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

## **The Right to Development: Finding a Way Forward\***

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on the Right to Development**

This paper, prepared by the Chair-Rapporteur of the Working Group on the Right to Development, identifies major challenges to the realization of the right to development. It demonstrates that, despite the divergent views manifested during the discussion in the Working Group, consensus exists on a number of fundamental areas of the right to development. It concludes with calling upon Member States to build on this consensus and move forward with the effective realization of the right to development.

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1. “There will be no peace without development, no development without peace and neither without respect for human rights.” – Former Secretary-General of the United Nations, Ban Ki Moon.

2. Large parts of the world today are in flames. State and non-State actors are trampling peace, security and human rights with impunity. So far, the international community has failed to resolve the underlying causes that have given rise to these violent conflicts. A major reason is that we seek short-term and incomplete solutions without recognizing the intrinsic link between human development and security without which the realization of human rights is impossible. Implementation of the human right to development on a non-discriminatory and equitable basis through national and international efforts is, therefore, critical for the achievement of international peace and security as well as the enjoyment of all human rights.

3. Unfortunately, however, implementation of the right to development remains elusive despite the passage of more than 30 years since the adoption of the Declaration on the Right to Development. This is due to the failure of the international community to reach a consensus on the way forward to implement the right to development. This is indeed unfortunate because the Declaration on the Right to Development is based on agreed international instruments: those that are an integral part of the Declaration and others that have been adopted subsequently which are consistent with its letter and spirit.

4. In its preamble, the Declaration refers to key consensual instruments such as the UN Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as the fundamental pillars of the Declaration. These deserve attention in implementing the right to development.

5. The UN Charter refers in its preamble to its determination “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained and to promote social progress and better standards of life in larger freedom”. Moreover, Chapter 1 Article 1(3) of the Charter, states that the purposes of the UN include “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”. More specifically in Chapter IX, Article 55a states that the United Nations shall promote “higher standards of living, full employment, and conditions of economic and social progress and development”. In Chapter X on the Economic and Social Council, Article 62 stipulates that “The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations and to the Specialized Agencies concerned”. Clearly, the UN Charter establishes the fundamental purposes that not only link human rights and fundamental freedoms to “social programmes and better standards of life” (i.e. human development); but also calls for international cooperation in solving international problems of an economic and social nature as well as in promoting and encouraging respect for human rights. The link between human rights and development in the Charter is, therefore, inescapable.

6. Like the UN Charter, the Universal Declaration of Human Rights recognizes the relationship between human rights and satisfying human needs. Its preamble states that “the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people”. Also the Declaration maintains the link between “fundamental human rights” and “social progress and better standards of life in larger freedom”. In article 22, the Declaration states 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”. Articles 25 and 26 identify some of the core or fundamental human rights which are also basic development goals, stating that “Everyone has a right to a standard of living adequate for the health, and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services” (Article 25); and “Everyone has the right to education” (Article 26). Most relevant, article 28 stipulates that everyone is entitled to a social and international order in which the right and freedoms set forth in the UDHR can be fully realized.

7. Two landmark treaties on human rights, the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, both recognize the goal of human development as part of universal and inalienable human rights. Both Covenants maintain 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”.

8. Beyond these basic instruments, the Declaration on the Right to Development is also consistent with several other consensual human rights instruments. The International Convention on the Elimination of all forms of Racial Discrimination, not only identifies the basic principles on which human development is based, including non-discrimination, equality and social justice, but in its Article 5(e) establishes these rights as “the right to work, the right to housing, and the right to public health, medical care, social security and social services as well as the right to education and training”.

9. Similarly, the Vienna Declaration and Programme of Action adopted by consensus in 1993, reaffirms, in Article 10, “the Right to Development as a universal and inalienable right and an integral part of fundamental human rights”.

10. More recently the most important development regarding the right to development is the 2030 agenda on Sustainable Development Goals (SDGs) adopted by consensus in 2015. In para 10 it states that the agenda “is guided by the purposes and principles of the UN Charter including full respect of international law” and that “it is grounded in the Universal Declaration of Human Rights, international human rights treaties”, and, moreover, that “it is informed by other instruments such as the Declaration on the Right to Development”. In para 19, it again reaffirms “the importance of the Universal Declaration of human Rights, as well as other international instruments relating to human rights and international law” and it goes on to emphasize the “responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status”.

11. The 2030 Agenda enumerates these Sustainable Development Goals as: i) End poverty in all its forms everywhere (goal 1); End hunger, achieve food security.....(goal 2); Ensure healthy lives (goal 3); Ensure inclusive and equitable quality education.....(goal 4); Achieve gender equality and empower all women and girls (goal 5); Ensure availability and sustainable management of water and sanitation for all (goal 6); Ensure access of affordable, reliable, sustainable and modern energy for all (goal 7); Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (goal 8); Reduce inequality within and among countries (goal 10); Take urgent action to combat climate change and its impacts (goal 13); Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (goal 16); and Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development (goal 17). This underscores the intrinsic and symbiotic relationship between the 2030 Agenda on

Sustainable Development Goals and the promotion and protection of all human rights, including the right to development as outlined in the Declaration on the Right to Development.

12. Taking all the aforementioned internationally agreed instruments and documents in conjunction with the Declaration on the Right to Development, apart from several resolutions of the UNGA and the Human Rights Council too numerous to be mentioned here, it is apparent that there are a number of similar or over-lapping development goals in these documents that relate to human rights. These are projected in the matrix below.

## Human Rights and Development Matrix

<i>International Instruments</i>	<i>Health</i>	<i>Education</i>	<i>Employment</i>	<i>Housing</i>	<i>Food</i>	<i>Women's Rights</i>	<i>Non-Discrimination</i>	<i>Intl Coop</i>	<i>Standard of Living</i>	<i>Water/Sanitation</i>	<i>Energy</i>	<i>Climate</i>	<i>Justice</i>	<i>Peace/Security</i>
UN Charter	✓	✓	✓			✓	✓	✓	✓				✓	✓
Universal Declaration of Human Rights	✓	✓		✓	✓	✓	✓	✓	✓				✓	✓
Con on Elimination of Racial Discrimination	✓	✓	✓	✓		✓	✓	✓					✓	
Con on Elimination of Discrimination against Women	✓	✓	✓	✓	✓	✓	✓		✓	✓			✓	
Declaration on RtD	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	✓
2030 Agenda	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

13 These facts demonstrate that consensus already exists at the international level not only on the right to development as an inalienable human right consistent with all other human rights, civil and political as well as economic, social and cultural, but also that there is consensus on the development goals advocated by the Declaration on the Right to Development. In this situation, there should be no reason for lack of progress towards implementing this Declaration. If these goals and objectives have been agreed to in different international fora, there is no practical obstacle to their acceptance in the context of the right to development, more specifically in the Working Group on the Right to Development.

14. By providing this background, the purpose of this paper is to encourage member States in the Working Group on the Right to Development to work together on the basis of these consensus documents to chart a way forward for the implementation of the right to development. The Working Group should focus on the means of implementation of the common development goals contained in these consensual instruments and agree to use the same language from these documents to implement the right to development. While this may not address each and every aspect of the right to development, there can at least be progress on a minimum common agenda for development as a fundamental human right. This approach provides the only way forward towards implementing the right to development in the prevailing environment of divergence and division.

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