Araştırma Makale | Research Article

KHM, Cilt:6 Sayı:2, 2026, s. 419-436.
Geliş Tarihi | Received: 16.05.2025
Kabul Tarihi | Accepted: 06.05.2026
Yayın Tarihi | Published: 30.10.2026
doi: 10.59909/khm.06.02.001

İntihal | Plagiarism: Bu makale, en az iki hakem tarafından incelendi ve intihal içermediği teyit edildi.
| This article has been reviewed by at least two referees and scanned via a plagiarism software.

A COMPARATIVE ANALYSIS OF THE RIGHT TO DEVELOPMENT: THE CASES OF COSTA RICA AND NIGERIA IN LIGHT OF AMARTYA SEN'S CAPABILITY APPROACH

Kalkınma Hakkına İlişkin Karşılaştırmalı Bir İnceleme: Amartya Sen'in Kapasite Yaklaşımı Çerçevesinde Kosta Rika ve Nijerya Örneği

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Öz

Bu makale, Kalkınma Hakkı'nın (resmî olarak 1986 Birleşmiş Milletler Kalkınma Hakkı Bildirgesi ile temel bir insan hakkı olarak tanınmasından bu yana) devletler bünyesinde fiilen nasıl işlediğini incelemekte ve Kosta Rika ile Nijerya örnekleri üzerinden karşılaştırmalı bir analiz sunmaktadır. Çalışma, Kalkınma Hakkı'nın uygulamadaki anlam ve kapsamını ortaya koymayı amaçlamakta olup, bu doğrultuda Amartya Sen tarafından geliştirilen Kapasite Yaklaşımı kuramsal çerçeve olarak benimsenmiştir. İnceleme kapsamında, anılan ülkelerin yönetsel yapıları, politika tercihleri ve İnsani Gelişme Endeksi verileri değerlendirilmiştir. Bulgular, Kosta Rika'nın sosyal politikalar yoluyla bireylerin refahını öncelemesi, çevresel yükümlülüklerini ciddiyetle yerine getirmesi ve görece istikrarlı bir siyasal yapıya sahip olması nedeniyle Kalkınma Hakkı'nı hayata geçirme bakımından daha başarılı olduğunu göstermektedir. Buna karşılık Nijerya'da, zayıf yönetişim yapıları, yolsuzluk ve bireyler arasında mevcut olan ciddi eşitsizlikler, söz konusu hakkın etkin biçimde gerçekleştirilmesini sınırlandırmaktadır. Çalışma esasen üç temel sonuca ulaşmaktadır: İlk olarak, yalnızca gelir düzeyine dayalı ölçütler, bir devletin Kalkınma Hakkı'na ne ölçüde riayet ettiğini ortaya koymak bakımından yetersizdir. İkinci olarak, devletin kurumsal örgütlenme biçimi ile uluslararası hukuk kapsamında üstlendiği yükümlülükler belirleyici bir rol oynamaktadır. Üçüncü olarak ise uluslararası düzeyde, devletlerin bu hakkı fiilen yerine getirip getirmediklerinin izlenmesine yönelik daha etkili denetim ve ölçüm mekanizmalarına ihtiyaç bulunmaktadır. Sonuç itibarıyla makale, Kalkınma Hakkı'nın daha etkin bir şekilde uygulanabilmesi için kamusal kapasitenin güçlendirilmesi ve yönetişim süreçlerinin iyileştirilmesi gerekliliğini vurgulamaktadır.

Anahtar Kelimeler: Kalkınma Hakkı, Kapasite Yaklaşımı, İnsan Hakları Hukuku, Çevre Adaleti, Kosta Rika, Nijerya.

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ABSTRACT

This article looks at how the Right to Development (officially a fundamental human right since the macroscopic 1986 UN Declaration on the Right to Development) actually works within countries, comparing Costa Rica and Nigeria. It's trying to understand what the Right to Development means in the real world, and for that it uses Amartya Sen's 'Capability Approach' as a way of thinking about things. Costa Rica and Nigeria have been chosen as examples, and the research looks at their government structures, what they prefer to do as policy, and figures from the Human Development Index. Costa Rica is doing much better at living up to the Right to Development, because it prioritizes looking after people through social programs, takes its responsibilities to the environment seriously, and is relatively stable politically. Nigeria, however, finds its ability to make this right a reality hampered by weak government structures, corruption, and big differences in how people are treated. The study essentially makes three key points: simply looking at how much money people have doesn't tell you anything about how well a country is respecting the Right to Development; the way a country is organised and what it promises to do under international law do seem to be important; and internationally, we clearly need better ways of keeping track of whether countries are actually upholding this Right to Development. Ultimately, the article emphasizes the need to build stronger governmental abilities and improve how things are run to make the Right to Development a more effective concept.

Keywords: Right to Development, Capability Approach, International Human Rights Law, Costa Rica, Nigeria.

INTRODUCTION

The Right to Development (RTD) occupies a somewhat uncertain yet important place within international human rights law. Although it was articulated as an inalienable human right in the 1986 United Nations Declaration, which recognises that individuals and peoples are entitled to participate in, contribute to, and benefit from development, it has yet to attain fully settled legal status. Despite the passage of several decades, the norm continues to function primarily as a guiding principle rather than a comprehensively codified legal right, and its practical implementation remains uneven, particularly across countries of the Global South.

