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## Third Committee

### Summary record of the 22nd meeting

Held at Headquarters, New York, on Monday, 17 October 2022, at 3 p.m.

*Chair:* Mr. Venancio Guerra (Vice-Chair) ..... (Portugal)

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*In the absence of Mr. Blanco Conde (Dominican Republic), Mr. Venancio Guerra (Portugal), Vice-Chair, took the Chair.*

*The meeting was called to order at 3.05 p.m.*

**Agenda item 68: Promotion and protection of human rights (continued)**

**(a) Implementation of human rights instruments**

*(continued)* (A/77/40, A/77/44, A/77/228, A/77/230, A/77/231, A/77/279, A/77/289 and A/77/344)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)**

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**(c) Human rights situations and reports of special rapporteurs and representatives (continued)**

(A/77/149, A/77/168, A/77/181, A/77/195, A/77/220, A/77/227, A/77/247, A/77/255, A/77/311, A/77/328 and A/77/356)

**(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued)** (A/77/36)

1. **Mr. Alfarargi** (Special Rapporteur on the right to development), introducing his report on the compliance of coronavirus disease (COVID-19) recovery plans and policies with the right to development (A/77/174), said that the pandemic had triggered a global economic crisis that had led to sharp rises in inequality within and among countries and serious setbacks to the implementation of the 2030 Agenda for Sustainable Development. Developing countries had been particularly adversely affected as, unlike developed countries, they had had insufficient fiscal space to adopt the necessary health care and social protection measures to support their populations. To make matters worse, some low-income countries had resorted to taking on increasing levels of debt at high borrowing costs.

2. While the Declaration on the Right to Development did not include a list of financial priorities that would serve to fulfil the right to development, it did outline the principles that should guide policy decisions at the national and international levels. States were called upon to take all necessary measures for the realization of the right to development and to ensure equality of opportunity for all in their access to basic resources, education, health, food, housing and employment. States also had a duty to cooperate with each other to promote the more rapid development of developing countries and to remove obstacles to comprehensive development. States must, with those principles in mind, cooperate in a spirit of strengthened and renewed multilateralism and design and implement ambitious policies and measures aimed not at restoring the pre-pandemic status quo but at actively advancing development for all people.

3. As part of those policies and measures, States should guarantee the meaningful inclusion of all stakeholders in the negotiation of international agreements, including international trade agreements; promote the establishment of an international debt-work-out mechanism; and advocate the issuance of special drawing rights by the International Monetary Fund to nations in the global South to free up much-needed resources for response and recovery action. In addition, development partners should recommit to the target of dedicating 0.7 per cent of gross national income to official development assistance by providing timetables and accountability frameworks, including by enacting national legislation, and should redirect aid to where it was most needed by providing 50 per cent of official development assistance to the least developed countries.

4. **Mr. Kuzmenkov** (Russian Federation) said that the COVID-19 pandemic had not only complicated international development cooperation, but had also erased the progress made in recent years in that area, exacerbating the gaps between the global North and the global South and aggravating social and economic stratification within countries.

5. His delegation agreed that States should ensure access to proper health care, social protection, housing and employment in their COVID-19 recovery plans. The realization of such fundamental economic and social rights was the key to building and developing fair and harmonious societies. Regarding the Special Rapporteur's comments in his report on the need for greater international cooperation in access to COVID-19 vaccines, diagnostics and health therapies, his delegation had consistently supported a fair and non-discriminatory approach to the certification of

vaccines worldwide and opposed the practice of selectively recognizing some vaccines and not others.

6. The Special Rapporteur had issued recommendations on a wide range of issues, from international trade and tax to official development assistance and climate neutrality. While his delegation recognized the complexity of development and the right to development, it nonetheless wished to emphasize that specialized subjects should be handled by the relevant competent mechanisms and experts. In his work, the Special Rapporteur should not delve into issues that fell within the mandate of other human rights bodies.

7. In his report, the Special Rapporteur had reiterated his recommendation that international cooperation take into account extraterritorial obligations, which seemed to relate to the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social And Cultural Rights issued in 2011 by a group of experts but never adopted or approved at the intergovernmental level. His delegation perceived that recommendation as an attempt to impose on States an arbitrary interpretation of obligations freely undertaken by them, including under international human rights treaties.

8. **Ms. Novruz** (Azerbaijan), speaking on behalf of the Movement of Non-Aligned Countries, said that, over 30 years after the adoption of the Declaration on the Right to Development, profound changes to the structure of the international economy were still needed to ensure the full realization and enjoyment of the rights set forth in the Declaration. Creating economic and social conditions that favoured developing countries was one such necessary change.

