



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

**HUMAN RIGHTS**

# Frequently Asked Questions on the Right to Development

Fact Sheet No.

**37**



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## NOTE

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This publication marks the thirtieth anniversary of the 1986 Declaration on the Right to Development. It is part of the sustained efforts of the Office of the United Nations High Commissioner for Human Rights (OHCHR) aimed at advancing knowledge and understanding of the right to development and its effective implementation.

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## INTRODUCTION

On 4 December 1986, the United Nations General Assembly adopted the Declaration on the Right to Development.<sup>1</sup> In doing so, it affirmed some of the fundamental principles articulated in the Charter of the United Nations and the Universal Declaration of Human Rights: international peace and security; international cooperation for development; the recognition that all human beings are born free and equal in dignity and rights and that all have the right to a standard of living adequate for their well-being; the right to self-determination of peoples; and the right to a social and international order in which the rights and freedoms proclaimed in the Universal Declaration can be fully realized for all people everywhere without discrimination. Through the Declaration, the General Assembly recognized development as a comprehensive economic, social, cultural and political process aimed at the constant improvement of the well-being of all individuals and peoples, on the basis of their participation in development and in the fair distribution of its benefits.

Divergent understandings of the terms “development” and “right to development” have contributed to delaying progress in the implementation of the right to development. Historically, development has been understood as a primarily economic process measured by growth in gross national product. This understanding continues to be the basis for the dominant economic model worldwide. Yet the benefits of the economic growth in the second half of the twentieth century were not equitably distributed among all nations, peoples and individuals, and this inequality is increasingly the subject of debate, criticism and social unrest. Rising poverty, growing inequalities, and unprecedented economic, social, cultural, political, environmental and climate crises make the right to development more relevant today than ever before. The right to development with its emphasis on economic, social, cultural and political development with people at its centre presents a more balanced approach.

Despite its high relevance to the greatest challenges that face all societies and the international community at large, the promise of the right to development has remained unfulfilled. In fact, over the years, progress in translating the Declaration into practice has been undermined by misunderstanding, criticism and even rejection. This Fact Sheet aims to demystify the right to development and to respond to some of the most commonly asked questions about this much misunderstood fundamental human right. While it is assumed that readers will already have basic knowledge about human rights, the Fact Sheet is intended to be accessible to a general audience.

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<sup>1</sup> Resolution 41/128, annex. (See also annex I below.)

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## Question 1 What is the right to development?

Article 1 of the Declaration states that 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. 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.”

The starting point for understanding the right to development, as stated in the Declaration and affirmed in subsequent United Nations resolutions and other related instruments, is that it is a human right on a par with all other human rights. It is neither an all-encompassing “super right”, nor a highly restricted “mini right”, but rather an equal right among the universal, inalienable, inter-related, interdependent and indivisible human rights.

Secondly, the right to development is both an individual and a collective right. It belongs to all individuals and all peoples. As a human right, the right to development is universal; it applies to all people, in all countries, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Like other human rights, the right to development contains specific entitlements, including the right “to participate in, contribute to, and enjoy economic, social, cultural and political development.” The Declaration sets out the constituent elements of this right as well as the means for realizing it. The box below presents the key elements of the right to development.

- *People-centred development.* The Declaration identifies “the human person” as the central subject, participant and beneficiary of development (art. 2).
- *A human rights-based approach.* The Declaration requires that development be carried out in a manner “in which all human rights and fundamental freedoms can be fully realized” (art. 1).
- *Participation.* The Declaration insists on the “active, free and meaningful participation” of individuals and populations in development (art. 2).
- *Equity.* The Declaration highlights the importance of the “fair distribution of the benefits” of development (art. 2).
- *Non-discrimination.* The Declaration allows no “distinction as to race, sex, language or religion” (art. 6).
- *Self-determination.* The Declaration requires the full realization of the right of peoples to self-determination, including full sovereignty over their natural wealth and resources (art. 1).

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## **Q.2 Who are the rights holders and duty bearers of the right to development?**

### *Rights holders*

As with all human rights, human beings are the rights holders. The right to development is both an individual and a collective right. The human person is the central subject of development, and should be the active participant and beneficiary of the right to development (art. 2 (1)). This means that development policies and programmes must be centred on human beings, and aimed at their benefit and the constant improvement of their well-being. The right to development entitles all people to free, active and meaningful participation in the development decisions that affect them. It also requires the fair distribution of the benefits of development, with the ultimate objective of fulfilling all human rights for all (rather than aiming for economic growth alone). The Declaration refers to the “free and complete fulfilment of the human being” (art. 2 (2)). This right to development of the human being as an individual is also found in other core human rights instruments, such as the Convention on the Rights of the Child (art. 6 (2)).

In addition, the right to development belongs to “all peoples” (art. 1 (1)) and the “entire population” (art. 2 (3)). The right of all peoples to development is closely linked to the fundamental right of peoples to self-determination, including, importantly, their right to full sovereignty over all their natural wealth and resources (arts. 1 (2) and 5). This right to the development of peoples can also be found in the Indigenous and Tribal Peoples Convention (No. 169) of the International Labour Organization (ILO) and in the United Nations Declaration on the Rights of Indigenous Peoples, as well as in the African Charter on Human and Peoples’ Rights.

Furthermore, the Declaration specifically states that women should “have an active role in the development process” (art. 8 (1)), and calls for the elimination of sex-based discrimination in access to all human rights and fundamental freedoms (art. 6 (1)). This echoes the approach to women and development contained in the Convention on the Elimination of All Forms of Discrimination against Women (art. 14). The right of women to development can also be found in the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa.

### *Duty bearers*

The right to development imposes duties on States and the international community, as well as on all those whose actions and/or omissions have an impact on human rights and on the environment in which these rights are to be fulfilled.



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States have the primary responsibility for respecting, protecting and fulfilling human rights, including for creating national and international conditions favourable to the realization of the right to development (art. 3 (1)). This means that they have the primary responsibility for providing an enabling environment for equitable development, both locally and globally. States also have the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals (art. 2 (3)). Furthermore, States should work together with a view to strengthening the realization of human rights (art. 6), and “have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should ... fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States” (art. 3 (3)).

States thus have obligations at three levels: (a) internally, through the formulation of national development policies and programmes affecting persons within their jurisdictions; (b) internationally, through the adoption and implementation of policies extending beyond their jurisdictions; and (c) collectively, through global and regional partnerships.<sup>2</sup>

According to the Declaration, “all human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms, as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being ...” (art. 2 (2)). They should be active participants in development (art. 2 (1)) and have a duty, individually and collectively, to promote and protect an appropriate political, social and economic order for development (art. 2 (2)).

Although the Declaration does not explicitly refer to the private sector and other non-State actors, the general obligation on States to respect, protect and fulfil human rights applies to all human rights, including the right to development. The obligation to protect implies that the State should protect individuals and groups against violations of their human rights by third parties. The responsibility for development and the duties towards the community which the Declaration places on all human beings entail that such responsibilities are shared by all relevant actors and organs of society, including the private sector and civil society. According to the Guiding Principles on Business and Human Rights, businesses have a responsibility to respect all human rights, and this includes the right to development. Furthermore, the responsibility, under the Declaration, to promote and protect an appropriate political, social and economic order for development applies to all human

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<sup>2</sup> A/HRC/15/WG.2/TF/2/Add.2, annex.

beings, including in their role as non-State actors. Accordingly, private actors should also contribute to creating conditions favourable to the realization of the right to development.

