

# Right to Development: From Global Aspiration to Constitutional Obligation

Narender Kumar Bishnoi<sup>1</sup> , Paras Chaudhary<sup>2</sup> , Elena E. Gulyaeva<sup>3</sup> 

Campus Law Centre, Faculty of Law, University of Delhi, Delhi -110009, India

Law Centre-II, Faculty of Law, University of Delhi, Delhi- 110009, India.

International Law, Diplomatic Academy of Russian Foreign Ministry, MGIMO University, Moscow, Russian Federation

\* Corresponding author: [pchaudhary@law.du.ac.in](mailto:pchaudhary@law.du.ac.in)

**ABSTRACT:** The right to development is vested in both individuals and groups in accordance with international law. In 1986, the United Nations issued a document proclaiming the right to development, and the later international documents, including the Sustainable Development Goals and the Vienna Declaration, further defined this principle. Even with this staunch international backing, local jurisdictions have been unwilling to recognize the right to development as a substantive, legally enforceable fundamental right. How has increased global sensitivity not resulted in adequate constitutional protections? This paper will discuss the structural and legal contexts of this inequality. The paper suggests that three factors are interrelated, explaining why this right to progress has always been ignored. First, there is a general feeling that it is too general and focuses on policies rather than providing clear-cut, easily applicable legal precedents. This makes it less of a right enforceable in a court of law, and more of a dream. Second, socioeconomic rights are also treated as policy issues in most constitutional systems, namely civil and political rights, which are more explicitly implemented. The judicial system, in most cases, does not participate in development, since economic planning and resource distribution are closely related. Finally, the judiciary has been found unwilling to carefully examine claims concerning government spending, long-term development goals, or political priorities, out of fear that democratic decision-making would be eroded. Based on research into comparative constitutional jurisdiction, this occurs regularly; courts often cite advancements as justifications for their decisions, yet they rarely recognize them as a distinct right. The rights to life, dignity, equality, and a healthy environment are among the fundamental freedoms established to address development-related challenges indirectly. Due to this indirect approach to addressing the issue, the results are inconsistent, providing only limited protection without a clear constitutional basis. In addition to this concern, the article proposes a conceptual approach to determining the right to development in constitutional governments without undermining democratic principles. It also reconstructs the right to be procedural and outcome-oriented, with the participation of the people in focus, equitable distribution of the fruits of development, and accountability for state policies. The right can be effectively applied by courts establishing judicial norms of non-discrimination, reasonableness, and proportionality, interpreting the rule to treat international law as an interpretative rather than a prescriptive tool, and applying the right. This paper will conclude by recommending that the right to development become one of the constitutional guidelines for evaluating the acceptability of state action, thereby providing the necessary linkage between constitutional government and global justice in the present-day legal fraternity.

**Keywords:** right to development, socio-economic rights adjudication, judicial reluctance, democratic accountability, constitutional recognition.

## I. INTRODUCTION

Traditionally, the state policy viewed development as an economic objective to be pursued, but not a legal action. Over the past few decades, however, this realization has been doubted by the global human rights discourse, which has sought to place human dignity, equity, and participation at the centre of development processes. The international law establishing the right to development as a norm was a significant change. That development does not merely imply economic development but rather a holistic concept of improving people's and society's living standards. This is best summed up in the United Nations Declaration on the Right to Development of 1986, which recognizes development as a right of the individual and the collective and ascribes commensurate responsibilities to states.<sup>[1]</sup>

This has been consistently maintained in later international declarations, such as the Vienna Declaration and Programme of Action and the Sustainable Development Goals, which have employed this relationship to make clear that development should be based on human rights, social justice, and global equity. Collectively, these instruments point to a heightened consensus that growth should be inclusive, participatory, and equitable. Nevertheless, despite overwhelming approval, even in constitutions and domestic judicial laws, the right to development remains lacking or absent, at least initially. In the rare instances when constitutions address development, they do so mainly through non-justifiable directives, principles, or general policy objectives rather than rights.

This gap between international and constitutional realization raises legal and institutional questions. What has happened to a right that is enjoying permanent international backing? What is the rationale behind the continuing judicial reluctance to recognize development as having any justiciable right? But how do constitutional systems address injustice as regards development without compromising democratic governance and the division of power? These questions assume special importance in developing democracies, where development policy directly affects the availability of basic needs such as housing, healthcare, education, and livelihoods.

