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**Human Rights Council**

**Advisory Committee**

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Agenda item 3 (g)

**Requests addressed to the Advisory Committee stemming from
Human Rights Council resolutions and currently under
consideration by the Committee**

**Importance of a legally binding instrument on the rights to development**

 Importance of a legally binding instrument on the right to development

 Study of the Human Rights Council Advisory Committee – Second draft

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 I. Introduction

1. By its Resolution 39/9 on “The right to development”, adopted on 27 September 2018 by a recorded vote of 30 to 12, with 5 abstentions, the UN Human Rights Council decided that its Working Group on the Right to Development shall at its twentieth session “… commence the discussion to elaborate a draft legally binding instrument on the right to development through a collaborative process of engagement, including on the content and scope of the future instrument.”[[1]](#footnote-2) It also decided that the Chair-Rapporteur of its Working Group on the Right to Development “shall prepare a draft legally binding instrument on the basis of the discussions held during the twentieth session of the Working Group and the resource material from previous Working Group sessions to serve as a basis for substantive negotiations on a draft legally binding instrument, commencing at its twenty-first session”.[[2]](#footnote-3) Further, vide paragraph 18 of its Resolution 39/9, the UN Human Rights Council requested its Advisory Committee, “… while taking into account the views of Member States, to prepare a research-based report on the importance of a legally binding instrument on the right to development …”.[[3]](#footnote-4)

2. At its twenty second session held in Geneva from 18-22 February 2019, the Advisory Committee was informed of this request and in response it established a drafting group, currently composed of Lazhari Bouzid, Ion Diaconu, Ludovic Hennebel (Chair), Xinsheng Liu, Ajai Malhotra (Rapporteur), Elizabeth Salmón and Cheikh Tidiane Thiam.

3. The Secretariat of the UN Human Rights Council Advisory Committee circulated Note Verbales on 21 February 2019 and 17 May 2019 seeking inputs from stakeholders for preparing this report with a view to implementing paragraph 18 of UN Human Rights Council Resolution 39/9. Nine replies were received to these two Note Verbales.[[4]](#footnote-5) Inputs were also provided by participants in the meeting of the UN Human Rights Council Advisory Committee held on 23 July 2019 in Geneva, which discussed the first draft of this report.[[5]](#footnote-6) It also draws upon views of participants in the 20th Session of the Working Group on the Right to Development held in Geneva from 29 April to 3 May 2019.[[6]](#footnote-7) An oral update on the preparation of this report was presented to the forty-second session of the UN Human Rights Council on 18 September 2019.

 II. Affirmation of the Right to Development

4. A Resolution of the 33rd Session of the UN Commission on Human Rights, adopted in 1977, first explicitly recognized “the right to development as a human right” and sought a study to be undertaken on its international dimensions.[[7]](#footnote-8)

5. The 1981 African Charter on Human and Peoples' Rights was an early mover on the right to development at the regional level, declaring that “All peoples shall have the right to their economic, social and cultural development …”[[8]](#footnote-9) and specifying that “States shall have the duty, individually or collectively, to ensure the exercise of the right to development”.[[9]](#footnote-10)

6. The adoption by an overwhelming majority of the Declaration on the Right to Development by the United Nations General Assembly on 4 December 1986, was a path-breaking development.[[10]](#footnote-11) It affirmed the right to development as “an inalienable human right by virtue of which every human being 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”.[[11]](#footnote-12) It added that the right 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”.[[12]](#footnote-13) It declared that “States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development”.[[13]](#footnote-14) It noted that the right to development puts people at the centre of the development process, which aims to improve “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 resulting benefits.[[14]](#footnote-15)

7. In 1987, the Brundtland Commission report, “Our Common Future”, projected the concept of “sustainable development”, defining it as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs".[[15]](#footnote-16) It viewed development and environmental protection through the prism of "needs", in particular the development needs of the world's poor, while highlighting the notion of inter-generational equity.

8. In 1990, the UN Commission on Human Rights convened a Global Consultation on the Right to Development as a Human Right. Amongst suggestions made at it was that the United Nations “elaborate and adopt a binding comprehensive convention on the right of peoples and every human being to development” that should “envisage the creation of a corresponding mechanism to evaluate the levels of development of States and to monitor the realization of agreed upon obligations.”

9. The Rio Declaration on Environment and Development, unanimously adopted by the UN Conference on Environment and Development held at Rio de Janeiro in June 1992, emphasised in its Principle 3 that "The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations."[[16]](#footnote-17)

10. The 1993 Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993 in Vienna, and unanimously endorsed by UN [General Assembly Resolution 48/121](https://www.refworld.org/refworld/docid/3b00f0a514.html) of 20 December 1993, reaffirmed the Right to Development as a “universal and inalienable right” and an integral part of fundamental human rights.[[17]](#footnote-18) It noted that “Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.”[[18]](#footnote-19) It also noted that the right to development “should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations.”[[19]](#footnote-20)

11. The United Nations Millennium Declaration, unanimously adopted in 2000 at the level of Heads of State and Government, vide UN General Assembly resolution 55/2, stated that they “… are committed to making the right to development a reality for everyone and to freeing the entire human race from want."[[20]](#footnote-21) With this in mind, it resolved “to create an environment – at the national and global levels alike – which is conducive to development and to the elimination of poverty.”[[21]](#footnote-22) It put in place eight time-bound targets with a 2015 deadline, which became known as the Millennium Development Goals (MDGs).[[22]](#footnote-23)

12. At the regional level, it is noteworthy that Article 19 of the 2003 Protocol on the Rights of Women in Africa specifically acknowledged that “women shall have the right to fully enjoy their right to sustainable development” and identifies measures that States Parties need to take in that connection.[[23]](#footnote-24)

13. Article 37 of the Arab Charter on Human Rights 2004, adopted by the Council of the League of Arab States, describes the right to development as a “fundamental human right”.[[24]](#footnote-25) It stipulates that all States establish development policies and take measures needed to guarantee this right. They must also give effect to the values of solidarity and cooperation among them, 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.”[[25]](#footnote-26)

14. In September 2005, the Heads of State and Government assembled at the United Nations in New York for the 2005 World Summit unanimously resolved, vide its Outcome Document, to further strengthen its 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.”[[26]](#footnote-27)

15. In 2007, the UN Declaration on the Rights of Indigenous Peoples was adopted, which specified that indigenous peoples have “the right to determine and develop priorities and strategies for exercising their right to development”.[[27]](#footnote-28)

16. The establishment by the United Nations of the post of UN High Commissioner for Human Rights explicitly included a mandate “to promote and protect the realization of the right to development and to enhance support from relevant bodies of the UN system for this purpose.”[[28]](#footnote-29) The UNGA and the UNHRC have also consistently highlighted the right to development, requesting the UN Secretary-General and the UN High Commissioner for Human Rights to provide an annual progress report on its implementation.

17. During 2015, several important multilateral documents adopted by consensus, reaffirmed the right to development. These included the Sendai Framework for Disaster Risk Reduction 2015-2030[[29]](#footnote-30) of 18 March 2015; the Addis Ababa Action Agenda of the Third International Conference on Financing for Development[[30]](#footnote-31) of 16 July 2015; the 2030 Sustainable Development Agenda[[31]](#footnote-32) of 25 September 2015; and the Paris Agreement on Climate Change[[32]](#footnote-33) of 12 December 2015. These imparted fresh momentum to efforts aimed at fulfilling the right to development at national and international levels. Overall, numerous documents adopted by the UN Human Rights Commission, the UN Human Rights Council, the Summits of the Heads of State or Government of the Non-Aligned Movement (NAM), the UN General Assembly, and other multilateral fora, have consistently re-affirmed the right to development with some of them highlighting the urgent need to make it a reality for everyone.

