achieve the right to development in Africa requires appropriate governance of the continent s natural resources to which the people of Africa are guaranteed sovereign ownership With case study illustrations from Zimbabwe Ghana Ethiopia and the Democratic Republic of Congo chapters explore the normative measures specific guarantees and community entitlements to natural resources for the realisation of the right to development The book will be an invaluable guide to scholars and postgraduate students of Natural Resources Development and African studies as well as policymakers and practitioners in these areas

Human Rights and Development in International Law Tahmina Karimova, 2016-04-28 This book addresses the legal issues raised by the interaction between human rights and development in contemporary international law In particular it charts the parameters of international law that states have to take into account in order to protect human rights in the process of development In doing so it departs from traditional analyses where human rights are

mainly considered as a political dimension of development Rather the book suggests focusing on human rights as a system of international norms establishing minimum standards of protection of individuals and minimum standards applicable in all circumstances on what is essential for a dignified existence The various dimensions covered in the book include the discourse on human rights and development interrelationship particularly *opinio juris* and the practice of states on the question the notion of international assistance and cooperation in human rights law under legal regimes such as international humanitarian law and emerging rules in the area of protection of persons in the event of disasters the extraterritorial scope of economic social and cultural rights treaties and legal principles on the respect for human rights in externally designed and planned development activities Analysis of these topics sheds light on the question of whether international law as it stands today addresses most of the issues concerning the protection of human rights in the development process

Research Handbook on Human Rights and the Environment Anna Grear, Louis J. Kotzé, 2015-06-29 Bringing together leading international scholars in the field this Research Handbook interrogates from various angles and positions the fractious relationship between human rights and the environment and between human rights and environmental law

The Right to Development in International Law Subrata Roy Chowdhury, Erik M.G. Denters, Paul J.I.M. de Waart, 2023-11-27 The chapters in this volume are based on the papers that were presented at the Calcutta seminar organized in March 1992 by the ILA Committee on Legal Aspects of a New International Economic Order NIEO The conference focused on the right to development in particular its ideas and ideology human rights aspects and implementation in specific areas of international law The volume is accordingly organized in three parts The chapters cover a vast area of subjects derived from the UN Declaration of the Right to Development From the developed and underdeveloped world 33 authors discuss topics including contents scope and implementation of the right to development human rights of individuals and peoples co operation between the European Community and the Lom IV states current developments in investments treaties refugee protection development and democracy concept of sustainable development environmental issues protection of intellectual property transfer of technology human rights in international financial institutions and the legal conceptualization of the debt crisis Professor Oscar Schachter observes in the first chapter that the Declaration continues to be a challenging subject for legal commentary for its debatable legal status its combination of collective and individual rights its expansive conception of development and its equivocal obligation Apart from support doubts about the concept to the right to development may also be found in this volume

The Power of Freedom Jean-Pierre Chauffour, 2009 In this thought provoking book Jean Pierre Chauffour argues that freedom in all its economic civil and political dimensions is the only internally consistent and mutually supportive way of thinking about development and human rights

International Development Law Petra Minnerop, Rüdiger Wolfrum, Frauke Lachenmann, 2019-04-18 This volume brings together articles on international development law from the Max Planck Encyclopedia of Public International Law the definitive reference work on

international law It provides an invaluable resource for scholars students and practitioners of international development law giving an accessible thorough overview of all aspects of the field Each article contains cross references to related articles and includes a carefully selected bibliography of the most important writings and primary materials as a guide to further reading The Encyclopedia can be used by a wide range of readers Experienced scholars and practitioners will find a wealth of information on areas that they do not already know well as well as in depth treatments on every aspect of their specialist topics Articles can also be set as readings for students on taught courses

Rule of Law through Human Rights and International Criminal Justice Charles Riziki Majinge, 2015-10-05 This project was undertaken not so much as a farewell to the contribution Adama Dieng has selflessly offered to humanity but mainly as a token of appreciation to his dedication and contribution to the rule of law and human rights especially in his native continent Africa As a high ranking international civil servant diplomat teacher activist and accomplished jurist Adama Dieng has inspired and indeed continues to inspire a generation of men and women both in Africa and beyond with his unqualified commitment to the advancement of the ideals reflected in the United Nations Charter and the Universal Declaration of Human Rights Through his work and commitment to the cause of international justice and conflict prevention he has consistently placed the interests of his fellow men and women and indeed those of his continent before his own interests It is therefore in recognition of his efforts that his fellow jurists friends and colleagues decided to honour his contribution through a collection of essays on a life dedicated to the advancement of international peace and justice through the rule of law The contributions gathered here represent in good measure the values and beliefs in rule of law and human rights that have characterized Adama's commitment to work towards a better Africa and a better world