Its intellectual roots lie in the political and economic changes after colonialism. From the arguments about global inequality and how the world economy was changing in the 1960s and 70s, the idea of the RTD first appeared in legal terms thanks to Keba M'baye, who surprisingly suggested that development could be understood as a right belonging to both people as individuals and to groups. This concept gained official acknowledgement in the 1981 African Charter on Human and Peoples' Rights, being the first legally binding acknowledgement of development as something people are entitled to. The 1986 UN Declaration then took this idea worldwide, incorporating it into discussions of international collaboration and collective responsibility. Later international instruments have repeatedly reaffirmed the significance of the Right to Development, particularly by integrating it into broader human rights and development agendas that emphasise universality, human-centred progress, and sustainable development. However, despite this continued normative consolidation, these frameworks have not resolved the enduring disagreements concerning its precise legal status, the scope of its substantive content, or the mechanisms through which it may be effectively enforced.[1]

At a more philosophical level, the RTD has caused a lot of discussion, and sometimes division. Some see it as a framework for connecting the traditional 'civil and political' rights with 'economic, social and cultural' rights that have so often been kept separate. Others worry that because it's so broad and a mixture of things, it's not very clear what it means and won't work in practice as a legal principle. It's not obvious whether a right like this can be properly enforced within the current system of international law, or whether it will simply dilute the clear-cut nature of individual rights. These aren't purely academic worries; they reflect the ongoing power struggles between nations. Wealthier countries have generally been unwilling to agree to legally binding rules, often citing sovereignty and how resources are distributed, while developing nations have presented the right as a way of tackling the inherent injustices in the world economy.[2]

Against this backdrop of conceptual and normative contestation, this article adopts Amartya Sen's Capability Approach as its primary analytical framework, applying it to a comparative examination of two markedly different cases: Costa Rica and Nigeria. Sen's work can be understood as a critique of evaluative approaches that reduce development to economic

[1] Piron, The Right to Development, p. 10; Salomon, "The Right to Development in International Law," p. 301–303.

[2] Piron, The Right to Development, p. 9–10; Alston and Goodman, International Human Rights, p. 1527–1530.

growth indicators or aggregate measures of general welfare. Instead, he conceptualises development as the expansion of individuals' substantive freedoms, understood as the real opportunities people have to lead lives they have reason to value. This fundamentally changes the focus from what is produced to what people are able to do, and from what they're officially allowed, to what their lives are actually like.[3]

When you're looking at this from a legal angle, the Capability Approach is hugely helpful. It makes you think about the practical and moral background to rights – how they actually happen, or don't happen. It doesn't just ask if rights are on paper, but to what degree the way things are run and the laws in place genuinely allow people to be in control of their own lives. And Amartya Sen's focus on all the freedoms that work together (political freedom, ways to make money, chances in society, being able to find out what's going on, and being safe) neatly echoes the many different goals within the RTD.

This article is structured into five sections. First, it places the RTD within the larger story of international human rights law, and importantly, how much disagreement there is about what it means in law. Secondly, it explains why Costa Rica and Nigeria were chosen for comparison, and looks at where they stand using the Human Development Index to give us some real-world context. The third section will describe what the Capability Approach is all about. Then, sections four and five will look at each country individually, judging whether their laws and institutions are doing what the RTD says they should…or falling short. The conclusion brings all of that together, and considers what it all means for academics and those making policy who are trying to make the RTD work in practice.

Comparing Costa Rica and Nigeria in this way will show us what each country is concentrating on and what they've managed to do with their development. It will also show us how useful Sen's ideas are and how his people-focused way of understanding development fits.

I. THE RTD IN THE CONTEXT OF INTERNATIONAL HUMAN RIGHTS LAW AND ITS EVOLUTION

The concept of the RTD was first articulated in 1972 by the Senegalese jurist Keba M'baye. Its formal legal recognition was subsequently established with the adoption of the 1981 African Charter on Human and Peoples' Rights. At the global level, the incorporation of this right into the framework of international human rights law materialized with the adoption of the 1986 United Nations General Assembly Declaration on the RTD.[4]

Keba M'baye, a legal scholar from Senegal, first began to discuss the idea of a RTD in 1972. And then in 1981, the African Charter on Human and Peoples' Rights officially put this right into law. On a world scale, the UN General Assembly's Declaration on the RTD in 1986 is where it became part of the entire system of international human rights.[5]

[3] Sen, Development as Freedom, p. 3–11, 36–40; Sengupta, "On the Theory and Practice of the Right to Development," p. 841–845.

[4] Laure-Hélène Piron, The Right to Development: A Review of the Current State of the Debate for the Department for International Development (April 2002), p. 10.

[5] Piron, The Right to Development, p.9.

To find some common ground on the RTD, the United Nations Commission on Human Rights created a few different approaches. An Open-Ended Working Group was asked to see how things were going, and an Independent Expert was charged with looking at how the right was being used in reality. Yet, people continue to disagree about what the RTD even is, what it should look like as a legal concept, and what power it actually has. And a lot of this argument is still very political, echoing that old divide between the richer, more developed 'North', and the poorer, developing 'South'.[6]

Karel Vašák is the person most often connected with defining what are called 'third-generation' rights. As most of us know, 'first generation' rights are about our freedoms, our ability to participate in politics and be treated fairly by the law and are, at their core, about what governments shouldn't do to us. The main agreements about both the first and second generations of rights were signed in tthe year and are generally known as the ICCPR and ICESCR. But when you look at what each of these requires of countries who have signed them, the difference between the two is quite stark. The ICCPR (Article 2) very specifically says that governments must respect and make sure people have the rights in it. However, the ICESCR's Article 2 only says governments should make definite moves to achieve the rights in that agreement.[7]

Vašák's 'third generation' of human rights are also called 'solidarity rights'. Getting these to happen needs a lot of people working together – individuals, countries, and other political groups.[8]

Some legal experts believe that these third-generation rights, which really became a thing after 1960, are fundamentally different from other human rights. They suggest these aren't used by people as individuals, but by groups of people, and so governments aren't required to make sure everyone has them.[9]

Looking at how International Human Rights Law has developed from the past to now, it's clear that governments have been both the biggest cause of human rights being broken and the main body with the duty to say what they are and safeguard them for each of us. Human rights are things governments can be accused of trampling on, and which we can, in turn, claim against them.[10] In this respect, the extent to which the State apparatus, if not considered legally bound to ensure third-generation rights for individuals, would adequately take into account the rights and interests of individuals remains a highly contested issue.

[6] Piron, The Right to Development, p.9-10.