Several jurisdictions have recognized the developmental aspects of constitutional rights and expanded the scope of the rights to life, dignity, equality, and a healthy environment to address the problems of poverty, displacement, and environmental destruction. Although this has made judicial creativity somewhat relieving, it has also led to disjointed jurisprudence. The claims about development are addressed indirectly and sporadically, without a coherent body of doctrine treating development as a constitutional issue in its own right. As a result, judicial protection has been somewhat uneven and grounded in specific case interpretation rather than principled constitutional argument.

This paper argues that the perpetual lack of awareness of the right to development is not a foregone conclusion but somewhat grounded in definable legal and structural limitations. Views of vagueness, fears of judicial activism, and the old distinction of enforceable civil-political rights and policy-focused social-economic rights have all constrained constitutional work with development.<sup>[2]</sup> Meanwhile, these limitations are not inseparable. Drawing on comparative constitutional jurisprudence and international human rights law, the article suggests a principled approach to constitutionalizing the right to development that values democratic decision-making.

Reconceptualising the right to development as both procedural and outcome-based, the article shows how constitutional courts may evaluate state action by reference to factors such as participation, non-discrimination, reasonableness, and proportionality. By so doing, it will attempt to amend the right to development, changing it from a global aspiration into a meaningful constitutional obligation that will govern state policy and enhance accountability. Finally, the paper endows the concept of the right to development as an essential connecting element between constitutional governance and global justice in the modern legal order.

## II. LITERATURE REVIEW

United Nations (ed.), *Realizing the Right to Development* (2013). The revised book marks the 25th anniversary of the UN Declaration on the Right to Development. It contains extensive research on the normative foundation of the right and issues of implementation. It examines connections between development and poverty, governance and human rights needs, grounded in participation, equity, and international cooperation. The book reveals that, although widely supported, the process of translating the right into discursively binding rules of law is not straightforward, highlighting the lack of a correlation between the need for international norms and the enforceability of a national right.

Isabella D. Bunn (2012). The right to develop in international economic law and also in international environmental law. Bunn, in this monograph, places the right to development in the context of the law of world economies and opposes it, as law and morality. The author provides a critical review of the normative position of the right, arguing that it is broad in content and scope across the trade, investment, and state realms, thereby creating structural ambiguities that inhibit its application at home. Her input is essential to understanding why the right to development has not been cemented as an express constitutional commitment.

Karin Arts & Atabongawung Tamo, *The Right to Development in International Law: New Momentum Thirty Years Down the Line?* (2016). The paper reevaluates the history of the right to development in international law, arguing that, despite the revival of interest, the concept's legal influence remains subject to debate and remains unclear with respect to the mandate states should take and the cooperation between states. It is also associated with the authors' right to the Sustainable Development Goals, estimating global normative momentum as unable to be translated into enforceable standards.

Simeon A. Igbinedion, *Finding Value of the Right to Development in the International Law* (2019). Igbinedion thoughtfully examines the law's relative inability to enforce the right to development. He argues that although the right has been widely acknowledged over the years, its relevance to states' domestic practices has been little felt within international law due to its status as a 'paper tiger'. This paper serves as a brilliant critique of the lack of relation between international rhetoric and the implementation of the constitution, which supports the main gap in your study.

TP Van Reenen, *The right to develop in international and municipal law* (1995). The article by Van Reenen examines the normative position of the right to development within the global and national legal orders. The article notes that, although the right to development under international law is normative, it lacks traction when translated into municipal law at the judicial level due to theoretical ambiguities and a reluctance to treat development as a right to justice. The work is one of the essential sources for explaining why constitutional courts are reluctant to grant direct recognition.

Bonny Ibhawoh, *The Right to Development: the Politics and Polemics of Power and Resistance* (2011, *Human Rights Quarterly*). Ibhawoh makes a subtle discussion of the right to development as a disputable international human right. He brings to the fore the issue of political polarisation between the North and the South. He adds that, although this is formally done, the enforceability of the rights on the right has been impotent due to the absence of political will and explicit legal means. His reasoning that adapts the conceptual breadth of the right and its divisiveness in subsequent politics impedes its constitutionalisation, directing to the very issue on which you have investigated the fundamentals of tension.

