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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Working Group on the Right to Development on its twentieth session (Geneva, 29 April to 3 May 2019)*

Chair-Rapporteur: Zamir Akram

* The annex is being issued without formal editing and in the language of submission only.

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Contents

	<i>Page</i>
I. Introduction	3
II. Organization of the session	3
III. Summary of proceedings.....	4
A. General statements	4
B. Interactive dialogue with the Special Rapporteur on the right to development	9
C. Contributions by States and other stakeholders	9
D. Interactive dialogue with experts	11
E. Discussion on the elaboration of a draft legally binding instrument.....	14
IV. Conclusions and recommendations	18
A. Conclusions	18
B. Recommendations.....	19
Annex	
List of participants.....	20

I. Introduction

1. The present report was prepared pursuant to Human Rights Council resolution 9/3 in which the Council decided to renew the mandate of the Working Group until it had completed the tasks entrusted to it by the Council in its resolution 4/4, and that the Working Group should convene annual sessions of five working days and submit its reports to the Council.
2. The mandate of the Working Group on the Right to Development, as established by the Commission on Human Rights in its resolution 1998/72, is to monitor and review progress made in the promotion and implementation of the right to development as set out in the Declaration on the Right to Development (General Assembly resolution 41/128), at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration; to review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development; and to present for the consideration of the Commission a sessional report on its deliberations, including advice to the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the implementation of the right to development and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development.
3. The tasks entrusted to the Working Group by the Human Rights Council in its resolution 4/4, as amended in later resolutions, are to consider, revise and endorse the draft right to development criteria and operational subcriteria prepared by the high-level task force on the implementation of the right to development, which should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development; and to take appropriate steps to ensure respect for and practical application of these standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement.
4. In its resolution 39/9, the Council decided that the Working Group, at its twentieth session, should commence the discussion on the elaboration of a draft legally binding instrument on the right to development, through a collaborative process of engagement, including on the content and scope of the future instrument.

II. Organization of the session

5. The Working Group convened its twentieth session in Geneva from 29 April to 3 May 2019. The session was opened by the Director of the Thematic Engagement, Special Procedures and Right to Development Division of OHCHR. In her opening statement,¹ delivered on behalf of the High Commissioner, she reassured the Working Group of the High Commissioner's commitment to and support for the realization of the right to development and the Working Group. Through the Declaration on the Right to Development, States committed to development policies for the improvement of the well-being of everyone on the basis of active, free and meaningful participation, to the fair distribution of benefits of development and to international cooperation. The 2030 Agenda for Sustainable Development was a blueprint for achieving sustainable development for everyone. There were still challenges to overcome in order to make that a reality, including inequality and climate change. Making progress required bold and ambitious decisions, strong leadership and political choices that prioritized the needs and the voice of people. The Director urged the members of the Working Group to work together in the spirit of urgency and collaboration needed and owed to future and present generations.

¹ All statements are available at www.ohchr.org/EN/Issues/Development/Pages/20thSession.aspx.

6. At its first meeting, on 29 April 2019, the Working Group re-elected by acclamation Zamir Akram as Chair-Rapporteur. In his opening statement, the Chair-Rapporteur reported on his intersessional activities, including meetings with the Secretary-General and the High Commissioner. Both interlocutors had reassured him of their support for the promotion of the right to development and for the Working Group. The knowledge produced by the Working Group would support the preparation of a legally binding instrument. The right to development required addressing the structural causes of inequality and discrimination. It involved empowering marginalized and vulnerable groups, which required good governance and policy coherence at all levels.

7. The Chair-Rapporteur then introduced a video message on the right to development by the Secretary-General. In his statement, the Secretary-General emphasized that the right to development was a key vehicle for driving shared progress. He recalled that the Declaration on the Right to Development put people at the centre of development. He called for transformative action and collective work with all partners to bring the Declaration and the 2030 Agenda to life for all.

8. The Working Group subsequently adopted its agenda (A/HRC/WG.2/20/1) and programme of work.

9. During the session, the Working Group heard general statements on the progress made in the promotion and implementation of the right to development, held an interactive dialogue with the Special Rapporteur on the right to development, considered contributions made by States to the implementation of the right to development, held an interactive dialogue with experts on the implementation and realization of the right to development, including the implications of the 2030 Agenda, and held a discussion on the elaboration of a draft legally binding instrument on the right to development.

III. Summary of proceedings

A. General statements

10. Delegations delivering statements included those of Angola (speaking both on behalf of the African Group and in its national capacity), Australia, Azerbaijan, Bangladesh, the Plurinational State of Bolivia, Botswana, Brazil, Burkina Faso, Chad, China, Cuba, Ecuador, Egypt, Ethiopia, the European Union, the Gambia, the Holy See, India, Indonesia, the Islamic Republic of Iran, Japan, Mozambique, Nigeria, Pakistan (speaking both on behalf of the Organization of Islamic Cooperation (OIC) and in its national capacity), Qatar, South Africa, Sri Lanka, Switzerland and the Bolivarian Republic of Venezuela (speaking both on behalf of the Movement of Non-Aligned Countries except Colombia, Ecuador and Peru and in its national capacity). Representatives of civil society organizations, including the Associazione Comunità Papa Giovanni XXIII (speaking on behalf of the Working Group on the Right to Development of the Forum of Catholic-Inspired NGOs in Geneva), the Europe-Third World Centre and the Nigeria-Togo Association also took the floor.

11. The Movement of Non-Aligned Countries reaffirmed its commitments on the right to development made at its seventeenth Summit Conference. The international community had to give the right to development the high profile that it merited, putting it at the centre of the implementation of the 2030 Agenda. International cooperation was integral to the implementation and realization of the right to development and could help overcome lasting global challenges. The Working Group should advance in the discussion on the elaboration of a draft legally binding instrument on the right to development. Such an instrument would put the right to development on a par with all other human rights in compliance with the mandate of the Working Group.

12. The African Group considered that the majority of developing countries faced challenges in the realization of the right to development that could be overcome with enhanced global support, new methodologies, alternative mechanisms and vulnerability-focused indicators that went beyond economic growth. Development financing also required new indicators relating to resource mobilization policies and international

cooperation. The African Group highlighted the United Nations system development reform, which could contribute to the achievement of the 2030 Agenda if it improved inter-institutional dialogue and practices for promoting the right to development.

13. OIC considered that the realization of the right to development could be a key factor in addressing global human rights challenges. Poverty, illiteracy, disease, discrimination and inequality posed serious challenges to the right to development and other human rights. Equitable market access and better terms of trade for developing countries, the sharing and transfer of technology and support in debt servicing would help developing countries achieve development and human rights targets. OIC welcomed the negotiations on a legally binding instrument and considered that the 2030 Agenda could provide a good point of reference for its preparation. It recommended that OHCHR should enhance its activities aimed at the implementation of the right to development.

