Parallel Worlds: Comparing Rural Development to Development in Global Communities

Jena Martin
West Virginia University College of Law, jena.martin@mail.wvu.edu

Karon Powell
Southern Adventist University

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PARALLEL WORLDS: COMPARING RURAL DEVELOPMENT TO DEVELOPMENT IN GLOBAL COMMUNITIES

Jena Martin*
Karon Powell**

I. INTRODUCTION

> *Jamal is from a small rural community with a population of less than 1,000 people. He is 74 years old and is the oldest of 14 siblings. He spends much of his time at home, thinking of better days, when he was able to work his family's land. Now, however, he notes that work is scarce—most people in his area live in poverty. They suffer from crushing diseases and often cannot make it to the nearest clinic to see a doctor. The infrastructure in his community makes it hard to get to and from a job and for outsiders (including businesses and healthcare workers) to get to locals. The lack of significant infrastructure makes transportation into and out of his community difficult, and while cell phone usage has increased dramatically in his country, his particular community has largely been left behind, and the topography of the area makes cell phone reception difficult to maintain. Because of the lack of opportunities, many young people leave in search of better jobs and the ability to advance. In contrast, Jamal and his peers stay, hoping to maintain their lifestyle and community roots. But that lifestyle has changed. Although Jamal's community has traditionally been abundant in natural resources, industrial and commercial endeavors have depleted those resources. Moreover, the community saw little fruits from the extraction of those resources. As one author notes, "When an abundance of oil and coal were discovered and extracted, little of the money came back to the towns that were built on the natural resources, leaving communities with little more than pillaged land."[1] But still, Jamal and his family remain: hoping that the world around them will finally see their desperation and help.*

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[1]   This story was adapted from a secondary source. Since the source gives away the region, we have delayed its citation. For a full citation, see *infra* note 2.

Jamal's story is not unique. In fact, across communities in the country in which he lives, this story is taking place over and over again. Poverty and its intimate interconnectedness with a lack of development is neither uncommon nor surprising. What may be surprising, however, is *where* this particular story has its roots. It is not in rural Kenya or another developing nation community. In fact, this story takes place in one of the richest countries in the world—the United States[2]—where stories like Jamal's are acted out in rural communities all over Appalachia. And yet, Jamal's story could just have easily taken place in Kenya. As illustrated by this story, there are many more similarities than differences between rural communities within a developed nation and a developing nation.[3] As such, an examination of the frameworks used to discuss international development may lead us to insights regarding how to think about development in rural Appalachian communities.

The regions of Appalachia and Eastern Africa, although ethnically different, are similar in their cultural and social dynamics and, as a result, provide an intuitive area for comparison. For instance, culturally, Appalachians[4] are typically people- and community-focused, unlike the population of the U.S. as a whole, which tends to be more focused on the individual and individualistic values.[5] Appalachian culture, identity, and social standing are typically linked to family affiliation.[6] In addition, those in Appalachia tend to be more satisfied

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[2]   Specifically, the story originates in Beattyville, Kentucky, a town that is part of the Appalachian region. *See* Scott Rodd, *This Is What Poverty Looks Like*, THINK PROGRESS (Mar. 11, 2015, 3:18 PM), https://thinkprogress.org/this-is-what-poverty-looks-like-5218e194d4fe/; *see also* George Towers, *West Virginia's Lost Youth: Appalachian Stereotypes and Residential Preferences*, 104 J. GEOGRAPHY 74, 74–77 (2007), http://www.tandfonline.com/doi/pdf/10.1080/00221340508978619 (providing stories similar to Jamal's which specifically address residential preferences for younger residents of Appalachia).

[3]   Although this Essay discusses the types of poverty in each region—both developing and developed—the main focus is not to provide an exhaustive review of this indicator. Poverty within developing nations can exist on a larger scale and have different root causes.

[4]   In undertaking this view, we recognize that we are also stepping into the void (as discussed) of generalizations. Appalachia itself is a diverse region that in many respects, lacks a single homogenized culture (our thanks to Nicholas Stump for reminding us of this particular point). *See, e.g.*, Anna R. Terman, *Intersections of Appalachian Identity*, *in* APPALACHIA REVISITED: NEW PERSPECTIVES ON PLACE, TRADITION, AND PROGRESS 75 (William Schumann & Rebecca A. Fletcher eds., 2016) ("People across Appalachia tend to have some commonalities. . . . [H]owever, the ways people experience these issues depend on gender, race, class, sexuality, age, and perhaps other relevant identities like religion and rural or urban identity. Awareness of the way intersectionality influences identity helps us understand that being an Appalachian is not a singular experience based on a stereotypical norm that relies on sexism, racism, classism, and heterosexism for legitimacy . . . ."). Nonetheless, we do believe that these commonalities can be used as organizing principles. It is in that spirit that we proceed in this Essay.

[5]   *See* Kathryn A. Russ, *Working with Clients of Appalachian Culture*, *in* IDEAS AND RESEARCH YOU CAN USE: VISTAS 2010, at 2 (2010), https://nursing.utk.edu/wp-content/uploads/sites/36/2016/06/Appalachian-Culture.pdf.

[6]   *Id.*

when basic needs for food, shelter and transportation are met.[7] These cultural norms and values are mirrored in Eastern African culture. Finally, both of these regions share another similarity—by current economic markers, neither region is considered developed.[8]

Frameworks are needed that can re-examine and (hopefully) reinvigorate the notion of development.[9] As such, this Essay proceeds as follows: Part II will provide an overview of the development paradigm, discussing the various models that have been offered under the rubric of development. Specifically, Part II will provide an overview of the historical roots of modern development theory, tracking its evolution from a primarily economic marker to one that now incorporates human rights and sustainability norms. Part III of this Essay then provides a comparative analysis of Appalachia and East Africa. In doing so, this Essay demonstrates that many of the struggles faced in Appalachia are similar to

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[7]   *Id.* at 3.

[8]   *See Human Development Index*, UNITED NATIONS DEV. PROGRAMME HUMAN DEVELOPMENT REPS., http://hdr.undp.org/en/content/human-development-index-hdi (last visited Mar. 29, 2018); *see also* Chloe Farand, *The U.S. Has Regressed to Developing Nation Status, MIT Economist Warns*, INDEPENDENT (Apr. 21, 2017, 2:06 PM), http://www.independent.co.uk/news/world/americas/us-developing-nation-regressing-economy-poverty-donald-trump-mit-economist-peter-temin-a7694726.html. While the HDI uses the gross national income of the entire nation as one of the methods of classification, the Authors have narrowed that application to a specific geographic area within the United States. Increase in poverty, deteriorating infrastructure, and low infant mortality rates have challenged the U.S.'s categorization as a developed nation. One example specific to Appalachia comes in the region's comparable life expectancy. For instance, in one region of Appalachia (Owsley County, Kentucky), the current life expectancy is 70 years old (compared to the average life expectancy in the rest of the U.S., which is 79). *Life Expectancy in Appalachia Is Actually Dropping*, APPALACHIAN MAG. (May 16, 2017), http://appalachianmagazine.com/2017/05/16/life-expectancy-in-appalachia-is-actually-dropping/. According to the Human Development Index, this would place Appalachia on par with a country like Nepal, currently categorized by the HDI as a "medium human development country" and only three ranks up from Swaziland, which is categorized as a low human development country. *See Table 1: Human Development Index and Its Components*, UNITED NATIONS DEV. PROGRAMME HUMAN DEVELOPMENT REPS. www.hdr.undp.org/en/composite/HDI. For additional specifics on development in Appalachia, see *infra* Section III.A.

[9]   There are some who have argued that, in fact, this inexorable march to development has not been beneficial. *See, e.g.*, Annabelle Wong & Benjamin Adam Schorr, *Two Faces of Economic Development: The Ethical Controversy Surrounding U.S.-Related Sweatshops in Developing Asian Countries*, GLOBAL ETHICS NETWORK (May 1, 2013, 2:27 AM), http://www.globalethicsnetwork.org/profiles/blogs/two-faces-of-economic-development-the-ethical-controversy. For instance, according to Lenore Newman and Ann Dale, one issue that arises in development is people not having a say in whether to participate in it. Lenore Newman & Ann Dale, *The Role of Agency in Sustainable Local Community Development*, 10 LOCAL ENV'T 477 (2005). Although a full discussion of the pros and cons of development is outside the scope of this Essay, the Authors will proceed from the presumption that, as a whole, the global community has largely reached a consensus that development, on balance, is beneficial. What remains then is a discussion of how *best* to effectuate this development. It is on this issue that this Essay focuses.

those being faced halfway around the world. As such, this Essay is intended as a way to conceptualize research and analysis of both rural communities. Specifically, in Part III, this Essay will provide an in-depth comparison of Appalachian and East African[10] communities using five of the United Nations Sustainable Development Goals ("SDGs" or "the Goals") as measurements— Goal One: Reduce Poverty; Goal Three: Ensure Healthy Lives; Goal Five: Ensure Gender Equality; Goal Nine: Build Resilient Infrastructure, Promote Sustainable Industrialization and Foster Innovation; and Goal Ten: Reduce Inequality Within and Among Countries.[11] We hope that by comparing the two regions along these lines—lines that offer some insight into the progression from development as solely an economic concept to an inclusive, measurable effort spurred by individual communities—we can begin to explore some guidance regarding what is most helpful in moving forward and what should be avoided.[12] This Essay concludes with some final thoughts regarding the resilience found in the people who stay in these developing areas and the perils of ignoring development within our own developed country.

