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A contribution following up the "High-Level Expert Meeting on Elaboration of Criteria and Operational Sub-Criteria for the Implementation of The Right to Development"

Towards Implementation of Article 2 (3) of the Right to Development

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A contribution following up the “High-Level Expert Meeting on Elaboration of Criteria and Operational Sub-Criteria for the Implementation of The Right to Development”

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Introduction

The purpose of this contribution is to propose a matrix aimed at supporting implementation of Article 2 (3) of the Right to Development (RTD)¹. The duty of States and the right of citizens, to “appropriate national development policies” aimed at the “constant improvement of the well-being of the entire population”, is scrutinized through assessing States’ formulation of Development Strategies.

The proposed matrix has been designed within the framework of scientifically sound and readily available literature on National Sustainable Development Strategies (NSDS). Such literature offers guidelines and methodologies, as well as, valuable assessments of States’ experiences in formulating strategies and its derived development policies. The proposed matrix outlines the minimum items required to follow guidelines for the formulation of NSDS.

A brief discussion is offered first regarding sustainable development as a guiding concept to assess the duty of States and the right of citizens to “appropriate national development policies”. Then, description of the matrix is offered, including its score system. A brief conclusion is offered at the end, including some punctual recommendations.

Honoring the RTD through Sustainable Development

The 1986 Declaration on the Right to Development (RTD) defines development as a process aimed at the “constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom”. Development strategies and policies, guiding such process, very soon found its philosophical and conceptual foundation in an approach to development based on its sustainability. Resulting international agreements expects States, within and across national boundaries, to collectively design and implement development strategies and policies within the sustainable development framework².

Contributions on legal and normative considerations for the implementation of the RTD³, eco such understanding by offering jurisprudential considerations to consolidate RTD’s key role as a means to honor people’s right to sustainable development, including legislative proposals⁴. The above mentioned contribution constitutes part of a continuing collective effort aimed at the elaboration of criteria and corresponding sub-criteria, including indicators for the implementation of the RTD⁵.

¹ Declaration on the Right to Development; General Assembly A/RES/41/128 (December 4, 1986).

² United Nations. 1987. Report of the World Commission on Environment and Development, General Assembly Resolution 42/187, 11 December 1987 followed by the Brundtland Report; Agenda 21; Barbados Plan of Action; Programme for the Further Implementation of Agenda 21; MDGs; Johannesburg Plan of Implementation; and Mauritius Strategy of Implementation.

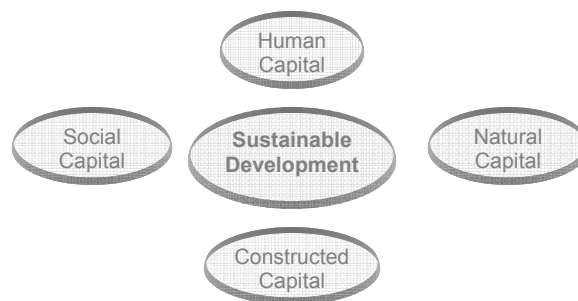
³ Marks, Stephen P., Editor. 2008. *Implementing the Right to Development: the role of international law*. Harvard School of Public Health-Program on Human Rights in Development/Friedrich-Ebert-Stiftung.

⁴ Wang, Xigen, “On the Right to Sustainable Development: Foundation in Legal Philosophy and Legislative Proposals” in Marks, Stephen P., Editor. 2008. *Implementing the Right to Development: the role of international law*. Harvard School of Public Health-Program on Human Rights in Development/Friedrich-Ebert-Stiftung: page 46.

⁵ Green María and Sussan Randolph. 2009. *Bringing Theory into Practice: Operational Criteria for Assessing Implementation of the International Right to Development*. A paper presented at the High-Level Expert Meeting on Elaboration of Criteria and Operational Sub-Criteria for the Implementation of The Right to Development”. Harvard Kennedy School of Government, Cambridge, MA, USA; December 17-18, 2009.

Growing evidence regarding successful implementation of NSDS⁶, and scientifically sound guidelines and methodologies available to facilitate its collective formulation⁷ and evaluation,⁸ including permanent efforts to generate and improve indicators⁹, suggest sustainable development as a guiding core concept in the RTD's implementation process. It is particularly important, considering its growing adoption by States in development policy design and implementation.