18. The NAM Summits of Heads of State and Government have, over the years, repeatedly called for working towards a Convention on the Right to Development. The 12th NAM Summit, held in 1998 in Durban, urged “consideration be given to the preparation of a Convention on the Right to Development as one of the important steps towards effective implementation of the right to development”.[[33]](#footnote-34) The 13th NAM Summit, held in 2003 in Kuala Lumpur, resolved that the UNCHR’s Working Group on the Right to Development “should continue to give priority to the operationalization of this important right including, inter alia, elaboration of a Convention on the Right to Development.”[[34]](#footnote-35) Subsequent NAM Summits repeated the call for a Convention with the 17th NAM Summit, held in 2016 at Margarita Island, Venezuela, urging the UN human rights machinery to “ensure the operationalization of the right to development as a priority, including through the elaboration of a Convention on the Right to Development …”.[[35]](#footnote-36)

 III. The Sustainable Development Goals and the Right to Development

19. The 2015 Millennium Development Goals report, while recording significant achievements made on many MDG targets worldwide during 2000-2015, also recognized that progress had been uneven across regions and countries, leaving significant gaps. It acknowledged that millions are being left behind, especially the poorest and those disadvantaged, because of their sex, age, disability, ethnicity or geographic location. It also recognized that: (a) gender inequality persists; (b) big gaps exist between the poorest and richest households, and between rural and urban areas; (c) climate change and environmental degradation were undermining progress achieved, (d) the poor were suffering the most; (e) conflicts remained the biggest threat to human development; and (f) 800 million people still lived in extreme poverty and suffered from hunger.[[36]](#footnote-37) Indeed, recognition of the need for greater fairness, justice and equity emerged as one of the central outcomes of international negotiations that led to a successor post-2015 sustainable development agenda.

20. Meanwhile, alongside the progressive development and advance of human rights, a new global consciousness encompassing a ‘right to sustainable development’ has been crystallizing over the last few decades. Its overriding priority is the elimination of extreme poverty, alongside addressing inter-generational and intra-generational equity concerns. While the present generation, as ‘trustees’ of our planet, needs to be concerned about our obligations to future generations on environmental and linked developmental issues, we would be less than sincere if we cannot be bothered about addressing the precarious condition of the vast numbers of those amongst us presently living in grinding poverty.[[37]](#footnote-38)

21. Against this backdrop, building on the momentum generated by the MDGs, an ambitious new action agenda for sustainable development for the period 2015-2030 was endorsed by world leaders at the United Nations in New York on 25 September 2015. The 17 global Sustainable Development Goals (SDGs) and 169 targets unanimously agreed to, under what has since become known as Agenda 2030, represent a defining contribution to international efforts to address socio-economic and environmental challenges confronting humanity.[[38]](#footnote-39) While not legally binding, they seek to build upon and complete what the MDGs did not achieve and to present a global roadmap to a future where nobody is left behind. The SDGs assign primacy of place to eradicating poverty (SDG 1), followed by ending hunger (SDG 2), good health and well-being (SDG 3), quality education (SDG 4), gender equality (SDG 5), clean water and sanitation (SDG 6), affordable and clean energy (SDG 7), decent work and economic growth (SDG 8), industry, innovation and infrastructure (SDG 9), reducing inequalities (SDG 10), sustainable cities and communities (SDG 11), responsible production and consumption (SDG 12), climate action (SDG 13), life below water (SDG 14), life on land (SDG 15), peace, justice and strong institutions (SDG 16), and partnership for the goals (SDG 17).

22. It is often noted that human rights and the SDGs are two sides of the same coin as most of the SDG goals and targets correspond to human rights obligations.[[39]](#footnote-40) An integrated approach to development, human rights and global environmental concerns underlies the SDGs, which encompass every aspect of human and planetary well being. Moreover, Agenda 2030 represents the fullest expression to date of the right to development and provides a universal implementation program that is rights based, people-centered, and constitutes a call to action by developed and developing countries to cooperate in a global partnership.

23. In this context, it is important to recognize that access to food, nutrition, safe, clean and affordable drinking water, and to clean and sustainable energy, are themselves fundamental to poverty eradication. Moreover, fulfilling of the right to development also embraces the enabling of a more equitable access by all to resources that cater to basic, subsistence level needs.

24. It is noteworthy that the world community endorsed a separate SDG (SDG 10) on reducing inequality within and amongst countries. SDG 10 assigns all states the target to “progressively achieve and sustain income growth of the bottom 40% of the population at a rate higher than the national average”.[[40]](#footnote-41) In doing so a prescriptive or one-size-fits-all approach has deliberately been avoided with the determination of the mix of policies needed to empower the bottom forty percentile of income earners being left to the discretion of each country.

25. While States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development,[[41]](#footnote-42) the concluding goal (SDG 17) of the SDGs agreed to under Agenda 2030 envisages revitalization of the global partnership for sustainable development amongst States to meet the other sixteen goals. In the global context the right to development reflects a “well-founded desire for an international order that does not hamper the process of development.”[[42]](#footnote-43) It is about enablement and empowerment, requiring both an enabling environment as well as good governance at both national and international levels. Accordingly, on the one hand SDG 17 incorporates provisions for strengthening domestic resource mobilization, including via improved domestic capacity for collection of tax and other revenues, and support in attaining long-term debt sustainability; on the other hand, it requires developed countries to fully implement their long-standing Official Development Assistance (ODA) commitments.[[43]](#footnote-44)

26. A global partnership in line with SDG-17 would enable the developing world to more effectively access development and climate finance and environmentally sound technologies, besides boosting their own capacity development. This also implies encouraging ODA flows to regions where their requirement is greatest.

27. For Agenda 2030 to be attained by 2030 it would require effective partnerships between governments, private sector and civil society. Indeed, no country acting on its own can successfully achieve such change. The complex challenges that the SDGs seek to address neither fit neatly demarcated sectors nor national borders. For example, climate change is global, and businesses and civil society are just as important to fighting it as are governments. Inclusive partnerships built upon a shared vision and shared goals that place people and the planet at the centre, are needed at the global, regional, national and local level.[[44]](#footnote-45)

 IV. Importance of a Legally Binding Instrument on the Right to Development

28. As per former UN High Commissioner for Human Rights Navi Pillay, “On one side, proponents of the right to development assert its relevance (or even primacy) and, on the other, sceptics (and rejectionists) relegate this right to secondary importance, or even deny its very existence. Unfortunately, while generating plenty of academic interest and stimulating political theatre, that debate has done little to free the right to development from the conceptual mud and political quicksand in which it has been mired all these years.”[[45]](#footnote-46) Even the meaning of the right is still subject to a variety of views and generates heated debate. Challenges and obstacles within the Working Group on the Right to Development have for many years made it impossible to fulfill its mandate.[[46]](#footnote-47) The unfortunate reality is that despite thirty three years having elapsed since the adoption of the Declaration on the Right to Development, its potential remains unrealized.

29. According to the 2016 Report of the Special Rapporteur on Extreme Poverty and Human Rights, while it is very much to be hoped that the Agenda 2030 will indeed lead to greater respect for economic and social rights as human rights, this is by no means guaranteed by the terms of Agenda 2030 as adopted and much remains to be done if that aspiration is to be meaningfully promoted.[[47]](#footnote-48)

30. While the progressive elimination of poverty is recognized as a prerequisite for realization of the right to development throughout the world,[[48]](#footnote-49) yet hundreds of millions of people worldwide continue to be left behind and are yet to see their right to development realised.

31. The “Global Multidimensional Poverty Index 2019”, brought out by UNDP and Oxford Poverty and Human Development Initiative, shows that 1.3 billion people in the 101 countries that it studied – 31 low income, 68 middle income and 2 high income – are currently “multidimensionally poor” i.e., in the context of poverty being defined not simply in income terms, but by a number of indicators such as poor health, poor quality of work and the threat of violence.[[49]](#footnote-50) As per the Report, “action against poverty is needed in all developing regions”, with Sub-Saharan Africa and South Asia home to some 84.5% of the poor. Over half of those identified as poor (some 663 million) are children under 18 years, and around a third (some 428 million) are under 10 years.[[50]](#footnote-51)

32. Despite concerted efforts, over 820 million people in the world were still hungry in 2018, underscoring the huge challenge of achieving the target of Zero Hunger by 2030 set under SDG 2.[[51]](#footnote-52) Hunger is rising in almost all sub-regions of Africa and, to a lesser extent, in Latin America and Western Asia. There has been great progress in Southern Asia in the last five years, but the prevalence of undernourishment there is still the highest in Asia.[[52]](#footnote-53) It is disturbing that about 2 billion people in the world experience moderate or severe food insecurity and their lack of regular access to nutritious and sufficient food puts them at greater risk of malnutrition and poor health.[[53]](#footnote-54) Moderate or severe food insecurity is primarily concentrated in low-income and middle-income countries, but it also affects eight percent of the population of Northern America and Europe.[[54]](#footnote-55) Moreover, it is of concern that in every continent, the prevalence rate is slightly higher among women than men.[[55]](#footnote-56)