The combination of these sources reflects a shared agreement and controversy in the discipline: on the one hand, the consistent support for the rights literature and scholarship on the normativeness of the right to develop; on the other hand, debate over the content and enforceability of this right. The books by the UN editors and Bunn provide strong conceptual backgrounds. Still, the articles by Arts and Tamo, Igbinedion, Van Reenen, and Ibhawoh display stable trends of normative support alongside the vagueness of the doctrines. This literature justifies the research's central thesis: the right to development has yet to be successfully translated into constitutional rights due to issues of content, justifiability, and political acceptance.

### III. RESEARCH METHODOLOGY

The proposed research adopts a doctrinal (library-based) approach to legal research, focusing on the normative content, legal status, and constitutional implications of the right to development as it is

implemented in both international and domestic legal frameworks. The adequacy of doctrinal studies is conditioned by the fact that the paper is devoted to issues such as the principles of law, judicial rationale, and interpretation of constitutional texts, as well as international legal tools, rather than to empirical or field research.

The research is critical and analytical. It not only summarizes the present legal stipulations but also discusses the crucial argument that, although long-term international acceptance of such a right to development existed, it has not actually been used as a means of constitutional safeguards. Another normative approach employed in the study suggests a principled structure for constitutional recognition of the right that would not affect democratic governance.

Comparative constitutional analysis focuses on the comparative treatment of claims based on development-related issues by different jurisdictions with reference to indirect constitutional claims to life, dignity, equality, and environmental protection. The judicial stream of reasoning is also examined to identify patterns of avoidance, limitations, and indirect recognition. A sense of interpretive justice in law is also used in the paper to establish how international law can serve as a guide in constitutional adjudication without affecting constitutional preeminence or democratic decision-making.

#### IV. UNITED NATIONS DECLARATION ON THE RIGHT TO DEVELOPMENT, 1986

The principal international legal instrument that defines development as a fundamental human right is the UN Declaration on the Right to Development (UNDRD), adopted by the General Assembly in 1986. Another major shift in the normative perspective was the redefinition of development as an intrinsic privilege for both individuals and communities, no longer focused solely on economic objectives or plans. [3] The right to development has attracted significant international attention but has not been incorporated sufficiently into local judicial systems or the constitutions of countries. The Declaration has allowed the development of a framework for understanding this phenomenon and its causes.

Article 1 of the Declaration maintains that development is essentially a process of buildup by which the human well-being of society, in all sectors (i.e., economics, culture, politics, and social welfare), may be the focus of developmental efforts. Another major break from past or present views that have continuously focused on the rights of individuals is the recognition of the right to development, both as a collective and a personal right. This is a two-sidedness of the question of constitutional enforcement. Although the constitution and the courts determine the rights of individuals, collective demands on national policy and distributive justice, as well as long-term planning, are outside their mandate. As a result, constitutional law has not addressed the collective right to development.

The Declaration also imposes specific obligations on countries. Articles 2 and 3 set out the basic obligations of states regarding development, including the responsibility to design effective national development plans and to deliver development benefits fairly. On the one hand, the Declaration reminds us of the importance of non-discrimination, equality, and participation; on the other hand. These provisions imply, in particular in the context of constitutional analysis, that the work of the state takes place within a complex of substantive and procedural requirements that put development as a concrete objective. Nonetheless, the Declaration is often seen as being somewhat aspirational and non-justiciable due to the absence of specific criteria and enforceable mechanisms.

Another key feature of the declaration is that it repudiated attempts to rank other rights in a hierarchy. Article 6, which acknowledges the indivisibility and interdependence of human rights, stipulates that all human rights, such as civil, political, economic, social, and cultural rights, influence development. One of the significant principles or goals of constitutional policymaking is that economic and social rights must enjoy precedence over civil and political rights. This is contrary to such an idea. Unfortunately, this has not consistently been recognized by domestic courts, and thus, they do not have the power to declare claims concerning development.

The notions of global justice, international cooperation, and development are, in some way, related in the Declaration. Articles 3 and 4 reflect the requirement for states to cooperate in creating a fairer and equal world order, as well as the idea that structural differences in the international economic system can be problematic for development. Even though the right to development is gaining greater moral and political

significance in an international context, it is not applied to new challenges, such as cases in which the court is inclined to address questions of global economic policy beyond its jurisdiction.

