

MASTER THESIS

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„The Right to Development and the Sustainable Development
Goals: Different Discourses - Same Destination?“

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Index of Abbreviations

AAAA Addis Ababa Action Agenda

ECOSOC Economic and Social Council

GDP Gross Domestic Product

GNI Gross National Income

HLPF High-Level Political Forum on Sustainable Development

IC International Community

ICCPR International Convention on Civil and Political Rights

ICESCR International Convention on Economic, Social and Cultural Rights

MDGs Millennium Development Goals

NAM Non-Aligned Movement

NGO Non-Governmental Organisation

NIEO New International Economic Order

ODA Official Development Assistance

OEIWG Open-Ended Intergovernmental Working Group

RtD Right to Development

SDGs Sustainable Development Goals

UN United Nations

UNDHR Universal Declaration of Human Rights

UNEP United Nations Environment Programme

UNHCHR United Nations High Commissioner for Human Rights

UNSG United Nations Secretary-General

VDPA Vienna Declaration and Programme of Action

WG Working Group

WGEPAD Working Group of Experts on People of African Descent

1. Introduction

The Declaration of the Right to Development (RtD) (A/RES/41/128) can be seen as a progressive right established in 1986. In the 1970s and 1980s a spirit of optimism dominated the Global South (formerly the "Third World"). It was a time ready for change. It was during that time that the States of the Global South had a numerical majority in the UN which they tried to use to negotiate fundamental political, economic and financial reforms, and it was a period in which the idea of a New International Economic Order (NIEO) was established. In this context the RtD should have provided the Global South with the required tools to request a redistribution of resources and change¹.

1.1 Formulation of the research question

It must be understood that the UN follows a clear development discourse which can be seen in the Declaration on the RtD as well as in several other documents which were important for the development and establishment of the Declaration. This thesis follows those historical documents up to the establishment of the Declaration and places the RtD in context of the "2030 Agenda for Sustainable Development" (A/RES/70/1) established in 2015. Using content analysis (A/RES/41/128 and A/RES/70/1) this thesis will analyse the continuities and discontinuities within the UN development discourse. The RtD started as a progressive idea which developed into a theoretical but not legally binding paper. Ideas which were further developed or even taken over from the RtD to the SDGs and developed into a non-legally binding agenda.

As the UN creates a specific norm of what "developed" societies should look like through its papers, they simultaneously define the "underdeveloped" majority of the world population. The UN aims for a world in which "no one is left behind"², where

¹ Uvin, Peter (2007): From the right to development to the rights-based approach: how 'human rights' entered development. In: *Development in Practice*, 17/4, 597-606, 598.

² A/RES/70/1 (2015). Transforming our World: The 2030 Agenda for Sustainable Development. 21 October 2015, Preamble.

every person lives a life worth living, all human rights are enjoyed by everybody, fundamental freedoms are fulfilled and people are free from want.

To understand the UN development discourse, the following research question was defined: "To what extent do the Declaration on the RtD and the SDGs follow the same UN development discourse?" Through this research question I will consider whether the UN development discourse is dynamic or steady. As "development" is seen as a goal it must have a destination, therefore this thesis will also consider whether the RtD and the SDGs, if fully implemented, would have the same outcome.

Development can be understood in various ways. For this thesis the definition of development is taken from the UN. In 1986 the UN defined development as:

"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"³.

Later in 2015, through the establishment of the SDGs, the UN defines development as "free[ing] the human race from the tyranny of poverty and want and heal[ing] and secur[ing] the planet"⁴, showing that sustainability entered the stage of the development discourse.

1.2 State of Research - Literature review

The UN provides an essay which gives a sound overview of how the Declaration on the RtD developed historically⁵. In this essay the UN dates relevant documents for the development of the RtD from 1944 to 1985, which covers various principles later found in the Declaration on the RtD (A/RES/41/128). Not all scholars date the beginning of the

³ **A/RES/41/128** (1986): Declaration on the Right to Development. <http://www.un.org/documents/ga/res/41/a41r128.htm> [Access 14.07.2016], Annex.

⁴ A/RES/70/1 (2015): Preamble.

⁵ **UNHCHR (2013a)**: Realizing the Right to Development. Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development. New York, Geneva: United Nations.

ideas for the RtD back to 1944, some argue that sources start in 1972 when it was first mentioned by the Senegalese jurist Keba M'Baye⁶. For this thesis the chronological order provided by the UN was used, because the Declaration on the RtD is seen as a human right and the UN is the mother of human rights of the 20th century.

Arjun Sengupta published a number of important essays to aid interpretation of the original version of the RtD (A/RES/41/128)⁷. Walter Schicho (2012) and Peter Uvin (2007) give a sound overview for following and understanding the changes to the wording of the Declaration on the RtD through the VDPA⁸. It can be said that these scholars have a relatively critical view of the Declaration on the RtD. For further criticism on the Declaration on the RtD Jack Donnelly's (1985) essay from 1985, in which he even denies that collective rights are human rights at all, is relevant⁹. He argues that if the RtD exist at all, it can only be an individual right and never a collective right¹⁰. He also states that the RtD per se is valueless as it is neither legally binding nor is it a real human right. For Donnelly the problem of the RtD lays in its vague definition, he argues that there is no clear definition of the right-holders and duty-bearers, which makes the rights valueless. He even goes so far as to argue that "[t]he right to development is not just a charming delusion, but a threat to human rights, and a particularly insidious threat

⁶ **Mansell**, Wade; **Scott**, Joanne (1994): Why Bother about a Right to Development? In: *Journal of Law and Society*, 21/2, 171-192; **Donnelly**, Jack (1985): In Search of the Unicorn: the Jurisprudence and Politics of the Right to Development. In: *California Western International Law Journal*, 15, 473- 509; **Oden-dahl**, Guido (1997): *Das Recht auf Entwicklung: Entstehungsgeschichte, systematische Stellung und Inhalt eines individuellen sowie kollektiven Menschenrechts und Grundprinzips der Völkerrechtsordnung*. Aachen: Shaker.

⁷ **Sengupta**, Arjun K. (2002): On the Theory and Practice of the Right to Development. In: *Human Rights Quarterly*, 24/4, 837-889; **Sengupta**, Arjun K. (2004): The Human Right to Development. In: *Oxford Development Studies*, 32/2, 179-203; **Sengupta**, Arjun K. (2013): Conceptualizing the right to development for the twenty-first century. In: *United Nations Human Rights. Office of the High Commissioner (eds.): Realizing the Right to Development*. New York; Geneva.

⁸ **Schicho**, Walter (2012): Right to Development - From a 'Dangerous' Third World Concept to a Toothless Buzzword. In: Nowak, Manfred; Januszewski, Karolina; Hofstätter, Tina (eds.): *All Human Rights for All. Vienna Manual on Human Rights*. Wien; Graz: NWV, 408-413; **Uvin**, Peter (2007): From the right to development to the rights-based approach: how 'human rights' entered development. In: *Development in Practice*, 17/4, 597-606.

⁹ Donnelly (1985): 496.

¹⁰ *ibid.*: 495.

because it plays upon our fondest hopes and best desires, and diverts attention from more productive ways of linking human rights and development¹¹.

Peter Uvin (2007) raises another cynical argument in which he claims the formulation of the RtD is "the kind of rhetorical victory that diplomats cherish: the Third World got its right to development, while the First World ensured that the right could never be interpreted as a greater priority than political and civil rights, that it was totally non-binding, and that it carried no resource-transfer obligations"¹².

Donnelly provides a fictional idea; he argues that after a human rights lawyer visits a dark room to look for a black cat that doesn't exist, the lawyer would leave the room and send "a communication to the Commission on Human Right" and that a member of the Commission would leave the same room "drafting a resolution on the treatment of black cats". "This", he argues, "in a nutshell, is uncomfortably close to the history of the so-called human right to development"¹³. In the title to Donnelly's essay, "In Search of the Unicorn: the Jurisprudence and Politics of the Right to Development", he employs a metaphor. It can be said that Donnelly perceives the RtD as a human right which does not exist and is therefore void of value; a "right" which promises prosperity, wealth and positive things, because it is as beautiful as a unicorn but fundamentally meaningless because, like the unicorn, it does not actually exist.

Donnelly further argues that development can never be seen as a human right in itself as individual development must be seen as a consequence of economic and social rights. This means that development "is one of the primary objectives of all human rights, not a right in itself"¹⁴.

This thesis shows that an argument raised up by the UN for the RtD, as well as for the SDGs, is global partnership and solidarity within the International Community. Donnel-

¹¹ *ibid.*: 508.

¹² Uvin (2007): 598.

¹³ Donnelly (1985): 473.

¹⁴ *ibid.*: 484.

ly argues against this also, stating that "solidarity cannot logically serve as a source of *human* rights, as they have ordinarily been understood"¹⁵. For Donnelly, human beings have human rights because of their dignity, so those rights emerge from a personal dignity and not from "a *relation among* persons or groups".

It can be concluded that Donnelly has a negative perception of the RtD. This goes hand in hand with the argument from Schicho, who sees the RtD as "a 'Dangerous' Third World Concept [which developed into] a Toothless Buzzword"¹⁶ and Uvin who sees the endless discussions of the RtD as devolving it to nonsenses "[h]uman rights once set down on paper, never die, even though no one may care much about their survival"¹⁷.

Completely contrary to Donnelly's position is Philip Alston's (1985), he argues for the complex nature of the RtD¹⁸. Alston accuses Donnelly of interpreting the RtD in black and white terms and criticises Donnelly's black cat metaphor, arguing that for Donnelly it "is either there or it's not. [...] There is no place for subtlety, for any intermediate positions"¹⁹. Furthermore, Alston argues that rights such as solidarity rights exist and can be implemented through a human rights approach²⁰.

Alston also perceives a problem of the RtD, but his argument differs from Donnelly's. The problem with the RtD is, according to Alston, not the missing legal obligation, but its status within human rights debates, which create a negative view on the RtD²¹. Nevertheless he also identifies a change in this perception. The RtD showed that it would have the "power to mobilize people in support of [...] human dignity and well-being; [and] [i]ts ability to empower people to use legal enforcement mechanisms to fight for

¹⁵ *ibid.*: 492.

¹⁶ Schicho (2012): 597.

¹⁷ Uvin (2007): 598.

¹⁸ **Alston**, Philip (1985): The Shortcomings of a "Garfield the Cat" Approach to the Right to Development. In: California Western International Law Journal, 15, 510-518.

¹⁹ *ibid.*: 511.

²⁰ **Alston**, Philip (1982): A third generation of solidarity rights: Progressive development or obfuscation of international human rights law? In: Netherlands International Law Review, 29/3, 307-322, 321.

²¹ Alston (1985): 515.

respect of human rights and development"²². This makes the RtD a new principle and concept which would have much to contribute to the development discourse. Alston builds on Donnelly's cat metaphor and states that the RtD is "neither the black cat which Donnelly portrays it to be, nor the white cat which some commentators might apply. In fact, at this stage of its emergence into the domain of international law it is no more than a kitten. If it grows as it should, it will become not a pure white Angora cat but a multi-colored one, with its good and bad points and perhaps a rather mixed pedigree"²³.

The documents listed above are by far not a comprehensive list of all published documents on the discourse of the RtD. The above discussed scholars were chosen as they are seen as important for this thesis, with the two extreme positions demonstrating the range of academic opinion on the RtD. Starting in the 1980s working through to scholars who published documents in the 2000s, we can observe that the discussion on the RtD is still ongoing. It also shows that the RtD is a much discussed and researched topic. To contribute to the research, this thesis explores the RtD in context of the SDGs as this is an area which can be seen as a research gap.

This leads us to the literature review of the SDGs. As the SDGs were published in 2015 they are still new to the development discourse. This is a reason why the literature review on the SDGs only includes recently published documents. The papers read for this thesis have a critical view on the SDGs. Those documents were chosen as it is interesting to see what mistakes or shortcomings scholars find in the SDGs. Critique must be seen as something positive as it contains the potential for change. Scholars tend to criticise the formulation of the SDGs, the potential obstacles, and the hegemonic structures

²² *ibid.*: 513.

²³ *ibid.*: 518.

which can be found in them²⁴, all of which will be analysed in depth in this thesis. A positive perspective on the SDGs can be found in the work of Katja Freistein und Bettina Mahlert (2016) who appreciate the inclusion of the tackling of inequality through the SDGs²⁵.

A short discourse analysis on the development of the MDGs into the SDGs was done by Jane Briant Carant (2016). Some of her arguments are used in this thesis as she explores how poverty and development are constructed through documents like the MDGs and the SDGs and what the dominant discourse of development is²⁶. Her discourse analysis is rather brief and does not include the RtD. This thesis will show that the UN development discourse must include analysis of the RtD to be fully understood.

1.3 Sources

²⁴ **Moore**, Henrietta L. (2015): Global Prosperity and Sustainable Development Goals. In: *Journal of International Development*, 27, 801-815. **Ziai**, Aram (2016): *Development Discourse and Global History. From colonialism to the sustainable development goals*. London; New York: Routledge. **Camacho**, Luis (2015): Sustainable Development Goals: kinds, connections and expectations. In: *Journal of Global Ethics*, 11/1, 18-23. **Easterly**, William (2015): The SDGs Should Stand for Senseless, Dreamy, Garbled. In: *Foreign Policy*, 28 September 2015. <http://foreignpolicy.com/2015/09/28/the-sdgs-are-utopian-and-worthless-mdgs-development-rise-of-the-rest/> [Access: 17.06.2016]. **Hickel**, Jason (2015): The Problem with Saving the World. The UN's new Sustainable Development Goals aim to save the world without transforming it. In: *Jacobin Magazine*, 08 August 2015. <https://www.jacobinmag.com/2015/08/global-poverty-climate-change-sdgs/> [Access: 17.06.2016]; **Economist** The (2015): The 169 commands. The proposed sustainable development goals would be worse than useless. In: *The Economist*, 28 March 2015. <http://www.economist.com/news/leaders/21647286-proposed-sustainable-development-goals-would-be-worse-useless-169-commandments> [Access: 17.06.2016].

²⁵ **Freistein**, Katja; **Mahlert**, Bettina (2016): The potential for tackling inequality in the Sustainable Development Goals. In: *Third World Quarterly*, 1-17.

²⁶ **Carant**, Jane Briant (2016): Unheard voices. a critical discourse analysis of the Millennium Development Goals' evolution into the Sustainable Development Goals. In: *Third World Quarterly*, 9 May 2016, 1-26.

To understand the origins of the Declaration on the RtD the historical UN papers considered relevant to the development of the Declaration from 1944 to 1986 were read²⁷. These papers were chosen and read as the UN identifies them as fundamental for the

²⁷ Chronological overview of important papers mentioned by the UN itself: **ILO Declaration of Philadelphia** (1944): Declaration of Philadelphia. http://blue.lim.ilo.org/cariblex/pdfs/ILO_dec_philadelphia.pdf [Access: 27.05.2016]; **United Nations** (1945): Charter of the United Nations 1945. <http://www.un.org/en/sections/un-charter/un-charter-full-text/index.html> [Access: 27.05.2016]; **A/RES/3/217 A** (1948): Universal Declaration of Human Rights. <http://www.un-documents.net/a3r217a.htm> [Access: 28.05.2016]; **Resolution 1514 (XV)** (1960): Declaration on the Granting of Independence to Colonial Countries and Peoples. <http://www.un.org/en/decolonization/declaration.shtml> [Access: 27.05.2016]; **Resolution 1710 (XVI)** (1961): United Nations Development Decade. <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/167/63/IMG/NR016763.pdf?OpenElement> [Access: 27.05.2016]; **Resolution 1803 (XVII)** (1962): Permanent Sovereignty over Natural Resources. <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/193/11/PDF/NR019311.pdf?OpenElement> [Access: 27.05.2016]; **Resolution 2106 (XX)** (1965): International Convention on the Elimination of All Forms of Racial Discrimination. <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/218/69/IMG/NR021869.pdf?OpenElement> [Access: 27.05.2016]; **Resolution 2200A (XXI)** (1966): International Covenant on Economic, Social and Cultural Rights. The International Covenant on Civil and Political Rights. <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> [Access: 27.05.2016]; **A/CONF. 32/41 at 3** (1968): The Final Act of the International Conference on Human Rights. Proclamation of Teheran. http://legal.un.org/avl/pdf/ha/fatchr/Final_Act_of_TehranConf.pdf [Access: 27.05.2016]; **E/CN.4/1108/Rev.1** (1969): The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress. Study by Manouchehr Ganji. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N75/080/08/PDF/N7508008.pdf?OpenElement> [Access: 27.05.2016]; **Resolution 2542 (XXIV)** (1969): Declaration on Social Progress and Development. <http://www.ohchr.org/Documents/ProfessionalInterest/progress.pdf> [Access: 27.05.2016]; **A/RES/25/2625** (1970): Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. <http://www.un-documents.net/a25r2625.htm> [Access: 27.05.2016]; **A/RES/25/2626** (1970): International Development Strategy for the Second United Nations Development Decade. <http://www.un-documents.net/a25r2626.htm> [Access: 27.05.2016]; **A/RES/S-6/3201** (1974): Declaration on the Establishment of a New International Economic Order. <http://www.un-documents.net/s6r3201.htm> [Access: 27.05.2016]; **A/RES/29/3281** (1974): Charter of Economic Rights and Duties of States. <http://www.un-documents.net/a29r3281.htm> [Access: 27.05.2016]; **A/RES/32/130** (1977): Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms. <http://www.un.org/documents/ga/res/32/ares32r130.pdf> [Access: 27.05.2016]; **E/CN.4/1334** (1977): The International Dimensions of the Right to Development as a Human Right in Relation with other Human Rights based on International Co-Operation, Inclusion the Right To Peace, Taking into Account the Requirements of the New International Economic Order and the Fundamental Human Needs. 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development of the Declaration on the RtD and this thesis follows the development discourse of the UN. A thorough analysis of the papers can be found in the historical account of this thesis. In addition these secondary literature on different topics was read and reviewed in order to place the development of the Declaration on the RtD into its historical context ²⁸.

For different views on the Declaration on the RtD and the effectiveness of the OEIWG, documents provided by the UN itself were read. The OEIWG holds annual sessions in which the contemporary discourse within the UN on the RtD and the OEIWG itself can be found. The documents include comments from different bodies of the UN, its Member States and other stakeholders, such as NGOs. For this thesis all papers provided by the UN for the 16th (2015) and 17th (2016) session of the OEIWG were read. This spe-

²⁸ **Wobbe**, Theresa (2015): Die Globalwerdung der Menschenrechte in der ILO: Die Umdeutung von Arbeitsrechten im Kontext weltgesellschaftlicher Strukturprobleme von den 1930er bis 1950er Jahren. In: Heintz, Bettina; Leisering, Britta (eds.): Menschenrechte in der Weltgesellschaft. Deutungswandel und Wirkungsweise eines globalen Leitwerts. Frankfurt; New York: campus, 283-316; **Hunt**, Lynn (2007): Inventing Human Rights: A History. New York; London: Ww Norton; **Wolgast**, Eike (2009): Geschichte der Menschen- und Bürgerrechte. Stuttgart: Kohlhammer, 20-213. **Hoffmann**, Stefan-Ludwig (2015): Zur Genealogie der Menschenrechte. In: **Heintz**, Bettina; **Leisering**, Britta (eds.): Menschenrechte in der Weltgesellschaft. Frankfurt a. M.; New York: Campus Verlag; **Stern**, Steve J.; **Strauss**, Scott (2014): Introduction. Embracing Paradox: Human Rights in the Global Age. In: **Stern**, Steve J.; **Strauss**, Scott (eds.): The Human Rights Paradox. Universality and Its Discontents. Madison: University of Wisconsin Press 3-28; **Burke**, Roland (2010): Decolonization and the Evolution of International Human Rights. Philadelphia: Penn Press; **Osterhammel**, Jürgen; **Jansen** C. Jan (2009 [1995]): Kolonialismus. Geschichte, Formen, Folgen. München: Beck; **Strydom**, Hennie (2007): The Non-Aligned Movement and the Reform of International Relations. In: Max Planck Yearbook of United Nations Law 11, 1-46; **Xanthaki**, Alexandra (2005): The Right to Self-Determination: Meaning and Scope. In: **Ghanea**, Nazila; **Xanthaki**, Alexandra (eds.): Minorities, Peoples and Self-Determination-Essays in Honour of Patrick Thornberry. Leiden; Boston: Martin Nijhoff Publishers, 15-33; **Werneke**, Thomas (2016): Sprache der Vernunft? Menschenrechtssprache als Teil des Politischen während des Ost-West-Konflikts, 1961-1973. Brussels: P.I.E.; **Oduwale**, Olajumoke O. (2015): Africa's Contribution to the Advancement of the Right to Development in International Law. In: **Jalloh**, Charles Chernor; **Elias**, Olufemi (eds.): Shielding Humanity. Essays in International Law in Honour of Judge Abdul G. Koroma. Leiden: Brill. **Kariyawasam**, Rohan (2006): Jekyll and Hyde and Equation 5. Enforcing the Right to Development through economic law. In: **Dine**, Janet; **Fagan**, Andrew (eds.): Human Rights and Capitalism. A Multidisciplinary Perspective on Globalisation. Cheltenham: Edward Elgar, 197-227; **Saul**, Ben; **Kinley**, David; **Mowbray**, Jacqueline (2014): The International Covenant on Economic, Social, and Cultural Rights. Commentary, Cases, and Materials. Oxford: Oxford University Press; **Waart**, Paul J. I. M. (1992): Implementing the Right to Development: The Perfection of Democracy. In: **Chowdhury**, Subrata Roy; **Denters**, Erik M. G.; **Waart**, Paul de (eds.): The Right to Development in International Law. Dordrecht: Martinus Nijhoff Publishers, 191-211; **Gillespie**, Alexander (2001): The Illusion of Progress. Unsustainable Development in International Law and Policy. London: Earthscan; **Faia**, Tiago (2012): Exporting Paradise? EU Development Policy towards Africa since the End of the Cold War. Newcastle: Cambridge Scholars Publishing; **Volger**, Helmut (2008): Geschichte der Vereinten Nationen. München: Oldenburg; **Newcombe**, Andrew; **Paradell**, Luís (2009): Law and Practice of Investment Treaties. Standards of Treatment. Alphen aan den Rijn: Wolters Kluwer.

cific period was chosen as 2016 is the 30th anniversary of the Declaration on the RtD. In addition the documents of the 16th session of the OEIWG were read to enable comparison and further expand understanding of the UN development discourse²⁹. Again, only papers published by the UN itself were chosen as this thesis follows the UN development discourse.

Therefore, the primary literature of this thesis originates from the UN itself. The documents used for the historical account of the RtD are different declarations, a charter, covenants, conventions, proclamations, a draft, studies and reports. The documents used for the OEIWG, and to understand the current obstacles for the implementation of the RtD, are also documents published by the OEIWG itself which can be found online³⁰. The secondary literature originates from the library of the University of Vienna.

