



International Human Rights Council

Conseil International des droits l'homme

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IHRC REPORT SUBMITTED FOR THE DRAFT CONVENTION ON THE RIGHT TO DEVELOPMENT PERTAINING THE NEGOTIATIONS OF THE DRAFT CONVENTION ON THE RIGHT TO DEVELOPMENT

By: Amb. Dr. HAISSAM BOU_SAID (IHRC Ambassador / Special Representative Envoy to Geneva)

Owing to the fact that we need to achieve global economic partnership of countries for mutual benefits, especially the economic growth, development and prosperity of the nation States, the International Human Rights Council (IHRC) carried out impactful contribution to the topic "THE DRAFT CONVENTION ON THE RIGHT TO DEVELOPMENT PERTAINING THE NEGOTIATIONS OF THE DRAFT CONVENTION ON THE RIGHT TO DEVELOPMENT". The IHRC expouses on this topic with clarifications provided by certain authorities.

The term “Right to Development” was first proclaimed by a UN General Assembly resolution adopted in 1986. Since the genesis of the term, it has been integrated into several other Charters and Declarations, including the African and Arab Charters on Human Rights as well as the Rio and Vienna Declarations. In Article 1.1 of the Declaration on the Right to Development, the phrase is defined as “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development...” Article 2 goes on to say, “The human right to development also implies the full realization of the right of peoples self-determination...”

Specifically, On 4 December 1986, the United Nations General Assembly adopted the Declaration on the Right to Development. According to the Declaration, the right to development entitles every human person and all peoples to participate in, contribute to, and enjoy development, in which all human rights can be fully realized.

Upon this background and guide, the report of the IHRC HQ directly pictures all aspects of the declaration within the understanding that the Right to Development is entirely compatible, if not mutually reinforcing, of the human-rights based approach to development. However, these two ideologies of development -- the human rights-based approach and the right to development -- have been at odds with one another for decades and, in many cases, have widened the schism between global north and global south countries.

This is because the interpretation of this resolution differs from one political group to another. The Global South emphasizes issues such as inequalities in the international financial system, greater participation of developing countries in global decision-making on economic policy, and promoting a fairer trade regime. The North insists on suitable domestic conditions in developing countries such as good governance, democracy and responsible economic management. And while the Non-



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Aligned Movement calls for an international legal standard of a binding nature, the European Union is opposed to such an upgrade of the Declaration.

In the past 30 years since the term “Right to Development” was introduced to UN frameworks, development has often been linked to poverty. The core of the debate between the two approaches lies in the notion that developed states and international organizations are under obligation to provide development assistance to developing states. It is not that developed nations are unwilling to provide foreign aid to global south countries, but instead that many global north countries emphasize the need for human rights as a prerequisite to sustainable development. This ideology is reflected in the rights-based approach, which incorporates principles of the international human rights system into policies and processes of development.

Additionally, many developing nations insist that political and civil rights cannot be prioritized over economic, social and cultural rights. Thus, development is an integral human right and is often a precondition for other political and civil rights. The disagreement seems to boil down to a which comes first debate -- global south countries contend that development is the foundation of political and civil human rights, while global north countries argue that individual freedoms are essential building blocks for any successful development to take place.

The drafting of the Framework Convention on the Right to Development seems to be the best option for accommodating the concerns of the different political groups, as it allows for a step-by-step approach. A framework convention is a treaty under international law: such a treaty is open to States, and once it has entered into force, it is binding on States that have expressed consent.

This controversy becomes particularly nuanced and multifaceted when one takes into account the fact that “human rights” is itself an abstract concept, especially given the divergent perspectives, interests and meanings through which the term is understood in countries and regions with differing belief systems. Ultimately, this IHRC report argues that development provides the foundation for civil and political rights to advance and, simultaneously, human rights are critical for catalyzing economic progress.

The potential added value of a Framework Convention on the Right to Development is to complement the current human rights regime with a treaty that goes beyond individual State responsibility and takes inspiration from principles derived from international development efforts, such as mutual accountability, alignment of policies among partner countries, and inclusive partnerships.

It seems as if the Right to Development approach of the MDG era has shifted to the Human Rights-Based Approach to Development in the ongoing SDG era, leaving many questions unanswered, including: What is the relationship between human rights and development? Can global north and global south states reach a place of agreement with respect to this question? What does the human



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rights approach to development actually mean and how does it function to promote sustainable human development as well as human rights? Is the controversy between global north and global south states steeped in semantics and rhetoric or are there also practical implications to each framework? As these questions linger in UN spaces, debates remain heated between global north and global south countries.

In reality, development is inextricably linked to human rights and global development cannot be achieved without this human-rights based approach. Likewise, human rights cannot be realized until sufficient levels of development are attained. Thus, the right to development and the human-rights based approach to development are mutually interdependent and must be viewed as such.

The United Nations General Assembly adopted the Declaration on the Right to Development in 1986. Since then, different political groups have interpreted differently this resolution entitling people to participate in, contribute to, and enjoy development, in which all human rights can be fully realized. In his article "Towards a Framework Convention on the Right to Development" Koen De Feyter states that drafting a Framework Convention is the best way to accommodate the various interests of the Global South, the North as well as the Non-Aligned Movement. He provides a sketch for such a framework and argues that it would complement the current human rights regime with a treaty that would go beyond individual state responsibility.

Yours sincerely

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