The UNDRD reflects the possibilities and restrictions of the global awareness of the research issue. Development must be enshrined in the constitution within the proper normative framework, as stipulated in the Declaration, and the major principles are participation, accountability, equality, and equitable distribution. At the same time, it has created vague definitions and left the state free to treat rights as a vision rather than an enforceable obligation.

To broaden this discussion, the present study investigates how the ideals presented in the Declaration can support democratic government, which can later be translated into the ideals presented in a constitution. Through the non-discrimination, rationality, and proportionality tests applied to development policies, it is possible to assess the standards for interpreting the UNDRD, and judges may consider it more a framework for using those interpretations than an undertaking requiring the law to be followed. As a result, the right to development can serve as a foundation for domestic legal systems, and the Declaration can be seen as a facilitator of the relationship between international goals and constitutional duties.

## V. THE SUSTAINABLE DEVELOPMENT GOALS OF THE UNITED NATIONS AND THE VIENNA DECLARATION

With the introduction of the United Nations Declaration on the Right to Development in 1986, two significant strides defined the right to development: the 1993 Vienna Declaration and Programme of Action and the Sustainable Development Goals, set out in 2015. In the international human rights context, the two documents reestablish the fundamental importance of development. Nonetheless, they also explain the facts that made the status of the right to development ambiguous in domestic law. Together, they show overall strength in international agreement on norms and comparatively weak constitutional checks.

The right to development is a principle of international human rights law, firmly enshrined in the Vienna Declaration. The right to development is an inalienable, basic, and universal right of humans; it has been acknowledged and confirmed without concession by the World Conference on Human Rights. [4] To be more precise, the Declaration rejected the idea that economic, social, and cultural rights are more paramount than civil and political rights, and instead underscores the equality, wholeness, and universality of all human rights. The direct constitutional challenge to the justiciability of socio-economic rights is presented by assertions in domestic legal systems that reject their justiciability or give precedence to civil and political rights over them.

However, the Vienna Declaration does not address the question of enforceability, despite its relatively robust wording. Like the 1986 Declaration, it relies mainly on state commitments and international collaboration, with no legal norms or institutional mechanisms identified to enforce them locally. Courts often refer to the Vienna Declaration as a statement of the wide meanings of the existing rights. Nevertheless, it is a rare ground on which the courts acknowledge the development right. As a result, its impact has largely been interpretive rather than transformative, which supports the indirect and partial approach of the judicial power of law identified in this study.

The Sustainable Development Goals bring together the normative acknowledgment of development as a matter of rights in a significantly different frame, although. [5] The SDGs are also not presented as legally binding, unlike the previous human rights instruments. They pursue a universal and comprehensive agenda that addresses poverty and inequality, health, education, gender justice, environmental protection, and institutional accountability. Many of these goals rest on constitutional values and fundamental rights, which support the notion that development cannot go hand in hand with human dignity and social justice.

Meanwhile, the SDGs can be seen as a vivid representation of the central tension in this research. The political legitimacy has been enhanced by the fact that they are goal-oriented, flexible, and non-binding structures at the expense of their legal-enforcing nature. [6] In the last four years, states have often used the SDGs in policy reports and judicial briefs, but courts have resisted using them to find a constitutional duty. The SDGs, therefore, buttress the view of development as a concern of governance and policy choice, rather than an enforceable right. However, it enriches the substantive content of what development is.

As far as the research problem is concerned, both the Vienna Declaration and the SDGs demonstrate that the non-recognition of the right to development was not based on a lack of international recognition but on a lack of a specific constitutional translation. They offer substantive normative advice, especially in the areas of participation, equality, sustainability, and accountability, but fail to deliver norms that the courts can administer. This has enabled domestic courts to recognize development rhetorically without engaging in any constitutional encounters.

Individually, the insistence on indivisibility, as expressed in the Vienna Declaration, and the emphasis on inclusive and sustainable development, as presented in the SDGs, provide practical guidelines for interpreting constitutional inquiries. When these principles are applied to other principles, such as non-discrimination, reasonableness, and proportionality, the courts can do so by examining the development policies rather than issuing orders and becoming involved in democratic decision-making. Through this, the Vienna Declaration and the SDGs can play a vital role as critical missing links between international ambition and constitutional duty, [7] supplementing the significance of the right to development in national law.

