

Arab Human Rights Committee

Suggested Principles

For drafting an international legal instrument on the right to development

The right to development is a cornerstone for the realization of human rights and freedoms. The existence of a legal instrument regulating this right is important because it defines the content of the right to development and turns it into a concrete legal obligation. Individuals, States and the international community have a responsibility to ensure the respect and protection of the right to development. This requires the specification of the content of the legal obligations pursuant to this right, as well as the establishment of bodies entrusted with the task of monitoring the compliance of States and the international community with the obligations underpinning this right. The potential added value of a Framework Convention on the Right to Development is to complement the current human rights regime with a treaty 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 partnerships.

First: Determining the legal content of the right to development

The Declaration on the Right to Development (1986), the millennium development goals and sustainable development goals conclude that the essence of the right to development is based on improving the standard of living through a more equitable distribution of resources at the level of the State itself and at the inter-state level or the international community at large. An international legal instrument on the right to development should therefore take into account the following principles:

1. The right to development is an individual and collective human right. The enjoyment of the right to development necessarily involves a careful balancing between the interests of the collectivity on one hand, and those of the individual on the other.
2. The right to development is complementary to the right to self-determination and the free choice of peoples of their political, economic, social and cultural systems.
3. There is a universal right of all States to pursue their own development in an international environment which is conducive to that process.
4. The right and duty to eliminate colonialism, apartheid, racial and other forms of discrimination, neocolonialism and all forms of foreign oppression and domination is integral to the realization of the right to development.
5. Every State has the sovereign and inalienable right to choose its economic, political, social and cultural system in accordance with the will of its people. This right includes sovereign and permanent control of every State over its natural resources, wealth and economic activities. Similarly, every State has the sovereign right to rule and exercise effective control over foreign investments.
6. The principle of equality and non-discrimination, including the fair distribution of the benefits of development, is a constituent element of the right to development.

7. The right to peace is inseparable from the right to development. All forms of aggression, war, conflict, terrorism and violence undermine the right to development.
8. The right to development is necessary for the full realization of other rights.
9. Positive measures are necessary as a mechanism for achieving the right of development for vulnerable groups.
10. Elaboration of the gender / women's rights dimension of the right to development:
 - ensure participation of women at all levels and stages of development policies and programs
 - promote women's access to and control over productive resources such as land and guarantee their right to property
 - promote women's access to credit, training, skills development and extension services
 - take into account indicators of human development specifically relating to women in the elaboration of development policies and programs
 - ensure that the negative effects of globalization and any adverse effects of the implementation of trade and economic policies and programs are reduced to the minimum for women.
11. The environmental dimension to development: The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations

Second: the responsibilities of states and the international community

1. The State is primarily responsible for the right to development and the implementation of its programs.
2. There is an important "international" dimension of the right to development. There is a growing interrelationship between "national" and "international" aspects of development.
3. International cooperation is necessary to remove obstacles that prevent the effective mobilization and use of resources.
4. The importance of the principle on "the global enabling environment conducive to the right to development"
5. The global development process faces many obstacles which are of a largely transnational character. In the economic sphere these obstacles include continuing patterns of domination and dependency, unequal trade relations and restrictions from external sources on the right of every nation to exercise full sovereignty over its national wealth
6. International economic and financial institutions should adopt the principles of human rights and the right to development in their policies and programs, especially in the policies imposed on developing countries.

Third: the monitoring bodies of the right to development

1. The International instrument should create an international mechanism to monitor the compliance of States with regard to the protection and realization of the right to development.

2. The monitoring mechanism shall be composed of specialized independent experts elected by the States Parties and responsible for reviewing the reports submitted by these States, as well as receiving communications from States and individuals on complaints.
3. The monitoring mechanism shall also provide guidance to countries and international bodies on interpreting and implementing the right.