[7] Spasimir Domaradzki, Margaryta Khvostova, and David Pupovac, "Karel Vasak's Generations of Rights and the Contemporary Human Rights Discourse," Human Rights Review 20, no. 4 (2019): p. 424-425.

[8] Karel Vasak, "Human Rights: A Thirty-Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Rights," UNESCO Courier 30, no. 11 (1977): p. 29.

[9] Yunus Emre Berber, "İnsan Haklarında Hümanizmin ve Liberalizmin İzleri," Yıldırım Beyazıt Hukuk Dergisi, no. 2 (2022): 315–358, p. 320; Domaradzki, Khvostova, and Pupovac, "Karel Vasak's Generations of Rights," 4 p. 25.

[10] Berber, "İnsan Haklarında Hümanizmin ve Liberalizmin İzleri," p. 323; Danwood Mzikenge Chirwa, "The Doctrine of State Responsibility as a Potential Means of Holding Private Actors Accountable for Human Rights," Melbourne Journal of International Law 5 (2004): 1–36, p. 3.

While the RTD was formally recognized by the UN Declaration in 1986, it has yet to attain the status of a legally binding instrument.

II. JUSTIFICATION FOR THE SELECTION OF COSTA RICA AND NIGERIA AS REPRESENTATIVE CASE STUDIES

You might be wondering why we've looked at Costa Rica and Nigeria for this article. We picked them because of some important ideas about how everyone should have the right to improve their lives, how governments choose to spend money, and what each country does about the environment.

First and most importantly, Costa Rica being in Central America and Nigeria in West Africa gives us a good way to test if the "RTD" is really for everyone in the world.

Costa Rica is pretty unique in Central America for all sorts of social and political reasons. Most famously, they got rid of their army in 1948 and show how when you don't spend money on being defended, you can get much better results for your people, economically and in terms of their wellbeing. Costa Rica has consistently been able to put government funds into things like education, healthcare and other services for the public, which is more than many other countries in the area have done.[11]

What really sets this nation apart is how much it depends on power from sources that naturally replenish and a really old, firm dedication to protecting its forests. You can tell from these choices that the way they're building things is thoughtfully including the environment, and fitting environmental worries right into what's important for people and the economy as a whole. Costa Rica, as a result, is a fairly unified illustration of putting the environmental part of everyone's right to improve their lives into action, with all this being backed up by government plans that prioritize helping people and keeping things fairly equal.[12] In contrast, Nigeria presents a case where the tension between development and environmental protection is manifest, particularly due to the ecological degradation caused by petroleum extraction.

Mahbub ul Haq, an economist from Pakistan, created the Human Development Index (HDI) while working with the United Nations Development Programme. He believed that the main point of progress isn't just to become wealthier, but to give people more options in their lives. And truthfully, the possibilities for what people can do are endless and change all the time. When you think about what's important to each person, a lot of things are far more valuable than a country's total income or how fast it's growing - better access to learning, being properly fed and looked after medically, jobs that feel safe, safety from being harmed or finding yourself on the wrong side of the law, time to relax and enjoy yourself, freedom to speak and live as you choose, and the feeling of being a part of what's going on in your town or city. Haq used these as examples.[13] In our view, these attainments, which are of central importance to

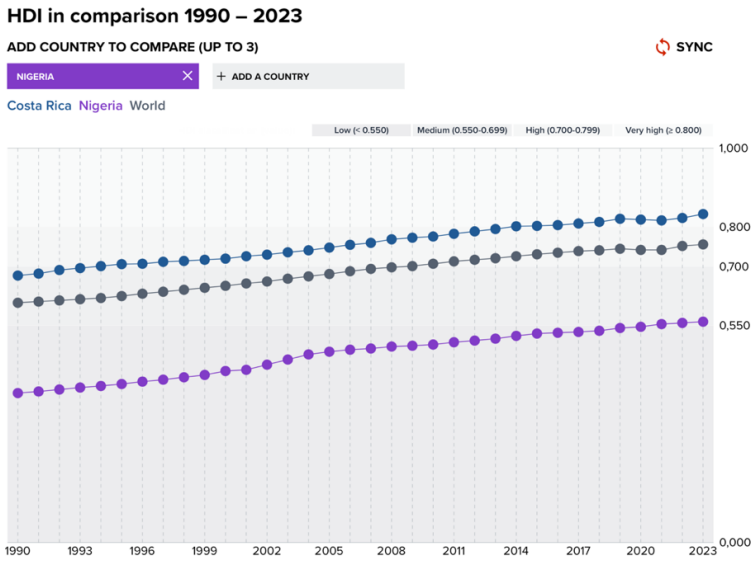
[11] Geoff Harris, "Improving Military Expenditure Decisionmaking in Sub-Saharan Africa," The Economics of Peace and Security Journal 5, no. 2 (2010): p. 41.
[12] Jean-Pierre Unger et al., "Costa Rica: Achievements of a Heterodox Health Policy," American Journal of Public Health 98, no. 4 (2008): p. 636–638.
[13] Mahbub ul Haq, Reflections on Human Development (New York: Oxford University Press, 1995), p. 14.

individuals, also possess the potential to contribute to the realization of the ideal of a "happy individual, happy society."