14. The European Union commended the Chair-Rapporteur's efforts to explore the connection between equality and the right to development. The European Union remained strongly committed to eradicating poverty, achieving sustainable development and promoting equality for all and equitable globalization. It would continue to engage with the Working Group based on the concepts of the indivisibility and interdependence of all human rights, the multidimensional nature of development strategies, the individual as the central subject of the development process, and the primary responsibility of States to realize the right to development for their citizens. The European Union would not contribute to the discussion on the elaboration of a draft legally binding instrument, as it was not the appropriate mechanism to realize the right to development.

15. China considered that, despite many achievements made since the adoption of the Declaration on the Right to Development, uneven development was still the world's greatest challenge. China considered the right to development to be a primary and fundamental human right. It adopted a people-centred model of development based on innovation, coordination, green development, openness and inclusiveness. China supported the negotiation of a legally binding instrument on the right to development and looked forward to the mandated report of the Advisory Committee on the same topic. All parties should continue to pursue consensus to advance in the implementation of the right to development.

16. Qatar stated that its Constitution was based on human rights, equality of opportunity and development. Those concepts were reflected in national strategic and development plans. Countries should work to remove obstacles to development through cooperative policies and should remove unilateral coercive measures that undermined the right to development. Qatar would welcome expert views on the way forward in the implementation of the right to development and the 2030 Agenda. Qatar looked forward to the development of a legally binding instrument on the issue.

17. Mozambique pointed out that the session was being held shortly after Cyclone Idai, an extreme weather event that had resulted in heavy human and material losses. That situation served as a reminder of the importance of the right to development and disaster risk reduction enshrined in the Sendai Framework for Disaster Risk Reduction 2015–2030. Mozambique saluted the ongoing United Nations reforms that would lead to more robust country teams and greater consistency when assisting countries in their development efforts. It also welcomed the negotiations and upcoming study on a legally binding instrument.

18. Egypt considered that foreign funding and international cooperation to facilitate capacity-building and the transfer of technology were essential for low- and medium-income countries to implement economic, social and cultural rights. Egypt emphasized the importance of the negotiation of a legally binding instrument on the right to development, expressing its hope that the session would identify the elements to be included as a basis for the discussion.

19. The Islamic Republic of Iran recalled the request of the Working Group to OHCHR to allocate additional resources to undertake tangible and visible projects on the right to development. The right to development was under unprecedented attack by the adoption of unilateral coercive measures against an increasing number of developing countries. These measures had a negative impact on human rights, including the right to development. The

Islamic Republic of Iran called for accountability for those adopting unilateral coercive measures, which might amount to economic terrorism and crimes against humanity and might undermine sustainable development.

20. Nigeria argued that a legally binding instrument on the right to development could provide a comprehensive set of standards for the realization of the right to development. Such a right was an overarching human right that deserved the international community's attention, given the impact of poverty and inequality on the enjoyment of human rights. The realization of the right to development would ensure just and peaceful societies and effective good governance. Nigeria underscored the importance of international solidarity in efforts to realize the right to development, given its universality and applicability.

21. South Africa argued that there was no peace without development, and no development without peace, and that peace and development both required human rights. The United Nations should continue to mainstream the right to development in policies and programmes. Cooperation for development in developing countries without conditionalities was imperative. South Africa concluded by assuring its cooperation in the discussions on a legally binding instrument on the right to development.

22. Ethiopia argued that, though like in the case of other rights, the primary obligation rested on the States themselves, the international community had an obligation to work together and cooperate with States for the realization of the right to development. Lack of development was the root cause of many human rights violations, conflicts and migration challenges. Ethiopia strove and worked with its neighbours to create mutual benefits and peace. Poverty and inequality posed major threats to development. Ethiopia adopted national strategies and plans for the realization of equality of opportunities for all in access to basic resources and services, as well as gender equality.

23. Cuba opposed attempts to reinterpret the right to development as human rights in the context of development. The right was related to the institutionalization of policies and activities by Governments and international organizations. Regrettably, many developed countries imposed hurdles to the recognition of the right in international bodies. The economic blockade imposed on Cuba by the United States of America was a major obstacle to the realization of the right to development for Cubans. The recent illegal intensification of the blockade included measures against companies based in third countries, as well as restrictions on migrant remittances.

24. Sri Lanka argued that, despite unparalleled advances in science and technology, inequalities continued to hinder progress and development for present and future generations. Sustainable development should be nationally owned and driven by national needs and priorities. On the basis of its legacy of promoting development and social policies, Sri Lanka had actively engaged with and implemented the 2030 Agenda. It had also emphasized women's empowerment and South-South cooperation as vital strategies for promoting development.

25. The Plurinational State of Bolivia considered that the right to development approach established that all human rights could be gradually implemented. The right was essential to achieving the Sustainable Development Goals, reducing poverty and hunger, combating climate change, maintaining peace and creating prosperity. Unilateral coercive measures had a negative impact on all human rights, including the right to development. The Plurinational State of Bolivia recommended constructive dialogue with a view to the adoption of a legally binding instrument on the right to development.

26. The Holy See considered that development should meet both material and non-material basic needs and should be people-centred. Alternative models of development were necessary to address inequalities and the degradation of the environment. Respect for human dignity was a precondition for promoting sustainable, integral human development. Doing so required eradicating poverty by empowering marginalized peoples. Human development should be rooted in fundamental ethical values, encompass an international duty of solidarity and include a moral duty of reparation.

27. Burkina Faso expressed regret that, 30 years after the adoption of the Declaration on the Right to Development, that right had still not been fully implemented. The time had

come for States to overcome differences and commit to its realization. The implementation of the Sustainable Development Goals depended on that right, and 2030 was approaching fast. Burkina Faso expressed its support for the negotiation of a legally binding instrument.

28. Switzerland noted that, while sustainable development helped promote all human rights, the lack of development could not be used as an argument to justify the limitation of internationally recognized human rights. States had the duty to respect and protect human rights within their jurisdiction and were responsible for the creation of national and international conditions favourable to the realization of the right to development. Switzerland was against a legally binding instrument and favoured a more pragmatic approach. The Special Rapporteur on the right to development would be visiting Switzerland.

29. Angola argued that the Addis Ababa Action Agenda was essential for the realization of the right to development in developing countries. The Constitution of Angola was aimed at guaranteeing human development and well-being, and Angola adopted national development plans and strategies to that end. Effective international action was required to promote peace, stability and the rule of law and to provide developing countries with appropriate means and facilities to foster their comprehensive development.

30. India argued that the right to development could provide a framework for strengthening the global partnership for sustainable development and human rights. Development had to be nationally owned and driven but also needed to be complemented by equitable economic relations and a favourable economic environment at the international level. It also called for enhanced international cooperation on tax matters and effective domestic mobilization of resources to combat illicit financial flows and tax evasion. India supported the negotiations on a legally binding instrument.

