

**The 5<sup>th</sup> session of the Expert Mechanism on the Right to Development**  
**Item 4 of the Provisional Agenda**  
**Implementation of the mandate and programme of work - Focused thematic discussion**

with the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights and the Independent Expert on human rights and international solidarity

**Ms. Alena Douhan and Mr. Obiora C. Okafor**

Thursday 10 March 2022, 11h – 13h Eastern Time

**The Duty to Cooperate**  
**Concept Note**

**Introduction:**

The duty of States to cooperate 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 is enshrined in articles 1, 2, 55 and 56 of the Charter of the United Nations as well as in several core human rights treaties. Anchored in the obligations under the Charter, this duty is also incorporated in various provisions of the 1986 Declaration on the Right to Development which enjoins States to cooperate with each other for eliminating obstacles to development and for ensuring development for all.

The duty to cooperate therefore applies across numerous aspects of international, regional and national policies adopted by States, including in the obligation not to adopt national policies that infringe on human rights, including the right to development, extraterritorially, as well as in the obligation to promote human rights for all, including the right to development, collectively when acting in international and regional partnerships.

It is particularly of relevance to the ongoing consideration by the United Nations with respect to the negative impacts of unilateral coercive measures on the enjoyment of human rights, as well as to the relation between human rights and international solidarity and the recognition of a human right to international solidarity. The COVID-19 pandemic has provided a vivid demonstration of the need for the duty to cooperate to be discharged by States.

**Purpose:**

The purpose of the session is two-fold:

1. Ensure coordination between the Expert Mechanism on the Right to Development, the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights, and the Independent Expert on human rights and international solidarity, to identify cross-cutting themes of relevance to their work, *and*
2. To discuss the importance of the duty to cooperate to their respective thematic areas, including in the COVID-19 context.

**Guiding questions:**

1. What is the relevance of the right to development, and in particular, the duty to cooperate inherent in this right, for the mandates of the Special Rapporteur and the Independent Expert?
2. What are the challenges to operationalizing the duty to cooperate and how can they be overcome, especially in the context of responding to and recovering from the COVID-19 pandemic, as relevant to the three thematic areas?
3. What is the programme of work for the three mandates for the remaining tenures and what are the areas of potential collaboration?

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