### **Q.3 What is the status of the right to development in international law?**

In 1986, the General Assembly adopted the Declaration on the Right to Development, by its resolution 41/128. As such, the Declaration is not in itself legally binding. However, many of its provisions are anchored in legally binding instruments, such as the Charter of the United Nations and the International Covenants on Human Rights, and principles like non-discrimination and State sovereignty are also part of customary international law, which is binding on all States. Some of the main links between the principles contained in the Declaration and those in binding instruments are outlined in the table below:

<i>Declaration on the Right to Development</i>	<i>Selected provisions in binding instruments</i>
Self-determination (art. 1)	<ul style="list-style-type: none"> <li>• International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights, common art. 1</li> </ul>
Improvement of human well-being (arts. 1–4 and 8)	<ul style="list-style-type: none"> <li>• Charter of the United Nations</li> <li>• Universal Declaration of Human Rights, art. 25</li> <li>• International Covenant on Economic, Social and Cultural Rights</li> <li>• Convention on the Elimination of All Forms of Discrimination against Women, arts. 13–15</li> <li>• Convention on the Rights of the Child, arts. 3, 24 and 27</li> <li>• Convention on the Rights of Persons with Disabilities, art. 28</li> </ul>
Participation (arts. 1–2 and 8)	<ul style="list-style-type: none"> <li>• International Covenant on Civil and Political Rights, art. 25</li> <li>• Convention on the Elimination of All Forms of Discrimination against Women, arts. 7 and 14</li> <li>• Convention on the Rights of the Child, arts. 12 and 15</li> <li>• International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 26 and 42–43</li> <li>• Convention on the Rights of Persons with Disabilities, arts. 9, 21 and 29–30</li> <li>• ILO Indigenous and Tribal Peoples Convention (No. 169), articles 2, 5, 7 and 22–23</li> </ul>

<p>Non-discrimination (art. 6)</p>	<ul style="list-style-type: none"> <li>• Universal Declaration of Human Rights, art. 1</li> <li>• International Covenant on Economic, Social and Cultural Rights, art. 2</li> <li>• International Covenant on Civil and Political Rights, arts. 26–27</li> <li>• Convention on the Rights of the Child, art. 2</li> <li>• Convention on the Rights of Persons with Disabilities, arts. 3 and 5</li> <li>• International Convention on the Elimination of All Forms of Racial Discrimination</li> <li>• Convention on the Elimination of All Forms of Discrimination against Women</li> </ul>
<p>Cooperation among States (arts. 3–4 and 6)</p>	<ul style="list-style-type: none"> <li>• Charter of the United Nations</li> <li>• International Covenant on Economic, Social and Cultural Rights, art. 2</li> <li>• Convention on the Rights of Persons with Disabilities, art. 32</li> <li>• Convention on the Rights of the Child, arts. 4 and 23</li> </ul>
<p>Elimination of massive and flagrant violations of human rights (art. 5)</p>	<ul style="list-style-type: none"> <li>• Rome Statute of the International Criminal Court</li> <li>• International Convention on the Suppression and Punishment of the Crime of Apartheid</li> <li>• International Convention on the Elimination of All Forms of Racial Discrimination</li> <li>• International Covenant on Civil and Political Rights</li> <li>• International Covenant on Economic, Social and Cultural Rights</li> </ul>
<p>Disarmament (art. 7)</p>	<ul style="list-style-type: none"> <li>• Convention on Cluster Munitions</li> <li>• Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction</li> <li>• Comprehensive Nuclear-Test-Ban Treaty</li> <li>• Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction</li> <li>• Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects</li> <li>• Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction</li> <li>• Treaty on the Non-proliferation of Nuclear Weapons</li> <li>• Arms Trade Treaty</li> </ul>

Access to public services (art. 8)	<ul style="list-style-type: none"> <li>• Universal Declaration of Human Rights, arts. 22 and 25</li> <li>• International Covenant on Economic, Social and Cultural Rights, arts. 6, 11–13</li> <li>• International Covenant on Civil and Political Rights, arts. 2 and 25</li> <li>• Convention on the Rights of Persons with Disabilities, arts. 24–25 and 28</li> <li>• International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 43</li> </ul>
New international economic order (art. 3)	<ul style="list-style-type: none"> <li>• Universal Declaration of Human Rights, art. 28</li> </ul>

In 2011, the Committee on Economic, Social and Cultural Rights, which monitors the implementation of the International Covenant on Economic, Social and Cultural Rights, emphasized “the close relationship and the complementarity” between the Covenant and the Declaration on the Right to Development and pointed out that, by monitoring the implementation of the rights contained in the Covenant, the Committee contributes “simultaneously to the full realization of the relevant elements of the right to development.”<sup>3</sup> On the occasion of the twenty-fifth anniversary of the Declaration, the Chairs of the human rights treaty bodies stated that they were “resolved to make a concerted effort to promote a development-informed and interdependence-based reading of all human rights treaties, so as to highlight and emphasize the relevance and importance of the right to development in interpreting and applying human rights treaty provisions and in monitoring compliance with these provisions.” On the same occasion, organizations of the United Nations system also reaffirmed their commitment to the right to development and resolved to apply it fully in their work. In a joint statement 18 of them pointed out that: “Since 1986, this Declaration has provided normative underpinnings for a human-centred approach to development. Human development and human rights are embedded and reinforce each other conceptually and in practice, helping to secure the well-being and dignity of all people.”

The right to development is also enshrined, in various forms, in regional human rights instruments:

- *Organization of American States*. The Charter of the Organization of American States (1948) details the concept, rights and duties of integral development, the overall purpose of which should be the “establishment of a more just economic and social order that will make possible and contribute to the fulfilment of the individual” (art. 33).

<sup>3</sup> E/C.12/2011/2, paras. 1 and 7.

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Integral development is the common and joint responsibility of member States (art. 31), preferably through multilateral organizations (art. 32). Cooperation among States in this regard “should include the economic, social, educational, cultural, scientific and technological fields, support the achievement of national objectives of the Member States, and respect the priorities established by each country in its development plans, without political ties or conditions” (ibid.).

- *African Union*. The African Charter on Human and Peoples’ Rights (1981), which is legally binding on 53 State parties, provides that: “All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind” and “States shall have the duty, individually or collectively, to ensure the exercise of the right to development” (art. 22). Similar provisions are included for specific groups in the African Youth Charter (art. 10) and in the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (art. 19).
- *League of Arab States*. The Arab Charter on Human Rights (2004) states that the right to development is a fundamental human right and all States are required to establish the development policies and to take the measures needed to guarantee this right. They have a duty to give effect to the values of solidarity and cooperation among them and at the international level with a view to eradicating poverty and achieving economic, social, cultural and political development. By virtue of this right, every citizen has the right to participate in the realization of development and to enjoy the benefits and fruits thereof (art. 37).
- *Association of Southeast Asian Nations (ASEAN)*. A section of the ASEAN Human Rights Declaration (2012) is devoted to the right to development. In paragraph 37, member States recognize that the implementation of the right to development requires effective development policies at the national level as well as international cooperation, and that States should mainstream aspects of the right to development into ASEAN community building as well as work with the international community to promote development.

#### **Q.4 Is the right to development justiciable?**

Justiciability refers to the ability of courts to render a decision on the basis of a legal obligation.<sup>4</sup> A right is justiciable within a given jurisdiction if it gives rise to a legally cognizable cause of action within that jurisdiction. As dis-

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<sup>4</sup> The sources of public international law are enunciated in Article 38 (1) of the Statute of the International Court of Justice.