33. The world presently appears to be off-track to meet most of the SDG targets linked to hunger, food security and nutrition.[[56]](#footnote-57) After a decade of steady decline, the absolute number of people suffering from hunger in the world has slowly increased for several years in a row, underscoring the immense challenge of ending hunger by 2030. World hunger now affects more than 820 million people, or one in every nine people in the world; their number has been rising for three years in a row and is back to levels seen in 2010-2011; the percentage of hungry people has also slightly increased between 2015 and 2018, to 10.8%.[[57]](#footnote-58)

34. Turning to water, its daily use in Europe, for example, ranges from200-300 liters per person; however, it is less than 10 liters in some African countries.[[58]](#footnote-59) For 884 million people worldwide who live more than 1 kilometer from a water source, use of water is often less than5 liters a day, that too of unsafe water.[[59]](#footnote-60) Close to half the people living in developing countries suffer from health problems caused by poor quality water and lack of basic sanitation. In 2019, approximately 2.1 billion people still live without safe drinking water, while demand and poor management have increased water stress in many parts of the world and climate change is dramatically adding to the pressure.[[60]](#footnote-61) It is also worrisome that by the year 2030, an estimated 700 million people worldwide could be displaced by intense water scarcity.[[61]](#footnote-62)

35. Even though access to electricity has steadily increased over the last few decades - from 71% of the global population in 1990 to 87% in 2016 – nearly 1 billion people, or 13% of the world’s population, still have no electricity access.[[62]](#footnote-63) In 2016, more than 781 million people, or 39% of the world’s population, still lacked access to clean fuels and technologies for cooking and some 85% of them live in rural areas in the developing world.[[63]](#footnote-64)

36. Our world reflects not only an uneven distribution of resources, but also inequalities in opportunities in terms of access to entitlements and those emerging from gender, class, caste, ethnicity and race, in turn translating into unequal human development outcomes.”[[64]](#footnote-65) Wide inequality in access, entitlements and opportunities represent undesirable aspects of the way human societies are presently organized. Indeed, widening inequalities can undermine poverty reduction efforts and negatively impact an underprivileged persons’ sense of self-worth. An IMF paper published in June 2015 frankly acknowledged that “In advanced economies, the gap between the rich and poor is at its highest level in decades. Inequality trends have been more mixed in emerging markets and developing countries, with some countries experiencing declining inequality, but pervasive inequities in access to education, health care, and finance remain”.[[65]](#footnote-66)

37. As per the World Inequality Report 2018, issued by the World Inequality Lab, in recent decades “income inequality has increased in nearly all countries, but at different speeds”.[[66]](#footnote-67) Extreme poverty cannot be eliminated as long as glaring inequalities persist amongst and within countries. There is also growing consensus that economic growth is by itself not sufficient to reduce poverty; it also needs to be inclusive as well as encompass the economic, social and environmental dimensions of sustainable development.[[67]](#footnote-68)

38. While some countries have reduced the numbers of people living in extreme poverty, economic gaps have continued to grow as the very richest amass unprecedented levels of wealth.[[68]](#footnote-69) Looking at inequality in the distribution of wealth, it is estimated that in mid-2019 the bottom half of wealth holders collectively accounted for less than 1% of total global wealth, while the richest 10% own 82% of global wealth and the top 1% alone own 45% of global wealth.[[69]](#footnote-70) Furthermore, a 2019 developed country study shows that massive and persistent inequality and large numbers trapped in poverty are to be found even in the midst of plenty.[[70]](#footnote-71) As per a 2018 Oxfam study, the 42 richest people in the world held as much wealth as the poorest 3.7 billion people combined, while 82% of the global wealth generated in 2017 went to the most wealthy 1%.[[71]](#footnote-72)

39. Reflection of the widening wealth and income inequality can also be gleaned from the report that the world’s 500 wealthiest people, tracked by the [Bloomberg Billionaires Index](https://www.bloomberg.com/billionaires/), boosted their collective net worth by 25% in 2019, compared to 2018.[[72]](#footnote-73) Moreover, it now appears that the global wealth gap is probably far worse than previously estimated since economists had limited information, until recently, about how much money the super-rich had stashed away in tax havens.[[73]](#footnote-74)

40. An intra-generational divide is also to be found in an overwhelming majority of countries in the world, irrespective of their being developed or developing countries, characterized by a pattern of income, wealth, political power and resources being concentrated in the hands of a small proportion of the population. As per UNDP, the richest 10% of the world’s population have upto 40% of world income, whereas the poorest 10% earn only between two to seven percent.[[74]](#footnote-75) Moreover, income inequality has increased nearly everywhere in recent decades, albeit at different speeds.[[75]](#footnote-76)

41. Inequalities also extend beyond the rich-poor gap in income, wealth, political power and access to resources, manifesting themselves also, for example, through gender, generational, urban-rural and digital divides. In the circumstances states also agreed vide SDG-10 to “empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status” by 2030.[[76]](#footnote-77)

42. The global trend towards extreme wealth and income concentration has dramatically strengthened the economic and political power of individuals - overwhelmingly male - at the top.[[77]](#footnote-78) Women across the world continue to be under-represented in high-level, highly paid positions and over-represented in low income jobs, while women of colour and transgender individuals experience particularly high levels of poverty, unemployment, and other economic hardships.[[78]](#footnote-79) Gender discrimination and sexual harassment in the workplace aggravate and compound such persistent economic divides. It is disconcerting that multiple news outlets reported in September 2019 that no country is on track to achieve gender equality by 2030 based on the SDG gender index.[[79]](#footnote-80) The pattern is largely the same where other forms of discrimination are concerned, often placing indigenous peoples, ethnic minorities, people with disabilities, gay, lesbian, bisexual, and transgender people, those living in rural or remote communities, and others who are marginalized, at a further disadvantage.[[80]](#footnote-81) People are yearning for better services, greater opportunity, dignity, and respect, seeking responsive government and an end to the discrimination that aggravates and compounds inequalities.[[81]](#footnote-82) Indeed, inequalities “undermine social cohesion; they can increase political and social tensions, and, in some circumstances, they can drive instability and conflict.”[[82]](#footnote-83) To address inequality, countries need to generate inclusive growth, i.e., share the benefits of economic growth more equitably and in particular “increase the capabilities, opportunities, and incomes of households and groups which are consistently on the margins of economic, social and political life.”[[83]](#footnote-84)

43. Our world is also being confronted by the rise of a new generation of inequalities, as the abilities that people will need to compete in the immediate future evolve over time.[[84]](#footnote-85) A new gap has opened up, covering sectors such as tertiary education and access to broadband - opportunities once considered luxuries but now regarded as critical to compete and belong, particularly in a knowledge economy, where an increasing number of young people are educated, connected but stuck with no choices to move up the ladder.[[85]](#footnote-86) At the same time, climate change, gender inequality and violent conflict continue to drive and entrench basic and new inequalities alike.[[86]](#footnote-87) Failure to address these systemic challenges will further entrench inequalities and consolidate the power and political dominance of the few.[[87]](#footnote-88)

44. The rapid evolution and spread of information and communications technologies (ICTs) has transformed the global economy and, while the pace of digital transformation varies, all countries are being affected.[[88]](#footnote-89) A sharp digital inequality has resulted, which needs to be surmounted so as to provide more equal access to the internet and other new technologies and the opportunities that derive from such access. This speedy transformation of the world economy as a consequence of the rapid spread of new digital technologies has major implications for the implementation of Agenda 2030, presenting huge opportunities and challenges for developing countries.[[89]](#footnote-90) Raised levels of digitalization of societies and economies are creating new means for tackling global developmental challenges.[[90]](#footnote-91) There are, however, “risks that digital disruptions will favour mainly those that are already well prepared to create and capture value in the digital era, rather than contribute to more inclusive development.”[[91]](#footnote-92) While the rapid spread of digital technologies is transforming numerous economic and social activities, widening digital divides threaten to leave most developing countries, especially the least developed countries, even further behind.[[92]](#footnote-93) It is estimated that 90% of the digitally excluded presently live in developing countries. Digital advances have generated enormous wealth in record time, but that wealth has been highly concentrated in a small number of countries, companies and individuals and under current policies and regulations, this trajectory is likely to continue, further contributing to rising inequality.[[93]](#footnote-94) As UN Secretary-General Antonio Guterres highlighted, “we must work to close the digital divide, where more than half the world has limited or no access to the Internet. Inclusivity is essential to building a digital economy that delivers for all.”[[94]](#footnote-95)

