

## Submission in follow-up to HRC resolution 25/15 “The Right to development”

### Dr. Rajesh Sampath

I wish to comment on “Attribute 1-Comprehensive and Human-Centered Development Policy” and “Attribute 3- Social Justice in Development” in the annex of the **Report of the high-level task force on the implementation of the right to development on its sixth session** (Geneva 14-22 January 2010). The *Report* tries to explicate the “basic expectation of the right to development,” or what it calls as the “core norm” of the right and its three attributes. I would also like to show my support for the European Union’s written contribution while critically examining some of its evaluations and assumptions.

Firstly, we agree with the EU’s statement about their commitment to various dimensions of sustainable development prior to the discussion of the right to development:

2. The European Union remains strongly committed to achieving sustainable development and eradicating poverty; promoting respect for all human rights and fundamental freedoms; working towards ensuring security, conflict prevention and resolution; and encouraging good governance, gender equality, human development, accountability and equitable globalization.<sup>1</sup>

As an ally to this approach, we encourage greater international dialogue about what ‘equitable globalization’ means and how that can be operationalized. Does equitable globalization mean that we prioritize some facets listed above over others, such as sustainable development/poverty eradication over human rights/fundamental freedoms, global security and conflict prevention and resolution, governance and human development? If not, then why not? This raises the question of what means are required to achieve a coherent combination of all these ends in a cohesive and unified process as opposed to a causal link of priorities where one aspect leads to the development of others based on the perceptions of priority rankings of individual nations’ self-interests. Hence the need for international dialogue on the question of equitable globalization becomes paramount precisely as we think of *new International criteria* to make moral and policy judgments about equitable globalization.

Secondly, we also agree with the EU’s perspective on some of the challenges HLTF has articulated, which is inhibiting the conversion of the right to development from stated commitment to a true development reality. Quoting the EU’s quote of the HLTF:

19. The EU takes note of some obstacles the HLTF has identified for moving the right to development from political commitment to development practice, namely “the strengths and weaknesses of the MDGS, structural impediments to economic justice, the resistance to addressing trade and lending from a right to development perspective, the imperative and pitfalls of measurement tools, the ambiguity of “global partnerships,” the

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<sup>1</sup> Submission in follow-up to HRC resolution 15/25 “The Right to Development”, European Union.

lack of policy coherence and incentives to move from commitment to practice, and the necessary balance between national and international responsibilities.”<sup>2</sup>

Likewise, we are calling for greater international dialogue between academic experts, policy-shapers, governments, particularly their chief economists, to take note particularly of the nature of ‘economic justice,’ let alone ‘structural impediments’ to its realization, the moral, political, and economic pressures against rethinking trade and lending from the ‘right to development perspective,’ and what the HLTF rightly describes as the “ambiguity of global partnerships.” To address all of these dimensions, one must try to better understand the “necessary balance between national and international responsibilities.” What are the criteria to judge such a balance? Since the 1970s, a number of Anglo-American political philosophers have tried to address these issues in the wake of the achievements of the thinker John Rawls. Perhaps through the resources of this tradition and other traditions of different cultures and nations, we can try to disentangle some of these complexities and make them less ambiguous.

Thirdly, we endorse the EU’s support for HLTF’s view of article 8 of the Declaration to the Right to Development:

21. The European Union shares the view of the HLTF that “poverty is a broader concept than not having enough income and requires, as stated in article 8 of the Declaration to the Right to Development: “equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income.” The protection and promotion of all civil and political rights also contribute to the empowerment of individuals and thereby to lifting people out of poverty.”<sup>3</sup>

The last three decades of research and policy-shapers has seen the expansion of the notion of ‘development’ and ‘poverty alleviation’ to include more variables than income, such as equality of opportunity to access the resources of education and health services. It is with great excitement and interest that we look forward to understanding better the more comprehensive Multidimensional Poverty Index pioneered by the Oxford Poverty and Human Development Initiative and the UNDP (<http://hdr.undp.org/en/statistics/mpi/>). Seeing how political and civil rights enhancement can address multiple intersections of deprivation and their overlap will give us an even more subtle and complex view of the living reality of poverty, let alone solutions to its alleviation. The question of income distribution and inequalities is a massive topic, namely distributive justice, which will require creative thinking in the coming decades in order for the right to development and the goal of equitable globalization to become a reality. We believe that “Attribute 1-Comprehensive and Human-Centered Development Policy” in the annex of the *Report* speaks directly to this issue of greater complexity or comprehensiveness without sacrificing clarity and analytic rigor in making the right to development a universal reality. “Attribute 3- Social Justice in Development” also addresses issues of income inequalities and distributive justice while bringing in the

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<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

issue of weighing the necessary balance between national and international responsibilities to realize the right to development.