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cussed above, the Declaration itself does not create a cause of legal action. However, many of the elements of the right to development are reaffirmed in binding international law, including international treaties, customary law and regional instruments. To the extent that these constituent elements of the right to development are justiciable, so too is the right to development itself. Some key elements of this right, including sovereign equality, equity and the duty to cooperate, are also evident in the larger body of international law, beyond human rights.

In Africa, the right to development forms part of the African Charter on Human and Peoples' Rights. There, the African Commission on Human and Peoples' Rights has found the right to be justiciable. In the *Endorois* case, the Commission found that Kenya had violated the right to development of the Endorois people by failing to involve them in relevant decision-making processes and by not equitably distributing the benefits of development.<sup>5</sup> The Endorois are a community of approximately 60,000 people who, for centuries, lived around Lake Bogoria in the Rift Valley. In 1978, the Government created the Lake Bogoria Game Reserve, excluding the Endorois from their traditional lands and grazing pastures, which resulted in the deaths of large numbers of their cattle, the community's livelihood. The Commission, making reference to the Declaration on the Right to Development and the United Nations Declaration on the Rights of Indigenous Peoples, found that the way in which the Endorois had been dispossessed of their traditional lands and denied access to resources constituted a violation of their right to development. Consultations by the Government had been inadequate and the free, prior and informed consent of the Endorois to the rezoning of their land had not been obtained. Furthermore, the Endorois had been denied an equitable share of the benefits of the Game Reserve. According to the Commission, "the failure to provide adequate compensation and benefits, or provide suitable land for grazing indicates that the Respondent State did not adequately provide for the Endorois in the development process."

## **Q.5 What is the relationship between the right to development and other human rights?**

All human rights are universal, indivisible, interdependent and interrelated.<sup>6</sup> The right to development, as established in the Declaration on the Right to Development, is a universal and inalienable right and an integral part of fundamental human rights.<sup>7</sup> Article 6 (1) of the Declara-

<sup>5</sup> *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, communication No. 276/03, 25 November 2009.

<sup>6</sup> Vienna Declaration and Programme of Action, para. 5.

<sup>7</sup> *Ibid.*, para. 10.

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tion provides that all States should cooperate to promote, encourage and strengthen respect for “all human rights and fundamental freedoms”. Article 6 (2) highlights the indivisibility and interdependence of human rights and states that “equal attention... should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.” Article 6 (3) states that failure to observe civil, political, economic, social and cultural rights creates obstacles to development. See also Q3.

Although the provisions of the Declaration and international human rights treaties intersect and reinforce each other, the Declaration adds value in a number of ways, for instance by: (a) explicitly acknowledging the indivisibility, interdependence, and need for equal attention and urgent consideration of all human rights and fundamental freedoms—civil, cultural, economic, political and social (preamble, arts. 1 and 6); (b) integrating into the process of development, and as a matter of legal obligation, the human rights principles of equality, non-discrimination, participation, accountability and transparency (arts. 2 (3), 3 (3), 5 and 8 (2)); (c) emphasizing the parallel, simultaneous and mutually reinforcing national and international dimensions of States’ obligations, including the obligation to create an enabling environment for the realization of the right to development (art. 3 (1)); (d) recognizing the rights of “peoples” and “the entire population” (arts. 1, 2 and 5); and (e) connecting the three pillars of the United Nations—peace and security (art. 7), development and human rights.

## **Q.6 What is the difference between the right to development and a human rights-based approach to development?**

The right to development is a distinct human right, reaffirmed at the inter-governmental level in the Declaration and in other internationally agreed instruments (see Q13). It is claimable by individuals and peoples, with attendant obligations on States and the international community, and implies responsibilities for all actors in society. The right to development aims at the constant improvement of human well-being through national and international development policies which support an enabling environment for development and an order in which all human rights and fundamental freedoms can be fully realized.

The Declaration on the Right to Development and its principles were the basis for the conceptualization of the United Nations human rights-based

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approach to development.<sup>8</sup> As such, a human rights-based approach focuses on ensuring participation, accountability, non-discrimination, equity and consistency with international human rights standards, including the right to development, in all development processes. A human rights-based approach to development is a tool to promote human rights-compliant development, particularly in development programming. This approach applies a conceptual framework based on international human rights standards with the right to development at its core and is directed towards the promotion and protection of all human rights, including the right to development, in development programmes.<sup>9</sup>

## **Q.7 What is the role of international cooperation in the right to development?**

According to the Charter of the United Nations, international cooperation in solving international economic, social, cultural and humanitarian problems is one of the purposes of the United Nations (Article 1 (3)). Its Articles 2, 55 and 56 emphasize that all Member States have certain obligations that they need to meet both individually and collectively. In particular, all Member States shall take “joint and separate action” to achieve the purposes of the United Nations. International financial institutions, regional associations and other actors that facilitate collective action by States are key players in advancing international development. As their activities have an impact on development and the protection and promotion of human rights, States must ensure that their collective actions contribute to the creation of an international enabling environment for development.

In the Declaration on the Right to Development it is recognized that the realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States, in accordance with the Charter of the United Nations (Article 1 (2)). Furthermore, States have a duty to cooperate with each other in creating national and international conditions favourable to the realization of the right to

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<sup>8</sup> In 2003, United Nations agencies, funds and programmes issued the Statement of Common Understanding on Human Rights-based Approaches to Development Cooperation and Programming. It provides that: (a) all development programmes should further the realization of human rights; (b) human rights standards should guide all development programming in all phases of the process; and (c) development programming should enhance the capacity of “duty bearers” to meet their obligations and/or of “rights holders” to claim their rights. *The Human Rights-based Approach to Development Cooperation: Towards a Common Understanding among the United Nations Agencies*, Second Inter-agency Workshop, Stamford, United States of America, May 2003.

<sup>9</sup> For further information on a human rights-based approach to development, see *Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation* (United Nations publication, Sales No. 06.XIV.10).



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development (Declaration, art. 3 (1)); in ensuring development and eliminating obstacles to development, and promoting a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States (art. 3 (3)); and in formulating international development policies (art. 4 (1)). The Declaration also calls for sustained action for more rapid development of developing countries and effective international cooperation to provide them with appropriate means and facilities to foster their comprehensive development (art. 4).

International cooperation is essential to realize the right to development for a number of reasons. While development is a State-led process, it is necessarily affected by international policies and thus cannot be separated from the global context in which it takes place. Spurred by rapid developments in information, communication and transport technologies, the transfer of information, ideas and goods as well as mass migration of people have led to an interdependent, globalized economy and world. Obstacles to development, such as colonialism, foreign domination and occupation, as well as environmental threats, are global and therefore require global responses. State development programmes can also be significantly strengthened by the guidance and standard-setting work of the United Nations and its specialized agencies as well as other international organizations and international non-governmental organizations (NGOs). The United Nations treaty bodies have further elaborated on obligations in this context. One example is general comment No. 3 (1990) on States parties' obligations of the Committee on Economic, Social and Cultural Rights, which states that international cooperation for development, and thus for the realization of economic, social and cultural rights, is an obligation of all States.

## **Q.8 What is the relationship between the right to development and global governance?**

The right to development calls for good governance at both the national and the international levels. In an era of globalization, good global governance is essential for the formulation and implementation of national and international development policies in a manner that respects, promotes and protects all human rights and is aimed at the constant improvement of human well-being. The key attributes of good governance—transparency, responsibility, accountability, participation, non-discrimination and responsiveness<sup>10</sup>—are necessary to ensure the right of all peoples “to participate in, contribute to, and enjoy economic, social, cultural and political development” (Declaration, art. 1). This synergy between the right to development and good governance is reflected in the United Nations Millennium Declaration, which

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<sup>10</sup> See also Commission on Human Rights resolution 2000/64.

