

UNGA Third Committee adopts resolution on Right to Development

13 November 2024 | Third Committee (C3) 49th Plenary (UN WebTV) | C3 Schedule, Agenda Items & Action on proposals | Draft Resolution on the Right to Development (A/C.3/79/L.28)

Voting Record on Item 71 (b) draft Resolution A/C.3/79/L.28 The Right to Development

Item 71 (b) draft resolution A/C.3/79/L.28 The right to development	11/13/2024	5:19:50 PM
<p>➡️ IN FAVOUR: 129</p> <p>➡️ AGAINST: 25</p> <p>➡️ ABSTENTION: 30</p>		

IN FAVOUR

Cuba (2:05:31-2:09:33): “Once again, the text takes note of the decision of the Human Rights Council in its resolution 54/18 to submit to the General Assembly a draft International Covenant on the Right to Development for discussion, negotiation and subsequent adoption. Although this will doubtless be a complex process, the Non-Aligned movement is determined to ensure that it can have a successful outcome for the benefit of generations today and to come... Draft L.28 is based on the undeniable and unequivocal existence of the Right to Development in keeping resolution 41/128, of this assembly and the 2030 Agenda for Sustainable Development, given this themed cross cutting nature, we should have a consensus text here... those voting in favor of the text will be sending a clear signal about the recognition of this human right under which every person and all peoples are able to participate in economic, social, cultural and political development and able to also avail themselves of their other human rights.”

AGAINST

US (2:09:50-2:11:39): “[W]hile the importance of sustainable development is clear, we are concerned that the Right to Development resolution creates a detrimental narrative which seeks to elevate the process of development above human rights. The resolution shifts focus from an approach that respects the central importance of human rights to development to one that prioritizes development above human rights, and thus tilts the decades-long balance between these two imperatives. The Right to Development identified within the text appears to protect states instead of individuals, states do not have human rights, they guarantee them to individual human beings. Additionally, we would note that the Right to Development is not recognized in any of the core UN human rights conventions, does not have an agreed international meeting and is not recognized as a universal right held and enjoyed by individuals.”

Hungary on behalf of EU and its candidate countries (2:14:58- 2:17:23): “The EU and its Member States have maintained their position as the largest global official development assistance provider. In 2023, EU collective ODA reached 95.9 billion euros, accounting for 42% with global ODA... While states have the primary responsibility and obligations for the full realizations of human rights, every individual person must be always and everywhere recognized as a rights holder. Lack of development can never be used as a pretext by states not to fulfill the human rights obligations... we are aware of diverging views on the Right to Development, particularly on drafting a legally binding instrument that this resolution refers to. There are still many pending questions on both the substance and form of the instrument. For consensus to emerge, it is important to consider such views and questions.”

New Zealand, also on behalf of Switzerland (2:27:17-2:29:59): “We fully support the goal of realizing the Right to Development for all. We reiterate our unwavering support to the 2030 Agenda for Sustainable Development, which builds on the Declaration on the Right to Development and its implementation... States have the primary responsibility for ensuring that the Right to Development is realized for their own citizens, with the individual being the active participant and beneficiary of this right. Furthermore, we emphasize that a state achieving a particular development status is not a precondition for the fulfillment of its human rights obligations.”

We remain concerned that this resolution includes unclear concepts that risk undermining the universality of human rights, and that suggests a hierarchy of human rights to achieve global progress on the Right to Development. It is crucial that we work to reconcile current divisions and find a common narrative. While we do not believe that a new legally binding instrument on the Right to Development would be an appropriate mechanism for progress, we acknowledge that the Human Rights Council has submitted a draft covenant to the General Assembly for further consideration...

