

The right to development and its Relation to Human Rights

الحق في التنمية وعلاقته بحقوق الإنسان

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Abstract: The right to development includes a number of internationally recognized human rights that are integral to the need to establish a new international economic order so that it can be used in the context of the formulation of the rules of the system and the ultimate goal of the right to development. The violation of this right is also reflected in the inequities and differences in economic relations and the widening gap between States. The relationship between development, the right to literacy and the right to a healthy child is reflected in the Universal Declaration of Human Right Faculty of Social and Human Sciences.

Keywords: development, the right to development, human right.

ملخص باللغة العربية: الحق في التنمية يشمل عددا من حقوق الإنسان المعترف بها دوليا التي تعتبر كلا متكاملًا ويطرح ضرورة إقامة النظام الاقتصادي الدولي الجديد، بحيث يمكن استعماله في ظروف صياغة قواعد هذا النظام والهدف النهائي لحق التنمية هو التحسين المستمر لرفاهية جميع السكان وذلك بمشاركة الجميع الكاملة في عملية التنمية. كما أن انتهاك هذا الحق يتجلى حاليا في أوجه الإجحاف والاختلاف في العلاقات الاقتصادية واتساع الفجوة بين الدول وتتجلى العلاقة بين التنمية والحق في معرفة القراءة والكتابة والحق في تمتع الأطفال بصحة جيدة وإذا ما تحدثنا عن أساس هذه العلاقة يمكن استنباطها من الإعلان العالمي لحقوق الإنسان. كلمات مفتاحية: الحق في الصحة، التنمية، حقوق الانسان، التنمية المستدامة.

1- Introduction

After the fall of the Berlin Wall and the end of the Cold War, there has been a major breakthrough in the field of human rights. These rights have expanded to include new topics, and the link between rights collection has become so inexperienced and unequal. Among these new rights is the right to development. In 1986, the Declaration on the Right to Development, which made development a human right and not just a demand demanded by individuals and governments to respond or not to respond without embarrassment, recognized this Declaration as an economic, social, cultural and

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political track. Based on their free and effective participation, and stressed that all aspects of development were interdependent and thus truly an integral part of the human rights system.

The developing countries agreed to this right to say that these countries have become responsible to their peoples for economic development and the social, political and cultural dimensions required by the developed countries. This means that they have become responsible for assisting developing countries that lack financial resources and sufficient technical capacity to achieve economic development. These States were therefore hesitant to begin and maintain the Declaration on the Right to Development. These reservations were reiterated at the World Conference on Human Rights in Vienna in 1993 by declaring that this Declaration was approved and the Program of Action adopted. The Vienna Conference links human rights and development, linking them to democracy, and thus development has become a human right that intertwines with other rights that can no longer be divided.

What is the right to development and what are its areas and how do they become an actual right that is equal to other human rights?

What about the right to development in the Arab world in general and Algeria in particular?

2- Development:

The Declaration on the Right to Development is considered as a link between the Universal Declaration of Human Rights and the Declaration of the Vienna Program of Action through its scientific vision, in which economic, social and cultural rights are integrated with the civil and fundamental, and the study of development may find momentum in terms of terminology used in this field. We address different areas of development:

1- Economical. 2. Human. 3. Continuous.

4. The human dimension of the overall development.

In their relations with human rights, these various areas constitute a set of stages in which the relationship between development and human rights emerges.

Economic Development:

During the Second World War, economic development was a fundamental concept in the writings of Adam Smith and many other economists namely; material progress or economic progress". After the emergence of some Eastern European countries in the 19th century, the prevailing terminology became modernization, industrialization.^{1"}

¹ Talaat Essedjroudji, Social Development: Example and Reality, dar el Hidayah, Cairo, 1, 2001; p144.