    The analogies are not perfect. The sheer scale of the issues that developing countries must face makes their challenges of a different degree than those faced in rural Appalachia. And yet, just as Appalachia has served as the proverbial "canary in the coal mine"[13] for many of the issues with which the

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[10]   Historically, the distinction between developed and developing nations focused on socio-economic factors. This division created a strong focus on the countries within the continent of Africa as recipients of development and aid efforts by developed nations. As a result, there is an abundance of data related to development interventions in the nations of Africa and, specifically, East Africa. *See* T. Mkandawire, *Thinking About Developmental States in Africa*, 25 CAMBRIDGE J. ECON. 289–314 (2001); UNITED NATIONS, COUNTRY CLASSIFICATION 146 (2014) http://www.un.org/en/development/desa/policy/wesp/wesp_current/2014wesp_country_classifica tion.pdf.

[11]   *Sustainable Development Goals*, UNITED NATIONS, http://www.un.org/sustainabledevelopment/sustainable-development-goals/ (last visited Mar. 29, 2018).

[12]   The findings of the Authors are preliminary and based solely on secondary research sources; more in-depth research is needed to expand on the theories posited by the Authors.

[13]   In that sense, we mean "canary in the coal mine" both literally and metaphorically as a signal of danger or, in this case, that the U.S. is devolving. The terminology originated with British coal miners in 1911 who used canaries to "detect carbon monoxide and other poisonous gasses." Kat Eschner, *The Story of the Real Canary in the Coal Mine*, SMITHSONIAN.COM (Dec. 30, 2016), https://www.smithsonianmag.com/smart-news/story-real-canary-coal-mine-180961570/. Since then, the term refers to an indicator of danger or dangerous conditions. *See* Jessica L. Toler, Note, *Dead Canaries: The Struggle of Appalachian Coal Miners to Get Black Lung Benefits*, 6 J. GENDER, RACE & JUST. 163, 170 (2002) ("Early miners took canaries down into the earth with them because canaries were known for being highly susceptible to toxins in the air. The miners would occasionally look to see if the canary was alive, and if not, the miners would quickly leave the area for fear of the unseen poison that had taken the life of the little yellow bird.").

United States now struggles nationally,[14] the lagging state of development in Appalachia may herald a time when, rather than moving towards increased development, the United States faces a future as a developing nation. Above all else, in providing these comparisons, we hope—to paraphrase the words of President Kennedy—to illustrate that what makes us similar is more than what separates us.[15] Still, in order to provide an accurate comparison, we first need to unpack what development is, and we do so in the next Part.

II. THE DEVELOPMENT PARADIGM

Notwithstanding the fact that development is a field that has been explored by countless scholars, there is no settled definition of the term. As one author notes, "[a]lthough vast diversity exists in the standards of living between, among and within developing countries—and even within the developed world—it remains difficult to define concisely what 'development' is and how exactly to measure it."[16] While no single definition has been adopted, each definition shares common threads, including emphasizing change, economic growth, progress, and empowering societies to accomplish goals that they value.[17] Additionally, the term "development" covers the areas of society, economy, governance and environment.[18]

Historically, there has been a division between developed and developing nations.[19] This division was based on economic structures, access to resources, and governance.[20] In addition, the division carried with it a hierarchy that allowed developing countries to be seen as "lesser than" their richer

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[14] Examples include the downsizing of labor, the rise of the opioid crisis and the decline of coal.

[15] President John F. Kennedy, Address Before the Canadian Parliament in Ottawa (May 17, 1961), http://www.presidency.ucsb.edu/ws/?pid=8136 ("What unites us is far greater than what divides us.").

[16] PAUL A. HASLAM ET AL., INTRODUCTION TO INTERNATIONAL DEVELOPMENT: APPROACHES, ACTORS, ISSUES, AND PRACTICE 8 (3d ed. 2017).

[17] *See, e.g.*, UNITED NATIONS: DEP'T OF ECON. SOC. AFFS., THE UNITED NATIONS DEVELOPMENT AGENDA: DEVELOPMENT FOR ALL 4–7 (2007), http://www.un.org/esa/devagenda/UNDA_BW5_Final.pdf.

[18] PHILIP MCMICHAEL, DEVELOPMENT AND SOCIAL CHANGE: A GLOBAL PERSPECTIVE 4–14 (5th ed. 2012). Summarizing McMichael's text along with Sen's thoughts in *Development as Freedom*, it is clear that the direction in which development is moving is a more holistic model which includes the various sectors of society. *See id.*; *see also* Sen, *infra* note 42. This is illustrated in the collaborative nature of the Sustainable Development Goals, which encourages partnerships among NGOs, business, government and communities. *See infra* Part III. Further, the subsections of the SDG indicators touch on society, economy, governance and the environment. *See infra* Part III.

[19] MCMICHAEL, *supra* note 18, at 44–45.

[20] *Id.* at 44.

countries.[21] Nonetheless, scholars caution against looking at development through a hierarchical or competitive lens. For instance, as Professor Philip McMichael notes, "[d]evelopment is not an activity that other societies do to catch up to the 'developed societies.' That nomenclature is unfortunate, since it suggests . . . that is the goal and envy of the rest of the world."[22] Moreover, this nomenclature has fed stereotypical views of developing nations. Beginning in approximately 1952, developing nations were branded as "third-world countries," harkening back to the 1400s' use of the third estate, which demarcated a bourgeois or higher ruling class and its relationship to the lower classes.[23] While these lower class nations provided labor and resources to society, they did not benefit from it—leaving them poor and unable to advance.[24] As such, these nations (which would later be labeled as developing) were originally dubbed "third-world nations."[25] Developing countries were seen as less technologically advanced, lacking basic infrastructure and governance, and chronically impoverished. Unfortunately, these same stereotypes and media images are often associated with the Appalachian region of the U.S.— chronically impoverished and lacking basic infrastructure. This hierarchical narrative has also affected the traditional development paradigm.

A. Traditional Frameworks for Development[26]

Historically, international development has focused on the well-being of peoples and societies. Well-being, in turn, centered on economic frameworks that encouraged paternalistic oversight by developed nations, non-governmental organizations ("NGOs") and private industry.[27] As an additional construct, the

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[21]   *Id.*

[22]   *Id.* at 15–16.

[23]   *Id.* at 44.

[24]   *See id.* at 44–46.

[25]   *Id.*

[26]   Based on Karon Powell's experience, the frameworks and nomenclature used in this Section are those used in the international development context. Community development (a comparable effort on the local/national level in developed nations), similar to international development, lacks a single, agreed-upon definition. Both areas emphasize well-being. Community development historically focused on advocacy and policy along with economic growth. Both fields now advocate for a collaborative approach that takes its lead from the community or region in which efforts are undertaken. As a result, the Authors may use the term "development" to refer to both international and community development.

[27]   This issue also manifests itself in the field of business and human rights ("BHR"). Specifically, during the nascence of the BHR field, scholars often pushed back on the notion that corporate social responsibility ("CSR") — corporate activity in poorer, underdeveloped communities — was enough. Instead, scholars and practitioners in the field argued that a paradigm shift was needed where the communities were at the center of the analysis of corporate activity. *See, e.g.*, Chris Avery, *The Difference Between CSR and Human Rights*, CORP. CITIZENSHIP

inception of development theory also coincided with—and was affected by—the vestiges of colonialism that remained in the late 1940s and early 1950s.[28] Beginning in the 1950s and extending through the 1970s, development initiatives were often grouped under the label of Development Projects.[29] This era made use of the modernization theory, which cultivated the idea of first, second and third world nations.[30] Under the modernization theory, the U.S. became the model for a "developed" society due to its strong economic standing.[31] This theory, as discussed, put forth the capitalist model, using the U.S. and other Western nations as models for economic growth and development.[32] Modernization theory was firmly grounded in structuring development in aspirational terms— with those nations classified as "lesser developed" striving for the economic and political structures of those countries that were classified as "developed."[33] However, towards the end of this period, a new theory—the dependency theory—arose as a direct critique of the modernization theory.[34]

BRIEFING, no. 89, Aug./Sept. 2006, at 4, https://business-humanrights.org/sites/default/files/reports-and-materials/Avery-difference-between-CSR-and-human-rights-Aug-Sep-2006.pdf (discussing the difference between CSR and BHR); *see, e.g.,* Michael Addo & Jena Martin, *The Evolving Business and Society Landscape, in* THE BUSINESS AND HUMAN RIGHTS LANDSCAPE: MOVING FORWARD LOOKING BACK 372–373 (Martin & Bravo eds., Cambridge Univ. Press 2016) (discussing the need for human rights language to become embedded in corporations, instead of being relegated to the CSR department).