²⁹ Chronological overview of documents published by the UN for the 16th and 17th session of the OEIWG: **A/HRC/27/45** (2014): Report of the Working Group on the Right to Development on its fifteenth session (Geneva, 12-16 May 2014). United Nations, General Assembly, Human Rights Council; **A/HRC/27/27** (2014): Consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development. United Nations, General Assembly, Human Rights Council.; **A/RES/69/181** (2015): Resolution adopted by the General Assembly on 18 December 2014. 69/181 The right to development. United Nations, General Assembly; **A/HRC/WG.2/16/CRP.2** (2015): Views expressed by other stakeholders on the draft right to development criteria and operational sub-criteria. Human Rights Council, Working Group on the Right to Development; **A/HRC/WG.2/16/CRP.4** (2015): Compilation of submissions received from other stakeholders. United Nations, Human Rights Council, Working Group on the Right to Development; **A/HRC/30/22** (2015): Consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development. United Nations, General Assembly, Human Rights Council; **A/HRC/WG.2/16/CRP.1** (2015): Views expressed by Member States on the right to development criteria and operational sub-criteria. Human Rights Council, Working Group on the Right to Development. 6 February 2015; **A/HRC/WG.2/16/2** (2015): Draft framework to improve the effectiveness and efficiency of the Working Group on the Right to Development with a view to accomplishing its mandate. Chairperson-Rapporteur: Tamara Kunanayakam. 13 March 2015; **A/HRC/WG.2/16/2/Add.1** (2015): Compilation of comments received on the draft framework to improve the effectiveness and efficiency of the Working Group on the Right to Development with a view to accomplishing its mandate. Note by the Secretariat. 21 April 2015; **A/HRC/30/71** (2015): Report of the Working Group on the Right to Development on its sixteenth session (Geneva, 27 April, 1-4 September 2015). United Nations, General Assembly, Human Rights Council, Working Group on the Right to Development; **A/HRC/RES/30/28** (2015): 30/28 The Right to Development. 13 October 2015. **A/RES/70/155** (2016): Resolution adopted by the General Assembly on 17 December 2015. 70/155 The right to development. United Nations, General Assembly; **A/HRC/WG.2/17/2** (2016): Standards for the implementation of the right to development. Report of the Chair-Rapporteur of the Working Group on the Right to Development. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/052/50/PDF/G1605250.pdf?OpenElement> [Access: 23.07.2016]; **A/HRC/WG.2/17/3** (2016): Realization and implementation of the right to development. Report of the United Nations High Commissioner for Human Rights. United Nations, Human Rights Council, Working Group on the Right to Development.

³⁰ <http://www.ohchr.org/EN/Issues/Development/Pages/WGRightToDevelopment.aspx>

The SDGs are discussed based on the UN agenda "Transforming our World. The 2030 Agenda for Sustainable Development" published on 21 October 2015³¹. Secondary literature of critical discussions on the SDGs by different scholars were used. A short overview can be found in the literature review and an in-depth discussion in the thesis.

The primary and secondary literature for this thesis was read without a concrete research question in mind. This was so that the research question could be shaped by reading the literature. This is based on Grounded Theory. A method which allows the researcher to view material without a research question so that the researcher continuously goes back to his/her sources until valid subjects and a research question are found³².

1.4 Method and Theory

To make the research question answerable this thesis employs content analysis in the style of Philipp Mayring (2010). He states that the goal of a content analysis is the analyses of material in any form which originates from communication³³ and the content analysis is a process which is never completed as it would leave room for re-interpretation³⁴.

Mayring delineates six points that he sees as important for a content analysis:

Firstly the object of a content analysis is *communication* in various forms. It includes not only language but also pictures and symbols. The communication that is analysed in this thesis is predominantly communication resulting from negotiation processes. Secondly, Mayring states that the form of communication must be defined. Negotiation processes are sourced from published UN papers. Mayring sees texts as "symbolic materials", which means that there is room for interpretation in the transfer of something

³¹ **A/RES/70/1** (2015): Transforming our World: The 2030 Agenda for Sustainable Development. 21 October 2015.

³² For a detailed overview see: **Glaser**, Barney G (2008): Grounded Theory: Strategien qualitativer Forschung. Bern: Hans Huber, passim.

³³ **Mayring**, Philipp (2010): Qualitative Inhaltsanalyse: Grundlagen und Techniken. Weinheim: Bletz, 11.

³⁴ *ibid.*: 38.

given in a symbolic form. Thirdly, Mayring mentions that content analysis is systematic. This means that free interpretations are not allowed. Interpretations must follow certain categories which are formulated beforehand. Fourthly, to make the analysis comprehensible and verifiable, which is known as intersubjectivity, it needs to follow certain rules. Those rules are the formulated categories. For this thesis eight categories were formulated. Fifthly, according to Mayring, a good content analysis has a research question and a theoretical background. For this thesis, the research question was formulated after reading the sources. This was done as the sources for this thesis were not read with a specific research question in mind, but the research question was shaped by the given material. Finally, Mayring states that content analysis should draw conclusions about aspects of communication³⁵.

The categories chosen for the content analysis of this thesis were continuously reformulated and reassessed while reviewing the sources. This is a strategy which goes back to Sandra Steigleder who further developed Mayring's theory on content analysis³⁶. Her approach of building categories was chosen as large quantities of documents must be reviewed several times and may raise new categories each time.

Content analysis can be seen as part of discourse analysis³⁷. For this thesis content analysis was chosen instead of classical discourse analysis as a whole discourse analysis would exceed the scope of a master thesis. Therefore a specific analysis of power, power relations and socio-cultural background of the discourse could only be indicated.

1.5 Structure

The thesis starts with a historical account of the Declaration on the RtD. The historical account follows a chronological order because it is easier for the reader to understand

³⁵ *ibid.*: 12 f.

³⁶ **Steigleder**, Sandra (2008): Die strukturierende qualitative Inhaltsanalyse im Praxistest. Eine konstruktive kritische Studie zur Auswertungsmethodik von Philipp Mayring. Marburg: Tectum, 188.

³⁷ **Schreier**, Margrit (2014): Varianten qualitativer Inhaltsanalyse: Ein Wegweiser im Dickicht der Begrifflichkeiten. In: Forum Qualitative Sozialforschung / Forum: Qualitative Social Research, 15/1, n.p.

historical events if they are listed chronologically. The historical account begins in 1944 and ends with the establishment of the Declaration on the RtD in 1986. The second chapter gives a short interpretation of the Declaration on the RtD based on Arjun Sen-gupta's arguments. It also explores how the wording of the RtD changed from its original version in 1986 to a rewording in 1993 through the VDAP. The third chapter considers the OEIWG of the RtD. The chapter starts with the establishment of the OEIWG, its mandates and goes on to discuss its efficiency. Comments from the former and current Chair-Rapporteur, as well as from States, are summarised. Chapter five gives an overview of the current obstacles to the implementation of the RtD in 2015/2016. Obstacles considered in chapter five are a summary of hindrances on a national and international level mentioned by Member States of the UN. Chapter six explores the formulation of the criteria and sub-criteria of the RtD and shows how difficult the process of reaching a consensus from Member States is. This area of analysis continues with the SDGs in chapter seven. An in-depth analysis of the SDGs is given in chapter eight followed by an interpretation of the formulation of the SDGs in chapter nine. In chapter ten possible obstacles to implementation of the SDGs are considered, including criticism stated by different scholars. A content analysis of the Declaration on the RtD and the SDGs is carried out in chapter eleven which shows parallels and variances within the UN development discourse. In the conclusion, chapter twelve, the research question is answered. The final paragraph presents a research prospect.

2. What is The Right to Development based on? - Historical Account

The RtD evolves from different UN papers dating back to 1944. So it can be seen as first steps to create a new international order after the expectable end of World War II in 1945. The earliest declaration to take into consideration is the "Declaration of Philadelphia" from the year 1944. The Declaration already defined some of the basic principles the RtD is based on. It states that all human beings should have a life worth living, enjoy freedom and dignity, economic security and equal opportunities without any form of

discrimination³⁸. It is the first time in history that labour became a core element for personal development and got connected to the right of an individual as human being, his dignity and freedom³⁹.

Furthermore, the UNHCHR (2013a) sees the "Charter of the United Nations" of 1945 in full conformity with the RtD⁴⁰. Already in 1945 the UN had stated in Article 55 of the Charter that "higher standards of living, full employment, and conditions of economic and social progress and development", as well as requiring States to cooperate with each other, were a necessity for a just world; principles which underpin the RtD. Similarly the connection between peace, development, and human rights is noted in the Charter as well as the idea of the RtD. In this regard Article 56 of the Charter is particularly important; making clear that there is a legal principle of solidarity between nations by saying that "[a]ll Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55". Keeping that in mind, the UN states in its paper "Realizing the Right to Development" (2013) that these two articles (Article 55 and 56 of the Charter) make the obligations of Member States of the UN a legally binding one. The commitment to international solidarity is reaffirmed in the Articles 3, 4, 5 and 7 of the RtD which are based on the principles found in the Charter.

Three years later the "Universal Declaration of Human Rights" (1948) was entrenched⁴¹. The Declaration distinguished from older notions of individual human rights, even back to the 18th century, that the prohibition of slavery and the emphasis of the "universal and equal suffrage in secret ballots" got included. It also included freedom of speech, the right to nationality, the right to marriage and social security⁴².

³⁸ UNHCHR (2013a): 18; ILO Declaration of Philadelphia (1944).

³⁹ Wobbe (2015): 300.

⁴⁰ UNHCHR (2013a): 19.

⁴¹ For a brief history of the historical context of the Declaration see Hunt (2007): 200-206. For a historical account of the development of civil and human rights see Wolgast (2009): 20-213. Hoffmann (2015): 161-197.

⁴² *ibid.*: 204.

Articles 28 and 29 of the Universal Declaration of Human Rights" are important for the RtD. Article 28 states that "[e]veryone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized" so it can be said that in this article the link between a just global order and the realisation of human rights can be found. To achieve those ideas Article 29 (1) makes clear that "[e]veryone has duties to the community in which alone the free and full development of his personality is possible" which means that there is not only a right to material development but also one to non-material development. Of equal importance is the statement that "[t]he Universal Declaration recognizes the need to democratize institutions and decision-making processes for the realization of human rights, both at the national and international levels", a recognition that is explicit in the Declaration on the Right to Development⁴³ which means the creation of an environment in which fundamental human rights at a national and international level can be realised. The problem of this doubled anchoring of human rights as national and international can be seen as a “paradoxical intersection between universal and global”, as Steve J. Stern and Scott Strauss put it⁴⁴. John Peters Humphrey the Director of the United Nations Division of Human Rights drafted a paper on this issue which was mostly accepted. In his draft he elaborated that every person has an oath of allegiance as a member of a state and as a member of the International Community⁴⁵. So it can be said that in their beginnings human rights are in a permanent suspense of this two dimensions.

The period from 1950 until 1979 can be understood in the light of decolonisation, which transforms the UN and shapes the human rights discourse during that time⁴⁶. Beginning in the 1950s most African states reached forms of independence⁴⁷ and so this time is known as the “‘Year of Africa’”⁴⁸. It is therefore that the next important declaration is

⁴³ UNHCHR (2013a): 21; A/RES/3/217 A (1948).

⁴⁴ Stern; Strauss (2014): 4.

⁴⁵ Wolgast (2009): 217.

⁴⁶ Burke (2010): 1.

⁴⁷ Osterhammel; Jansen (2009 [1995]): 44.

⁴⁸ Burke (2010): 56.

the "Declaration on the Granting of Independence to Colonial Countries and Peoples" (1960, Resolution 1514 (XV)). The 1960s declaration (resolution 1514 (XV)) is important insofar as the RtD itself is also seen as the consequence of decolonisation⁴⁹. The existence of colonialism and foreign domination are seen as an obstacle to development in all its forms. This Declaration (resolution 1514 (XV)) is also historically important because the General Assembly states that people have a right to self-determination which is essential to the understanding that individual rights can only be achieved through the realisation of collective rights. In these documents the principles which underpin the RtD are reaffirmed; realisation of individual and collective rights; interdependence between the national and international levels; and the links between development, peace and human rights⁵⁰.

In 1961, which is the year of the establishment of the NAM in Belgrade as a movement of "newly-independent developing countries"⁵¹, the UN published the "Programme for the First United Nations Development Decade" (Resolution 1710 (XVI)). The General Assembly proclaimed the 1960s to be the "United Nations Development Decade"⁵². The purpose was to support all States to achieve economic as well as social development. As a goal the General Assembly recommended to set the annual growth rate in national income at 5%. To achieve social growth the General Assembly also recognised the links between social conditions and economic growth which meant that human needs took centre stage. It can even be said that this program (Resolution 1710 (XVI)) marked the beginning of reassessing the notion that economic growth is the only condition for development.

The next important Declaration for the RtD was the 1962 "Declaration on Permanent Sovereignty Over Natural Resources" (Resolution 1803 (XVII)). To achieve national development the declaration (Resolution 1803 (XVII)) states in Article 1 that "[t]he

⁴⁹ Fort the process of decolonisation see e.g. Burke (2010): *passim*.

⁵⁰ UNHCHR (2013a): 23.

⁵¹ Strydom (2007): 1.

⁵² *ibid.*: 23.

right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned". This means that nations have sovereignty over their resources and wealth which goes hand in hand with the right of peoples to self-determination. The right to self-determination sketches the paradox of the two dimensions of human rights⁵³ mentioned before, but a new conflict occurred. It wasn't international versus national rights anymore, it started to become a conflict between the personal, individual and the collective right of self-determination. It can be said that the question whether the right to self-determination is a human right at all is still not answered consistently by States. A tendency towards an affirmation can be found by States which were confronted by the communist alternative during the 1950s and 1960s⁵⁴.

In its resolution 2106 (XX) the General Assembly adopted the "International Convention on the Elimination of All Forms of Racial Discrimination" in 1965. The General Assembly criticised all forms of racial discrimination, a principle the RtD is based on, and, as such, reflects the Declaration on the RtD itself. The Convention (Resolution 2106 (XX)) repeats the standard principles of non-discrimination, equality and social justice which can also be found in the Declaration on the RtD as well as in the Charter of the United Nations and the Universal Declaration of Human Rights⁵⁵.

Two crucial covenants of the Declaration on the RtD are the ICESCR and ICCPR which were adopted in 1966 (Resolution 2200A (XXI)). Together with the Universal Declaration of Human Rights, experts and scholars see them as antecedents of the RtD⁵⁶. What differs the ICESCR from the ICCPR is the strategy on "a general limitation clause applicable to all ICESCR rights" in Article 4⁵⁷. But in both Covenants the idea of essential conditions to realise human rights can be found. Human beings should be free from fear

⁵³ For a more detailed discussion on self-determination see: Xanthaki (2005): 15-33.

⁵⁴ Werneke (2016): 245-250.

⁵⁵ UNHCHR (2013a): 25; Resolution 2106 (XX) (1965).

⁵⁶ For example: Oduwale (2015): 565-568; Kariyawasam (2006): 197.

⁵⁷ Saul; Kinley; Mowbray (2014): 240.

and want which "can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political right", stated in the Preambles of the Covenants.

A core principle of both Covenants and the RtD is found in Article 1 (1) "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". Furthermore, the principle that States should have sovereignty over their natural resources is also found in the "Declaration on permanent sovereignty over natural resources" (Resolution 1803 (XVII)) and is repeated in the ICESCR and ICCPR and the RtD. Article 1 (2) clearly states this again; "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence".

This means that international economic cooperation is reaffirmed and should be achieved without foreign dependency⁵⁸. These principles are also found in the "Charter of the United Nations" (1945) in Article 55 and 56 and are core ideas of the United Nations.

Not only do individuals have rights but also duties set in the ICESCR and ICCPR. The preambles of both Covenants recognise that "the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant". Viewing these principles in the context of the Declaration on the RtD Article 1 (2) reaffirms the recognition of the right to self-determination as fundamental to realising the human right to development. Article 2 (3) repeats that States have a "duty to formulate appropriate national development policies" and a duty towards their population. Article 8 (1) also notes that States have to take measures to "ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing,

⁵⁸ Resolution 2200A (XXI) (1966).

employment and the fair distribution of income". On an international level States have the duty to create international conditions which allow the realisation of the RtD. This is stated in Article 3 (1), (2), (3) of the Declaration on the RtD. What kind of measures the States have to undertake is explained in Articles 3, 4, 5 and 7 of the Declaration on the RtD⁵⁹. It can be concluded that the ICESCR and the ICCPR are crucial precursors to the Declaration on the RtD and core principles of these covenants are found in the Declaration.

The "Proclamation of Teheran"⁶⁰ from 1968 brought attention to the fact that States should get assistance to realise the full enjoyment of human rights and the RtD, if needed⁶¹. Paragraph 12 states that "[t]he widening gap between the economically developed and developing countries impedes the realization of human rights in the international community [and that it is crucial that] every nation [should in accordance] to its capacities, [...] make the maximum possible effort to close this gap"⁶². A principle which can be found in the Declaration on the RtD in Article 4 (2). Furthermore, Paragraph 13 of the Proclamation is interesting because it puts economic, social and cultural rights over civil and political rights by stating that "the full realization of civil and political rights [is impossible] without the enjoyment of economic, social and cultural rights"⁶³. This means that economic, social and cultural rights became the condition for realising civil and political rights. Later in Article 6 (1), the Declaration on the RtD puts economic, social and cultural rights on the same level as civil and political rights. Later documents from the UN also reaffirm the links between these rights⁶⁴.

⁵⁹ UNHCHR (2013a): 26 f.; Resolution 2200A (XXI) 1966.

⁶⁰ For further information and a comparison of the Teheran and the Second UN World Conference on Human Rights in Vienna see: Heintz; Bennani; Müller (2015): 236-282. The authors describe the conference in Teheran in the light of States, development and colonialism, whereas in Vienna the human being were at the centre of the debate.

⁶¹ For further information and the influence of the Afro-Asian bloc and the silence of western diplomacy at Tehran and likewise the failing of Tehran see: Burke (2010): 92-111.

⁶² A/CONF. 32/41 at 3 (1968): § 12.

⁶³ *ibid.*: § 13.

⁶⁴ UNHCHR (2013a): 27 ff; A/CONF. 32/41 at 3 (1968).

In 1969 the Special Rapporteur of the Commission on Human Rights, Manouchehr Ganji, defined what development represents for the UN. The Special Rapporteur reassessed the concept of development based only on economic growth. This opened up a wider discourse which placed the human being at the centre of development. The human person became the subject instead of being the object of development. This concept was later integrated in the Declaration on the RtD and can be found in its Annex, which states 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"⁶⁵. This crucial concept can also be found in Article 1 and Article 2 (1) which puts "the human person as the central subject of development", of the Declaration on the RtD.

Ganji (1969) continues by elaborating on what a human centred development approach would look like. This is therefore important as the ideas can be found in the Declaration on the RtD⁶⁶: under Article 1 (2) which reaffirms "the full sovereignty over all their natural wealth and resources". Article 2 (3) makes clear that "States have the duty to formulate appropriate national development policies" and Article 3 (1) gives States the "primary responsibility for the creation of national and international conditions favourable to the realization of the right to development"⁶⁷.

The resolution 2542 (XXIV) "Declaration on Social Progress and Development" adopted by the General Assembly in 1969, can be seen as the predecessor of the Declaration on the RtD and is therefore a key text for its analysis. For a long time the declaration was seen as the "single most important and coherent statement of Western liberal values" on social development⁶⁸. The human person became the core element of development and the development discourse become a social element through it⁶⁹. In the decla-

⁶⁵ A/RES/41/128 (1986): Annex.

⁶⁶ UNHCHR (2013a): 29; E/CN.4/1108/Rev.1 (1969).

⁶⁷ A/RES/41/128 (1986).

⁶⁸ Waart (1992): 195.

⁶⁹ Gillespie (2001): 7.

ration the older discursive connection between human rights and development was primarily stranded⁷⁰. It is stated that "[s]ocial progress and development shall aim at the continuous raising of the material and spiritual standards of living of all members of society, with respect for and in compliance with human rights and fundamental freedoms"⁷¹.

These principles are critical to the RtD and demonstrate again that the UN's understanding of development is interlinked with the fulfilment of human rights. It can also be concluded that humans are individually and collectively the centre of development and social progress. Looking at Article 1 of the Declaration (Resolution 2542 (XXIV)) it can be said that development is based on non-discrimination and that all peoples and human beings shall have life worth living. Article 3 points out that it is each States' own responsibility to achieve development and again makes clear that the sovereignty of each State must be respected. Following Articles go on to define how States should cooperate on an international and national level to achieve development⁷².

In conclusion, it can be said that the Declaration on the RtD combines central concepts of the Declaration on Social Progress and Development and must therefore be acknowledged within the discourse⁷³.

The "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations" (1970) adopted by the General Assembly resolution 2625 (XXV) is important as the RtD promotes self-determination and the need for a solitary and friendly international environment and cooperation to achieve development⁷⁴. As the RtD hold the peoples right to

⁷⁰ Faia (2012): 100.

⁷¹ Resolution 2542 (XXIV) (1969): Part II/Objectives.

⁷² Resolution 2542 (XXIV) 1969.

⁷³ UNHCHR (2013a): 30 ff.

⁷⁴ A/RES/25/2625 (1970): Preamble.

self-determination up high it can be said that the Declaration does reflect some of the principles mentioned in this resolution (2625 XXV)⁷⁵.

The Second United Nations Development Decade was announced by the General Assembly in 1970, in its resolution 2626 (XXV). As before, a major focus lay on the principle of self-determination. In Paragraph 5 the success of development was linked to a friendly environment between States. This would include complete disarmament, the elimination of colonialism, the absence of discrimination on all levels and equal rights for all members of societies⁷⁶. In addition Paragraph 42 and 43 are interesting as they reaffirm that States of the Global North, economically advanced countries, have a responsibility towards States of the Global South. States of the Global North should transfer "annually [...] financial resource[s] [...] of a minimum net amount of 1 per cent of its gross national product at market prices in terms of actual disbursements"⁷⁷. Furthermore, Paragraph 43 states that official development assistance must be provided and that States should "reach a minimum net amount of 0.7 per cent of its gross national product at market prices"⁷⁸.

A crucial Declaration for the RtD during this period is the "Declaration on the Establishment of a New International Economic Order" (1974), adopted by the General Assembly in its resolution 3201 (S-VI). After several States from the Global South joined the General Assembly and the ECOSOC, discussion within the UN started to shift towards development policies and the world economic order⁷⁹. It is therefore that it was the "the first time [that] the problems of raw materials and development, devoted to the consideration of the most important economic problems facing the world community"⁸⁰ were discussed by the General Assembly. The current economic order was questioned using the idea that "[t]he gap between the developed and the developing countries con-

⁷⁵ UNHCHR (2013a): 33.