31. Chad believed that the right to development could only be realized with international and national enabling environments and with a framework for responsibility to ensure social justice and human rights. Chad's national development plan reflected the 2030 Agenda and the right to development. Developed countries should respect their commitments to fund sustainable development in low-income countries.

32. The Bolivarian Republic of Venezuela shared its experiences with engagement in South-South cooperation for development, such as the Bolivarian Alliance for the Peoples of Our America – Peoples' Trade Agreement and the PetroCaribe initiatives. It called for more international solidarity and the eradication of colonial and neo-colonial exploitation. Realization of the right to development was obstructed by poverty, economic crisis, a lack of technology transfer, failure to meet official development assistance commitments, the overburden of foreign debt, unilateral coercive measures against Southern countries, foreign occupation and terrorism.

33. Brazil recalled that the Sustainable Development Goals, security and human rights were interdependent and interrelated. The Working Group should take advantage of the expertise of the Special Rapporteur on the right to development and of the Chair-Rapporteur of the Working Group. The 2030 Agenda should be successfully incorporated into the activities of the Working Group. Doing so could contribute to the mainstreaming of the right to development.

34. Pakistan considered that the Chair-Rapporteur's proposals in document A/HRC/WG.2/19/CRP.2 could help the Working Group overcome the political impasse. Alleviating poverty and decreasing social and economic inequalities were essential. The right to development required international cooperation taking into account common but differentiated responsibilities. Pakistan was committed to reducing poverty and inequality among its people. It called upon all States to constructively engage in the discussions on a legally binding instrument.

35. Australia stated that its Government was in a caretaking period due to federal elections, which impeded it from engaging in new international negotiations.

36. According to Azerbaijan, international cooperation was crucial to implementing the 2030 Agenda and that the realization of the right to development should be considered as a valuable means in that regard. Ending poverty, reducing inequality, achieving gender

equality and solving the problems of internally displaced persons required collective action by the international community.

37. Indonesia looked forward to the first draft of the legally binding instrument. International cooperation and global partnership for development were essential to turning the right to development into reality. The right to development was central to the operationalization of the 2030 Agenda. Indonesia implemented the right to development domestically, through a multidimensional approach to development, and regionally, through the Association of Southeast Asian Nations (ASEAN) and other South-South cooperation platforms.

38. Japan argued that human rights, including the right to development, were ascribed not to States but to individuals. The right should not be part of a legally binding instrument. Japan promoted the 2030 Agenda within its territory and provided assistance to empower individuals in other countries in the fields of education and health, among others. It was important to maintain a consensual approach during the negotiation. Japan would no longer participate in the discussions if they became focused on a legally binding instrument.

39. Botswana described its collection of disaggregated qualitative and quantitative data to analyse policies and focus them on those most in need. The high-level political forum offered an opportunity to discuss the realization of the right to development and to mainstream it across the United Nations system. Botswana argued that special and differential treatment in trade and support to middle-income and low-income countries were essential for sustained development.

40. Ecuador shared information on the constitutional status of all human rights, including the right to development and the rights of nature. The country's national development plan was informed by all human rights instruments and the 2030 Agenda. It prioritized the fight against poverty and inequality and the promotion of environmental sustainability. It condemned violence, machismo and xenophobia. Ecuador expressed its hopes for successful negotiations on a legally binding instrument.

41. The Gambia argued that the United Nations reform agenda was central to the implementation of the right to development and of the Sustainable Development Goals. Marginalized voices should count in decision-making in the United Nations on the basis of an equitable, participatory and inclusive level playing field. Inclusive governance allowed for the collective right to development, requiring a disruptive approach to innovation. The Gambia hoped for consensus on the promotion of the right to development, empowerment, inclusiveness and equality.

42. Bangladesh believed that the Working Group was critical to the overarching objectives of sustainable development and sustaining peace. The Group should move beyond the status quo and undertake substantive discussions on a draft legally binding instrument.

43. The Working Group on the Right to Development of the Forum of Catholic-Inspired NGOs called for the creation of an enabling international and national environment for integral and comprehensive development. Policies exclusively based on economic goals and a profit mentality caused inequality within and among countries. The benefits of globalization were overwhelmingly uneven. The right to development brought a paradigm shift that required meaningful reform in global governance in favour of democracy, accountability and human rights standards. It called for consensual and constructive dialogue that put people at the centre.

44. The Europe-Third World Centre pointed out that it had participated in the activities of the Working Group since its inception. It supported a legally binding instrument. There were not developed and developing worlds, but a badly developed single world. Currently, not only the Global South countries but also the Northern ones were affected by development problems.

45. The Nigeria-Togo Association argued that the right to development involved the internal development of individuals. The weak had the natural resources, while the strong had weapons. Peace should begin from the heart, and delegates should begin by changing their own attitudes.

B. Interactive dialogue with the Special Rapporteur on the right to development

46. The Special Rapporteur on the right to development, Saad Alfarargi, provided an overview of his mandate and work. He presented his reports on inequalities and on South-South cooperation and upcoming reports on regional consultations and on disaster risk reduction. He also reported on his participation in meetings on South-South cooperation and sustainable development, his visit to Cabo Verde and his planned visits to Switzerland and Chile. He had conducted regional consultations on good practices in designing, implementing, monitoring and assessing policies and programmes to realize the right to development. An overarching issue concerned ensuring the active, meaningful and informed participation of all stakeholders in development at all levels. The Special Rapporteur hoped that the guidelines based on those consultations would contribute to the Working Group's discussions on a legally binding instrument. He welcomed suggestions on his cooperation with the Working Group.

47. The delegations of the European Union, India, the Islamic Republic of Iran and the Bolivarian Republic of Venezuela (speaking both on behalf of the Movement of Non-Aligned Countries except Colombia, Ecuador and Peru and in its national capacity) took the floor, followed by the Associazione Comunità Papa Giovanni XXIII (speaking on behalf of the Working Group on the Right to Development of the Forum of Catholic-Inspired NGOs in Geneva), the Europe-Third World Centre and the Society for Threatened Peoples. Several speakers reiterated their support for the mandate of the Special Rapporteur and welcomed his work to further the right to development. The Movement of Non-Aligned Countries stressed the importance of the mandate of the Special Rapporteur and his contributions to the work of the Working Group. It noted that the Working Group was open to receiving his contributions on the preparation of a legally binding instrument. The European Union took note of his report submitted to the Human Rights Council at its thirty-ninth session but expressed concern about the duplication of work between the mandates of the Special Rapporteur and the Working Group.