How well a country is doing with development, and whether people are getting their fair share of it, is often shown by the HDI. The United Nations Human Development Reports explain the HDI is a single score that looks at how a country is doing in three important ways: people being able to live long and healthily, being able to get an education, and having a good level of comfort in their lives.[14] In this context, the human development data of 2 countries are as follows:

If we look at 2023, Costa Rica and Nigeria have taken very different routes over the last thirty years. Costa Rica is now in the 'Very High' group for human development, being 62nd out of all the countries in the world and having a HDI of 0.833. Since 1990, the country's HDI has gone up by 23% as it's done a lot better socially and economically: people now have 96% more GNI per capita, live nearly five years longer, and get about six and a half years more expected schooling and two years more actual schooling. [15]

Nigeria, however, is 164th of 193, with a HDI of 0.560 which means it's in the 'Medium' development bracket. What is interesting is that Nigeria's HDI has gone up by a much larger proportion - 47.8% - between 1990 and 2023. This shows that people's lives have improved in important ways, with an increase of eight and a half years in life expectancy and around five more years of education, although the economy hasn't grown as much as that, with GNI per capita going up by 53.8%.[16]



(Source: https://hdr.undp.org/data-center/specific-country-data#/countries/CRI)

14 United Nations Human Development Reports, Access Date 10.07.2025, https://hdr.undp.org/data-center.
15 United Nations Human Development Reports, Access Date 10.07.2025, https://hdr.undp.org/data-center/specific-country-data#/countries/CRI.
16 United Nations Human Development Reports, Access Date 10.07.2025, https://hdr.undp.org/data-center/specific-country-data#/countries/NGA.

Costa Rica is always doing very well in terms of human development, being in the "very high" group and doing better than the world in general for the whole time we've been looking at this. That good record is likely because of how the government has pretty consistently made decisions about things like schooling, medical care, and looking after the environment. The fact that things are steadily getting better isn't just about a fairly stable economy, but also shows that for a long time they've been putting money into improving people's lives - and this really gets at what the point of development is.

Nigeria's Human Development Index (HDI) is at the 'low' or 'medium' level and sadly keeps being lower than the world average. You can see that it's slowly getting a bit better, but improvements happen in fits and starts. A lot of difficult issues are still around: a big difference between how much money people have, not enough money being spent on hospitals and schools, and the environment being damaged, particularly in areas where a lot of valuable resources are found. All these things are still affecting how well the country does. And the difference between Nigeria, Costa Rica and the average for the world shows how well (or not!) a country's growth in wealth actually improves life for everyone, and how much the way a country is run can either help or block that from happening.

At the global level, the HDI has generally followed an upward trajectory, suggesting an overall improvement in human development conditions.[17] et the divergence between countries such as Costa Rica and Nigeria underscores the extent to which these gains remain unevenly distributed. This, in turn, raises broader questions about how far the RTD can be realized in a consistent and equitable manner across different contexts.

Against this background, the present study draws on Amartya Sen's Capability Approach to compare the two cases. Costa Rica is treated as an example of relatively successful implementation, whereas Nigeria illustrates the continuing difficulties associated with translating development into substantive freedoms, while still pointing to areas where progress remains possible.

III. AMARTYA SEN'S CAPACITY APPROACH: BASIC CONCEPTS AND CENTRALITY OF THE APPROACH

Amartya Sen's Capability Approach draws attention to the limitations of classical welfarist frameworks in evaluating social alternatives. Rather than focusing solely on utility or income, the approach defines a person's "capabilities" as the range of functionings they are effectively able to achieve.[18] In this sense, development is understood as the expansion of the

[17] The absence of an automatic causal nexus between income growth and human development. Structural inequalities in income distribution, suboptimal public policy choices, and authoritarian political frameworks often act as impediments, preventing economic gains from translating into improved quality of life. Consequently, the quality and distribution of growth are the decisive factors. Haq does not repudiate economic growth; instead, he argues that while growth is a necessary prerequisite particularly for impoverished nations it is insufficient on its own and requires deliberate state intervention to align economic output with human welfare, see. Haq, Reflections on Human Development, p. 14.

[18] Şeker, "Amartya Sen'in Kapasite Yaklaşımı,", p. 259.

real freedoms individuals have to lead lives they value.[19] Within this framework, Sen emphasizes the "constitutive role" of freedom, arguing that substantive freedoms are not merely instrumental to development but are themselves central to human flourishing. This perspective shifts the focus from formal rights to the actual ability to exercise them. As Sen illustrates, freedoms such as uncensored speech are meaningful only insofar as individuals genuinely possess the capability to use them—a point that continues to generate debate within legal scholarship.[20]

Sen's idea of "capability" is a really strong challenge to the usual way we think about welfare. He takes on the really basic ideas of standard economics, things like 'utilitarianism' and the concept of "economic man", as the heart of what he's arguing against. The old ways of looking at things, Sen says, judge how well people are doing and how well a society is functioning solely by how much money and possessions they have or how much satisfaction they get from things. He's got some very important problems with those overly simple boundaries. Sen points out that people are different when it comes to health, how long they live, what the weather is like where they are, where they live, and lots of other things. Even if they have the same amount of stuff, their chance for a good life will be different. Because of this, just having more money to spend doesn't say anything about someone's suffering, and that's because what people want and value goes so much further than simply having a lot of income.[21]

For Amartya Sen, 'capacity' is basically how much something is worth to a person. And what really builds this capacity, giving us more ability to do what we want and achieve our goals, are things like the chance to earn a living, being able to participate in politics, good public services, knowing what's going on in the world (and trusting the information), and having actual safety. More freedom makes us more capable and being more capable actually gives us more freedom – they build on each other. How much good things or what we have actually do for us depends on our capability; you can have a bicycle, but if you can't ride it, it's not going to be useful. Because of this, Sen is very sure that we should be concentrating on how people get things (like income and resources) rather than simply what they achieve (such as living a long and healthy life, or having a comfortable existence). Development is, at its heart, a huge opening up of the range of freedoms available to us, and the essential aim should be to set people free, in every way imaginable.[22]

What developing nations consider most important often isn't the same as what richer countries focus on. A lot of them are battling abuses of human rights, and difficulties of a similar sort. As Karen Bunn points out, aid is often given for political reasons, meaning countries giving the help expect something in return, like the receiving country improving its human

[19] Mehmet Kaçanoğlu, "Amartya Sen'in Kalkınma Anlayışına Yöneltilen Eleştiriler Üzerine Bir Değerlendirme," Ekonomik Yaklaşım 31, 116 (2020), p. 483.
[20] Amartya Sen, Development as Freedom, New York: Alfred A. Knopf, 1999, p. 36.
[21] Uğur, "Amartya Sen'in Kapasite Yaklaşımı ve İnsan Merkezli Bir Kalkınma Anlayışı,", p.91, 103, 104.
[22] Kaçanoğlu, "Amartya Sen'in Kalkınma Anlayışına Yöneltilen Eleştiriler Üzerine Bir Değerlendirme," p. 491.

rights record, or stopping the building of nuclear weapons.[23] Because of this, some of the reasons we think a country should develop in a certain way just might not be what's driving them.

