



RIGHT TO DEVELOPMENT

FIRST REGIONAL CONSULTATION FOR THE AFRICAN GROUP

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SUBMITTED BY - BUSANI SIBINDI
PROGRAM DIRECTOR – SAVE MATABELELAND COALITION
bsibindi@savematabelelandcoalition.org
sibindibusani3@gmail.com
www.savematabelelandcoalition.org



Re-Constructing Lives
Building Livelihoods

1. Background – A contextual Understanding on the right to development.

The right to development can be viewed at once as an empowerment and necessary tool in basic human development and in solving multiple problems spanning into all spheres of society. It can be defined as "the existence of the necessary infrastructure which supports the realization of fundamental and inalienable human rights". The right to development was first recognized in 1981 in Article 22 of the African Charter on Human and Peoples' Rights as a definitive individual and collective right. Article 22(1) provides that: "All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind." The right to development was subsequently proclaimed by the United Nations in 1986 in the "Declaration on the Right to Development," which was adopted by the United Nations General Assembly resolution 41/128. The Right to development is a group right of peoples as opposed to an individual right, and was reaffirmed by the 1993 Vienna Declaration and Programme of Action. In context the right to development was crafted in a world in need of a constructible sustainable and inclusive approach to the enjoyment of the inalienable and fundamental freedoms enshrined in the founding principles of the United Nations.

1.1 The Right to Development as an 'elaborative Right'

The right to development is also inherently linked with other human rights instruments as well as the Sustainable Development Agenda. The achievement of the Sustainable Development agenda will heavily depend on the successful localization and effective alignment as well as effective coherent implementation action in line with open transparent and accountable action from various stakeholders including state enterprises, local authorities, the private sector as well as civil society. The discussions and deliberations leading up to the adoption of the United Nations Sustainable Development Goals, and other linked international instruments provided the world with a chance to introspect on its approach to development. Leading to a wider appreciation that vulnerable, marginalized and minority groups often left behind have a critical role to play in the new age of sustainable development. Likewise national, sub regional and regional development plans have that embedded in concept and context like the African Agenda 2063 which spurs collective prosperity for all. The Right to Development is an elaborative right of all the foundational first generation rights enshrined in the Universal Declaration of Rights. National development processes must relate to the right to development as an all-encompassing right.

2.0 Claiming the right to development

One of the biggest challenges of its implementation has been and is that the right to development is not singular and specific hence rights holders cannot distinctly claim for it to be implemented. The right to development is not a stand-alone right that can be claimed separately. It must therefore be claimed through the unequivocal and unconditional realization and implementation of national constitutions beyond domestication and issues related to international instruments ratification.

2.1 The Right to Development as a Community Claim.

At the centre of the Right to Development is the right to self – determination which appeals to groups more than individuals. In cases where other primary rights are not realized like the right to health, the right to water and the right to food amongst many other rights. Communities have a stronger case to claim for the right to development. Save Matabeleland Coalition has made a collective claim to that right for the community of Matabeleland who have been structurally left out from most national and international development processes. It claims that the community of Matabeleland and its inhabitants must not be denied the right to self – determine their destiny and hence makes a strong case that Matabeleland deserves to develop as well, like many communities in the world. In fact all communities affected by the scourges of poverty, marginalization, conflict, disaster, famine and many more calamities should be able to claim their right to develop like all other model communities.

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2.2 The Right to Development as a constitutional claim.

It is without doubt that most national constitutions pledge to protect key fundamental inalienable human rights like the right to life, right to health, shelter, food etc. In relation to this the right to development can be claimed as a collective constitutional right of groups and people not benefiting from equitable resource allocations. This also translates to claiming that right using international law.