48. The Special Rapporteur welcomed the comments as guidance for his future work. He emphasized international cooperation and the role and duty of every component of the system, including the civil rights component, for the implementation of the right of development.

C. Contributions by States and other stakeholders

49. Ethiopia referred to the Sustainable Development Goals and the Addis Ababa Action Agenda as stepping stones for realizing the right to development and as key to leaving no one behind. Development had been an utmost priority for Ethiopia, with the right to development being a constitutionally recognized right that should benefit the people at large. The Government was committed to growth and to lifting people out of poverty through significant budget allocations and pro-poor development activities related to agriculture, health, education and infrastructure. The activities of the private sector had also played a significant role in the overall development of the country.

50. The European Union noted that the 2030 Agenda reflected a human rights-based vision, which was consistent with European Union values. The European Union focused on mainstreaming the Sustainable Development Goals in the European policy framework and in the priorities of the European Commission. The 2017 European Consensus on Development, which was structured around the five core themes of the 2030 Agenda, framed the implementation of the 2030 Agenda in partnership with all developing countries. Examples were provided of how the internal and external policies and actions of the European Union were contributing to the 2030 Agenda, and the Working Group's attention was drawn to the indicators established for the Sustainable Development Goals.

51. Afghanistan spoke of the country's efforts to ensure the human right of its citizens to development, a vision captured in the Afghanistan National Peace and Development Framework and 10 national priority programmes. A reform package for the education

sector had been launched in 2018, key revenue generating sectors were advancing, and employment needs were being addressed by promoting vocational education. Results included an improved business climate and increased exports. Once completed, regional connectivity projects pursued under the frameworks of the Regional Economic Cooperation Conference on Afghanistan and the Heart of Asia - Istanbul Process – including regional energy and power transmission lines and transport and railway corridors – would have a spiralling impact on regional trade and in achieving the Sustainable Development Goals.

52. Togo stressed the importance it attached to implementing the right to development, noting that the effective enjoyment of the right to development for all was still a long way from being a reality. It believed that the integration of the Declaration on the Right to Development into a legally binding instrument would contribute to making it applicable. In two years, Togo had reduced its poverty level by 3 per cent, in addition to reducing unemployment and underemployment. The national development plan 2018–2022 was aimed at a structural transformation, consolidating social development and strengthening inclusivity.

53. Malaysia described the country's national development policy. The underlying principles of inclusive development were spelled out in the policy along with planned measures to ensure that all Malaysians benefited from the nation's development. The 2030 Agenda had been incorporated into the national development planning mechanism, with the Sustainable Development Goals mapped into the national development plan. A governance structure headed by the Prime Minister had been established for implementation, monitoring and reporting. Implementation would also be guided by a national Sustainable Development Goals road map.

54. Indonesia elaborated on the country's efforts to realize the right to development through democratic, transparent and inclusive processes. The 2030 Agenda had been incorporated into national development planning, the "developing Indonesia from the periphery" agenda and social development programmes. Recent regional efforts included the convening of a gathering of leaders from ASEAN on achieving the Sustainable Development Goals and a regional training session on women, peace and security. Indonesia was an active participant in South-South cooperation and triangular cooperation to implement the 2030 Agenda.

55. Burkina Faso spoke of the measures taken to implement the right to development, including the incorporation of the provisions of the African Charter on Human and Peoples' Rights into its Constitution and the reform of laws and institutions. The 2016–2020 national economic and social development plan was based on the Sustainable Development Goals and prioritized Goal 9. The State's national development programmes included grassroots participation. Involving the people – particularly the most vulnerable groups – in development was an essential part of realizing the right to development. For that reason, a human rights-based approach would be taken.

56. Azerbaijan stated that the implementation of the Sustainable Development Goals stood among the priorities of the country's State policy. A national coordination council on sustainable development had been established in 2016. In 2018, the Government had signed a joint declaration on cooperation for the Sustainable Development Goals with the Economic Commission for Europe. The objective of the joint declaration was to cooperate in the implementation of activities aimed at achieving the Sustainable Development Goals and to identify national priorities for sustainable development.

57. Pakistan described its multifaceted approach towards development, its people centred agenda and its comprehensive poverty alleviation policy. The latter comprised the largest social safety net programme in the region. The Government worked closely with the provinces to ensure a minimum level of social protection and economic growth. Other efforts included widening access to quality services related to education and nutrition, ensuring equality of opportunities through merit-based recruitment systems, cheaper technology, more inclusive and participatory development and sustained economic growth, upgrading connectivity and providing affordable energy.

58. India elaborated on the country's commitment to the realization and implementation of the right to development. Development partnerships occupied a paramount place in

India's foreign policy. Its external development assistance programmes in developing countries had significantly increased over the past two years and were based on two pillars. The "partnership model", whereby the partners determined and decided the priorities and contours of their development projects, was working for mutual benefit and prosperity. Its core objective was to create lasting local goods through the sharing of technologies and to enhance local capacities.

59. Mauritania noted that the right to development was an integral part of national plans and programmes for poverty alleviation and control and of its work to promote and protect human rights. The Accelerated Growth and Shared Prosperity Strategy covered the period from 2015 to 2030 and was aimed at promoting sustainable and inclusive development in a way that would meet the basic needs of all the people of Mauritania. Its three main components included promoting rapid, sustainable and inclusive growth, encouraging training and the provision of basic services, and strengthening government institutions.

60. Bangladesh stated that the right to development had been addressed and mainstreamed in all relevant national development plans and strategies to achieve the Sustainable Development Goals. At the regional level, Bangladesh continued to advocate for enhanced regional and subregional cooperation to unlock the potential for development in the South Asian region. At the international level, it had acted as the spokesperson for the least developed countries in relevant international forums, including during negotiations of internationally agreed development goals and commitments for least developed countries.

D. Interactive dialogue with experts

61. In accordance with Human Rights Council resolution 39/9, the Working Group held an interactive dialogue with experts on the implementation and realization of the right to development and the implications of the 2030 Agenda, including the possible engagement of the Working Group with the high-level political forum on sustainable development. The first panel included Vicente Yu, coordinator of the South Centre's Global Governance for Development Programme; Regina Asariotis, Senior Legal Affairs Officer and Chief of the Policy and Legislation Section of the Division on Technology and Logistics of the United Nations Conference on Trade and Development; Raúl Torres, a counsellor in the World Trade Organization's Development Division; and Sanya Reid Smith, Legal Adviser and Senior Researcher at the Third World Network.

