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**Review of progress in the implementation of
the right to development**

Standards for the implementation of the right to development

Report of the Chair-Rapporteur of the Working Group on the Right to Development

Chair-Rapporteur: Zamir Akram (Pakistan)

Summary

The present report was prepared by the Chair-Rapporteur of the Working Group on the Right to Development pursuant to the decision made by the Working Group at its sixteenth session, held on 27 April and from 1 to 4 September 2015.

Besides considering the Declaration on the Right to Development, the Chair-Rapporteur examines the various existing international instruments relating to the right to development, in particular the resolutions adopted by consensus by the General Assembly and the Human Rights Council. He also studies the contributions made by previous chairs and working groups mandated to comment on various aspects of the right to development, in addition to inputs received from Member States, international and civil society organizations.

In the report, the Chair-Rapporteur maintains that, despite the obstacles and challenges to the implementation of the right to development, which can only be resolved over the long term, there is universal agreement that the right to development is an integral part of all human rights, which are indivisible and interrelated; accordingly, there is a need for a practical and realistic approach to the issue of development. Such an approach should be based on agreed language to overcome the said obstacles and challenges and focus on the implementation of universally accepted core development goals, such as overcoming poverty, hunger and the scarcity of water, and promoting housing, education and gender equality. The standards proposed in the context of each of these development goals provide a road map or framework for action for achieving these goals. These standards also employ universally agreed language so as to ensure that these are non-controversial and enjoy the broadest possible endorsement. The standards on achieving a limited number of

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development goals could constitute the foundation for the eventual achievement of the broader goals of the global development agenda.

I. Introduction

1. At its sixteenth session, held on 27 April and from 1 to 4 September 2015, the Working Group on the Right to Development requested the Chair-Rapporteur to prepare a set of standards for consideration by the Working Group for the implementation of the right to development on the basis of relevant United Nations resolutions and documents, including the Declaration on the Right to Development, relevant international conventions and decisions and internationally agreed development goals.

2. Pursuant to the request of the Working Group, the Chair prepared the present document in consultations, held in Geneva and New York, with representatives of Member States, relevant international organizations and other stakeholders, including members of civil society. The Chair thanks in particular all States, and international and civil society organizations that individually or collectively shared their inputs for the preparation of the document.

3. In preparing the present document, the Chair also took into account the work done by previous chairs of the Working Group, as well as the wide and rich array of reports, studies and commentaries written since the adoption of the Declaration on the Right to Development in 1986.

4. In order to elaborate on and set out standards in accordance with the request of the Working Group, the Chair, as a first step, relied upon the definition of “standards” as contained in the Webster dictionary as being “a level of quality or achievement that is considered acceptable or desirable”. In the view of the Chair, this provides a simple and practical basis for elaborating the standards for the right to development. With regard to the concept of “development”, the Chair applied the definition used in the second preambular paragraph of the Declaration on the Right to Development itself, namely, “a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals”.

5. The methodology employed by the Chair in preparing the standards was firstly to identify the challenges and obstacles to the implementation of the right to development. In addressing these issues, the Chair drew upon the principal internationally agreed norms that, besides the Declaration on the Right to Development itself, establish the rationale for the right to development. It also takes into account the relevant international conventions and documents, as well as resolutions adopted by the General Assembly and the Human Rights Council.

6. The concluding part of the present document contains recommendations on the set of standards for implementing the right to development as a human right at the national, regional and international levels, together with a proposal for voluntary evaluation of implementation at all three levels.

II. Challenges and obstacles to the implementation of the right to development

7. While elaborating on the set of standards, the Chair was fully cognizant of the divergences, challenges and obstacles to the implementation of the right to development. These range from differences over whether the right to development is actually a human right, which is a fundamental divergence. Another divergence is over the question of whether the right to development is an individual or a collective right. Moreover, while several States call for adoption of a covenant on this fundamental human right, others strongly oppose this approach. In the Chair’s view, these contradictions can be resolved in a spirit of cooperation and compromise, especially since all human rights are interrelated and

interdependent. Moreover, all agreed instruments of international law, including on human rights law, have a common thread that relates to human well-being in all its aspects – civil and political, as well economic, social and cultural. Most importantly, in the Chair’s view, no human right can be guaranteed unless human needs are addressed.