This way of thinking about development shows us that looking only at a country's financial growth won't give a complete picture. Instead, we should be most interested in how much people are able to do and how truly free they are. And the fundamental moral principles of the Capability Approach aren't just for wealthy nations; they are equally important for developing ones, especially for those that want their plans for becoming better to fit with their duties to uphold human rights. Indeed, a number of places lately have begun to move away from only trying to increase how much money is made, and instead are focusing on ways of development that are about people, and that mean everyone has a fair chance to get what they need, have a voice in how things are run, and receive essential things like healthcare.[24]

Costa Rica is a particularly good example of this. Their ideas about progress really reflect the main points in Amartya Sen's system, particularly in how they try to include social and environmental concerns in how they create laws and plans. The next part of this will look at how Costa Rica actually makes this work in reality, through its laws, organizations, and policies, and how it is working toward development that is inclusive of all and will last for the future.[25]

A. The RTD in Costa Rica: An Attitude Compatible with the Capacity Approach

Costa Rica presents a case in which the RTD can be understood as broadly consistent with Sen's Capability Approach. Rather than privileging economic growth alone, the country has pursued a development strategy that incorporates social equity and environmental sustainability alongside economic considerations.

1. Transparency Guarantees and Environmental Rights

When we have ways of keeping tabs on things and making sure they're done (monitoring and enforcement), it really helps to spell out what governments are supposed to do and what we as citizens are responsible for when it comes to improving life for everyone…development. These systems let people see how far things have come, where they're falling down, and check whether countries are doing what they've promised in international and two-country deals that are meant to help development. And they mean that promises made in lots-of-countries agreements aren't just empty words, they'll be looked at, which makes government more open.[26]

[23] Isabella D. Bunn, "The Right to Development: Implications for International Economic Law," American University International Law Review 15, no. 6 (2000): 1425–1467.

[24] Sen, Development as Freedom, p. 3–11; Sengupta, "On the Theory and Practice of the Right to Development," p. 841–843.

[25] Salomon, "The Right to Development in International Law," p. 308–312; Piron, The Right to Development, p. 20–22.

[26] Margot E. Salomon, "The Right to Development in International Law: New Momentum Thirty Years Down the Line?", Netherlands International Law Review 63/3 (2016), p. 315

Piron believes you don't necessarily need to create totally new international human rights organizations to do this. Actually, what the research shows is that we can use the systems we already have, but with specific ways of checking that people are keeping to the "promises and responsibilities we all share" as they're written into modern development deals. And doing that would be enough to make sure things are done properly and have an effect. [27]

For development agreements to be understandable and something that can actually happen, everyone involved needs to have a clear and fair set of tasks. In other words, good development leadership isn't just about officially saying what will be done, it's about setting up structures that very specifically define who has to do what and who has what rights. [28]

A really useful way of doing this is by having carefully designed development partnerships. By letting developing countries be part of the decisions, these structures make sure they aren't simply watching from the side, but are truly taking part in the plans for their own improvement. This makes things more open and keeps people in charge of things responsible, and fits with the bigger idea of making the way the world is run more for everyone and more democratic.[29]

Costa Rica joined the Escazú Agreement in 2018,[30], and it's a really important agreement for Latin America and the Caribbean. Essentially, the agreement is about making sure people's rights are at the heart of how we look after the environment: people should be able to get their hands on information about what's happening with the environment, have a say in what environmental rules are made, and be able to go to court if their right to a healthy environment is at risk. The agreement doesn't just see a thriving natural world as something governments should aim for, it says a healthy ecosystem is something everyone is entitled to, and that this entitlement is protected by proper laws and a strong democracy. What's especially important is that the treaty insists on making the bodies that oversee these things work independently and openly, which is exactly what Amartya Sen says we need—political freedom and openness in how institutions operate—in order to have real, all-round development.

2. Social Opportunities, Public Participation and Capacity Building

Amartya Sen describes nations where people start living longer, better lives without a quick boost to the economy as being on a path of 'support-led processes', and he points to Costa Rica, Sri Lanka and China as it was before changes to its system as being great examples. They'tve managed this by having good social programs for healthcare, education and all the things that go with them. This fits directly with Sen's idea that being able to access things like

[27] Piron, The Right to Development, p.26.
[28] Arjun Sengupta, "On the Theory and Practice of the Right to Development", Human Rights Quarterly 24/4 (2002), 867–869.
[29] Piron, The Right to Development, p.26.
[30] The framework has secured ratification from eighteen nations by 2026, counting Uruguay, Ecuador, and Bolivia among its members. It establishes a binding mutual architecture focused on transparent information sharing (Art. 5), inclusive policy formulation (Art. 7), and legal accountability in ecological matters (Art. 8)., See. Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean. 2018, https://www.cepal.org/en/escazuagreement.

public services isn't building skills is a way to give people the actual ability to live the lives they want. [31]

Political and economic inequality are completely connected. When people with little money are consistently shut out of the system, it damages their ability to be part of a democracy and weakens their right to have a voice in government, and this makes being shut out even worse. The Parliamentary Assembly of the Council of Europe has also noticed that plans to help people who are excluded or ignored frequently overlook their right to be included in democratic life as a civil and political right. Because groups at a disadvantage have little power over how political decisions are made, the policies that come out of that process are much less likely to be about what they need. And so we are back to a negative cycle where being left out of society is tightly linked to not being properly represented in politics. [32]

In Costa Rica experience; The Escazú Agreement[33] supports public participation and capacity building.[34] Broad community participation and access to environmental information is vital to promote sustainable development.[35] A study conducted in the town of Nosara in Costa Rica highlights the importance of inclusive, deliberative and iterative public participation processes in the formulation of sustainable development plans.[36] This study notes that when people are fully informed and involved in the development of responses, they are much more likely to take action.[37] These findings reinforce Sen's position that social choices should be determined through democratic participation and public debate.[38]

Costa Rica shows what happens when development is approached as a matter of rights, and Sen's 'capability framework' is put into practice by having institutions that are open about what they do, encouraging people to be involved in governing, and making sure the environment is treated fairly. Nigeria, though, is totally different, with a legal and social system that creates a lot of issues, but also has a lot of potential to improve under the 'RTD'.