62. Mr. Yu addressed challenges for the realization of the right to development and the 2030 Agenda, especially climate change and global economic uncertainty. Climate vulnerabilities depended on countries' stage of development, infrastructure, finances and technology. A legally binding instrument on the right to development could consider climate change. Economic uncertainty and slower growth in developing countries meant that adaptation to climate change would be more difficult. Global economic uncertainty was caused by fiscal consolidation policies, privatization, wage stagnation, growing inequality, inflation, debt dependence and trade protectionism. Achieving the targets of the Paris Agreement required ambitious climate action, the availability of adaptation technologies, transition to clean energy and reduced energy demand. Technological change, migration and population growth would impact development objectives. A legally binding instrument should address sustainable industrial policies, technology transfer, the development of productive capacity and a protected global environment that was treated as a public good. The international cooperation aspect should be a priority.

63. Ms. Asariotis spoke about progress and obstacles in international trade for achieving the 2030 Agenda. She referred to climate change as a defining issue of our era. The 1.5 degrees of global warming in the Paris Agreement was an aspirational goal. Quantitative research estimated that climate change would cause huge losses even with 1.5 degrees of global warming. Small island developing States were highly vulnerable to external shocks, with a high exposure to natural disasters and limited adaptive capacity. Highly dependent on imports and tourism, their airports and seaports were critical lifelines and were especially vulnerable to climate related disasters. A 2017 hurricane had caused losses in the Caribbean amounting to several hundred per cent of countries' gross domestic product.

Research showed that the airports and seaports of small island developing States were vulnerable under all climate change scenarios, illustrating the urgency of taking action.

64. Mr. Torres presented actions for mainstreaming trade to attain the Sustainable Development Goals. He explained how integration into the multinational trading system improved developing countries' long-term prospects by providing access to new markets, new technologies and new investment. In Samoa and Maldives, mainstreaming trade policies to tackle capacity constraints had advanced economic growth and development. Structural changes in the global economy made the link between trade and development more complex. Automation, digitalization and new business models had revolutionized all aspects of our lives, presenting opportunities to promote growth and development. Unprecedented technological advance drove structural changes in labour markets, where productivity gains from new technologies reduced the demand for labour in traditional sectors such as agriculture or manufacturing. The "fourth industrial revolution" also posed challenges to Governments and societies. Mr. Torres illustrated cases demonstrating that the multilateral trading system brought predictability, security and fairness to international economic relations, which was particularly important for realizing the right to development in developing countries.

65. Ms. Reid Smith provided a civil society perspective on the potential of trade for achieving sustainable development. She stressed the challenge of meaningful participation by civil society in trade negotiations. In their joint report on the right to development (A/HRC/39/18), the Secretary-General and the High Commissioner had noted that preserving policy space to exercise sovereignty was crucial to promoting the right to development. Ms. Reid Smith also discussed possible negative impact of royalties, bilateral investment treaties, sovereign debt restructuring and the digital divide. The practice of requiring more commitments from developing countries and least developed countries than from existing World Trade Organization members was problematic. Relevant ongoing negotiations at the World Trade Organization included a proposed reform process, fisheries subsidies and affordable services. Acceding countries would possibly be forced to join the optional agreements deriving from voluntary negotiations. Ms. Reid Smith asked the Working Group if Governments had undertaken human rights impact assessments, as recommended by the Secretary-General and the High Commissioner in their report on the right to development.

66. In the ensuing discussion, the representatives of Bangladesh, Ecuador, Ethiopia, the European Union, the Gambia, Kenya, Mauritania, Mozambique, the Syrian Arab Republic and the Bolivarian Republic of Venezuela took the floor, followed by the Associazione Comunità Papa Giovanni XXIII (speaking on behalf of the Working Group on the Right to Development of the Forum of Catholic-Inspired NGOs in Geneva), the Europe-Third World Centre, the International Human Rights Association of American Minorities, the Nigeria-Togo Association and the Society for Threatened Peoples. Several speakers stressed the role of international cooperation in realizing the right to development. Some delegates noted the need to enhance international cooperation, particularly in relation to the issues of climate change and technology transfer. The representative of the Gambia reiterated that the right to development also required cooperation between the United Nations human rights and trade agencies. The delegate of Bangladesh asked for recommendations regarding engagement in multilateral negotiations, particularly in relation to e-commerce and small and medium-sized enterprises. The European Union stressed the need to recognize that divergent views on the implementation of the right to development remained. The human rights-based approach remained the guiding principle of the actions conducted by the European Union, including its strategic approach to the implementation of the 2030 Agenda. The representative of the Syrian Arab Republic highlighted the interrelationship between international constraints and the ability of States to realize the right to development for their peoples, as some Western countries resorted to imposing unilateral economic sanctions on other States for political reasons. Challenges and constraints at the international level impeding States' efforts to realize that right, particularly those related to the spread of terrorism and the imposition of unilateral coercive measures, must not be ignored. She reiterated that international cooperation was essential for supporting States' national efforts to realize the right to development.

67. In concluding the session, experts noted, with regard to e-commerce negotiations, the need to consider whether that was a priority for the country, as engaging in negotiations was not without its costs. The question of whether countries were ready to negotiate e-commerce was posed, with reference to the fact that decisions had not yet been made regarding whether the negotiations covered products or services. On the other hand, participation was necessary in order for States to be heard and to ensure fair outcomes. The negotiations would most likely become a model for the preparation of any other rules in that area. Domestic policies were enormously important for fully realizing the right to development and attaining the Sustainable Development Goals. Climate change was the best illustration of global interdependence. Much greater awareness among decision makers was necessary to address the challenge. Other measures included long-term capacity-building and reconsideration of nationally determined contributions, which could include adaptation. With respect to the legally binding instrument, it was suggested to focus on the duty to cooperate as its main objective and to view the instrument as an implementation agreement rather than a normative instrument. The focus could be on crafting a mechanism as one of the main outputs of the legally binding instrument.

68. The second expert panel included Susan Mathews, Human Rights Officer in the Right to Development Section of OHCHR; Meskerem Geset Techane, Vice-Chair of the Working Group on the issue of discrimination against women in law and in practice; Chiara Mariotti, Inequality Policy Manager at Oxfam; and Melik Özden, Director of the Europe-Third World Centre.

69. Ms. Mathews gave a presentation on the potential and pitfalls of digital trade for development in Africa. Digital globalization presented both opportunities and risks to human rights, including the right to development. Digital technology had boosted economic growth and transformed government and services, but benefits were uneven. The offline population was disproportionately poor, rural and female. Internet connectivity could create a cascading effect for innovation and trade, benefiting women, youth, persons with disabilities and people in remote areas especially. With more than half of the world's population online, 80 per cent of the population in least developed countries remained unconnected. To prevent an unequal, uneven and unfair future, States and other stakeholders must build and finance digital infrastructure; contribute to better local and international investments; design digital strategies complemented with overall development strategies; provide infrastructure to ensure clean energy, water and sanitation and transport; and ensure accessibility and affordability.

