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Analytical Understanding Towards Right to Development and its Nexus with Human Rights in Pakistan

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Abstract

To bring positive change in the socio-economic, cultural and political status of both the individuals and States, the mechanism of Development and Social Justice is to be framed and practiced. In this globalized epoch, a constructive connection among the States, individuals and comity of nations is required because their interplay can provide congenial environment and favorable conditions for development of country as well as its individuals. This research paper majorly focuses on the chronological development of right to development, RTD as a concept and its functional aspects in public interest with reference to the developing world keeping Pakistan as a model of study. The qualitative method along with interdisciplinary approach has been utilized so that the research topic can be justified with cogent arguments and findings for the benefit of society and academia. The fundamental pillars of IEcL, like WTO/GATT, IMF, World Bank Group, facilitate the development of the States and their individuals but the Right to Development (RTD) is an evolving concept in the domain of international law (IL). It was appeared in the 1970s as a concept in UNDRTD. Later, in 1986, first formal recognition of the RTD at supra-state level was made and so became a pivotal issue area for UNHCHR. Later in 1993 at Vienna, a consensus was reached over the RTD in the international community. RTD circumscribes the human rights principles and human development policies with each other and enables the cornered factions of the society to participate in the mainstream development process. It is not a single right but an umbrella of rights, which comprises of the rights from healthy food, environment, employment, education and trade.

Key words: Development, IEcL, RTD, WTO/GATT, IMF, World Bank.

Introduction

RTD is a transforming notion and is called as a third generation right. Its content, nature and status are still multi-faceted and debatable issue among the academia and scholars, and result-oriented efforts have been initiated at international level to get a constructive output, in order to build a political cum social consensus on its meaning and status. Majorly it focuses on the human being as central point of development process. It holds that the development process should keep in view the concern for all other human rights. It should aim with the providence of social justice and rule of law; and States should recognize this right at national level; and in order to materialize the RTD at national level there should be international assistance and cooperation.

In this globalized world trade and investment among the nations is perceived as an engine to economic growth, peace, better standards of living, alleviation of poverty, and human development at universal

level (Smith,1776). In this connection, International Economic Law (IEcL) is an instrumental force which accelerates the economic activities across the globe without discrimination and promotes the economic development of the States. It is argued that Development is a mechanism which enables the individuals and States to bring positive change in their socio-economic, cultural and political status. The States and their individuals both are equal participants and beneficiaries of development process in the globalized world, in this connection States are under obligation to provide congenial environment and favorable conditions for development of country and individuals. It is pertinent to mention here that, all the structural pillars of IEcL, including WTO/GATT, IMF, World Bank Group, promote and facilitate the development of the States and their individuals. The Right to Development (RTD) is an evolving concept in the domain of international law, it was appeared in the 1970s, and from very beginning this right has become the most controversial subject in global regime.

It is a fact that, the RTD integrates the human rights principles and human development policies with each other, and enables the vulnerable groups of the society to participate in the development process and to share the benefits of the development on equitable basis; however, regardless of its vitality and significance, the world community has divided on its definition, nature and contents since its adoption (Vasak, 2021). It is important to mention here that, the idea about the RTD was enunciated by the developing world, in the form of some demands from developed world, these demands were about the protection and promotion of their right to development and other socio-economic, cultural, civil and political rights, which were accepted in the form of NIEO. The efforts for recognition of the RTD were continued and culminated in the United Nations General Assembly, which adopted a declaration the 'United Nations Declaration on Right to Development in December 1986; this was the first formal recognition of the RTD at international level (Sengupta., 2005). The Declaration comprehensively defined the notion of RTD, in these words: that the RTD is an absolute right which respects all other human rights and provides equitable opportunities to all individuals to participate in development process and enables them to utilize their potential to enjoy all basic facilities of life. Moreover, the RTD has inherent capacity to bring about appropriate social and economic reforms and to eliminate all social inequalities.

Nature of RTD

Moreover, the paper contends that the RTD can become more effective and realistic concept, if the international community does recognize this right as a legal obligation rather than a moral obligation, and in this regard the Courts can be proved as an instrumental force for the realization of the RTD, however, the experience of Pakistan Courts reveal that, the PIL is an effective tool for the enforcement of the RTD. In the response of above-mentioned research question (iii), the paper also suggests the possible solutions to improve the situation about the realization of RTD in Pakistan. Moreover, it can be examined that the RTD can be promoted at national level through the liberal approach in the domain of principles of policy and fundamental rights, and through the formulation of holistic policies relating to development, for the continuous value addition in the welfare of both the States and their individuals. It is pertinent to mention here that, in order to get maximum benefit for the welfare of the people there must be active and meaningful participation of the vulnerable groups of the society in decision making and for the entitlement of the benefits occurred as a result of such development policies.

