

52nd session of the Human Rights Council

**High-level meeting commemorating the thirty-fifth anniversary of the Declaration on
the Right to Development**

Statement by Zamir Akram

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1 March 2023

Excellencies,
Distinguished delegates,
Dear participants,

I am honoured to address you at this high-level meeting commemorating the thirty-fifth anniversary of the United Nations Declaration on the Right to Development in my capacity as Chair-Rapporteur of the Working Group on the Right to Development.

The Working Group was established in 1998 by the then Commission on Human Rights as a follow-up mechanism to the Declaration on the Right to Development, with a view to make further progress towards the realization of the right to development.

The core of its mandate is to monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment.

One can distinguish five, partly overlapping periods in the work of the Working Group.

The first period, which began in September 2000 and ended in 2004, was characterized by interaction with the independent expert on the right to development, a follow-up mechanism simultaneously established by the Commission on Human Rights with a mandate to present to the Working Group at each of its sessions a study on the current state of progress in the implementation of the right to development, taking into account, inter alia, the deliberations and suggestions of the Working Group.

The second period, from 2005 to 2010, was influenced by its interaction with the high-level task force on the implementation of the right to development, which was established within the framework of the Working Group to help it to fulfil its mandate to strengthen the global partnership for development as its guiding principle.

The third period, from 2011 to 2018, was an intergovernmental process that has focused on the consideration, revision and refinement of the criteria and corresponding operational sub-criteria for the implementation of the right to development that were developed by the task force.

This and the following periods were guided by the consensus reached by the Council in 2007 on a programme of work that was to lead to raising the right to development to the same level and on a par with all other human rights and fundamental freedoms.

The programme of work provided that criteria for the periodic evaluation of global partnerships should be prepared. These criteria were to be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development.

The Working Group would then take appropriate steps for ensuring respect for and practical application of these standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement.

I was first elected Chair-Rapporteur in 2015, at the 16th session of the Working Group, when the Working Group commenced the second reading of the right to development criteria, which it completed in 2016, its 17th session, without any progress.

The fourth period, from 2016 to 2018, overlapped in part with the third and focused on the consideration of standards for the implementation of the right to development. At the request of the Council, I presented a set of standards to the Working Group in 2016. The aim of the four standards was to break the deadlock that had persisted in the Working Group and to identify common ground and agreed language. The standards were intended as a road map or framework for action for achieving the Sustainable Development Goals. They employed agreed language so as to ensure that they were non-controversial and enjoyed the broadest possible endorsement. Regrettably they risked facing a similar fate as the criteria, if opened up for intergovernmental negotiations.

During its fifth period, which started in 2019 and continues to date, the Working Group has been dealing with the elaboration of a legally binding instrument on the right to development. The Council mandated me to prepare a draft legally binding instrument on the right to development, which I submitted to the 21st session of the Working Group, which was held in 2021 instead of 2020, due to the COVID-19 pandemic. As requested by the Council I have now submitted the second revised text of the draft convention to the 24th session of the Working Group, which will be held from 15-19 May 2023, for intergovernmental negotiations. In addition, the Council requested me to submit a final text, following this process to the Council, which I intend to submit together with the annual report of the Working Group to the September session of the Council in 2023, with the recommendation to transmit it to the General Assembly, as the highest and most representative deliberative intergovernmental body of the United Nations for further negotiation and adoption.

Throughout this process I was supported by an expert drafting group and the secretariat. The process was informed by the rich amount of work undertaken in the past, including a report of the Advisory Committee on the importance of a legally binding instrument on the right to development and numerous submissions and textual suggestions from a wide variety of stakeholders, including States, intergovernmental organizations, non-governmental organizations and global and national human rights institutions, for which I am grateful.

Every possible attempt has been made to base the language on existing international legal instruments, including human rights treaties and relevant declarations and resolutions. No concepts, norms, rights or obligations have been created anew.

As Chair, I sought to promote the widest possible participation and consensus within the Working Group and I regret that a number of States chose not to participate in the negotiation process so far, or only to a limited extent and I once again call upon all to actively engage in the negotiations at the upcoming session.

I thank you for your attention and remain at your disposal for any questions you may have.