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records Member States' commitments to the promotion of both, as well as in the 2030 Agenda for Sustainable Development.

According to the Declaration on the Right to Development, "appropriate economic and social reforms should be carried out with a view to eradicating all social injustices" (art. 8). Thus, the Declaration calls for governance reforms, including in the financial sector, which are based on a clear understanding of the relationship between the enjoyment of human rights and State policies on issues such as financial regulatory reform, taxation, budgeting and responding to financial crises. These reforms should promote an international enabling environment for development through improved accountability and good governance of financial institutions, effective regulation, transparency and participation. Potential steps in furthering this objective include the use of human rights safeguards, impact assessments and other tools to promote a human rights-based approach to macroeconomic policy, crisis response and recovery.

### **Q.9 What is the relationship between the right to development and sustainable development?**

Sustainable development is defined as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. The Rio Declaration on Environment and Development (principle 3) and the Vienna Declaration and Programme of Action (para. 11) both state that the right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations.

Global crises related, for instance, to climate change, financial systems, conflict and migration have increasingly drawn attention to the interdependence of human rights, development, peace and security, and ecological and planetary well-being. The pursuit of economic growth without adequate measures to promote inclusive, equitable, participatory and environmentally sound development is clearly unsustainable. Indeed, inequality, corruption, mismanagement of public resources and misdirection of public policy priorities fuel civil unrest, and threaten development, sustainability and the realization of all human rights for all. The right to development articulates a vision for transformative development founded on the principles of international law and anchored in international solidarity, the equal participation of all stakeholders, and the fair distribution of income and resources, so that truly sustainable, people-centred development can be achieved.

This vision of development has helped shape the 2030 Agenda for Sustainable Development, in which the importance of the right to development is explicitly recognized. The 2030 Agenda states that it is informed among other instru-

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ments by the Declaration on the Right to Development (para. 10) and recognizes respect for human rights, including the right to development, as a prerequisite for peace and security and, therefore, for sustainable development (para. 35).

### **Q.10 What is the significance of the right to development in the context of the 2030 Agenda, the Sustainable Development Goals and related processes?**

The right to development will continue to inform the 2030 Agenda and the Sustainable Development Goals and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development. Importantly, there are explicit references to the right to development in both the 2030 Agenda (para. 35) and the Addis Ababa Action Agenda, in which States “commit to respecting all human rights, including the right to development” (para. 1). In order to realize the vision of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda for a world in which the benefits of development are equitably shared by all, States will need to ensure that right-to-development principles guide the implementation of their commitments.

The preamble to the 2030 Agenda describes it as “a plan of action for people, planet and prosperity” in which “all countries and all stakeholders, acting in collaborative partnership, ... are resolved to free the human race from the tyranny of poverty and want and to heal and secure our planet” while leaving no one behind. The key principles contained in the Declaration on the Right to Development, including participation, non-discrimination, self-determination, individual and collective responsibility, international cooperation, and equity, are reaffirmed throughout the 2030 Agenda. The Sustainable Development Goals, which are incorporated in it, have been adopted by Member States without a vote and outline development objectives that are rooted in human rights commitments, including the right to development. These Goals, by taking a rights-based approach and calling for equitable development, improve upon the Millennium Development Goals and present new opportunities for development that benefits everyone.

In order to help realize these Goals, the 2030 Agenda directly integrates the Addis Ababa Action Agenda and its commitment to respect all human rights, including the right to development. The Addis Ababa Action Agenda calls for increased accountability for development financing commitments (para. 58), including accountability for businesses (paras. 35 and 37), renews pledges to provide a social protection floor for everyone (para. 12), establishes a new technology facilitation mechanism (para. 123), and includes for the first time a follow-up and review mechanism for financing development (paras. 130–134). The implementation of the Addis Ababa Action Agenda requires an international system of financing for development that is just,

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equitable, cooperative, transparent and accountable, that integrates human rights commitments, and that makes the human person the central subject of development.

In this regard, measures to ensure the participation and empowerment of marginalized and excluded groups will be critical, including during the planned reviews of financing for development commitments and the 2030 Agenda for Sustainable Development. Existing human rights mechanisms, such as the universal periodic review, the treaty bodies, the special procedures of the Human Rights Council, national human rights institutions, and regional and national human rights bodies, can contribute to follow-up and review to ensure that a right-to-development framework is being applied to development efforts. Effective follow-up and review furthermore require monitoring and measuring progress in the implementation of human rights, including the right to development, using relevant indicators.<sup>11</sup>

Climate change, which has been integrated into the 2030 Agenda for Sustainable Development and as a stand-alone goal in Sustainable Development Goal 13, also has significant human rights implications. It threatens the full and effective enjoyment of a range of human rights, including the right to development, by people throughout the world, and its impact falls most heavily on the poorest and most marginalized individuals, groups, communities and countries that have contributed the least to greenhouse gas emissions.

The Declaration on the Right to Development requires that States cooperate to eliminate obstacles to development (climate change has shown itself to be a principal example) and do so with a view to eradicating social injustices. Recognizing that some States have contributed more to climate change than others and also that some States have more capacity to contribute to adaptation and mitigation efforts than others, the United Nations Framework Convention on Climate Change requires States to take action on climate change “on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities” (art. 3 (1)). In their efforts to adapt to or mitigate climate change, States must seek to give the principle of equity and their commitment to international cooperation, which are both central to the right to development, meaningful operational force.

### **Q.11 In what other ways is the right to development relevant to the contemporary development context?**

Trade, investment, finance, aid, debt, technology, innovation and global governance, all have consequences for the achievement of the right to

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<sup>11</sup> For more information about indicators, see *Human Rights Indicators: A Guide to Measurement and Implementation* (United Nations publication, Sales No. 13.XIV.2).

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development, as do the global challenges mentioned above. The right to development demands that these difficult and diverse issues be addressed comprehensively and coherently with the ultimate policy objective of securing freedom from fear and freedom from want for everyone.

This ultimate objective of development is broadly reflected in diverse and evolving policy arenas. For example, the Marrakech Agreement Establishing the World Trade Organization states that “relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living, [and] ensuring full employment..., while allowing for the optimal use of the world’s resources in accordance with the objective of sustainable development”. Similarly, the General Assembly in its annual resolutions on the right to development affirms human rights and improved human well-being as guiding considerations for multilateral trade negotiations and calls for mainstreaming the right to development and strengthening the global partnership for development within international trade institutions among other things. The right to development provides a framework for the consideration of extraterritorial obligations and the obligations of States in their collective capacities, including as members of international organizations like the World Trade Organization and multilateral development banks, and as actors in global trade, investment and finance.

As trade negotiations have proliferated and the human rights impact of trade and investment agreements is better understood, it has become increasingly clear that States must step up their efforts to integrate human rights, including the right to development, in new trade and investment in order to fulfil their human rights commitments. Likewise, the obligations outlined in the Declaration require that aid or official development assistance, as well as international lending, should be adequate, effective and transparent, administered through participatory and accountable processes, and targeted towards the countries, people and groups most in need, including within those States where the ability to mobilize domestic resources is weakest.

The Declaration’s mandate for international cooperation and equitable distribution also requires that technology and scientific innovation that can play a role in the fulfilment of human rights should be equitably shared in a manner that takes into account the needs of the most vulnerable. In practice, this requires a system of intellectual property protection that encourages innovation while ensuring that life-saving technologies are not withheld from the poor, vulnerable, marginalized and excluded. As the world faces new and constantly evolving challenges, the Declaration, with its emphasis on realizing all human rights for all individuals and peoples, international cooperation, equity and equality, continues to illuminate a way forward.