45. Inequalities in human development also “hurt societies, weakening social cohesion and people’s trust in government, institutions and each other.”[[95]](#footnote-96) Most of them harm economies, wastefully preventing people from reaching their full potential at work and in life.[[96]](#footnote-97) These inequalities in human development constitute a “roadblock to achieving the 2030 Agenda for Sustainable Development.”[[97]](#footnote-98) Limiting climate change, reducing inequalities and responsible consumption are key hurdles to achieving the SDGs across countries.[[98]](#footnote-99) Focusing on poverty eradication and reducing inequalities would have compound positive effects on the entire set of SDGs.[[99]](#footnote-100)

46. In this context, the contemporary global warming and climate change challenge presents serious long-term implications for the right to development. The consequences of climate change will intensify developmental challenges and its adverse impact on the poor would be particularly severe.  Rising sea levels would submerge low-lying islands and coastal lands and contaminate coastal freshwater reserves. A warmer atmosphere will spread tropical diseases and pests to new areas. Growing urbanisation is already seriously challenging services and infrastructure in stressed and densely populated coastal cities in several developing countries. Climate change will also impact global food production as drought, increased unpredictability of precipitation, and rising temperatures would reduce crop yields, while warming and acidification of the oceans would affect fisheries. The food-insecure, poor and undernourished would be disproportionately harmed. Increased drought related water and food shortages, linked to rising and extreme temperatures, may increase malnutrition and worsen rural poverty. Climate-related food productivity decline will also negatively impact livelihoods through its effects on vulnerable ecosystems. It is important to highlight that the poor and vulnerable - irrespective of whether in developed or developing countries - are particularly exposed to natural or man-made disasters and their post-disaster recovery is more complicated. It is starkly revealing that nine out of ten disaster-related deaths occur in low and middle income countries while the negative consequences of climate change, will even more decisively increase inequalities in developing and developed countries.[[100]](#footnote-101) The climate crisis also shows that the price of inaction compounds over time, as it feeds further inequality, which can in turn make action on climate more difficult.[[101]](#footnote-102)

47. Climate change represents a “clear, present and intensifying threat to the full and effective exercise of all human rights including those to life, health, a decent standard of living, non-discrimination, self-determination, and development.”[[102]](#footnote-103) Indeed, young people across continents presently rank climate change as the top global issue of our times.[[103]](#footnote-104) The expected long-term adverse impact of climate change enhances the importance of having a legally binding instrument on the right to development.

48. Widening poverty gaps and rising inequality, food shortages, climate change, economic crises, armed conflicts, rising unemployment, popular unrest, and other pressing challenges confront our world today.[[104]](#footnote-105) Many of the subjects of development - children, women and men – continue to “live in dire need of the fulfillment of their entitlement to a life of dignity, freedom and equal opportunity”.[[105]](#footnote-106) In the last two decades, extreme poverty and child and neonatal mortality have been reduced; access to electricity and safe drinking water improved; and the coverage of terrestrial and marine protected areas expanded. Nonetheless, several dimensions with cross-cutting impacts across Agenda 2030 are not only behind schedule but even moving in the wrong direction: inequalities are rising, climate is changing faster and faster, biodiversity losses are increasing, and waste production is overwhelming.[[106]](#footnote-107) As per United Nations Secretary-General Antonio Guterres, despite considerable efforts these past four years, we are presently “not on track to achieve the Sustainable Development Goals by 2030.”[[107]](#footnote-108) It is revealing that with a decade remaining to achieve Agenda 2030, “no country is yet convincingly able to meet a set of basic human needs at a globally sustainable level of resource use.”[[108]](#footnote-109)

49. The global economy has suffered its lowest growth in a decade, slipping to 2.3 per cent in 2019 and a prolonged weakness in global economic activity may cause significant setbacks for sustainable development, including the goals to eradicate poverty and create decent jobs for all, while pervasive inequalities and the deepening climate crisis are fueling growing discontent in many parts of the world.[[109]](#footnote-110) United Nations Secretary-General Antonio Guterres has warned thatthe global economy “is suffering a significant and widespread slowdown amid prolonged trade disputes and wide-ranging policy uncertainties; poverty rates are increasing in numerous countries; climate risks are more pressing than ever; and inequalities remain broad within and among countries.”[[110]](#footnote-111)

50. Against this backdrop, an overwhelming majority of States have endorsed the Right to Development as a fundamental human right. A clear majority of all States also assign high importance to putting in place a legally binding instrument in support of that right.[[111]](#footnote-112) Particularly noteworthy is the joint statement by the Group of 77 (with 134 members, currently the largest intergovernmental organization of developing countries in the United Nations)[[112]](#footnote-113) and NAM (currently consisting of 120 member states, besides 17 observer states and 10 international organizations with observer status)[[113]](#footnote-114) at the High-Level Segment of the UN General Assembly to commemorate the 30th Anniversary of the Declaration on the Right to Development held in New York on 23 September 2016, since it reflects the position of two of the largest groupings at the United Nations.[[114]](#footnote-115) It reiterated their “unequivocal commitment to the right to development” and also specified the need to strive for greater acceptance, operationalization and the realization of the right to development at the international level.[[115]](#footnote-116)

51. The Baku Declaration adopted by the 18th NAM Summit of Heads of State and Government, held from 25-26 October 2019 at Baku, Republic of Azerbaijan, recognised that “eradicating poverty in all its forms and dimensions, including extreme poverty, is one of the critical elements in the promotion and realization of the right to development and is the greatest global challenge and an indispensable requirement for sustainable development, which requires a multifaceted and integrated approach.”[[116]](#footnote-117) The Final Document of the Baku NAM Summit incorporates as many as forty three references to the right to development. In one such reference, Heads of State and Government “reaffirmed that all human rights, including the right to development, are universal, inalienable, indivisible, interdependent and interrelated, and that human rights issues must be addressed within the global context through a constructive, non-confrontational, non-politicized and non-selective dialogue-based approach, in a fair and equal manner, with objectivity, respect for national sovereignty and territorial integrity, non-interference in the internal affairs of States, impartiality, non-selectivity and transparency as the guiding principles, taking into account the political, historical, social, religious and cultural particularities of each country.”[[117]](#footnote-118) The NAM Final Document emanating from Baku also agreed, among other things, to strive for “greater acceptance, operationalization and realization of the right to development at the international level, urge all States to undertake at the national level necessary policy formulation and institute measures required for the implementation of the right to development as a fundamental human right, and … to expand and deepen mutually benefiting cooperation with each other in ensuring development and eliminating obstacles to development, in the context of promoting an effective international co-operation for the realization of the right to development …”.[[118]](#footnote-119)

52. On the other hand, several States while reiterating support for the right to development, have not favoured the elaboration of a binding international legal standard on the right to development.[[119]](#footnote-120) In addition, a State that considers that the development of a legally binding instrument would not be an appropriate and effective means of realizing the right to development has contended that if progress in elaborating a legally binding instrument on the right to development was desired then it was crucial to first overcome blockages, work towards reconciliation and seek a common narrative.[[120]](#footnote-121) Presenting its view that at this stage a legally binding instrument on the right to development “would be counter-productive, as it does not enjoy universal support”, one State has even suggested that working towards such an instrument “would undermine efforts to implement the SDGs”.[[121]](#footnote-122) Yet another State has expressed reservations over developing a legally binding instrument on the right to development as it did not enjoy consensus, “would imply duplication of efforts” and could even “reverse the existing consensus”.[[122]](#footnote-123) It has instead suggested redoubling efforts on first concluding the elaboration of the criteria and operational sub-criteria for the fulfilment of the right to development with the aim of gathering consensus in the topic and aligning these efforts with the commitments assumed under Agenda 2030.[[123]](#footnote-124) Moreover, it has suggested that discussion on an instrument on the right to development take place after these guidelines have been developed.[[124]](#footnote-125)

53. Taking forward the approach of the majority of UN member States, it is imperative to more effectively promote and implement the Declaration on the Right to Development. In this context, NAM firmly believes that the “realization of the right to development is a necessity more than ever, and the international community must demonstrate its commitment and give the right to development the high profile it merits.”[[125]](#footnote-126) Moreover, it is time to transcend debate and focus on practical measures to implement the Declaration on the Right to Development. It is also high time that the Right to Development be recognized as a primary enabling right that provides a normative basis for the realisation of all other rights.[[126]](#footnote-127)