Economic, Social and Cultural Rights in International Law Manisuli Ssenyonjo, 2016-10-06 Since the first edition published in 2009 there have been several important treaty developments including the entry into force of the Optional Protocol to the International Covenant on Economic Social and Cultural Rights ICESCR on individual communications and significant developments in the case law on economic social and cultural ESC rights The second edition addresses these developments and explores ESC rights from foundational issues to substantive rights and systems of protection It has been fully updated to include new material and up to date coverage of the case law of human rights bodies and national courts on ESC rights In addition to the rights to health education and work covered in the first edition the second edition analyses new developments such as the rights to adequate food water and sanitation adequate housing social security and cultural rights It also considers several contemporary issues including the extraterritorial human rights obligations of states in the area of economic social and cultural rights non state actors relationship of the ICESCR to other areas of international law the Optional Protocol to the ICESCR regional protection of ESC rights more examples of the domestic protection of ESC rights the protection of ESC rights of vulnerable groups contemporary challenges to ESC rights including poverty corruption armed conflicts and terrorism It concludes by exploring the possible establishment of a World

Court of Human Rights The Human Right to Water Inga Winkler, 2014-08-14 The United Nations General Assembly and the Human Rights Council recognised the human right to water in 2010 This formal recognition has put the issue high on the international agenda but by itself leaves many questions unanswered This book addresses this gap and clarifies the legal status and meaning of the right to water through a detailed analysis of its legal foundations legal nature normative content and corresponding State obligations The human right to water has wide ranging implications for the distribution of water Examining these implications requires putting the right to water into the broader context of different water uses and analysing the linkages and competition with other human rights that depend on water for their realisation Water allocation is a highly political issue reflecting societal power relations with current priorities often benefitting the well off and powerful Human rights in contrast require prioritising the most basic needs of all people The human right to water has the potential to address these underlying structural causes of the lack of access to water rooted in inequalities and poverty by empowering people to hold the State accountable to live up to its human rights obligations and to demand that their basic needs are met with priority Reflections on the UN Declaration on the Rights of Indigenous Peoples Stephen Allen, Alexandra Xanthaki, 2011-01-12 The adoption of the Declaration on the Rights of Indigenous Peoples by the United Nations General Assembly on 13 September 2007 was acclaimed as a major success for the United Nations system given the extent to which it consolidates and develops the international corpus of indigenous rights This is the first in depth academic analysis of this far reaching instrument Indigenous representatives have argued that the rights contained in the Declaration and the processes by which it was formulated obligate affected States to accept the validity of its provisions and its interpretation of contested concepts such as culture land ownership and self determination This edited collection contains essays written by the main protagonists in the development of the Declaration indigenous representatives and field leading academics It offers a comprehensive institutional thematic and regional analysis of the Declaration In particular it explores the Declaration s normative resonance for international law and considers the ways in which this international instrument could catalyse institutional action and influence the development of national laws and policies on indigenous issues

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Table of Contents Reflections On The Right To Development

1. Understanding the eBook Reflections On The Right To Development
 - The Rise of Digital Reading Reflections On The Right To Development
 - Advantages of eBooks Over Traditional Books
2. Identifying Reflections On The Right To Development
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Reflections On The Right To Development
 - User-Friendly Interface
4. Exploring eBook Recommendations from Reflections On The Right To Development
 - Personalized Recommendations
 - Reflections On The Right To Development User Reviews and Ratings
 - Reflections On The Right To Development and Bestseller Lists
5. Accessing Reflections On The Right To Development Free and Paid eBooks

- Reflections On The Right To Development Public Domain eBooks
- Reflections On The Right To Development eBook Subscription Services
- Reflections On The Right To Development Budget-Friendly Options
- 6. Navigating Reflections On The Right To Development eBook Formats
 - ePub, PDF, MOBI, and More
 - Reflections On The Right To Development Compatibility with Devices
 - Reflections On The Right To Development Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Reflections On The Right To Development
 - Highlighting and Note-Taking Reflections On The Right To Development
 - Interactive Elements Reflections On The Right To Development
- 8. Staying Engaged with Reflections On The Right To Development
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Reflections On The Right To Development
- 9. Balancing eBooks and Physical Books Reflections On The Right To Development
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Reflections On The Right To Development
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Reflections On The Right To Development
 - Setting Reading Goals Reflections On The Right To Development
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Reflections On The Right To Development
 - Fact-Checking eBook Content of Reflections On The Right To Development
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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