9. At the eighteenth summit of the Non-Aligned Movement in 2019, the Heads of State and Government had renewed their commitment to promoting and protecting all universally recognized human rights, in particular the right to development, and had affirmed that human rights issues must be addressed through constructive, non-confrontational, non-politicized and non-selective dialogue with objectivity, respect for national sovereignty and territorial integrity, non-interference in the internal affairs of States, impartiality, non-selectivity and transparency as guiding principles and taking into account the political, historical, social, religious and cultural particularities of each country.

10. **Mr. Mohd Zim** (Malaysia) said that his Government concurred with the Special Rapporteur that international cooperation on equitable access to COVID-19 vaccines was important for rejuvenating development efforts, meeting commitments made in the context of the 2030 Agenda and leaving no one behind.

His Government had, through its national COVID-19 immunization programme, secured access to vaccines for over 40 million people and administered those vaccines to citizens and non-citizens alike, including documented and undocumented migrants, asylum seekers and refugees. In a spirit of international solidarity, Malaysia had contributed vaccines to other countries to boost their vaccine rate and stood ready to do so again for other countries in need. In view of the lasting and profound impact of prolonged vaccine inequity on socioeconomic recovery in low- and lower-middle-income countries, he asked whether a long-term strategy to address vaccine inequity was in place in preparation for future pandemics.

11. **Ms. Knani** (Tunisia) said that fulfilling the right to development required the establishment of a fair international economic system that reduced inequality, enabled nations to choose their own development policies and took into consideration the diverse realities, capacities, levels of development and priorities of States. Such a system must respect the sovereign equality of all States and their inalienable right to full sovereignty over their natural resources. In that connection, Tunisia, along with many other countries that had been unjustly deprived of their wealth, attached great importance to the return of stolen assets, which were resources that could be used in the implementation of national development projects.

12. Peace and security were essential to sustainable development. As such, terrorism, armed conflict, violent extremism and occupation hampered, or even paralysed, national development efforts. Tax evasion, corruption and brain drain had a similarly debilitating effect.

13. South-South and triangular cooperation were two high-value-added tools for promoting fairer globalization. International cooperation must go beyond development assistance – which generally precluded the sharing of technology and know-how – and must involve greater commitment to the achievement of the development goals set by each nation according to the basic needs of its population, especially in times of crisis. While the Special Rapporteur had accorded a high importance to international cooperation in his report, the lived experience of several States in the global South of such cooperation was quite different. She asked what action the international community could take to establish a new form of cooperation that was fairer for all.

14. **Mr. Sahraoui** (Algeria) said that COVID-19 response and recovery plans and policies should be designed and implemented from the perspective of the right to development. On the basis of its commitment to sustainable development, leaving no one behind and

building back better, Algeria had included the 2030 Agenda in all its national development programmes, including those related to recovery from the pandemic, with a view to stimulating economic growth, eliminating inequalities within the country and ensuring the enjoyment by all Algerians of their social and economic rights.

15. Recovery from the pandemic at the international level required strengthened international cooperation and accelerated transfer of technology. He therefore asked how to ensure that a right-to-development approach was included in the design of international cooperation frameworks. In view of the recommendation in the report for development partners to recommit to the target of dedicating 0.7 per cent of gross national income to official development assistance, he also asked how to ensure that developed countries fulfilled their commitments and whether any plans were in place to develop a mechanism for following up on the implementation of such commitments.

16. **Mr. Valido Martínez** (Cuba) said that the pandemic had brought into sharp relief the gulf separating the developed world from the global South. Cuba therefore welcomed the focus of the Special Rapporteur's report and supported the view that a transition was needed from the current international order, with its opaque and barely democratic financial institutions and its slavishness to production and consumption, towards an international order that promoted the right to development. However, achieving that transition required greater political will.

17. For States subject to unilateral coercive measures, the right to development would remain a distant dream. The economic, commercial and financial blockade imposed by the United States against Cuba was the primary obstacle to his country's development and the enjoyment by its people of the right to development. The blockade was in violation of the Charter of the United Nations and international law, seriously affected the human rights of the Cuban people and had hampered the country's COVID-19 response efforts. The fact that the United States had chosen the pandemic as the moment to reinforce its blockade against Cuba to an unprecedented degree demonstrated the inherent cruelty and unscrupulousness of the policy. He invited the Special Rapporteur to continue assessing the impact of such unilateral practices on the exercise of the right to development, including in the context of responding to and recovering from the COVID-19 pandemic.