54. The right to development reflects the values of the Charter of the United Nations “by linking in itself the three pillars of peace and security, development, and human rights.”[[127]](#footnote-128) Indeed, the realization of the right to development is relevant and necessary for the respect, protection and fulfilment of all other human rights.[[128]](#footnote-129)

55. The Declaration on the Right to Development puts a clear primary responsibility on States to create favourable conditions for its realization. They also have a duty to cooperate with each other in ensuring development, eliminating obstacles to development and to take steps to facilitate the full realization of the right to development. In this context, international cooperation is integral to the implementation and realization of the right to development.[[129]](#footnote-130)

56. A legally binding instrument on the right to development is particularly important as it would promote the effective development of states while improving the living conditions of their populations. The importance of a legally binding instrument on the right to development also derives from the fact that it would provide a comprehensive legal framework and approach to policies and programmes covering all stakeholders and encompassing all human rights – civil, political, economic, social and cultural - while integrating aspects of both human rights and development theory and practice

57. While there are reporting procedures for substantive rights that constitute the right to development and the UN Human Rights Council can exercise moral persuasion over violators, the right to development itself “lacks a firm institutional platform to stand on”.[[130]](#footnote-131) Codification of a legally binding instrument on the right to development would correct this lacuna.

58. It is widely accepted that the codification of the right to development through a legally binding instrument which embodies in an integrated manner the human rights principles of equality, non-discrimination, participation, transparency and accountability as well as international cooperation, can better guide our responses to contemporary issues, concerns and challenges.[[131]](#footnote-132)

59. While the process of development has to be nationally owned and driven by national needs and priorities, it needs to be complemented by equitable economic relations and a favourable economic environment at the international level, including via enhanced international cooperation on tax matters.[[132]](#footnote-133) A legally binding instrument can help make development a reality for all, ensuring the operationalization of the right to development as a priority, providing an enabling environment for the full realization of the SDGs, and raising the right to development to the same level and on par with all other human rights and fundamental freedoms.[[133]](#footnote-134) It would be able to better ensure comprehensive and human-centred development policy, participatory development processes, social justice and equity.[[134]](#footnote-135)

60. The realization of the right to development would also foster the operationalization of every SDG. The right to development should be central to the implementation of Agenda 2030, which is profoundly dependent on an integrated, holistic and comprehensive approach by all States, in which a just and equitable development is achieved, human dignity attained, and right of self-determination respected.[[135]](#footnote-136) Indeed, the right to development can provide a balanced, comprehensive and enabling framework to strengthen the global partnership to achieve the SDGs in a sustainable manner while promoting all human rights for everyone.[[136]](#footnote-137)

61. While the Inter-American Court of Human Rights and the African Court on Human and Peoples’ Rights have used the Declaration on the Right to Development to protect the culture and way of life of indigenous and tribal peoples[[137]](#footnote-138), the right to development to a large extent still lacks justiciability.Putting in place a legally binding instrument would also be important in helping address this concern.

62. The importance of a legally binding instrument on the right to development also derives from its potential to serve as a key measure to address growing inequality, within and between countries, systemic discrimination and persistent deprivation faced by historically marginalized or vulnerable groups and/or those living in poverty.[[138]](#footnote-139) Accordingly, codification of the right to development needs to encompass a more just and equitable distribution of resources, good governance and policy coherence at all levels, accountability for human rights violations, with a particular focus on individuals and groups that have been historically marginalized and discriminated against.[[139]](#footnote-140) Implementation of the right to development is relevant for both developed and developing countries and can limit the negative effects of globalization and help contribute to reduced inequalities within and between countries.

63. A legally binding instrument on the right to development would also have importance in the context of armed conflict and belligerent occupation as such contexts can often result in continued and purposeful measures against the right to development of the occupied civilian population.[[140]](#footnote-141) Indeed, it is especially important for occupied populations in terms of access to their natural wealth and resources and would help in seeing that “the belligerent occupant places the right ahead of broader war objectives of territorial acquisition and control.”[[141]](#footnote-142)

64. Despite the Declaration on the Right to Development being adopted by an overwhelming majority vote in its favour, it has remained controversial for some.[[142]](#footnote-143) Codifying a legally binding instrument on the right to development would present an opportunity to more unambiguously bring out the collective dimension of that right. Moreover, while a legally binding instrument on the right to development would no doubt adhere to the principles and concepts contained in the Declaration on the Right to Development, its negotiation would provide an opportunity to clarify, enhance and enrich the content of that Declaration by going beyond it, if needed.

65. Providing the right to development with a legally binding framework for its implementation will constitute an important step towards the realisation of a new more humane and responsible social and international order.[[143]](#footnote-144) It will open a window on an opportunity to enrich the holistic definition of development, as reflected in the Declaration on the Right to Development, with the important notion that development should also respect and preserve the environment so as to meet the needs of present and future generations.[[144]](#footnote-145) Indeed, it would provide the opportunity to suitably incorporate the imperative of all development being sustainable, the need to promote and secure intragenerational equity as well as intergenerational equity, besides that of taking into account the ongoing climate crisis whose disruptive impact will harm the poor, vulnerable and marginalized the most. These important concepts and concerns were not addressed or reflected in the Declaration on the Right to Development as at the time of its adoption in 1986 they were yet to fully crystallize at that stage.

66. The importance of a legally binding instrument on the right to development also derives from the opportunity it would provide to reinforce the overarching nature of human rights obligations and to affirm that they apply equally to all states parties, irrespective of their level of development.[[145]](#footnote-146) Accordingly, such an instrument would also serve to reinforce existing human rights protections.

67. The need for a legally binding instrument on the right to development must also be rooted in states obligations to take steps, individually and through international assistance and cooperation, to secure the full realization of all economic, social and cultural rights. In this context it would serve to enhance the essential role of international cooperation, and the need for both joint and separate action, towards this end.[[146]](#footnote-147)

68. While States are the principal protector of human rights and fundamental freedoms within their boundaries, many developing countries are not in a position to fulfil the economic, social and cultural rights of their citizens. They often lack the financial resources and the technical capacities to effectively meet their obligations in this respect. Given expanding global interdependence, it is useful to recognize that human rights and development are a shared responsibility amongst all members of the international community.[[147]](#footnote-148)

69. Claiming the right to development for social justice implies at the international level, among other things, formulating sound economic policies that foster growth with equity. It means carrying out democratic reforms of financial institutions, making globalisation inclusive, adopting basing international cooperation based on international solidarity, removing inequities and asymmetries in global trade, preventing corruption, eliminating tax havens evasion, transferring technology and cancelling the foreign debt at least of the Least Developed Countries.[[148]](#footnote-149)

70. As regards accountability for upholding the right to development, it would also need to be focused upon in discussions on a legal binding instrument on that right and it should include how the right to remedy can be realized, encompassing equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms.[[149]](#footnote-150)

71. Codification of the right to development is important for making such a right a reality for everyone, but especially for the poor, most vulnerable and marginalised, so as to leave no one behind. [[150]](#footnote-151)

72. A legally binding instrument on the right to development will serve to nationally codify an enabling right for the respect of all other human rights and internationally codify an approach towards the reduction of inequities and elimination of discrimination. It will also codify for the first time a holistic and integral concept of development in a legally binding instrument and offer an opportunity for establishing national benchmarks for the implementation of right to development.[[151]](#footnote-152)

73. In an increasingly interdependent and globalized world, the implementation of the right to development becomes particularly relevant in the face of new challenges being posed by globalization. It will offer a legal framework with the potential to humanize the global marketplace and will reinforce international cooperation obligations pertaining to sustainable development.[[152]](#footnote-153)

74. The focus on individual State responsibility in current human rights treaty law prevents the integration of human rights into the international development effort and from delivering on its promise of protection to those adversely affected by globalization. In the circumstances, the potential added value of a legally binding instrument on the right to development could be by complementing the current human rights regime with a legally binding instrument that goes beyond individual state responsibility and takes inspiration from principles derived from international development efforts, such as mutual accountability*,* alignment of policies among partner countries, and inclusive international partnerships.[[153]](#footnote-154)

75. A legally binding instrument on the right to development will create obligations not only towards individuals but also towards peoples, thus bringing out the collective dimension of the right to development.[[154]](#footnote-155) It would put in place a common responsibility for realization of this right among a multiplicity of duty bearers and stakeholders. It will enable further elaboration of the collective aspects of the right to development. The normative potential of a binding instrument on the right to development relates primarily to the external dimension of the right, i.e., to its solidarity aspect. In fact, the notion of solidarity, translated into a duty to cooperate and to actively engage in strengthened international partnerships in support of development, forms another core element of the implementation of the right to development.

