



**A SEMINAR ON  
THE OPERATIONALIZATION OF THE RIGHT TO DEVELOPMENT  
ORGANIZED BY THE AFRICAN UNION  
Geneva, 23 April 2010**

**Statement by  
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Ambassador Do Nascimento, Ambassador Masri,  
Excellencies, Distinguished Participants, Colleagues, Ladies and Gentlemen,

It is an honour and privilege for me to open this important meeting on the operationalisation of the right to development. I congratulate the African Union and Ambassador Masri for this excellent initiative. The High Commissioner sincerely regrets that she is unable to attend this event in person, and sends her very best wishes for a successful meeting and fruitful outcome. Organized ahead of the Working Group on the Right to Development, this meeting is timely and useful. It also confirms that the African Group is taking a keen interest in this subject, particularly at this critical juncture in the right to development process.

The interest of the African Group in the right to development is not new. This right had its origins in Africa, and is firmly embedded in the continent through a strong and consistent sense of commitment. It was a Senegalese jurist, Justice Keba M'Baye who coined the concept in 1972. The right is enshrined in the legally binding African Charter on Human and Peoples' Rights. Article 22 of the Charter states that 'All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity in the equal enjoyment of the common heritage of humankind'; and that 'States shall have the duty, individually and collectively, to ensure the exercise of the right to development'.

Since the adoption of the 1986 Declaration on the Right to Development by the UN General Assembly, several international instruments have re-affirmed this right, displaying a consistent line of state practice: The 1993 Vienna Declaration and Programme of Action; the 1992 Rio Declaration on Environment and Development; the Millennium Declaration; the 2001 Doha Declaration; the 2002 Monterrey Consensus; the 2005 World Summit Outcome and the legally binding 2004 Arab Charter on Human Rights.

Excellencies, Ladies and Gentlemen,

The establishment of an operational framework for the realization of the right to development has been the primary focus of the Working Group and its high-level task force. The course of history of the Working Group has benefitted considerably from leadership and direction provided by Africans. The Working Group will now consider the outcome of the work of its expert Task Force. The Task Force has made strides in the implementation of the three-phase workplan under the able leadership of Chairperson Professor Stephen Marks, supported by the Office of the High Commissioner for Human Rights. In presenting the right to development criteria, the task force further clarified the normative content of the right to development as the right of peoples and individuals to the constant improvement of their well being and to a national and global enabling environment conducive to just, equitable, participatory and human-centred development respectful of all human rights. The task force has collaborated with several institutions in the field of development in Africa, including the African Peer Review Mechanism, the ECA/OECD Mutual Review of Development Effectiveness, the Cotonou Agreement between the African, Caribbean and Pacific States and the European Union and related Economic Partnership Agreements. The work on this right is moving on to a new phase, after a practically oriented series of discussions on the right to development criteria.

The High Commissioner is committed to enhancing support from across the UN system in the effective implementation of her mandate to promote, protect and mainstream the right to development while strengthening the global partnership for development. In this regard, the Office has been involved in several mainstreaming activities, including a co-sponsored meeting on improved interaction between the Universal Periodic Review, the African Peer Review Mechanism and the right to development in Arusha, Tanzania, last year.

Excellencies, Ladies and Gentlemen,

Nearly twenty five years since the Declaration on the Right to Development, and in spite of major strides reflected in political commitment, and numerous and diverse endeavours to realize the right to development, the operationalization of the right to development in development practice remains a major global challenge for all States, including developing and Least Developed Countries in Africa and other regions. While Africa generally has an abundance of wealth in natural resources and much progress has been witnessed in recent years, the path to the realization of the right to development for all its people, is still long and tenuous. Rampant poverty and stark inequality are an affront to human dignity, and major violations of human rights. The situation only worsens with the multiple crises of the last couple of years, including the food crisis, climate change and desertification, and economic crisis, which impact on the ability of poor countries to mobilize resources for development. This makes it more difficult to achieve the internationally agreed Millennium Development Goals. The AIDS pandemic has its greatest impact in Africa, further undermining development. Democratic deficits and weak governance at the national level, combined with the lack of an enabling environment for development at the international level, continue to hamper human development in Africa. Given the magnitude and urgency of these challenges, and the human rights dimension inherent in them, Africa must remain high on the agenda of the international community for sustainable development.

Excellencies, Ladies and Gentlemen,

The right to development offers an integrated framework which encapsulates the universality, interdependence, indivisibility and interrelatedness of all human rights, both civil and political, and economic, social and cultural. Further, it applies equally to both national and international dimensions, involving rights and duties at individual, national, regional and international levels. The underlying principles of equality, non-discrimination, participation, inclusion and accountability apply equally and support an enabling macro-environment for development at national and international levels.

In efforts aimed at the effective realization of the right to development, we have seen achievements, but also obstacles- primarily due to politicization and polarization, and the limitations of institutional mandates. We would like to underscore the need for policy

coherence across institutions, including the UN system. Support from international institutions to the High Commissioner's mandate to promote, protect and mainstream the right to development will make a meaningful difference only when their respective mandates include human rights and the right to development dimension. This calls for coherence of policy and action on the part of Member States in bringing the right to development to all branches of the UN system, in particular those with the mandate in the areas of direct relevance to the right to development. An example is the Development Agenda of the World Intellectual Property Organization which represents a key global initiative undertaken by Member States towards realizing the right to development.

The lack of consensus on the right to development at the Human Rights Council last year was regrettable. Consensus has been a challenge, and there are understandable apprehensions and differences of opinions. In going forward, we would like to encourage a spirit of dialogue, and further, to emphasize the need to move from words to action. In an increasingly interdependent world, we need responsible diplomacy and global governance, based on shared responsibilities and mutual accountability of both developed and developing countries, international cooperation, partnership and solidarity. The international community has responsibilities for just, equitable and sustainable development, and look to key stakeholders-States, international and non-governmental organizations and the private sector to provide leadership and direction for a better world.

In closing, I would like to encourage African countries to continue to play a creative and vibrant role in efforts to operationalize the right to development and to contribute towards reaching a consensus, to the benefit of all the peoples of Africa, and the equal enjoyment of all peoples, of the common heritage of humankind. The outcome of this seminar will be of great interest to our Office. Our Office remains committed to facilitating and supporting the work on the right to development. I am pleased to note that Ibrahim Wani, Chief, Development, Economic and Social Issues Branch in our Division will present to you later an overview of the work of the Office on the operationalization of the right to development.

I wish you a very successful meeting.

Thank you.