Thus, the concept of development at the beginning was found in economics for the purpose of making a set of radical changes in a particular society in order to gain that society's ability to continuously develop the self-adjusted for the increasing improvement in the quality of life for each individual. Moreover, the measurement of the economic development level is based on one index which is working on a continuous rationalization to exploit available economic resources and to distribute them equitably.

Therefore, linking economic development of human rights at this stage can be said that the human rights in the economical process was an exception only and soon began the concept of development transferred to other areas that have a direct impact on human rights to make policy. In fact, from the sixties of the past and developed in the seventies, especially through the exploitation of the International Bureau of Labor (BIT) of the nations against a new trend began to work in the field of providing the best local conditions for the development of economical elements of those added by the President of the World Bank to the concept of development is nutrition, reading and writing, as he puts life and the environment in a social form. Thus, this concept has become the main focus of development. This new concept takes a number of human rights into consideration.

1-The Importance of Development

New terms have appeared, human development, where development is no longer just economic growth as it was before, now development is concerned with the human being who becomes their main focus. In other words, human being has become the main instrument to achieve their goals. They also emphasize the fact that the right of development regards to any one not only to a particular group. Hence, the link between development and democracy is important, as it provides popular participation, and if democracy is more concerned with those who rule at that time, human rights are concerned with both governance and development.

1-The right to development and its Relation to Human Rights

a-The Right to Development

According to Awlibous Kriciciou "The right to development" means the necessity of progress for the enjoyment of the economic, social and cultural rights proclaimed by the Universal Declaration of Human Rights and the International Convention on Economic, Social and Cultural Rights."

This definition reflects the global nature of development and expresses its close association with various human rights and a continuing process.

(B. Graferath) defines the right to development as "the demand of positive solidarity in the struggle for liberation from dependence on the global capitalist market".

A prominent element of this definition is that it is one of the rights based on international solidarity

and cooperation in the spheres of life," as well as on the conduct of States' conduct in their international relations, whether in the economic, social or cultural fields."¹

Thus, the right to development includes a number of internationally recognized human rights which are both integral and necessary for the establishment of a new international economic order so that they can be used in the circumstances of the drafting of the rules of the system. Whatever the definition, the ultimate objective of the right to development is the continuous improvement of the well-being of all populations on the basis of Their full participation in the process of development and the equitable distribution of free benefits. The violation of this right is now reflected in inequities and differences in economic relations and widening of the gap.

From a legal perspective, the widening gap between developing and developed countries and the right to development seems to have a dynamic concept, which creates certain obligations and "entails an obligation for all States in the international community to exercise solidarity with each other".²

There is a reference from the Secretary-General of the United Nations to this meaning in his statement (The right to development, like other human rights, should not be seen as a static concept but as a concept)³. This explains that the changing developments of the development process have led to the establishment of a new international economic order in the economic, social, basic and economic spheres.⁴

The right to development is therefore a legal character as a peremptory international norm, because it is originally based on the right of peoples to self-determination, with the right to live in peace, the right to choose the type of development and the political, economic and social system as a comprehensive, indivisible and interdependent path. Political, social and cultural rights are found to be prohibited by the same interest and take the same evangelism. In other words, they must be interpreted and applied as a whole, because human rights in their totality comprise different human groups to which they are linked according to their ethnic, fundamental or cultural affiliation.

¹ Omar Saadullah, Human Rights and Peoples' Rights, University Publications, vol. 2, 1994, p. 165.

² Omar Saadullah, *ibid.*, P. 166.

³ Raúl Visserua, The New International Economic Order and the Promotion of Human Rights, United Nations Publications, no. 1986, p.35

⁴ Mirelle, Delmas Marty three challenges for a global right, Paris, edition of Seuil, 1998, p. 47

Areas of Development and their Relations with Human Rights

The right to development has expanded and has been consolidated especially at the level of international principles governing international relations. This may be due to the great progress it has made in this respect i.e. one of the basic human rights. This is clearly expressed by the media called the Declaration of Right and Moderate Development of the United Nations General Assembly resolution 41/128 of 04/12/1986, and this is found in the first article.