[28] The colonial lens for examining development has applicability to both the East African and Appalachian region. For instance, the resource curse is a telling example of this. The term, which is often used with former colonies like Kenya, demonstrates that it is often the country that is rich in natural resources that is subject to some of the worst poverty, corruption and malaise. *See, e.g.,* Nyakundi Michieka & Dustin Blankenship, *Avoiding the Resource Curse, in* THE BUSINESS AND HUMAN RIGHTS LANDSCAPE: MOVING FORWARD LOOKING BACK 559 (Martin & Bravo eds., Cambridge Univ. Press 2016). Ironically, the resource curse nomenclature could be used with equal force in Appalachia; in many ways, the economic history of each offers parallel stories of exploitation and predatory resource extraction, so much so that numerous scholars have called West Virginia an internal colony of the United States. *See, e.g.,* HELEN MATTHEWS LEWIS ET AL., COLONIALISM IN MODERN AMERICA: THE APPALACHIAN CASE 1–5 (Helen Matthews Lewis et al., eds. 1978), https://files.eric.ed.gov/fulltext/ED329380.pdf; Shannon Elizabeth Bell & Richard York, *Community Economic Identity: The Coal Industry and Ideology Construction in West Virginia,* 75 RURAL SOCIOLOGY 111, 119 (2010) ("Numerous scholars have referred to Central Appalachia as an 'internal colony' . . . .").

[29] McMICHAEL, *supra* note 18, at 3–6.

[30] Giovanni E. Reyes, *Four Main Theories of Development: Modernization, Dependency, Word-System, and Globalization,* 4 REVISTA CRÍTICA DE CIENCIAS SOCIALES Y JURÍDICAS 109 (2001), https://revistas.ucm.es/index.php/NOMA/article/view/37963/36727.

[31] *See id.*

[32] *See id.*

[33] *See id.*

[34] *See id.*

Dependency theory posits that modernization exploited lesser-developed nations.[35] Dependency theorists suggested that, instead of promoting well-being, the modernization theory created a system that required developing nations to depend on the assistance of more developed countries.[36] Simply put, poorer countries did not advance as expected because those countries supported the growing economies of richer countries through exported materials and resources.[37] In contrast, the development theory brought together various social science fields that attempted to define what types of positive and progressive changes in society were best.[38]

Following the push of the Development Projects, from the 1980s to the present, the international development framework shifted away from solely economic aspirations and moved toward more social issues.[39] This era is referred to as the Globalization Project and is characterized by globalization theory—the idea that the world was growing smaller because systems of communication made it easier for people and businesses to talk to one another.[40] This era ushered in the active soliciting of corporate and private support for development interventions.[41]

Over the last 50 years, the development theories have steadily moved away from the broad view of having initiatives and projects imposed on a particular region to embracing the idea of inclusion and ownership.[42] Amartya Sen, a Cambridge economist, in his *Development as Freedom*, posits the capability approach, noting that freedom is a layered concept encompassing access and opportunities to obtain what people value.[43] According to Sen, these layers of freedom inform the practice of development and are both the "ends and means of development."[44] The capabilities approach moves the impetus of

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[35]   *See id.*

[36]   *See id.*

[37]   *See* MCMICHAEL, *supra* note 18, at 46; John. W. McArthur & Eric Werker, *Developing Countries and International Organizations: Introduction to the Special Issue*, 11 REV. INT'L ORGS. 155, 157–59 (2016), https://link.springer.com/content/pdf/10.1007%2Fs11558-016-9251-2.pdf. For a more recent use of the term in mainstream media, see Benjamin Wallace-Wells, *The New Old Politics of the West Virginia Teachers' Strike*, NEW YORKER (Mar. 2, 2018), https://www.newyorker.com/news/news-desk/the-new-old-politics-of-the-west-virginia-teachers-strike (stating that "the U.S. for decades treated Appalachia like an internal colony, useful mostly for what could be extracted from it").

[38]   MCMICHAEL, *supra* note 18, at 12–22.

[39]   Reyes, *supra* note 30.

[40]   *See id.*

[41]   *Id.*

[42]   *See* AMARTYA SEN, DEVELOPMENT AS FREEDOM 3–4 (2000).

[43]   *See id.*

[44]   *Id.* This approach closely resembles the rights-based approach to development, which will be discussed in *infra* Section II.B.

development from NGOs, developed nations, multilateral actors and the Western power structure to the communities that were historically acted upon, giving them agency and ownership. Under this paradigm, communities and individuals become integral to the process—drivers, in a sense—and not mere by-products or passive recipients of development interventions.[45]

John W. McArthur and Eric Werker take things a step further by explaining how the field of development successfully marches forward. As they note,

> A second geopolitical transition now seems to be underway too. No single factor explains what we dub the new "PUSH" era: a period in which international cooperation is increasingly framed around principles of problem-solving, universality, sustainability, and horizontal power structures. Instead it has been driven by at least four sets of underlying trends that have brought about this transition. These trends have changed many underlying assumptions for cooperation as well as the modalities through which global problems are tackled.[46]

This view feeds the emerging emphasis on the SDGs and the need for collaborative development efforts over varying fields including business, science, technology and social services.[47] Thus, the SDGs create fertile ground for comparing the development of developing nations and rural communities using an easily recognized and accepted measurement. In addition, the SDGs offer a further plane of analysis, mainly in documenting the latest evolution in the use of positive international law—specifically, human rights jurisprudence—in the creation of development norms.

B. *The Human Rights Lens*

The interconnectedness of human rights jurisprudence with developmental scholarship has been a relatively recent arrival.[48] Prior to the

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[45]   Similarly, many Appalachian scholars have noted that a central flaw of the War on Poverty was that national and local elites failed to secure the cooperation of the greater Appalachian citizenry, despite the famous "maximum feasible participation of the poor" provision in the Economic Opportunity Act of 1964. RICHARD B. DRAKE, A HISTORY OF APPALACHIA 177 (2001) (explaining that a critical flaw of the Appalachian-focused War on Poverty was a failure to secure "cooperation with the region's people themselves"); *see also* Nicholas F. Stump, *Following New Lights: Critical Legal Research Strategies as a Spark for Law Reform in Appalachia*, 23 AM. U. J. GENDER SOC. POL'Y & L. 573, 622 (2015) (arguing that diverse, community-centered approaches are crucial for broader socio-legal change in Appalachia).

[46]   McArthur & Werker, *supra* note 37, at 157–58.

[47]   For a discussion of the SDGs, see *infra* Section II.C.

[48]   As with any intellectual construct, the lines do not often draw so neatly in practice. For instance, much debate on the right to development versus a rights-based approach to development

1980s,[49] human rights literature operated in a separate sphere, rarely intersecting with the discussions on development. While human rights scholarship came from a rights-based orientation, the notion that development was part of a means to effectuating a higher end—namely, the means of fully effectuating the panoply of rights under international law—was not openly discussed in the traditional literature. Development discourse was similarly siloed. Specifically, the development framework, as stated above, traditionally had an economic orientation.[50] As noted in one U.N. document, "Historically, development has been understood as a primarily economic process measured by growth in gross national product."[51]

However, beginning in the 1980s, the link between development and the prosperity of all people (which would, in turn, help them realize their rights and dignities) began to emerge in the literature.[52] Part of the reason for this was the historical antecedents of development itself. As the U.N. has noted,

> [T]he benefits of the economic growth in the second half of the twentieth century were not equitably distributed among all nations, peoples and individuals, and this inequality is increasingly the subject of debate, criticism and social unrest. Rising poverty, growing inequalities, and unprecedented economic, social, cultural, political, environmental and climate

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was happening simultaneously. Similarly, the language used for the right to development was, in some corners, developing long before the 1980s. *See, e.g.*, Tim Greenwald, *Right to Development vs. Human Rights-Based Approach to Development*, OUTRIGHT ACTION INT'L (July 19, 2017), https://www.outrightinternational.org/content/right-development-vs-human-rights-based-approach-development-semantic-debate-or-one (discussing the genesis of both the right to development and a rights-based approach to development).

