



General Assembly

Distr.: Limited
1 October 2020

Original: English

Human Rights Council

Forty-fifth session

14 September–7 October 2020

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Azerbaijan* ** and State of Palestine*: draft resolution

45/... The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reiterating the Vienna Declaration and Programme of Action, which reaffirms the right to development as a universal and inalienable right and an integral part of fundamental human rights,

Reaffirming Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, recalling all Commission on Human Rights resolutions on the right to development, including resolutions 1998/72 of 22 April 1998 and 2004/7 of 13 April 2004 in support of the implementation of the right to development, and recalling also all Council and General Assembly resolutions on the right to development, the most recent being Council resolution 42/23 of 27 September 2019 and Assembly resolution 74/152 of 18 December 2019,

Recalling the outcome document of the second High-level United Nations Conference on South-South Cooperation, held in Buenos Aires from 20 to 22 March 2019,¹

Welcoming the final outcome document adopted at the Eighteenth Summit of Heads of State and Government of the Movement of Non-Aligned Countries, held in Baku on 25 and 26 October 2019, at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority, including through the elaboration of a legally binding instrument on the right to development by the relevant machinery, taking into account the recommendations of relevant initiatives,

Emphasizing the urgent need to make the right to development a reality for everyone,

* State not a member of the Human Rights Council.

** On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, except Colombia.

¹ General Assembly resolution 73/291.



Emphasizing also that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent, interrelated and mutually reinforcing,

Emphasizing further that all human rights and fundamental freedoms, including the right to development, can only be enjoyed in an inclusive and collaborative framework at the international, regional and national levels, and in this regard underlining the importance of engaging the United Nations system, including United Nations specialized agencies, funds and programmes, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, development practitioners, human rights experts and the public at all levels, in discussions on the right to development,

Noting the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all, and in this regard urging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, and into development and development-related processes, including in the preparation and outcome of the Fifth United Nations Conference on the Least Developed Countries,

Acknowledging the need for a comprehensive approach to the promotion and protection of all human rights and the need to integrate a right to development perspective in a more systemic way into all aspects of the work of the United Nations system, including the treaty bodies and the Human Rights Council and its mechanisms,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the States Members of the United Nations and should be exercised multilaterally, and that, in this regard, the central role must be played by the United Nations as the most universal and representative international organization in the world,

Stressing also the importance of the adoption of the 2030 Agenda for Sustainable Development and its means of implementation, and emphasizing that the 2030 Agenda is informed by the Declaration on the Right to Development and that the right to development is vital for the full realization of the 2030 Agenda, and should be central to its implementation,

Recognizing that achieving the internationally agreed development goals, including the Sustainable Development Goals and climate change-related goals, requires effective policy coherence and coordination,

Recognizing also that hunger and extreme poverty, in all their forms and dimensions, are the greatest global challenges and require the collective commitment of the international community for their eradication, and therefore calling upon the international community to contribute to the achievement of that goal, in accordance with the Sustainable Development Goals,

Recognizing further 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, and reiterating the need to achieve sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner,

Recognizing that inequality is a major obstacle to the realization of the right to development within and across countries,

Expressing concern about the increasing number of cases of human rights violations and abuses by transnational corporations and other business enterprises, underlining the need to ensure that appropriate protection, justice and remedies are provided to the victims of human rights violations and abuses resulting from the activities of those entities, and underscoring the fact that they must contribute to the means of implementation for the realization of the right to development,

Underlining that the successful implementation of the Sustainable Development Goals will require the strengthening of a new, more equitable social and international order in which all human rights and fundamental freedoms can be fully realized, as envisioned in article 28 of the Universal Declaration of Human Rights,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular global partnerships for development, for the realization of the right to development, and that lasting progress towards the implementation of the right to development requires, inter alia, effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level,

Urging all Member States to engage constructively in discussions for the full implementation of the Declaration on the Right to Development with a view to overcoming the existing political impasse within the Working Group on the Right to Development in order that it may fulfil, at the earliest, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolution 4/4,

Stressing that, in its resolution 48/141 of 20 December 1993, the General Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to development, and to enhance support from relevant bodies of the United Nations system for that purpose, and in its annual resolution on the right to development, the Assembly reaffirms its request to the High Commissioner, in mainstreaming the right to development, to effectively undertake activities aimed at strengthening the global partnership for development among Member States, development agencies and international development, financial and trade institutions,

Recognizing the need for independent perspectives and expert advice to strengthen the work of the Working Group and to support the efforts of Member States to realize fully the right to development, including in the context of the implementation of the Sustainable Development Goals,

Taking Note with appreciation the submission of the draft legally binding instrument on the right to development with commentaries by the Chair-Rapporteur of the Working Group, as mandated by the Human Rights Council in its resolution 39/9 of 27 September 2018,²

Welcoming the discussions held by the Working Group at its twentieth session on how a legally binding instrument would contribute to making the right to development a reality for all, by creating conducive national and international conditions for its realization and by halting all measures that may have a negative impact on the right to development, in accordance with the Charter, the Declaration on the Right to Development and other relevant international instruments and documents,

Welcoming also the holding of the open-ended discussion by the Chairmanship of the Movement of Non-Aligned Countries with multi-stakeholder participation, in Geneva on 12 February 2020, about the right to development and possible ways of achieving its practical implementation,

Reaffirming Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge the duties of the mandate in accordance with those resolutions and the annexes thereto,

1. *Reaffirms* its commitment to effectively integrate the right to development into its work and that of its mechanism in a systematic and transparent manner;

² A/HRC/WG.2/21/2/Add.1.