⁷⁶ A/RE S/25/2626(1970): § 5.

⁷⁷ *ibid.*: § 42.

⁷⁸ *ibid.*: § 43.

⁷⁹ Volger, Helmut (2008): 145.

⁸⁰ A/RES/S-6/3201 (1974): Preamble.

tinues to widen in a system which was established at a time when most of the developing countries did not even exist as independent States and which perpetuates inequality"⁸¹. Paragraph 3 states that "[i]nternational co-operation for development is the shared goal and common duty of all countries"⁸², which clearly promotes and works towards the realisation of the RtD. Moreover Paragraph 3 continues by stating that States of the Global North can no longer exist isolated from States of the Global South and that their wealth and existence is interlinked with each other⁸³. This would have been seen as a progressive idea at that time but never found real implementation.

The "Charter of Economic Rights and Duties of States" (1974), which was adopted by the General Assembly in resolution 3281(XXIX), aims to promote the idea of the NIEO. But without being legally binding⁸⁴. To achieve development every State has "to promote the economic, social and cultural development of its people"⁸⁵. Upholding the right to self-determination, Article 7 further states that "each State has the right and the responsibility to choose its means and goals of development, fully to mobilize and use its resources, to implement progressive economic and social reforms and to ensure the full participation of its people in the process and benefits of development"⁸⁶. Article 1 also upholds the sovereignty of States and makes clear that a State should be able to "choose its economic system as well as its political, social and cultural systems"⁸⁷ and Article 2 makes clear that States "shall freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities"⁸⁸. Furthermore Article 10 of Chapter II is important as it states that "[a]ll States are [judicially] equal and, [...] have the right to participate fully and effectively in the international decision-making process in the solution of world economic, financial

⁸¹ *ibid.*: Preamble.

⁸² *ibid.*: § 3.

⁸³ *ibid.*: § 3.

⁸⁴ Newcombe; Paradell (2009): 31-33.

⁸⁵ A/RES/29/3281 (1974): Article 7.

⁸⁶ *ibid.*: Article 7.

⁸⁷ *ibid.*: Article 1.

⁸⁸ *ibid.*: Article 2.

and monetary problems"⁸⁹. In conclusion, it can be said that those ideas are found again in the Declaration on the RtD⁹⁰.

The General Assembly adopted the resolution 32/130 in 1977 with the title "Alternative Approaches and Ways and Means Within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms". The essence of the resolution 32/130 is that "all human rights [...] are indivisible and interdependent; [and that] equal attention [...] should be given to [...] both civil and political, and economic, social and cultural rights"⁹¹. The importance of self-determination and of abolishing all forms of discrimination and foreign oppression is uphold again⁹². The idea that fundamental freedoms and human rights can only be achieved if the NIEO is realised is reaffirmed⁹³ and it is acknowledged in the Preamble that "the continuing existence of an unjust international economic order [...] constitutes a major obstacle to the realization of the economic, social and cultural rights in developing countries"⁹⁴. It is further confirmed that States should work together and have a shared responsibility to achieve a live worth living for all⁹⁵.

In 1979 the Commission on Human Rights invited the Secretary-General to do research on the dimension of the RtD as a human right in relation to other human rights⁹⁶. The report of the Secretary-General on the international dimensions of the right to development as a human right (1979) (E/CN.4/1334) highlights in Paragraph 27 several points made before. It reaffirms that economic growth is not the only dimension to achieve development, and that social progress is also needed to achieve not only material but also non-material development, that progressive development is based on equality and non-discrimination, and that the human person is at the centre of development, that is to say

⁸⁹ *ibid.*: Article 10.

⁹⁰ UNHCHR (2013a): 36 ff.

⁹¹ A/RES/32/130 (1977): § 1(a).

⁹² *ibid.*: § 1 (e).

⁹³ *ibid.*: § 1 (f).

⁹⁴ *ibid.*: Preamble.

⁹⁵ *ibid.*: § 1 (g); § 1 (h).

⁹⁶ For a closer discussion of the RtD as a human right see: Sengupta, Arjun K. (2013): 67-87.

the subject and not the object, therefore he/she must have the possibility of shaping his/her life⁹⁷. Consensus is found again in the research's statement that individual rights can only be fulfilled in harmony with collective rights. Paragraph 129 recalls the fact that development is the condition to achieve human rights for all, writing "without freedom you get no development, and without development you very soon lose your freedom"⁹⁸.

In 1980 the General Assembly adopted the "International Development Strategy for the Third United Nations Development Decade" in resolution 35/56. The General Assembly had been working on a development strategy for 20 years already. Under Goals and Objectives in Paragraph 17 the importance of a NIEO to reach development for all countries is reaffirmed. Again it is acknowledged in Paragraph 17 that the government has the main responsibility to achieve development. Paragraph 18 and 19 recalls that States of the Global North have a global responsibility toward States of the Global South to develop and to assist those States on several levels. Paragraph 8 again makes clear that the "development process must promote human dignity. The ultimate aim of development is the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom"⁹⁹. Concluding and summarising the Strategy for the Third UN Development Decade it can be said that core principles found in declarations, covenants, and charters preceding it are repeated and reaffirmed.

Coming closer to the year in which the RtD was established, the Secretary-General published the document "The Regional and National Dimension of the Right to Development as a Human Right" in the year 1981 (E/CN.4/1488). In the introduction, the Secretary-General states that the first part of the paper focuses on the problems and obstacles on the national level regarding the realisation of the RtD. He argues further that each State has the responsibility and right to decide freely on objectives of social deve-

⁹⁷ E/CN.4/1334 (1977): § 27.

⁹⁸ *ibid.*: § 129.

⁹⁹ A/RES/35/56 (1980): § 8.

development which should be in conformity with the Charter of the United Nations and without foreign interference. The link between development and human rights is shown again by saying that "human rights violations do not occur in a vacuum. In a number of instances such violations are not mere aberrations in the context of systems and structures which are otherwise equitable"¹⁰⁰. In Paragraphs 197-203 the RtD is linked to the principle of equality of opportunity. That means that the RtD is based on non-discrimination, and all forms of discrimination must be abolished. Furthermore, one of the core principles the UN and the RtD, namely the interdependence and the indivisibility of rights, is shown in Paragraph 109. So it can be said that the core elements of the RtD and principles of the UN are found again in the published document (E/CN.4/1488) by the Secretary-General in 1981¹⁰¹.

The 1980 Special-Rapporteur on Prevention of Discrimination and Protection of Minorities, Hector Gros Espiell, published the study "The Right to Self-Determination: Implementation of United Nations Resolutions" (E/CN.4/Sub.2/405/Rev.1). The study states that "to maintain, assure and perfect their full legal, political, economic, social and cultural sovereignty"¹⁰² States are entitled to sovereignty. In which the right to self-determination is repeated. In Paragraph 155 Espiell (1980) repeats that a NIEO is an important aspects as well as social progress. The importance of international cooperation to achieve self-determination, and in this regard development, is also pointed out by Espiell, as he states that "peoples under colonial and alien domination achieve their independence and that those peoples which have already become independent [...] achieve their complete sovereignty and full development"¹⁰³.

A second study on the right to self-determination was published by the Special-Rapporteur Aureliu Cristescu, in 1981¹⁰⁴. In Paragraph 699 Cristescu (1981) reaffirms the link

¹⁰⁰ E/CN.4/1488 (1981): § 13.

¹⁰¹ UNHCHR (2013a): 40.

¹⁰² E/CN.4/Sub.2/405/Rev.1 (1980): § 47.

¹⁰³ *ibid.*: § 61.

¹⁰⁴ E/CN.4/Sub.2/404/Rev.1 (1981).

between self-determination and development by saying that the right to self-determination is the prerequisite to achieve development. He further argues that the "responsibility for development lies primarily with the developing countries themselves, which must mobilise to this end all their wealth and resources"¹⁰⁵. Cristescu (1981) underlines that "the fundamental element of the right to development and of peoples to self-determination is permanent sovereignty over natural resources"¹⁰⁶. This core principle can be found in the Declaration on the RtD in Article 1(2). He argues that the real goal of development is not economic growth but "development of all men and women in every way"¹⁰⁷. To achieve that a NIEO is needed.

Nevertheless, Cristescu continues that "[d]evelopment can be neither exported nor imported" and should be formed "by individual and collective creativity, in the search for the solutions which are best adapted to the local conditions, needs and aspirations"¹⁰⁸. Having said that, he also argues that the international responsibility to achieve a life worth living for every human being, is "the political, economic and social well-being of present and future generations depends, [which] more than ever, on the existence among all the members of the international community of a spirit of co-operation based on sovereign equality and the elimination of the imbalance between them"¹⁰⁹.

As the NIEO is a main principle of the Declaration on the RtD in its original versions from 1986, a study by the Special-Rapporteur Raul Ferrero in 1983 was published¹¹⁰. Ferrero (1983) points out that development is more than economic growth but covers also "physical, moral, intellectual and cultural growth"¹¹¹ and he further argues that "[d]evelopment is a concept which ought to focus on the human element, on people, who must be both its agents and its beneficiaries"¹¹². The link between a NIEO and hu-

¹⁰⁵ *ibid.*: § 699.

¹⁰⁶ *ibid.*: § 709.

¹⁰⁷ *ibid.*: § 708.

¹⁰⁸ *ibid.*: § 711.

¹⁰⁹ *ibid.*: § 707.

¹¹⁰ E/CN.4/Sub.2/1983/24/Rev.1 (1983).

¹¹¹ *ibid.*: § 292.

¹¹² *ibid.*: § 293.

man rights is demonstrated by Ferrero (1983) by stating that the "ultimate goal of the new order is respect for human rights and fundamental freedoms"¹¹³. International co-operation is not to graft the lifestyle of countries of the Global North onto countries of the Global South but it is about States assisting one another, which is argued in Paragraph 287. Another interesting point Ferrero (1983) makes is that "people [should] [...] express their own will in a free and responsible manner, thus enabling all the members of the community to fulfil themselves and exercise conscious freedom of choice"¹¹⁴, meaning that everybody should participate in development and structural change.

In 1982 the Working Group of Governmental Experts on the Right to Development published a report on the RtD (E/CN.4/1489). It defines the object of the RtD as "'integral development' of peoples or States, a concept going beyond economic growth"¹¹⁵. In the report the Working Group emphasises the individual and the collective dimension of the RtD. The Working Group states that "the holders of the right to development are individuals"¹¹⁶ and it further points out that at the same time the "collective and [...] individual dimension [...] are indivisible and [...] encompasses ethical, political, economic, social, cultural and legal aspects"¹¹⁷. A further important point is made in Paragraph 27 which strengthens the fact that development and the RtD is built on international cooperation among States. Thus it is "a human right which creates specific obligations and, in particular, entails a duty for all States in the international community to practice solidarity with each other"¹¹⁸.

Three years later the Working Group of Governmental Experts on the Right to Development published another report (1985) (E/CN.4/1985/11) which can be seen as a draft for the Declaration on the RtD. In the draft of the Declaration on the RtD by experts from the non-aligned countries, it is recognised that the RtD is a right which puts the

¹¹³ *ibid.*: § 286.

¹¹⁴ *ibid.*: § 288.

¹¹⁵ E/CN.4/1489 (1982): § 18.

¹¹⁶ *ibid.*: § 28.

¹¹⁷ *ibid.*: § 15.

¹¹⁸ *ibid.*: § 27.

human person at the centre as a subject and object of development and the human being should be the beneficiary of development. Furthermore, it is recognised that it is primarily the States' responsibility to create conditions which make development possible. The establishment of a NIEO as an essential element is also repeated. The same goes for the principle that the RtD is an inalienable individual and collective human right¹¹⁹. A second draft was submitted by experts from France and the Netherlands. Interestingly enough, this draft shows that France and the Netherlands try to avoid the NIEO by stating that to realise the RtD "measures at the national level and international instruments which reflect a consensus among States with different economic, social and political systems"¹²⁰ is needed. Additionally a difference in the responsibility of States to reach development can also be found¹²¹. The French and Dutch proposal lays the focus more on national responsibility and does not talk about international duty.

It can be said that the documents discussed above are the key documents leading to the establishment of the Declaration on the RtD. The repeating principles can be concluded as follows: the RtD must be seen as an extension of the decolonisation process when newly independent States entered the stage of the international community. In this regard the focus on the right to self-determination and sovereignty over resources and wealth can be seen as a consequence. The link between the inter-dependence of States of the Global North and the Global South is also recognised in the documents. A change in the discourse on development is that development was no longer seen as economic growth per se. Development is formulated in various ways which include social, cultural and political development. The idea that development could be imported from outside was abandoned and the principle of integrating every human being on an equal level incorporated. The idea of a NIEO must be seen in the aftermath of colonisation and that

¹¹⁹ E/CN.4/1985/11 (1985): Annex II.

¹²⁰ *ibid.*: Article 10.

¹²¹ *ibid.*: Article 7.

inequalities within the economic order would hinder development. Equally, the inequitable power relations between the States of the Global South and the States of the Global North are seen as obstacle to development, with international cooperation seen as a critical strategy for rectifying this. The focus on international responsibility, solidarity and the NIEO can be found in the Declaration on the RtD in Article 3. Another important point is the recognition of the links between development, human rights and freedoms. Understanding where the RtD comes from, the next step is to interpret what the RtD stands for. This follows in the next chapter.

3. What does the Right to Development stand for? Interpretation of the RtD

Sengupta Arjun, an independent expert of the UN, gives a sound overview of what the RtD stands for. In 1986 the Declaration on the RtD was adopted by the UN General Assembly by a majority. Eight countries abstained (Denmark, Finland, The Federal Republic of Germany, Iceland, Israel, Japan, Sweden, and the United Kingdom), four countries did not vote (Albania, Dominica, South Africa, and Vanuatu) the United States was the only State which dissented its vote. Seven years later the Declaration was reaffirmed and also supported by the United States in the Second UN World Conference on Human Rights in Vienna 1993. The IC committed itself in the VDPA in Article 10 to the realisation of the rights applicable in the RtD¹²². It must be noted that crucial parts of the RtD changed in 1993:

- "[T]he human person is the central subject of development. [...]"
- "Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level"¹²³.

Looking at these points from Article 10 of Resolution A/CONF.157/23 it can be concluded that while the focus before lay on peoples and human persons as subjects to the

¹²² Sengupta (2002): 837–889; A/CONF.157/23 (1993).

¹²³ A/CONF.157/23 (1993): Article 10.

RtD, it changed to only human beings in the later declaration. This is astonishing as the peoples' right to self-determination played such a crucial role in the establishment of the Declaration on the RtD. The second point which has changed is that the whole responsibility to achieve development shifted to the national level which should work on "effective development policies". Cooperation in regard to the realisation of the RtD and the responsibility of the international community and the idea of a NIEO changed to "equitable economic relations"¹²⁴.

To analyse the content of the RtD it is best to use the Declaration on the RtD itself (A/RES/41/128), which was also done by Sengupta. The first article states, "The right to development is 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." This first article formulates three important principles: It first confirms that the RtD is an inalienable human right which cannot be denied. The second assumption reaffirms the development process and the links between the RtD and other important human rights which can also be found in the Universal Declaration of the UN. The third assumption defines the claims or entitlements of right holders, which would be every human person and all peoples, and which must be protected and promoted by the duty bearers¹²⁵.

The next article, Article 2 (1) places the human being as the central subject of development and the human person should be the one benefiting from the RtD. Article 2 (2) spells out that the securing and fulfilment of the RtD lies with the individual and the collective as well as the respect for human rights and fundamental freedoms. Not only human beings have a responsibility for the compliance of the RtD, according to Article

¹²⁴ Schicho (2012): 410 f.

¹²⁵ Sengupta (2002): 846 f.

3 (1), the "the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development" lies with the State. Sengupta (2002) interprets it as "[t]he responsibility of states, which is complementary to that of individuals, is basically to create the conditions for realizing the right to development, and not necessarily for actually realizing development"¹²⁶. More detailed steps which need to be taken by States are found in several other articles of the Declaration¹²⁷.

Article 3 (3) points out that states should cooperate with each other in ensuring development and to eliminate obstacles to development. This should be done to reach a NIEO which is based on "sovereign equality, interdependence and mutual interest". In Article 6 (1) it is repeated that "all States should cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms." Article 6 (3) writes that States have the obligation "to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights." Furthermore, according to Article 7, States should "promote [...] international peace and security [...] and complete disarmament to ensure that resources released [...] are used for comprehensive development, in particular that of developing countries". Article 4 (2) affirms that an "effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development". To achieve this Article 4 (1) calls on States to cooperate "individually and collectively, to formulate international development policies to facilitate the full realization of the right to development"¹²⁸.

Summarising the interpretation of the Declaration it can be said that the State has the primary responsibility to implement the right to development. It is also clear that the beneficiaries are individuals and the international community should work together and cooperate to support States to fulfil their obligations to realise the RtD¹²⁹.

¹²⁶ *ibid.*: 852.

¹²⁷ A/RES/41/128 (1986): Article 2 (3); Article 3; Article 4; Article 5; Article 6; Article 7; Article 8.

¹²⁸ Sengupta (2002): 854.

¹²⁹ *ibid.*: 854.

It must be said that the text of the Declaration on the RtD is formulated vaguely and in a style that accommodates perspectives of all Member States of the UN. This leaves a lot of room for interpretation. A critical remark regarding the formulation of the RtD comes from Uvin (2007) who states that the RtD "was the kind of rhetorical victory that diplomats cherish: the Third World got its right to development, while the First World ensured that the right could never be interpreted as a greater priority than political and civil rights, that it was totally non-binding, and that it carried no resource-transfer obligations"¹³⁰.

4. The Open Ended Intergovernmental Working Group of the RtD

The Declaration on the RtD was adopted on 4th December 1986 by the General Assembly. Seven years later, in 1993, the RtD was reaffirmed and accepted, as "an inalienable right and an integral part of fundamental human rights" in the VDPA.

Uvin (2007) argues that

"[h]uman rights once set down on paper, never die, even though no one may care much about their survival. Rather, they mutate into working groups, commissions, and expert panels, each of which produces reports that are occasionally the subject of discussions in low-level meetings"¹³¹.

This is exactly what happened to the RtD. In 1998 the OEIWG was established by the Commission on Human Rights in its Resolution 1998/72 and the Economic and Social Council, in its decision 1998/269. In the resolution 1998/72 in Article 10 (a) the mandates of the OEIWG are stated: the WG should monitor and review the progress achieved in the implementation of the RtD and analyse obstacles which hinder the implementation. In addition the OEIWG should review reports submitted by different stakeholders,

¹³⁰ Uvin (2007): 598.

¹³¹ *ibid.*: 598.

like States, UN agencies and NGOs. Moreover a sessional report should be presented to the UNHCHR on the implementation of the RtD¹³².

Ever since, the WG has held annual sessions on the progress of the promotion and implementation on the RtD. Various stakeholders and experts are invited to the sessions, submitting reports which are reviewed and discussed during the sessions. The sessions that have taken place since 2000 are available online and it is astonishing how much paper work is produced each year.

For this thesis the papers published in the 16th and 17th session of the OEIWG were used to analyse what the WG discussed in 2015 and 2016. This is especially of interest as the Declaration on the RtD marked its 30th anniversary and the "2030 Agenda of Sustainable Development" was published in 2016. The outcome of the Working Group should be that one day the full implementation of the RtD is achieved.

The 16th session of the Working Group was held from 27 April 2015 to 1 May 2015. The Chairperson-Rapporteur, Tamara Kunanayakam (2015), drafted a paper (A/HRC/WG.2/16/2) on the effectiveness and efficiency of the Working Group on the RtD. She divided the past work into three periods. The first period is the time from 2000-2004, in those years five annual sessions were held and 41 working days were counted. During this period, she states, the WG was "[l]acking an effective agenda to guide its deliberations [and] crucial questions relating to essential first steps remained unanswered"¹³³. One unanswered point Kunanayakam (2015) identified was, "how best to monitor and review progress made in the promotion and implementation of the right to development"¹³⁴. The difficulty in reaching a consensus of how this should be done is one of the reasons why the effectiveness and the efficiency of the WG is held up¹³⁵. Furthermore,

¹³² Resolution 1998/72 (1998): Article 10.

¹³³ A/HRC/WG.2/16/2 (2015): § 14.

¹³⁴ *ibid.*: § 14.

¹³⁵ *ibid.*: § 16.

she argues that the lack of political will led to an inability to work on tasks entrusted to the WG¹³⁶. In Paragraph 18 it is stated that "there was still no consensus on the precise meaning of the right to development"¹³⁷, which seems interesting as the Declaration on the RtD had existed since 1986, thereby demonstrating the stagnation of the implementation of the RtD. Sadly enough in Paragraph 21 the Chairperson-Rapporteur states that the WG "in its current form, could not operationalize or implement the right to development, it could serve to bring together all the relevant actors involved in the implementation of the right to development"¹³⁸.

In the second part Kunanayakam (2015) summarises the period from 2005-2010. During that time the WG "expanded the scope of the criteria from a focus on the commitment in article 4 of the Declaration to other dimensions"¹³⁹, the Chairperson-Rapporteur recognises. As Article 4 (1) of the Declaration on the RtD states that "States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development" the IC is reminded of the importance of international cooperation¹⁴⁰.

The last year that the Chairperson-Rapporteur Kunanayakam (2015) considers in her report is 2011. The recurring topic of the establishment of criteria and sub-criteria for the implementation of the RtD is again discussed in 2011. The discussion on formulation and language recurs as well as the discussion on the importance of cooperation, responsibility and accountability especially during times of crisis¹⁴¹. She summarises that there is a consensus that there is a need for criteria and sub-criteria to reach "an international legal standard of a binding nature, through a collaborative process of engage-

¹³⁶ *ibid.*: § 17.

¹³⁷ *ibid.*: § 18.

¹³⁸ *ibid.*: § 21.

¹³⁹ *ibid.*: § 33.

¹⁴⁰ *ibid.*: § 34.

¹⁴¹ *ibid.*: § 52.

ment"¹⁴². In Paragraph 62, the political will of Member States is seized to move collectively forward "through constructive dialogue and the search for consensus"¹⁴³.

Another paper drafted for the 16th session in 2015 is a compilation of comments to improve the effectiveness and efficiency of the WG which was drafted in the resolution A/HRC/WG.2/16/2/Add.1. The NAM opens its comment by stating that challenges of the world are "becoming more complicated and that's why, today, the realization of the right to development is a necessity more than ever"¹⁴⁴. In addition it is identified that the Declaration on the RtD has existed for nearly three decades without progress and especially "equitable economic relations and a favourable economic environment at the international level"¹⁴⁵ remains necessary. Furthermore, the NAM argues that currently the WG is not making any progress and no results have been produced. In this regard the NAM believes that "the international community cannot strive for human rights while ignoring human needs and in this regard the Right to Development must be integrated in all efforts for the realization of these rights"¹⁴⁶. The NAM also wishes that the WG should fulfil its given mandate on monitoring and reviewing the progress in the implementation of the RtD because currently the WG has not realised this¹⁴⁷. Individual comments were also given by States, whereas comments of the USA are interesting as they reflect the concerns the US had and has when it come to the RtD¹⁴⁸.