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[31] Şeker, "Amartya Sen'in Kapasite Yaklaşımı,", p. 263.

[32] Parliamentary Assembly of the Council of Europe, Resolution 2024 (2014), Final Version: Social Exclusion – A Danger for Europe's Democracies (Strasbourg: Council of Europe, 2014), para. 4.

[33] Escazú Agreement is the first environmental treaty adopted in Latin America and the Caribbean and, notably, the first binding international instrument anywhere to contain explicit provisions on the protection of environmental human rights defenders, see. Stephen Stec and Jerzy Jendrośka, "The Escazú Agreement and the Regional Approach to Rio Principle 10: Process, Innovation, and Shortcomings", Journal of Environmental Law, 31/3 (2019), p. 533.

[34] Article 1: The objective of the present Agreement is to guarantee the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in the environmental decision-making process and Access to justice in environmental matters, and the creation and strengthening of capacities and cooperation, contributing to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development. United Nations. See. Article 1 of the *Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean*. 2018, https://www.cepal.org/en/escazuagreement.

[35] United Nations. *Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean*. 2018, p.2, https://www.cepal.org/en/escazuagreement.

[36] Greg Munno vd., "Four Perspectives on a Sustainable Future in Nosara, Costa Rica" Sustainability 14, 24 (2022): 16982, p.4.

[37] Munno vd., "Four Perspectives on a Sustainable Future in Nosara, Costa Rica", p. 3.

[38] Sen, Development as Freedom, p. 34,158,159.

B. THE RTD IN NIGERIA: CHALLENGES AND AREAS OF POTENTIAL

From the perspective of Sen's capacity approach, Nigeria is a country that faces significant challenges in realizing the RTD, but holds great potential. The country has an increasing emphasis on achieving inclusive growth and sustainable development.[39]

1. Economic Growth, Functionality of Income and Social Justice

This is in line with Sen's emphasis that income alone is not enough, people must have the capacity to transform income into the ability to do things of value: Nigeria is a significant producer of crude oil. While traditional development economics usually focuses on growth and income growth, Sen points out that income growth may not necessarily translate into human welfare.[40] In the Nigerian context, government spending has a positive impact on economic growth, but redirecting this spending to social capital (investments in basic public infrastructure such as power and energy, transportation networks, health and education facilities) would create an enabling environment for economic activity to flourish, stimulating production and other economic activity.[41]

The concept of social justice demands that individuals not only enjoy formal equality before the law but are also substantively empowered to participate in economic, political, and social life on equal footing. Addressing inequality requires more than just policy tweaks; it demands a focus on the structural and historical disadvantages that hit marginalized populations the hardest. As these disparities widen globally, they undermine the very values—dignity, equality, and inclusion—that sustain democracy. This makes it increasingly difficult for states to meet their legal obligations under human rights law. For this reason, any critical legal analysis must look beyond the surface, integrating economic and political dimensions with a clear commitment to social justice.[42]

At its heart, inequality is about some people having way more power, stuff, and legal rights than others, and a much harder time actually using their rights or getting opportunities. Some level of difference will always be present in any society, but inequality crosses into being

[39] Castro 2260; Aluko vd., "Unlocking Inclusive Growth and Sustainable Development in Nigeria: A Roadmap Through Challenges and Opportunities,", p. 219.

[40] This concern was addressed by the Committee on Economic, Social and Cultural Rights in its 1998 discussion on "Globalisation and Its Impact on the Enjoyment of Economic and Social Rights."[40] The Committee emphasised that several rights were at risk, including the right to work, the right to just and favourable working conditions, the right to form and join trade unions, and the right to social security. Accordingly, it is arguable that the relationship between globalisation and the protection of certain fundamental rights may be inversely proportional. As globalisation and its intense competition increase, the enjoyment of fundamental rights and freedoms may face growing threats. See. Bunn, "The Right to Development: Implications for International Economic Law, p. 1466

[41] Şeker, "Amartya Sen'in Kapasite Yaklaşımı,", p. 259,262,264,269.

[42] Philip Alston and Ryan Goodman, International Human Rights: Text and Materials (Oxford: Oxford University Press, 2013), p. 277–280; Arjun Sengupta, "On the Theory and Practice of the Right to Development," Human Rights Quarterly 24/4 (2002), p. 845–850.

against the law and plain wrong when it stops people from having a life of dignity and getting the basic rights that international agreements say they deserve. [43]

The connection between being in poverty and inequality is a strong one, and it's complicated. For starters, how poor you are in comparison to others around you (relative poverty) affects how much you can properly be part of things – and being able to participate is a huge part of being treated the same and being accepted. Then, because there's only so much of the earth's resources and money to go around, when some have a vast amount of wealth while others have almost nothing, the law and the way we make rules should certainly look at whether public resources are being shared fairly, based on the idea that everyone deserves a fair share. [44]

Moreover, inequalities that run along the lines of who you are – so, differences between racial groups, ethnic groups, men and women, or people of different religions – are a form of discrimination that's built into the system. These can actually break both a country's own rules about fairness and international standards against discrimination, including the agreements to get rid of racial discrimination and discrimination against women.[45]