[49]   The emergence of development as a predominating thread within human rights discourse was made official when, in 1986, the U.N. adopted its declaration on the right to development. *See* Philip Alston, *Making Space for New Human Rights: The Case for the Right to Development*, 1 HARV. HUM. RTS. Y.B. 4 (1988). This coincided with another trend in human rights jurisprudence—solidarity rights. *Id.* at 3–4. Alston discusses the right to development as an emerging paradigm that needs to be considered within the broader human rights literature. *Id.* Although, as Alston points out, some visionaries (most notably Eleanor Roosevelt) conceived of development within the human rights structure as far back as the 1940s, it was not until the discourse of development was firmly linked to the so-called "third-generation" of human rights language (namely, solidarity rights) that the "right to develop" began to be featured as a predominant part of the literature. *Id.*

[50]   The convergence of these two phenomena has also led to the shift in the discourse between the right to development (using development as a means to achieve human dignity) with a rights-based approach to development. *See* UNITED NATIONS HUM. RIGHTS OFF. OF THE HIGH COMMISSIONER, FREQUENTLY ASKED QUESTIONS ON THE RIGHT TO DEVELOPMENT 10–11 (2016) [hereinafter   FAQ],   http://www.ohchr.org/Documents/Publications/FSheet37_RtD_EN.pdf (discussing the difference between the right to development and a rights-based approach).

[51]   *Id.* at 1.

[52]   This coincided, it should be noted, with the Globalization Project. *See supra* Section II.A.

> crises make the right to development more relevant today than
> ever before. The right to development with its emphasis on
> economic, social, cultural and political development with people
> at its centre presents a more balanced approach.[53]

As such, it seemed a natural next step for the development framework to begin drawing on human rights scholarship, with their seemingly inexorable intersection, first presenting in the right to development. Memorialized in 1986, through a U.N. Declaration (and, as such, carrying no justiciable power), the right to development, within the context of human rights discourse, is presented as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development . . . ."[54] The right is both an individual and a collective right largely linked to the right to self-determination.[55] For states to fulfill this right as duty bearers, they bear the primary responsibility for providing a conducive environment that allows for fair development on both a regional and national scale.[56] Nationally, States also bear the duty of developing helpful policies that increase the well-being of individuals and communities.[57]

Significantly, one of the key components that elevates the right to development over the traditional constructs of development is the potential for the right to provide a correlative remedy when it has been violated. Although the current status of the right under international law has rendered it largely non-justiciable,[58] there are some notable exceptions. For instance, the African Charter on Human and People's Rights includes the right to development as a separate, justiciable claim.[59] In fact, in 2009, the African Commission on Human and People's rights found that Kenya violated its rights to development by failing to include an indigenous community, the Endorois people, in its planning and development of the community's ancestral land, instead turning it into "a game

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[53]   FAQ, *supra* note 50, at 1.

[54]   G.A. Res. 41/128, annex, Declaration on the Right to Development, Article 1 (Dec. 4, 1986), http://www.un.org/documents/ga/res/41/a41r128.htm.

[55]   *See id.*

[56]   *See id.*

[57]   FAQ, *supra* note 50, at 1.

[58]   *See* Peter Uvin, *From the Right to Development to the Rights-Based Approach: How 'Human Rights' Entered Development*, 17 DEV. PRAC. 597, 600 (2007) ("By postulating that development projects and programmes by definition constitute an implementation of human rights, the important difference between a service-based and a rights-based approach to development is obscured. To have a right to something—say, food—is not just about having enough of that: a slave can be well nourished too. It is about having a 'social guarantee' . . . which implies that it is about the way the interactions between citizens, states, and corporations are structured, and how they affect the most marginal and weakest in society.").

[59]   *African (Banjul) Charter on Human and Peoples' Rights*, AFRICAN COMM'N ON HUM. & PEOPLES' RTS. (1982), http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf.

reserve."[60] This, combined with "the State's failure to adequately involve the Endorois in the development process," led to a justiciable claim.[61]

A second transition in the intersection of human rights and development came with the rights based approach ("RBA") to development. Under the RBA doctrine, there is an increased focus on accountability—one largely lacking in both the traditional development paradigm and the right to development.[62] According to one scholar, RBA has two fundamental characteristics: (1) a transition from claims to rights (with attendant accountability, something largely lacking from the right to development); and (2) full participation from those affected by the planned development, with that participation "not dependent on the whim of a benevolent outsider, but rooted in institutions and procedures."[63]

C. *What Role for Sustainable Development?*

Sustainable development represents another evolution in the development framework. While not explicitly based on a human rights model,[64] it appears to draw much of its inspiration from human rights jurisprudence and, specifically, its insistence on putting the individual or community at the heart of its narrative. While sustainable development is also plagued by a lack of coherent definition[65] and faces much criticism for its vagueness as a concept,[66] at its heart

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[60]   Ctr. for Minority Rights Dev't (Kenya) & Minority Rights Grp. Int'l on behalf of Endorois Welfare Council v. Kenya, Communication No. 276/03, AFRICAN COMM'N ON HUMAN & PEOPLE'S RTS.,   ¶   269   (Nov.   25,   2009) http://www.achpr.org/files/sessions/46th/comunications/276.03/achpr46_276_03_eng.pdf.

[61]   *Id.* In deciding for the Complainant, the African Commission noted that "the right to development is a two-pronged test, that it is both constitutive and instrumental, or useful as both a means and an end. A violation of either the procedural or substantive element constitutes a violation of the right to development. Fulfilling only one of the two prongs will not satisfy the right to development." *Id.* ¶ 277.

[62]   *See* Uvin, *supra* note 58, at 602–03.

[63]   *See id.* at 603 (internal citations omitted).

[64]   Of course, for some scholars, the lack of explicit reference to human rights within the sustainable development landscape is problematic. *See, e.g.*, Larry Backer, *Reflections on the 2016 U.N. Forum on Business and Human Rights ("Leadership and Leverage: Embedding Human Rights in the Rules and Relationships that Drive the Global Economy")*, LAW AT THE END OF THE DAY (Nov. 22, 2016), http://lcbackerblog.blogspot.com/2016/11/reflections-on-2016-un-forum-on.html ("Respect for human rights should be at the heart of a company's contribution to sustainable development. Adverse human rights impacts cannot be offset and companies should first and foremost consider the effect of their core operations on people ahead of unrelated corporate philanthropy/CSR activities.").

[65]   *See, e.g.*, Alison Peck, *Sustainable Development and the Reconciliation of Opposites*, 57 ST. LOUIS U. L. J. 151, 157 (2012) (noting the debate by some of sustainable development's failure "so far to articulate a coherent set of norms distinct from a welfare economics theory of the state").

[66]   *Id.* Peck provides a tongue-in-cheek review of the term and its context:

it brings in characteristics regarding development, social justice and environmental impacts[67]—all concepts that also arise within human rights jurisprudence. Specifically, the U.N. Sustainable Goals, adopted in 2015,[68] provide a focal point for rallying "governments, businesses, and civil society together with the United Nations . . . to improve the lives of people everywhere."[69] The 17 goals encompass all three characteristics: development (seen in goals such as "economic development," "infrastructure, and industrialization"); social justice (seen in such goals as "poverty" and "food security"); and environmental impacts (discussed in such goals as "water and sanitation" and "sustainable consumption and production").[70]

As such, the SDGs[71] provide another avenue by which development can be measured beyond bare socio-economic factors. They incorporate areas of

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> Inauspiciously into this angry, fractious, grief-ridden world, an idea was born to save us. Its name, "sustainable development," is unwieldy and vague, though not without a certain poetic rhythm. Its claim is grand: in our collective struggle to live and live well and live fairly and live within our means, sustainable development will be The Grand Unifier. Instead of promoting the few at the expense of the many, sustainable development will give us that proverbial, elusive rising tide. Instead of increasing our wealth without regard to the health of the Earth, sustainable development will teach us we can serve both masters. Instead of conserving ecosystems while human beings are wasted, sustainable development will be the heartbeat of the symbiotic relationship in which humankind fares as well, and only as well, as the Earth it lives on. . . . But no savior goes unchallenged for long. Like a career politician, sustainable development has been decried for appealing to everyone by standing for nothing.

Id. at 155–56. Peck, herself, uses the term primarily within the context of environmentally-friendly development. *See id.* at 143–56. However, she makes clear that for her, "it is not possible . . . to formulate a normative policy principle out of the concept of sustainable development." *Id.* at 159.

[67]   *Id.* at 158. While we agree with Peck regarding the elusiveness and challenges of applying the concept, we will nonetheless endeavor to walk down that prickly path, specifically by using the U.N.'s Sustainable Development Goals in our analysis that follows in *infra* Part III. We hope Peck will forgive us.

[68]   The U.N. hopes to achieve these goals by 2030. *The Sustainable Development Agenda*, UNITED NATIONS, http://www.un.org/sustainabledevelopment/development-agenda/ (last visited Mar. 29, 2018).

[69]   *17 Goals to Transform Our World*, UNITED NATIONS, http://www.un.org/sustainabledevelopment/ (last visited Feb. 25, 2018).

[70]   *Sustainable Development Goals, supra* note 11.