Before this declaration, international jurisprudence showed this formula and called on the international community to recognize it. (Keba M'bay) was the first to develop" the concept of the right to development as a human right at the international level in a lecture"¹.

In the same vein, Hector Gross Espiel says at the International Institute for Human Rights in Strasbourg 1972 that the right to the full development of the individual is a fundamental right that requires and includes at the same time, the right to development of developing countries and nations. Thus, the areas that link human rights are as follows:

- * Economic Development
- * Human Development
- * Continuous Development
- *The human dimension of the overall development

Economic Development

Economic growth has been the focus of this development, and then based on human development and later on continuous development, the transition from human capital to social capital to human development with its universal dimension." That is, the interlinked with all levels of political, social, economic, cultural and environmental activity, based on an integrated approach based on the principle participation and long-term planning in the fields of education, culture, housing and healthment and the concept ... Hence the relationship between the concept of sustainable develo²" of good governance, because the latter is the guarantor of the transformation of economic growth.

1- Continuous human development: yet, the concept still needs to be rooted in the Arab region, which suffers from poor participation and strict state centrality, and insufficient role for local

¹ Kadri Abdul Aziz, Human Rights in International Law, Dar Homa and International Relations of Printing, Publishing and Distribution, I Without 2004, p.20

² Djamel Hallawa; Introduction to Development Science, Dar Al-Shorouk, Egypt, I; 12009, p. 65.

government bodies. It can be said that development in the Arab countries has gone through three basic stages: Revolutionary and conservative systems, Republic ...

2-The oil boom phase of the easy countries is used as a weapon in the battles. It has witnessed a rise in prices and the existence of huge benefits directed to American and European banks, and led to difficult local development.

In the magazine economic downturn, emphasizes especially the outbreak of the Iran-Iraq war in 1980 and the subsequent events in the Middle East, especially characterized by this magazine declining rates of growth and the persistence of illiteracy and the increase of foreign labor in the Gulf countries in return for the sharp increase in migration in the Maghreb countries.

These conditions have exacerbated the problems of cultural, humanitarian, national and penitentiary security, particularly in the Gulf States." The reason for the critical disclosure of the Arab development process is that it has adopted consumer projects and trade exchanges and that it operates away from Arab integration under a global trend that borders large economic units on the sale of raw materials and on the importation of foreign labor."¹

Thus, the development and good governance of the Arab world can move together if there is the will of initiating silent legislation, institutions, independent judiciary and peaceful transfer of power. Therefore, confronting the problems and challenges is aimed at choosing the right and appropriate ways to achieve desired and comprehensive human development under the rule of Rashid (Saleh).

It seems that the relationship between human development and human rights is very strong, for example, the right to education for the individual is linked to his health, and the specific type of fear and destitution is associated with the crime of expression.

There is also a close relationship between the right to literacy and the right to enjoy good health. If we talk about the basis of this relationship, it can be deduced from the Universal Declaration of Human Rights in the preamble and the origins of this relationship is found in the international decade of economic, social and cultural rights when human rights and government policies were directly linked to the promotion of economic, social and cultural development and the implementation of international economic and technological cooperation programs.

There are also many international conferences that have focused on this relationship through many of their works such as:

- World Conference on Human Rights, Vienna, 1993.

¹ Houchiyar Maarouf, Studies in Economic Development, Dar al-Safa Publishers, 1, 2005, p. 11

- Population and Development Conference, Cairo, 1994.
- Social Development Conference in its composition 1995.

We also find the various international instruments that emphasize the strong relationship between human development and human rights. We believe that it is time for both formal political discourse and the role of community organizations to be detached.

4-The Development Reality in Algeria

The official discourse in Algeria makes the subject of development one of its main interlocutors and usually combines development and human rights in a single crucifixion. The development policy of the Algerian state is a social policy in its nature that takes into account most of the cultural rights of the nation.