Thus, under the provisions of the Universal Declaration of Human Rights “confirming that the RTD is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations”, States’ will honor Article 2 (3) of the RTD by formulating NSDS. Economic, social, and environmental sustainability and a balanced investment in Social, Human, Natural, and Constructed Capital¹⁰ to achieve sustainability by States, guide the logical relationship supporting the core conceptual and strategic foundation of the matrix presented next.



⁶ See

- Organization for Economic Cooperation and Development (OECD). 2006. *Good Practices in the National Sustainable Development Strategies of OECD Countries*. Paris, France.
- International Institute for Sustainable Development and Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GMBH. 2004. *National Strategies for Sustainable Development: Challenges, Approaches and Innovations in Strategic and Co-ordinated Action: Based on a 19-country Analysis*. Winnipeg, Manitoa.

⁷ United Nations, Division for Sustainable Development. 2002. *Guidance in Preparing a National Sustainable Development Strategy: managing sustainable development in the New Millennium*. Accra, Ghana.

⁸ See

- Dalal-Clayton, Barry and Stephen Bass. “A Review of Monitoring Mechanisms for National Sustainable Development Strategies”. *Environmental Planning Issues No. 27, July 2006*.
- International Institute for Sustainable Development and Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GMBH. 2004. *National Strategies for Sustainable Development: Challenges, Approaches and Innovations in Strategic and Co-ordinated Action: Based on a 19-country Analysis*. Winnipeg, Manitoa.

⁹ See

- United Nations. 2007. *Indicators of Sustainable Development: guidelines and methodologies*. New York, NY.
- United Nations. 2007. *Indicators of Sustainable Development: guidelines and methodologies, Methodology Sheets*. New York, NY.
- United Nations. 2003. *Indicators for Monitoring the Millennium Development Goals: definitions, rationale, concepts and sources*. New York.

¹⁰ Basic definitions from NSDS:

- Human capital is determined by the levels of nutrition, health and education of the population.
- Social capital includes values, norms and networks that enable collective action toward the common good.
- Natural capital is a country's endowment of natural resources
- Constructed (man-made) capital is generated by human beings and includes infrastructure, capital goods, financial capital, trade capital, etc.

Implementing Article 2 (3) at the National Level through NSDS

In order to assess States' formulation of development strategies and policies, a matrix is proposed in the next two pages (4-5). The matrix contains 50 items considered the minimum items required to follow guidelines for the formulation of NSDS. Each item offers the same weighted contribution (1 point) to the matrix's suitability. Thus, a State's development strategy that lacks 17 items will score 3.3 in a scale of 5.

The matrix is organized in four sections. The first section assesses consistency of the philosophical and conceptual frameworks with sustainable development, including consistency in the definition of concepts and in the referred bibliography. Definition of concepts and referred bibliography are observed in the other sections as well.

The second section assesses consistency of States' proposed development strategies and policies with sustainable development strategies and policies, including definition of institutional responsibilities, capital investment priorities, and the existence of specific plans of action for implementation of development strategies and policies. Analysis of current development strategies and policies to substantiate proposed plans is observed.

The third section assesses the existence of substantiated development goals within the context of sustainable development's expected results. The section reflects assessment of a result based approach, including institutional responsibilities, deadlines, consensual character of expected results, realization of Human Rights, and proportion of capital investments for sustainability.

The fourth and last section assess the existence of conceptually and methodologically substantiated indicators, to monitor and evaluate progress toward the results expected from implementation of development policies. The section emphasizes observation of scientifically sound metadata, accompanying each indicator as well as the existence of scientific research initiatives aimed at supporting development policy formulation, implementation, monitoring, and evaluation.

Conclusion

“Appropriate national development policies” (Article 2 (3)) are those that effectively channel resources toward the common good. Increasing good practices resulting from implementation of development policies formulated within the conceptual and strategic framework of National Sustainable Development Strategies (NSDS), stand appropriateness for the “constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom” (Article 2 (3)).

Considering the still existent concerns stated in the 1986 Declaration on the RTD, regarding the “existence of serious obstacles to development”, and the current global financial constraints and ethical crisis of development practices, “the fair distribution of benefits” resulting from development will require an “active, free and meaningful participation of all individuals”. Such participation will depend upon national policies on social capital investments powered up by reverting current unbalance in human, social, natural, and constructed capital investments. A participatory and collective design and implementation of development strategies and policies within the conceptual and strategic framework of NSDS offers new hope to increase the chances of States to honor Article 2 (3) of the RTD.

