

Draft preamble for a legally binding instrument on the right to development proposed by APG23 on behalf of CINGO WG ON RTD

The States and Non-State Parties to the present Convention,

Guided by the principles and purposes of the Charter of the United Nations,

Reaffirming the fundamental human rights and dignity and worth of the human person, the equal rights of men and women and of nations large and small, and the need to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, promote social progress and better standards of life in larger freedom and employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling the Universal Declaration of Human Rights that recognizes the equal and inalienable rights of all members of the human family, states that all human beings are born free and equal in dignity and rights and affirms that everyone is entitled to a social and international order in which rights and freedoms can be fully realized,

Recalling further all the core international Human Rights instruments adopted by the United Nations.

Reaffirming that all human rights, including the right to development are universal, indivisible, interdependent and inter-related.

Reaffirming the UN Declaration on Right to Development, the Vienna Declaration and Programme of Action, the Copenhagen Declaration and Programme of Action on Social Development, the Durban Declaration and Programme of Action, the UN Declaration on the Rights of Indigenous Peoples, the Millennium Declaration in 2000 as well as other internationally agreed human rights relevant declarations.

Bearing in mind other regional instruments that recognize the right to development such as the Charter of the Organization of American States (1948), the African Charter on Human and Peoples' Rights (1981), the Arab Charter on Human Rights (2004), the Association of Southeast Asian Nations (ASEAN) Human Rights Declaration 2012 and the Abu Dhabi Declaration (2016).

Recalling further the Rio Declaration on Environment and Development, the United Nations Framework Convention on Climate Change, the Programme of Action for the Least Developed Countries for the Decade 2001-2010; the Monterrey Consensus; the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014–2024; the Doha Declaration on Financing for Development; the Addis Ababa Action Agenda; the Sendai Framework for Disasters Risk Reduction, the Paris Agreement adopted on 12 December 2015 at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the 2030 Agenda for Sustainable Development.

Recalling all the resolutions on right to development adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council.

Recognizing that development is 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 on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development and to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Mindful that, while globalization has opened new opportunities for economic growth and development of the world economy particularly in developing countries, it has also been accompanied by the widening gap between developed and developing countries, widespread poverty and inequality, unemployment, social disintegration and environmental risks; and that the challenge is how to manage these processes and threats so as to enhance their benefits and mitigate their negative effects upon people,

Realising 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.

Realising further that the international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Recognising the need for developing countries to attain long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief, debt restructuring and sound debt management, as appropriate,

Emphasizing the need to improve and enhance the global economic governance and arrive at a stronger, more coherent and more inclusive and representative international architecture for development, while respecting the mandates of respective organizations,

Considering South-South cooperation as an important element of international cooperation for development that complement but not substitute North-South cooperation,

Condemning unilateral coercive measures not in accordance with international law and the Charter of the United Nations that create obstacles to trade relations among States and impedes the full realization of the human rights set forth in the Universal Declaration of Human Rights and international human rights instruments, in particular the rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services,

Recognising that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community",

Considering that international peace and security are essential elements for the realization of the right to development, that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,

Stressing that the primary obligation to respect, protect, fulfil and promote human rights and fundamental freedoms as well as the creation of conditions favourable to the development of peoples and individuals, lie with the State, and that States must protect against human rights abuse by third parties, including business enterprises within their territories or otherwise under their jurisdiction or control,

Acknowledging that corruption is a serious barrier to effective resource mobilization and allocation, and diverts resources away from activities that are vital for poverty eradication and economic and sustainable development,

Emphasizing that civil society actors, including human rights defenders, have an important and legitimate role in promoting the respect of human rights and the realization of the right to development,

Taking into account the UN Guiding Principles on Business and Human Rights and all the work undertaken at the United Nations on the question of the responsibilities of transnational corporations and other business enterprises with respect to human rights,

Acknowledging that the ongoing globalization of trade and capital contributes to the interconnectedness and interdependence of individuals and States, presenting challenges that demand increased coordination and collective, equitable decision-making at the global level,

Recalling the United Nations Charter articles 55 and 56 on international cooperation and the General Assembly's emphasis on the importance of cooperation contained in its resolution 60/251 of 2006, where the preamble recognizes that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Considering that States are developing consensus around the notion of mutual accountability, described as the need for accountability to the intended beneficiaries of cooperation, as well as to their respective citizens, organizations, constituents and stakeholders,

Stressing the urgent need to accelerate the reduction of global greenhouse gas emissions and addressing adaptation to the adverse impacts of climate change,

Reiterating the commitment of States expressed in the last paragraph of the Millennium Declaration: The United Nations is the indispensable common house of the entire human family, through which we will seek to realize our universal aspirations for peace, cooperation and development. We therefore pledge our unstinting support for these common objectives and our determination to achieve them,

Persuaded that overcoming the current global challenges and moving forward to achieve the United Nations Sustainable Development Agenda, and achieving the full realization of human rights for all, critically rest on the implementation of the right to development and international solidarity,

Hereby agree as follows: