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

Venezuela (Bolivarian Republic of)* and State of Palestine:** draft resolution

42/... 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 every human right,

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 39/9 of 27 September 2018 and Assembly resolution 73/166 of 17 December 2018,

Recalling the outcome document of the United Nations Conference on Sustainable Development, held from 20 to 22 June 2012, entitled “The future we want”,¹ which reaffirmed the commitment of the international community to sustainable development and to ensuring the promotion of an economically, socially and environmentally sustainable future for the planet and for present and future generations,

Recalling also the outcome document of the second High-level United Nations Conference on South-South Cooperation, held in Buenos Aires from 20 to 22 March 2019,²

Welcoming the seventeenth Summit of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, and recalling previous summits and conferences at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the

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

** State not a member of the Human Rights Council.

¹ General Assembly resolution 66/288.

² General Assembly resolution 73/291.



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,

Emphasizing also 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,

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 nations of the world 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 organization in the world,

Welcoming the adoption of the 2030 Agenda for Sustainable Development³ 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 provides a vital enabling environment for the full realization of the Sustainable Development Goals,

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

Recognizing also that hunger and extreme poverty, in all its 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 inequality is a major obstacle to the realization of the right to development within and across countries,

Recognizing 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,

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,

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

Emphasizing also that the right to development is vital for the full realization of the 2030 Agenda, and should be central to its implementation,

³ General Assembly resolution 70/1.

Underlining that the successful implementation of the Sustainable Development Goals will require the strengthening of a new, more equitable and sustainable national and international order, and the promotion and protection of all human rights and fundamental freedoms,

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 the follow-up to the Fourth United Nations Conference on the Least Developed Countries,

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 the elimination of obstacles to development, and that lasting progress towards the implementation of the right to development requires 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,

Reaffirming that the celebration of the anniversary of the Declaration on the Right to Development presents a unique opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves, and redoubling its efforts to implement this right,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the 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,

Recognizing the need for independent perspectives and expert advice to strengthen the work of the Working Group on the Right to Development 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,

Welcoming the discussions held by the Working Group on the Right to Development 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,

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

⁴ A/HRC/42/29.

3. *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 have 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;

4. *Urges* the High Commissioner to pursue her efforts, in fulfilment of her mandated responsibility, 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 on the Right to Development;

5. *Requests* the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to take sufficient measures to ensure balanced and visible allocation of resources and due attention 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 Special Rapporteur on the right to development, and to provide regular updates to the Human Rights Council in this regard;

6. *Recognizes* the need for renewed efforts towards intensifying deliberations in the Working Group on the Right to Development to 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;

7. *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;

8. *Welcomes* all celebrations held to commemorate the anniversary of the Declaration on the Right to Development, particularly the celebrations held to commemorate its thirtieth anniversary in 2016, which included the annual high-level panel discussion on human rights mainstreaming, with the theme “The 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development”, convened at the thirty-first session of the Human Rights Council, the panel discussion on the promotion and protection of the right to development, convened at the thirty-second session of the Council, and the high-level segment of the General Assembly to commemorate the thirtieth anniversary of the Declaration on the Right to Development, held at the seventy-first session of the Assembly, which provided a unique opportunity to Member States to demonstrate and reiterate their political commitment, accord the right to development the great attention it deserves, and to redouble their efforts towards the realization of the right to development;

9. *Also welcomes* the report of the Chair-Rapporteur of the Working Group on the Right to Development on its twentieth session;⁵

10. *Stresses* the importance of the core principles contained in the conclusions of the Working Group on the Right to Development at its third session⁶ 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;

11. *Also stresses* the importance of the realization of the mandate of the Working Group on the Right to Development, and recognizes the need for renewed efforts with a view to overcoming the existing political impasse within the Working Group and to fulfil at the

⁵ A/HRC/42/35 and Corr.1.

⁶ See E/CN.4/2002/28/Rev.1.

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;

12. *Welcomes* the re-election of the Chair-Rapporteur of the Working Group on the Right to Development and the skill with which he led the discussions at the twentieth session, and looks forward to the presentation of a draft legally binding instrument on the right to development, as mandated by the Human Rights Council in its resolution 39/9;

13. *Notes* the presentation to the Working Group on the Right to Development at its nineteenth session of the set of standards for the implementation of the right to development prepared by the Chair-Rapporteur of the Working Group,⁷ which is a useful basis for further deliberations on the implementation and realization of the right to development;

14. *Acknowledges* the preparation by the secretariat of a paper containing comments and views submitted by Governments, groups of Governments, regional groups and stakeholders on the criteria and operational subcriteria of the right to development;⁸