70. Ms. Mariotti referred to the issue of global inequality as the Achilles' heel of the right to development. Rising inequalities were a threat to the realization of the right to development. In 2018, 26 men held as much wealth as the poorest half of the population, and that inequality was still growing. Inequality contributed to violence, instability and health problems. Climate change affected the poorest people the most. Undertaxation impacted the enjoyment of full sovereignty by depriving States of valuable resources for basic public services. Goal 10-related multilateral processes tended to be weak. The Goal's proposed targets failed to compare the top with the bottom and inadequately focused on the bottom 40 per cent. More data on the details of distribution could help to develop a more substantial and comprehensive system around Goal 10. Ms. Mariotti proposed the creation of a forum for combating inequalities in the global system. The forum could be created by the binding instrument on the right to development and could contribute to the realization of that right.

71. Ms. Techane spoke about the elimination of discrimination against women as a legal duty and enabler for achieving the Sustainable Development Goals. To achieve gender equality, women must be able to participate in, contribute to and enjoy development. Inequality must be addressed to achieve just and peaceful societies. The cost of discriminatory practices on health, education and economic development limited the realization of sustainable development. In the light of the analysis of the Working Group on the issue of discrimination against women in law and in practice, she described how gender inequality affected the realization of the rights of women and of Goals 3 (good health and well-being), 4 (quality education), and 8 (decent work and economic growth). She concluded by affirming that the elimination of discrimination against women and girls was

essential to reducing gender inequality and inequalities within and among countries and to achieving the Sustainable Development Goals.

72. Mr. Özden considered why the right to development was crucial for the empowerment of people and their participation in decision-making on development policies. Neo-liberal politics implemented throughout the world as the sole economic model considered that the market was the voice of democracy and human rights. However, neo-liberalism had shown numerous failures and had disrupted labour markets and public services, overexploited natural resources and contributed to the retreat of democracy in much of the world. Emphasis should be put not on the Sustainable Development Goals but on the substance of the right to development. To implement the Declaration on the Right to Development, States and the entirety of their populations should participate in development. Such implementation required international cooperation. It also required respect for the principle of self-determination and policy space. Therefore, the first measure States should take to implement the right was to radically change trade and investment norms that restricted policy space.

73. In the ensuing discussion, delegates representing Ethiopia, the European Union, the Gambia, India and the Syrian Arab Republic took the floor, followed by representatives from civil society organizations the International Human Rights Association of American Minorities, the Nigeria-Togo Association and Vie et Santé du Centre. Speakers underscored the importance of participation, including that of indigenous peoples and women, in development and in the negotiations. While one delegation shared successful experiences of international cooperation in implementing the 2030 Agenda, others questioned whether, given the growing inequality, there was real political commitment to cooperate and provide development aid, including in the case of international organizations. One delegation argued that lack of development could not be used to claim violations of human rights, while another questioned whether lack of resources could justify failure to achieve gender equality outcomes. One organization questioned whether the 2030 Agenda could be achieved given the unsustainable foreign debts and the “pillaging” of natural resources from Africa. Speakers emphasized the importance of promoting equitable trade, and one questioned whether promoting e-trade could also undermine small and medium-sized enterprises with no capacity to compete with the tech giants. Other delegations stressed the importance of defining the responsibilities of the international community as referred to in the Declaration on the Right to Development and asked what form of international cooperation was expected or needed to ensure the realization of the right to development and the elimination of impediments to its realization in accordance with the Declaration.

74. In concluding the session, panellists noted that conditionalities on official development aid, structural adjustments and unpayable foreign debts affected countries’ policy space to realize the right to development. Governments could not invoke the lack of development as an excuse for failing to adopt low or no cost measures to promote human rights and gender equality. Informed by the Charter of the United Nations and human rights instruments, the international community should cooperate in solidarity through the exchange of good practices and the building of capacity. When addressing inequalities, prioritization should be given to partnership with people over the private sector. E-trade and the gig economy presented risks to labour and privacy but were irreversible and could be channelled to empower the marginalized.

E. Discussion on the elaboration of a draft legally binding instrument

75. The Working Group held a discussion on the elaboration of a draft legally binding instrument on the right to development through a collaborative process of engagement, including discussions on the content and scope of the future instrument. The discussion was arranged under sub-items preceded by expert presentations.

76. At the first meeting under that agenda item, the preamble, final provisions, working methods, structure and gender-related aspects of a legally binding instrument on the right to development were discussed. The meeting included presentations from Makane Moïse Mbengue, Professor of International Law at the University of Geneva and at Science Po

School of Law in Paris; Koen De Feyter, Professor of International Law at the University of Antwerp; and Meskerem Geset Techane.

77. Mr. Mbengue addressed the preamble and final provisions of a legally binding instrument on the right to development. The extent of preambles could depend on the level of specificity in the operational clauses. The preamble had legal value and provided guidance for the interpretation of the treaty and its context by presenting the treaty's considerations and purpose. Considerations were the political, institutional and legal *raison d'être* of the treaty. Purposes were functional, qualifying and systemic achievements sought. As for the final provisions, they should deal with institutional mechanisms, signature and ratification, entry into force, amendments, reservations, denunciation, authentic languages and dispute settlement.

78. Mr. De Feyter explained that legally binding instruments were treaties governed by international law. He addressed strategic choices drafters faced, in particular between broader membership or more substance in obligations. The instrument could follow a standard treaty model or a framework convention model. The binding instrument should preserve key features of the right to development as a human right held by individuals and peoples; the entitlement to active, free and meaningful participation in and fair distribution of the benefits of development; and the national, extraterritorial and global dimensions of the right to development. The drafters of a treaty could take a State-to-State approach, a traditional human rights instrument approach or a combination thereof. A framework treaty would be focused more on setting out general principles and creating institutional provisions, including a conference of the parties and compliance mechanisms.

79. Ms. Techane mentioned that regional human rights systems already had legally binding instruments covering the right to development, including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, article 19 of which specifically referred to women's right to sustainable development. The recognition of the right to development was very important, as women were missing out on the process and outcomes of development both individually and collectively. The goal of achieving sustainable development would not be possible if women were not given full access to their human rights. The elimination of discrimination against women was not merely a target but an obligation. It would be important to include in a legally binding instrument provisions supporting the political, economic and social status of women and their right to equality in development. Some proposals could possibly be drawn from the African system, and some reformulation of the Declaration on the Right to Development was needed. Women should have an active role in the process of formulating and implementing State policies and development programmes. They should not just be referred to as beneficiaries of development policies but should rather be positioned as drivers of development. An intersectional approach that took into account women in situations of vulnerability or marginalization would be important.