Another important report on the work of the OEIWG is also published by the Chair-Rapporteur Tamara Kunanayakam in 2014 (A/HRC/27/45) and used in the 16th session in 2015. She summarises different countries' arguments on the efficiencies and effec-

¹⁴² *ibid.*: § 58.

¹⁴³ *ibid.*: § 62.

¹⁴⁴ A/HRC/WG.2/16/2/Add.1 (2015): § 2.

¹⁴⁵ *ibid.*: § 3.

¹⁴⁶ *ibid.*: § 6.

¹⁴⁷ *ibid.*: § 6 (f).

¹⁴⁸ A/HRC/WG.2/16/2/Add.1 (2015): The United States argue that the RtD "does not have an agreed international meaning" [...] [and] every individual may demand from his or her own government" human rights. It is not new as the US always had its concerns when it came to the RtD and this has not changed. Furthermore, in Paragraph 23 the US argues that it does not see the necessity of extending time or budget for the WG in the future. § 23.

tiveness of the OEIWG¹⁴⁹. States of the Global South find the slow progress of the WG apprehensive and the political commitment to reach the implementation of the RtD too small. On contrary States of the Global North tend to argue that the RtD would divide the IC and it would not make sense to continue working on the implementation without making the RtD measurably¹⁵⁰.

Summarising the Chair-Rapporteur writes that the discussion on criteria and sub-criteria for the RtD does not draw upon the real core elements and principles of the RtD¹⁵¹. It is also pointed out that States of the Global North do have a responsibility towards States of the Global South which will not be fulfilled if the RtD does not become a legally binding instrument.

As a next step, this thesis will consider the papers produced for the 17th session of the OEIWG to assess if and how the sentiment within the WG has changed. The first resolution is A/HRC/RES/30/28. In the Preamble the General Assembly encourages "all Member States to constructively engage in the discussion for the full implementation of the Declaration on the Right to Development"¹⁵². The mandates of the WG to work on the "implementation [...] based on relevant United Nations resolutions and documents"¹⁵³. While it is common to invite experts from international organisations to sessions, the low attendance of invited experts is acknowledged and a broader interest

¹⁴⁹ A/HRC/27/45 (2014).

¹⁵⁰ In more detail, A/HRC/27/45 (2014): **Cuba**, along with the NAM, rejects "all attempts to redefine the right to development and to limit its international scope, including with regard to trade and financial institutions". **South Africa** expresses in Paragraph 32 its apprehension of the slow progress of the WG, which **Morocco** echoes in Paragraph 36. Furthermore, Morocco calls for greater political commitment within the International Community. **The United States** express its concerns, in Paragraph 38 that the RtD would divide, rather than unify the International Community, nevertheless the US is willing to constructively engage within the WG. And again the US points out that it is the own government which has to guarantee human rights to individuals. In Paragraph 58 the **EU**, the **USA** and **Switzerland** mention the issue of measurability and that it does not make sense to proceed working on conclusions and recommendations before the issue of measurability is resolved. Furthermore the **NAM** does not see how the WG should have a mandate to discuss indicators and that "in no case a matter outside the mandate of the Working Group [could] be used as a condition for the fulfilment of the mandate", which is stated in Paragraph 59. The lack of political will to "join together internationally to implement the Declaration on the Right to Development" was brought up by Indonesia, Pakistan and Sri Lanka in Paragraph 65. § 32; § 36; § 38; § 58; § 59; § 65.

¹⁵¹ *ibid.*: § 74.

¹⁵² A/HRC/RES/30/28 (2015): Preamble.

¹⁵³ *ibid.*: § 10.

would be appreciated¹⁵⁴. Since the "2030 Sustainable Development Agenda" it is common that the discussion on the RtD has to be viewed in the context of the post-2015 development agenda¹⁵⁵. Furthermore the importance of the implementation of the RtD and of reaching "an international legal standard of a binding nature through collaborative process of engagement" is reaffirmed¹⁵⁶.

The current Chair-Rapporteur of the Working Group in 2016, Zamir Akram, published a report in 2015 for the 17th session (A/HRC/30/71) of the WG. In his report Akram (2015) raises similar issues mentioned in the opening statement of the General Assembly. The consideration of a legal standard of a binding nature, which should be reached through a collective process, is mentioned¹⁵⁷. To reach this long discussed outcome he sees an opportunity presented by the SDGs, which he mentions in Paragraph 16, and continues in Paragraph 17 to call on the IC to overcome the "deadlock that we were confronting in implementing that right"¹⁵⁸. The mandates of the OEIWG are reaffirmed and statements by different countries regarding the work of the OEIWG are viewed¹⁵⁹.

¹⁵⁴ *ibid.*: § 12.

¹⁵⁵ *ibid.*: § 13.

¹⁵⁶ *ibid.*: § 14 (d).

¹⁵⁷ A/HRC/30/71 (2015): § 5.

¹⁵⁸ *ibid.*: § 17.

¹⁵⁹ In more detail, A/HRC/30/71 (2015): In Akram's report (A/HRC/30/71) the first statement comes from the Non-Aligned Movement which, in Paragraph 20, "assured the Working Group of its full cooperation in the realization of the right to development and making it reality for all". In Paragraph 21 the EU believes "that the Working Group could achieve a positive outcome that was acceptable to all concerned". The Organisation of Islamic Cooperation (OIC) sees a new incentive for collective efforts in the Working Group through the agreement on the SDGs and the Syrian Arabic Republic points out in Paragraph 24 that "[t]here was a need for political will, which was lacking in the Working Group, and had thus slowed down the pace of the work" but this lack of political will could be overcome and work has to be done to reach a legally binding outcome. The work done by the Working Group is also reaffirmed by several other states. There are also counterposition held regarding the work of the OEIWG. One of these is from India which notes in Article 30 that the "Working Group had been mired in difficulties and had not been able to achieve its mandate". In Paragraph 31 China recommends that the Working Group should "improve its efficiency and effectiveness" and in Paragraph 38 the Arab Commission for Human Rights states that the task of the Working Group should be to reach an International Convention on the RtD by 2018 since that would be 20 years of the existence of the Working Group. Furthermore the Non-Aligned Movement raised the question of the 30th Anniversary of the RtD in 2016, in Paragraph 28. In this regard it is time to come up with "clear and action-oriented results", § 20; § 21; § 24; § 30; § 31; § 28.

Reading the papers from this two sessions it quite quickly becomes clear that the OEIWG is stuck on the discussion of indicators, the legally binding nature of the RtD and the discussion on criteria and sub-criteria. These discussions divide the NAM and States mostly from the Global North. Considering first the differing views States had on indicators in the 17th session, in resolution A/HRC/RES/30/28, their positions become clear. The NAM mentions that the Working Group does not have a mandate on the issue of indicators and further the NAM believes that indicators for the RtD are not necessary and would not contribute to the implementation of the RtD. Instead it identifies the drafting of an international legal binding Convention of the RtD as most important¹⁶⁰. Pakistan, South Africa, Tunisia and Venezuela, which also stand for the position of the NAM, believe that indicators would be used to show compliance but, as to measuring a country's compliance, other mechanisms already exist and more indicators are therefore not needed¹⁶¹.

On the other hand the EU, Japan, Switzerland and the United States, which are seen as the Global North in this thesis, express the need for indicators as this would be "common practice in the human rights field" and they are "useful, as they [...] improve policy and monitoring frameworks"¹⁶². Those States argue further that indicators "would serve as a way to measure success and identify where work needed to be done and thus be effective"¹⁶³. In addition NGOs also expressed their view on "the need for indicators to measure progress at local and international levels"¹⁶⁴.

The discussion on indicators shows that States from the Global North want to be able to measure the success of the RtD by indicators. In contrast the NAM and mostly States of the Global South do not see a need for indicators. It can be said that the Global North

¹⁶⁰ A/HRC/RES/30/28 (2015): § 58.

¹⁶¹ *ibid.*: § 60.

¹⁶² *ibid.*: § 59.

¹⁶³ *ibid.*: § 59.

¹⁶⁴ *ibid.*: § 62.

aims for an instrument which would make States which are benefiting from the RtD controllable in regard to their success.

To summarise and conclude this chapter on the OEIWG it makes sense to return to the statement from Peter Uvin (2007) at the beginning of the chapter in which he states that "[h]uman rights once set down on paper, never die [...] they mutate into working groups [...] in low-level meetings"¹⁶⁵. The Working Group faces the criticism that there is not enough political will to convert the Declaration on the RtD into a Convention which would make the RtD a legally binding instrument. The controversies over the implementation of indicators that would make the success of the RtD measurable create the impression that States from the Global North are trying to find ways to make beneficiaries of the RtD controllable.

The topic of how the RtD is formulated will be elaborated in the next chapter as well as a discussion of the obstacles countries face and use as a reason for the deadlock of the implementation of the RtD in the year 2016.

5. What are the obstacles for the implementation of the RtD in 2015/2016?

In resolution A/HRC/WG.2/17/2 (16 March 2016) the current Chairperson Zamir Akram summarises challenges, obstacles and divergence regarding the implementation of the RtD. States give numerous reasons for hindrances when it comes to the implementation of the RtD. Akram (2016) points out that the most fundamental discrepancy is the question of whether the RtD is actually a human right or not. An inconsistency he clarifies in Paragraph 29 by stating that the RtD is a human right as the VDPA reaffirms and validates the Declaration on the RtD as "an integral part of fundamental human rights"¹⁶⁶. The question of whether the RtD is an individual or a collective right comes up again where he makes clear that the RtD "shall be entered on the individual"¹⁶⁷

¹⁶⁵ Uvin (2007): 598.

¹⁶⁶ A/HRC/WG.2/17/2 (2016): § 7; § 29.

¹⁶⁷ *ibid.*: § 30.

which would make the RtD an individual right. Nevertheless, he believes that those divergences can be overcome with enough political will as he sees all human rights as interrelated and interdependent. Those discrepancies, he believes can be resolved with enough will and cooperation between States. There are obstacles which are deeper and harder to solve. He mentions "poverty, conflict, discrimination, inequality, injustice [and the] denial of self-determination"¹⁶⁸ but he also sees the potential to overcome these hindrances through the implementation of the RtD, which gives the whole discussion an ironic touch.

The United Nations High Commissioner for Human Rights also published a report in 2016 (A/HRC/WG.2/17/3) in which views of Member States on the implementation and realisation of the RtD are collected.

Summarising the statements from different States it can be concluded that there are again two blocks which divide the IC in regard to hindrances. The obstacles raised as issues in 2016 are on an international and a national level. Some of the hindrances are not new and are known from times when the Declaration on the RtD was evolved, like foreign occupation and colonisation. On an international level obstacles include, foreign occupation of territory, colonial history and foreign domination, the lack of political will to implement the RtD, an unfair global economic and financial order, a lack of international cooperation when it comes to development assistance and the lack of attention

¹⁶⁸ *ibid.*: § 8.

paid to the RtD itself by the UN¹⁶⁹. Which are obstacles raised by the NAM and States of the Global South. On a national level, war and crises are mentioned as well as the

¹⁶⁹ For a detailed overview by States see: A/HRC/WG.2/17/3 (2016): **Azerbaijan** reports, in Paragraph 8, that the main obstacle to implementing the RtD was the occupation of its territory by Armenia. Aside from the fact that Azerbaijan faces a political obstacle, the Constitution of Azerbaijan recognises the RtD, as stated in Paragraph 4. **Honduras** lists several obstacles to the realisation of the RtD. On a national level the "low levels of education, a high Gini-coefficient, public and private corruption, violence and drug trafficking" are listed. On an international level, Honduras mentions the "effects of colonialism, neo-colonialism, apartheid, racism and racial discrimination, foreign domination and occupation [...] and threats against national sovereignty". **The Islamic Republic of Iran** "highlighted the lack of political will at the international level as an obstacle", in Paragraph 27. As another difficulty the Iran sees the "lack of an effective agenda of the Working Group and the limited participation of experts from international organisations". This is an accusation heard before by the Chairperson Rapporteur in the 16th session. Another hindrance for the realisation of the RtD is, for the Islamic Republic of Iran, "the unfair global economic and financial order". **Namibia** highlights, in Paragraph 42, that it "had gone to great lengths to implement and realize the right to development within the context of national and sectoral development framework" but there are several obstacles for the realisation of the RtD which come from "uncertainty over the limits of national versus international responsibility", stated in Paragraph 43. Furthermore, Namibia states, in Paragraph 43, that international co-operation would include "technology transfer; support for the payment of domestic debt and the cancellation of international debt". Moreover Namibia sees a historical moral obligation "of former colonial powers to support the development of post-colonial societies". **The Syrian Arab Republic** sees a link, in Paragraph 70, between obstacles at the regional and international level which have an impact on the national level. A long and interesting list is prepared by Syria which is linked to the threat of foreign occupation and neo-colonialism and includes: "threats to international peace and security, such as prolonged occupation; interference in internal affairs; threats to territorial integrity and political independence; and the imposition of unilateral coercive measures. They also included politicized approaches to development, such as linking development cooperation to political aims, and denying commitments and obligations related to development cooperation, especially in the field of technical assistance and capacity-building, but also the absence of a just and fair international economic order, and the little attention paid to the right to development by United Nations agencies, funds and programmes". § 4; § 8; § 27; § 42; § 43; § 70.

struggles of States of the Global South to attain development¹⁷⁰, which are again obstacles raised by the NAM and States of the Global South. But not only obstacles are mentioned. Some States remark that elements of the RtD are recognised in their Constitution and others announce that the RtD has been invoked before domestic courts¹⁷¹. The recognition in the Constitution comes also from States of the Global South and not the Global North. Furthermore, it can be concluded that not only national and international obstacles are hindering the implementation of the RtD. How the criteria and sub-criteria

¹⁷⁰ For a detailed overview by States see: A/HRC/WG.2/17/3 (2016): **Jordan** mentions several obstacles to the realisation of the RtD in Paragraph 32. Firstly, Jordan notes "the security situation in the Middle East, the Syrian refugee crisis [and] internal economic difficulties". For Jordan a priority would be that the International Community invests more in the stabilisation of the Middle East because this would be a precondition for development. When it comes to monitoring mechanisms to make the implementation of the RtD measurable, Jordan calls for an accurate discussion because it would not be easy to measure the implementation of the Declaration on the RtD. **Lebanon** continues in Paragraph 34 that the Syrian crisis is an obstacle to development of the country. Furthermore, the Lebanon sees "insecurity, public debt, youth emigration and rising unemployment" as threats to its development. Nevertheless, the Lebanon points out, in Paragraph 33, that the RtD is a fundamental human right in Article 37 of the Arab Charter on Human Rights and that the Constitution of Lebanon recognises development as a pillar of its State. In Paragraph 37 **Mexico** states that it has implemented a national development plan (2013-2018) which includes the RtD. Mexico does also refer to hindrances when it comes to the implementation on the RtD, in Paragraph 38, which are "the lack of policy coherence; weak institutional capacity; bad governance; lack of oversight or accountability; and inequality". To overcome these obstacles, Mexico recognises the need to strengthen States of the Global South. Nepal recommends "that an international framework for its [the RtD] implementation should be agreed upon as soon as possible". It states that there is a need for international co-operation and assistance for States of the Global South, in Paragraph 47. Continuing in Paragraph 48, Nepal lists several hindrances to the implementation of the RtD. On a national level **Nepal** sees obstacles like a "weak integration of human rights into public policies and development activities". Nepal also identifies a "lack of strong and accountable government; weak rule of law; corruption [...] geographical layout; and resource constraints". Nepal does not see obstacles only at a national level, but numerous hindrances on an international level are also listed. "[F]ood insecurity; climate change and environmental degradation; lack of effective protection for migrant workers; vulnerability to terrorism and natural disasters; corporate corruption; competition to increase defence budgets; and insufficient support for least developed countries". In Paragraph 50 Nepal makes clear that the RtD was "recognized in the Constitution and legislation [...]. The Supreme Court of Nepal had taken the right to development into account when interpreting the rights recognized in the Constitution". **Saudi Arabia** refers in Paragraph 57 to political reasons "including internal and international conflicts and terrorism". § 32; § 33-34; § 37-38; § 47-48; § 50; § 57.

¹⁷¹ For a detailed overview by States see A/HRC/WG.2/17/3 (2016).

In **Brazil** the RtD "is a core constitutional value, enshrined in the preamble to its Constitution and in several articles", stated in Paragraph 14. Brazil also states that the RtD also has been invoked before domestic courts. **South Africa** points out that the RtD has been recognised as a human right by all Member States of the UN since the VDP 1993, in Paragraph 64 and in its view the RtD "entailed the progressive realization of all other human rights". Furthermore, South Africa highlights, in Paragraph 65, the RtD is a legally binding standard under the African Charter and in Paragraph 68 it quotes the case of *Foresti vs South Africa* (ICSID Case No. ARB(AF)/07/1) as an example in which the RtD was invoked in an arbitration. § 14; § 64-65; § 68.

for the implementation of the RtD are formulated also leaves a lot of room for discussion¹⁷², merely for States from the Global North, which is elaborated in the next chapter.

6. How are criteria and sub-criteria of the RtD formulated?

In the 16th session of the OEIWG on the RtD views are expressed by Member States and Groups of Governments on the RtD and its criteria and operational sub-criteria (A/HRC/WG.2/16/CRP.1 6 February 2015). The Member States discuss ten criteria in total and additional sub-criteria. An analysis of the paper reveals two differing positions tend to be held by States. For this thesis only a small number of criteria and sub-criteria are used as examples to understand those contrasting positions. This is done because certain positions and arguments run like a thread through the paper (A/HRC/WG.2/16/CRP.1). The first criterion 1 (a) is read as:

"{To promote **individual capabilities and human development**, (EU) constant improvement in socio-economic well-being **through the full realization of the rights to health, food, education, shelter, work, safe drinking water and sanitation, and other human rights as well as civil and political rights (Switzerland)** based on the principle of equitable contribution and access to and sharing of the benefits of development (NAM, AG)} {USA reword, EU reservation}"¹⁷³.

This first example shows how difficult it is to find wording which satisfies all States. It shows that Switzerland and the EU want additional phrases added to the criterion, the NAM and AG agree to the wording but in the end the USA want the whole criteria reworded and the EU has certain reservations.

¹⁷² A/HRC/WG.2/17/3 (2016): **Germany** is one of the number of countries which do not want the implementation of the RtD without clear indicators and benchmarks because without indicators it would be unclear "which practical steps need to be taken by which actors to implement the right to development at the national, regional and international levels", § 18.

¹⁷³ A/HRC/WG.2/16/CRP.1 (2015): Criterion 1 (a).

When it comes to the sub-criteria of the Criteria 1 (a) the USA, EU, Australia and Japan use the wording "Access to", Switzerland wants the wording "Access to the basic right to" and the NAM wants those sub-criteria deleted and other additional criteria and sub-criteria added. The same goes for measurability of criteria and sub-criteria. It becomes clear that States and groups of governments have a certain position when it comes to measurability. It is mostly the USA, EU, Australia and Japan who emphasise its importance compared to the NAM, AG which does not see it as important at all. As an example for this controversy Sub-Criteria 1 (a) (i) Health:

"{{{Access to basic (USA, EU, Australia, Japan)}} {NAM, Cuba reservation} [Access to the basic right to (Switzerland, Australia, Caritas)] Health {services without discrimination, which could be measured, inter alia, by life expectancy at birth; low birth weight babies; [...] (USA, EU, Australia, Japan)} {NAM, Cuba reservation}} {NAM delete}"¹⁷⁴.

As an example for an additional sub-criteria suggested by the NAM and AG Criteria 1 (a) ter:

"{To respect the right of States to determine and implement their own development policies on the basis of their own self-defined development objectives and priorities and national circumstances, through establishment of operational international cooperation arrangements (NAM, AG)} {EU, USA, Switzerland, Japan reservation}"¹⁷⁵.

Reading through the paper (A/HRC/WG.2/16/CRP.1) similar patterns recur throughout. It can be said that for States from the Global North measurability is one of the most important elements¹⁷⁶. Another sub-criterion which seems to be important mostly for the States of the Global North is to establish a framework in which human rights are protected and human rights violations are avenged. An example is Sub-criterion 2 (c) (i) which states that the

¹⁷⁴ *ibid.*: Sub-Criteria 1 (a) (i) Health.

¹⁷⁵ *ibid.*: Criteria 1 (a) ter.

¹⁷⁶ *ibid.*: Sub-criterion 1 (a) (i); Sub-criterion 1 (a) (ii); Sub-criterion 1 (a) (iii); Sub-criterion 1 (a) (iv); Sub-criterion 1 (a) (v); Sub-criterion 1 (b) (i); Sub-criterion 1 (b) (i); Sub-criterion 1 (c) (i) alt1; Sub-criterion 1 (g) (ii); Sub-criterion 1 (g) (iv) alt 2; Sub-criterion 2 (c) (iii); Sub-criterion 2 (c) (iii) bis; Sub-criterion 2 (c) (vii) alt 1; Sub-criterion 2 (d) (i); Sub-criterion 2 (e) (iii) bis; Sub-criterion 2 (e) (iii) ter.

"{[e]stablishment of a framework providing remedies for **human rights (EU, Switzerland)** violations, **through constitutional or legal protections and adjudicatory mechanisms, including legal protection for human rights defenders (EU, Switzerland)**} {NAM, OIC [(Organisation of Islamic Cooperation)] delete}"¹⁷⁷.

would be necessary and further examples of criteria and sub-criteria can be found throughout the text¹⁷⁸. Another recurring theme is different forms of discrimination and strategies for their elimination. In this context it is noticeable that Norway puts gender equality, among others, as one of its priorities. It is also obvious that the rights of indigenous people have a priority throughout the Global North when it comes to discrimination criteria and sub-criteria¹⁷⁹.

States of the Global South and the NAM formulate criteria and sub-criteria in a way which place States of the Global North in the position to cooperate and to meet their responsibilities and accountabilities towards States of the Global South. Several times the NAM and States from the Global South propose transfers and assistance which would include finance and technology and support in areas such as trade, innovation, climate change and sustainable development¹⁸⁰. Another point which recurs is the strengthening of South-South cooperation as well as the North-South cooperation when it comes to development¹⁸¹. This extends to the demand for a different trading system, the access to financial resources and even the reforming of the global economic and financial infrastructure¹⁸². The same goes for the colonial past, while "for the colonialist countries to pay full compensation for the economic, social and cultural consequences

¹⁷⁷ *ibid.*: Sub-criterion 2 (c) (i).