2. Capacity Deprivation, Poverty and Institutional Quality

According to Sen, poverty depends more on capacity deprivation than on real income.[46] Research in Nigeria suggests that government spending should stimulate economic growth, but this should be accompanied by fiscal discipline, transparency in the fight against financial corruption and prevention of misuse of public funds. In particular, misuse of funds earmarked for project implementation can increase poverty by preventing the development of basic capacities of the population (such as health, education).[47] It is also emphasized that problems such as unemployment are not only caused by low income, but also lead to loss of social skills and capacities, psychological disorders and loss of self-confidence, which supports Sen's emphasis on factors other than income.[48]

Given the disproportionate capacity of wealthy individuals to influence political decision-making, the meaningful participation of middle- and lower-income groups emerges as a critical component of a functioning democracy. Nevertheless, the income gap between the world's richest and poorest populations has widened significantly over the past five decades. For example, ''the income gap between the fifth of the world's people living in the richest countries and the fifth in the poorest was 74 to 1 in 1997, up from 60 to 1 in 1990 and 30 to

[43] Lin Yang, The Relationship between Poverty and Inequality: Concepts and Measurement, CASEpaper 205 / LIP-paper 2 (London: Centre for Analysis of Social Exclusion, London School of Economics, 2017), p. 1–3; United Nations Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, A/HRC/35/26 (June 2017), para. 1–5.

[44] United Nations Human Rights Council, Final Draft of the Guiding Principles on Extreme Poverty and Human Rights, Submitted by the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, A/HRC/21/39 (July 18, 2012), para. 52,53,61.

[45] For a detailed discussion, see United Nations, Convention on the Elimination of All Forms of Discrimination against Women, adopted December 18, 1979, accessed May 13, 2025.

[46] Şeker, "Amartya Sen'in Kapasite Yaklaşımı,", p. 272.

[47] Aluko vd., "Unlocking Inclusive Growth and Sustainable Development in Nigeria: A Roadmap Through Challenges and Opportunities,", p. 213-214.

[48] Şeker, "Amartya Sen'in Kapasite Yaklaşımı", p. 272.

1 in 1960. [Earlier] the income gap between the top and bottom countries increased from 3 to 1 in 1820 to 7 to 1 in 1870 to 11 to 1 in 1913."[49]

Since 1820, the world's economy has grown, but not in a way that's benefited everyone equally. The way things are, and have been, with deep-rooted problems in how society is organised is very apparent in how well-being is spread out. And, while whether everyone should have this right is still something people argue about in international law, talking about and understanding these built-in inequalities is essential if we want to make things fairer. [50]

The world officially said how important these rights are at the really important 1993 Vienna World Conference on Human Rights, where they set down as core to international human rights law that rights are something no one can take away and apply to everyone. People still disagree on what these rights actually mean in detail, but countries have broadly come to a common understanding of what's right. The Human Rights Council hasn't managed to solve very strong differences in beliefs, but has created ways to deal with them. They've done this with a number of ways for independent specialists, ordinary people's groups and government teams to work together and clarify the points of contention.[51]

Evidence from Nigeria shows that institutional quality has a significant and positive impact on economic progress. Sound institutions reduce transaction costs and enable smooth, efficient economic exchanges. It also prevents the misuse of government spending by ensuring that it is used for its intended purpose. This shows that strengthening institutions through the implementation of democratic values, increased political participation and accountability of leaders is vital.[52] These elements are closely related to Sen's concept of instrumental freedoms, which includes political freedoms and guarantees of transparency.[53] Improving the business climate, robust enforcement of property rights and contracts, an efficient legal and judicial system, and a corruption-free government facilitate business success, increase private investor

CONCLUSION

The comparative analysis undertaken in this article yields critical implications for both the theoretical architecture and the practical enforcement of the Right to Development (RTD). Essentially, measuring the RTD by income alone doesn't give a good view of whether it's being followed. The huge difference in Human Development Index (HDI) scores between Costa Rica and Nigeria (and Nigeria has far more natural resources!) proves that just having lots of money isn't enough for people to really develop; it needs to be shared fairly. And legally speaking, this difference backs up the ideas of scholars like Sengupta, who see the RTD as a set of economic, social and civil responsibilities for a government. It isn't a vague goal, but a firm set

[49] P. Thomas, "Moral Universalism and Global Economic Justice," in World Poverty and Human Rights, p. 100

[50] Alston and Goodman, International Human Rights, p. 1528–1529; Margot E. Salomon, "The Right to Development in International Law: New Momentum Thirty Years Down the Line?" Netherlands International Law Review 63/3 (2016), p. 305.

[51] Alston and Goodman, International Human Rights, p. 1528.

[52] Aluko vd., "Unlocking Inclusive Growth and Sustainable Development in Nigeria: A Roadmap Through Challenges and Opportunities,", p. 218.

[53] Şeker, "Amartya Sen'in Kapasite Yaklaşımı,", p. 259,260,263; Kaçanoğlu, "Amartya Sen'in Kalkınma Anlayışına Yöneltilen Eleştiriler Üzerine Bir Değerlendirme," p. 492.

of obligations. Costa Rica's approach of supporting people and giving them a hand up is a good example of this in action, and shows how the theory translates to the way the country is run, with a focus on what people can do for themselves, and with guaranteed legal access to information about the environment, involvement in decisions and justice.

What's more, the analysis shows that having strong institutions and an open government aren't just good to have, they are legally necessary for the RTD to actually happen. The Escazú Agreement is important here. It turns the nice sounding words of the RTD into something that can be done, by making public involvement and access to information into rights that can be taken to court. Costa Rica's long-term investment in people shows that what people can achieve is ultimately decided by the priorities of the country's own organizations. Nigeria, on the other hand, makes it clear that the country's wealth, especially its oil money, needs to go to things like infrastructure and services that improve the abilities of the whole society. Looking at things through Amartya Sen's ideas, strengthening democracy and economic chance isn't something that happens because of development, it's the main way to create the safety net people need.