76. In view of the contemporary threat posed by climate change, the prompt implementation and realization of the right to development acquires particular importance and can also be viewed “as a sort of preventive solidarity that reduces the vulnerability of countries to environmental crisis and natural disasters.”[[155]](#footnote-156) In this context, since development is a dynamic concept, its reflection in a legally binding instrument should appropriately balance the inalienable core aspects of development with the possibility of its future adaptation and enhancement in a changing world.[[156]](#footnote-157)

77. While multilateralism is currently under threat, it is extremely important for realization of the right to development. The approach towards formulating a new legally binding instrument on the right to development should strive to pursue a strong multilateral approach to the extent possible and at the very least seek to work out a framework convention on the right to development.

78. A legally binding instrument on the right to development would create an enabling environment for development and favourable conditions for all human rights. Its importance also derives from the expectation that it would serve to reaffirm the principles of self-determination and full sovereignty over natural wealth and resources, facilitate a holistic approach to addressing the systemic and structural causes of poverty, strengthen the basis for inclusive growth with due attention to the rights of the poor, vulnerable and marginalized, reduce discrimination and promote gender equality and the empowerment of women, etc.. It would also enhance friendly ties between states, boost international solidarity and cooperation in areas of concern to developing countries, including in particular to Land-Locked Developing Countries, Least Developed Countries and Small Island Developing States, especially via measures such as extending ODA, enhancing access to science, technology and innovation, technology transfer on preferential and concessional terms, capacity building, promotion of a universal, open, rules-based, non-discriminatory and equitable trading system, enhanced policy and institutional coherence, and long-term debt sustainability. Finally, lasting progress towards the implementation of the right to development also requires good governance and effective development policies at the national level, besides equitable economic relations and a favorable and supportive economic environment at the international level.

79. Early codification of a legally binding instrument on the right to development would constitute a hugely important and overdue step in the right direction and it would help in meeting the challenge of securing for all, present and future generations, a life of dignity in a clean, safe, secure and healthy environment.