¹⁷⁸ *ibid.*: Sub-criterion 2 (c) (i) alt 1; Sub-criterion 2 (c) (iii); Sub-criterion 2 (c) (vii); Sub-criterion 2 (d) (ii) alt 1.

¹⁷⁹ *ibid.*: Sub-criteria 2 (a) (iii) ter; Sub-criterion 2 (c) (iv) alt 1; Sub-criterion 2 (c) (iv) alt 3 (to sub-criteria 2 (c) (iv), (v) and (vi)); Sub-criterion 2 (c) (iv) bis; Sub-criterion 2 (c) (iv) ter; Sub-criterion 2 (c) (v); Sub-criterion 2 (c) (vi) quater; Criterion 3 (a); Sub-criterion 3 (a) (i) alt 1; Sub-criterion 3 (a) (iv) quater.

¹⁸⁰ *ibid.*: Sub-Criterion 1 (c) bis (i); Sub-Criterion 1 (c) bis (ii); Criterion 1 (g); Sub-criterion 1 (g) (iv); Sub-criterion 1 (g) (vii) sexies; Sub-criterion 1 (a) (v) quinquies; Sub-criterion 1 (b) (i); Sub-criterion 1 (c) ter (ii); Sub-criterion 3 (b) (i) quater; Sub-criterion 2 (a) (iii) ter; Sub-criterion 2 (b) bis (i); Sub-criterion 2 (c) (iv) bis; Sub-criterion 3 (c) (i) bis; Sub-criterion 3 (c) (ii) bis.

¹⁸¹ *ibid.*: Sub-criterion 2 (d) (ii) quater; Criterion 1 (c) ter.

¹⁸² *ibid.*: Criterion 1 (e); Sub-criterion 1 (e) (i); Sub-criterion 1 (e) (iii) ter; Criterion 1 (f); Sub-criterion 1 (e) (ii); Criterion 3 (c) bis.

of their occupation¹⁸³ [...] [and] receive fair compensation for the human and material losses they suffered as a result of colonial rule or occupation"¹⁸⁴. When it comes to foreign occupation another point is made by stating that there should be no unilateral coercive measure¹⁸⁵. Bearing in mind the Declaration on the RtD has to be put in the context of decolonisation, the right to self-determination, and the idea of a NIEO those criteria are in accordance with it. For States of the Global South and the NAM it is important to be free from foreign occupation and oppression. The sovereignty of States and the control over their own natural resources and wealth is highlighted through these criteria and sub-criteria. Nevertheless, it can be concluded that States of the Global South and the NAM ask for reparations for the colonial past as well as the global transfer of goods and financial assistance. As opposed to this, it can be said that States of the Global North lay their focus on measurability, anti-discrimination and human rights protection which is a paradox as the fulfilment and implementation of the RtD should lead to the full enjoyment of all human rights and freedoms.

7. The Sustainable Development Goals

It was in autumn 2015 that the General Assembly adopted the A/RES/70/1 resolution (21st October 2015) entitled "Transforming our world: the 2030 Agenda for Sustainable Development". This resolution was the successor of the MDGs and contained 17 new goals and 169 targets intended to "[transform] our world"¹⁸⁶. It was unanimously adopted by the 193 Member States of the UN. Some of the goals are projected to be achieved by 2020 and all of them by 2030 at the latest, which means that the SDGs will effectively set the agenda of development discourse for the next fifteen years. The ideas and core principles of the SDGs evolves from different UN papers dating back to 1972, beginning with the creation of the UNEP and concluding with the successful implementation

¹⁸³ *ibid.*: Criterion 1 (i) decies; Criterion 1 (i) undecies; Sub-criterion 2 (a) (iii) quater; Sub-criterion 3 (a) (iv) quater; Sub-criterion 3 (c) (v) bis.

¹⁸⁴ *ibid.*: (Criterion 1 (i) nonies).

¹⁸⁵ *ibid.*: Criterion 1 (i) sexies; Sub-criterion 2 (d) (ii) bis; Sub-criterion 2 (e) (iii) quater.

¹⁸⁶ A/RES/70/1 (2015): Preamble.

of the SDGs in autumn 2030¹⁸⁷. This thesis benefits most from an analysis of later years and therefore will not extend analysis back to 1972 but focus on the most recent documents and resolutions for the SDGs, starting at the 2012 Rio+20 Conference. This is done as this thesis sees principles and ideas of the SDGs interlinked with the RtD and it is therefore that a second historical account on the SDGs is not necessary.

At the Rio+20 Conference in 2012 the international community decided to lay the foundations for the HLPF in the conference's outcome document "The future we want". A year later, in 2013, the first meeting of the HLPF took place. Another crucial document is the AAAA, which was the outcome document of the third international conference on financing development which took place in July 2015. This document is mentioned in the "2030 Agenda for Sustainable Development" and other relevant strategies and programmes which are relevant to the creation of the SDGs are mentioned in it¹⁸⁸.

In the preamble to the resolution (A/RES/70/1) great political will to implement the agenda is demonstrated by all countries. The main outcome is supposed to be a world in which human beings are free from poverty and want. Human beings are not the singular priority of the resolution, the security of the planet is also identified as a priority for Member States¹⁸⁹. As with the purpose of the RtD, the outcome of the resolution is supposed to be the full realisation of all human rights. This outcome is projected to be achieved through a collective journey of the international community to fulfil the SDGs, which "balance the three dimensions of sustainable development: the economic, social and environmental"¹⁹⁰.

The agenda states that it is "accepted by all countries and is applicable to all, taking into account different national realities, capacities and levels of development and respecting

¹⁸⁷ Milestones mentioned by the UN (2016): <https://sustainabledevelopment.un.org/intergovernmental>

¹⁸⁸ A/RES/70/1 (2015): Istanbul Declaration and Programme of Action; SIDS Accelerated Modalities of Action (SAMOA); Pathway and the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014-2024; African Union's Agenda 2063; Programme for the New Partnership for Africa's Development, § 40-41.

¹⁸⁹ *ibid.*: Preamble.

¹⁹⁰ *ibid.*: Preamble.

national policies and priorities"¹⁹¹. Looking more closely at the agenda, it states that the Charter of the United Nations, and the principles outlined therein, and the Declaration on the RtD are crucial to the SDGs¹⁹². This can be read as a concession to the link between the SDGs and the RtD. Moreover the UN states that the SDGs go further than the MDGs in so much as the SDGs promise a change in societies¹⁹³. It is also remarkable that world leaders could agree on an agenda such the SDGs, as pointed out in Paragraph 18, which states "[n]ever before have world leaders pledged common action and endeavour across such a broad and universal policy agenda"¹⁹⁴. Nevertheless, it is also noted that each State "shall freely exercise, full permanent sovereignty over all its wealth, natural resources and economic activity [and] [...] the Agenda [will be implemented] for the full benefit of all, for today's generation and for future generations"¹⁹⁵. The parallels with the RtD are manifest here, as the RtD also upholds the sovereignty of States and is identified as being a so-called "third generation right", meaning that future generations will benefit from its implementation.

Paragraph 27 notes that economic growth is crucial for overcoming poverty. It becomes clear that growth, and by the same token, development, will only be possible "if wealth is shared and income inequality is addressed"¹⁹⁶. In the following paragraph it is clear that the current capitalist system is not challenged, as such, but request is made for changes in production and consumption patterns. A responsibility which would fall largely on the States of the Global North. This is demonstrated in the following passage "[a]ll countries take action, with developed countries taking the lead, taking into account the development and capabilities of developing countries"¹⁹⁷. The RtD is further referenced in the agenda (A/RES/70/1) which emphasises that "peaceful, just and inclusive societies [...] are based on respect for human rights (including the right to deve-

¹⁹¹ *ibid.*: § 5.

¹⁹² *ibid.*: § 10.

¹⁹³ *ibid.*: § 15.

¹⁹⁴ *ibid.*: § 18.

¹⁹⁵ *ibid.*: § 18.

¹⁹⁶ *ibid.*: § 27.

¹⁹⁷ *ibid.*: § 28.

lopment)"¹⁹⁸. The paragraph continues to say that obstacles "to the full realization of the right to self-determination of peoples living under colonial and foreign occupation, which continue to adversely affect their economic and social development as well as their environment"¹⁹⁹ should be removed. It can be said that the SDGs and RtD are underpinned by the same principles. This similarity is further evidenced in Paragraph 38 which highlights "the need to respect the territorial integrity and political independence of States"²⁰⁰, another principle found in the RtD.

Regarding the matter of global partnership it must be noted that the realisation of the goals and targets is linked to the "mobilization of financial resources [...] and the transfer of environmentally sound technologies to developing countries on favourable terms"²⁰¹. In addition it is stated that States which provide ODA should re-declare their responsibility to attribute 0.7% of GNI to ODA for States of the Global South, demonstrating how the SDGs should be financed²⁰².

As highlighted by Jane Briant Carant (2016), it is important for this thesis to acknowledge that the SDGs are a social text, and the analysis that follows must account for them as such. As a social text, the SDGs "contain markings of multiple economic and political discourses, reflecting the diverse concerns and problem-solution frames of those participating in their creation"²⁰³. This means that each State has a different belief in what, for example, poverty means and, as SDGs are created by the International Community together, what the dominant economic and political discourses on certain topics are. It is therefore important to analyse the 17 goals which make up the SDGs in depth.

8. In-depth Analysis of the Sustainable Development Goals

¹⁹⁸ Ibid.: § 35.

¹⁹⁹ Ibid.: § 35.

²⁰⁰ Ibid.: § 38.

²⁰¹ Ibid.: § 41.

²⁰² Ibid.: § 43.

²⁰³ Carant (2016): 2.

Goal one: End poverty in all its forms everywhere

The SDGs begin with a set of targets intended to eliminate extreme poverty, identified as anyone living on less than \$1.25 a day. The targets that follow elaborate on how goal one of the SDGs could be achieved²⁰⁴. Target 1.a is particularly interesting as it clearly shows the responsibility of the Global North towards the Global South in "[e]nsur[ing] significant mobilization of resources from a variety of sources, [...] in order to provide adequate and predictable means for developing countries [...] to implement programmes and policies to end poverty"²⁰⁵.

Carant (2016) and Jason Hickel (2015) argue that the goal one targets are problematic as the \$1.25 per person per day poverty line is too low. They argue that a poverty line of \$5 per day would be realistic, but this classification would increase the number identified as living in poverty by 4.3 billion. Furthermore, an argument has been made that achieving target 2 of goal one would imply that "a portion of the population will remain impoverished, presumably those most in need. [...] [T]he goals should not allow the poorest individuals to be forgotten. Rather, the goals should prioritise the most impoverished before attempting to increase the well-being of others"²⁰⁶.

Goal two: End hunger, achieve food security and improved nutrition and promote sustainable agriculture

The second goal is intended to end hunger and reduce the number of people suffering from food insecurity. The goal's focus is on women, children, adolescent girls, children up to the age of two, elderly people and pregnant and lactating women. The goal outlines that agriculture productivity should double as well as the income of small-scale food producers. The importance of sustainability in food production and agriculture systems as well as the maintenance of genetic diversity in agricultural products is also recognis-

²⁰⁴ *ibid.*: targets 1.1; 1.2; 1.3; 1.4; 1.5; 1.a; 1.b.

²⁰⁵ *ibid.*: target 1.a.

²⁰⁶ Hickel (2015):, n.p.; Carant (2016): 14.

ed in the goal's targets²⁰⁷. The responsibilities of the Global North to the Global South to "[i]ncrease [...] agriculture productive capacity in developing countries, in particular least developing countries"²⁰⁸ is highlighted, as well as the responsibility to "[c]orrect and prevent trade restrictions and distortions in world agricultural markets"²⁰⁹ and to "[a]dopt measures to ensure the proper functioning of food commodity markets, [...] access to market information [...], in order to help limit extreme food price volatility"²¹⁰.

Goal three: Ensure healthy lives and promote well-being at all ages

Goal three focuses on health and healthcare worldwide. The targets range from reducing the global maternal mortality rate, reducing preventable deaths of new-borns and ending epidemics, to the prevention of substance abuse and halving the number of deaths caused by road traffic accidents²¹¹. It also takes into account access to universal healthcare services and the reduction of deaths caused by environmental pollution²¹². As with Goal two, Goal three also includes targets directed at the Global North, outlining that the Global South should get "[s]upport [for] the research and development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries"²¹³ as well as support for the Global South's health sectors²¹⁴.

Goal four: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

Goal four begins with the very ambitious target, to "ensure that all girls and boys complete free, equitable and quality primary and secondary education"²¹⁵. The other targets

²⁰⁷ A/RES/70/1 (2015): targets 2.1; 2.2; 2.3; 2.4; 2.5; 2.a; 2.b; 2.c.

²⁰⁸ *ibid.*: target 2.a.

²⁰⁹ *ibid.*: target 2.b.

²¹⁰ *ibid.*: target 2.c.

²¹¹ *ibid.*: targets 3.1; 3.2; 3.3; 3.4; 3.5; 3.6.

²¹² *ibid.*: targets 3.7; 3.8.

²¹³ *ibid.*: target 3.b.

²¹⁴ *ibid.*: targets 3.c; 3.d.

²¹⁵ *ibid.*: target 4.1.

further delineate the promotion of pre-primary education for girls and boys and inexpensive vocational and tertiary education, which includes university²¹⁶. It continues, stating that gender disparities should be eliminated and both men and women should have the opportunity to achieve literacy and numeracy²¹⁷. In addition, target 4.7 caters for education which promotes "sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity"²¹⁸. Goal four also includes advice for States of the Global North to make scholarships available for States of the Global South, including higher education and vocational training²¹⁹ as well as taking a role in increasing the supply of qualified teachers through "international cooperation for teacher training in developing countries"²²⁰.

Carant (2016) argues that the first three targets of goal 4 "place women and girls before men and boys in the structural composition of each target sentence, distinctly highlighting the importance of women for goal achievement"²²¹, which leads us to goal five; gender equality and empowerment.

Goal five: Achieve gender equality and empower all women and girls

It can be said that goal five builds on this focus on the importance of women for goal achievement by focusing entirely on gender equality and the empowerment of women and girls. The goal sets out that all forms of violence against women and girls should be eliminated, as well as harmful practices such as child, early and forced marriage and female genital mutilation. The targets also demand the recognition of unpaid domestic work as well as an increase in the number of women occupying leading positions at all levels of politics, economics and public life. Furthermore, it demands proper access to

²¹⁶ *ibid.*: targets 4.2; 4.3; 4.4.

²¹⁷ *ibid.*: targets 4.5; 4.6.

²¹⁸ *ibid.*: target 4.7.

²¹⁹ *ibid.*: targets 4.a; 4.b; 4.c.

²²⁰ *ibid.*: target 4.c.

²²¹ Carant (2016): 15.

reproductive healthcare and access to property, financial services and inheritance for all women and girls²²².

Goal six: Ensure availability and sustainable management of water and sanitation for all

Goal six calls for access to safe and affordable drinking water, as well as access to adequate sanitation and hygiene. Again, there is a particular focus on girls and women. The goal outlines that the quality of water should be improved by a reduction of environmental pollution. An increase in the sustainable use of water and no water scarcity by 2030 are also important aspects of this goal. Furthermore, the targets state that natural ecosystems, such as mountains and forests should be protected to secure water supply. To attain those targets the Goal recommends that the Global North should "support developing countries in water and sanitation related activities and programmes"²²³ as well as assisting "local communities in improving water and sanitation management"²²⁴.

Goal seven: Ensure access to affordable, reliable, sustainable and modern energy for all

Goal seven not only states that access to energy for all should be ensured but also emphasises the importance of establishing modern and renewable energy sources by 2030. This is supposed to be achieved through international cooperation and the promotion of investment in the energy infrastructure, particularly for the States of the Global South²²⁵.

Goal eight: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

Goal eight emphasises sustainable economic growth and provision of enough employment opportunities for men, women and especially young people. It states that modern slavery and forced work should be put to an end, a safe and secure working environment

²²² A/RES/70/1 (2015): targets 5.1; 5.2; 5.3; 5.4; 5.5; 5.6; 5.a; 5.b; 5.c.

²²³ *ibid.*: target 6.a.

²²⁴ *ibid.*: targets 6.1; 6.2; 6.3; 6.4; 6.5; 6.a; 6.b.

²²⁵ *ibid.*: targets 7.1; 7.2; 7.3; 7.a; 7.b.

should be created, and labour rights should be protected. This is supposed to be achieved through a sustained per capita economic growth of at least 7% GDP in States of the Global South. Furthermore, the goal states that there should be higher levels of productivity and increased establishment of small and medium enterprises. One way to create jobs identified in the goal is sustainable tourism, which should promote local culture and products. In addition to this, access to local banking and financial institutions must be available. Simultaneously, it notes, consumption and production, particularly in the Global North, should be more sustainable and decoupled from economic growth²²⁶. To achieve these targets there must be an increase in "Aid for Trade", which effectively means that the Global North should provide States of the Global South "with aid in return for lifting trade restrictions in their country"²²⁷.

Goal nine: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

Goal nine and its targets promote an infrastructure to support economic development. This should lead to sustainable industrialisation which would in turn lead to GDP growth. A resilient infrastructure is linked to the establishment of small-scale enterprises mentioned in goal eight. Goal nine targets further that older industries should be equipped with more sustainable technologies. This goes hand in hand with more scientific research and increased spending on private and public research²²⁸. The Global North should "facilitate sustainable and resilient infrastructure development in developing countries through enhanced financial, technological and technical support"²²⁹ and increase "access to information and communication technology"²³⁰.

Goal ten: Reduce inequality within and among countries

²²⁶ *ibid.*: targets 8.1; 8.2; 8.3; 8.4; 8.5; 8.6; 8.7; 8.8; 8.9; 8.10; 8.a; 8.b.

²²⁷ Carant (2016): 16.

²²⁸ A/RES/70/1 (2015): targets 9.1; 9.2; 9.3; 9.4; 9.5; 9.a; 9.b; 9.c.

²²⁹ *ibid.*: target 9.a.

²³⁰ *ibid.*: target 9.c.

To reduce inequality between countries, goal ten and its targets focus mostly on economy. It can be said that this goal uses a "profit-focused sustainability lens"²³¹ and does not challenge the current economic system. The targets suggest that every human being should be included economically and politically on all dimensions without discrimination. Greater equality should also be achieved by adopting "fiscal, wage and social protection policies"²³² as well as by regulating global financial markets. For States of the Global South, their representation and voices in respect to "decision-making in global international economic and financial institutions"²³³ should be increased and "planned and well-managed migration"²³⁴ is demanded. The States of the Global North are reminded that ODA and financial flows, which include foreign direct investment are of crucial importance²³⁵. Carant (2016) argues that "requirements such as these enable the proliferation of private enterprises touting neoliberal agendas within the country accepting assistance"²³⁶ which would mean, as mentioned before, that the current economic system continues unchallenged.

Goal eleven: Make cities and human settlements inclusive, safe, resilient and sustainable

Goal eleven's targets state that there should be safe and affordable housing for all, as well as "upgrading slums"²³⁷. In regard to cities, transport systems, including public transport, are cited for improvement. The targets also state that plans should be devised for sustainable human settlement but that it is equally important to protect the world's cultural and natural inheritance. Furthermore, air pollution should be reduced and more green and public spaces should be established²³⁸. These targets are supposed to be

²³¹ Carant (2016): 17.

²³² A/RES/70/1 (2015): target 10.4.

²³³ *ibid.*: target 10.6.

²³⁴ *ibid.*: target 10.7.

²³⁵ *ibid.*: targets 10.1; 10.2; 10.3; 10.4; 10.5; 10.6; 10.7; 10.a; 10.b; 10.c.

²³⁶ Carant (2016): 17.

²³⁷ Wording of resolution A/RES/70/1: target 11.1.

²³⁸ A/RES/70/1 (2015): targets 11.1; 11.2; 11.3; 11.4; 11.5; 11.6; 11.7; 11.a; 11.b; 11.c.

achieved through "national and regional development planning"²³⁹ and provision of "financial and technical assistance"²⁴⁰.

Goal twelve: Ensure sustainable consumption and production patterns

Goal twelve and its targets call for new sustainable consumption and production patterns to be established, with the States of the Global North taking the lead. It calls for an efficient use of resources, reducing food wastage by half and the minimisation of chemicals released into the air, water and soil. It is explicitly stated that the latter also applies to large and transnational companies. Another target adds that people globally should have an increased awareness of sustainable patterns of consumption and production. As part of their role taking the lead on this Goal, States of the Global North are expected to support and strengthen the "scientific and technological capacity to move towards more sustainable patterns of consumption and productions"²⁴¹ of the States of the Global South²⁴².

Goal thirteen: Take urgent action to combat climate change and its impacts

Goal thirteen aims to increase the awareness of climate change. The targets state that governments worldwide should integrate climate change measures into policies, strategies and planning and ensure their implementation²⁴³.

Goal fourteen: Conserve and sustainably use the oceans, seas and marine resources for sustainable development

Overfishing, destructive fishing practices, marine pollution and the reduction of ocean acidification are the targets of goal fourteen, which outlines that economic benefits should be achieved through the sustainable use of marine resource and through

²³⁹ *ibid.*: target 11.a.

²⁴⁰ *ibid.*: target 11.c.

²⁴¹ *ibid.*: target 12.a.

²⁴² *ibid.*: targets 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.a; 12.b; 12.c.

²⁴³ *ibid.*: targets 13.1; 13.2; 13.3; 13.a; 13.b.

sustainable management of fishing. Oceans should be conserved through the implementation of international law which already exists in the United Nations Convention on the Law of the Sea²⁴⁴.

Goal fifteen: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

Goal fifteen and its targets elaborate on how the ecosystem of the planet should be restored and used sustainably. In particular forests, wetlands, mountains and drylands are identified. Forests should be reforested and afforested, desertification should be combated, species and flora and fauna at risk of extinction should be protected. Finally, increased financial resources should be dedicated to achieve biodiversity and save the ecosystem²⁴⁵.

Goal sixteen: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Goal sixteen combines a lot of different targets which aim to achieve peaceful and inclusive societies. The targets range from the reduction of violence and related deaths, to ending torture, trafficking and exploitation. It further states that the rule of law should be promoted and the flow of illicit arms reduced. It also states that there should be a reduction in bribery and corruption. In addition also the provision of birth registration certificates for every human person should be achieved. Moreover, it recommends that capacity building should take place at all levels for the promotion and enforcement of non-discriminatory law and policies²⁴⁶

²⁴⁴ *ibid.*: targets 14.1; 14.2; 14.3; 14.4; 14.5; 14.6; 14.7; 14.a; 14.b; 14.c.

²⁴⁵ *ibid.*: targets 15.1; 15.2; 15.3; 15.4; 15.5; 15.6; 15.7; 15.8; 15.9 15.a; 15.b; 15.c.

²⁴⁶ *ibid.*: targets 16.1; 16.2; 16.3; 16.4; 16.5; 16.6; 16.7; 16.8; 16.9; 16.10 16.a; 16.b; 16.c.