## VI. STRUCTURAL BARRIERS TO CONSTITUTIONAL RECOGNITION

The ongoing unawareness of the right to development in constitutional law is not an occasional phenomenon. It is the result of structural suppositions concerning the nature of rights, judicial role, and the boundary of judicial power. All three of these rationales have deeper constitutional concerns underlying them, which remain evident in judicial responses to development-related arguments.

The first and most basic impediment is the view that the right to development lacks a clear and precise legal content. Courts are educated to decide by evaluating certain facts in accordance with specific, legally established laws. The traditional rights apply to this model as they provide a well-defined responsibility of a person, a definite breach, and a definite solution. The right to development, on the contrary, is structured at the level of development. It concerns decision-making processes, distribution patterns, and long-term consequences, but not independent instances of state interference.

This narrative fact makes the nature of development indeterminate to the courts. Growth, redistribution, sustainability, participation, or social inclusion can be central to development, and sometimes all may be combined. In the absence of clear benchmarks, the judges are afraid that, to identify the correct right, they have to substantively define what development is, which they see as a political, not a legal, task. Thereby, development is pushed by courts as a policy problem rather than a right. Courts in nations where socio-economic rights are recognized tend to be more conservative, advancing minimal demands and not discussing broader structural steps. It is interesting to note that this opposite persists even when international law appears to deny any sense of superiority in others' rights. Though the enforcement of the constitution is commonly grounded in the concept of indivisibility, the courts still employ a tiered approach to enforcement, thereby watering down the constitutional idea of development.

The third and most subtle reason for marginalization is the legal fear of democracy's legitimacy. Development claims typically require the court to scrutinize government priorities, budget decisions, and policy trade-offs. With such questioning, judges fear it would result in elected officials being replaced by judges. In an emerging democracy, such fear is even more pronounced because the judiciary's supreme consideration is not to be perceived as driving economic or governmental policy.

The fear is not absolutely ungrounded. The policies regarding development are complex and take into account conflicting interests. Nevertheless, the courts respond by acting in an excessively deferential manner when they deem development non-justiciable *per se*, rather than engaging in a sensible inquiry into whether state action has complied with minimal constitutional criteria. By so doing, they confuse review and control. Judicial review should not predetermine policy outcomes; it should simply assess whether decision-making processes are inclusive, rational, free of discrimination, and accountable.

Courts are doing so by simply not considering development claims at all. The executive's discretion is increased at the expense of accountability, leaving those affected by the development policies without a solution. It is this unwillingness to review development that weakens, rather than safeguards, democratic rule.

Combined, these three reasons justify why the right to development remains constitutionally underdeveloped despite the extent of international support. It is, however, not necessary to establish new rights, but to rethink the concept of development in constitutional terms as the coordinate for measuring state action, not as the requirement of particular results. Courts can respond to the injustices of development without abusing their institutional role by striving to be fair through procedural means that are justifiable, reasonable, and proportionate. By so doing, the right to development can no longer be relegated to the periphery of constitutional argument in the constitution.

## VII. THE INDIAN EXPERIENCE

The constitutional jurisprudence in India offers a fertile, but ironic, example of how the courts have been deeply involved in development issues, yet have fallen short of treating the right to development as a separate constitutional right. Similar to most of the developing democracies, India has had a long history of poverty, inequality, displacement, and environmental degradation. [8] These facts have necessitated the Supreme Court of India to reflect on development in constitutional adjudication, yet primarily through oblique and piecemeal paths in the doctrines.

The constitutional level does not explicitly identify the right to development as an essential right. Instead, the developmental goals are found more in the Directive Principles of State Policy (Part IV), namely Articles 38, 39, and 41, which emphasize social justice, the fair distribution of resources, and well-being. Although these provisions are clearly non-justiciable, the Court has repeatedly stated that they are central to governance—the Court in the *State of Kerala v. N.M. Thomas* held that Fundamental Rights and Directive Principles are the conscience of the Constitution. Although the practice of integrating rhetoric has brought about this development, it has not yet become an enforceable right.