15. *Acknowledges with appreciation* the proposal by the Movement of Non-Aligned Countries on a set of standards regarding the implementation and realization of the right to development⁹ and its further contributions aimed at finalizing the criteria and subcriteria of the right to development;¹⁰

16. *Requests* the High Commissioner to engage experts and to facilitate their participation in the twenty-first session of the Working Group on the Right to Development, to provide advice with a view to contributing to discussions on the elaboration of a draft legally binding instrument on the right to development as part of the implementation and realization of the right to development, including the implications of the 2030 Agenda, and looks forward to the possible engagement of the Working Group with the high-level political forum on sustainable development;

17. *Welcomes* the report of the Special Rapporteur on the right to development submitted to the Human Rights Council,¹¹ 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;

18. *Stresses* that South-South cooperation is not a substitute for but rather 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;

19. *Welcomes* the work of the Special Rapporteur on the right to development, in particular the consultations with States and the regional consultations already held by the Special Rapporteur on the implementation of the right to development;

20. *Decides:*

(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the remaining Millennium Development Goals and 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;

(b) To endorse the recommendations of the Working Group on the Right to Development adopted at its twentieth session;

⁷ A/HRC/WG.2/17/2.

⁸ A/HRC/WG.2/18/CRP.1.

⁹ A/HRC/WG.2/18/G/1.

¹⁰ See A/HRC/WG.2/18/CRP.1.

¹¹ A/HRC/42/38.

(c) That the Working Group will take into account all resolutions on the right to development, in particular Human Rights Council resolutions 9/3, 36/9 of 28 September 2017 and 39/9;

(d) That the Working Group will invite the Special Rapporteur on the right to development, in consultation with Member States, to provide his views on the work of the Working Group and its relevant agenda items, at its twenty-first session;

(e) That the Chairperson-Rapporteur of the Working Group, at its twenty-first session, will present a draft legally binding instrument on the basis of the discussions held during the twentieth session of the Working Group and the resource material from its previous sessions, for substantive negotiations on the draft legally binding instrument prepared;

(f) That the Chairperson-Rapporteur of the Working Group will conduct further consultations with all Member States, international organizations, the Special Rapporteur on the right to development, the Office of the High Commissioner, United Nations agencies, regional economic commissions and other relevant organizations on the elaboration of a draft legally binding instrument, taking into account the discussions held at the twentieth session of the Working Group, as well as the presentations made by the experts invited thereto;

(g) That the Working Group, at its twenty-first session, will commence the elaboration of a draft legally binding instrument on the right to development on the basis of the draft prepared by the Chair-Rapporteur, through a collaborative process of engagement;

21. *Welcomes* the work of the Human Rights Council Advisory Committee in the preparation of a research-based report on the importance of a legally binding instrument on right to development, and looks forward to the presentation of that report to the Council at its forty-fifth session;

22. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the right to development, in accordance with the terms set out by the Human Rights Council in its resolution 33/14 of 29 September 2016;

23. *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 Special Rapporteur in his various activities, and to continue to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his mandate;

24. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in his tasks, to supply all necessary information requested by the mandate holder, where available, and to consider responding favourably to his requests to visit their countries to enable him to fulfil his mandate effectively;

25. *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;

26. *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 related to the means of implementation of the 2030 Agenda for the full realization of the right to development;

27. *Decides* to organize a biennial panel discussion on the right to development, starting at its forty-fifth session, with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders, requests the conference services to make the biennial panel discussion fully accessible to persons with disabilities, including sign language interpretation, and requests the Office of High Commissioner to prepare a report on the panel discussion and to submit it to the Human Right Council at its forty-sixth session;

28. *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;

29. *Decides*, in order to assist the Human Rights Council in the implementation of the right to development, to establish a subsidiary expert mechanism to provide the Council with thematic expertise on the right to development in searching for, identifying and sharing with best practices among Member States and to promote the implementation of the right to development worldwide;

30. *Also decides* that the expert mechanism shall consist of five independent experts, the selection of which shall be carried out in accordance with the procedure established in paragraphs 39 to 53 of the annex to Human Rights Council resolution 5/1;

31. *Further decides* that the members of the expert mechanism shall serve for a three-year period, and may be re-elected for one additional period;

32. *Decides* that the expert mechanism shall report annually to the Human Rights Council on its work, to be followed by an interactive dialogue with the Council;

33. *Also decides* that the expert mechanism shall meet once annually for three days in Geneva and once annually for three days in New York, and that the sessions may be a combination of open and private meetings;

34. *Further decides* that the annual meeting of the expert mechanism shall be open to the participation, as observers, of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on indigenous issues, and non-governmental organizations in consultative status with the Economic and Social Council;

35. *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 on the Right to Development, and to cooperate with the High Commissioner and the Special Rapporteur in the fulfilment of their mandates with regard to the implementation of the right to development;

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