It is important to mention here that, the thesis has focused on the Pakistan as a case study, because, Pakistan is a developing State, which advocated the RTD at all the important UN forums of human rights, but the Constitution of Pakistan does not contain direct provision relating to RTD, however, there are some implied provisions in the form of fundamental rights and principles of policy, which reflect the idea of RTD, and superior courts of Pakistan interpreted these provisions on the case to case basis and paved the way for the effective realization of RTD. Moreover, Pakistan has been fighting against terrorism since 9/11, therefore, a huge part of national budget has been spent on the war against terror in addition to the loss of more than 70,000 innocent lives

in the so called ‘collateral damage’, which divert the development funds to cope with the challenge of terrorism, as a result of this diversion, most of the other human development areas have been ignored, and Pakistan has left behind in human development index as compare to other states in the region. As per the UNDP Human Development Report, the HDI index is 0.557 and the international HDI rank is 154th out of 193 states, which explicitly defines the derailing of Pakistan’s trajectory towards development.

Another challenging factor is COVID-19, which has caused great repercussions on all the sectors of economy. Moreover, this pandemic has adversely affected all the indicators of human development index, such as, health, education, employment etc. (Rasheed, 2021). In this connection the national budget of the country has been disturbed, because, a massive part of development budget has been diverted to secure human health. On account of all these reasons, Pakistan is selected as a subject of this research.

International Dimension of the RTD

The RTD is a debatable and emerging topic in the domain of IEcL and has acquired a great momentum since, the 1970s, when this right first appeared on the world’s landscape, the debate over RTD has continued unabated but with little progress towards the consensus on the concept or its method of implementation. Therefore, it is imperative to examine the evolving paradigm and its implications in the national legal system of Pakistan, as it has been observed that the reflection of the RTD can be seen in the form of new international economic order (NIEO). However, as stated above, the RTD at international level is controversial and debatable issue among developed and developing world, because there are various arguments regarding its acceptability and binding effects, because, this right has become a point of conflict between the developed and developing world. The developed world claimed that it is the national obligation of the states concerned to realize and enforce this right; on the other hand, the developing world argued that it is the obligation of the international community to cooperate and provide development assistance to the developing world for the effective and meaningful realization of RTD. However, the Declaration clarifies that, both the national and international obligations are required for the better realization of RTD, therefore, states should take effective measures in the form of development policies and their implementation for the enforcement of RTD at the national and international level.

The Jurisprudence of the RTD

Although, the UNDRTD has undoubtedly affirmed that the RTD is an incontrovertible right, but, still there are number of questions on Justifiability of the RTD as a human right. The question of Justifiability of the RTD is the most critical aspect which should be addressed for the purpose of actual and meaningful enforcement of RTD. The Declaration articulated that, individuals are the center of development activities and programs; therefore, all the individuals are the main beneficiary and participants of the development processes. In globalized world States are under international obligations to cooperate with each other and to take serious measures, in order to make this right more effective for the human development. Therefore, it is proclaimed that the RTD would try to maximize moral standard and to bring into reality some practical approaches as well (Bunn, 1999). It is imperative to be noted here that, UNDRTD is a soft law, which is not binding in nature, therefore it gives rise to numerous questions for the Justifiability of the RTD (Alston,1988), such as, what is the source of RTD?, what are the contents of RTD?, whether RTD is an individual right or collective right?, and how this right could be enforced in practical sense?. Therefore, in the light of these queries it has now become a debatable issue with respect to the realization and enforcement of RTD. However, this section of the paper argues and responds to all above said questions: the contents, sources, and Justifiability of the RTD as under:

The Correlation between Human Rights and Development

Development is a phenomenon which has the potential which can change living standards of people in a positive manner and it also enhances the capabilities of the people to manage and control over the substantial sources and assets for the fulfillment of their basic needs and facilities of life. These necessities and facilities include the health, education, food, housing, Employment, rule of law, good governance, non-discrimination, and peace. The eminent economist Sen argued that development is a mechanism which strengthens the human freedom and capabilities of the people, which enable them to live a healthy and balanced life, which are essentials for human existence and survival.