Furthermore, Nigeria demonstrates a serious flaw in international human rights law. A country saying it acknowledges the RTD doesn't mean much if weak institutions, poor handling of money and widespread corruption destroy a person's ability to actually use their rights. International development law has always been weak because it hasn't had enough ways to make sure things happen. Without rules that must be followed, the RTD could be reduced from a legal right to a hazy political statement. To fix this, we need to move away from just relying on countries to formally say they'll do something, and instead have strong, independent international monitoring to fairly judge how well they are doing.

Finally, Amartya Sen's Capability Approach provides a crucial analytical framework for addressing these challenges and for bridging the gap between the normative aspirations of the RTD and states' actual practices. Sen's central question, which concerns what substantive choices individuals are genuinely able to make, aligns closely with the holistic conception of development articulated in the 1986 Declaration on the Right to Development. This gives a solid way to judge what governments are doing in areas from environmental fairness to how accountable institutions are. Properly understood, the RTD isn't just about economic hopes, it's a definite legal tool to change how chances are created, and therefore to change how able someone is to decide their own life.

REFERENCES

Books and Articles

Aluko, O. A., A. T. Odewale, K. Taiwo, and H. Adefeso. "Unlocking Inclusive Growth and Sustainable Development in Nigeria: A Roadmap Through Challenges and Opportunities." African Journal of Applied Research 10, no. 1 (2024): 201–223.

Alston, Philip, and Ryan Goodman. International Human Rights: Text and Materials. Oxford: Oxford University Press, 2013.

Berber, Yunus Emre. "İnsan Haklarında Hümanizmin ve Liberalizmin İzleri." Yıldırım Beyazıt Hukuk Dergisi, no. 2 (2022): 315–358.

Bunn, Isabella D. "The Right to Development: Implications for International Economic Law." American University International Law Review 15, no. 6 (2000): 1425–1467.

Cagé, Julia. "Political Inequality." Annual Review of Economics 16 (2024): 455–490.

Chirwa, Danwood Mzikenge. "The Doctrine of State Responsibility as a Potential Means of Holding Private Actors Accountable for Human Rights." Melbourne Journal of International Law 5 (2004): 1–36.

Domaradzki, Spasimir, Margaryta Khvostova, and David Pupovac. "Karel Vasak's Generations of Rights and the Contemporary Human Rights Discourse." Human Rights Review 20, no. 4 (2019): 423–443.

Haq, Mahbub ul. Reflections on Human Development. New York: Oxford University Press, 1995.

Harris, Geoff. "Improving Military Expenditure Decisionmaking in Sub-Saharan Africa". The Economics of Peace and Security Journal. 5/2 (2010): 41-47.

Kaçanoğlu, Mesut. "Amartya Sen'in Kalkınma Anlayışına Yöneltilen Eleştiriler Üzerine Bir Değerlendirme." Ekonomik Yaklaşım 31, 117 (2020): 483-524.

Munno Greg vd., "Four Perspectives on a Sustainable Future in Nosara, Costa Rica" Sustainability 14, 24 (2022): 1-23.

Piron, Laure-Hélène. The Right to Development – A Review of the Current State of the Debate for the Department for International Development. April 2002.

Salomon, Margot E. "The Right to Development in International Law: New Momentum Thirty Years Down the Line?" Netherlands International Law Review 63/3 (2016): 301–329.

Sen, Amartya. Development as Freedom. New York: Alfred A. Knopf, 1999.

Sengupta, Arjun. "On the Theory and Practice of the Right to Development". Human Rights Quarterly 24/4 (2002): 837–889.

Stec, Stephen ve Jerzy Jendrośka. "The Escazú Agreement and the Regional Approach to Rio Principle 10: Process, Innovation, and Shortcomings". Journal of Environmental Law. 31/3 (2019): 533–545.

Şeker, Fahri. "Amartya Sen'in Kapasite Yaklaşımı." Erciyes Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi, 32 (2015): 259–280.

Thomas, P. "Moral Universalism and Global Economic Justice." In World Poverty and Human Rights.

Uğur, Mehmet Sedat. "Amartya Sen'in Kapasite Yaklaşımı ve İnsan Merkezli Bir Kalkınma Anlayışı." Sosyoekonomi 25, 31 (2017): 89–108.

Unger, Jean-Pierre, Pierre De Paepe, Robert Anne-Emanuelle ve Mugeni Catherine. "Costa Rica: Achievements of a Heterodox Health Policy". American Journal of Public Health. 98/4 (2008): 636–643.

Vasak, Karel. "Human Rights: A Thirty-Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Rights." UNESCO Courier 30, no. 11 (1977): 29.

Yang, Lin. The Relationship between Poverty and Inequality: Concepts and Measurement. CASEpaper 205 / LIP-paper 2. London: Centre for Analysis of Social Exclusion, London School of Economics, 2017.

International Conventions, Resolutions and Documents

International Social Science Council (ISSC), Institute of Development Studies (IDS), and UNESCO, World Social Science Report 2016: Challenging Inequalities – Pathways to a Just World (Paris: UNESCO Publishing, 2016).

Parliamentary Assembly of the Council of Europe, Resolution 2024 (2014), Final Version: Social Exclusion – A Danger for Europe's Democracies (Strasbourg: Council of Europe, 2014).

Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean. 2018.

United Nations, Convention on the Elimination of All Forms of Discrimination against Women, adopted December 18, 1979.

United Nations Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, A/HRC/35/26 (June 2017).

United Nations Human Rights Council, Final Draft of the Guiding Principles on Extreme Poverty and Human Rights, Submitted by the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, A/HRC/21/39 (July 18, 2012).

Websites

United Nations Human Development Reports, Access Date 10.07.2025, https://hdr.undp.org/data-center.

United Nations Human Development Reports, Access Date 10.07.2025, https://hdr.undp.org/data-center/specific-country-data#/countries/CRI.

United Nations Human Development Reports, Access Date 10.07.2025, https://hdr.undp.org/data-center/specific-country-data#/countries/NGA.