80. In the ensuing discussion, representatives of Cuba, the Holy See, India, the Islamic Republic of Iran, Mozambique, Pakistan, the Russian Federation and the Bolivarian Republic of Venezuela took the floor, followed by representatives of the Associazione Comunità Papa Giovanni XXIII (speaking on behalf of the Working Group on the Right to Development of the Forum of Catholic-Inspired NGOs in Geneva), the Europe-Third World Centre, the International Association of Democratic Lawyers and the Nigeria-Togo Association. Speakers affirmed that broad consensus should be sought during the process. One delegate emphasized that the treaty negotiation should be exclusively an intergovernmental process, while others favoured a more inclusive process with the active participation of civil society and other stakeholders. Delegates recommended human rights instruments that should be mentioned in the preamble of the treaty as well as principles that should guide it. Some argued that the scope and content of the treaty should be strictly based on the Declaration of the Right to Development, should be focused on the human person and groups and should emphasize the international dimensions of the right, and they warned against reducing the right to development to a human rights-based approach to development. One delegate enquired about the relationship between the number of States parties required for the instrument's entry into force and its universality. Different opinions were expressed about whether it should be a standard treaty or a framework convention,

and some felt that point could be decided later. One participant suggested that the criteria and subcriteria should help inform the process.

81. In concluding the session, panellists took divergent opinions on whether it was better to decide that the instrument would be a standard treaty or a framework convention at the beginning of the process or as negotiations unfolded. Panellists agreed that the new instrument should go beyond the Declaration on the Right to Development, both to add more specific norms and to expand consensus. Mr. De Feyter considered that the main challenge was to combine the features of a human rights treaty with inter-State relations to ensure that duty bearers were held accountable. Mr. Mbengue explained that, while 50 ratifications for entry into force was a standard, negotiators could decide differently based on strategic considerations. Ms. Techane recommended avoiding language that implied that men were the norm and women were the “other” human beings (the exception and the vulnerable), such as the common phrase “including women”.

82. At the next meeting, the content and scope of a legally binding instrument on the right to development were discussed. The meeting started with presentations from Mihir Kanade, Academic Director of the University for Peace; Carlos López, Senior Legal Adviser on Business and Human Rights for the International Commission of Jurists; and Diana Desierto, Professor of Human Rights Law at the University of Notre Dame and Professor of International Law and Human Rights at the Philippine Judicial Academy.

83. Mr. Kanade addressed the formulation of the right to development and the nature of obligations of States parties to a legally binding instrument. The right to development was an inalienable and self-standing human right, while also an amalgamation, meaning that a violation of any human right automatically constituted a violation of the right to development. Participation, contribution and enjoyment underpinned the sense of the right to development. A proposed reformulation of the right to development was: “States, on behalf of their peoples, have the right, as well as the duty, to formulate appropriate national development policies”. When acting collectively in global and regional partnerships, States had the obligation to respect, protect and fulfil the right to development. The provisions of a legally binding instrument could include references to civil development and sustainable development, which were not included in the Declaration.

84. Mr. Lopez spoke about the advantages and disadvantages of imposing obligations on business enterprises and investors in relation to human rights and the right to development. A convention on the right to development could provide a multilateral framework to support countries’ reform efforts, strengthen their bargaining position and balance investment protection regimes. Obligations for investors could include compliance with national law, disclosure of information, respect for human rights and labour rights in accordance with national law and social and environmental impact assessments. The advantages of including those obligations in the legally binding instrument could be to preserve national policy space, make investments consistent and conducive to national development efforts and afford better protection and relief to affected populations. Possible disadvantages included a heightened level of obligations being seen as discouraging, erosion by a low level of ratification or implementation, and required domestic efforts to enact, legislate and enforce laws.

85. Ms. Desierto presented possible compliance paradigms and frameworks for a draft legally binding instrument. Human rights compliance was often equated with enforcement, when in reality it concerned the degree to which State behaviour conformed to what an international agreement prescribed or proscribed. State compliance was determined by strategic cooperation objectives, self-interests, reciprocity, reputational concerns, a sense of identity created by shared norms of international behaviour, and a sense of legitimacy and fairness. Five factors determined the acceptable level of human rights compliance: efficiency of rules, State interests, norms, ambiguity versus clarity of rules, and capabilities and capacities. Institutional design options included: reporting procedures and periodic review; fact-finding and reporting procedures in existing national or regional bodies; a common but differentiated responsibility model or verifiable public registry of commitments; dialogic or review functions vested in a treaty based body; integrated right to development reporting to analyse intersectional factors constraining human rights and

implementation of the Sustainable Development Goals; and an optional protocol for individual or group complaints procedures and the settlement of disputes.

86. After the presentations, delegations from Cuba, the Gambia, the Islamic Republic of Iran, Pakistan, the Syrian Arab Republic and the Bolivarian Republic of Venezuela (speaking both on behalf of the Movement of Non-Aligned Countries except Colombia, Ecuador and Peru and in its national capacity) took the floor. They were followed by representatives of the South Centre and the civil society organizations the Associazione Comunità Papa Giovanni XXIII (speaking on behalf of the Working Group on the Right to Development of the Forum of Catholic-Inspired NGOs in Geneva), the Europe-Third World Centre, the International Human Rights Association of American Minorities, the Nigeria-Togo Association and Vie et Santé du Centre. Several speakers referred to the negative impact of unilateral coercive measures, trade barriers and negative international extraterritorial obligations on development efforts and asked how that could be reflected in the legally binding instrument. Some representatives spoke about the human rights obligations and the impact of international financial institutions on the right to development. Delegates also questioned the role and responsibilities of other stakeholders, including regional organizations, experts and indigenous peoples in the negotiations process and outcome document. The delegate of the Gambia referred to the purposes for determining compliance with the right to development outlined by Ms. Desierto, stressing the need to make information available to decision makers. That included information on regulatory and development decision-making gaps and intersectional data on the human rights impacts of economic decision-making. Deepened, democratized, and equalized engagement with all constituencies of economic decision-making was needed. The Syrian Arab Republic directed questions to experts on how to prevent pitfalls and shortcomings in the negotiations from the start and requested examples of international agreements and processes to be used as best practices for the legally binding instrument negotiations. The South Centre questioned whether the way forward would be a treaty with specific new obligations or one on how to implement existing obligations. The Islamic Republic of Iran asked experts to elaborate on the role of the depositary in the legally binding instrument.

87. The panellists responded to questions, including the need to refer to women in the legally binding instrument. Women minority groups were the hardest hit by poverty. With regard to other stakeholders and participation, the experts considered that negotiations should be an interdisciplinary and intersectional process. The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters were mentioned as providing useful guidance. Panellists recommended conducting a baseline study to guide the way forward and negotiating the instrument in a manner that would clarify existing norms. Negotiating States could mirror good practices related to international cooperation in provisions of international environmental agreements, such as the Convention on the Law of the Non-navigational Uses of International Watercourses and the Convention for the Protection of the World Cultural and Natural Heritage. Inspiration for the negotiation process could be drawn from the process followed by the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights. Regarding extraterritorial obligations, guidance could be drawn from general comment No. 24 (2017) of the Committee on Economic, Social and Cultural Rights on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities. Unilateral coercive measures were illegal according to international law. The duty to respect human rights and the “do no harm” principle were not restricted to States alone, and it was theoretically possible for non-State actors to be prescribed human rights responsibilities by States without their consent. Experts recommended appointing the Secretary-General as depositary.