2. *Acknowledges* the need to strive for greater acceptance, operationalization and realization of the right to development at the international level while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

3. *Stresses* that South-South cooperation is a complement to North-South cooperation, and hence should not result in the reduction of North-South cooperation or hamper progress in fulfilling existing official development assistance commitments, and encourages Member States and other relevant stakeholders to incorporate the right to development into the design, financing and implementation of cooperation processes;

4. *Welcomes* the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development;³

5. *Requests* the High Commissioner to continue to submit to the Human Rights Council an annual report on the activities of the Office of the High Commissioner, including on inter-agency coordination within the United Nations system that has direct relevance to the realization of the right to development, and to provide an analysis, taking into account existing challenges to the realization of the right to development, and to make recommendations on how to overcome them and concrete proposals for supporting the Working Group on the Right to Development in fulfilling its mandate;

6. *Also requests* the High Commissioner to take concrete measures in fulfilment of her mandated responsibility, and to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development, and agreed conclusions and recommendations of the Working Group;

7. *Urges* the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to ensure balanced and visible allocation of both financial and human resources to the existing mechanisms within the Office, including the Expert Mechanism of the Right to Development and the Special Rapporteur on the right to development, for the realization of the right to development, also to ensure the visibility of the right to development by identifying and implementing tangible projects dedicated to the right to development, in collaboration with the Expert Mechanism and the Special Rapporteur, and to provide regular updates to the Human Rights Council in this regard;

8. *Reiterates* the importance of the core principles contained in the conclusions of the Working Group at its third session⁴ that are congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

9. *Stresses* the importance of the realization of the mandate of the Working Group, and recognizes the need for renewed efforts with a view to overcoming the existing political impasse within the Working Group so that it may fulfil at the earliest its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolutions 4/4 and 39/9;

10. *Also stresses* the importance of constructive engagement at the twenty-first session of the Working Group, which will consider the draft legally binding instrument on the right to development submitted by the Chair-Rapporteur of the Working Group;

11. *Welcomes* the first report of the Expert Mechanism on the Right to Development,⁵ and requests the Expert Mechanism to implement the recommendations contained in its report and in doing so to pay particular attention to the international

³ A/HRC/45/21.

⁴ See E/CN.4/2002/28/Rev.1.

⁵ A/HRC/45/29.

dimension of the right to development, and how this aspect will make the practical implementation of the right to development effective at international, regional and national levels;

12. *Also welcomes* the report of the Special Rapporteur on the right to development,⁶ and requests him to continue to pay particular attention to the implementation of the right to development, which facilitates the full enjoyment of human rights, in accordance with his mandate;

13. *Further welcomes* the work of the Special Rapporteur on the right to development, in particular the consultations with States and the regional consultations held by the Special Rapporteur, on the implementation of the right to development, as a result of which he submitted guidelines and recommendations on the practical implementation of the right to development to the Human Rights Council at its forty-second session;⁷

14. *Reiterates* its decision to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Sustainable Development Goals, and in this regard lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

15. *Stresses* that the Working Group will take into account all resolutions on the right to development, in particular Human Rights Council resolutions 9/3 and 42/23;

16. *Takes note* of the report of the Human Rights Council Advisory Committee on the importance of a legally binding instrument on the right to development submitted to the Human Rights Council pursuant to Council resolution 39/9;⁸

17. *Welcomes* the appointment of the members of the subsidiary expert mechanism as established by the Human Rights Council in its resolution 42/23 with a view to provide the Council with thematic expertise on the right to development in searching for, identifying and sharing best practices;

18. *Requests* the Office of the High Commissioner to continue to give high priority to the right to development, to pursue further work in this area in full cooperation with the Expert Mechanism on the Right to Development in its activities, and to provide the Expert Mechanism with all the assistance necessary for the effective fulfilment of its mandate;

19. *Encourages* all States to cooperate with and to assist the Expert Mechanism in its tasks, and to supply all necessary information requested, where available, for the fulfilment of the mandate entrusted to it;

20. *Requests* the Special Rapporteur to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda, including the high-level political forum on sustainable development, financing for development, climate change and disaster risk reduction with a view to enhance the integration of the right to development in these forums and dialogues, and requests Member States, international organizations, United Nations agencies, regional economic commissions and other relevant organizations to facilitate the meaningful participation of the Special Rapporteur in these forums and dialogues;

21. *Invites* the Special Rapporteur to provide advice to States, international financial and economic institutions and other relevant entities, the corporate sector and civil society on measures to achieve the goals and targets relating to the means of implementation of the 2030 Agenda for the full realization of the right to development;

22. *Requests* all special procedures and other human rights mechanisms of the Human Rights Council regularly and systematically to integrate the right to development perspective into the implementation of their mandate;

⁶ A/HRC/45/15.

⁷ See A/HRC/42/38.

⁸ A/HRC/45/40.

23. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda for Sustainable Development, to contribute further to the work of the Working Group, and to cooperate with the High Commissioner, the Special Rapporteur and the Expert Mechanism in the fulfilment of their mandates with regard to the promotion and implementation of the right to development;

24. *Decides* to review the progress of the implementation of the present resolution, as a matter of priority, at its future sessions.