8. More difficult to resolve, at least in the short to medium term, are some of the fundamental obstacles to the right to development, such as poverty, conflict, discrimination, inequality, injustice, denial of self-determination, to mention only a few. Overcoming these obstacles will take time and effort, political will and international cooperation. Ironically, the implementation of the right to development will itself also make a significant contribution to overcoming these obstacles, a fact that demonstrates the vicious cycle that this right has been caught up in. From this perspective, it becomes even more important to implement the right to development despite the obstacles, to the extent possible. Therefore, in the Chair’s view, the international community must make its best effort, individually and collectively, to implement the right to development without further delay, on the basis of agreed norms, to achieve at least the core requirements for development. These are outlined in article 8 of the Declaration on the Right to Development, and include overcoming poverty, hunger, the scarcity of water, education, housing and discrimination against women. Even though the scope of such efforts may be limited, Member States should not allow the best to be the enemy of the good. Some progress, however limited, would be better than none at all. Such progress on these core development needs will also constitute the foundation for the achievement of other development objectives.

III. Internationally agreed resolutions, decisions and norms on the right to development

9. The Charter of the United Nations provides the most fundamental premise for pursuing the right to development. Article 1(3) affirms that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. Furthermore, Article 55 states that, with a view to the creation of conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations is to promote, inter alia, higher standards of living, full employment and conditions of economic and social progress and development.

10. The Universal Declaration of Human Rights stipulates in its article 22 that “everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”. Furthermore, in article 28, the Declaration states that everyone is entitled to a social and international order in which the right and freedoms set forth in the Declaration can be fully realized.

11. Both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.

12. The International Convention on the Elimination of All Forms of Racial Discrimination defines the basic principles on which the right to development is based: non-discrimination, equality and social justice. Article 5(e), on economic, social and cultural rights, establishes the right to work, the right to housing and the right to public

health, medical care, social security and social services and the right to education and training, all of which are integral to the right to development.

13. All the above-mentioned fundamental instruments of international law constitute the basis of the Declaration on the Right to Development, which is the natural corollary of principles enshrined in these universally accepted norms. In the preamble, the Declaration defines development as a comprehensive economic social, cultural and political process, which aims at the constant improvement of the well-being of the entire population. Article 8 lays down the constituent elements of this right, including the right to food, health, education, adequate housing and employment.

14. While establishing the right to development as an inalienable right (art. 1.1), the Declaration maintains that all aspects of this right are indivisible and interdependent (art. 9.1), and that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development (art. 3.1). Equally important, the Declaration establishes that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development (art. 3.3). This element of international cooperation is further emphasized when it affirms that States have a duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development (art. 4.1), and that, as a complement to the efforts of the developing countries, effective international cooperation is essential in providing the countries with appropriate means and facilities to foster comprehensive development (art. 4.2).

15. The Vienna Declaration and Programme of Action, adopted by consensus in 1993, is one of the most important instruments for the right to development. Article 10 of the Declaration reaffirms the right to development as established in the Declaration on the Right to Development, as a universal and inalienable and an integral part of fundamental human rights. In the same article, it also calls upon States to cooperate with each other in ensuring development and eliminating obstacles to development. It affirms that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development. Moreover, article 10 adds that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.

16. The Vienna Declaration and Programme of Action, in its consensual approach, therefore not only reaffirms and validates the Declaration on the Right to Development but also resolves the controversy over whether the right to development is a human right by emphatically stating that it is an integral part of fundamental human rights.

17. Apart from the core international instruments relating to the right to development considered above, the General Assembly and the Human Rights Council have adopted numerous resolutions and decisions, several of them by consensus, that are relevant to and an integral part of the right to development. They include resolutions on the right to food, the right to safe drinking water and sanitation, the right to housing and the right to education, as well as on extreme poverty, climate change, the environment and the realization in all countries of economic, social and cultural rights.

18. It is also important to take into account other internationally agreed decisions, recommendations and reports with a direct bearing on the right to development, inter alia, the Declaration concerning the aims and purposes of the International Labour Organization (Declaration of Philadelphia) (1944); the International Development Strategies for the First, Second and Third United Nations Development Decades (1961, 1970 and 1980); the Declaration on Social Progress and Development (1969); and the Declaration on the Establishment of a New International Economic Order (1974). Also relevant are the reports

of the Working Group of Governmental Experts on the Right to Development of 1982 (E/CN.4/1489) and 1985 (E/CN.4/1985/11), and the report of the high-level task force on the implementation of the right to development on right to development criteria and operational sub-criteria (A/HRC/15/WG.2/TF/Add.2).

19. Since development is a multifaceted process covering a broad spectrum of human activity, the policies and activities of several international organizations contribute directly and indirectly to the economic and social uplift of human beings around the world, especially in developing countries. The mandates and programmes of such organizations – including the United Nations Development Programme, the United Nations Conference on Trade and Development, the World Health Organization, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the World Food Programme, the World Intellectual Property Organization, the World Trade Organization and the United Nations Environment Programme – therefore have a clear impact on the realization of the right to development.