In the light of above expression, it is argued that 'development can be enhanced through the good governance, social justice, equality, supremacy of law, and promotion of basic rights and freedoms of people. In this connection, State has an instrumental role to promote 'development' through education, better health facilities, social security, and better national development policies (Sen, 2001) and programs with the help of powerful implementation strategies. The idea of development as a right was first time evolved on the landscape of International Economic Law (IEcL), when the old economic order of the world had created the worst economic disorder through colonialism, imperialism and hegemonism and that had created a wide economic inequality and injustice between developed and developing world (Myneni, 2006). Therefore, in that scenario, the developing world demanded for change in the world economic structure through establishing NIEO (Gilman, 2015), this was later-on realized and has become the integral part of United Nation's documents relevant to human development.

As a result, concept of development as a right of states was evolved. However, all the constituents' parts of IEcL i.e. WTO/GATT, IMF, World Bank group, UNDP, UNCTAD, WIPO and regional trading arrangements (RTAs) are articulated with the development provisions for States and their individuals. Therefore, in the light of the above-mentioned references, it is argued that, development is incorporated in the work of these organizations. However, The WTO, which is the integral part of IEcL, has made serious efforts along with the other UN bodies and groups for the purpose of achieving MDG-8 through concentrating on the RTD and establishment of criteria for assessment of the progress in terms of international cooperation, in order to increase the efficacy of international cooperation to that end in globalized world (Marks, 2000). It is worthwhile to note that, in the tidal wave of globalization the idea of development has now been transformed into human rights regime, therefore has appeared as the essential element of National system (NLS) of States, and the case law analysis reveals that the Courts in India and Pakistan, however, have been realizing the RTD through interpretation of fundamental rights along with principles of policy and enforcement of the RTD through the tool of public interest litigation (PIL). However, the RTD has become now prerogative for both, the nations and individuals who constitute nations.

Approaches on the RTD

It was, almost the ending of twentieth century, when the convergence of human rights and human development occurred. The UNDP clarifies that development of human beings is a process, which enables the people to fully utilize their abilities in order to fulfill their needs and interests. In the similar manner, human rights also provide congenial environment wherein people have opportunities to utilize their expertise and potential with a purpose to attain better standards of living and social justice. There are seven approaches which explore the relevance of human rights with human development (Sengupta, 2005). The detailed discussion on these approaches is given below.

The Holistic Approach

A holistic approach argues about whole system of human rights framework, rather than, concentrate on its individual components, as, human rights framework operates in a systematic manner, because human beings have undisputed, interrelated, and interconvert-able rights which are recognized internationally. Therefore, the progress on some rights is not only difficult but also impossible without progress and effectiveness in the whole system of human rights. The World Conference which was conducted on human rights in 1993 asserted that all human rights are undisputed and recognized internationally, reciprocal and inter- linked. In this connection, UNDP policy paper established the idea for integrating rights of human beings into sustainable development and called for a universally recognized and holistic approach, emphasizing the universalism, and interconnectedness of all human rights. The holistic approach was opposite to that argument which divides Human Rights into categories based on their nature. The opposite approach distinguishes between civil and political rights, on one hand and on the other hand, they were lying socio-economic and traditional cum cultural rights.

The holistic approach, therefore, avoids deceptive classification of human rights, although the two covenants, [ICCPR, ICESCR] support the holistic approach, both covenants contain traditional categories of rights which are interrelated and interdependent for their practical implementation, without the recognition of socio-economic and political rights, the economical, sociological and cultural rights are impracticable, and vice versa. It is pertinent to mention here that, numerous HRs documents also support the holistic approach. Such as, the article 28 of UDHR elucidates that everyone has an RTD, liberty and life at social and international level. Article 6, paragraph 2 of the 'UNDRTD' emphasis this approach as "all HRs and basic freedoms are interconnected, inseparable and inter-reliant with each other, and there is an emergent need to focus on expansion, enforcement and safeguard the socio-economic, civil, and cultural rights.