[71]   The SDGs, along with their purpose and potential application in the broader development landscape, are discussed in more detail later in this Essay. *See infra* Part III. There are some critiques of the SDGs. One in particular is that they are overly broad and far-reaching. While this may be the case, the Goals themselves provide an opportunity to create monitoring and measurement systems using their accompanying indicators, promote accountability within individual goals and conduct further research. In this sense, the Authors use the Goals as a system of organization and as way to standardize vocabulary and efforts related to development and well-being. *See* Yonglong Lu et al., *Policy: Five Priorities for the UN Sustainable Development Goals*, 520 NATURE 432–33 (2015); Ilona Kickbusch & Johanna Hanefeld, *Role for Academic Institutions*

growth that include economic growth, along with "social development and environmental sustainability."[72] As such, although not represented explicitly, they represent the most recent evolution of the continued intersection between development and human rights law. According to the United Nations Development Programme, "[T]hese goals provide clear guidelines and targets for all countries to adopt in accordance with their own priorities . . . ."[73] As a result, in this Essay, we have adopted this framework and incorporated a sampling of specific goals as a basis for comparison between developing areas in Eastern Africa and rural communities, particularly Appalachia.[74] In Part III, we will provide a preliminary analysis of how each of these measurements present in those two regions.

III. COMPARING MEASUREMENTS

Using the latest evolution in the development framework provides a sound starting point for discussions with other authors regarding how, although separated by continents, these two regions have many similarities. It is our hope that providing this initial comparative analysis will lead others to develop best practices and common goals, which can spotlight some common ground that researchers and practitioners might otherwise not have discovered.

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and Think Tanks in Speeding Progress on Sustainable Development Goals, BMJ (2017), http://www.bmj.com/content/bmj/358/bmj.j3519.full.pdf.

Moreover, the Goals can be used as a starting point for both qualitative and quantitative research measurements when analyzing and implementing development interventions domestically and internationally. Finally, the Goals, with their emphasis on community participation, provide a path for a participatory model of development.

[72] UNITED NATIONS ECON. COMM'N FOR AFR., AFRICA REGIONAL REPORT ON THE SUSTAINABLE DEVELOPMENT GOALS 2 (2015), https://www.uneca.org/sites/default/files/uploaded-documents/SDG/africa_regional_report_on_the_sustainable_development_goals_summary_english_rev.pdf.

[73] *Sustainable Development Goals, supra* note 11. In many ways, the SDGs represent the culmination of the continued evolution of human rights jurisprudence and the development framework. For instance, within the larger human rights landscape, the field of business and human rights has emerged as its own substantive field—one that examines businesses' impact on communities and individuals' human rights. For an overview of the nascence of business and human rights, see generally Jena Martin, *"The End of the Beginning?": A Comprehensive Look at the U.N.'s Business and Human Rights Agenda from a Bystander Perspective*, 17 FORDHAM. J. CORP. & FIN. L. 871 (2012). In turn, many within the business and human rights field are now looking at sustainable development as another means of informing the business and human rights debate, particularly in a way that would seem more palatable to businesses.

[74] Appalachia, as defined by the Appalachian Regional Commission, is 420 contiguous counties stretched across 13 states from New York to Mississippi. Johnathan Borak et al., *Mortality Disparities in Appalachia: Reassessment of Major Risk Factors*, 54 J. OCCUPATIONAL & ENVTL. MED. 146, 146 (2012) (citing *The Appalachian Region*, APPALACHIAN REGIONAL COMMISSION, https://www.arc.gov/appalachian_region/theappalachianregion.asp (last visited Mar. 29, 2018)).

To that end, this Part provides a discussion on key axes that can arise in shaping a development framework and analyzes how these are shaped in Eastern Africa and in Appalachia. Specifically, this Part will discuss: (1) poverty in light of Goal One; (2) health within the communities in light of Goal Three; (3) gender dynamics in light of Goal Five; (4) the impact of aging infrastructure and transportation challenges in of light Goal Nine; and (5) stereotypes in light of Goal Ten.

A. Goal One: End Poverty in All Its Forms Everywhere

Goal One focuses on eliminating all forms of poverty. As the commentary to the Goals imply, ending poverty will have far-reaching consequences beyond a mere accumulation of funds: "Poverty is more than the lack of income and resources to ensure a sustainable livelihood. Its manifestations include hunger and malnutrition, limited access to education and other basic services, social discrimination and exclusion as well as the lack of participation in decision-making."[75] In fact, poverty has long been one of the key indicators for development and the driver for many development interventions—with the ideal of eradicating poverty as the leading goal. According to one scholar:

> Countries where the level of poverty is relatively large tend also to exhibit low values of human development, thus lowering the mean values of the development measures. Where inequalities of development indicators are very large, however, the average values may not sufficiently reflect the conditions of the poor, requiring the need to concentrate on poverty per se.[76]

This statement reflects the tension between developing nations and rural communities within a developed nation. It provides context when attempting to compare the impact and extent of poverty in countries in East Africa (developing nations) and Appalachia (an underdeveloped region within a developed country).

The guidelines for poverty differ depending on geographic scale. For instance, for developing nations, the poverty line is an individual wage of $1.90 a day.[77] The U.S. Department of Health and Human Services, however, defines the poverty line within the U.S. (a developed nation) in 2017 as an individual

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[75]   *Goal 1: End Poverty in All Its Forms Everywhere*, U.N.: SUSTAINABLE DEV. GOALS, http://www.un.org/sustainabledevelopment/poverty/ (last visited Mar. 29, 2018) [hereinafter *Goal 1*].

[76]   Augustin Kwasi Fosu, *Poverty and Development*, 85 BULL. WORLD HEALTH ORG. 733, 734 (2007).

[77]   *FAQs: Global Poverty Line Update*, WORLD BANK GRP. (Sept. 30, 2015), http://www.worldbank.org/en/topic/poverty/brief/global-poverty-line-faq.

making $12,060 annually or approximately $5.80 an hour.[78] When one makes a direct comparison, the difference is stark, and it appears that the individual in the developed nation actually earns more. However, the comparison fails to take into account inflation, buying power and specific national economic factors.

The issue of poverty is multi-layered, reaches beyond mere economic assets and encompasses social networks, access to resources and ability to move upward. These factors vary from country to country and region to region within a country. Thus, a direct comparison becomes difficult. Instead, we will use anecdotal comparisons, taking into consideration the geographic definitions of poverty. As we narrow our focus to the Eastern African and Appalachian regions, let us briefly look at indicators for poverty within those areas.

According to Appalachian Regional Commission, the Appalachian region has a higher poverty rate than the U.S. at large: 19.7% versus 15.6%.[79] In addition, several economic factors within the region are also lagging behind the rest of the country. For instance, Appalachia has a higher unemployment rate and lower wages per capita.[80] Interestingly enough, when measuring poverty in the continent of Africa, the focus is more multi-layered than poverty measurements in the United States. To complete a valid analysis of the Appalachian region and East Africa, further work must be done to narrow the focus on specific indicators and intensity of poverty.[81]

Poverty is clearly linked as a factor for impeding development. More explicitly, it is linked to the issue of human rights. For instance, in December 2017, Philip Alston, serving as the U.N. Special Rapporteur for extreme poverty, performed a country visit of the U.S. to determine "whether the persistence of extreme poverty in America undermines the enjoyment of human rights by its citizens."[82] Alston's visit included a stop in West Virginia, the only state that is entirely within the Appalachian region. After his visit, Alston had this to say:

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[78] *2017 Poverty Guidelines*, OFF. ASSISTANT SECRETARY FOR PLANNING & EVALUATION, https://aspe.hhs.gov/2017-poverty-guidelines (last visited Mar. 29, 2018).

[79] *Appalachian Poverty*, FAHE, https://fahe.org/appalachian-poverty/ (last visited Mar. 29, 2018).

[80] *Id.*

[81] *See Multidimensional Poverty Index 2016: Highlights ~ Sub-Saharan Africa*, OXFORD POVERTY & HUM. DEV. INITIATIVE 1, 1–2 (June 2, 2016), http://www.ophi.org.uk/wp-content/uploads/MPI2016-AFRICA-HIGHLIGHTS_June.pdf. This index measures several layers of poverty, including intensity within particular regions. Poverty is not evaluated using one lens but is examined on several levels (rural, urban, food security, etc.). *Id.*

[82] Philip Alston, *Statement on Visit to the USA*, U.N. HUM. RIGHTS OFF. OF THE HIGH COMMISSIONER (Dec. 15, 2017), http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533&LangID=E. Alston's report also noted that, despite "caricatured narratives" filled with "racist stereotypes," including ones that say that the poor are "wasters, losers, and scammers. . . . The reality that I have seen . . . is far different." *Id.*

> [T]he poor people I met from among the 40 million living in poverty were overwhelmingly either persons who had been born into poverty, or those who had been thrust there by circumstances largely beyond their control such as physical or mental disabilities, divorce, family breakdown, illness, old age, unlivable wages, or discrimination in the job market. . . . Nor is it confined to a particular age group. . . . The American Dream is rapidly becoming the American Illusion as the US . . . now has the lowest rate of social mobility of any of the rich countries.[83]

Using the SDGs to implement guidelines could have far-reaching impact in both regions. For instance, according to the commentary for Goal One, the U.N. hopes that sustainable development under this Goal would include the following targets:

> [S]ignificant mobilization of resources from a variety of sources, including through enhanced development cooperation, in order to provide adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions[.]