18. **Ms. Paydar** (Islamic Republic of Iran) said that multilateralism and global solidarity should be the main

tenets of the recovery from the pandemic. At the same time, unilateralism in all its forms, including unilateral coercive measures, should be strongly condemned. Interference in the internal affairs of independent Member States of the United Nations was a key challenge. The unilateral coercive measures, or so-called sanctions, imposed against her country continued to limit her Government's efforts to recover from the pandemic and to ensure the enjoyment of the right to development by all.

19. **Mr. Rashid** (Pakistan) said that a demonstration of political will was sorely needed, as was the fulfilment of commitments, particularly those relating to financing for development. The pandemic had reaffirmed the critical importance and urgency of mobilizing greater liquidity, ensuring debt sustainability and aligning the prevailing international economic, financial and taxation architecture with the realization and operationalization of the right to development. His Government welcomed the theme of the report, since COVID-19 response and recovery policies from the perspective of the right to development were central to the achievement of the Sustainable Development Goals. In addition, a key prerequisite for achieving the Goals was due consideration of the impact of armed conflicts, foreign occupation and unilateral economic and financial coercive measures.

20. His Government also welcomed the recommendation that development partners recommit to the target of dedicating 0.7 per cent of gross national income to official development assistance. Development banks should not impose conditionalities on States requiring them to take action that would be detrimental to their own development.

21. **Mr. Altarsha** (Syrian Arab Republic) said that his delegation wished to emphasize paragraphs 21 and 22 of the report, which outlined the support of the United Nations Development Programme (UNDP) for his Government's efforts to recover from the COVID-19 pandemic and the contribution of UNDP to developing local and national governmental capacities.

22. The United Nations Strategic Framework signed by the Government of Syria for the period 2022–2024 stood to play an important role in pandemic recovery efforts. His delegation hoped that the right to development would be upheld as an inalienable right of peoples, stemming from its conviction that the realization of that right would bring about full compliance with the principles of international law governing relations between States.

23. Against the backdrop of the terrorist war that, as all were aware, had raged in his country for more than

11 years, he would like to know how best to overcome the devastating effects of unilateral coercive measures imposed by certain States on peoples of the world, including his own. He also wondered whether the Special Rapporteur on the right to development had any plans to cooperate with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.

24. **Mr. Giorgio** (Eritrea) said that his delegation fully supported the mandate of the Special Rapporteur, which was important to the many countries in the global South that had prioritized the right to development as a means of improving living conditions for their populations and addressing poverty and inequality. Although Governments worldwide were introducing cuts in public sector expenditure, high-income countries had been able to establish COVID-19 recovery instruments, while low-income countries had not. Among the recommendations made by the Special Rapporteur, his delegation wished to highlight those concerning the need to refrain from imposing conditionalities on Governments benefiting from development programmes and to improve the integration of developing countries into the global trading system.

25. The Declaration on the Right to Development acknowledged that States had primary responsibility for creating national and international conditions favourable to the realization of the right to development. However, the use of unilateral coercive measures against States, especially developing countries, had increasingly affected Governments' abilities to meet the basic needs of their populations, to access international financial institutions and to purchase commodities that were essential during the pandemic, such as spare parts for medical equipment, vaccines and food.

26. **Ms. Rizk** (Egypt) said that the right to development represented the nexus between the three pillars of the work of the United Nations, namely, peace and security, development and human rights. States had a collective responsibility to achieve development, framed in human rights terms as the right to development. In that context, and in the wake of the shortcomings of the current environment for operationalizing the right to development, as exposed by the COVID-19 pandemic, she asked the Special Rapporteur to outline how the global financial system could be restructured to respond to the needs of developing countries and to address the ever-increasing debt problem.

27. **Mr. Alfarargi** (Special Rapporteur on the right to development) said that he had noted in his report the importance that States from the global South attached to

international cooperation in the fields of health, economic recovery and social protection. At the same time, he had noted that sovereign debt burdens had been identified as a major challenge in mobilizing resources to respond to the pandemic. Strengthened international cooperation was key not only to addressing debt burdens in the global South, but also to addressing unequal access to COVID-19 vaccines, medicine, health technologies, diagnostics and health therapies, which negatively affected the ability of individuals and communities – many in countries in the global South – to participate in political, economic, social and cultural development. As stated in paragraph 17 of the Doha Ministerial Declaration, intellectual property rights must be implemented and interpreted in a way that supported public health. Furthermore, the Human Rights Council, in its resolution 46/14, had reaffirmed vaccine access as a protected human right and had called on States to remove unjustified obstacles restricting the export of COVID-19 vaccines. It was in that spirit and against that backdrop that he had made several recommendations in his report aimed at facilitating access to vaccines for all, including recommending that States cooperate fully with and contribute to the COVID-19 Vaccine Global Access (COVAX) Facility and the COVID-19 Vaccine Delivery Partnership, and that members of the World Trade Organization continue negotiations on the Agreement on Trade-Related Aspects of Intellectual Property Rights.