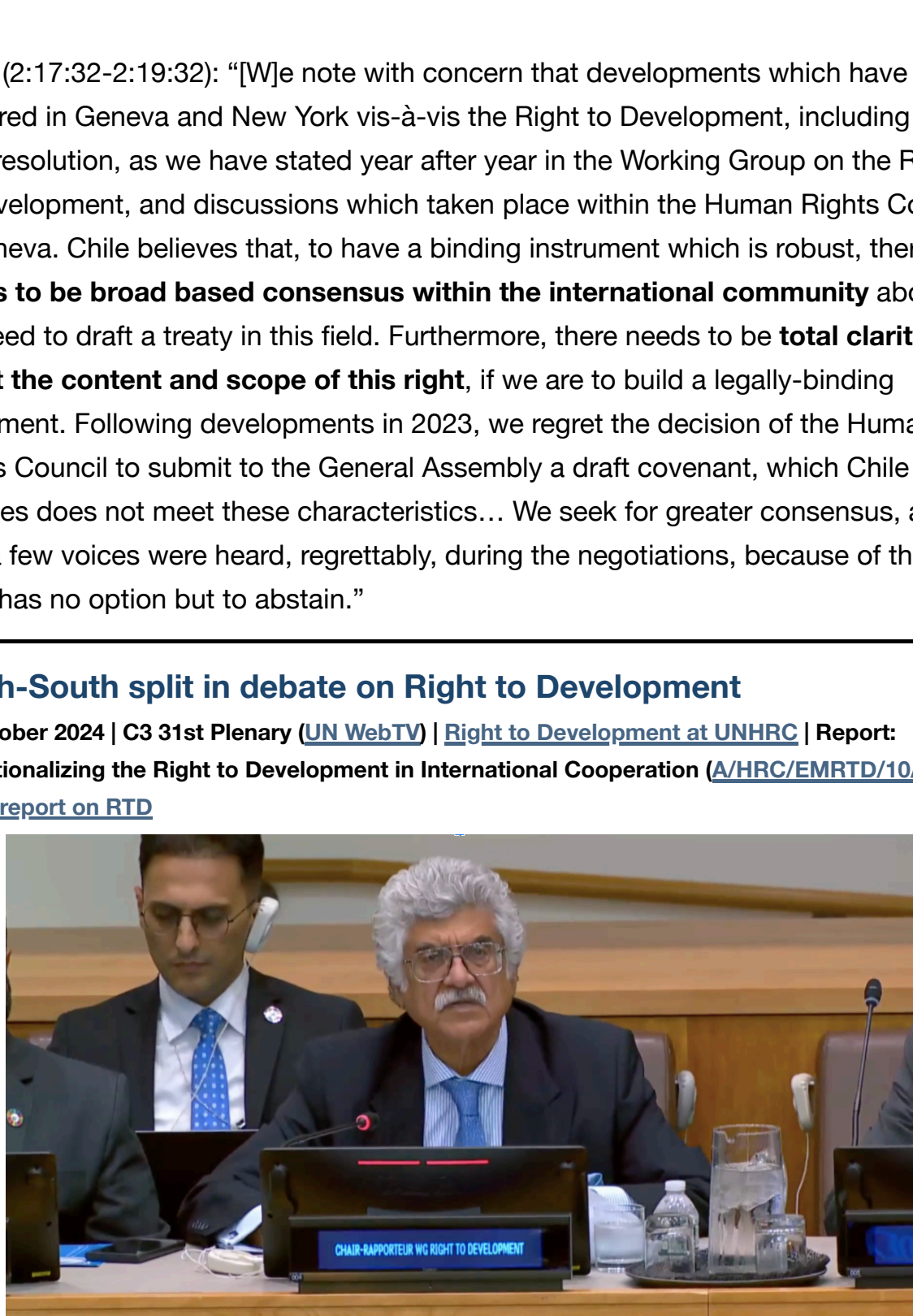
If a legally binding instrument on the Right to Development is to be considered by the General Assembly, this should include consideration of whether such an instrument is necessary and whether there is sufficient consensus for it to continue to be developed, and if so, the views of all UN Member States should be taken into account.”

ABSTAIN

Chile (2:17:32-2:19:32): “[W]e note with concern that developments which have occurred in Geneva and New York vis-à-vis the Right to Development, including this draft resolution, as we have stated year after year in the Working Group on the Right to Development, and discussions which taken place within the Human Rights Council in Geneva. Chile believes that, to have a binding instrument which is robust, there needs to be broad based consensus within the international community about the need to draft a treaty in this field. Furthermore, there needs to be total clarity about the content and scope of this right, if we are to build a legally-binding instrument. Following developments in 2023, we regret the decision of the Human Rights Council to submit to the General Assembly a draft covenant, which Chile believes does not meet these characteristics... We seek for greater consensus, and only a few voices were heard, regrettably, during the negotiations, because of this, Chile has no option but to abstain.”

North-South split in debate on Right to Development

25 October 2024 | C3 31st Plenary (UN WebTV) | Right to Development at UNHRC | Report: Operationalizing the Right to Development in International Cooperation (A/HRC/EMRTD/10/CRP.1) | GPW report on RTD



The UNGA Third Committee (C3) had taken up the issue of the Right to Development, with presentations and Member State responses.

Zamir Akram, Chair-Rapporteur of the Working Group on the Right to Development, reaffirming the UN Human Rights Council (UNHRC) decision to develop the current draft covenant on the Right to Development (stated: “Unfortunately a certain group of countries belonging to the Global North chose to disassociate themselves from this process in the Working Group... they certainly do not agree to the idea that there should be a legally binding instrument. In any case, in their absence, the Member States particularly from the Global South who participated in the negotiating process in four different rounds of negotiations have brought to conclusion the text as it exists now.” (1:47:42-1:48:38)

He continued: “The inequalities that exist within countries and between countries need to be addressed and that can only be done by operationalizing the Right to Development of individuals as well as communities... It is a collective right and an individual right, and part of the overall scheme, context of human rights, whether it's civil and political, or economic, social or cultural rights.” (1:51:59- 1:53:17)

Mihir Kanade (UNHCR Expert Mechanism on the Right to Development & chair of the covenant drafting committee) presented in UNGA Third Committee the report “Operationalizing the Right to Development in International Development Cooperation” (A/HRC/EMRTD/10/CRP.1).

