

## INFORMATION NOTE

# The Right to Development at a glance

### What is the Right to Development?

“The right to development is 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, in which all human rights and fundamental freedoms can be fully realized.” (Article 1.1, Declaration on the Right to Development). “The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.” (Article 1.2)

### Sources for the Right to Development

The right to development was proclaimed in the Declaration on the Right to Development, adopted in 1986 by the United Nations General Assembly (GA) in its resolution 41/128. This right is also recognized in the African Charter on Human and Peoples' Rights and the Arab Charter on Human Rights and reaffirmed in several instruments including the 1992 Rio Declaration on Environment and Development, the 1993 Vienna Declaration and Programme of Action, the Millennium Declaration, the 2002 Monterrey Consensus, the 2005 World Summit Outcome Document and the 2007 Declaration on the Rights of Indigenous Peoples.

### Duty bearers for the Right to Development

Under the Declaration, “States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development” (Article 3). According to the high-level task force on the implementation of the right to development “the responsibility for the creation of this enabling environment encompasses three main levels: (a) States acting collectively in global and regional partnerships (second preambular paragraph and Article 3); (b) States acting individually as they adopt and implement policies that affect persons not strictly within their jurisdiction (Article 4); and (c) States acting individually as they formulate national development policies and programmes affecting persons within their jurisdiction (Article 2).”<sup>1</sup>

### United Nations Mechanisms dealing with the Right to Development

The intergovernmental open-ended Working Group on the Right to Development was established in 1998. The Working Group meets once a year and reports to the Human Rights Council (HRC) and the GA. Its mandate is inter alia: (a) to monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration, at the national and international levels, providing recommendations thereon and further analyzing obstacles to its full enjoyment...; (b) 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 (c) to present for the consideration of the HRC a sessional report on its deliberations, including advice to the Office of the United Nations High Commissioner for Human Rights (OHCHR) with regard to 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 this right. Until April 2010, the Working Group was supported by the high-level task force on the implementation of the right to development, established in 2004 with the composition of five independent experts, to provide expert advice to the Working Group<sup>2</sup>.

<sup>1</sup> See document A/HRC/15/WG.2/TF/2/Add.2.

<sup>2</sup> The previous UN expert mechanisms on the right to development include the Working Group of Governmental Experts on the Right to Development (1981-1989); the open-ended Working Group of Governmental Experts on the Right to Development (1993-

At the request of the Working Group, the high-level task force proposed a set of criteria and corresponding operational sub-criteria<sup>3</sup> for the implementation of the right to development.

### **Mandate of the High Commissioner and OHCHR concerning the Right to Development**

GA resolution 48/141 which established the post of High Commissioner (HC) explicitly includes the mandate “to promote and protect the realization of the right to development and to enhance support from relevant bodies of the UN system for this purpose.” The right to development has been consistently highlighted by the GA and the HRC which both request the Secretary-General and the HC to report annually on progress in the implementation of the right to development including activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions. UN agencies and international institutions involved in the work of human rights and development as well as the right to development include UNDP, UNCTAD, UNFCCC, ECA, the World Bank, IMF, WTO, UNESCO, WIPO, WHO, the Global Fund and ICTSD.

### **What is the added value of the Right to Development?**

The right to development provides a comprehensive framework and approach to the policies and programmes of all relevant actors at the global, regional, sub-regional and national levels as this right -

- integrates aspects of both human rights and development theory and practice;
- encompasses all human rights – civil, political, economic, social and cultural;
- requires active, free and meaningful participation;
- involves both national and international dimensions of State responsibilities including in the creation of an enabling environment for development and favourable conditions for all human rights;
- demands comprehensive and human-centred development policy, participatory development processes, social justice and equity;
- embodies the human rights principles of equality, non-discrimination, participation, transparency, accountability as well as international cooperation in an integrated manner;
- implies the principles of self-determination and full sovereignty over natural wealth and resources;
- facilitates a holistic approach to the issue of poverty by addressing its systemic and structural causes;
- strengthens the basis for pro-poor growth with due attention to the rights of the most marginalized; and
- fosters friendly relations between states, international solidarity, cooperation and assistance in areas of concern to developing countries, including technology transfer, access to essential medicines, debt sustainability, development aid, international trade and policy space in decision-making.

### **How can the right to development be operationalized in practical terms?**

With the purpose of translating the right to development from political commitment to development practice, the criteria proposed by the high-level task force were designed to serve as an operational tool to:

- assess the extent to which States are individually and collectively taking steps to establish, promote and sustain national and international arrangements that create an enabling environment for the realization of the right to development;
- serve as a useful tool for stakeholders to assess the current state of the implementation of the right to development and facilitate its further realization at the international and national levels;
- contribute to mainstreaming the right to development in the policies and operational activities of relevant actors at the national, regional and international levels, including multilateral financial, trade and development institutions; and
- evaluate the human rights implications of development and trade policies and programmes.

The operationalization of the right to development also requires application of the above-mentioned human rights principles and good governance to the activities of all relevant stakeholders at both the national and international levels.

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1995); the Intergovernmental Group of Experts on the Right to Development (1996-1997); and the independent expert on the right to development (1998-2004).

<sup>3</sup> See document A/HRC/15/WG.2/TF/2/Add.2.