> [S]ound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions[.][84]

Despite Goal One's focus on developing countries (rather than developing regions), the advice would seem equally appropriate in Appalachia as in East Africa. Although there are some differences in the nature of their poverty, Appalachia and East Africa would both benefit from programs formed under Goal One.

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[83]   *Id.* Alston's report also highlights the interconnectedness between development and the business and human rights field. *Id.* For instance, Alston notes that he

> spoke to workers from Walmart and other large stores who could not survive on a full-time wage without also relying on food stamps. It has been estimated that as much as $6 billion dollars go from the SNAP program to support such workers, thus providing a huge virtual subsidy to the relevant corporations.

Id.

[84]   *Goal 1, supra* note 75.

B. Goal Three: Ensure Healthy Lives and Promote Well-Being for All at All Ages[85]

Under Goal Three, "[e]nsuring healthy lives and promoting the well-being for all at all ages is essential to sustainable development."[86] And, while the U.N. believes that "[s]ignificant strides" have been made to promote health for all, "many more efforts are needed to fully eradicate a wide range of diseases and address many different persistent and emerging health issues."[87] Having sustainable development that focuses on health is clearly needed in both of the areas discussed.

The populations in both Appalachia and East Africa have been disproportionately impacted by diminishing health in the world as a whole. For instance, a recent report regarding health disparities in Appalachia found that people in Appalachia perform worse than the national average in 33 of the 41 health indicators examined in the report.[88] The report also noted that "the progress made by the Region often comes up short when compared to the progress made by the United States overall, and indicates a widening gap in overall health between Appalachia and the nation as a whole."[89] At its most severe, the failing health in Appalachian region can be seen in the high mortality rates for people living in the West Virginia area.[90] Mortality rates are used as a measurement of the overall health of a community/nation.[91]

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[85] *Goal 3: Ensure Healthy Lives and Promote Well-Being for All at All Ages*, U.N.: SUSTAINABLE DEV. GOALS, http://www.un.org/sustainabledevelopment/health/ (last visited Mar. 29, 2018) [hereinafter *Goal 3*].

[86] *Id.*

[87] *Id.*

[88] PDA, INC. ET AL., HEALTH DISPARITIES IN APPALACHIA 1, 5 (2017), https://www.arc.gov/assets/research_reports/Health_Disparities_in_Appalachia_August_2017.pdf.

[89] *Id.* at 5.

[90] As mentioned before, Appalachia consists of parts of 13 states. West Virginia is unique in that it is the only state entirely within the region of Appalachia. *See The Appalachian Region, supra* note 74. As such, it is a useful microcosm for examining many of the measurements that affect the Appalachian region as a whole. *See id.* at 5–6.

[91] *See 2015*, U.N.: DEP'T OF ECON. & SOC. AFF., WORLD MORTALITY REPORT 1, 7 (2015), http://www.un.org/en/development/desa/population/publications/pdf/mortality/WMR2015/WMR 2015_Highlights.pdf. The U.N., development practitioners, and scholars use infant and adult mortality rates as an indicator of a region's development status. *Id.*

In sub-Saharan Africa,[92] the mortality rate, in general, is approximately 59 years old,[93] compared to the U.S., in which it is approximately 79 years old.[94] Similarly, the mortality rate in Appalachia is higher than other parts of the U.S. In addition, infant mortality rates (which the U.N. defines as the probability of one child per 1,000 dying between birth and age five)[95] are similarly stratified: Kenya has a rate of approximately 37 deaths per 1,000 live births[96] (compared to the overall U.S. population, which has a rate of 5 deaths per 1,000 live births).[97] A comparison of Appalachia to the rest of the U.S. population shows a similar divide (with the infant mortality rate in Appalachia being 16% higher than the rest of the country).[98]

In addition to mortality rates, there are a myriad of troubling health indicators for both regions. One such indicator is a high rate of disease.[99] In developing nations, deaths ascribed to non-communicable diseases ("NCDs"), such as heart disease, cardiovascular disease and diabetes, have increased and impact these nations at a higher rate than developed nations.[100] As of 2014, approximately 100,000 Kenyans die per year due to heart disease, cancer, stroke or other NCDs.

Appalachia and, specifically, West Virginia have similar health challenges. The same NCDs found in Eastern Africa also account for impaired health and wellness of residents in the Appalachian region. One NCD

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[92]   Kenya is a part of sub-Saharan Africa. *List of Sub-Saharan African Countries*, LIBR. CONGRESS (Nov. 15, 2010), https://www.loc.gov/rr/amed/guide/afr-countrylist.html.

[93]   Joseph Chamie, *All in Africa: The World's 13 Highest Mortality-Countries*, PASSBLUE (Jan. 6, 2016), http://www.passblue.com/2016/01/06/the-worlds-13-highest-mortality-countries-all-in-africa/.

[94]   Olga Khazan, *The Early Deaths of Appalachians*, ATLANTIC (Aug. 7, 2017), https://www.theatlantic.com/health/archive/2017/08/the-early-deaths-of-appalachians/536031/.

[95]   *Under-Five Mortality Rate*, U.N.: DIV. FOR SUSTAINABLE DEV. 39, 39 (June 15, 2007), http://www.un.org/esa/sustdev/natlinfo/indicators/methodology_sheets/health/under_five_mortality.pdf.

[96]   *Kenya Infant Mortality Rate*, INDEX MUNDI (Jan. 20, 2018), https://www.indexmundi.com/kenya/infant_mortality_rate.html.

[97]   *United States Infant Mortality Rate*, INDEX MUNDI (Jan. 20, 2018), https://www.indexmundi.com/united_states/infant_mortality_rate.htm.

[98]   Adam Beam, *Appalachia Has High Infant Mortality*, U.S. NEWS & WORLD REP. (Aug. 7, 2017, 9:59 PM), https://www.usnews.com/news/best-states/kentucky/articles/2017-08-07/infant-mortality-disparity-grows-in-appalachia-study-finds.

[99]   *See Treating Opioid Addiction as a Chronic Disease*, AM. SOC'Y OF ADDICTION MED. (Nov. 7, 2014), https://www.asam.org/docs/default-source/advocacy/cmm-fact-sheet—11-07-14.pdf. For the purposes of this Essay, the current opioid epidemic gripping the country will be classified as a disease. The American Society of Addiction Medicine notes that opioid addiction is a chronic brain disease, and efforts should be made to manage it as one would other long-term illnesses such as diabetes. *Id.*

[100]   Sheikh Mohammed Shariful Islam et al., *NonCommunicable Diseases (NCDs) in Developing Countries: A Symposium Report*, 10 GLOBALIZATION & HEALTH 1, 1 (2014).

particularly devastating to the Appalachian region is the opioid epidemic. A recent article in the *New Yorker* noted that West Virginia has the highest rate of opioid overdoses deaths in the country.[101] Both regions exhibit similar health barriers, although one, Kenya, is classified as developing, while the other, West Virginia, lies squarely within a developed nation. Due to the similarities, use of Goal Three would be an applicable measure for further research into the causes of increase in NCDs and possible solutions.

While many of the Goal Three targets are discussed within the context of developing nations, we believe those targets should be examined and used in Appalachia as well. For instance, the targets to Goal Three include the following: (1) implementing universal health coverage; (2) reducing deaths from hazardous waste and chemicals; (3) strengthening tobacco regulations; and (4) substantially increasing the health of the workforce.[102] Given the issues faced in Appalachia (as discussed above), many of these targets could significantly improve the lives of Appalachians as well.[103]

C. Goal Five: Achieve Gender Equality and Empower All Women and Girls

Goal Five of the SDGs is adamant: "Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world."[104] It is also one of the few goals within the SDGs to explicitly link human rights with development.[105] Goal Five also varies from the previous goals examined because, rather than focusing on this as a key aspect to progress in developing countries, the Goal is presented as something that "will

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[101]   Margaret Talbot, *The Addicts Next Door*, NEW YORKER (June 6 & 12, 2017), https://www.newyorker.com/magazine/2017/06/05/the-addicts-next-door.

[102]   *Goal 3, supra* note 85.