28. It was the last time that he would address the Third Committee in his capacity as Special Rapporteur on the right to development. Many of the challenges he had identified in his first report five years prior remained, while new challenges had arisen as a result of the pandemic and armed conflict. It was more important than ever to continue working to ensure that the hope of the right to development was not extinguished and that the promise to leave no one behind was fulfilled.

29. **Mr. Akram** (Chair-Rapporteur of the Working Group on the Right to Development) said that the most important issue currently before the Working Group was negotiating the draft convention on the right to development, an instrument that would be legally binding. The Working Group had considered during its twenty-first and twenty-second sessions the initial draft, prepared by the Chair-Rapporteur in line with Human Rights Council resolution 39/9, as well as the first revised draft during its twenty-third session. Throughout that process, the Chair-Rapporteur had worked hard to promote consensus within the Working Group and had repeatedly requested all Member States to participate constructively in the negotiations. Some States, however, had decided not to participate.

30. At its fifty-first session, the Human Rights Council, through resolution 51/7, had mandated the Chair-Rapporteur to submit a second revised draft convention to the Working Group at its twenty-fourth session for intergovernmental negotiation and, following that process, to submit the final draft text of the convention on the right to development to the Human Rights Council, for discussion at its fifty-fourth session in September 2023. In the wake of that resolution, the Working Group had successfully produced a text that covered every aspect of the right to development and was based on language already approved by consensus by Member States in existing international legal instruments. He called upon all Member States to participate actively in a spirit of compromise and constructive engagement in the intergovernmental negotiations to be conducted during the twenty-fourth session of the Working Group in May 2023. It was important to bring deliberations to a close and to submit a final draft text to the Human Rights Council as soon as possible; the Working Group should not engage further in a potentially endless negotiation of the draft convention. Conclusive negotiations and the eventual adoption of the draft convention must take place in the appropriate forum, which, in his opinion, would be the General Assembly.

31. Turning to the issue of the right to development in the context of response to and recovery from the COVID-19 pandemic, he said that States could have managed the pandemic better had they integrated human rights – including the right to development – into response and recovery policies and measures, undertaken a structural reform of the debt architecture, reversed vaccine inequality, guaranteed increased investment in social protection and advanced greener economies. Unfortunately, the uneven recovery had undermined trust and solidarity, fuelled conflict and led to forced displacement; it had also made the world more vulnerable to future crises, such as the growing climate change crisis. A global coordinated effort was required urgently to reverse the trend of diverging paths in recovery from the COVID-19 pandemic and the effects of climate change. The right to development offered important guidance in that endeavour.

32. **Ms. Szelivanov** (Representative of the European Union, in its capacity as observer) said that the European Union supported the right to development, which was rooted in the universality, indivisibility, interrelation and interdependence of all human rights. Individuals were the central drivers and beneficiaries of development processes while States bore the primary responsibility for the full realization of human rights for their citizens, including the right to development. As the

largest provider of official development assistance in the world, the European Union remained fully committed to achieving sustainable and inclusive development and eradicating poverty. The achievement of the objectives of the Paris Agreement should be an integral part of COVID-19 recovery plans and policies. Human rights, democracy, the rule of law and good governance were essential to realizing the right to development in line with the 2030 Agenda, and economic and social development must be promoted using a human rights-based approach.

33. The European Union recognized the divergence of views on the right to development, with fundamental differences lying in issues such as the role of indicators and the identification of appropriate instruments for realizing that right. The European Union was opposed to the elaboration of an international legal standard of a binding nature, but stood ready to engage constructively with all parties to find a consensus-based approach to the right to development and called on all parties to do the same.

34. Given the importance of meaningful participation of the most vulnerable persons in national and international decision-making processes affecting the development and implementation of COVID-19 recovery plans and policies, she asked the Chair-Rapporteur to outline his vision on how to achieve inclusive, gender-responsive and equitable participation and how to reinforce development cooperation that was based on and guided by human rights.

35. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that his country was a steadfast promoter and defender of the right to development, considering collective rights to be inalienable and closely interrelated with individual rights and recognizing the fact that international economic relations were based on a system that promoted and normalized structural inequality and inequity, harmed the environment and continually undermined the Charter of the United Nations. The current system promoted the development of a hegemonic minority in the global North at the expense of the impoverished and divided majority in the global South. Moreover, an increasing number of countries were denouncing the detrimental impact on social and economic development and human rights of unilateral coercive measures imposed on countries in the global South by countries in the global North on the basis of double standards. The right to development had been widely accepted and recognized and its champions were primarily located in the global South. As such, Venezuela supported the adoption of a convention on the right to development. He asked the Chair-Rapporteur to share his views on the

impact of unilateral coercive measures on development, specifically in the areas of health care and financial services, on the double standards applied to justify such measures, on how to foster political solutions in the North, and on a road map for advancing the convention on the right to development.

36. **Mr. Nze** (Nigeria) said that his country fully supported the activities of the Working Group. International cooperation was vital for realizing the right to development and for addressing challenges against a backdrop of widening inequalities and increased global instability. One such area for cooperation was ensuring the recovery and unconditional return of illicitly acquired assets to countries of origin, which could generate resources for developing economies and alleviate poverty. His delegation urged all stakeholders to put aside their differences and to commit to strengthened objectives relating to the realization of the right to development.

37. **Mr. Valido Martínez** (Cuba) said that his country supported the efforts of the Working Group to fulfil its important mandate. The right to development was a key issue for Cuba and the elaboration of a draft instrument on that right, which would be legally binding, represented a crucial landmark. Progress towards the exercise of the right to development continued to be limited by the prevailing international order and the imposition of unilateral coercive measures against countries of the global South. Such practices were an affront to self-determination and a violation of the Charter of the United Nations and international law. The economic, commercial and financial blockade imposed by the United States against Cuba, for example, was the primary obstacle to the country's socioeconomic development, directly affected the enjoyment by the Cuban people of their right to development and hampered the country's ability to respond to the pandemic.

38. **Mr. Rashid** (Pakistan) said that, although States had the primary responsibility for promoting human rights, the United Nations system and international financial institutions had a collective responsibility to align international economic and development policies in ways that promoted the realization of the right to development. However, the practical parameters of the right to development must first be established. The Chair-Rapporteur and the Working Group were endeavouring to achieve that goal and needed the understanding and support of all Member States.

39. Pakistan fully supported the establishment of a legally binding convention on the right to development. The triple crises of the pandemic, climate change and

conflict had made clear that the right to development would not be fully and effectively realized without such an instrument. A convention would not only give impetus to international cooperation but would also provide a foundation for preventing conflicts, reducing hunger and poverty, addressing inequalities among countries and the inequities in the existing international financial architecture, promoting peaceful coexistence and achieving the Sustainable Development Goals. He asked the Chair-Rapporteur to share his views on, first, how a legally binding instrument on the right to development could contribute to the realization of the economic, social and cultural rights of people living in the global South, and, second, why some States opposed the very idea of the right to development. His delegation wondered whether the right to development was indeed universal or whether it was to be enjoyed exclusively by people living in developed countries.

40. **Mr. Merabet** (Algeria) said that the pandemic had highlighted the interconnectedness of the world and the need for sustainable development for a healthy world. Upholding the right to development was critical to overcoming the effects of the pandemic and, beyond that, to ensuring resilient, inclusive and sustainable development. Algeria reiterated its support for the Working Group and advocated for an economy that, in line with the Declaration on the Right to Development, placed people and human rights at its centre.

41. His delegation would appreciate more information regarding the main concerns of those States that had boycotted the discussions on a convention on the right to development. It would also like to know what could be done to overcome the current lack of engagement from developed countries and to avoid politicizing development. Lastly, he asked what role civil society should play in realizing the right to development.

42. **Mr. Mohd Zim** (Malaysia) said that the United Nations human rights system must make every effort to implement the right to development fully and effectively. Malaysia called on all States to participate actively in efforts to establish a legally binding instrument on the right to development, which would strengthen Member States' action to achieve the Sustainable Development Goals. In light of its commitment to the operationalization of the right to development, Malaysia had implemented a number of national policies to that end, focusing on new economic drivers, such as digital and green economies, and inclusivity. He asked whether the differences of opinion between States regarding the elaboration of a legally binding instrument on the right to development could be reconciled and whether the draft convention could be finalized in the near future.