The Rights Based Approach

The rights (or human rights) based approach elucidates that there is a sturdy correlation among HRs and human development; both are interlinked with each other. This approach emphasizes that HRs should be developed into human beings' development, and similarly, human development should be considered as part and parcel of human rights. An eminent scholar '*julia*' while defining this approach has stated that 'the rights-based approach promotes and protect the both, Human Rights and Human Development. It considers the self-respect of human person, supremacy of law, social justice, and transparency as the fundamental essentials for progressive human development" (Landman, 2003). Moreover, she used the example of health sector that, if the health facilities in a country are not up to the mark, then it will reflect that the human rights are not protected properly in the country, and she further linked the poor health indicator with the poverty and social marginalization. *Julia* and *Frankovits*, both are supporters of rights-based approach, they argued that, welfare of peoples and prosperity of the states is heavily dependent on the protection of HRs. It is pertinent to mention here that, global assistance act is a catalyst in the development of any state, therefore, this approach elucidates that the 'HRs framework' is a comprehensive mechanism which provides cogent principles for assurance of global development cooperation.

Rights based approach has also been adopted by OHCHR and many other UN agencies. The OHCHR has defined the approach as: "it is a framework, which ensures human development according to the HRs standards", which comprises the meanings that all the principles and norms of HRs law contained in the international documents should be followed in the formulation of national policies, and all the international instrument of HRs law should promote the empowerment, participation, accountability, non-discrimination of the people for economic development (Sen Gupta, 2005).

Likewise, UNDP has also embraced the rights-based approach, and stated that it is a quite modern Approach which lays stress on the realization of human development through HRs.

The Social Justice Approach

Social justice simply means the demolition of all forms of discriminations and acknowledgment for the fundamental freedoms and civil cum political rights of all individuals. It also involves the equitable living conditions for all human beings and households. The concepts of equitable justice and HRs are interconnected with each other, and the roots of both can be found in European Civilizations. It is worthwhile to note that, in the 18th century, concept of natural rights as political rights got deeply grounded in many international documents (Robinson, 1899). As far as the historical context of social justice is concerned, it emerged from the western political philosophy and the socialist movement. This movement depicted the need of a ‘world’ which is based on social justice and equality. As per UN the substantial impediment to achieve the social justice are inequalities, which can be contextualized as: (i) disparity in division of national income, (ii) unequal division of assets, (iii) discrimination in the access of equal opportunities for work and remunerated employment, (iv) disparity in access to knowledge at all levels, (v) uneven facilities in health sector, (vi) lack of social security and poor environmental policies, (vi) disparity and discrimination in participation in democratic process and decision making.

The Capability Approach

The capability approach explains the HRs and its relationship with the living of the individuals. In this connection, the eminent scholar Amartya Sen, who is a promoter of human rights, stated that HD is not mere the achievement of the adequate facilities/services to be exploited in one’s life, but, the real development is to do what one wants, what one desires according to his capabilities and choices. In other words, development is the freedom to choose from the available options on the table. The more the options and ways are, the more developed the person’s life is expected to be. While defining another term, “poverty”, He argued that the poverty simply means the less freedom of choice, or the person is bound to go with the available option which is in hand and possibly could be functioned. From this we get the notion that a person is said to be “poor” who is coerced or left with the only option to live his life. While doing his observations, Sen kept a special focus on the sub-Saharan African states and places in the South Asia, where he ended up with the three common reasons which ultimately made these places to be marked as poor places. These three points are: (i) Premature morality, (ii) Undernourishment, (iii) Illiteracy. All the three points in the list reduce the capability of the human beings due to which they fall on the poverty line and are not considered to be the “developed”.

The Right to Development Approach

The HRs approach to human development argues that RTD is an essential right for human survival which is an inseparable and incontrovertible right for both individuals and States. As earlier has been stated above that, RTD is an incontrovertible HR (Keba M’Baye, 1972) and the UNGA enumerated that RTD is a HR in UNDRTD (UN Resolution 4 (XXXIII), 1977), 1986, where it is recognized that the individual is the substantial and key subject of this developmental process, and human being is actually the one who is directly participating and putting the efforts and inputs at one hand and the one who is going to be benefited and relieved due to such development. Therefore, States are under duty to create such an environment which is beneficial and is in line, for the development and progress of human being. It is pertinent to mention here that, the VDPA affirmed that the RTD is a universal, interrelated, interdependent, and incontrovertible human right and key component of HRs regime (Degener, 1995). The HR instruments and related bodies considered the RTD as a linchpin of all other

human rights, and they place RTD on their main item agenda. The reflection of this prominence can be examined from the organizational structure of OHCHR and in the regular proceedings of UNGA.