Goal Seventeen: Strengthen the means of implementation and revitalize Global Partnership for Sustainable Development

The conclusive goal 17 contains the most targets of all. It is segmented into four parts: finance, technology, capacity building, trade and systemic issues. The finance targets state that the Global North should implement their ODA target which is 0.7% of the GNI and that if this target is not achieved, ODA providing countries should consider setting a target to provide at least 0.2% of GNI to the "least developed countries". Additionally, those States should mobilise further financial resources for States of the Global South from various resources, whereby it is not defined what various resources are. Regarding debts owed by the Global South, appropriate debt financing, debt relief or restructuring should be implemented to avoid debt distress²⁴⁷.

Regarding technology the goal recommends enhancement of "North-South, South-South and triangular regional and international cooperation"²⁴⁸. Furthermore, knowledge of technology and sciences should be transferred to the Global South from the Global North²⁴⁹. There should also be support in the form of capacity building from North-South, South-South and triangular co-operation through States, whereas it is unclear who is providing the capacity building²⁵⁰.

The next three targets cover trade and promotion of a universal multilateral trading system, in which the exports of the Global South should be increased and market access should be unrestricted²⁵¹. When it comes to those targets Carant (2016) argues that "this neoliberal process suggests countries remain undeveloped as a result of restricted market access and insists that opening markets will facilitate economic growth and development, subsequently boosting the ability to achieve other SDGs"²⁵².

²⁴⁷ *ibid.*: targets 17.1; 17.2; 17.3; 17.4; 17.5.

²⁴⁸ *ibid.*: target 17.6.

²⁴⁹ *ibid.*: targets 17.6; 17.7; 17.8.

²⁵⁰ *ibid.*: target 17.9.

²⁵¹ *ibid.*: targets 17.10; 17.11; 17.12.

²⁵² Carant (2016): 18.

In addition goal seventeen states that systemic issues should be targeted through global macroeconomic stability, policy coherence for sustainable development, state sovereignty, multi-stakeholder partnerships and capacity building to increase the availability of quality data²⁵³.

In conclusion, it can be argued that the SDGs are a milestone in diplomatic relations. Reading through the goals and targets one gets the impression that in attaining all these ambitious goals could mean positive global change with "no one will be left behind"²⁵⁴. One can also conclude from this agenda (A/RES/70/1) that there is political will for international cooperation to achieve sustainable development.

Nevertheless it is also reasonable to question whether the SDGs break with the usual development discourse or continue with common development ideas. Henrietta L. Moore (2015) and Aram Ziai (2016) argue that the goals are formulated in a manner that implies that the problems of development clearly lie with the States of the Global South. It is therefore not surprising that hierarchies and catch-up models, already known from modernisation theories, can be recognised in the SDGs, as the goals also include the transfer of knowledge and technology from the Global North to the Global South²⁵⁵. By contrast Katja Freistein und Bettina Mahlert (2016) argue that the SDGs follow a new approach by tackling inequality, which would overcome the classic development idea. They argue that inequality is further reaching than just tackling development ²⁵⁶. However it must be noted that these ideas are not mutually exclusive; the inclusion of tackling global inequalities does not preclude the inclusion of classic hegemonic development discourse.

Similarly, it can be concluded that the goals do not challenge the current neoliberal economic system, on the contrary it can be said that economic growth is one of the core

²⁵³ A/RES/70/1 (2015): targets 17.13; 17.14; 17.15; 17.16; 17.17; 17.18; 17.19.

²⁵⁴ *ibid.*: Preamble.

²⁵⁵ Moore (2015): 804; Ziai (2016): 197.

²⁵⁶ Freistein; Mahlert (2016): 9.

principles throughout the SDGs. Freistein and Mahlert (2016) take a different view and argue that the SDGs, particularly goal ten, target 10.5 and 10.6, challenge the unrealistic assumption that people can lift themselves out of poverty through economic growth, by requesting improvement in global financial markets and institutions, as well as by amplifying the voice of the Global South when it comes to international economic and financial institutions²⁵⁷.

9. Interpretation of the Formulation of the SDGs

It is astonishing that 193 Member States of the UN could agree on such a wide reaching agenda as the SDGs, so it is worthwhile understanding how the SDGs were formulated. Scholars criticise the SDGs for being too vague and general, allowing a lot of scope for interpretation²⁵⁸. Luis Camacho (2015) and Jason Hickel (2015), in particular, argue that the SDGs are formulated in such a way that renders them contradictory or even self-defeating, meaning that the achievement of one goal eliminates other goals and are consequently an end itself, which will be elaborated in more detail later in this thesis²⁵⁹.

The SDGs are not hierarchical, which means that, theoretically, each goal and target holds equal importance. William Easterly (2015) cynically argues that;

"everything is top priority, which means nothing is a priority: 'Sport is also an important enabler of sustainable development [...] and the promotion of shared responsibility within the household.' It's unclear how the U.N. is going to get more women to play soccer and more men to do the dishes"²⁶⁰.

To interpret the formulation of the SDGs, the arguments of Camacho (2015) are used for this thesis. He begins with a strong statement where he argues that the SDGs are "a dangerous proliferation of words in substitution for actions"²⁶¹.

²⁵⁷ *ibid.*: 9.

²⁵⁸ Camacho (2015) 18-23; Easterly (2015): n.p.; Hickel (2015): n.p.; Carant (2016).

²⁵⁹ Camacho (2015); Hickel (2015).

²⁶⁰ Easterly (2015): n.p.

²⁶¹ Camacho (2015): 18.

And so Camacho (2015) starts with the interpretation of the adjective "sustainable" which is used throughout the whole SDG agenda (A/RES/70/1). Sustainability is linked to different areas, such as "agriculture, management of water, energy, industrialization, cities and settlements, use of oceans and terrestrial ecosystems and development"²⁶². It is important to note that the word "sustainable" is not defined in the "2030 Agenda for Sustainable Development" (A/RES/70/1), a fact also raised by Easterly (2015). This leads to the problem that it is used in contexts where it does not necessarily make sense, such as in the context of industrialisation. Camacho (2015) argues that industrialisation cannot be sustainable if non-renewable resources (e.g. metals, oil, gas) are used for industrialisation, so the word 'sustainability' cannot be applied in this context in the same way as it is applied to agriculture²⁶³.

To support his argument Camacho (2015) refers to goal ten ("Reduce inequality within and among countries") which he argues is unclear as the goal could mean firstly that people in different countries should gain a similar amount of income, or there should be an equal living standard for all human beings. He continues his argument by stating that this would mean that there should be a uniformity in living standards and income all over the world. Or it could secondly also be read as the demand for the same opportunities for everyone. These interpretations would lead to different outcomes.

If the reduction of inequality meant that there should be no difference in income and living conditions between countries, the world would be homogenous and cultural and social diversities would be lost. If the interpretation is that there should be the same opportunities for every human being, differences in societies and culture could still exist. Furthermore, the reduction of inequality within a country could also be interpreted to mean that a society can still be poor, with insufficient healthcare and a lack of opportunities but goal ten would be considered fulfilled as long as the whole society is living at

²⁶² *ibid.*: 19.

²⁶³ Camacho (2015): 19; Easterly (2015): n.p.

the same standard²⁶⁴. Which would mean that poverty can still exist as long as it's the same level across the society.

Another example Camacho (2015) makes reference to is goal sixteen ("Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels"), to which he argues that it does not specify who it is that should provide justice. Also Paragraph 14, of the agenda (A/RES/70/1), is not helpful in interpreting goal sixteen as several agents involved in the process of sustainable development are listed, including governments, civil society, the private sector and the United Nations system²⁶⁵, but it does not elaborate on how these actors should work together and who holds what responsibility²⁶⁶.

In 2016, only one year after the establishment of the SDGs, it is unclear what systems are in place to measure their achievement. What is clear, is that there will be follow ups and reviews over the next 15 years, which will be voluntary for countries²⁶⁷. States of the Global North will support States of the Global South to establish statistical offices which can generate important and valid data on the SDGs²⁶⁸.

It can be concluded that in 2016 it is still too early to interpret the basis of the formulation of the SDGs and their measurability. Nevertheless, Easterly (2015) argues that the SDGs are formulated in a way which allows enough space to opt out of them, as the commitments are made voluntary and countries can modify them according to their own national realities²⁶⁹.

10. Obstacles of the SDGs

²⁶⁴ Camacho (2015): 20.

²⁶⁵ A/RES/70/1 (2015): § 14.

²⁶⁶ Camacho (2015): 20.

²⁶⁷ A/RES/70/1 (2015): § 72; § 75.

²⁶⁸ *ibid.*: § 76.

²⁶⁹ Easterly (2015): n.p.

The SDGs are voluntary for the Member States of the UN, which means there needs to be political will for them to be implemented and reviewed. This raises the question of the possible obstacles to the implementation of the SDGs.

The first obstacle would be that the SDGs understate the fact that the world's population is constantly increasing. This inevitably means that there will be a corresponding increase in consumption. If living conditions improve for millions of people, it will necessarily lead to an even greater growth in consumption of goods and services. As a consequence, further strain will be placed on natural resources and environments, leading to the question of how sustainable development can be achieved in the future. In 2016 the production and consumption exceeds the capacity of the planet by around 50%, states Hickel (2015), which is already seen as a crisis. In addition to this the SDGs call for economic growth as a solution to end poverty. States of the Global South are even targeted to reach a growth of 7% of the annual GDP and in the best case it will be export-oriented growth to keep the existing neoliberal system running²⁷⁰.

Hickel (2015) calculated that it will take 207 years to eliminate poverty through this kind of strategy and the global economy would have to grow 175 times to its present size. Thus we identify the paradox at the heart of capitalism. Trying to combat poverty with this method would lead to further climate change, leading in turn to further poverty. The solution for this problem cannot be found in the SDGs which call for more sustainability. A solution for this vicious circle must challenge the consumption patterns of the world's wealthiest, or involve the transfer of the accumulated wealth from the Global North to the Global South²⁷¹.

A second obstacle might be that the SDGs are enormously expensive. Several scholars, and the UN itself, have calculated that the fulfilment of the SDGs would cost \$2-3 trillion a year of public and private money over the next fifteen years. The Economist (2015)

²⁷⁰ Hickel (2015): n.p.

²⁷¹ Camacho (2015); Hickel (2015); Easterly (2015).

states that this would be 15% of the annual global savings, or 4% of the world GDP. But how to raise this amount of money? In the SDGs, ODA providing countries are called upon to provide 0.7% of GNI in foreign aid. This goal is already barely achieved by any ODA State. So it can be said that it is unrealistic to spend even more money on development than an amount already not met through ODA²⁷².

As a third point it must be noted that some of the SDGs are contradictory in themselves. Camacho (2015) distinguishes between two kinds of goals in the SDGs: the first group of goals are ends in themselves and the second group of goals, are objects, which need to be achieved to accomplish the first group of goals. If the second group of goals are fulfilled, the first group of goals would be a reality and therefore the goals would become unnecessary²⁷³.

The first group of goals, which are ends in themselves, are:

- “End: poverty and hunger.
- Reduce: inequality within and among countries.
- Make inclusive, safe, resilient and sustainable: cities and human settlements.
- Conserve and sustainably use: the oceans, seas and marine resources.
- Provide: access to justice for all”²⁷⁴.

To achieve the goals outlined above, all the other goals and targets from the second group of goals must be achieved first²⁷⁵.

²⁷² Economist The (2015); Easterly (2015); Carant (2016); Hickel (2015).

²⁷³ Camacho (2015): 20.

²⁷⁴ *ibid.*: 21.

²⁷⁵ For more detail see Camacho (2015): "Goals that could be considered means for other goals: (1) Achieve: food security and improved nutrition, gender equality and empowerment of all women and girls. (2) Ensure: healthy lives, inclusive and equitable quality education, availability and sustainable management of water and sanitation for all, access to affordable, reliable, sustainable and modern energy for all, sustainable consumption and production patterns. (3) Promote: sustainable agriculture, well-being for all at all ages, lifelong learning opportunities for all, sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, peaceful and inclusive societies for sustainable development, inclusive and sustainable industrialization, sustainable use of terrestrial ecosystems. (4) Build: resilient infrastructure, effective, accountable and inclusive institutions at all levels. (5) Take: urgent action to combat climate change and its impacts. (6) Combat: desertification. (7) Halt: land degradation, biodiversity loss. (8) Foster: innovation. (9) Strengthen: the means of implementation for sustainable development. (10) Revitalize: the global partnership for sustainable development", 21.

Concluding this chapter it can again be said that in 2016 it is still too early to predict all the possible obstacles the SDGs may be confronted with. The first mentioned obstacle is that unlimited economic growth cannot be achieved in a limited world. The way the SDGs are currently formulated, would mean that they either call for economic growth or sustainable development, but cannot achieve both simultaneously. The second obstacle is financial. It is not clear how the SDGs will be financed and where the money for their implementation will come from. To overcome this obstacle the Global North would have to cut down its own consumption and production patterns or be willing to redistribute wealth from the North to the South. The third obstacle differs somewhat, as fulfilment of most of the goals and targets would nonetheless lead to a reality in which every human being would enjoy a life worth living. Easterly (2015) sees the goals and targets as great ideals, more than actual targets, but, so he continues his argument, "if something that great is possible, why wait until 2030? Why didn't it happen already?"²⁷⁶.

Following on Easterly's (2015) argument it can be said that the RtD would have provided the opportunity for realising the same ideals. There is a connection between the SDGs and the RtD as, if the SDGs were to be fulfilled, the outcome would be a life worth living for every human being. In that sense both follow the same principle: the full realisation of all human rights for all. This leads us to an analysis of similarities between the RtD and SDGs in a next chapter.

11. Content Analysis: The Declaration on the RtD and the SDGs

In 2016 the adopted "2030 Agenda for Sustainable Development" and the 30th anniversary of the Declaration on the RtD brought new enthusiasm for the implementation of the RtD. This thesis will use content analysis to explore the parallels and differences between the RtD and the SDGs.

²⁷⁶ Easterly (2015): n.p.

Optimism for the SDGs was notable as early as 2015, at the 16th session of the OEIWG on the RtD. Several statements demonstrate enthusiasm for the set-up of the SDGs and the upcoming 30th anniversary of the RtD. In his opening statement, the Chair-Rapporteur, Zamir Akram, stated that the "SDGs address the very essentials of the right to development [...] [which] [...] will provide a great boost to implement the right to development"²⁷⁷. This optimism was shared by Al Hussein Zeid Ra'ad, the High Commissioner for Human Rights, who stated that the SDGs would contain the "content of several human rights obligations, including of the right to development"²⁷⁸. Resolution A/HRC/RES/27/2 adopted by the Human Rights council, further underlines that "the right to development should be central to the post-2015 development agenda"²⁷⁹.

Due to the adoption of the SDGs by 193 Member States in 2015, the hope for a Convention on the RtD grew even greater. Again, the Chair-Rapporteur, Zamir Akram, stated that the agenda of the SDGs "constitutes the most significant impetus for the effective implementation of the right to development"²⁸⁰ and that "a comprehensive framework for development that is now accepted universally"²⁸¹ had been established. This enthusiasm can be interpreted as a demonstration of the political will to implement the RtD and to achieve further progress by creating a Convention on the Right to Development.

This thesis will consider the particular texts of the original Declaration on the RtD of the 4th December 1986 (A/RES/41/128) and the 2030 Agenda for Sustainable Development of the 21st October 2015 (A/RES/70/1) and will carry out a comparative analysis through a framework of eight categories, to examine parallels and variances. The categories selected are based on a reading of the papers of the 16th and 17th session of the

²⁷⁷ **Akram**, Zamir (2015): The open-ended working group on the Right to Development. The Sixteenth session, 1-4 September 2015. Opening statement. United Nations, Working Group on the Right to Development, 2 f.

²⁷⁸ **Zeid Ra'ad**, Al Hussein (2015): Opening statement by Mr. Zeid Ra'ad Al Hussein United Nations High Commissioner for Human Rights. Working Group on the Right to Development The sixteenth annual session 27 April – 1 May 2015. UNHCHR, 2.

²⁷⁹ **A/HRC/RES/27/2** (2014): 27/2 The right to development. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/176/79/PDF/G1417679.pdf?OpenElement> [Access: 29.06.2016], 2.

²⁸⁰ A/HRC/WG.2/17/2 (2016): § 22.

²⁸¹ *ibid.*: § 23.

OEIWG made available online by the UN and other papers relevant to the historical context of the RtD and the SDGs, which revealed a number of recurring topics. The chosen categories reflect the manner by which the UN tends to construct, through its development discourse, a concept of how societies should operate. The 2030 Agenda on Sustainable Development even goes so far as to state that the SDGs should bring change to societies²⁸². Which can be read as a goal to achieve uniformity in societies all over the world. Moreover, the categories illustrate the consistency of the UN development discourse, which is repeated and reaffirmed through the RtD and the SDGs. The categories are:

- Ending Poverty and Hunger
- Ending Discrimination
- New International Economic Order
- The right to self-determination and sovereignty over one's own natural resources
- Economic Growth
- Global Partnership and Cooperation
- Formulation Process
- Obstacles to Implementation

If these categories are to be interpreted correctly, we must first establish the meaning of “developed” and “underdeveloped”, as the continual dichotomy of these words forms the context of discussion and decisions on development within the UN discourse.

It can be argued that the commonly accepted understanding of countries, and thus societies, considered "developed" and countries considered "underdeveloped" has not shifted much in recent times. The Global North is still looked to provide foreign aid, transfers of knowledge and transfers of technology and information to the Global South. Furthermore, the Global North is expected to reform the economic system. Ziai (2016) declares that the development discourse diagnoses a deficit in the "underdeveloped" States

²⁸² A/RES/70/1 (2015): § 15.

which can be cured through a solution provided by "developed" States. The outcome of such a strategy would be "development". He further argues that a failure to achieve "development" leads to justifications for failures and the making of new promises. In this way, the cycle of the development discourse continues. This means that the "development industry can constantly reaffirm its legitimacy, its competence, its good intentions and its effectiveness"²⁸³. This discourse is transferable to the discourse of the RtD and the SDGs. States have failed to become "developed" but, at the same time, States have also failed to support other States to achieve "development". Which means the cycle is not interrupted, on the contrary, the OEIGW on the RtD hosts annual sessions and the MDGs developed into the SDGs. New strategies, new goals and targets perpetuate the cycle.

The language of the development discourse remains. It is clear that, by speaking of "developed" countries, "underdeveloped" countries must necessarily exist and co-exist. Language is a powerful tool and does much to define a society, development discourse therefore plays a powerful role in constructing the identity of a society. The persistent cycle of development discourse is thus difficult to break. Its power lays within the inherently hegemonic foundation of the discourse and its main speaking positions²⁸⁴. What is new to this discourse is the obligation of the Global North to change its consumption and production patterns in order to be more economical and sustainable²⁸⁵. Ziai (2016) sees in this new approach a theoretic possibility of an intervention of States from the Global South in affairs of States of the Global North. This kind of intervention is as of yet purely theoretical one, but newly introduced in the SDGs²⁸⁶.

²⁸³ Ziai (2016): 199 f.

²⁸⁴ For a detailed critical discourse analysis see **Laclau**, Ernesto; **Mouffe**, Chantal (2001): *Hegemony and Socialist Strategy. Towards a Radical Democratic Politics*. London: Verso, passim; **Glasze**, Georg; **Matisse**, Annika (2009): *Die Hegemonie- und Diskurstheorie von Laclau und Mouffe*. In: Glasze; Matisse (ed.): *Handbuch Diskurs und Raum. Theorien und Methoden für Humangeographie sowie die sozial- und kulturwissenschaftliche Raumforschung*. Bielefeld: transcript, 153-179.

²⁸⁵ A/RES/70/1 (2015): Goal 12.

²⁸⁶ Ziai (2016): 197 f.

In addition, it can be argued that inequalities of States and societies are produced and reproduced through this discourse. Even though goal ten of the SDGs outlines the need to reduce inequality within and among countries, the same document reproduces and reaffirms different power relations on political, economic and social levels. Thus, analysis shows that the reproduction and reaffirmation of this discourse legitimises and naturalises the inequalities so that they no longer seem questionable. Looking closely at goal ten of the SDGs it is also worth questioning who has power in this discourse and who doesn't. If the outcome of the goal is to be the reduction of inequality within and among countries, it is clear that some States have more power to effect this change than other States. In this specific context, the power lies with States of the Global North. However, by simply including this as a goal, the UN can be seen as challenging this development 'status quo' and calling for a change to the hierarchical state of affairs. Nevertheless, the power remains with the Global North to change the current situation, or not. If goal ten is not achieved, power relations and hegemonic structures do not change. This means that control over power relations, and in this regard, over the development discourse, lies with the Global North.

The intricacies and power dynamics of the development discourse must be borne in mind for the content analysis that follows.

11.1 Ending Poverty and Hunger

At the foundation of the development discourse lies the fact that a large proportion of human beings live in inhumane conditions. Hunger, disease, and inequality are just some of the consequences of poverty. Thus it is logical that the first goal of the SDGs is to end poverty and the second goal is to end hunger. Tackling poverty and hunger is the first parallel between the Declaration on the RtD²⁸⁷ and the SDGs²⁸⁸. The UN describes poverty as

²⁸⁷ A/RES/41/128 (1986): Article 8.

²⁸⁸ A/RES/70/1 (2015): Goal 1; Goal 2.

"the lack of income and resources to ensure a sustainable livelihood. Its manifestations include hunger and malnutrition, limited access to education and other basic services, social discrimination and exclusion as well as the lack of participation in decision-making"²⁸⁹.

Methods to tackle "the lack of income and resources" are found in several of the SDG targets²⁹⁰ as well as in the RtD. As elaborated on in the first chapter, the historical account of the RtD, the ICESCR and UNDHR were crucial documents leading to the RtD. In both the ICESCR, under Article 6, and in the UNDHR Article 23.1 the right to work is established. It is justified that, if people have access to work, they have access to income and therefore resources, leading to a sustainable livelihood in the long term. Another important declaration, the predecessor of the Declaration on the RtD, is resolution 2542 (XXIV), the "Declaration on Social Progress and Development", which clearly states that the material standard of living should be raised²⁹¹, as was elaborated on in the historical analysis of this thesis. In addition to these examples the "Universal Declaration of Human Rights" states that all human beings are entitled to development, material and non-material, which would include resources²⁹². Both the RtD and SDGs announced their full compliance with the Charter of the United Nations and its principles, which includes Article 55, "higher standards of living, full employment, and conditions of economic and social progress and development"²⁹³.

The intention to combat "limited access to education" is identified in goal four of the SDGs and also, in a way, in the RtD as the ICESCR under Article 13 includes the right to education. In regards to social discrimination and exclusion the SDGs and the RtD again feature parallels. As demonstrated earlier, in chapter one, the Declaration on the RtD includes anti-discrimination rhetoric from the beginning onwards, most notably in Article 5 and Article 6 (1). It can be argued that the SDGs tackle discrimination on dif-

²⁸⁹ UN (2016): Sustainable Development Knowledge Platform. <https://sustainabledevelopment.un.org/topics/povertyeradication> [Access 13.07.2016].