They have, instead, considered harms related to development by expanding the scope of Article 21 (Right to Life). Starting with *Maneka Gandhi v. Union of India*, Article 21 has been construed to embrace dignity, fairness, and substantive due process. This broad interpretation allowed the courts to address problems such as livelihood. As much as these decisions directly relate to the effects of development policies, these concepts entail incorporating development issues into prevailing rights, without appreciating development as a separate constitutional right.

The other way environmental jurisprudence explains this is indirectly. In *Subhash Kumar v.*, the Court established that the right to life incorporates the right to a healthy environment in the case of *State of Bihar*; subsequently, in *Vellore Citizens Welfare Forum v. Narmada Bachao Andolan v. Union of India*. Interestingly, in *Narmada Bachao Andolan*, the Court recognised the relevance of sustainable development, although it denied a larger right to development even in relation to displacement and rehabilitation. Instead, it left much more to the executive discretion, in that the courts were not supposed to intervene in large-scale development schemes.

Article 14 equality jurisprudence has also been applied to the distributive aspects of development. In *E.P. Royappa v. State of Tamil Nadu*, arbitrariness was associated with equality, enabling courts to consider state action in relation to access to opportunities and benefits. Nevertheless, the Court in this case has not situated development itself as a constitutional right; it has instead examined issues on a case-by-case basis rather than applying a structural check to development policies.

This trend reflects the constitutional practice in other less developed democracies, [9] in which judicial bodies do not treat development as a right but instead resort to imaginative interpretations of existing rights. The Indian strategy has undoubtedly enhanced the protection of rights; however, the outcomes have been negligible. Necessary relief is a factor of the extent to which a harm associated with development can be put in the form of a violation of life, dignity, or environment, as opposed to a consistent doctrine of development. This raises the possibility of varying degrees of protection for similarly situated people, as well as the fact that long-term developmental injustices are often unchallenged by the Constitution. [10]

The Indian experience of wider constitutional reticence is contrasted with that of other countries; Indian courts are willing to allow development to be central but are not at ease with directly constitutionalising development. This indirect determination does not entail recrimination of judicial usurpation, but it restrains responsibility, as well as dogmatic apprehension. [11] This study claims that judicial intervention will be

patchy and inconsistent without a sound constitutional foundation for the right to development. The awareness of development as a constitutional prism, guided by reasonableness, participation, and non-discrimination, is key for Indian courts to make development policies more consistent and avoid neglecting democratic government.

### VIII. THE BRITISH EXPERIENCE

The constitution of the United Kingdom provides an extraordinary constitutional background in which to examine the judicial process concerning claims against development. The UK does not have a codified constitution and operates under a parliamentary form of sovereignty, unlike most developing democracies, which use written constitutions. In the given system, the existence of courts has long been reserved for the acknowledgement of socio-economic demands as rights, of which the development-related one is no exception. As a result, although at times British courts consider development-related issues, especially human rights, equality, and administrative law, they never acknowledge development as part of legal rights.

The Human Rights Act of 1998 incorporated the European Convention on Human Rights (ECHR), which has served as the main channel for resolving development-related issues. Instead of viewing development as a right under the constitution, the UK courts have evaluated the effects of development in terms of conventional Republic rights, particularly the right to life, the right to family and private life, and the right against discrimination. This reflects the indirect mode of development in developing democracies, but in a different institutional context.

One such prime example is *R (Countryside Alliance) v Attorney General* [2007] UKHL 52. In this instance, the House of Lords considered the legality of laws prohibiting hunting with dogs, and this had a significant economic impact on rural areas. Whereas the claimants presented the matter in terms of livelihood and rural development, the Court rejected the notion that economic impact was an issue in itself. Instead, it reviewed the law in the context of proportionality under the ECHR, which gives Parliament a broad margin of discretion in social and economic policy. According to the decision, the judicial system reluctantly concurs that development-related entitlements are valid. [12]

It is seen that a further involvement with development concerns is present in *R (ClientEarth) v Secretary of State for the Environment, Food and Rural Affairs* [2015] UKSC 28. The case concerned the government's failure to meet EU air quality requirements, which posed serious health and environmental issues for the public. Although the Supreme Court did not ignore the negative impacts of pollution on life and health, its intervention was based on statutory and EU law requirements, not on a finding of a right to development or environmental health. The Court also issued a mandatory order imposing a duty to act, yet carefully considered not to make the matter sound like a constitutional right, to maintain the right balance between the elements of the law and the policy of discretion.