However, the US with other Western Countries has highlighted several defects about the implication of RTD in connection to economic, social, cultural rights, conflict of jurisdictions with trade and other international allied matters. However, in a positive manner develop world claimed that the proclamation of UNDRTD has created a chance to revisit the International economic Order in the better interest of human development across the globe. The UNDRTD elucidates that States should come to know their rights and should fulfill their pre-requisites, holistically, so that there may be development of a new international economic order; therefore, the philosophical theme behind the RTD approach is the demand of the poor countries on the industrialized world for this phenomenon of transfer of resources in the form of global financial assistance, and flexibility in trade rules.

The Responsibility Approach

The responsibility approach adopts the viewpoint that the human rights are in synchronization with law as they draw protection of practice and its universal application due to the duties conferred with it. In other words, every human right is recognized as the right when it imposes the duty with it on the one who intends to enjoy that right. As the name “responsibility” approach highlights that a right brings with it a sense of responsibility or duty. Further the approach elucidates that the duty imposed against the human right is of such importance that it surpasses the norms and cultural values in case of contradiction between the two. For example; an affected person of AIDS should have the right for proper health treatment which imposes a duty on the doctors to treat the very patient cautiously without keeping in consideration the cultural values which might have led to his death for having illicit sexual relation. The principle sounds interesting, but it leads to the direct clash between the two poles i.e., the culture versus the duties, and this is the reason that this approach has impediments in the sub-Saharan African states and the developing states of Asia. Here we witness the slogans of “Asian values” and the packs of people supporting their cultural integrity even at the stake of the basic HRs. Regardless of the reality that, under the cover of Asian values, the masses go for non-democratic and inhumane behavior proudly because this is the way it is. It is again due to ignorance which is the outcome of the fact the basic human right of education is being given on discriminating terms which leads to a society where the feudal are knowledge keepers and the masses are underprivileged having no sense and awareness of rights and duties.

The Human Rights Education Approach (HRE)

HRE reaffirms the integration of human development into human rights framework. HRE focuses on the development of community, which can be achieved through participation of individuals in development process. According to this Approach; the participation of the individuals in development process is only possible through the education and capacity building of the individuals. The essence of HRE can be traced back in the UDHR, which stresses that every organ of the society shall strive hard through education and learning for development of the society. In 1994 UN declared the years from 1995-2004 as years of HRE, at that time UN gave a comprehensive definition to HRE and explained that HRE does not only give information but it is a process through which peoples can attain the goal of development by utilizing their abilities, and also can give respect to all other human rights. Subsequently, at the 50th anniversary of UDHR, another Declaration on human rights defenders (Freedoms,1998) was adopted, which made it obligatory to provide HRE to all groups including students, lawyers, and institutions, and public officials. This Declaration recalls several human rights instruments and imposed the obligations on member States to take serious measures for the protection of HRs through education and training, and to establish human rights institutions.

Sources of the RTD

The International Economic Law

The appearance of the RTD is extended over a 40 years period from the formation of the UN to the adoption of the UNDRTD, 1986. The UN Charter elucidates the importance of social justice and supremacy of law for the realization of HRs and RTD. The Literature review reveals that, the RTD was first appeared on the landscape of IEcL in the context of NIEO (Stephen, 2003), through NIEO the developing world demanded to the developed world for the economic and human development through trade and investment. In the light of these observations, it is argued that there are two sources of RTD, one in the domain of IEcL and related documents, and the other is in the sphere of human rights law. It is notable that these both branches of international law are interrelated and interdependent, because these laws are equipped with the provisions of the realization of RTD.

In this connection, it can be argued that, the central theme of IEcL is the development of states and their individuals through trade, investment and economic growth to improve the living standards of the human beings through the protection of RTD. As it can be seen in the preamble of WTO/GATT, which elucidates that the states shall endeavor in the domain of trade and economic activities to raise the standards of living, for this purpose tariffs barriers, and discriminatory behavior in the international relations of trade shall be eliminated. In the same manner, the International Bank for Reconstruction and Development aims at to grant financial assistance and policy advice for long term planning in order to reduce poverty and to raise the sustainable growth to states and their individuals. Furthermore, International Monetary Fund (IMF) also provides core principles for the enhancement of economic growth and well-being of the country through raising standards of living, poverty alleviation and to provide maximum opportunities for the acceleration of trade among its member states.