20. The mandate and operations of the International Bank for Reconstruction and Development, the World Bank, the International Monetary Fund and the International Finance Cooperation, as well as those of such regional organizations as the Asian Development Bank, are also intrinsically development-oriented. Their role and policies have, however, become controversial, as they are seen by some States as lacking in transparency and equity, while also being selective. Nevertheless, these organizations are significant players in the field of development, and their role should be taken into consideration.

21. The role of national and regional agencies for development should also be regarded as relevant, even though their development assistance is usually bilateral, country-specific and targeted. Assistance by donor countries and regional organizations does, however, have a bearing on the overall development process, since it is provided by individual countries, while the mandate and role of agencies, such as the United States Agency for International Development the Department for International Development (United Kingdom of Great Britain and Northern Ireland) or the Directorate-General for International Cooperation and Development of the European Commission, should be taken into account. Such assistance also provides a major impetus for international cooperation for development, and should be disbursed in keeping with the Declaration on the Right to Development and the other above-mentioned instruments.

22. The 2030 Agenda for Sustainable Development, adopted by consensus by the General Assembly in its resolution 70/1, constitutes the most significant impetus for the effective implementation of the right to development. While it is true that the Millennium Development Goals, the precursors of the Sustainable Development Goals, have largely remained unachievable, in particular Millennium Development Goal 8 related to development, there is hope that the implementation of the Sustainable Development Goals will fare better.

23. In the view of several States, the 2030 Agenda for Sustainable Development resolves the controversies over the right to development, and proposes a comprehensive framework for development that is now accepted universally. Specifically, the Agenda affirms in the preamble that eradicating poverty in all its forms and dimensions is an indispensable requirement for sustainable development, and pledges that no one will be left behind. Article 10 of the Agenda states that it is informed by other instruments, such as the Declaration of the Right to Development. In article 35, it recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, including the right to development.

24. The 17 Sustainable Development Goals themselves include all the crucial elements of the right to development, such as ending poverty in all its forms everywhere; ending

hunger and achieving food security; ensuring healthy lives; ensuring inclusive and equitable quality education; and achieving gender equality and the empowerment of all women and girls. They also include the goal of promoting inclusive and sustainable economic growth, full and productive employment and decent work for all, while also calling for reduction of inequality within and among States. Of particular importance is goal 17 with regard to the right to development, as it contains a commitment to strengthen the means of implementation and to revitalize the Global Partnership for Sustainable Development. It calls for strengthening domestic resource mobilization, including through international support for developing countries, and calls upon developed countries to implement fully their official development assistance commitments and to assist developing countries in attaining long-term debt sustainability. It also calls for enhancing international cooperation on and access to science, technology and innovation, enhancing knowledge sharing, and international support for implementing effective and targeted capacity-building in developing countries. Moreover, it calls upon States to promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system.

25. Another recent and significant multilateral achievement is the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,¹ which, in its article 1, affirms a commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development, in the spirit of global partnerships and solidarity. While some initial areas of financing for development still need to be resolved, the Addis Ababa Action Agenda is a milestone in international cooperation aimed at the implementation of the sustainable development goals and, by extension, a major factor for the realistic achievement of the right to development.

26. The Chair acknowledges that the above is not an exhaustive and complete review of all the documents relevant to the right to development. Limitations of time and space, however, dictate that the essential basis of the right to development be reviewed and taken into account as guidance towards proposing the set of standards for implementing the right to development.

IV. Standards for the implementation of the right to development

27. In an ideal world, the right to development would not have become a debatable or even a controversial issue, but would rather be recognized as an inalienable right on a par with all human rights and fundamental freedoms. Alas, our world is far from an ideal environment to which we all aspire, a world without discrimination and inequality, free from want, hunger, disease and illiteracy. While such a world remains a cherished desire, it is at best a long-term goal. In the light of the challenges and obstacles that persist, as described in the foregoing paragraphs, however, more realistic and achievable goals at the core of development, within the parameters of the existing realities, should be pursued. Within these constraints, standards for the implementation of the right to development are submitted below for consideration.

A. Standard One

28. All States shall demonstrate the necessary political will and commitment to realize the right to development on the basis of the obligations, rights and duties that they have accepted as a result of the decisions and resolutions adopted by consensus by the international community.

¹ General Assembly resolution 69/313, annex.