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**Q.12 What is the role of the United Nations and the Office of the High Commissioner for Human Rights in relation to the right to development?**

The United Nations has played a key role throughout the emergence and development of the right to development both before and after the adoption of the Declaration on the Right to Development (see annex II below). It has supported a series of expert mechanisms:

- (a) The Working Group of Governmental Experts on the Right to Development (1981–1989), with a mandate to study the scope and content of the right to development and the most effective means to ensure the realization of economic, social and cultural rights. During its first nine sessions, the Working Group played an active role in drafting the relevant texts for the Declaration;
- (b) The Open-ended Working Group of Governmental Experts on the Right to Development (1993–1995), with a mandate to identify obstacles to the implementation and realization of the Declaration and to recommend ways and means for all States to realize the right to development;
- (c) The Intergovernmental Group of Experts on the Right to Development (1996–1997), with a mandate, *inter alia*, to draw up a strategy for the implementation and promotion of the right to development and to work out concrete and practical measures to implement and promote it;
- (d) The Independent Expert on the right to development (1998–2003), followed by the high-level task force on the implementation of the right to development (2004–2010), with a mandate to provide expert advice and input to the intergovernmental open-ended Working Group on the Right to Development.<sup>12</sup>

The intergovernmental open-ended Working Group on the Right to Development was established in 1998 by the Commission on Human Rights,<sup>13</sup> which was replaced by the Human Rights Council in 2006. Its mandate is to monitor and review progress made in the promotion and implementation of the right to development, as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration; to review reports and any other information submitted by States, United Nations agencies,

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<sup>12</sup> For more information and updates, see [www.ohchr.org/EN/Issues/Development/Pages/WGRightToDevelopment.aspx](http://www.ohchr.org/EN/Issues/Development/Pages/WGRightToDevelopment.aspx) (accessed 17 December 2015).

<sup>13</sup> Resolution 1998/72.

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other relevant international organizations and NGOs on the relationship between their activities and the right to development; and to present for the consideration of the Human Rights Council a report on its deliberations, including advice to the Office of the United Nations High Commissioner for Human Rights with regard to the implementation of the right to development and to suggest possible programmes of technical assistance, at the request of interested countries, with the aim of promoting the implementation of the right to development. The Working Group meets once a year in Geneva and submits its report to both the Council and the General Assembly. United Nations agencies, other international organizations as well as civil society representatives participate as observers in its sessions.

The right to development is the only human right specifically mentioned in resolution 48/141 of the General Assembly, by which it established the position of High Commissioner and the Office of the High Commissioner for Human Rights. The High Commissioner is mandated to “promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose”. In addition, the General Assembly annually calls upon the High Commissioner to mainstream the right to development and “undertake effectively activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions”.<sup>14</sup> The Human Rights Council annually calls upon the High Commissioner to ensure “inter-agency coordination within the United Nations system with regard to the promotion and realization of the right to development.”<sup>15</sup> Both the Secretary-General and the High Commissioner report annually to the General Assembly and to the Council on the implementation of these mandates.

In line with the High Commissioner’s mandate, OHCHR works to mainstream the right to development and to support increased awareness and implementation of this right.<sup>16</sup> Other activities are: advocacy; provision of technical advice; establishment of partnerships, including with Member States, multilateral institutions, civil society and NGOs as well as the private sector; conducting research and identifying good practices, lessons learned and obstacles to implementation; organization of expert meetings; and publica-

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<sup>14</sup> General Assembly resolution 66/155 of 19 December 2011.

<sup>15</sup> Human Rights Council resolution 19/34 of 23 March 2012.

<sup>16</sup> For example, in commemoration of the twenty-fifth anniversary of the Declaration, OHCHR embarked on a year-long series of events and published *Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development* (United Nations publication, Sales No. E.12.XIV.1), which inter alia analyses in depth the progress and setbacks during the first 25 years.

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tion of informational and educational materials.<sup>17</sup> OHCHR also provides secretariat support to mechanisms and mandates of the General Assembly and the Human Rights Council related to the right to development, including the above-mentioned Working Group.

### **Q.13 What are the main challenges to the realization of the right to development?**

The Declaration was adopted in 1986 with a recorded vote of 146 Member States in favour, 1 against and 8 abstentions.<sup>18</sup> In 1993 the World Conference on Human Rights adopted the Vienna Declaration and Programme of Action, in which *all* Member States reaffirmed “the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights” (para. 10).

The right to development has since been reaffirmed in a number of other international instruments, such as: the 1992 Rio Declaration on Environment and Development; the United Nations Millennium Declaration; the 2002 Monterrey Consensus of the International Conference on Financing for Development; the 2005 World Summit Outcome; the 2007 United Nations Declaration on the Rights of Indigenous Peoples; the 2010 outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals; the 2011 Istanbul Programme of Action for the Least Developed Countries for the Decade 2011–2020; the 2012 outcome document of the thirteenth session of the United Nations Conference on Trade and Development; “The future we want”, the outcome document of the 2012 United Nations Conference on Sustainable Development (“Rio+20”); the Addis Ababa Action Agenda of the Third International Conference on Financing for Development; “Transforming our world: the 2030 Agenda for Sustainable Development” and the Sustainable Development Goals in 2015.

Nevertheless, conceptual, political and strategic challenges to the practical implementation of the right to development remain. Views among States are still divided. There is some disagreement on the nature of the duties of States to realize the right to development, as well as on the relative emphasis to be placed on the national dimension of State obligations (individual rights and corresponding State responsibilities, rule of law, good governance, anti-corruption, etc.) compared to obligations of international cooperation (international responsibilities, international order, development cooperation, global governance, etc.). As the Declaration makes explicit, both the national and the international

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<sup>17</sup> For more information and updates, see [www.ohchr.org/EN/Issues/Development/Pages/DevelopmentIndex.aspx](http://www.ohchr.org/EN/Issues/Development/Pages/DevelopmentIndex.aspx) (accessed 17 December 2015).

<sup>18</sup> Against: United States of America; abstentions: Denmark, Finland, Federal Republic of Germany, Iceland, Israel, Japan, Sweden and United Kingdom.



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dimensions are necessary for the full realization of the right to development. National policies and measures for development will not succeed without an international environment which enables development, and vice versa.

There are also differences of opinion among States regarding criteria to measure progress towards implementing the right to development.<sup>19</sup> Some countries advocate the development of a comprehensive and coherent set of standards as a basis for a legally binding instrument, while others express a preference for non-binding guidelines. These differences have challenged progress in the intergovernmental debate at the relevant United Nations forums, such as the General Assembly, the Human Rights Council and the Working Group.<sup>20</sup>

Such politicization and polarization in intergovernmental debates highlight the need to improve understanding of this right and enlarge the constituencies in support of it. The role of civil society and other stakeholders is crucial to this effort. There is a critical need to ensure human rights-based policy coherence in the global partnership for development and mainstream all human rights, including the right to development, into the work of the United Nations system.<sup>21</sup> But the greatest obstacle to achieving these objectives remains a lack of consensus among Member States.

#### **Q.14 How can the right to development be implemented and monitored?**

The realization of the right to development is an ongoing process for all countries. According to the Working Group, further conceptual clarification, improved strategic coherence and coordination of policies and programmes, and increased political commitment are required for its full realization.<sup>22</sup> Some of the factors that it considers contribute to the realization of the right to development are:

- (a) An open, equitable, rules-based, predictable and non-discriminatory multilateral trading system;
- (b) Sustained economic growth;
- (c) Continued partnerships for development;

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<sup>19</sup> The high-level task force has developed criteria and sub-criteria for operationalizing the right to development, for review by the Working Group. See A/HRC/15/WG.2/TF/2/Add.2.