The Laws of Human Rights (HR)

The UNGA adopted the UDHR in 1948. This landmark document provokes all nations to promote respect for certain rights and freedoms, and to secure universal and impelling recognition and observance through progressive intra-national and international measures. While many of these rights and freedoms lay in political and civil ambit, many of which pertain to economic matters of relevance till the progression to RTD (Isabella, 2012). It is pertinent to mention here that, in 1981 the RTD was recognized at the regional level in the charter of Africa, in the form of Article 22 and in the Arab Charter, in the shape of Article 37. However, there is no specific mention of RTD in the UDHR, but, the reflections of the RTD can be conceived from the provisions of Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights.

The Right to Self-Determination: The legislature of the UNDRTD realized that the right to self-determination is an integral part of the RTD. Hence, the paragraph 6th of the UNDRTD derived idea from the right to self-determination in these words “re-enforcing the rights of people to self-acknowledgment and determination, on behalf of which they have the right freely to determine status and to pursue all forms of development, say it as the politico- social and socio-economical rights and duties. However, almost all these words have been picked up from Article 1 of both ICCPR and ICESCR. Moreover, the UN Human rights committee has observed that “The right to self-determination is a significant right, because its recognition as a substantial condition for the observance of the human rights and for the promotion and endorsement of such rights. It appears from these provisions and stipulations that the right of self-acknowledgment and determination, which is basically a collection and mixture of rights, is in a direct connection with individual fundamental human rights.

As per the renowned and widely read jurists, collective rights are those which are practiced by individuals at large, the basic feature of the collective right is that, it is enjoyed by the individuals collectively. However, on the other hands when we ponder over the individual human rights we come to know that those are rights which are derived from individual basis by the dignity of individuals. It can be said that, likewise, RTD is also a collective and individual right. In the view of eminent scholar, *Bedjaoui*, the right to self-determination is without any doubt, the source of the RTD. To support his views and experiences, the *Bedjaoui*, has proclaimed that, a huge number of the countries in the developmental phase, believe on the existence of right to self-determination. Moreover, he argued that, the self-determination is based on the rule of international law 'jus cogens'. These views were also supported by Keba M'baye, who argued that the right to self-determination is recognized in international human rights law. Furthermore, he argued that, the right to self-determination has played a pivotal role for the independence of several developing countries.

Therefore, based on this right they can claim RTD to pursue their socio-economic and cultural development. It is worthwhile to note that, the RTD and right to self-determination are not one and the same, but, they are interdependent and interrelated, because the later right would not be of any use if the former is not recognized. Hence, the right to self-determination is considered as the source of collective RTD. On the other hand, it is debated that, right to self-determination is also a source of individual RTD. Right to self-determination was included in ICCPR and ICESCR because; right to self-determination is indispensable for the enjoyment of all human rights whether collective, or individual. In the support of this viewpoint, the eminent jurist *Abi-Saab* argued that, the RTD is not only a collective right, but, it is also an individual right. Subsequently, *Bedjaoui*, and *Brownlie* also reaffirmed the argument of *Abi-Saab*, and *Mr Keba M'baye* elucidated that 'because individual is the main beneficiary of human rights, therefore, people's rights are of both collective and individual nature. Moreover, in this regard, *Mr. Espiel*, argued that, certain existing rights in the universe have collection of both individual and collective rights such as right to union, strike, meet, and to participate. Therefore, in this perspective *Espiel* viewed that RTD would be an individual right in its origin and at its end, and now it has become a collective right in its implementing strategy in modern era.

Moreover, the international dimension of the RTD may help to create a NIEO which would prove an instrumental force for the acknowledgment and realization of the RTD. Furthermore, RTD may act as a mean to support the present human rights regime. The researcher is of the view that, soon there is possibility that social and economic rights may be transformed into RTD, because, the RTD is based on economic self-determination. Therefore, in the views of the eminent scholars, the enforcement of individual rights is essential for the acceptability of collective human rights, and both are linchpin for RTD.

Article 28 of the UDHR: This Article is repeatedly cited by commentators as a potential source of the RTD. The UDHR is a foundational document to understand the conceptual background of the UNDRTD, which provides that, every human being is entitled to have social and international order in which fundamental rights can be fully realized. Therefore, it is quite imperative to note that, a new and balanced world social order is foundation for the enforcement mechanism of HRs. However, this provision does not directly deals with the RTD, but, it seems an implicit source of the RTD because the stability of international order required that, states should cooperate with each other, and UDHR includes all rights i.e. socio-economic, political, civil and cultural rights, all these rights are interrelated, interdependent, indivisible, and part and parcel of each other.