These instances indicate that British courts, like those of developing democracies, are indirectly subject to development-related harms. Safety is provided by a well-developed legal framework, such as human rights, equality, and administrative law, rather than treating development as a hereditary right. The outcomes of this approach are fragmented and case-specific, with the interpretation of laws or Convention rights involved rather than a unified constitutional doctrine.

Compared with the case of Britain, the case of Britain strengthens the core theme of this study, namely that the lack of development rights is not a sole issue of developing countries. Nonetheless, it expresses a general judicial unease with the idea of the right to development being recognised as a justiciable right. Although judicial restraint preserves the supremacy of parliament, it also undermines the courts' ability to address structural developmental injustice. This lack of a principled constitutional framework for development therefore creates a mismatched and partial protection, and there is a need to reconceptualise development as a constitutional prism rather than a policy imperative.

### IX. CONSTITUTIONAL FRAMEWORK

It must provide an adaptive balance between judicial enforceability and respect for democratic governance, based on a sound recognition of the right to development in the Constitution of the law. Instead of viewing development as an ambiguous or absolute right, it needs to be recognized as a constitutional

guiding policy framework for how development is decided and evaluated. In this way, judicial activism is avoided, and the Constitution is subject to significant judicial scrutiny.

To begin with, the right to development is to be taken as procedural. In essence, development should be participatory. In recognition of the constitution, states should be compelled to involve the population in development planning, particularly those communities most impacted by large-scale projects. Open decision-making, information accessibility, and meaningful consultation can shift the development of a top-down policy choice toward democratic accountability. These guarantees ensure that procedural safeguards are respected and that courts are in a position to review, rather than replace, the preferences of elected bodies with their own policy preferences.

Second, the right must be outcome-oriented; however, only partly and on a limited, principled basis. The courts will not have to determine how to allocate resources; they will be able to evaluate whether the advantages and the harms of development are equitable. The question of judicial review is whether the state's action creates a manifest inequality, exclusion, or structural disadvantage. This guarantees that development promotes constitutional values such as dignity, equality, and social justice. [13]

Third, enforcement ought to be based on properly developed judicial criteria: non-discrimination, reasonableness, and proportionality. These principles enable the court to investigate the legality of the objectives of development policies, the rationality of the means, and whether the harm to vulnerable groups that the development policies seek to accomplish is disproportionate. Such a review does not encroach on an institutional competence, and does not preclude arbitrary or exclusionary government. [14]

Lastly, international law, such as the UN Declaration on the Right to Development, can be interpreted as a guide rather than a binding directive. It will aid adherence to the principles of global justice by constitutional systems, without any reduction in sovereignty or in the choice for democracy. [15]

According to this understanding of the right to development, no particular consequences are mentioned, but it creates a constitutional-looking glass through which state action may be judged. It is therefore critical in the bridging of constitutional governance with international justice in the prevailing order of law [16] [17].

## X. CONCLUSION

Such failure to appreciate the right to development (the refusal to address structural inequality and long-term justice at a fundamental constitutional level) is evident. When development is considered an end in itself, as in a policy objective, constitutions escape the question of how power, money, and opportunities are distributed and shared in society. Such an approach disempowers constitutional law's capacity to transform and limits the chance to repair collective and intergenerational harm. A constitutional order that claims much justice may turn out to be ignorant of the conditions within which human flourishing is achieved.

Realizing the right to development is not equivalent to having the courts impose an economic policy or to disregarding democratic choices. Instead, it involves the government, according to the constitution, being founded on justice, democracy, and responsibility. When considering state action affecting developmental outcomes, constitutional scrutiny requires that the action not discriminate against anyone, be carried out openly, and be accountable to the affected majority. Such a review is democratic in nature because it improves decision quality rather than distorting it.

The right to development provides consistency to the disjointed rights-based adjudication by serving as a constitutional framework rather than an entitlement. It interrelates civil, political, socio-economic, and environmental issues within a single evaluative framework. This way, it will constitute a step towards connecting domestic constitutionalism with international obligations to justice and sustainability. The right to development can therefore be seen to promise redressing the constitutional law in an inclusive developmental direction, such that development does not just take place but is rather constitutionally justified.

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