<sup>20</sup> For a detailed account of the debate, see the annual reports of the Working Group, available from [www.ohchr.org/EN/Issues/Development/Pages/WGRightToDevelopment.aspx](http://www.ohchr.org/EN/Issues/Development/Pages/WGRightToDevelopment.aspx) (accessed 17 December 2015).

<sup>21</sup> A/HRC/19/45, paras. 23–25.

<sup>22</sup> E/CN.4/2004/23 and Corr.1, para. 43 (h).

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- (d) The evolution, assessment and dissemination of practical and specific measures at the national and international levels;
  - (e) Integration of the principles underlying the Declaration on the Right to Development within the policies and programmes of the multilateral development and financial institutions;
  - (f) A rights-based approach to economic growth and development;
  - (g) Good governance and the rule of law at both national and international levels;
  - (h) Responsiveness on the part of States to vulnerable and marginalized groups and the realization of civil, cultural, economic, political and social rights.<sup>23</sup>

The means of implementing the right to development include:

- (a) Formulating appropriate national and international development policies (arts. 2, 4 and 10);
- (b) Economic and social reforms at the national and international levels (arts. 8 and 10);
- (c) Effective international cooperation (arts. 3–4 and 6);
- (d) Removing obstacles to development, including human rights violations, racism, colonialism, occupation and aggression (arts. 3, 5 and 6);
- (e) Promoting peace and disarmament, and redirecting the savings from disarmament into development (art. 7).

The Declaration on the Right to Development is not a treaty and there is no treaty body tasked with monitoring its implementation. However, in 1998, the United Nations established the Working Group to monitor and review progress in the promotion and implementation of the right to development at the national and international levels and to provide recommendations for and analyse obstacles to its enjoyment (see Q12). The General Assembly and the Human Rights Council monitor the implementation of the right to development based on the annual reports submitted by the Working Group, the Secretary-General and the High Commissioner (see Q12). Relevant human rights treaty bodies, special procedure mandate holders, the universal periodic review and other mechanisms of the Human Rights Council, as well as international, regional and national organizations, increasingly examine

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<sup>23</sup> A/66/216, paras. 22–23.

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issues connected with the right to development. Some examples are: the recognition by the Committee on Economic, Social and Cultural Rights of the close relationship and complementarity between the International Covenant on Economic, Social and Cultural Rights and the right to development, including many parallel provisions in areas like employment, food, housing, health and education; the development by the Special Rapporteur on the right to food of Guiding principles on human rights impact assessments of trade and investment agreements (A/HRC/19/59/Add.5); the focus on self-determination of the Special Rapporteur on the rights of indigenous peoples; and consideration by the Working Group on Business and Human Rights of the responsibilities of non-State actors for development, including with regard to responsible investment.

Everyone who plays a role in creating and shaping policy, including, but not only, parliamentarians and policymakers, religious and community leaders, civil society organizations and faith-based groups, academics and voters, can contribute to the formulation of policies that are in line with the right to development and that incorporate its principles and elements. As discussed above, under the Declaration “all human beings have a responsibility for development”, and all individuals, including youth and children, should be enabled to act in their personal capacity to fulfil the right to development for themselves and others. Human rights education that incorporates education on the right to development will help to bring these basic elements to the grass roots and enable participatory and human-centred development. Furthermore, the private sector can contribute to the implementation of the right to development by ensuring that all business activities, including public-private partnerships, incorporate the fundamental principles enshrined in the Declaration and conform to the understanding of “the human person” as the central subject, participant and beneficiary of development. Fundamentally, the right to development is a right that belongs to all individuals and peoples, and therefore every human person, each community and the entire population should be enabled and empowered in practice to participate in, contribute to, and enjoy economic, social, cultural and political development.

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## ANNEX I

### **Declaration on the Right to Development<sup>a</sup>**

*The General Assembly,*

*Bearing in mind* the purposes and principles of the Charter of the United Nations relating to the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

*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,

*Considering* that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,

*Recalling* the provisions of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights,

*Recalling further* the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples, including those instruments concerning decolonization, the prevention of discrimination, respect for and observance of human rights and fundamental freedoms, the maintenance of international peace and security and the further promotion of friendly relations and cooperation among States in accordance with the Charter,

*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,

*Recalling also* the right of peoples 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,

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<sup>a</sup> Adopted by the United Nations General Assembly in its resolution 41/128 of 4 December 1986.

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*Mindful* of the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Considering* that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neocolonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

*Concerned* at the existence of serious obstacles to development, as well as to the complete fulfilment of human beings and of peoples, constituted, inter alia, by the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

*Considering* that international peace and security are essential elements for the realization of the right to development,

*Reaffirming* that there is a close relationship between disarmament and development and 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,

*Recognizing* that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development,

*Recognizing* that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,

*Aware* that efforts at the international level to promote and protect human rights should be accompanied by efforts to establish a new international economic order,

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*Confirming* that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

*Proclaims* the following Declaration on the Right to Development:

*Article 1*

1. 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.
2. 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 2*

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.
2. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development.
3. States have the right and the duty to formulate appropriate national development policies that aim 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 the benefits resulting therefrom.

*Article 3*

1. States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.
2. The realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations.

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3. States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights.

*Article 4*

1. States have the 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.

2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

*Article 5*

States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.

*Article 6*

1. All States should cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.

2. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.

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*Article 7*

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

*Article 8*

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.

2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

*Article 9*

1. All the aspects of the right to development set forth in the present Declaration are indivisible and interdependent and each of them should be considered in the context of the whole.

2. Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any State, group or person has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in the Universal Declaration of Human Rights and in the International Covenants on Human Rights.

*Article 10*

Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.



## ANNEX II

### Landmarks in the recognition of development as a human right<sup>a</sup>

Year	Developments	<b>Excerpts, references, provisions, mandates, commitments and remarks from the corresponding sources</b>
1944	Declaration of Philadelphia, General Conference of the International Labour Organization	All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity
1945	Charter of the United Nations	<ul style="list-style-type: none"> <li>• To promote social progress and better standards of life in larger freedom (Preamble)</li> <li>• 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 (Article 1)</li> <li>• To promote higher standards of living, full employment, and conditions of economic and social progress and development (Article 55)</li> <li>• To take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55 (Article 56)</li> </ul>
1948	Charter of the Organization of American States	Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality (art. 17)
1948	Universal Declaration of Human Rights (General Assembly resolution 217 A (III))	<ul style="list-style-type: none"> <li>• All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (art. 1)</li> <li>• Everyone has the 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 (art. 25)</li> <li>• Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized (art. 28)</li> </ul>

<sup>a</sup> Various United Nations mechanisms set up to address the right to development are shown in grey.