[103]   While the U.N.'s explicit focus on developing countries in much of its discussion is certainly understandable, it is not without its problems. In our view, it can often lead to feelings of insulation on the part of developed countries (which can in turn lead to policies that do not explicitly focus on these issues because it is perceived that these issues don't actually affect citizens of developed countries). The end result can be citizens failing to adopt policies that might actually benefit them because of a perception that this is something that is only needed "over there." *Cf.* Jena Martin, *Business and Human Rights Goes Local*, WVU LAW: BUS. HUM. RIGHTS (Dec. 7, 2012), https://www.law.wvu.edu/the-business-of-human-rights/2012/12/07/business-and-human-rights-goes-local (discussing the common narrative present within business and human rights issues, "that somehow the struggles of those affected in West Virginia are different than those in [foreign countries], simply because of geography").

[104]   *Id.*

[105]   *Sustainable Development Goals, supra* note 11.

fuel sustainable economies and benefit societies and humanity *at large.*"[106] The irony here is that, unlike the previous two factors discussed above, gender dynamics in a developing region like Eastern Africa differ from those in the U.S., due to the U.S.'s size and its more stable economic base. In areas classified as developing nations, significant gender gaps and opportunities for women can be limited by area—urban versus rural—and community differences and customs.[107] In direct comparison to the U.S., gender inequality in a country like Kenya would appear to be significantly behind. In fact, the Gender Inequality Index calculates the gender inequality in Kenya at .555 as opposed to the U.S., which is at .920.[108] However, this contrast may shift if an analysis of gender inequalities within the U.S. is undertaken. When that happens, the U.S., more precisely, the Appalachian region, bears a striking resemblance to Eastern Africa.

"This business of womanhood is a heavy burden. . . . How could it not be?"[109] This quote summarizes the challenging role of women in East African society. Women provide care for children, cook, and manage crops associated with food security.[110] Yet they often do not have the legal rights and economic equality accorded men in the same society.[111] Consider Kenya as an example of an East African nation and the role of women in Kenyan society. Kenya is made up of several ethnic groups, including Kikuyu, Kalenjin, and Luhya, to name a few. Most of these groups are historically patriarchal.[112] As a result, women are left out of key decision-making roles and economic growth opportunities, i.e., women traditionally neither own nor inherit land.[113] Further, women have less

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[106]   *Goal 5: Achieve Gender Equality and Empower All Women and Girls*, U.N.: SUSTAINABLE DEV. GOALS, http://www.un.org/sustainabledevelopment/gender-equality/ (last visited Mar. 29, 2018) [hereinafter *Goal 5*] (emphasis added).

[107]   In East Africa, these community differences are primarily delineated by tribe. *See Kenya – Ethnic Groups*, UNIV. PENN.: AFR. STUD. CTR., https://www.africa.upenn.edu/NEH/kethnic.htm (last visited Mar. 29, 2018). In other developing countries, the nomenclature may be different.

[108]   The Gender Inequality Index measurement for gender balance uses measurements from 0 to 1, with 0 being a marker for the greatest inequality and 1 being the marker for the highest equality. *Human Development Reports: Kenya*, UNITED NATIONS DEV. PROGRAMME: HUM. DEV. REPS., http://hdr.undp.org/en/countries/profiles/KEN (last visited Mar. 29, 2018); *Human Development Reports: USA*, UNITED NATIONS DEV. PROGRAMME: HUM. DEV. REPS., http://hdr.undp.org/en/countries/profiles/USA (last visited Mar. 29, 2018).

[109]   MICHAEL KEVANE, WOMEN & DEVELOPMENT IN AFRICA: HOW GENDER WORKS 1 (2d ed. 2014) (quoting Tsitsi Dangaremba).

[110]   *See id.* at 115.

[111]   *See id.* at 17.

[112]   *Kenya – Ethnic Groups*, UNIV. PENN.: AFR. STUD. CTR., https://www.africa.upenn.edu/NEH/kethnic.htm (last visited Mar. 29, 2018).

[113]   KEVANE, *supra* note 109, at 90–91.

access to education, financial products (such as loans) and fail to receive an equitable share from agricultural endeavors.[114]

Appalachian society is also historically patriarchal with very defined gender roles.[115] Men are generally employed in "blue collar" fields that are seen as more masculine and fitting for males as providers.[116] In recent history (from 1950 forward), coalfield Appalachian women were the support for their coal miner husbands.[117] These women tended to the home and the children while their husbands risked life and limb in coal mines to provide for their families.[118]

There is abundant data establishing that the Appalachian region suffers from high rates of poverty—and its gendered connection. As one report notes,

> Many statistics could be cited to demonstrate the extent to which women shoulder a particularly high burden as a result of living in poverty. They are, for example, more exposed to violence, more vulnerable to sexual harassment, discriminated against in the labor market. . . . But perhaps the least recognized harm is that austerity policies that shrink the services provided by the state inevitably mean that the resulting burden is imposed instead upon the primary caregivers within families, who are overwhelmingly women.[119]

Nonetheless, one of the advantages for residents of Appalachia within the context of gendered issues is that, at least institutionally, they may have access to better remedies for enforcement of violations within the context of a gendered society.[120] In addition, one target in particular from Goal Five seems

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[114]   *Id.* at 217.

[115]   Until recently, this was particularly true within the context of coal mining communities, which were a dominant force within Appalachia's economy and are still a large part of Appalachia's identity. Bell & York, *supra* note 28, at 120, 134 (discussing the history of gender within the coal towns, stating that "integral to maximizing profits was reinforcing the traditional gender ideology regarding the 'appropriate' roles for men and women in society, that is, men as the breadwinners and women as the caretakers of the home" and describing the dichotomy between the declining gendered labor force in West Virginia and the stronger gendered identity that is "still felt").

[116]   Kathryn A. Russ, *Working with Clients of Appalachian Culture*, AM. COUNSELING ASS'N 4 (Mar.   2010),   https://www.counseling.org/resources/library/VISTAS/2010-V-Online/Article_69.pdf.

[117]   Bell & York, *supra* note 28, at 120.

[118]   *Id.*

[119]   Alston, *supra* note 82.

[120]   As the recent #metoo movement has shown, however, this might be a hollow victory because many women in the U.S. have felt dominated by a larger misogynistic culture. For a complete discussion of the #metoo moment, see Rebecca Traister, *Your Reckoning. And Mine.*, CUT (Nov. 12, 2017, 9:05 PM), https://www.thecut.com/2017/11/rebecca-traister-on-the-post-weinstein-reckoning.html.

applicable to both communities: "Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws[.]"[121] Implementing policies such as these would provide a much needed foundation in both Appalachia and East Africa.

D. Goal Nine: Build Resilient Infrastructure, Promote Sustainable Industrialization and Foster Innovation[122]

Goal Nine provides us with the opportunity to examine the interconnection between infrastructure and sustainable development.[123] As the Goals note: "It has long been recognized that growth in productivity and incomes, and improvements in health and education outcomes require investment in infrastructure."[124] Indeed, a contributing factor to the lack of overall growth in the Appalachian and East African regions is a lack of infrastructure to support reliable transportation or access to adequate transportation. While the results are similar, the challenges arise from different aspects of poor infrastructure.

Within the Eastern Africa region, the challenge arises from lack of transportation infrastructure within a particular country and between countries in the region. For example, although there is a train linking Tanzania and Zambia, the tracks are often in disrepair, leading to derailment. In addition, from country to country the access to electricity varies, making train travel unreliable. This, in turn, limits the efficiency of trade transport from country to country or within a single country in the region, which translates into lower economic growth.[125] Finally, rural areas often have limited paved roadways, and these unpaved roads are not maintained. Instead, residents in rural areas travel via roads consisting of hard packed earth, which may not be passable during times of heavy rainfall. Rural areas may also have limited public transportation compared to urban areas. As an example, in Nairobi, the capital city in Kenya, residents have access to buses, vans, motorcycles and taxis, whereas, in rural areas of Kenya, availability of buses and vans may be limited, leaving only animal based transportation options, motorcycles, or walking. The lack of infrastructure and transport

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[121]   *Goal 5, supra* note 106.

[122]   *Goal 9: Build Resilient Infrastructure, Promote Sustainable Industrialization and Foster Innovation*,   U.N.:   SUSTAINABLE   DEV.   GOALS, http://www.un.org/sustainabledevelopment/infrastructure-industrialization/ (last visited Mar. 29, 2018) [hereinafter *Goal 9*].

[123]   *See id.*

[124]   *Id.*

[125]   J. Roger Carter, *The Tanzanian-Zambia Railway Faces New Problems*, TANZANIAN AFF. (Sept. 1, 1991, 12:47 AM), https://www.tzaffairs.org/1991/09/the-tanzania-zambia-railway-faces-new-problems/.

services creates challenges for farmers in rural areas trying to get their goods to market, for families trying to access healthcare, and for children trying to get to school. Thus, lack of adequate transportation infrastructure and services has a direct impact on how the community functions.