Fourthly, we concur with the EU's statement about the inextricable linkage between the MDGs and Human Rights:

21. The European Union also shares the view of the High Level Task Force that the MDGs are “divorced from a human rights framework.” In that respect, the European Union welcomes the efforts of the UN High Commissioner for Human Rights to promote the intersection of MDGs and Human Rights and her exhaustive analysis on how human rights can contribute to the Goals [...].<sup>4</sup>

To achieve the increased intersection of the MDGs and human rights, we must go back to the *Report's* ambitious and noteworthy attempt to think of the ‘core norm’ beneath the general or basic expectation of the right to development and its three overarching attributes. How can we recast our perceptions of the Goals so that they come under the category of human rights? What would such an alternation in perception and understanding mean in terms of national and institutional translations of stated commitments into real development outcomes? These are questions of which the vast terrain of discourses on rights and development/poverty alleviation are trying to tackle. Without endorsing any particular philosophical point of view, such as the cosmopolitan debates for global economic justice, we should at least try to enter in to dialogue with them, or what Rawls calls a ‘reflective equilibrium:’ the latter phenomenon tests each other’s arguments for their biases and self-interests to see how moral judgments arise. Only through a process of global moral reasoning can we hope to link the great goals of the MDGs with the effective force for implementation and realization that comes with the realization of rights. For example, how would people of differing opinions and expert-based judgments, say neo-liberalism and even libertarians, reckon such contrasting endeavors like the 2002 UNESCO workshop on poverty? The original project proposed was “Ethical and Human Rights Dimensions of Poverty: Towards a New Paradigm in the Fight Against Poverty.”<sup>5</sup>

Fifthly, we concur with the EU's assessment of the difficulty in ascertaining clearly the meaning of the term ‘global partnership for development’ from MDG 8:

25. On the issue of global partnership for development, as used in Goal 8, the European Union agrees that it remains an ambiguous concept because it refers to treaty regimes, arrangements and commitments between various stakeholders and institutions.<sup>6</sup>

Our question about the ambiguity of the term ‘global partnership’ is twofold: who is to create, interpret and enforce MDG 8a's call for “an open, rule-based, predictable, non-discriminatory trading and financial system” (<http://www.undp.org/mdg/goal8.shtml>) to address the special needs of the LDCs and

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<sup>4</sup> Ibid.

<sup>5</sup> Some of the papers from the ensuing seminars that grew out of the workshop became this anthology: Thomas Pogge, ed., *Freedom from Poverty as a Human Right: Who owes what to the very poor?* (Oxford: Oxford University Press, 2007).

<sup>6</sup> Ibid.

how are we to structure a process of dealing equitably with their debt problems as to meet the criteria for global economic justice in a way that does not require a complete restructuring and revolution of our current international economic order and its trade relations? There needs to be greater cross-border and international dialogue as to how MDG 8's goal can be realized sooner than later.

Lastly, we reconfirm our belief in the assumption of the primary responsibility of States as expressed eloquently in the EU's written statement:

27. As stated before, States have the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development. In that context, the EU supports good governance, both at national and international levels and recognizes that States, acting individually and collectively, can contribute to creating an enabling environment and ensure greater justice in the global political economy.<sup>7</sup>

We agree wholeheartedly about the responsibility of states to create both "national and international conditions favorable to the realization of the right to development." We believe the language of 'enabling greater justice in the global political economy' is spot on. However much merit current global justice, particularly global distributive economic justice, debates deserve in raising new questions about the nature of such responsibilities, let alone individual and collective actions to create the 'enabling environment,' some precautionary measures have to be noted. What are the trade-offs and repercussions of putting primary responsibilities on individual states as opposed to new configurations, entities and institutions that can inform legally-sound international federations? If there are distinctions between primary and secondary responsibilities, how are they to be measured and divided?

In conclusion, the great promise of the *Report* is the commitment for international discussion on the "core norm" of the basic expectation to the right to development and its three fundamental attributes. The interwoven richness and complexity of the three attributes invites great conceptual discernment and innovation, which is appropriate for our times. In light of the impending deadlines for the MDGs, the exigency, which underpins the Working Group on the Right to Development, is tangible and real. Perhaps, this is the time for greater philosophical conceptual innovation and sound economic theory and policy to come together in a manner of which the West, for example, has not seen since the late 18<sup>th</sup> century when modern economic theory was born with the mind of Adam Smith.

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<sup>7</sup> Ibid.