43. **Mr. Kuzmenkov** (Russian Federation) said that his country had always attached particular importance to the right to development as a separate, stand-alone category of rights and valued the efforts of the Working Group to elaborate a draft international legally binding instrument on the right to development. However, his delegation had noticed several issues in both the first and second revised texts of the draft convention. First, the “right to development” was never defined. As a result, the authors were unable to precisely define the obligations of parties to such a convention thereunder. Second, his delegation disagreed with the proposal to assign international legal personality to legal persons, recalling that only States, international organizations and, in certain cases, nations and peoples fighting for independence, possessed international legal personality; natural and legal persons did not. Third, imposing obligations on third parties that were not party to a future such convention would be unacceptable. Fourth, the inclusion in a legally binding document of ill-defined concepts that had not been approved at the intergovernmental level, such as “right to regulate” and “extraterritorial obligations”, was questionable. Fifth, certain concepts such as “everyone has the duty to respect the right to development” and “duty to cooperate” needed to be fleshed out from a human rights perspective.

44. Some Western countries, including the European Union, openly refused to recognize the legal obligation of the right to development, thereby preventing or limiting development and undermining the right to development. His delegation understood that trend to be a reflection of neocolonial foreign policy, which allowed Western countries to profit at the expense of other States, and an attempt to protect a global order that was founded on their rules. His delegation stood ready to engage actively with the Working Group.

45. **Ms. Yu Kaili** (China) said that her country believed that development was the key to solving all problems. The President of China had launched a global development initiative to draw international attention to the right to development, strengthen global development partnerships, promote international development cooperation, inject new vitality into the implementation of the 2030 Agenda and achieve stronger, greener and healthier global development. Her delegation was concerned by the prolonged lack of input from multilateral human rights institutions regarding the right to development and the ongoing refusal by some countries to recognize the right to development as an inalienable basic human right. Such practices should be fundamentally changed. She called on all human rights mechanisms to increase their efforts to realize the right

to development and to promote the mainstreaming of the right to development in the United Nations system. China stood ready to continue cooperating with the Working Group.

46. **Mr. Giorgio** (Eritrea) said that his delegation was concerned by the lack of progress on the draft convention on the right to development despite years of hard work and was eager for swifter progress to be made. He recalled the obligation of all States to afford all human rights, including the right to development, the same degree of attention. He asked the Chair-Rapporteur to elaborate on the concerns of those States that had decided not to participate in the development of an international legally binding instrument and expressed the hope that the intention of such States was not to keep some countries in perpetual poverty.

47. **Ms. Banaken Elel** (Cameroon) said that the right to development must be considered both as a collective right and as an enabler for the enjoyment of other individual rights, including, critically, the right to education, the right to health, the right to food and the right to life. Such a consideration should generate effective international solidarity and cooperation on providing countries with the means to foster comprehensive development and overcome obstacles thereto. Robust and effective measures to address global inequality in the financial system, undertake structural reform of the debt architecture, reverse vaccine inequity, increase investment in social protection and transfer technology were all urgently needed. Cameroon supported the Working Group’s mandate and its contribution towards elaborating a legally binding instrument on the right to development, and would welcome updated information on the revised draft convention considered by the Working Group at its twenty-third session.

48. **Ms. Rizk** (Egypt) said that, since the adoption of the Declaration on the Right to Development, discussions had been focused on operationalizing that right, including through the creation of an enabling environment involving the primary responsibility of the State and the collective responsibility of the international community. Amid current global challenges and insecurities, it was more important than ever for international cooperation and solidarity to focus on operationalizing the right to development in an objective, substantive and non-politicized manner.

49. **Mr. Akram** (Chair-Rapporteur of the Working Group on the Right to Development) said that the answer to the question asked by the European Union lay in the Declaration on the Right to Development, which covered in detail the themes of gender and development



cooperation according to international principles, and also in the 2030 Agenda, in which the right to development was clearly recognized as a human right. Had the European Union participated in the negotiations on the draft convention, it would be aware that those issues were addressed therein. Development must be treated as a human right, both individual and collective, and all human rights were interdependent.

50. Unilateral coercive measures were a consequence of the divergence in approaches to development and were recognized in the draft text of the convention as undermining prospects for development at both the national and individual levels. As for a road map towards adopting the draft convention, it had regrettably become impossible to bridge the gap between those Member States that supported the elaboration of a legally binding instrument on the right to development and those that opposed it. The best way forward was to conclude the Working Group's negotiations and submit a final draft text of the convention to the Human Rights Council for subsequent presentation to the General Assembly, a forum empowered to negotiate and adopt a draft convention and in which all Member States were represented.

51. While a legally binding instrument on the right to development enjoyed strong support from the global South, not all States believed such an instrument to be necessary. As to how the draft convention could contribute to development in the global South, it would not serve as a silver bullet for existing problems. It would, however, set a moral standard, even if not universally ratified.

52. Regarding the main concerns of States that had boycotted the negotiation of a legally binding instrument, he said that the idea that the right to development was a human right was not acceptable to several developed countries in the global North. In addition, certain States believed that the responsibility for ensuring development within a country was national, not international, making an international obligation to that end impossible.