1960	Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV))	<ul style="list-style-type: none"> <li>• All peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory</li> <li>• All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development</li> </ul>
1961	Programme for the first United Nations Development Decade (General Assembly resolution 1710 (XVII))	<ul style="list-style-type: none"> <li>• All States are to intensify their efforts to mobilize and to sustain measures to achieve self-sustaining growth of nations and their social advancement (para. 1)</li> <li>• Appealing for more “equitable” and “mutually acceptable” economic relations between developed and developing countries, the General Assembly reaffirms the duty of States to cooperate internationally and express solidarity to create the conditions necessary to achieve the target set</li> </ul>
1962	Declaration on permanent sovereignty over natural resources (General Assembly resolution 1803 (XVII))	The resolution proclaims the inalienable right of peoples and nations to permanent sovereignty over their natural wealth and resources, and that such sovereignty is a basic constituent of the sovereign and inalienable right of peoples to self-determination, including development
1965	International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 (XX))	The Convention condemns all forms of racial discrimination against individuals and groups; further defines some of the basic principles on which the right to development is based: non-discrimination, equality and social justice
1966	International Covenants on Human Rights – Covenants on Civil and Political Rights and Economic, Social and Cultural Rights (General Assembly resolution 2200A (XXI))	Both Covenants 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 (third preambular common paragraph)
1968	Proclamation of Teheran, International Conference on Human Rights	The Proclamation of Teheran states that the achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international development policies of economic and social development (para. 13).

1969-1974	Special Rapporteur of the Commission on Human Rights, Mr. Manouchehr Ganji	To submit a comprehensive report, together with his conclusions and recommendations including the question of the role of the Commission in this regard, on the realization ... of economic, social and cultural rights ..., taking particular account of the special problems of the developing countries in this regard (Commission resolution 14 (XXV), para. 1) (The study is contained in E/CN.4/1108/Rev.1)
1969	Declaration on Social Progress and Development (General Assembly resolution 2542 (XXIV))	<ul style="list-style-type: none"> <li>• The Declaration affirms that the aim of social progress and development is “the continuous raising of the material and spiritual standards of living of all members of society, with respect for and in compliance with human rights and fundamental freedoms” (Part II, Objectives)</li> <li>• All peoples and all human beings, without distinction as to race, colour, sex, language, religion, nationality, ethnic origin, family or social status, or political or other conviction, shall have the right to live in dignity and freedom and to enjoy the fruits of social progress and should, on their part, contribute to it (art. 1)</li> </ul>
1970	Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV))	The Declaration reaffirms and elaborates upon the principle of equal rights and self-determination contained in the Charter of the United Nations, reaffirmed in common article 1 of the two International Covenants on Human Rights and subsequently incorporated in article 1 of the Declaration on the Right to Development
1970	International Development Strategy for the Second United Nations Development Decade (General Assembly resolution 2626 (XXV))	The Strategy recognizes the interdependence of development and human rights, including the right of peoples to self-determination and the related concept of popular participation
1974	Declaration on the Establishment of a New International Economic Order (General Assembly resolution 3201 (S-VI))	The Declaration affirms inter alia that the present international economic order is in direct conflict with current developments in international political and economic relations. Since 1970 the world economy has experienced a series of grave crises which have had severe repercussions, especially on the developing countries because of their generally greater vulnerability to external economic impulses (para. 2)

1974	Charter of Economic Rights and Duties of States (General Assembly resolution 3281 (XXIX))	The Charter aims at the establishment of a new international economic order, based on equality, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems
1974-2005	Sub-Commission on the Promotion and Protection of Human Rights	<ul style="list-style-type: none"> <li>• The Sub-Commission developed and considered several studies and reports on various thematic issues relevant to the right to development (see the OHCHR website, right-to-development documents archive)</li> <li>• The Commission on Human Rights requested the Sub-Commission to prepare a concept document establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnerships... (resolution 2003/83)</li> <li>• In 2006, the Sub-Commission was replaced by the Advisory Committee</li> </ul>
1977-2005	Commission on Human Rights	<ul style="list-style-type: none"> <li>• For the first time the Commission requested a study on the international dimensions of the right to development as a human right in relation with other human rights (resolution 4 (XXXIII) of 21 February 1977)</li> <li>• The Commission considered and adopted a resolution on the right to development annually from 1985 to 2005. The Commission was replaced by the Human Rights Council in 2006</li> </ul>
1978	Declaration on Race and Racial Prejudice of the United Nations Educational, Scientific and Cultural Organization	Any distinction, exclusion, restriction or preference based on race, colour, ethnic or national origin or religious intolerance motivated by racist considerations, which destroys or compromises the sovereign equality of States and the right of peoples to self-determination, or which limits in an arbitrary or discriminatory manner the right of every human being and group to full development is incompatible with the requirements of an international order which is just and guarantees respect for human rights; the right to full development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and worldwide (art. 3)

1979-present	Secretary-General	<ul style="list-style-type: none"> <li>• The Secretary-General submitted reports and studies on the international dimensions of the right to development as a human right (E/CN.4/1334), the regional and national dimensions of the right to development as a human right (E/CN.4/1421 and E/CN.4/1488) and on popular participation (E/CN.4/1985/10) to the Commission on Human Rights</li> <li>• The Secretary-General submits an annual report on the right to development to the General Assembly and the Human Rights Council</li> </ul>
1980	International Development Strategy for the Third United Nations Development Decade (General Assembly resolution 35/56)	It underlined the relationship between development and the individual and the collective, national and international justice, and the need for a new international economic order and structural changes at the national and international levels
1981	African Charter on Human and Peoples' Rights	All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind (art. 22 (1))
1981-1989	Working Group of Governmental Experts on the Right to Development (15 experts)	<ul style="list-style-type: none"> <li>• To study the scope and contents of the right to development and the most effective means to ensure the realization of economic, social and cultural rights (Commission resolution 36 (XXXVII) of 11 March 1981)</li> <li>• To submit concrete proposals for implementation of the right to development and for a draft international instrument on this subject (ibid.)</li> <li>• To submit recommendations to the Commission on practical measures to implement the Declaration and specific proposals for future work (resolution 1987/23)</li> </ul>
1981-present	General Assembly	<ul style="list-style-type: none"> <li>• The General Assembly declared that the right to development is an inalienable human right (resolution 36/133 of 14 December 1981)</li> <li>• The General Assembly has considered and adopted a resolution on the right to development annually since 1987</li> </ul>
1986	<b>DECLARATION ON THE RIGHT TO DEVELOPMENT (General Assembly resolution 41/128)</b>	
1990	Global Consultation on the Right to Development as a Human Right	The consultation took place on 8-12 January 1990 in Geneva as requested by the Commission in its resolution 1989/45

1992	Rio Declaration on Environment and Development	The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations (Principle 3)
1993	Vienna Declaration and Programme of Action	<ul style="list-style-type: none"> <li>• The World Conference on Human Rights (for the first time all United Nations Member States by consensus) reaffirmed the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights</li> <li>• The international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development</li> <li>• 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 (para. 10)</li> </ul>
1993-present	High Commissioner for Human Rights and OHCHR	<ul style="list-style-type: none"> <li>• The General Assembly established the post of High Commissioner for Human Rights in order, inter alia, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose (resolution 48/141 of 7 January 1994, para. 4 (c))</li> <li>• Subsequently, the General Assembly requested the High Commissioner to mainstream the right to development and effectively undertake activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions (see its annual resolutions on the right to development)</li> <li>• The Human Rights Council requested OHCHR to continue to report on its activities, including on inter-agency coordination within the United Nations system with regard to the promotion and realization of the right to development (resolution 19/34 of 23 March 2012)</li> </ul>
1993-1995	Open-ended Working Group of Governmental Experts on the Right to Development (15 experts)	<ul style="list-style-type: none"> <li>• To identify obstacles to the implementation and realization of the Declaration</li> <li>• To recommend ways and means towards the realization of the right to development by all States (Commission resolution 1993/22)</li> </ul>

