

The 9th session of the Expert Mechanism on the Right to Development
Item 4 of the Provisional Agenda - Implementation of the mandate and programme of work
Consideration of proposed thematic studies
Conference Room 5, UNHQ, New York

**The Individual and Collective Dimensions of
the Right to Development**

Wednesday 1 May 2024, 12:00 PM to 1:00 PM

Concept Note

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Introduction

The Declaration on the Right to Development describes the right to development as both an individual right of all human beings and a collective right of all peoples. The individual dimension centres on the right of every individual to participate in and benefit from development. Article 1(1) of the Declaration defines the right to development as “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 collective dimension centres on self-determination, referring to the right of peoples to determine their own economic, social, and cultural development agendas.

While the Declaration stresses that “the human person is the central subject of development and should be the active participant and beneficiary of the right to development,” it also places equal emphasis on the collective aspects of this right in several preambular recitals and operative paragraphs. Indeed, article 1 of the Declaration, which defines the right to development also stipulates that “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”. This recognition highlights the mutually dependent and reinforcing nature of the right to development and the right to self-determination because the latter is defined in the International Covenant on Civil and Political Rights as well as in the International Covenant on Economic, Social and Cultural Rights as the right of all peoples to “freely determine their political status and freely pursue their economic, social and cultural development”.

The Declaration on the Right to Development also recognizes that States have obligations to realize the right to development of all individuals as well as peoples, including by eliminating obstacles thereto. Despite this clear emphasis, there remains a lack of clarity among some stakeholders on the precise nature, content, and scope of this right and the corresponding duties in their application to individuals and peoples. Indeed, some States and non-state actors continue to

contend that they recognize the right to development only as an individual right and even question the existence of the rights of peoples in international human rights law. Some seek to justify this position on the grounds that recognizing the right to development as a collective right may be abused by States as a pretext to deny individual rights. Some others agree with the collective nature of this right but are not always clear on the definition of “peoples,” especially in its application to the right to development. Queries are often raised about whether “peoples” refers to the entire population of a State or also to specific groups thereof, and if the latter, what criteria should be used to determine which groups constitute a people for the purpose of the right to development.

During its eighth session held from 30 October to 1 November 2023, the Expert Mechanism was called upon to address these questions. The Mechanism received suggestions and requests to elaborate a study exploring the individual and collective dimensions of this right and their practical implications on the duties of States and other duty-bearers.

Purpose:

The purpose of the study is to explore the following themes.

1. The **nature, scope and content of the right to development** both as an individual right of all human beings and a collective right of all peoples.
2. The **definition of peoples in international human rights law**, including in its application to the right to development.
3. The **nature, scope and content of the duties of States and other stakeholders** in their application to the right to development both as an individual right of all human beings and a collective right of all peoples.
4. The **mutual relation between the right to development as an individual right and a collective right**, including when realizing one may conflict with the realization of the other.
5. **Practical good practice illustrations** of how to balance any such perceived or actual conflicts.

Guiding questions:

1. How do we reinforce the mutuality of individual and collective rights in international human rights law?
2. How can we ensure that the individual and collective dimensions of the right to development are equally recognized in law, policy, and practice?
3. What practical steps can States and non-state actors take to ensure the implementation of the rights to development in a way that attends to both the rights of individuals and the collective rights of peoples?
4. What are the good practices that reflect the mutually dependent and reinforcing nature of the right to development and the right to self-determination?

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