IV. Conclusions and recommendations

88. At the final meeting of its twentieth session, held on 3 May 2019, the Working Group adopted by consensus the present conclusions and recommendations, in accordance with its mandate as established by the Commission on Human Rights in its resolution 1998/72.

89. In his concluding remarks, the Chair-Rapporteur thanked all those involved in the Working Group's session. He was echoed by representatives of the Bolivarian Republic of Venezuela (speaking on behalf of the Movement of Non-Aligned Countries except Colombia, Ecuador and Peru), the European Union and the Associazione Comunità Papa Giovanni XXIII (speaking on behalf of the Working Group on the Right to Development of the Forum of Catholic-Inspired NGOs in Geneva).

A. Conclusions

90. The Working Group expressed its appreciation to all those who had contributed to the proceedings of its twentieth session.

91. The Working Group took note with appreciation of the presence of the Director of the Thematic Engagement, Special Procedures and Right to Development Division of OHCHR at the session and took note of her opening remarks, delivered on behalf of the High Commissioner, in which she had reiterated the full support of OHCHR for the Working Group and for the full realization of the right to development.

92. The Working Group welcomed the video message of the Secretary-General in support of the right to development.

93. The Working Group welcomed the re-election of the Chair-Rapporteur and commended him for his able stewardship in guiding the deliberations during the session.

94. The Working Group expressed its appreciation for the interactive dialogue held with the Special Rapporteur on the right to development, which had provided an opportunity to exchange views on the preparation of a draft legally binding instrument on the right to development, the benefits of the operationalization of the right to development and the ways to overcome the obstacles and challenges to the full enjoyment of that right.

95. The Working Group expressed its appreciation for the interactive dialogue on the implementation and realization of the right to development, including the implications of the 2030 Agenda for Sustainable Development.

96. The Working Group took note of divergent views on a legally binding instrument expressed during its first discussions on the preparation of a draft legally binding instrument on the right to development through a collaborative process of engagement, including on the content and scope of the future instrument, and welcomed the contributions from the experts in that context.

97. The Working Group discussed how a legally binding instrument would contribute to making the right to development a reality for all by creating conducive national and international conditions for its realization and by halting all measures that might have a negative impact on the right to development, in accordance with the Charter of the United Nations, the Declaration on the Right to Development and other relevant international instruments and documents.

98. The Working Group took note that the States members of the European Union had not participated in the discussions on a legally binding instrument, maintaining their position that an international legal standard of a binding nature was not the appropriate mechanism to realize the right to development, and that the outcome of those discussions did not necessarily reflect their views.

99. The Working Group encouraged relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes, and other relevant international organizations and stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda, to contribute to the work of the Working Group on the Right to Development and to cooperate with the High Commissioner and the Special Rapporteur in the fulfilment of their mandates with regard to the implementation of the right to development.

B. Recommendations

100. The Working Group recommended that:

(a) The United Nations High Commissioner for Human Rights and OHCHR take measures necessary to ensure a balanced and visible allocation of resources and pay due attention to the visibility and effective implementation and mainstreaming of the right to development by systematically identifying and undertaking tangible projects dedicated to that right, and that they continue to update the Human Rights Council and the Working Group on progress in that regard;

(b) The Working Group continue to accomplish its mandate through a collaborative process of engagement, in accordance with Commission on Human Rights resolution 1998/72 and other relevant resolutions of the Human Rights Council and the General Assembly;

(c) The Chair-Rapporteur conduct further consultations with all Member States, international organizations, United Nations agencies, regional economic commissions and other organizations on the preparation of a draft legally binding instrument or other means for the realization of the right to development, taking into account the discussions held in the current session of the Working Group, as well as the presentations made by the experts invited, in accordance with Human Rights Council resolution 39/9;

(d) The High Commissioner include in her next annual report an analysis on the realization of the right to development, taking into account existing challenges to the realization of the right to development and making recommendations on how to overcome them, and concrete proposals for supporting the Working Group in fulfilling its mandate;

(e) The Working Group, in its future deliberations, consider the contributions made by States at the national, regional and international levels to the implementation and realization of the right to development and the implications of the 2030 Agenda for Sustainable Development;

(f) The Working Group invite the Special Rapporteur on the right to development to continue to contribute to the work of the Working Group in accordance with his mandate as established by the Human Rights Council in its resolution 33/14;

(g) The High Commissioner continue to facilitate the participation of experts in the future sessions of the Working Group, and to provide advice with a view to contributing to the discussions on the implementation of the right to development;

(h) The Chair-Rapporteur present the report of the Working Group on its twentieth session to the General Assembly at its seventy-fourth session and report on activities to promote the integration of the right to development in the implementation of the 2030 Agenda.

Annex

List of participants

States Members of the Human Rights Council

Afghanistan, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Cameroon, Chile, China, Czech Republic, Egypt, Hungary, India, Iraq, Japan, Mexico, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Slovakia, South Africa, Spain, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

States Members of the United Nations

Algeria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Botswana, Canada, Chad, Colombia, Costa Rica, Cuba, Ecuador, Djibouti, El Salvador, Estonia, Eswatini, Finland, France, Gambia, Germany, Greece, Indonesia, Iran (Islamic Republic of), Kenya, Korea (Republic of), Kuwait, Lao, Lebanon, Libya, Luxembourg, Malaysia, Mauritania, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Paraguay, Portugal, Romania, Russian Federation, Singapore, Slovenia, Solomon Islands, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Venezuela (Bolivarian Republic of), Zimbabwe

Non-member observer States

Holy See, State of Palestine

Intergovernmental organizations

European Union, South Centre, Organization of Islamic Cooperation, United Nations Conference on Trade and Development, University for Peace (UPEACE), World Trade Organization

Non-governmental organizations in consultative status with the Economic and Social Council

General

Centre Europe-Tiers Monde, International Youth and Student Movement for the United Nations

Special

Associazione Comunità Papa Giovanni XXIII, European Union of Women, Health and Environment Program, International Association of Democratic Lawyers, International Commission of Jurists, International Organization for the Right to Education and Freedom of Education (OIDE), Mouvement International d'Apostolate des Milieux Sociaux Independants (MIAMSI), Nigeria-Togo Association, Oxfam GB, Society for Threatened Peoples, Teresian Association, Vie et Santé du Centre

Roster

International Human Rights Association of American Minorities, Third World Network