1. A/HRC/RES/39/9; Para 17 (e). [↑](#footnote-ref-2)
2. Ibid. Para 17 (f). [↑](#footnote-ref-3)
3. Ibid. Para 18. The mandate for preparing this Report has been tightly defined under Resolution 39/9 to focus on the “importance” of a legally binding instrument on the right to development. Issues such as those relating to content and scope, type and structure, institutional arrangements and compliance procedures, etc., of a legally binding instrument are being drafted in parallel via the Inter-Governmental Working Group on the Right to Development. [↑](#footnote-ref-4)
4. Replies were received from four States (Iraq, Liechtenstein, Mexico, Switzerland) the European Union, and four Non Governmental Organisations (Al Haq, Amnesty International, Association Nationale de Promotion et de Protection des Droits de l’Homme (ANAPRODH), and The Associazione Comunità Papa Giovanni XXIII (APG23)). [↑](#footnote-ref-5)
5. Statements were made by Bolivia (Plurinational State of), China, Cuba, and by Venezuela (Bolivarian Republic of) on behalf of the Non-Aligned Movement (NAM), as well as by an NGO, International Human Rights Association of America Minorities. [↑](#footnote-ref-6)
6. A/HRC/42/35 of 25 June 2019. [↑](#footnote-ref-7)
7. UN Commission on Human Rights, Res. 4 (XXXIII) of 21 February 1977. [↑](#footnote-ref-8)
8. Organization of African Unity, African Charter on Human and Peoples' Rights ("Banjul Charter"), adopted 27 June 1981. art. 22(1). [↑](#footnote-ref-9)
9. Ibid. art. 22(2) [↑](#footnote-ref-10)
10. A/RES/41/128 Declaration on the Right to Development; It was adopted by 146 votes in favour, 1 against and 8 abstentions. [↑](#footnote-ref-11)
11. Ibid., art. 1(1) [↑](#footnote-ref-12)
12. Ibid., art. 1(2) [↑](#footnote-ref-13)
13. Ibid., art. 3(3) [↑](#footnote-ref-14)
14. Ibid., art. 2(3) [↑](#footnote-ref-15)
15. World Commission on Environment and Development. (1987). Our common future. Oxford, Oxford University Press. [↑](#footnote-ref-16)
16. Rio Declaration on Environment and Development, United Nations Conference on Environment and Development, 13 June 1992, U.N. Doc. A/CONF.151/26 (Vol. I), reprinted in 31 I.L.M. 874 (1992). [↑](#footnote-ref-17)
17. UN General Assembly, Vienna Declaration and Programme of Action, 12 July 1993,  A/CONF.157/23, available at: https://www.refworld.org/docid/3ae6b39ec.html [Accessed 22 July 2019] [↑](#footnote-ref-18)
18. Ibid., para. 10.5 [↑](#footnote-ref-19)
19. Ibid., para. 11 [↑](#footnote-ref-20)
20. UNGA Resolution 55/2 on “United Nations Millenium Declaration”, art. 11. (2000). [↑](#footnote-ref-21)
21. Ibid., art. 12. [↑](#footnote-ref-22)
22. <https://www.un.org/en/events/pastevents/millennium_summit.shtml> [Accessed 30 December 2019] [↑](#footnote-ref-23)
23. Organization of African Unity, *African Charter on Human and Peoples' Rights; “*Protocol on the Rights of Women in Africa” adopted at Maputo on 11 July 2003. [↑](#footnote-ref-24)
24. Arab Charter on Human Rights 2004; adopted at Tunis on 22 May 2004. [↑](#footnote-ref-25)
25. Ibid. [↑](#footnote-ref-26)
26. UNGA Resolution 60/1 on “2005 World Summit Outcome”, art. 123. (2005). [↑](#footnote-ref-27)
27. UNGA Resolution 61/295 on “United Nations Declaration on the Rights of Indigenous Peoples”, art. 23. (2007) [↑](#footnote-ref-28)
28. UNGA Resolution 48/141 of 20 December 1993, op. para. 4 (c). [↑](#footnote-ref-29)
29. <https://www.unisdr.org/files/43291_sendaiframeworkfordrren.pdf> [Accessed 30 December 2019] [↑](#footnote-ref-30)
30. <https://sustainabledevelopment.un.org/content/documents/2051AAAA_Outcome.pdf> [Accessed 30 December 2019] [↑](#footnote-ref-31)
31. <https://sustainabledevelopment.un.org/post2015/transformingourworld> [Accessed 30 December 2019] [↑](#footnote-ref-32)
32. <https://unfccc.int/sites/default/files/english_paris_agreement.pdf> [Accessed 30 December 2019] [↑](#footnote-ref-33)
33. <http://cns.miis.edu/nam/documents/Official_Document/12th_Summit_FD_Durban_Declaration_1998.pdf> [Accessed 22 July 2019] [↑](#footnote-ref-34)
34. <http://cns.miis.edu/nam/documents/Official_Document/13th_Summit_of_the_Non-Aligned_Movement_-_Final_Document_Whole.pdf> [Accessed 22 July 2019] [↑](#footnote-ref-35)
35. <http://cns.miis.edu/nam/documents/Official_Document/XVII-NAM-Summit-Final-Outcome-Document-ENG.pdf> [Accessed 22 July 2019] [↑](#footnote-ref-36)
36. The Millennium Development Goals Report 2015, United Nations, p 8. [↑](#footnote-ref-37)
37. Malhotra, A. (1998). “A Commentary on the Status of Future Generations as a Subject of International Law” *in* Future Generations and International Law, Emmanuel Agius, Salvino *Busuttil (Ed.),* p 39-50. [↑](#footnote-ref-38)
38. <https://sustainabledevelopment.un.org/?menu=1300> [Accessed 22 July 2019] [↑](#footnote-ref-39)
39. Statement by Maria Francesca Spatolisano, Assistant Secretary-General for Policy Coordination and Inter–Agency Affairs, at High-level Panel of the Human Rights Council Intersessional Meeting for Dialogue and Cooperation on Human Rights and the 2030 Agenda for Sustainable Development, 3 December 2019, Geneva. [↑](#footnote-ref-40)
40. <https://in.one.un.org/page/sustainable-development-goals/sdg-10/> [Accessed 5 August 2019]. [↑](#footnote-ref-41)
41. A/RES/41/128. Declaration on the Right to Development. art.3 [↑](#footnote-ref-42)
42. **General Statement by India on 29/4/2019 at the 20th Session of the Working Group on the Right to Development. 29 April - 03 May 2019.** [↑](#footnote-ref-43)
43. <https://in.one.un.org/page/sustainable-development-goals/sdg-17/> [Accessed 5 August 2019]. [↑](#footnote-ref-44)
44. <https://in.one.un.org/page/sustainable-development-goals/sdg-17/> [Accessed 6 August 2019]. [↑](#footnote-ref-45)
45. Pillay N (2013) Foreword. In: Office of the High Commissioner for Human Rights, Realizing the right to development: essays in commemoration of 25 years of the United Nations Declaration on the Right to Development. United Nations, New York and Geneva, pp iii–v [↑](#footnote-ref-46)
46. Statement of the Bolivarian Republic of Venezuela on behalf of NAM; 20th Session of the Working Group on the Right to Development, Geneva, 29 April 2019. [↑](#footnote-ref-47)
47. A/HRC/32/31 [↑](#footnote-ref-48)
48. <https://www.ohchr.org/Documents/Issues/Development/RTDBook/PartIChapter1.pdf> [Accessed 22 July 2019] [↑](#footnote-ref-49)
49. <http://hdr.undp.org/sites/default/files/mpi_2019_publication.pdf> [Accessed 22 July 2019] [↑](#footnote-ref-50)
50. Ibid. [↑](#footnote-ref-51)
51. FAO, IFAD, UNICEF, WFP and WHO. (*2019).* “The State of Food Security and Nutrition in the World 2019: Safeguarding slowdowns and downturns.” Rome, FAO. [↑](#footnote-ref-52)
52. Ibid. [↑](#footnote-ref-53)
53. Ibid. [↑](#footnote-ref-54)
54. Ibid. [↑](#footnote-ref-55)
55. Ibid. [↑](#footnote-ref-56)
56. Ibid. [↑](#footnote-ref-57)
57. Ibid. [↑](#footnote-ref-58)
58. <https://www.un.org/waterforlifedecade/human_right_to_water.shtml> [Accessed 22 July 2019]. [↑](#footnote-ref-59)
59. Ibid. [↑](#footnote-ref-60)
60. Message by UN Secretary-General António Guterres on World Water Day 2019. 22 March 2019. [↑](#footnote-ref-61)
61. Ibid. [↑](#footnote-ref-62)
62. Hannah Ritchie and Max Roser (2019); "Access to Energy". [Accessed 29 December 2019 via <https://ourworldindata.org/energy-access>]. [↑](#footnote-ref-63)
63. <https://in.one.un.org/page/sustainable-development-goals/sdg-7/> [Accessed 29 December 2019]. [↑](#footnote-ref-64)
64. Prabhu, K. Seeta, and Iyer, Sandhya S., “Human Development in an Unequal World”, Oxford, Oxford University Press (2019) p.1 [↑](#footnote-ref-65)
65. Era Dabla-Norris & Kalpana Kochhar & Nujin Suphaphiphat & Frantisek Ricka & Evridiki Tsounta (2015). "[Causes and Consequences of Income Inequality; A Global Perspective](https://ideas.repec.org/p/imf/imfsdn/15-13.html)," [IMF Staff Discussion Notes](https://ideas.repec.org/s/imf/imfsdn.html) 15/13, International Monetary Fund. [↑](#footnote-ref-66)
66. <https://wir2018.wid.world/files/download/wir2018-full-report-english.pdf> [Accessed 22 July 2019] [↑](#footnote-ref-67)
67. <https://in.one.un.org/page/sustainable-development-goals/sdg-10/> [Accessed 5 August 2019]. [↑](#footnote-ref-68)
68. <https://inequality.org/facts/global-inequality/> [Accessed 30 December 2019]. [↑](#footnote-ref-69)
69. <https://www.credit-suisse.com/about-us/en/reports-research/global-wealth-report.html> Credit Suisse Group AG (2019) [Accessed 31 December 2019]. [↑](#footnote-ref-70)
70. <https://www.theguardian.com/society/2019/jul/29/uk-deep-poverty-study-austerity> [Accessed 5 August 2019] [↑](#footnote-ref-71)
71. . <https://www.theguardian.com/inequality/2018/jan/22/inequality-gap-widens-as-42-people-hold-same-wealth-as-37bn-poorest> [Accessed 5 August 2019]. [↑](#footnote-ref-72)
72. <https://www.bloomberg.com/news/articles/2019-12-27/world-s-richest-gain-1-2-trillion-as-kylie-baby-sharks-prosper> [Accessed 28 December 2019]. [↑](#footnote-ref-73)
73. “Wealth Inequality Is Way Worse Than You Think, And Tax Havens Play A Big Role” by [Pedro Nicolaci da Costa](https://www.forbes.com/sites/pedrodacosta/); Forbes, 12 February 2019. [↑](#footnote-ref-74)
74. <https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-10-reduced-inequalities.html> [Accessed 22 December 2019] [↑](#footnote-ref-75)
75. Ibid. [↑](#footnote-ref-76)
76. <https://in.one.un.org/page/sustainable-development-goals/sdg-10/> [Accessed 5 August 2019]. [↑](#footnote-ref-77)
77. <https://inequality.org/gender-inequality/> [Accessed 30 December 2019]. [↑](#footnote-ref-78)
78. Ibid. [↑](#footnote-ref-79)
79. <https://www.nationalgeographic.org/article/sustainable-development-goals/> [Accessed 7 January 2020] [↑](#footnote-ref-80)