The Appalachian region faces similar challenges to transportation infrastructure and services. However, in Appalachia, the challenge is both a lack of access to reliable transportation and topographical barriers. Many in the region cite the inability of residents to access reliable public transportation and to maintain private cars as barriers to receiving healthcare or accessing employment. Further, topographical obstacles and challenges isolate the region and create physical barriers to those (including businesses) needing easy ingress and egress.

Within both regions, the lack of or aging of infrastructure has become an impediment to economic growth and an obstacle to accessing both education and healthcare. Thus, applying Goal Nine to this particular issue has the potential to create inroads for the people in both of these regions. Specifically, Goal Nine's target to "[d]evelop quality, reliable, sustainable and resilient infrastructure, including regional and trans border infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all"[126] seems particularly apt.

E. Goal Ten: Reducing Stereotypes as a Vehicle for Reducing Inequalities[127]

Goal Ten references reducing inequalities within and among countries and, in particular, sub-part 10.3 focuses on the reduction of inequalities relating to discriminatory laws policies and practices.[128] The types of inequalities contemplated by the SDGs often arise from stereotypes and misconceptions associated with any underserved population.[129] In order to implement an inclusive or capability based development framework, as advocated by Sen,[130] the stereotypes arising from assumptions that underserved nations and/or communities lack any resource or asset must be addressed. The stereotypes of East Africans are strikingly similar to those of people living in Appalachia. Both societies are often categorized as helpless and in need of outside intervention or

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126   *Id.*

127   *Goal 10: Reduce Inequality Within and Among Countries,* U.N.: SUSTAINABLE DEV. GOALS, http://www.un.org/sustainabledevelopment/inequality/ (last visited Mar. 29, 2018) [hereinafter *Goal 10*].

128   *See id.*

129   *See id.*

130   SEN, *supra* note 42, at 19–20.

support. Their cultures and societies are infantilized and subjected to ridicule or fear.[131]

Strangers to both regions often believe the stereotypes they see and read about. As a result, outsiders form negative opinions about these regions and are less inclined to conduct business in these areas or support programming or initiatives that would alleviate the barriers to well-being. According to David Sibley (as quoted in George Towers's article about why younger people are exiting the Appalachian region in West Virginia), "Stereotypes play an important part in the configuration of social space because of the importance of distanciation in the behavior of social groups, that is, distancing from others who are represented negatively, and because of the way in which group images and place images combine to create landscapes of exclusion."[132] Thus, the negative stereotypes contribute to the inequalities that SDG 10 would eradicate.

Africa is often referred to as an indistinct, homogenous land mass. Rarely are the countries and regions in the continent discussed by individual names or by their unique cultural characteristics. This generalization is aptly described by Chimamanda Adichie in her TED talk, *The Danger of a Single Story*, in which she references the grouping together of individual countries in Africa into "the tale of a continent of over a billion people and 54 countries, their existence, history and stories compressed into one simple, superficial, easily regurgitated cliché. The hopeless continent. Africa rising. Magical Africa."[133] Adichie and others also correctly point out that the people residing on the continent of Africa are often associated with abject poverty and armed conflict.[134] These stereotypes result in erroneous and ineffective development projects. "[W]hen put into practice by organizations they contribute to ineffective development planning."[135]

Similarly, although Appalachia encompasses different states and therefore has different needs and cultural identities, Appalachia is often referred to as one homogenous area, much like the continent of Africa. Specifically, many of the stereotypes that are used in popular discourse for the Appalachian region are employed regardless of whether the specific area discussed is located in

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[131]   *See, e.g.*, Towers, *supra* note 2, at 76 (noting that "the image of a backward Appalachia was 'invented' to justify enforcing its cultural and economic dependency on metropolitan America").

[132]   *See id.* at 75.

[133]   Patrick Gathara, *If Western Journalists Get Africa Wrong, Who Gets It Right?*, GUARDIAN (Jan. 24, 2014, 11:41 AM), https://www.theguardian.com/world/2014/jan/24/africa-media-who-gets-right; *see also* Chimamanda Adichie, *The Danger of a Single Story*, TED (July 2009), https://www.ted.com/talks/chimamanda_adichie_the_danger_of_a_single_story.

[134]   Adichie, *supra* note 133.

[135]   Kate Grantham, *We Need to Go Beyond Development Stereotypes to Empower Women*, HUFFPOST (June 8, 2017), http://www.huffingtonpost.ca/development-unplugged/beyond-development-stereotypes_b_16990224.html.

central Kentucky or rural New York.[136] In this sense, allowing a regional demarcation to overwhelm (or in some cases supplant) an individual state's identity is a fairly uncommon tactic in popular discourse. Hand-in-hand with the geographic stereotype of Appalachia are the generalizations about its people: specifically, that Appalachia is poor and backward.[137] Those studying this region have noted that overcoming these negative stereotypes and creating a more nuanced view of Appalachia and its people would advance efforts towards resolving some of the crushing needs of the region, i.e., reducing inequality.[138]

Using SDG 10 as a starting point, active qualitative approaches that address stereotypes must be developed. These measures would assess not only the impact of the stereotypes on the region, but also how they bias the work of academics, practitioners and communities outside of Appalachia. Conducting multi-layered inquiry into the negative impact that stereotypes may have on those living and working in the region can efficiently combat challenges raised in each of the areas discussed in this essay.

IV. CONCLUSION

Appalachia and East Africa. At first glance, these two regions are worlds apart: one is a largely mountainous region in a temperate climate of the most affluent nation in the world, with residents who are, by and large, racially privileged. In contrast, the region of East Africa is comprised of a string of developing countries, each with varying topography from mountains such as Mount Kilimanjaro and Mount Kenya to ridge systems like the Great Rift Valley. The residents of East Africa are often viewed as economically poor and destitute, and yet, in this region, we find rich familial and community ties, areas of booming technological growth and communities reflecting wealth only associated with Western countries. These two regions share stark parallels, for both Appalachians and East Africans are living in a developing area, and by many SDG indicators—poverty, gender, health, and education—share similar characteristics attributed to developing countries.[139] As such, examining the

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[136]   *See* Towers, *supra* note 2, at 82.

[137]   Sarah Baird, *Stereotypes of Appalachia Obscure a Diverse Picture*, NPR: CODE SWITCH (Apr. 6, 2014), https://www.npr.org/sections/codeswitch/2014/04/03/298892382/stereotypes-of-appalachia-obscure-a-diverse-picture.

[138]   *See* Towers, *supra* note 2, at 83; *See generally* Nicholas F. Stump & Anne Marie Lofaso, *De-Essentializing Appalachia: Transformative Socio-Legal Change Requires Unmasking Regional Myths*, 120 W. VA. L. REV. __ (2018) (arguing that regional stereotypes impede efforts at Appalachian law reform and broader social change).

[139]   Even though one region—Appalachia—is in a nation that is often characterized as the epicenter of the concept of a "developed" nation, this notion is not universally held. MCMICHAEL, *supra* note 18. For instance, MIT professor Peter Temin argues that, within the last 40 years, the U.S. has regressed from a developed to a developing nation. PETER TEMIN, THE VANISHING MIDDLE CLASS: PREJUDICE AND POWER IN A DUAL ECONOMY 163 (2017). Factors that illustrate this decline

SDGs shows that the path forward for both Appalachia and East Africa would be by making strides towards an inclusive model of development—not just one that focuses on economic factors, but one that also encompasses the community as a whole and, specifically, takes individual voices into consideration.

For residents of both East Africa and Appalachia, the reality of a developing nation is very much alive and well. And yet, just because a place does not fall within the normative definition of a "good place" does not make it a bad home. Outsiders have skepticism about living in either of these two areas. For Appalachians, people from surrounding areas question why the locals would remain in such a "struggling" and "backwards" area. For residents of East Africa, many people from developed nations simply assume that East Africans *are* leaving—or trying to—at every turn. However, while we hope this Essay has shown that there are similarities for each, the pull of home is arguably the strongest. As one author reports, "[T]here's something irreplaceable about the connection to a place that has so directly shaped generations of a family."[140] This is true regardless of whether you call West Virginia or Kenya home.

So, maybe, in the end, we're not so different after all.

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include crumbling infrastructure (specifically roads and bridges) and the growing disparity in income between the nation's top 20% and the remaining 80%. *See id.*

[140] *See* Scott Rodd, *This Is What Poverty Looks Like*, THINKPROGRESS (Mar. 11, 2015) https://thinkprogress.org/this-is-what-poverty-looks-like-5218e194d4fe/; *see also* Larry Catá Backer, *Law at the End of the Day* (Nov. 28, 2017), http://lcbackerblog.blogspot.com/2017/11/reflections-day-1-what-is-continuing.html (reflecting on the 2017 U.N. Forum that "the continuing relevance of the UNGP is embedded within the cultural regulatory frameworks of sustainability . . . . One gets a sense of this generally from the way in which the UNGP now serves as the structure within which sustainability activity is now understood, and the language underlying the authority of its forms.").