MATRIX ¹¹			
Philosophical and Conceptual Framework ¹²			
		Y	N
1.-	Defines ethical principles guiding development strategies and policies		
2.-	Establishes sustainable development as the framework guiding strategy and policies		
3.-	Defines the common good as the end result inspiring the process		
4.-	Defines a language for the logic of expected results		
	Incorporates the following sustainable development dimensions to substantiate the process		
5.-	• economic sustainability		
6.-	• social sustainability		
7.-	• environmental sustainability		
8.-	Includes a bibliography		
9.-	Includes a glossary of terms		
States' Development Strategies and Policies ¹³			
		Y	N
10.-	Analysis of current development strategy		
	Proposal for sustainable development strategies		
11.-	• economic		
12.-	• social		
13.-	• environmental		
14.-	Assigns institutional responsibilities for each development strategy		
15.-	Establishes the proportion of resources assigned among the development strategies		
16.-	Analysis of current development policies		
17.-	Proposal of development policies for implementing development strategy		
18.-	Assign institutional responsibilities for each development policy		
19.-	Establishes the proportion of resources assigned among development policies		
20.-	Plan of Action to achieve the results expected from the proposed development strategy		
21.-	Plan of Action to achieve the results expected from the proposed development policies		
22.-	Includes a bibliography		
23.-	Includes a glossary of terms		

¹¹ The proposed matrix outlines the minimum items required to follow guidelines for the formulation of NSDS. Development policies derived from NSDS are valued to stand appropriateness for the “constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom” (Article 2 (3)).

¹² This section assesses consistency of the philosophical and conceptual frameworks with sustainable development. It also observes definition of concepts and referred bibliography. Definition of concepts and referred bibliography are observed in the other sections as well.

¹³ Assesses consistency of States' proposed development strategies and policies with sustainable development strategies and policies, including definition of institutional responsibilities, capital investment priorities, and the existence of specific plans of action for implementation of development strategies and policies. Analysis of current development strategies and policies is observed.

Development Goals ¹⁴			
		Y	N
24.-	Define Goals ¹⁵		
	Goals include		
25.-	• deadlines		
26.-	• institutional responsibilities		
27.-	• proportion of resources assigned in relation to other goals		
	Includes goals related to		
28.-	• National and International Development Agreements		
29.-	• the realization of Human Rights		
	Includes goals related to the improvement of		
30.-	• human capital		
31.-	• social capital		
32.-	• natural capital		
33.-	• constructed capital		
	Each goal includes		
34.-	• strategic substantiation (explains how the goal contributes to the common good)		
35.-	• diagnostic substantiation (explains the development reality that justify the goal)		
36.-	• conceptual substantiation (explains relationship between concepts contained in the goal)		
	Includes a glossary of terms contained in the		
37.-	• goal		
38.-	• substantiation of the goal		
39.-	Includes a bibliography to document goals and its substantiation		
Monitoring and Evaluation of Goals ¹⁶			
		Y	N
40.-	Includes indicators to monitor and evaluate progress toward goals ¹⁷		
	Indicators include the following components:		
41.-	• Description		
42.-	• Substantiation regarding the indicator's role in measuring progress toward goal		
43.-	• Methods to formulate the indicator		
44.-	• Report on available disaggregation (geographic and groups)		
45.-	• Periodicity in the production of the indicator and its sustainability		
46.-	• Original source		
47.-	• Contact information of professional and/or institution responsible for the construction of the indicator		
48.-	Includes a bibliography related to the proposed set of indicators		
	Includes a list of proposed or current scientific		
49.-	• descriptive development research		
50.-	• explanatory development research		

¹⁴ Section assesses the existence of substantiated development goals. The section reflects assessment of a result based approach, including institutional responsibilities, deadlines, consensual character, realization of Human Rights, and proportion of capital investments channeled to results.

¹⁵ If check N, mark N within the following 15 fields. The Development Strategy loses 16 points.

¹⁶ Section assesses the existence of conceptually and methodologically substantiated indicators, to monitor and evaluate progress toward the results expected from implementation of development policies. The section emphasizes observation of scientifically sound metadata, accompanying each indicator as well as the existence of scientific research initiatives aimed at supporting development policy formulation, implementation, monitoring, and evaluation

¹⁷ If check N, mark N within the following 10 fields. The Development Strategy loses 10 points.