53. **Mr. Kanade** (Chair of the Expert Mechanism on the Right to Development), introducing the note by the Secretariat (A/77/357) referring the General Assembly to the annual report of the Expert Mechanism on the Right to Development (A/HRC/51/36), said that the Expert Mechanism continued to work closely with the Intergovernmental Working Group on the Right to Development and the Special Rapporteur on the right to development to explore synergies and strive for coherence. The Expert Mechanism had presented two thematic studies to the Human Rights Council – one on

operationalizing the right to development in achieving the Sustainable Development Goals (A/HRC/48/63) and a second on the theme of racism, racial discrimination and the right to development (A/HRC/51/37). It was currently working on three studies on the following themes: inequality and social protection systems in operationalizing the right to development; the right to development in international investment law; and non-State actors and the duty to cooperate. The Expert Mechanism was also preparing commentaries on the articles of the Declaration on the Right to Development that would promote an evolutionary interpretation of the articles and would consider developments in international law, policy and practice since the adoption of the Declaration in 1986.

54. During an interactive dialogue with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, the Independent Expert on human rights and international solidarity and the Special Rapporteur on extreme poverty and human rights, held during the fifth session of the Expert Mechanism in March 2022, States had highlighted the importance of the duty to cooperate on overcoming obstacles to the implementation of the right to development on the ground and the Expert Mechanism had called for the operationalization of the right to development, including through international cooperation, as an expression of international solidarity. States must discharge their duty of international cooperation in order to realize the right to development and achieve the Sustainable Development Goals. The Expert Mechanism remained committed to identifying tangible ways of overcoming the numerous obstacles to the realization of the right to development, for which it would require the support of all Member States.

55. **Mr. Kuzmenkov** (Russian Federation) said that his delegation considered the right to development to be an inalienable human right and to be of particular importance, given its contribution to the realization of other human rights. The Expert Mechanism's efforts to coordinate its work with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights was welcome. In that connection, he drew attention to the phenomenon of so-called secondary sanctions, which were designed to force third-party Governments to observe illegally imposed restrictions.

56. The task of overcoming inequality and realizing the right to development was two-fold: ensuring properly functioning social protection systems within States; and guaranteeing equality of opportunity between States, including by providing access to investment, technology and scientific knowledge.

57. His delegation presumed the Expert Mechanism's work on commentaries on the Declaration on the Right to Development to be necessary in the light of the development of an international legally binding document by the Working Group on the right to development, particularly in relation to the definition of "the right to development". At the same time, "updating" the provisions of the Declaration must not result in the imposition on States of a wider interpretation of a document that had been approved at the intergovernmental level.

58. **Ms. Banaken Elel** (Cameroon) said that her delegation welcomed the Expert Mechanism's cooperation with other mechanisms on the right to development and commended its contribution to the drafting of a legally binding instrument on the right to development, which the Human Rights Council Advisory Committee considered as important for allowing States to promote effective development while improving the living conditions of their populations, as well as for providing a comprehensive legal framework and approach to policies and programmes that covered all stakeholders and encompassed all human rights. She asked the Chair of the Expert Mechanism to share what he considered to be the most relevant practical measures for realizing the right to development and ensuring recognition of that right by all States, especially those least receptive to the idea.

59. Welcoming the adoption of the study on the theme of racism, racial discrimination and the right to development, she asked the Chair of the Expert Mechanism to outline its main conclusions and to explain how the study could help the work of the Permanent Forum on People of African Descent and the Working Group of Experts on People of African Descent. She also welcomed the Mechanism's work on commentaries on the Declaration on the Right to Development and the forthcoming study on colonization and the right to development. In that connection, she asked how the issue of reparations in connection with slavery and colonization was dealt with from the perspective of the right to development.

60. **Mr. Merabet** (Algeria) said that his delegation welcomed the participation by the Chair of the Expert Mechanism in the high-level political forum on sustainable development and called for further collaboration between United Nations bodies to ensure that no one was left behind in the implementation of the 2030 Agenda. The right to development for all was enshrined in the Constitution of Algeria and formed the basis of its national development policies. In that spirit, Algeria had provided support to many countries during the pandemic, including by donating vaccines and

providing financial assistance. Unfortunately, not all countries had demonstrated such solidarity. The most conspicuous failure of countries in their duty to cooperate was the phenomenon of vaccine nationalism, which had left several countries still struggling to access COVID-19 vaccines. He asked how lessons learned from the pandemic could ensure that every country fulfilled its duty to cooperate internationally, whether a lack of cooperation could be considered a human rights violation and how the human rights mechanisms could contribute to ensuring that all countries fulfilled their obligations in that regard.