1994	Cairo Programme of Action of the International Conference on Population and Development	The right to development must be fulfilled so as to equitably meet the population, development and environment needs of present and future generations
1995	Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development	Promoting the realization of the right to development through strengthening democracy, development and respect for human rights and fundamental freedoms and through effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level
1995	Beijing Declaration and Platform for Action, Fourth World Conference on Women	We reaffirm our commitment to the equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular ..., as well as ... and the Declaration on the Right to Development (para. 8)
1996-1997	Intergovernmental Group of Experts on the Right to Development (10 experts)	<ul style="list-style-type: none"> <li>• To elaborate a strategy for the implementation and promotion of the right to development</li> <li>• To elaborate concrete and practical measures for the implementation and promotion of the right (Commission resolution 1996/15)</li> </ul>
1998-present	Open-ended Intergovernmental Working Group on the Right to Development	<ul style="list-style-type: none"> <li>• 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 analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration</li> <li>• 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</li> <li>• To present a sessional report on its deliberations, including advice to the Office of the High Commissioner for Human Rights 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 the right to development (Commission resolution 1998/72)</li> <li>• To complete the tasks entrusted by the Council in its resolution 4/4 (Human Rights Council resolution 9/3 of 24 September 2008)</li> </ul>

1998-2003	Independent Expert of the Commission on Human Rights on the right to development, Mr. Arjun Sengupta	To present to the intergovernmental Working Group on the Right to Development at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion (Commission resolution 1998/72)
2000	Millennium Declaration	"We [Heads of State and Government] are committed to making the right to development a reality for everyone and to freeing the entire human race from want" (para. 11)
2002	Monterrey Consensus of the International Conference on Financing for Development	Freedom, peace and security, domestic stability, respect for human rights, including the right to development, and the rule of law, gender equality, market-oriented policies, and an overall commitment to just and democratic societies are also essential and mutually reinforcing (para. 11)
2004	High-level seminar on the right to development: Global partnership for development	The seminar was organized on 9–10 February 2004 as requested in Commission resolution 2003/83
2004	Arab Charter on Human Rights	The right to development is a fundamental human right and all States are required to establish the development policies and to take the measures needed to guarantee this right. They have a duty to give effect to the values of solidarity and cooperation among them and at the international level with a view to eradicating poverty and achieving economic, social, cultural and political development. By virtue of this right, every citizen has the right to participate in the realization of development and to enjoy the benefits and fruits thereof (art. 37)
2004-2010	High-level task force on the implementation of the right to development (5 experts)	To provide expert findings and recommendations to the intergovernmental Working Group on the Right to Development (Commission resolution 2004/7)
2005	World Summit Outcome	"We resolve further to strengthen the United Nations human rights machinery with the aim of ensuring effective enjoyment by all of all human rights and civil, political, economic, social and cultural rights, including the right to development" (para. 123)
2007	United Nations Declaration on the Rights of Indigenous Peoples	"Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions" (art. 23)



2009	African Commission on Human and Peoples' Rights	The Commission found that the way in which the Endorois, an indigenous community in Kenya, had been dispossessed of their traditional lands and denied access to resources constituted a violation of their rights, including the right to development under article 22 of the African Charter on Human and Peoples' Rights
2010	Outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals	"We also reaffirm the importance of freedom, peace and security, respect for all human rights, including the right to development, the rule of law, gender equality and an overall commitment to just and democratic societies for development" (para. 3)
2011	Istanbul Programme of Action for the Least Developed Countries for the Decade 2011-2020	"Equity at all levels is indispensable for the pursuit of long-term prosperity and the realization of all the internationally recognized human rights, including the right to development by all" (para. 29 (f))
2011	Human rights treaty bodies	The Chairs of the human rights treaty bodies made a joint statement: "we are resolved to make a concerted effort to promote a development-informed and interdependence-based reading of all human rights treaties, so as to highlight and emphasize the relevance and importance of the right to development in interpreting and applying human rights treaty provisions and in monitoring compliance with these provisions". (See the OHCHR website for the full text)
2011	United Nations system	Eighteen organizations of the United Nations system issued a joint statement: "Since 1986, this Declaration has provided normative underpinnings for a human-centred approach to development. Human development and human rights are embedded and reinforce each other conceptually and in practice, helping to secure the well-being and dignity of all people". (See the OHCHR website for the full text)
2012	The Doha Mandate, thirteenth session of the United Nations Conference on Trade and Development	"Development strategies should be inclusive and designed to meet human needs. ... People have similar needs and aspirations, including freedom, human rights including the right to development, ..." (para. 9)
2012	"The future we want", outcome document of the United Nations Conference on Sustainable Development ("Rio+20")	"We [the Heads of State and Government and high-level representatives] also reaffirm the importance of freedom, peace and security, respect for all human rights, including the right to development and the right to an adequate standard of living, ..." (para. 8)

2012	ASEAN Human Rights Declaration	The Declaration devotes a section to the right to development (see arts. 35–37) and states, inter alia, that ASEAN member States should “mainstream the multidimensional aspects of the right to development into the relevant areas of ASEAN community building and beyond, and shall work with the international community to promote equitable and sustainable development, fair trade practices and effective international cooperation”
2012	Quadrennial comprehensive policy review of operational activities for development of the United Nations system (General Assembly resolution 67/226)	This document provides policy guidance for the United Nations operational activities for development. It reaffirms “the importance of freedom, peace and security, respect for all human rights, including the right to development and the right to an adequate standard of living, including the right to food, the rule of law, gender equality, women’s empowerment and the overall commitment to just and democratic societies for development” (preamble)
2015	Addis Ababa Action Agenda of the Third International Conference on Financing for Development	“We, the Heads of State and Government and High Representatives, ... commit to respecting all human rights, including the right to development” (para. 1)
2015	2030 Agenda for Sustainable Development, the Sustainable Development Goals	<ul style="list-style-type: none"> <li>• “The new Agenda is ... informed by other instruments such as the Declaration on the Right to Development” (para. 10)</li> <li>• “The new Agenda 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), on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions” (para. 35)</li> </ul>

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## **Key elements of the Declaration on the Right to Development**

1. Development is a human right that belongs to all individuals and peoples without discrimination (preamble, art. 1)
2. The right to development aims at the constant improvement of the well-being of the entire population and of all individuals, and gives everyone the right to participate in, contribute to and enjoy economic, social, cultural and political development (preamble, art. 2)
3. The human person is the central subject, active participant and beneficiary of the right to development, and is entitled to free, active and meaningful participation in development (preamble, art. 2)
4. Development is a comprehensive process that advances all interdependent, interrelated and indivisible human rights and fundamental freedoms (preamble, arts. 1–2 and 6)
5. The right to development recognizes the right of peoples to self-determination and their right to full sovereignty over all their natural wealth and resources (preamble, art. 1 (2))
6. The right to development promotes international peace and security, development and human rights (preamble, art. 7)
7. The right to development requires the fair distribution of the benefits of development, including income, and equal opportunity in access to basic resources and services (preamble, arts. 2 and 8)
8. Women must have an active role in the development process (art. 8)
9. Equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the right to development calls for sustained action for the comprehensive development of developing countries (preamble, arts. 4 and 7)
10. States have a duty to cooperate effectively to establish an enabling environment for development and to eliminate obstacles to development (preamble, arts. 3–4 and 6)
11. States acting individually and collectively bear the primary responsibility for guaranteeing the right to development, and all human beings have a responsibility for development and duties to the community (preamble, arts. 2–3)
12. The right to development requires an appropriate political, social and economic order for development, appropriate national and international development policies and appropriate economic and social reforms to eradicate social injustice (preamble, arts. 2–4, 8 and 10)

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