²⁹⁰ A/RES/70/1 (2015): Goal 8 targets 8.3, 8.5, 8.6; Goal 10 target 10.1; 10.4.

²⁹¹ Resolution 2542 (XXIV): Part II/Objectives.

²⁹² A/RES/3/217 A (1948): Article 28; Article 29.

²⁹³ Charter of the United Nations (1945): Article 55.

ferent levels and in varying levels of detail, especially when it comes to gender²⁹⁴. On the matter of "lack of participation in decision-making" Goal five of the SDGs is relevant. Goal five focuses on fighting discrimination against girls and women in decision-making. The SDGs also acknowledge lack of participation on an international level, stating that the Global South should be strengthened, with target 10.6 of goal ten calling for a "voice for developing countries in decision-making".

Other parallels include the notion of the individual as the subject of development²⁹⁵ and States working together on a national²⁹⁶ and international²⁹⁷ level to achieve prosperity through development. The idea of cooperation between States is found in the Declaration on the RtD as well as in the SDGs²⁹⁸ and will be discussed in more detail later in this chapter.

As the outcome of a fully implemented RtD would be all human rights for all, this would mean an end to poverty and hunger with every human being living in prosperity; goals which it states could be achieved through development. What is remarkable is the fact that to attain prosperity the political will of UN Member States is necessary for both the RtD and the SDGs. It can therefore be said that the SDGs strive for the same outcome but without any legally binding obligation, as the SDGs are non-binding goals and targets. In contrast the RtD could be a legally binding instrument if Member States could one day agree on a Convention on the RtD. This demonstrates that both discourses fail if there is no political will to implement, a possibility that seems quite likely if States do indeed "prioritize the immediate interests of their own inhabitants"²⁹⁹.

²⁹⁴ A/RES/70/1 (2015): Goal 4 target 4.5; Goal 5; Goal 10 targets 10.2, 10.3.

²⁹⁵ A/RES/41/128 (1986): Annex "the human person is the central subject of the development process"; Article 2 (1); Article 8 (1).

²⁹⁶ *ibid.*: Article 2 (2); Article 2 (3); Article 3 (1); Article 8 (1); A/RES/70/1 (2015): Goal 1 target 1.b; Goal 2 target 2.b.

²⁹⁷ A/RES/41/128 (1986): Article 3 (2); Article 3 (3); A/RES/70/1 (2015): Goal 1 target 1.b; Goal 2 target 2.b.

²⁹⁸ A/RES/70/1 (2015): Preamble "[I]mplement this Agenda through a revitalized Global Partnership"; A/RES/41/128 (1986): Annex "[T]o the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature".

²⁹⁹ **UNHCHR** (2013b): Who will be accountable? Human Rights and the Post-2015 Development Agenda. New York, Geneva: United Nations, 23.

As hindsight shows, a written declaration is not enough to end poverty and hunger, it did not succeed in 1986 and did not succeed in 2015 following the MDGs. A strategy for resolving these problems was not provided in past formats and the strategy for tackling poverty and hunger through development has not significantly changed in SDG targets, despite the stated intention of resolving these by 2030. This analysis will demonstrate that development discourse has itself not developed much over the years.

11.2 Ending Discrimination

In my discussion of poverty and hunger as development issues I presented the example of anti-discrimination, in this section I will elaborate on the anti-discrimination point. Thinking of anti-discrimination in its broadest sense, it would apply to the development gap between States of the Global North and the South as well as inequality between and within States. This would mean that all the SDGs address various forms of discrimination in some way. Pursuing this line of argument, the historical account has already shown that the RtD also acknowledges that inequality between countries should be eliminated, and we can see that the RtD did focus first and foremost on societies in a supranational way, and not only on the individual. In contrast to the focus of the RtD, the SDGs have a more detailed focus on the individual aspect of the issues. Discrimination in various forms is seen as a hindrance to development, but nonetheless recognised as an issue overall. The SDGs and the RtD address all possible forms of inequity on political, economic and social levels. As this is such a broad understanding, discrimination in this thesis is considered specifically in terms of ethnicity, culture and gender.

In terms of the above noted issues, the RtD and the SDGs do indeed differ in some aspects of anti-discrimination. The historical account showed that development proposals in the Declaration on the RtD includes several resolutions, reports and declarations,

which include anti-discrimination sections ³⁰⁰. When placed in the historical context of decolonisation and seen through the lens of decolonisation, it becomes clear that anti-discrimination is a crucial part of the RtD. One recurring theme is the idea that development is only possible if discrimination on all levels is eliminated. So it can be said that Article 5 and Article 6 (1) of the Declaration on the RtD recognise that discrimination is a hindrance to development³⁰¹.

The SDGs also refer to anti-discrimination but from a different perspective. Goal five lays out targets for achieving gender equality and the empowerment of all girls and women. It can be said that the fundamental argument here remains the same; development must be achieved through the elimination of all forms of discrimination, in this case discrimination against women and girls which refuses them enjoyment of the same rights as boys and men. Aside from this instance, discrimination is only referred to twice more in the agenda of the SDGs; in Paragraph 8 and Paragraph 10 of the Preamble. Paragraph 8 imagines a world in which non-discrimination and respect for "race, ethnicity and cultural diversity"³⁰² is realised, in much the same way as the Declaration on the RtD. Paragraph 10 of the same section further mentions women and girls in the context of discrimination and highlights the role of boys and men in achieving equality between all members of society³⁰³.

Comparing the RtD and the SDGs in this regard it can be said that girls' and women's empowerment and gender equality are phenomena popularised in the development discourse of the 1980s, at a time when "women and gender" were fully established research topics at university level³⁰⁴. This research interest thus began after the RtD was es-

³⁰⁰ Declaration of Philadelphia 1944; Resolution 1514 (XV), 1960; Resolution 2106 (XX), 1965; Resolution 2542 (XXIV), 1969; Resolution 2626 (XXV), 1970; A/RES/32/130, 1977; E/CN.4/Sub.2/405/Rev.1, 1980; E/CN.4/1488, 1981; E/CN.4/Sub.2/202/Rev.1, 1981.

³⁰¹ A/RES/41/128 (1986): Article 5; Article 6 (1).

³⁰² A/RES/70/1 (2015): § 8.

³⁰³ *ibid.*: § 10.

³⁰⁴ Vicarious: **Crenshaw**, Kimberlé W. (1989): Demarginalizing the intersection of race and sex: a black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. In: Chicago Legal Forum, special issue, 139–167.

tablished, and it is not explicitly mentioned within that declaration. It was also during this time that the idea of "women in development" gained attention³⁰⁵. Only Article 8 of the Declaration on the RtD makes mention of gender, stating that it should be ensured that "women have an active role in the development process"³⁰⁶ which illustrates how little regard was paid to the role of girls and women in development, unlike the SDGs. However, returning to the historical account, and looking closely at the important documents³⁰⁷ on which the RtD is founded, one can see that women's rights are acknowledged, but that these rights did not explicitly translate into the final Declaration on the RtD.

11.3 New International Economic Order

The idea of a NIEO is mentioned in the 1986 version of the Declaration on the RtD (A/RES/41/128) but, as shown before in the historical account, was eliminated in the 1993 VDPA. Nevertheless, the idea itself predates the RtD and was a crucial element in the development of the declaration. It is argued that certain States of the Global North did not want to commit themselves to a declaration in which a NIEO was requested³⁰⁸. In

³⁰⁵ For a detailed discourse: **Boserup**, Ester (2010 [1970]): Die ökonomische Rolle der Frau in Afrika, Asien, Lateinamerika. In: Fischer, Karin; Hödl, Gerald; Sievers, Wiebke (Hg.): *Klassiker der Entwicklungslehre. Von Modernisierung bis Post-Development*. Wien: Mandelbaum, 111-127; **Braunmühl** von, Claudia (2013): Drei Jahrzehnte Gender Mainstreaming in der Entwicklungszusammenarbeit Versuch einer Bestandsaufnahme. In: Mechthild M. Jansen; Angelika Römig; Marianne Rhode (Hg.): *Männer - Frauen. Zukunft. Ein Gender Handbuch*. München: Olzog, 291-311; **Dannecker**, Petra (2010): Gender, Entwicklung und Globalisierung - ein Überblick. In: Kolland, Franz; Dannecker, Petra; Gächter, August u.a. (Hg.): *Soziologie der globalen Gesellschaft. Eine Einführung*. Wien: Mandelbaum, 263-293; **Frey**, Regina (2001): Begriffs - Konstruktionen. Zum theoretischen Subtext des entwicklungspolitischen Gender-Diskurses. In: ASA/iz3w (2001): *Malestreaming gender? Geschlechterverhältnisse in der Entwicklungspolitik*. iz3w Sonderheft Gender, 6-9; **Frey**, Regina (2003): Gender in Mainstreaming - Geschlechtertheorie und -praxis im internationalen Diskurs. Königstein; Taunus: Ulrike Helmer; **Maral-Hanak**, Irmi (2010): Feministische Entwicklungstheorien. In: Fischer, Karin; Hödl, Gerald; Maral-Hanak, Irmi u.a. (Hg.): *Entwicklung und Unterentwicklung. Eine Einführung in Probleme, Theorien und Strategien*. Wien: Mandelbaum, 177-195; **Parpart**, Jane L. (1993): Who is the 'Other'? A Postmodern Feminist Critique of Women and Development Theory and Practice. In: *Development and Change*, 24, 439-464.

³⁰⁶ A/RES/41/128 (1986): Article 8.

³⁰⁷ Charter of the United Nations, 1945; Universal Declaration on Human Rights, 1948; ICESCR 1966; ICCPR 1966; Resolution 2542 (XXIV); E/CN.4/1488, 1981; E/CN.4/1985/11 1985.

³⁰⁸ Voting patterns of UN Member States, on the Declaration on the RtD, can be found in the first chapter, Historical Account.

demonstration of this argument, the draft by experts from the Netherlands and France³⁰⁹, discussed in the first chapter, shows that, as early as 1985, States were trying to avoid the NIEO by adapting the wording. The requirement of an NIEO was later removed and replaced by the wording "equitable economic relations and a favourable economic environment at the international level"³¹⁰, in the 1993 VDPA, which did get conformation from all Member States³¹¹.

As outlined earlier, Uvin (2007) mentions that the NIEO was pioneering in the 1970s and was seen as a tool of the Global South for requesting a redistribution of resources and change in economic order³¹².

Taking into account the Second United Nations Development Decade (1970) we can see a request for the creation of "a more just and rational world economic"³¹³ system in resolution 2626 (XXV). Another indicator of how Article 3 (3) of the Declaration on the RtD was developed. Later, in 1974 the "Declaration on the Establishment of a New International Economic Order" was even adopted by the General Assembly. This would have been seen as a progressive idea and was also linked to decolonisation, as the established economic order was identified as one that did not include former colonial States. It also shows that the principle of equality between States, in the form of participation in decision-making processes on an international level, was granted in the 1970s. The NIEO was also seen as link between development and human rights, as only a NIEO could lead to fundamental freedoms and all human rights for all³¹⁴. Several other documents and reports³¹⁵ adopted by the General Assembly reflect the zeitgeist and illustrate how important the NIEO was for the UN and for the development of the Declaration on

³⁰⁹ E/CN.4/1985/11 (1985): § 7; § 10.

³¹⁰ VDPA (1993): § 10.

³¹¹ Schicho (2012): 410 f.

³¹² Uvin (2007): 598.

³¹³ Resolution 2626 (XXV) (1970): § 12.

³¹⁴ A/RES/S-6/3201 1974.

³¹⁵ Resolution 3281 (XXIX), 1974; Resolution 32/130, 1977; Resolution 35/56, 1980; E/CN.4/Sub.2/405/Rev.1, 1980; E/CN.4/Sub.2/404/Rev.1, 1981; E/CN.4/Sub.2/1983/24/Rev.1, 1983; E/CN.4/1985/11, 1985.

the RtD. As this has already been explored in the first chapter a detailed treatise will not be repeated here.

Even though the NIEO disappeared from the scene and was replaced by new wording in 1993 the original version of the Declaration on the RtD, Article 3 (3) still exists. With this evidence in mind, it is worth revisiting Uvin's (2007) statement that "the Third World got its right to development, while the First World ensured that the right could never be interpreted as a greater priority than political and civil rights"³¹⁶. It is worthwhile assessing the SDGs to see how this contemporary progressive idea developed thirty years later, in 2016.

Referring back to the second chapter, we can observe that the idea of a NIEO did not return. The SDGs do not challenge the current economic order but ask for a more sustainable economy on several different levels³¹⁷. Concluding and comparing the RtD and the SDGs in regard to the NIEO it must be noted that the capitalistic system was not challenged by the RtD because the original wording was adapted in 1993 to be more palatable to States of the Global North and it remains unquestioned in the SDGs. This raises the question of whether development, and the full realisation of all human rights for all, will be possible at all under the current capitalist system. This question is another discourse which would lead away from the topic of this thesis but is nevertheless an interesting question to pose: Can capitalism save the world?

11.4 The right to self-determination and sovereignty over one's own natural resources

As mentioned earlier, the RtD must be read in the context of decolonisation which provides the backdrop for the right to self-determination and sovereignty over the newly independent states' own natural resources. In a reading of chapter one, the most prominent recurring theme is the people's right to self-determination. The earliest reference to

³¹⁶ Uvin (2007): 598.

³¹⁷ A/RES/70/1 (2015): Goal 6; goal 7, goal 8, goal 9, goal 12, goal 14, goal 15.

this is in the "Declaration on the Granting of Independence to Colonial Countries and Peoples" (1960) in which colonisation is regarded as an obstacle to development³¹⁸. The "Declaration on Permanent Sovereignty Over Natural Resources" (1962) then followed, which stated that development can only be attained if States have "permanent sovereignty over their natural wealth and resources"³¹⁹. As elaborated on earlier, this declaration was the basis for Article 3 (1) of the Declaration on the RtD. This is important in so far as it shows that the focus of the responsibility of development shifted through the right to self-determination. It transitioned from solely involving States of the Global North to including States of the Global South.

Additionally, in 1970 the Resolution 2625 (XXV) outlined that, to achieve development, a solitary and friendly environment among States was necessary³²⁰, which meant that the idea of responsibility shifted to solidarity among States. Furthermore, the Second United Nations Development Decade directed its attention to the principle of self-determination³²¹. The right to self-determination was regarded as a prerequisite for achieving development, but the responsibility for development was seen as lying with the developing countries themselves. This attitude can be seen in the Articles 2 (3); 3 (1); 4 (1) and 5, of the Declaration on the RtD³²². It is also observed in the aforementioned draft by the Netherlands and France, which stated that responsibility lies with the nation State and cannot be regarded as an international duty³²³. The principle of self-determination goes hand in hand with the idea that development cannot be imported from outside³²⁴. The right to self-determination, and with it the responsibility of every State to

³¹⁸ Resolution 1514 (XV), 1960.

³¹⁹ Resolution 1803 (XVII) (1962): § 1.

³²⁰ Resolution 2625 (XXV) (1970): Preamble.

³²¹ Resolution 2626 (XXV) (1970): § 5.

³²² A/RES/41/128 1986.

³²³ E/CN.4/1985/11 (1985): § 7.

³²⁴ E/CN.4/Sub.2/404/Rev.1 (1981): § 711.

achieve development at a national level, recurs in several documents published by the UN and was discussed in detail in the first chapter³²⁵.

It can be concluded that the right to self-determination is emphasised in order to make every country responsible for their own prosperity. Holding sovereignty as a core development concept, removes responsibility solely from the Global North and places it on the newly independent countries.

It can be argued that, while sovereignty is important, it must be acknowledged that colonising countries destroyed former State structures. This means that former colonies are left alone to develop themselves up to the same level as all other States, after they have been exploited³²⁶. So the question stands; whether former colonial States have a responsibility to and should be accountable to their former colonies, or not. This point will be taken up again in greater detail later in this chapter. But it is worth mentioning here that, in its report, the Commission on Human Rights, which is decisive for the RtD, states that the responsibility of former colonial powers towards their colonised States would be the opportunity to make up for former exploitations³²⁷, an argument echoed by various States in the 16th and 17th session of the OEIWG³²⁸.

Having said that, it is instructive to return once more to the 1993 version of the RtD of the VDPA, in which the focus on self-determination also changed. If the right to self-determination played such a crucial role in the establishment of the Declaration on the RtD it is astonishing that the human being became the central subject of development, rather than peoples. It is also interesting to observe how the focus has transformed from international responsibility to solely national responsibility, through a change in wording³²⁹. Despite the change of wording it is notable that foreign oppression and neo-

³²⁵ ICESCR, ICCPR 1966: Article 1 (2); Resolution 2542 (XXIV) 1969; Resolution 2625 (XXV) 1970; Resolution 2626 (XXV) 1970; Resolution 3281 (XXIX) 1974; A/RES/32/130 1977; E/CN.4/1334 1979; E/CN.4/Sub.2/405/Rev.1 1980; E/CN.4/1488 1981; E/CN.4/Sub.2/404/Rev.1 1981.

³²⁶ For a more detailed discourse see Osterhammel (2009 [1995]), *passim*.

³²⁷ E/CN.4/1334 (1977): § 39.

³²⁸ A/HRC/WG.2/17/3 (2016): § 43.

³²⁹ A/CONF.157/23 (1993): § 10; Schicho (2012): 410 f.

colonisation³³⁰ are identified as obstacles to the realisation of the RtD by countries in the 16th and 17th session as noted in chapter one. In this regard, countries are returning to the original wording of the Declaration on the RtD (A/RES/41/128), highlighting the inconsistency. What this discourse also shows, is that the power of who decides whether self-determination is of importance lies with States of the Global North, because discussions of the original wording and reparations are only expressed by States of the Global South and have not been acted upon.

What does the discourse on the right to self-determination and the absence of foreign oppression mean for the SDGs? Looking at the agenda (A/RES/70/1), as addressed in the second chapter, it states that each State "shall freely exercise, full permanent sovereignty over all its wealth, natural resources and economic activity [and] [...] the Agenda [will be implemented] for the full benefit of all, for today's generation and for future generations"³³¹. It further continues, with the principle seen before, that foreign occupation and colonisation are hindrances to development and therefore the right to self-determination is of crucial importance³³², as well as "the need to respect the territorial integrity and political independence of States"³³³. This demonstrates, as noted in the second chapter, the parallels with the RtD and the upholding of State sovereignty and people's right to self-determination.

As it has been shown, the bulk of responsibility for achieving development and implementing development policies shifted from the States of the Global North to the States of the Global South themselves. A further shift occurs in the SDGs. Several goals see the Global North in the role of provider of fiscal, service, goods and information trans-

³³⁰ A/HRC/WG.2/17/3 (2016): § 19; § 70; A/HRC/WG.2/16/CRP.1 (2015): Criterion 1 (i) nonies.

³³¹ A/RES/70/1 (2015): § 18.

³³² *ibid.*: § 35.

³³³ *ibid.*: § 38.

fers³³⁴ as well as the establishment of sound policies³³⁵ and fair and equal market opportunities for all countries³³⁶.

The SDGs largely align with classic development discourse³³⁷. If the Declaration on the RtD is compared to the SDGs on the subject of the right to self-determination it must be said that there are inconsistencies. The SDGs begin with a strong defence of the right to self-determination, particularly in the context of decolonisation and the responsibility of each State to achieve their own development, but it shifts back to the classic development discourse, recognised from modernisation theory³³⁸.

11.5 Economic Growth

This section will consider the subject of economic growth. This is an important subject for analysis as it is a recurring idea throughout the discourses which features in different ways. Going back to the development of the Declaration on the RtD, economic growth was seen as the panacea for achieving development. In the "First United Nations Development Decade" in 1961, the UN stated that economic growth would be the only condition for development. This statement is carried out in the General Assembly's development program recommendation that States of the Global South should achieve an annu-

³³⁴ A/RES/70/1 (2015): Goal 1, target 1.a; Goal 2, targets 2.a; Goal 3, target 3.c; Goal 4, targets 4.b, 4.c; Goal 6, target 6.b; Goal 7, targets 7.a, 7.b; Goal 9, targets 9.a, 9.c; Goal 10, target 10.b; Goal 11, targets 11.a, 11.c; Goal 12, target 12.a; Goal 14, target 14.a, Goal 15, targets 15.a, 15.b, 15.c; Goal 17, targets 17.2, 17.3, 17.7, 17.8, 17.18, 17.19.

³³⁵ *ibid.*: Goal 1, target 1.b; Goal 6, target 6.a; Goal 8, target 8.a, 8.b; Goal 9, target 9.b; Goal 11, target 11.b; Goal 12, target 12.b; Goal 13, targets 13.a, 13.b; Goal 16, targets 16.a, 16.b; Goal 17, targets 17.1, 17.4, 17.9, 17.13, 17.14, 17.15.

³³⁶ *ibid.*: Goal 2, targets 2.b, 2.c; Goal 3, target 3.b; Goal 10, target 10.a; Goal 12, target 12.c; Goal 14, targets 14.b, 14.c; Goal 17, targets 17.5, 17.6, 17.10, 17.11, 17.12, 17.16, 17.17.

³³⁷ Moore (2015): 804; Ziai (2016): 197.

³³⁸ For more detail on modernisation theory see Rostow 1959; Rostow 2010 [1960].

al growth rate of 5% in national income³³⁹. This can be regarded as the zeitgeist of the 1960s, when modernisation theory was developing³⁴⁰.

As explored in the first chapter, the UN had started to question the definition of development, after the First UN Development Discourse. Several UN papers³⁴¹ show that development was not simply seen as economic growth anymore. Elements of the social and political were beginning to appear in development discourse and were even referred to in the "Second United Nations Development Decade" in 1970³⁴².

That said, it is worthwhile carrying out further analysis into the Declaration on the "Second United Nations Development Decade"³⁴³ and the "Third United Nations Development Decade"³⁴⁴. These show that economic growth as the primary development strategy was reassessed, although it still played a crucial role. The gross product growth rate in States of the Global South were targeted to be at least 6% during the Second United Nations Development Decade, with the possibility of attaining an even higher rate³⁴⁵, as recommended by the General Assembly. In the Third United Nations Development Decade the declaration notes that the gross product growth rate in the Global South should be set by States individually, nevertheless it should be at least 7%³⁴⁶. In 1960 an annual national income growth rate of 5% was recommended³⁴⁷.

³³⁹ Resolution 1710 (XVI) 1961.

³⁴⁰ The nation state was responsible for development, whereby States were compared dichotomous to each other. On the one side the "modern" and "developed" industrial countries and on the other side "traditional" and "underdeveloped" "third-world-countries", which will through a evolutionary process, reach infinite progress. Progress should be reached through the intervention from outside by "developed" States and the outcome would be to overcome "pre-modern societies" and economic growth (Rostow 1959; Rostow 2010 [1960]).