In this reference, *Mr. Donnelly*, argued that, the UDHR prohibits those structures and policies which create hurdles in the realization of civil, political, economic, sociological and cultural rights. It means that his views have very closet nexus with the concept of RTD, because, he argued about the importance of economic development for the realization of human rights which is the central issue

of the RTD. In this regard, the developing world claims that, RTD may act as a momentum force to reform the international economic order, which deny the opportunities or resources for the realization of human rights across the globe. In nut-shell, Article 28 creates effect that every human being is entitled to such an international economic order which leads to the realization of all human rights, which is the ultimate aim of the RTD, and there is a dire need to have global assistance for an effective and efficient international economic order, which the comity of nation has pledged in Article 55 and 56 of the UN Charter.

Article 55 and Article 56 of UN Charter: these articles create obligations on the international community in the field of economic and social cooperation. In these provisions, it is elucidated that, for the acknowledgement and recognition of human rights and promotion of economical, sociological, and cultural developments and self-determinations of people, the States shall cooperate with each other. Therefore, the element of cooperation demonstrated in these two provisions is among the necessary features and aspects of the RTD. In this connection *Keba M'baye* considered these two provisions as fundamental source of the RTD (Karel, 1981). In context of international law, additionally, particularly in IECL, NIEO is a source of the RTD, and seen as the root cause of RTD, among the other things, many resolutions of UNGA and Preambular paragraphs of WTO/GATT, IMF, World Bank Group, spelled out a States obligation to support international economic development, though, financial aid, transfer of technology, market access, GSP+ status, non-discrimination and technical assistance in trade and investment for the DCs and LDCs.

Conclusion

RTD is a transforming notion and is called as a third generation right. Its content, nature and status are still multi-faceted and debatable issue among the academia and scholars, and result-oriented efforts have been initiated at international level to get a constructive output, in order to build a political cum social consensus on its meaning and status. Majorly it focuses on the human being as central point of development process. It holds that the development process should keep in view the concern for all other human rights. It should aim with the providence of social justice and rule of law; and States should recognize this right at national level; and in order to materialize the RTD at national level there should be international assistance and cooperation.

The RTD is important to discuss because it brings about the necessities and facilities including the health, education, food, housing, Employment, rule of law, good governance, non-discrimination, and peace. Development can be increased through the good governance, social justice, equality, supremacy of law, and acknowledgment of basic rights and freedoms of people. In this connection, State has an instrumental role to promote 'development' through education, better health facilities, social security. The old economic order of the world had created an exploitative economic disorder through colonialism, imperialism and hegemonic and that had created a wide economic inequalities and injustice between developed and developing world.

'The whole discussion highlighted the paradox between theory and practice of RTD in globalized world. The UNDRTD is a soft law, which is not binding in nature so there is a dire need to conduct detailed scrutiny of RTD in international economic law and its paradigm shift in national legal system of Pakistan. This right as a legal obligation rather than a moral obligation Pakistan is a developing State, which advocated the RTD at all the important UN forums of human rights, but, the Constitution of Pakistan does not contain direct provision relating to RTD. Post 9/11, there was a huge part of national budget has been spent on the war against terror in addition to the loss of more than 70,000 innocent lives in the so called 'collateral damage', thus impeding Pakistan's development. As per the UNDP Human Development Report, the HDI index is 0.557 and the international HDI rank is 154th out of 193 states, which explicitly defines the derailing of Pakistan's trajectory towards development.

Further, COVID-19 added fuel to fire. Amid such a situation, the need to highlight the significance of RTD is of pivotal importance so that development can be brought towards the developing states.

Courts in India and Pakistan, however, have been realizing the RTD through interpretation of fundamental rights along with principles of policy and enforcement of the RTD through the tool of public interest litigation (PIL)

“RTD is an incontrovertible human right, both of Nations and individuals” which empowers the individuals to enjoy all socio-economic, civil, political, and cultural rights, It is pertinent to mention here that the RTD is treated as universal right which belongs to all people individually and collectively as well. The RTD is an incontrovertible right which provides that equal opportunity for development is privilege of individuals and nations. Academic discussions were the transformation of the existing ‘unjust order’ into a new economic order which should be established on human welfare and social fairness and impartiality approach.

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