The development effort adopted in Algeria, which controls and defines the various axes of development, will be translated into independent horizons (2025) and has renewed the national plan for the creation of the region.” Here we may find many legal texts that define the quality of sustainable development by the state and are mostly about the term sustainable development and human development.”¹

For example, the text of the 2001 Law on the Development and continuous development of the Territory, has decided to establish 19 sectoral plans covering the overall activity of financial resources, public and private works, environmental health, health and the development of archaeological and historical sites.

It is noticed then that the existence of this law shows that the target development is the human one with its comprehensive dimension.

There are many fields that have received the attention of the State:

- Banking reform. - Supervision of banks. - Adapting the law on public transactions.
- confronting the parallel market

It also introduced radical reforms in many sectors in line with the international practice, while ensuring a comprehensive development that respects the specificities of Algerian society, including the following sectors:

- National Education Sector. - Health system. -Higher Education.

¹ - Abdul Latif Ben Ashnhou, Introduction to Political Economy, University Publications, 2004, p53.

When we talk about development in Algeria, we find that there is a revolution of reforms that are in line with the various elements of good governance adopted by Algeria as a working method in its institutions and at various levels.

All these various reforms are ultimately aimed at imposing precise control, effective participation, effective accountability and objective transparency, elements of good governance that is the aspiration of this nation.

This comprehensive human development is all about the strengthening and development of the national economy as well as the protection and maintenance of human rights.

The link between development and human rights gave development a human dimension and made it a very noble goal after it has become the goal of a better life for all people. This development has realized great achievements to human rights since it has become a practical means of linking political and civil rights with economic, social and cultural rights. (Economic) and social rights.

Even if the right to development and its relationship to human rights is an indisputable legal fact, it is expressed in the text of article 1, paragraph 2, of the Declaration on the Right to Development that this right involves the full realization of the right of nations to self-determination and to exercise full sovereignty over all its natural resources. Today, the need to secure this right internationally and redefine new strategies for development takes into account the characteristics of this right as a legal norm recognized in contemporary international law. Without this, the right to development remains subject to a sterile debate in its conception. The preservation of water and the preservation of the health of the citizen by eliminating the phenomena of development and disease, noise and providing various methods of prevention and health care and the field of increasing the citizen's income while providing employment opportunities and ensuring the optimum utilization of natural resources necessary.

Henceforth, we notice that the scope of sustainable development, which is reflected in the difficulty of giving a specific definition to this concept, includes different views, depending on the angle from where we see this development. If we look at the continuous development from the economic point of view, on the one hand, we find that in the non- state means the reduction of energy consumption and resources. On the other hand, in the underdeveloped

countries means the use of resources to raise the standard of living for us i.e. social angle. The pursuit of stability of growth.

The aim is to stabilize population growth and raise the level of difficult and educational services in the countryside. As for the modern corner i.e. the technological perspective, this concept means moving society to the age of clean industries. Thus, it is clear that continuous development has three important aspects:

- Development of human skills.
- Equity in the distribution of the benefits of growth with the presence of state intervention to strengthen mechanisms leading to the redistribution of wealth and income to achieve the desired goals.
- Preserve the environment and resources to ensure the interests of future generations.
- We conclude that sustainable development is economic and human taking into consideration the protection of the environment.

According to what has been mentioned above, we can say that human development is interlinked at all levels as a political, social, economic and environmental activity based on an integrated approach and on the principle of participation and long-term planning in the fields of education, culture, housing and health ... and envisages a measure of justice, accountability, legitimacy and representation. The concept has a strong relationship with a new concept that is the concept of good governance, which is the guarantor of economic development towards comprehensive human development, and comprehensive human development itself can be determined through angles namely:

- 1- Includes urban, rural and all categories.
 - 2- Includes a fair distribution of wealth from rich and poor countries.
- The third angle includes (time) to take into account the interests of the current occupation and subsequent occupation.