B. Standard Two

29. All States shall cooperate to create the political, economic and social environment necessary to allow the implementation of the right to development. Specifically, this standard requires the full implementation of Sustainable Development Goal 17 on the strengthening the means of implementation and revitalizing the Global Partnership for Sustainable Development, covering the areas of finance, technology, capacity-building, trade, institutional coherence and multi-stakeholder partnerships. Most important is the need to strengthen domestic resource mobilization, including through international support for developing countries. Developed countries should also implement fully their official development assistance commitments, such as achieving the target of 0.7 per cent of gross national income for official development assistance to developing countries. Apart from mobilizing additional financial resources for developing countries from multiple sources, developing countries should also be assisted in attaining long-term debt sustainability through debt financing, debt relief and debt restructuring, as appropriate. Supportive action on regional and international cooperation and access to science, technology and innovation, and enhanced knowledge sharing would also be of great help in building capacity further and in promoting a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the World Trade Organization.

C. Standard Three

30. The right to development, as in the case of all human rights, shall be centred on the individual and promoted at the national level, which requires a comprehensive and inclusive approach based on good, responsible governance. Since there are different levels of development, however, national efforts must be strengthened by regional cooperation, international assistance and contributions by development agencies at the national, regional and international levels, as well as by inputs from civil society bodies and the media.

31. In order to implement this standard, guidance should be taken from the commitment made in the 2030 Agenda for Sustainable Development that “no one must be left behind”, and the recognition that eradicating poverty in all its forms and dimensions is an indispensable requirement for sustainable development. This would require implementing nationally appropriate social protection systems and measures for all, especially for the extremely poor and vulnerable. In addition, it is necessary to ensure that the poor and vulnerable have equal rights to economic resources and access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including micro-finance.

32. The above objectives may be pursued effectively in an environment that promotes the rule of law at the national and international levels; equal access to justice; reduction of corruption; accountable and transparent institutions; and inclusive, participatory and representative decision-making at all levels.

33. To supplement the limited resources and capabilities of developing countries, bilateral, regional and international cooperation and assistance are necessary to ensure a sufficient mobilization of resources from a variety of sources, including multi-stakeholder contributions. This will also require the creation of sound policy frameworks at the national, regional and international levels (see Sustainable Development Goal 1.1 to 1.56).

D. Standard Four

34. While international peace, non-discrimination, self-determination and equality are desirable long-term goals to be achieved in order to create an enabling environment for

sustainable development, the most basic or core human needs should be addressed: poverty, the right to food, water and sanitation, health, education, housing and gender equality.

35. Addressing poverty, in particular extreme poverty, will require concerted action at the international level, but also in developing countries, supplemented by regional and international assistance. At the national level, Governments should ensure that the poor, in particular those living in extreme poverty and vulnerable groups, have equal rights to economic resources, access to basic services, ownership of land and property and financial resources, such as through micro-finance and income-support programmes, as well as capacity-building through vocational and technical training.

36. Tackling hunger and ensuring the right to food, the policies identified in Sustainable Development Goal 2 and those defined in other internationally agreed documents should be enforced. These measures include providing safe, nutritious and sufficient food year-round, addressing malnutrition, and increasing agricultural productivity and incomes, including fisheries. This will also require resources and equal access to land and other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment. Recourse will also have to be made to resilient agricultural practices to increase productivity and production, as well as to strengthen the capacity for adaptation to climate change, flooding and droughts. In the case of developing countries, this will require regional and international assistance and cooperation. Also essential for the successful implementation of this standard will be the need for international collaboration to maintain stable international prices for agricultural products and raw materials. Another area of national and international focus will be the development of rural infrastructure, as well as the sharing of technological developments for plant and livestock protection and enhancement.

37. With regard to health, Sustainable Development Goal 3 and other internationally agreed relevant instruments provide valuable guidance. To start with, national and international efforts are needed to reduce maternal mortality, neonatal mortality and the preventable death of newborn children. International cooperation will have to be developed to overcome transnational epidemics such as tuberculosis, malaria, hepatitis, AIDS and other communicable diseases. The overall objective of achieving universal health coverage and access to quality, essential health-care services, including access to safe, effective, quality and affordable essential medicines and vacancies for all needs to be ensured through national efforts and international cooperation. Such cooperation should also be fostered to support research for and the development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries.