80. “Humanity Divided: Confronting Inequality in Developing Countries”; ‘Foreword” by Helen Clark, Administrator. UNDP (2013). [↑](#footnote-ref-81)
81. Ibid. [↑](#footnote-ref-82)
82. Ibid. [↑](#footnote-ref-83)
83. Ibid. [↑](#footnote-ref-84)
84. Steiner A., Administrator, UNDP; Foreword to Human Development Report 2019. “Beyond Income, Beyond Averages, Beyond Today: Inequalities in Human Development in the 21st Century”. (2019). [↑](#footnote-ref-85)
85. Ibid. [↑](#footnote-ref-86)
86. Ibid. [↑](#footnote-ref-87)
87. Ibid. [↑](#footnote-ref-88)
88. “Digital Economy Report 2019: Value Creation and Capture; Implication for Developing Countries”, UNCTAD (2019); At <https://unctad.org/en/PublicationsLibrary/der2019_en.pdf> [Accessed 10 January 2020] [↑](#footnote-ref-89)
89. Ibid. [↑](#footnote-ref-90)
90. Ibid. [↑](#footnote-ref-91)
91. Ibid. [↑](#footnote-ref-92)
92. Ibid. p. 16. “The economic geography of the digital economy does not display a traditional North-South divide. It is consistently being led by one developed and one developing country: the United States and China. For example, these two countries account for 75 per cent of all patents related to blockchain technologies, 50  per cent of global spending on IoT, and more than 75 per cent of the world market for public cloud computing. And, perhaps most strikingly, they account for 90 per cent of the market capitalization value of the world’s 70 largest digital platforms.” [↑](#footnote-ref-93)
93. Ibid. [↑](#footnote-ref-94)
94. Ibid. p.iv. Preface by Antonio Guterres, United Nations Secretary-General. [↑](#footnote-ref-95)
95. “Global Sustainable Development Report: *The Future is Now: Science for Achieving Sustainable Development*”. New York: United Nations. (2019). [↑](#footnote-ref-96)
96. Ibid. [↑](#footnote-ref-97)
97. Ibid. [↑](#footnote-ref-98)
98. Lusseau, D., & Mancini, F. (2019). Income-based variation in Sustainable Development Goal interaction networks. Nature Sustainability, 2(3), 242-247.  [↑](#footnote-ref-99)
99. Ibid. [↑](#footnote-ref-100)
100. “Poverty & Death: Disaster Mortality 1996-2015” (2016). United Nations Office for Disaster Risk Reduction (UNDRR) & Centre for Research on the Epidemiology of Disasters (CRED). [↑](#footnote-ref-101)
101. Human Development Report 2019. “Beyond Income, Beyond Averages, Beyond Today: Inequalities in Human Development in the 21st Century” [↑](#footnote-ref-102)
102. Statement by Michelle Bachelet, UN High Commissioner for Human Rights; Madrid, 9 December 2019; 25th Conference of the Parties to the UNFCCC; Launch of a joint publication on "Climate Change And Human Rights: Contributions by and for Latin America and the Caribbean" by ECLAC and the UN Human Rights Office. [↑](#footnote-ref-103)
103. <http://news.trust.org/item/20191209233025-jftpz/> [Accessed 30 December 2019] [↑](#footnote-ref-104)
104. Concept Note; High-level Plenary Event on the 30th Anniversary of the Declaration on the Right to Development; held on 22 September 2016at UN Headquarters, New York. [↑](#footnote-ref-105)
105. Ibid. [↑](#footnote-ref-106)
106. “Global Sustainable Development Report: *The Future is Now: Science for Achieving Sustainable Development*”. New York: United Nations. (2019). [↑](#footnote-ref-107)
107. Ibid; Foreword. [↑](#footnote-ref-108)
108. Ibid. Executive Summary; p. xx. [↑](#footnote-ref-109)
109. UN DESA, UNCTAD, UNECA, UNECE, UNECLAC, UNESCAP and UNESCWA. (2020). The World Economic Situation and Prospects 2020.UN, New York. [↑](#footnote-ref-110)
110. Ibid. Foreword by United Nations Secretary-General Antonio Guterres. [↑](#footnote-ref-111)
111. This has been repeatedly affirmed by NAM Summits of Heads of State and Government; current NAM membership constitutes just over sixty two percent of total U.N. membership. [↑](#footnote-ref-112)
112. <https://www.g77.org/doc/> [Accessed 7 January 2020] [↑](#footnote-ref-113)
113. <https://mnoal.org/nam-about/> [Accessed 7 January 2020] [↑](#footnote-ref-114)
114. <https://www.g77.org/statement/getstatement.php?id=160922> [Accessed 30 December 2019] [↑](#footnote-ref-115)
115. Ibid. [↑](#footnote-ref-116)
116. NAM 2019/CoB/Doc.1. Final Document of the 18th Summit of Heads of State and Government of the NonAligned Movement Baku, Republic of Azerbaijan, 25 - 26 October 2019. <https://namazerbaijan.org/pdf/BFOD.pdf> [Accessed 30 December 2019] [↑](#footnote-ref-117)
117. Ibid., para 977.1 [↑](#footnote-ref-118)
118. Ibid., para 980.14 [↑](#footnote-ref-119)
119. See, for example, Note Verbale dated 4 June 2019 from the Permanent Delegation of the European Union to the Secretariat of the Human Rights Council Advisory Committe, Geneva. It also expressed regret that Resolution 39/9 of the UN Human Rights Council had “prejudged the outcome of the ongoing discussions in the Working Group on the Right to Development”, adding that divergent views in the understanding of the Right to Development remained, with “fundamental differences” on issues such as “the role of indicators, the content of the Right to Development, its implications as well as appropriate instruments to realise this right.” [As on 1 January 2020, the European Union consists of 28 UN member states.] [↑](#footnote-ref-120)
120. Note Verbale dated 31 May 2019 from the Permanent Mission of Switzerland to the Secretariat of the Human Rights Council Advisory Committe, Geneva. [↑](#footnote-ref-121)
121. Note Verbale dated 11 June 2019 from the Permanent Mission of the Principality of Liechtenstein to the Secretariat of the Human Rights Council Advisory Committe, Geneva. [↑](#footnote-ref-122)
122. Note Verbale dated 16 July 2019 from the Permanent Mission of Mexico to the Inter-Governmental Working Group on the Right to Development, Geneva. [↑](#footnote-ref-123)
123. Ibid. [↑](#footnote-ref-124)
124. Ibid. [↑](#footnote-ref-125)
125. Statement of the Bolivarian Republic of Venezuela on behalf of NAM; 20th Session of the Working Group on the Right to Development, Geneva, 29 April 2019. [↑](#footnote-ref-126)
126. **General Statement by India on 29 April 2019 at 20th Session of the Working Group on the Right to Development. 29 April 2019 – 3 May 2019.** [↑](#footnote-ref-127)
127. Submission by “The Associazione Comunità Papa Giovanni XXIII (APG23)” addressed to the Secretariat of the Human Rights Council Advisory Committe, Geneva. [↑](#footnote-ref-128)
128. Ibid. [↑](#footnote-ref-129)
129. Statement of the Bolivarian Republic of Venezuela on behalf of NAM; 20th Session of the Working Group on the Right to Development, Geneva, 29 April 2019. [↑](#footnote-ref-130)
130. “Reclaiming the Right to Development” by Paul Quintos; IBON International. (2011). See <https://ourworld.unu.edu/en/reclaiming-the-right-to-development> [Accessed 22 July 2019] [↑](#footnote-ref-131)
131. Statement of the Bolivarian Republic of Venezuela on behalf of NAM; 20th Session of the Working Group on the Right to Development, Geneva, 29 April 2019. [↑](#footnote-ref-132)
132. **General Statement by India on 29 April 2019 at 20th Session of the Working Group on the Right to Development. 29 April 2019 – 3 May 2019.** [↑](#footnote-ref-133)
133. Statement of the Bolivarian Republic of Venezuela on behalf of NAM; 20th Session of the Working Group on the Right to Development, Geneva, 29 April 2019. [↑](#footnote-ref-134)
134. <https://www.un.org/en/events/righttodevelopment/pdf/rtd_at_a_glance.pdf> [Accessed 30 December 2019] [↑](#footnote-ref-135)
135. Statement of the Bolivarian Republic of Venezuela on behalf of NAM; 20th Session of the Working Group on the Right to Development, Geneva, 29 April 2019. [↑](#footnote-ref-136)
136. **General Statement by India on 29 April 2019. Op. Cit..** [↑](#footnote-ref-137)
137. “The right to development: sustainable development and the practice of good governance” Special Editor Wang Xigen; Preface by Zhang Wei and Gudmundur Alfredsson, p. xi. (2019). [↑](#footnote-ref-138)
138. Letter No. TIGO IOR 40/2019.003 dated 29 May 2019 from Amnesty International to the Secretariat of the Human Rights Council Advisory Committe, Geneva. [↑](#footnote-ref-139)
139. Ibid. [↑](#footnote-ref-140)
140. Submission dated 30 April 2019 by “Al Haq” to the Secretariat of the Human Rights Council Advisory Committe, Geneva. [↑](#footnote-ref-141)
141. Ibid. [↑](#footnote-ref-142)
142. One particularly harsh critic described it as “poorly written” and alleged, for example, that “it contains too much ambiguity over basic issues, such as whether this is a collective or an individual right. See Fukuda-Parr S. (2012) “The Right to Development: Reframing a New Discourse for the Twenty-First Century”. *Social Research: An International Quarterly* *Vol. 79*; pp. 839–864. [↑](#footnote-ref-143)
143. Submission by “The Associazione Comunità Papa Giovanni XXIII (APG23)” addressed to the Secretariat of the Human Rights Council Advisory Committe, Geneva. [↑](#footnote-ref-144)
144. Ibid. [↑](#footnote-ref-145)
145. Letter No. TIGO IOR 40/2019.003 dated 29 May 2019 from Amnesty International. Op. Cit.. [↑](#footnote-ref-146)
146. Ibid. [↑](#footnote-ref-147)
147. Submission by “The Associazione Comunità Papa Giovanni XXIII (APG23)”. Op. Cit.. [↑](#footnote-ref-148)
148. Ibid. [↑](#footnote-ref-149)
149. Letter No. TIGO IOR 40/2019.003 dated 29 May 2019 from Amnesty International. Op Cit.. [↑](#footnote-ref-150)
150. Submission by “The Associazione Comunità Papa Giovanni XXIII (APG23)”. Op. Cit.. [↑](#footnote-ref-151)
151. Ibid. [↑](#footnote-ref-152)
152. Ibid. [↑](#footnote-ref-153)
153. Ibid. [↑](#footnote-ref-154)
154. Ibid. [↑](#footnote-ref-155)
155. Ibid. [↑](#footnote-ref-156)
156. Ibid. [↑](#footnote-ref-157)