3.0 Rights holders as champions of the realization of the right to development.

One of the most critical lessons during agenda 2030 influencing was that groups often categorized as left behind and marginalized can become champions of their own cause and ensure that their aspirations and development challenges are captured. Movements such as the Beyond 2015 Campaign and Action 2015 were amongst the many rights holder representative groups and that often championed the cause of those often left behind and marginalized. This strategy of advocacy led to the fairly inclusive outcome document that was adopted in the 2015 Adoption Summit in New York. This was also translated into national contextualises which our organization served as a national lead agency of the **Beyond 2015** campaign and as the national coordinator. Zimbabwe is one of the countries Beyond 2015 influenced and Zimbabwe began to be responsive to input from civil society on crafting national processes. While there were some considerable gains in the influencing period there has been some retrogression in the implementation period of the sustainable development agenda and therefore diluting the hard work put in framing and adopting the principles of inclusivity,

4.0 Development as a primary government responsibility.

The principle of holding governments to account to their citizens does not only remind governments of their responsibilities but it also gives the rights holders a leverage of power and balances the usually skewed relationship. This was very effective during the Sustainable Development Goals influencing period and most often stirred a bit of political will from governments to collectively agree on the framework. Likewise because development relates to the living conditions and standards of the citizens of any government civil society should work towards realizing that right for everyone.

4.1 The Right to Development though not specific is holistic.

The right to development contributes to the realization of various inalienable human rights and fundamental freedoms. It interlinks all the other individual rights entitled to human kind.

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims 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,

5.0 Implementation of the Right to Development in Different Environments.

Lack of strong policy and regulatory frameworks are in turn causes of social disintegration, poverty, oppression, famine, underdevelopment, and civil strife and ultimately undermine the ability of self-fulfilment at the individual, the community and ultimately the national level, regional and international levels.

The statement ‘‘No longer business as usual’’ is meaningless as long as there has not been a deliberate process to identify what does not work and what is effective with an aim to change the develop narrative. The enablers below are critical in embedding the right to development in all development processes.

Key Enablers

Coherent Policies	Inclusive Capacitation	Equitable Resource Allocation	Effective Monitoring and Evaluation
Inclusivity should not only be seen in contextual text in different documents but must be cemented in coherent National and Sub National processes,	National and Sub National governments together with local development agencies and community development organizations must receive the same collective capacity building trainings. This will ensure that key competencies needed for the realization of the right to development are laterally acquired and shared	Resources for development work should be shared equally amongst different groups within society including those without the capacity to handle those resources that will in turn need to be capacitated first. There should be fair and equitable resource allocations in all fronts.	Constant inclusive and consistent Monitoring and Evaluation is essential in making sure that laid down plans are implemented unequivocally. This will also make sure that during the implementation process the target groups do not slide back into being left behind.

5.1 Governance frameworks and the Right to development.

Strong democratic and devolved governments are key to the realization and implementation of the right to development. There is need for serious political engagement and education for all government players either in full control of government or as small governing parties governing small territories. Interaction between development actors and political players must be abridged to foster education, building political will and capacity to implement pro development policies at the local and national levels. Successful development interventions usually have a bottom up approach. Implementation of development programs must start at the base level and help curb against exclusion of often hard to reach vulnerable minority and marginalized groups. National development processes must be fed with accurate data and verifiable evidence based intervention activities. International instruments and national development frameworks should be guided by local level interventions and not the other way round.

5.2 Equitable Resource Allocation

Development finance allocation is skewed from all levels the often left behind are naturally, resource constrained financially. Development finance is often allocated by those to those who are already at a better advantage. Lack of capacity of these groups is often cited as an excuse to deny them the opportunity to access and hence this derails their abilities to self-determine and shape their societies. This cascades to simple things like the location of development agencies. In most places international and powerful development agencies are located in country capitals making them as inaccessible as the governments they claim to assist in helping to meet development needs. To disrupt the business as usual habit the business as usual model must be radically reformed, completely replaced by a model that will fit the purpose of the development agencies and hence fulfil their missions. One very practical and radical recommendation will be to completely relocate all UNDP agencies in countries to areas affected by development and provide an opportunity for the concerned communities in those areas to benefit from the presence of the development agencies. If agencies are located in areas that lack development it will create a multiple ripple effect on resource assess, opportunity access and the local fiscas of communities. Above all and most importantly the development of these areas will take priority in development agendas of non-state actors and state actors as well as governments. Equitable resource allocation is often a strong peace building strategy as it mitigates against inevitable wars in competition of resources.

6.0 Conclusion

The right to development is not a stand-alone right but is essentially built on foundational human rights instruments, constitutions as well as development plans at all levels, The successful implementation of this right will contribute to sustainable development and peaceful societies all over the world. It is a right that should be claimed by people, communities, structurally left out groups, vulnerable and marginalized peoples.