61. **Mr. Sharma** (India) said that operationalizing the Declaration on the Right to Development was necessary in order to achieve equitable and sustainable development and his Government fully supported the elaboration of a draft legally binding instrument on the right to development. International cooperation and democratic, transparent, accountable and participatory governance at the national level were key to realization of the right to development. India maintained the right to development at the heart of its national policy and its development cooperation with other countries.

62. **Ms. Yu Kaili** (China) said that one of the goals of the global development initiative launched by the President of China was to promote and protect human rights in the development process, especially the right to life and the right to development. In its study on the theme of racism, racial discrimination and the right to development, the Expert Mechanism had reported that people of African descent faced discrimination, violence and violations of their rights in all areas of the United States justice system. The Committee on the Elimination of Racial Discrimination had also released findings affirming concerns regarding violence and the use of lethal force against minorities in the United States. China urged the United States to address its racism-related problems by taking action to combat all forms of racism, racial discrimination, xenophobia and intolerance and thus avoid further harming the rights of ethnic minorities to life and to development. China would continue to engage in extensive cooperation to contribute to the promotion and protection of the right to development, which was a fundamental human right.

63. **Mr. Khani** (Islamic Republic of Iran) said that the achievement of lasting progress in the realization of human rights depended on effective national and international policies on economic and social development, as affirmed in several documents, including the Proclamation of Teheran. His Government supported the mandate of the Expert Mechanism and its continued coordination with relevant mandate holders and experts, including the Special Rapporteur on the

negative impact of unilateral coercive measures on the enjoyment of human rights. His delegation also endorsed the recommendation of the Expert Mechanism that non-discrimination, inclusive participation and equality of opportunity for development should be cardinal principles for States when fulfilling their duty to cooperate to promote international development.

64. **Mr. Kanade** (Chair of the Expert Mechanism on the Right to Development) said that the Expert Mechanism had not yet had the opportunity to deliberate on the issue of secondary sanctions but did acknowledge that blanket sanctions against countries had the potential to seriously impede the realization of the right to development. The Expert Mechanism would continue to engage with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights and other special procedure mandate holders on the issue. In response to comments on the definition of the right to development, he said that a clear definition was given in article 1 of the Declaration on the Right to Development and article 4 of the second revised text of the draft convention. As for the Expert Mechanism's preparation of commentaries on the Declaration on the Right to Development, he said that the motivation behind that work was to ensure that the right to development in the Declaration incorporated concepts and norms that had been developed since its adoption in 1986. He wished to assure States that interpretations of the articles of the Declaration would not overstep international law.

65. The Expert Mechanism had formally supported the elaboration of a legally binding instrument on the right to development and had contributed elements that it considered to be key for inclusion. The thematic study on racism, racial discrimination and the right to development highlighted the negative effects of racism and racial discrimination on the right to development at the national level, including fractured social cohesion, which affected the well-being of racialized groups by denying them equitable access to social services, economic opportunities, justice, safety and security, and at the international level, including loss of transnational economic opportunities for individuals and of foreign direct investment and debt relief for developing countries. On the topic of reparations for slavery and colonization, the Expert Mechanism recognized that an internationally wrongful act had been committed and that reparations were owed, but had not yet had the opportunity to discuss what form such reparations should take.

66. Turning to the comments on vaccines, he said that vaccine nationalism had been rife. That, combined with pre-ordering, preferential access agreements entered

into by many developed countries with vaccine producers and vaccine hoarding, had seriously undermined the effectiveness of the COVAX Facility. Vaccines stockpiled for booster shots were expiring in wealthy countries. The COVID-19 Technology Access Pool had received no significant contributions and had been endorsed by none of the Group of Seven countries. Temporary waivers to the Agreement on Trade-Related Aspects of Intellectual Property Rights had been blocked for over 20 months before an agreement had been reached that fell far short of what was needed. The lack of international cooperation was widely understood to have been a moral catastrophe. While that was true, the lesson to be drawn, from a right to development perspective, was that international cooperation must be understood not as a soft moral call for generosity or charity, but as a legally binding obligation. Many wealthy countries continued to violate their international cooperation obligations, thereby directly violating human rights, including the right to development of billions of people in poorer countries.

67. Lastly, he wished to emphasize that the right to development created a normative framework wherein development was understood as a right of all human beings and peoples and as imposing obligations on States. All three dimensions of those obligations – internal, external and collective – were equally important to progress on development understood as a common concern of humankind.

*The meeting rose at 5.10 p.m.*