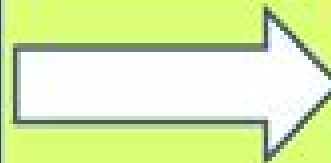


UN Declaration on the Right to Development 1986

**“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

**Arjun Sengupta, Archana
Negi, Moushumi Basu**



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 The Right to Development in International Law rigorously explores the right to development RTD from the perspectives of international law as well as the constitutionally guaranteed fundamental rights and the Islamic concept of social justice in Pakistan The volume draws on a wide range of relevant sources to analyse the legal status of international cooperation in contemporary international law before exploring the domestic application of the right to development looking at the example of Pakistan a country that is undergoing radical transformation in terms of its internal governance structures and the challenges it faces for enforcing the rule of law Of particular importance is the examination of the RTD and Shari ah law in Pakistan which adds a new perspective to the RTD debate and enriches the discussion about human rights and Shari ah across the world Through focusing on Pakistan the book links international perspectives and the international human rights framework with the domestic constitutional apparatus for enforcing the RTD within that jurisdiction In doing so Khurshid Iqbal argues that the RTD may be promoted through existing constitutional mechanisms if fundamental rights are widely interpreted by the superior courts effectively implemented by the lower courts and if Shari ah law is progressively interpreted in public interest Iqbal s work will appeal to researchers professionals and students in the fields of law human rights development international law South Asian Studies Islamic law and international development studies

Perspectives on the right to development Carol C Ngang, Serges Djoyou 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 Djoyou 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 on to 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 Djouy 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

The Right to Development Centre for Development and Human Rights, 2004-05-25 The Right to Development RTD a concept that emerged in the 1970s is one of the most debated and contentious issues in international relations RTD builds on the rights based approach to development seeking to integrate the norms and principles of human rights with policies and plans to promote development Despite its importance for the world's poor and dispossessed a great deal of definitional confusion still surrounds the concept This primer introduces the concept of RTD as well as discusses its practical application in the Indian setting It is divided accordingly into two sections the first of which traces the origins and the evolution of the idea of RTD This section identifies the defining parameters and content of RTD and focuses especially on the three rights the rights to food education and health that have been identified as a good starting point for the implementation of RTD The last chapter in this section underscores the importance of women's rights in order to emphasise the need to focus on safeguarding and promoting the human rights of vulnerable groups Part II covers substantially the Indian situation relating to RTD The first chapter in this section provides an overview of the legal and institutional

mechanism in India for the protection of human rights in general and women's rights in particular. The next chapter examines the implementation of the rights to food, health and education. The last chapter in this section details the functioning of Public Interest Litigation (PIL), which has emerged in recent years as an important mechanism for securing social justice and the challenges and limitations of this mechanism.

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 Lomé 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 of 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.

Realizing the Right to Development United Nations. Office of the High Commissioner for Human Rights, 2013 This book is devoted to the 25th anniversary of the United Nations Declaration on the Right to Development It contains a collection of analytical studies of various aspects of the right to development which include the rule of law and good governance aid trade debt technology transfer intellectual property access to medicines and climate change in the context of an enabling environment at the local regional and international levels It also explores the issues of poverty women and indigenous peoples within the theme of social justice and equity The book considers the strides that have been made over the years in measuring progress in implementing the right to development and possible ways forward to make the right to development a reality for all in an increasingly fragile interdependent and ever changing world

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

International Human Rights Law Manisuli Ssenyonjo, 2016-04-22 This timely and valuable book explores the development of international human rights law over the last six decades The volume brings together leading experts to reflect on different aspects of human rights law not only considering and evaluating the developments so far but also identifying relevant problems and proposing relevant possible perspectives for the continued positive future development of human rights law The book is international in perspective both in scope and context and covers developments in the international protection of human rights since the adoption of the UDHR in 1948 The developments considered include the United Nations system of protecting human rights as well as regional human rights systems in Africa America and Europe It also considers some key themes relevant to human rights including globalisation protecting human rights in emergency situations and trade sanctions the development of human rights NGOs and many others The book will be an invaluable resource for students academics and policy makers working in the field of international human rights

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