The Way Forward in the Realization of the Right to Development between Policy and Practice  
Mr. Ariranga Pillay, Chairperson, Committee on Economic, Social and Cultural Rights, 14 September, Panel event on right to development

The 25th anniversary of the Declaration of the Right to Development provides a unique opportunity to contemplate how far the right to development agenda has advanced in the past decades. The role of the Working Group on the Right to development in promoting the realization of this right has to be particularly commended.

In this presentation, I want to specifically focus on how existing human rights mechanisms can more actively contribute to the realization of the right to development in the coming years.

Given the development challenges we face presently whether it is achieving the Millennium Development Goals or addressing climate change, financial and food crises and armed conflict, the importance and relevance of the right to development is only further underscored.

It is significant that the Declaration, being a resolution of the General Assembly, does not per se create any legal obligations, unlike human rights treaties. The Declaration, however, is a legitimate reference by which to hold governments at least politically accountable as the international norm crystallizes into law. It must also be remembered that many of the elements of the Declaration find clear resonance with a number of provisions in human rights treaties and it must be emphasized that the relevance of the right to development to the work of treaty bodies is clear-cut and unassailable.

It is clear from the definition of development in the Declaration that it is not reduced “to purely economic aspirations or goals but articulates a broad, comprehensive understanding of development at national and international levels”-vide the Joint Statement of Chairpersons of the UN Treaty Bodies in July 2011.

“The Declaration also highlights that development is a multifaceted and participatory process. Specifically, the Declaration recognizes that development is a comprehensive economic, social, cultural and political
process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. Furthermore, the Declaration proclaims that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, through which all human rights and fundamental freedoms can be fully realized”—vide paragraph 4 of the Statement on the importance and relevance of the right to development adopted by the Committee on Economic, Social and Cultural Rights (the Committee) in May 2011.

Moreover it is vital to emphasize the indivisibility, interdependence and interrelatedness of all human rights. “The Declaration indeed proclaims that all human rights and fundamental freedoms are indivisible and interdependent and equal attention must be paid to civil, political, economic, social and cultural rights (article 6(2) of the Declaration). In fact, there are many similarities and striking complementarities between the Declaration and the human rights treaties. Many elements of the right to development are reflected in human rights treaty provisions and jurisprudence of treaty bodies, including on self-determination; fair distribution of resources; equality and non-discrimination, particularly on grounds of sex, gender, age, race and disability; active, free and meaningful participation; accountability and transparency; substantive rights relating to adequate standard of living, including food, water and sanitation, housing, health services, education, employment, enjoyment of culture; freedom of expression, assembly and association; and international assistance and cooperation”—see Joint Statement of Chairpersons of UN Treaty Bodies.

It follows, therefore, that the right to development can be realised by adhering to international human rights standards, including to the principles of non-discrimination, participation, accountability and transparency. These standards are contained in human rights treaties and can be used to monitor progress towards the realisation of the right to development by means of appropriate criteria such as those being considered presently by the Working Group on the Right to Development. States parties to those treaties must, however, live up to their treaty obligations and implement the recommendations made by the treaty bodies so that the human rights situation at the national level is improved. The realization of human rights for all is thus critical to the implementation of the right to development since development for some must not be to the detriment of the human rights of others who are often in a vulnerable situation, including the poor, women, children, minorities, indigenous peoples and persons with disabilities.

Development strategies are more likely to be effective, sustainable, inclusive, equitable and meaningful if they are based upon international human rights
standards. Human rights must, therefore, inform all relevant national policy-making processes. Development and human rights are mutually reinforcing strategies for the improvement of human well-being.

I turn now to the international arrangements that should be in place to create a favourable environment for the realization of the right to development. The Committee on Economic, Social and Cultural Rights in its Statement on the importance and relevance of the right to development has stressed that the right to development “establishes a specific framework within which the duty to provide international cooperation and assistance has to be implemented”. In this regard, developed states must, for example, support human rights-related development projects and ensure that their international assistance to developing countries is no less than the U.N. target of 0.7 per cent of gross national product as official development assistance.

The Committee has also underlined in all its General Comments that States parties which are members of international financial institutions, notably the International Monetary Fund, the World Bank, and regional development banks, should take steps to ensure that the Covenant rights are taken into account in their lending policies, credit agreements and other international measures.

International financial institutions must also ensure that the Covenant rights are considered in their lending policies, credit agreements and other international measures so that the enjoyment of those rights, particularly by disadvantaged and marginalized individuals and groups, is promoted and not impaired.

According to the Committee, international cooperation for development is also needed to remove the “global structural obstacles to the eradication of poverty in developing countries such as unsustainable foreign debt, the widening gap between rich and poor, and the absence of an equitable multilateral trade, investment and financial system” (para.21 of the Statement on Poverty adopted in May 2001).

In its Statement on the World Food Crisis adopted in May 2008, the Committee stressed again the importance of States parties to the Covenant to address the structural causes of the world food crisis at the national and international levels, including by:

“Revising the global trade regime under the WTO to ensure that global agricultural trade rules promote, rather than undermine, the right to adequate food and freedom from hunger, especially in developing and net food-importing countries;
implementing strategies to combat global climate change that do not negatively affect the right to adequate food and freedom from hunger, but rather promote sustainable agriculture, as required by Article 2 of the United Nations Framework Convention on Climate Change; and

introducing and applying human rights principles, especially those relating to the right to adequate food and freedom from hunger, and by undertaking ex ante impact assessments of financial, trade and development policies to ensure that their bilateral and multilateral financial, trade and development commitments do not conflict with their international human rights obligations, particularly under the Covenant” (para13).

To conclude, the human rights treaty bodies “are resolved to make a concerted effort to promote a development-informed and interdependence-based reading of all human rights treaties, so as to highlight and emphasize the relevance and importance of the right to development in interpreting and applying human rights treaty provisions and in monitoring compliance with these provisions.” In this way, the realization of the right to development will be furthered by ensuring that the necessary conditions are in place for achieving economic and social progress and development for all, including vulnerable individuals and groups-vide Joint Statement of Chairpersons of UN Treaty Bodies.

Thank you for your attention.