38. One objective closely related to health is ensuring the availability and sustainable management of water and sanitation, as outlined in Sustainable Development Goal 6. The aim must be to achieve universal and equitable access to safe and affordable drinking water for all, and to ensure access to adequate and equitable sanitation and hygiene for all. This will require reducing pollution, eliminating dumping and minimizing the release of hazardous chemicals and materials. It also entails increasing the efficiency of water use and overcoming water scarcity through the integrated management of water resources at all levels, including through international and regional cooperation. There will also be a need for expanding international cooperation with and capacity-building support for developing countries in water- and sanitation-related activities, including water harvesting, desalination, improving water use efficiency, waste water treatment, recycling and reuse technologies.

39. The lynch-pin for ensuring implementation of the goals relating to poverty alleviation, food security, health and clean drinking water and sanitation will be attaining the goal of education, envisaged in Sustainable Development Goal 4. The aim must be to ensure that all children have equal access to free, equitable and quality primary and

secondary education, and to ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including at the university level, to prepare them for employment, decent jobs and entrepreneurship. It will also be important to eliminate gender disparities in education and to ensure equal access to all levels of education, and vocational and technical training, including for vulnerable groups. Related to this is the acquisition of knowledge and skills necessary to promote sustainable development, human rights, gender equality and a culture of peace and non-violence. Achieve these objectives in developing countries will require international assistance to secure access to textbooks and scholarships, as well as to information and communications technology.

40. One key development goal that is also recognized as a fundamental human right is the goal of adequate housing. Sustainable Development Goal 11 and United Nations bodies in several of their resolutions call for ensuring access for all to adequate, safe and affordable housing. This can only be achieved by focused national efforts, supported in developing countries by regional and international assistance, for building sustainable and resilient housing on the basis of inclusive, participatory and integrated human settlement planning in urban, peri-urban and rural areas. In the case of developing countries, recourse should be made to local materials and techniques, which can also generate income and employment. Apart from housing, attention should be paid to related environmental issues, such as air quality and waste management. Similarly, provisions should be made for inclusive and accessible green and public spaces.

41. Given that women constitute one half of humanity and that they play a crucial role in nurturing the family, it will be imperative to ensure the goal of gender equality and empowerment of all women and girls, as envisaged in Sustainable Development Goal 5. This will require appropriate, sound national policies and legislation to address all forms of discrimination, violence and exploitation, as well as to ensure women's full and effective participation in and equal opportunities for leadership at all levels of decision-making in political, economic and public life. Women must also be given an equal right to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources. Moreover, efforts must be made to enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women. These efforts at the national level should be supported in developing countries, through regional and international assistance, involving also other stakeholders, including civil society bodies.

V. Monitoring

42. Some countries have argued in favour of a measurability element to monitor the implementation of standards for implementing the right to development. While this has proved to be a divisive issue, the Chair is of the view that this should not be a hurdle in the pursuit of the proposed standards. One mechanism to achieve this objective, at least in the initial phase, could be through voluntary reporting at the national and even at a regional level, and could also include reporting by the relevant international organizations to the Human Rights Council. In the case of States, the forum could be the universal periodic review process, during which States could voluntarily inform the Council on the steps that they have taken to implement the right to development at the national level, as well as on their efforts at the bilateral, regional and international levels, and/or through multilateral initiatives. Another opportunity in addition to the universal periodic review could be provided in the discussion held by the Council on the right to development. This forum could also be used by relevant international and non-governmental organizations to highlight their contribution to the implementation of the right to development.

43. Over the longer term, and subject to agreement among States, more quantitatively based criteria for measuring not only national efforts, but also contributions to international efforts, could be developed to measure the contributions made to the implementation of the right to development. Progress in identifying the means of such measurability are currently being worked out in the context of the implementation of the 2030 Agenda for Sustainable Development.

VI. Conclusion

44. **In conclusion, the Chair wishes to stress that there can be no segmented or selective approach to the preservation, protection and promotion of human rights, since all these rights are indivisible and interdependent, interrelated and mutually inclusive. Since there can be no human rights without addressing human needs, the right to development, aimed at addressing human needs, is an integral part of all human rights. It must therefore be addressed as a right that is critical to the attainment of all human rights – civil and political rights, as well as economic, social and cultural rights.**

45. **The attainment of the four standards described in the present document are not the end, but rather the beginning of a journey towards the full implementation of the right to development. The standards should be seen as stepping stones or a road map to the final destination. The important, indeed critical, aspect of these standards is that they are based on consensual and non-controversial understandings among States as well as civil society. It is hoped that they will at least contribute to beginning the process towards implementing the right to development, a process that has been stalled for several decades. Once the necessary momentum has been built up by implementing their basic standards, the full realization of the right to development will be within the grasp of all.**