³⁴¹ E/CN.4/1108/Rev.1 1969; Resolution 2542 (XXIV) 1969; A/RES/25/2626 1970; E/CN.4/1334 1977; E/CN.4/Sub.2/405/Rev.1 1980; E/CN.4/Sub.2/404/Rev.1 1981; E/CN.4/1489 1982; E/CN.4/Sub.2/1983/24/Rev.1 1983.

³⁴² A/RES/25/2626 1970.

³⁴³ A/RES/25/2626 1970.

³⁴⁴ A/RES/35/56 1980.

³⁴⁵ A/RES/25/2626 (1970): § 13.

³⁴⁶ A/RES/35/56 (1980): § 20.

³⁴⁷ Resolution 1710 (XVI) 1961.

Comparing the idea of economic growth during the United Nations Development Decades with the SDGs it becomes clear that the idea of economic growth is still present. Goal eight, target 8.1 recommends "at least 7 per cent gross domestic product growth per annum in the least developed countries"³⁴⁸. The continuity here is clear; development continues to be linked to economic growth in 2016. What has changed in the discourse by the time of the SDGs, is the focus on sustainability.

However, as seen in chapter two, scholars argue that the perception that economic growth can be linked to sustainability is rather unrealistic. Asking for more economic growth in a sustainable way will not lead to more development and in this sense to wealth. On the contrary, some scholars even declare that it would lead to even greater poverty and impact on climate change³⁴⁹.

11.6 Global Partnership and Cooperation

The RtD and the SDGs conform with the "Charter of the United Nations" of 1945³⁵⁰ most notably with Article 55 and 56 of the Charter. This confirms that international cooperation is a key element of the UN development discourse. Although sovereignty is regarded with high importance, the UN gives the impression that development will not be possible without cooperation between States³⁵¹. This is a principle also found in several articles of the Declaration on the RtD³⁵².

Global partnership and cooperation is also linked to foreign aid and ODA. In the "First United Nations Development Decade" the transfer of aid was discussed as part of the scope of the UN development discourse³⁵³, and it has continued to play a role in the ye-

³⁴⁸ A/RES/70/1 (2015): Goal 8, target 8.1.

³⁴⁹ Camacho (2015); Hickel (2015); Easterly (2015).

³⁵⁰ UNHCHR (2013b): 19; A/RES/70/1 (2015): § 10.

³⁵¹ Resolution 2542 (XXIV) 1969; A/RES/25/2625 1970; A/RES/S-6/3201 1974; A/RES/35/36 1980; E/CN.4/Sub.2/404/Rev.1 1981; E/CN.4/1489 1982; E/CN.4/Sub.2/1983/24/Rev.1 1983.

³⁵² A/RES/41/128 (1986): Article 3 (3); Article 6 (3); Article 7; Article 4 (1).

³⁵³ Resolution 1710 (XVI) 1961.

ars since³⁵⁴. This subject is also of interest in relation to the study of the formulation of criteria and sub-criteria of the RtD, as shown in the first chapter. It was shown that the Global South and the NAM propose transfers and assistance which would include finance, technology and support in areas such as trade, innovation, climate change and sustainable development³⁵⁵. Additionally the Global North is reminded of its responsibilities and accountability to States of the Global South, particularly in regard to its colonial history³⁵⁶. The idea of accountability is also linked to colonial history as shown by Verene Shepherd (2015) and the UNHCHR (2013b).

Verene Shepherd (2015) was invited to hold a talk at the 16th session of the OEIGWG for the Working Group of Experts on People of African Descent (WGEPAD). She sees underdevelopment as a consequence of colonialism, as it is linked to discriminating practices and legacies. Moreover, she argues that reparations should be paid, in the form of the transfer of technology, and assistance in paying national and international debts. Furthermore, she argues that it is necessary to make the RtD a legally enforceable right to which States can be held accountable³⁵⁷. The UNHCHR (2013b) does not explicitly link accountability to colonialism but does acknowledge that States of the Global North have made a commitment to global partnership for development. The international cooperation is linked to the fulfilment of human rights, which should be achieved through assistance in international policy, trade, debt and investment³⁵⁸.

Global partnership is a principle also found in the SDGs. To implement the "2030 Agenda for Sustainable Development", States have to work together. In the Preamble to the Agenda it is stated that "a spirit of strengthened global solidarity"³⁵⁹ is required for

³⁵⁴ A/RES/25/2625 1970.

³⁵⁵ A/HRC/WG.2/16/CRP.1 (2015): Sub-Criterion 1 (c) bis (i); Sub-Criterion 1 (c) bis (ii); Criterion 1 (g); Sub-criterion 1 (g) (iv); Sub-criterion 1 (g) (vii) sexies; Sub-criterion 1 (a) (v) quinquies; Sub-criterion 1 (b) (i); Sub-criterion 1 (c) ter (ii); Sub-criterion 3 (b) (i) quater; Sub-criterion 2 (a) (iii) ter; Sub-criterion 2 (b) bis (i); Sub-criterion 2 (c) (iv) bis; Sub-criterion 3 (c) (i) bis; Sub-criterion 3 (c) (ii) bis.

³⁵⁶ *ibid.*: Criterion 1 (i) decies; Criterion 1 (i) undecies; Sub-criterion 2 (a) (iii) quater; Sub-criterion 3 (a) (iv) quater; Sub-criterion 3 (c) (v) bis.

³⁵⁷ Shepherd (2015): 3; 5.

³⁵⁸ UNHCHR (2013b): 48.

³⁵⁹ A/RES/70/1 (2015): Preamble.

implementation of the SDGs. This is expanded on in goal seventeen, the whole of which is dedicated to global partnership and several other targets demanding cooperation³⁶⁰. As thoroughly explored in chapter two, the goal on cooperation is even segmented into four parts: finance, technology, capacity building, trade and systemic issues. Regarding finance we see again the ODA target of 0.7% of the GNI, as well as the idea of debt relief. What is new to the discourse is the demand for further financial resources from various resources³⁶¹. Nonetheless each country's national responsibility for their own development is reaffirmed, with particular reference to the importance of national policies and development strategies³⁶².

It must be remarked that within the UN development discourse it is taken for granted that development cannot be achieved without global partnership and cooperation, while the people's right to self-determination remains a key element for the RtD. Global partisanship and cooperation is seen as a necessity and a duty of former colonial States, who must be held accountable. Unlike the Declaration on the RtD, there is no mention of colonial history in the SDGs. Nonetheless, both discourses link development to global partnership, cooperation and accountability.

11.7 Formulation Process

The RtD and the SDGs share common criticisms in regards to the method of their formulation. It is positive and remarkable that 193 UN Member States could agree on the SDGs and, to some extent, the RtD. Nevertheless, the census reached is manifested in vague and general formulations, leaving much room for interpretation³⁶³.

As mentioned in chapter two, the SDGs face a further, more exact, criticism. Moore (2015) and Ziai (2016) criticise the SDGs for being formulated in a way that implies the

³⁶⁰ *ibid.*: Goal 1, target 1.a; Goal 2, target 2.a; Goal 4, target 4.c; Goal 6; targets 6.5, 6.a; Goal 7, target 7.a; Goal 14, target 14.3; Goal 16, target 16.a; Goal 17, targets 17.6, 17.9.

³⁶¹ *ibid.*: Goal 17, targets 17.1; 17.2; 17.3; 17.4.

³⁶² *ibid.*: § 63.

³⁶³ Uvin (2007); Camacho (2015); Hickel (2015); Carant (2016); Easterly (2015).

problems of development would lie with the Global South³⁶⁴. Easterly's (2015) criticism is that the SDGs do not have a hierarchy, thereby granting all goals and targets the same importance³⁶⁵. Furthermore, Camacho (2015) argues that the wording of the SDGs does not always determine precisely enough what is meant or what the outcome should be³⁶⁶. Easterly (2015) perceives that the formulation of the SDGs allows States the possibility of opting out of them³⁶⁷.

The way the RtD and the SDGs are formulated is so important because it reveals the current UN development discourse. As seen before, language is the most important instrument of the two discourses. Recapping Carant (2016) and chapter two, it must be reiterated that the SDGs and the RtD are social texts which "contain markings of multiple economic and political discourses, reflecting the diverse concerns and problem-solution frames of those participating in their creation"³⁶⁸. In this way, the UN Member States decide what the dominant subjects of economic and political discourse on development will be. In this regard, chapter one and the formulation of the criteria and sub-criteria of the RtD is again significant. Discussion of the formulation of criteria and sub-criteria shows how States formulate criteria and exposes the different positions that tend to be held by States when it comes to formulation.

In summary, it can be said that the formulation of the SDGs got approval from 193 UN Member States, whereas the formulation of RtD is a topic on which there is still no agreement. The reason for this difference brings us back to the fact that the SDGs are goals and targets whose fulfilment is voluntary and there are no legal consequences for not fulfilling them. Whereas, the Convention of the RtD would have legal ramifications for States, but only those who have signed and ratified it.

³⁶⁴ Moore (2015): 804; Ziai (2016): 197.

³⁶⁵ Easterly (2015): n.p.

³⁶⁶ Camacho (2015): 18-20.

³⁶⁷ Easterly (2015): n.p.

³⁶⁸ Carant (2016): 2.

11.8 Obstacles to Implementation

The discussion of obstacles to the implementation of the Declaration on the RtD can seem a little ironic. As observed in the first chapter, the hindrance to the implementation of the RtD is identified by States as well as the current and the former Chairpersons as being the targets of the RtD themselves. In 2016 "poverty, conflict, discrimination, inequality, injustice [and the] denial of self-determination"³⁶⁹ are listed as obstacles.

As these obstacles have already been elaborated on in the first chapter, only a short summary will be given here to recap. On a national level, States list foreign oppression, occupation, and colonial history as well as war, crises and weak governments as reasons development has not been achieved³⁷⁰. In addition States perceive a lack of political will to implement the Declaration on the RtD, even by the UN itself. On an international level, the unfair global economic and financial orders, as well as the lack of international cooperation on development assistance, are seen as obstacles to implementation. It is worth noting at this point that the majority of those attending the annual sessions of the OEIWG were mostly States of the Global South and the NAM. States of the Global North perceive another set of hindrances entirely, such as the formulation of indicators and benchmarks, and the discussion of whether the RtD is a human right or not and, if so, whether it is an individual or collective right³⁷¹.

One of the key differences when comparing the Declaration on the RtD with the SDGs is political will. Even though it is too early to predict whether or not there will be enough political will for the success of the SDGs by 2030, it is fair to say that this could be one of its greatest hindrances. Considering the obstacles mentioned to the implementation of the RtD, it can be said that on a national level war, crises and weak governments can also be seen as hindrances to implementation of the SDGs. In addition to this the SDGs are also criticised for making unrealistic assumptions about economic growth,

³⁶⁹ A/HRC/WG.2/17/2 (2016): § 8.

³⁷⁰ *ibid.*: § 4; § 8; § 14; § 18; § 27; § 32-34; § 37 f.; § 40; § 42 f.; § 48-50; § 53; § 57; § 64 f.; § 68; § 70.

³⁷¹ *ibid.*: § 7 f.; § 18; 29 f.

sustainability and financing³⁷², explored in more detail in chapter two. These false assumptions could be the downfall of the SDGs.

Returning to the UNHCHR's (2013b) published document which poses the question of accountability and the success of the MDGs, the UNSG rightly highlights a lack of accountability within the development discourse. As the MDGs were non-binding political commitments with no obligation to fulfil them there is an inherent lack of accountability³⁷³. As neither the Declaration on the RtD nor the SDGs are legally binding, it is worth comparing the discourses with each other in this regard. This raises the question of what the implications for their accountability and fulfilment are when, to date, they are only political commitments. Therefore a lack of accountability is arguably one of the greatest hindrances of the Declaration on the RtD and the SDGs.

For the UN, and therefore from a human rights perspective, accountability is the connection between policymakers and duty bearers to the rights holders³⁷⁴. A detailed definition of what duty bearers are accountable to can be found in the document published by UNHCHR (2013b)³⁷⁵, but is not necessary for the argument of this thesis. What is important to mention, is that the UNHCHR (2013b) claims that "one of the most persistent accountability deficits" in general is "the difficulty of holding industrialized countries to account with regard to their commitments to the global partnership for development"³⁷⁶. This holds true in that States, from a UN perspective, do have an obligation to respect and even protect human rights extraterritorially³⁷⁷. The Declaration on the RtD and the SDGs have the potential to be seen as an obligation for States to respect and protect human rights outside their own borders. This brings us back to the political will which would be a necessity for achieving the implementation of the Declaration on the RtD as well as the SDGs, and thus one of its biggest weaknesses. The UNHCHR

³⁷² The Economist (2015); Easterly (2015); Carant (2016); Hickel (2015); Camacho (2015).

³⁷³ UNHCHR (2013b): 3-4.

³⁷⁴ *ibid.*: 10.

³⁷⁵ *ibid.*: 13.

³⁷⁶ *ibid.*: 22.

³⁷⁷ *ibid.*: 22.

(2013b) argues further that "the sources and boundaries of legal duties beyond borders are still contested [...] and Governments are politically incentivized to prioritize the immediate interests of their own inhabitants"³⁷⁸ which leads us to the conclusion that the biggest obstacles to both discourses are the political will to implement and the accountability of governments and States.

12. Conclusion

Returning to the research question posed by this thesis; "To what extent do the Declaration on the RtD and the SDGs follow the same UN development discourse?" it is useful to recall the UN's definition of development, as given in the RtD and in the SDGs.

The RtD provides a clear definition of development:

"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"³⁷⁹.

It can be said that through the Declaration on the RtD the UN recognises that development is a process which, not only involves economic growth, but various other areas of growth such as the social, cultural and political. As these are notions which have developed through years of development discourse.

This thesis showed that the RtD is a Declaration which identifies the human person as the central subject taking part in and benefitting from development³⁸⁰. The goal is for all human rights to be fulfilled and fundamental freedoms to be fully realised³⁸¹. To achieve this ambitious goal the Declaration sees the "active, free and meaningful participation"

³⁷⁸ *ibid.*: 23.

³⁷⁹ A/RES/41/128 (1986): Annex.

³⁸⁰ *ibid.*: Article 2.

³⁸¹ *ibid.*: Article 1.

of human beings in the development process as necessary and calls for the "fair distribution of the benefits" of development³⁸².

The SDGs do not have such a clear definition of development, but in the Preamble to the agenda (A/RES/70/1) an understanding of development is indicated. The UN wants to "free the human race from the tyranny of poverty and to heal and secure the planet"³⁸³, as well as achieving gender equality and empowerment of all women and girls.

This content analysis leads us to conclude that the understanding of what development means, and thus development discourse itself, did change slightly within the UN. What remained consistent is the focus on economic growth and the social dimension of development. During the evolution of the Declaration on the RtD the focus on economic growth as a panacea shifted but returned to be just as important in the SDGs.

In regards to ending discrimination it can be concluded that both the RtD and the SDGs see discrimination in all its forms as an obstacle to development. What is new to the discourse is the focus on the role of women, as seen in the SDGs. This thesis showed that women are included in the RtD but not in such a significant role as seen in the SDGs, we can see that the significant inclusion of women in the development discourse started in the 1980s.

The RtD must be seen as a response to decolonisation, an important context justifying the focus on the people's right to self-determination³⁸⁴. This also explains the call for redemption from former colonial powers. In 2016 the General Assembly still recognises that "historical injustices [...] [which] have contributed to the poverty, underdevelopment, marginalisation, social exclusion, economic disparity, instability and insecurity

³⁸² *ibid.*: Article 2.

³⁸³ A/RES/70/1 (2015): Preamble.

³⁸⁴ A/RES/41/128 (1986): Article 2.

that affect [...] in particular [...] developing countries"³⁸⁵ as fact. This demonstrates that the UN still sees the need to implement the RtD in 2016 to achieve development. It also shows that the UN has not been able to eliminate poverty and hunger thirty years after the development of the Declaration on the RtD. Following this line of argument, it can be said that the SDGs are also an attempt to overcome historical injustice, by achieving all SDGs and thereby giving every human person a life worth living in which all human rights and fundamental freedoms are enjoyed.

The idea of a NIEO was a pioneering idea of the Declaration on the RtD and played a crucial role in the development discourse of that time. Nevertheless, it has been shown that by 1993 this progressive idea had already vanished, following the rewording of the Declaration on the RtD in the VDPA. The idea of the NIEO is not to be found in the SDGs either. On the contrary SDGs are set up to work within the current economic system. Goals are formulated in a way which would help to maintain the current capitalist system.

The RtD and the SDGs follow the same development discourse when it comes to the mobilisation of goods and services. The Global North should meet its responsibility of transfer and assistance when it comes to finance and technology. The same goes for support on trade, innovation, climate change, sustainable development and the strengthening of cooperation between States. Sustainability and climate change are new to the discourse, as introduced in the SDGs. Furthermore both the RtD and the SDGs remind the Global North to reach the ODA targets and contribute to the development process. The right to self-determination and sovereignty is held in high importance by the UN and it is argued that every State has its own responsibility to reach development and prosperity. Nonetheless, the UN also states that without global cooperation and partnership, development will not be possible. This means that within the UN, development

³⁸⁵ **A/RES/70/155** (2016): Resolution adopted by the General Assembly on 17 December 2015. 70/155 The right to development. United Nations, General Assembly, 4.

discourse only develops itself as long as all Member States work together and show political will in respect of sovereignty and the right to self-determination.

This leads us to one of the most difficult parts of the UN development discourse. As shown in this thesis, views on how to implement the RtD are still divided. In 2016 UN Member States are still not able to agree on criteria and sub-criteria for the implementation of the Declaration on the RtD. It appears that political will to reach consensus and to realise the implementation of the RtD, or even establish a legally binding Convention on the RtD, is lacking. Though Member States were able to agree on the SDGs, it must be noted that the significant difference is that the SDGs are not a legally binding agenda, unlike the RtD. Although States generate valid arguments as to why the implementation of the RtD has not been achieved, one must ask how far the same obstacles will apply to the SDGs.

In addition, both the RtD and the SDGs have been criticised for being formulated too vaguely, in a too general way, which allows room for interpretation. This shows that a coherent UN development discourse is only possible if it uses wording that is vague enough to meet every Member States' understanding of development. This leads us back to the fact that, through the RtD and the SDGs, the UN has the power to decide what development means and thereby what a life worth living looks like. It is the UN's discourse, as laid out in the RtD and SDGs, which dictates what an "underdeveloped" and a "developed" society looks like. Whether human rights are universal or not is not questioned at all. For the UN a fully developed, perfect world in which "no one is left behind" would enable all human beings to enjoy all human rights, fundamental freedoms and to be free from want.

In conclusion, it can be said that the UN Member States found a way to avoid implementation of the Declaration on the RtD through the SDGs. They follow a very similar development discourse with the same intention but their legal status differs; the RtD could be a legally binding Convention one day but the SDGs are an agenda without any

legally binding obligations. This thesis has also shown how steady the development discourse of the UN is. This is interesting as discourses typically tend to be dynamic. Discourses are influenced by power relations of speakers, bodies, committees, the way different actors talk about subjects, and how frequently the discourse is repeated. It can be said that the UN development discourse is quite steady with only minor changes occurring, and these only in a manner that does not affect significant parts of it or its outcome.

At this point one can pose a research prospect; what would happen if the universality of human rights (and with it the UN's development discourse) were called into question? The development norm, created through UN development discourse, shapes the notion of what societies should look like. The assumption that this notion is even correct can be called into question. Franz Wimmer (2004) states that these kind of questions may sound naive and ivory tower but it is nevertheless worthwhile to question that which is assumed to be implicit and therefore never queried for explanations and justifications³⁸⁶.

³⁸⁶ **Wimmer**, Franz Martin (2004): *Interkulturelle Philosophie: Eine Einführung*. Stuttgart: UTB. "Derartige Fragen mögen als vollkommen naiv und weltfremd abgetan werden. Wenn wir uns die philosophische Problematik klar machen wollen, so sind sie doch überlegenswert, weil damit gewohnte Selbstverständlichkeiten hinterfragt werden, die nur scheinbar keiner Begründung bedürfen" [Translation K. F.-K.].

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Abstract

Diese Masterarbeit vergleicht die Deklaration des Rechts auf Entwicklung von 1986 mit der Agenda der Sustainable Development Goals 2015 durch eine Inhaltsanalyse nach Mayring. Ziel der Arbeit ist es den Entwicklungsdiskurs der UNO nachvollziehbar darzulegen, der durch die Deklaration des Rechts auf Entwicklung und die SDGs gestaltet wird. Das Recht auf Entwicklung galt in den 1980er Jahren als ein progressives Recht, das jedoch bis heute, 2016, nicht implementiert wurde. Die SDGs verharren in ähnlichen Vorstellungen von Entwicklung, die schon durch das Recht auf Entwicklung entstanden. In diesem Zusammenhang zeigt sich in der Arbeit, dass die UNO eine genaue Vorstellung davon hat was unter Entwicklung verstanden wird und sich der Diskurs seit 1986 nur gering veränderte. Konkludierend lässt sich sagen, dass sich der Diskurs zwar durch die SDGs im Sinne von Nachhaltigkeit und Gender erweiterte, die Grundvorstellungen der UNO was ein "entwickeltes" und was ein "unterentwickeltes" Land sei, jedoch weitgehend unverändert bleibt. Diese Masterarbeit zeigt auch, dass die Universalität von Menschenrechten innerhalb der UNO nicht in Frage gestellt wird. Als Forschungsausblick stellt sich die Frage, inwiefern sich der Entwicklungsdiskurs innerhalb der UNO verändern würde, würde die Universalität von Menschenrechten und in diesem Zusammenhang das Recht auf Entwicklung und die SDGs in Frage gestellt.

Key Words

Das Recht auf Entwicklung; SDGs; Entwicklungsdiskurs der UNO; Inhaltsanalyse nach Mayring;

Abstract

This master thesis employs content analysis in the style of Mayring to compare the Declaration on the Right to Development with the Sustainable Development Goals. The goal of this thesis is to make the development discourse of the UN comprehensible. The discourse is shaped by the Declaration on the RtD and the SDGs. The RtD can be seen as a progressive right established in 1986, which is not implemented till today in 2016. The SDGs have a similar idea of what development means even though the discourse extended in regard to sustainability and gender aspects. The development norm, created through the UN development discourse, shapes the notion of what societies should look like. In conclusion it can be said that the development discourse within the UN has a very specific idea of what a "developed" and what a "underdeveloped" society looks like. The thesis shows that the notion of the development discourse did not change sensible. As a research prospect this thesis shows that the universality of human rights were not called into question.

Key Words

The Declaration on the Right to Development; SDGs; development discourse of the UN; content analysis in the style of Mayring;