He stated: “Some opposition comes in, not necessarily on ideological grounds, it's simply a political stand that's taken only for the purpose of opposing it. [I]f a delegation says that we don't recognize collective rights, we don't recognize the collective dimension of the Right to Development, it's a direct rejection of the very first article of the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. In that article, countries have accepted that all peoples have the right to self determination and by virtue of this right, they freely pursue their economic, social, and cultural development. So the right of peoples to pursue their development, freely, is in the very first article of the covenant... there is no point in fighting or quarreling with the law that is already accepted. If someone says that we don't accept cooperation as a duty, we only accept it as an option, again you're fighting with the very language of the United Nations Charter. So these oppositions, to me, are not necessarily ideological. It's a political stand being taken for the purpose of derailing the entire process.” (2:00:30-2:01:50)

Pakistan: “The Right to Development is fundamentally linked to the availability of resources. Developing countries continue to face severe financial constraints, exacerbated by the external debt burdens, and limited access to concessional financing mechanisms. We call for the reform of the global financial architecture to create an environment that supports development finance, particularly for the developing countries. In this regard, the Pact for the Future has called for the mobilization of international support, including through official development assistance (ODA), contribution of international financial institutions and North-South cooperation, to create a fair and transparent system that provides all nations with the tools they need to achieve development goals...”

We believe that adoption of a legally binding instrument on the Right to Development during the 79th session would not only operationalize the Right to Development but also ensure the implementation of various actions outlined in the Pact of the Future. Pakistan remains committed to working with all Member States for the adoption of Covenant on the Right to Development during this session. We would like to reiterate that the Right to Development is not and has never been an abstract ideal, it is fundamental human right. When realized, can lead to a world where our current and future generations can live a life of dignity, free from poverty, social injustice, and discrimination.”

South Africa (including remarks on behalf of the Africa Group, 45:43-50:37): “The Right to Development is a unique human right as it manages to be both an individual human right as well as a collective one. The Right to Development seeks to address inequality amongst people, but in doing so, needs to be cognizant of the same inequality that exists among states. This is a difficult barrier to overcome, as inequalities among states are not merely political or economic, they are structural and perpetual. The Right to Development would seek to address and possibly disrupt the systemic barrier in a manner that upholds the values and worth of all people. The global political landscape determines the potential of states to realize the economic, social and cultural rights of its people.”

The 2024 UNCTD data reflects a widening gap between wealthy countries and developing countries due to the inherently exploitative system that ignores the Right to Development as a human right. The Right to Development recognizes that equitable sharing of resources amongst countries and a fair and just distribution amongst the people of the world is based on human rights. In essence, upholding this right is a commitment to social justice, participatory democracy and the betterment of humanity as a whole. It implies that nations, particularly those that have been historically marginalized or exploited, have the right to forge their own developmental path without external interferences that negate their best interests. In the era of globalization, where actions in one part of the world can have repercussions in another, the Right to Development stresses the shared responsibilities of nations. It is therefore a call for states to support developing nations, not from charity or misplaced obligation, but as a commitment to global justice and stability.”

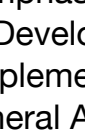
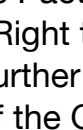
Egypt (1:04:14-1:09:32): “The promotion and protection of human rights for all requires the recognition of the Right to Development as an individual and collective right, most appropriate the iteration of all human rights... The Right to Development is the most appropriate tool to address the human rights perspective in achieving the SDGs, in particular, in operationalizing the duty to cooperate and international cooperation mechanisms that are cognizant of and respond to the specific needs and circumstances of developing countries and their levels of development... The issue of the impact of foreign debt on the enjoyment of human rights, in particular, the Right to Development, remains a major concern for developing countries, as well as the inherent deficiencies and inequalities in the governance and functioning of the international financial architecture.”

It is to be noted that human rights should not be used as a conditionality impeding access of developing countries to financing of their development priorities... [T]he principle of common but differentiated responsibility is a corner principle of our collective commitment towards achieving development for all, leaving no one behind... We agree on the need to reform the international financial architecture and ensuring equitable access to funding and financing by developing countries without discrimination based on the principle of common but differentiated responsibility to achieve climate justice. However, we do not agree that this should be done through the mainstreaming of human rights per se. We take note that you mentioned in your report that the World Bank should adopt a human rights based approach in its role as the caretaker of the [Loss and Damage] Fund, as the interim caretaker of the fund, and we see that this is not the way to go.”

Indonesia (1:13:59-1:15:45): “Indonesia also attaches great attention to the importance of an international covenant on the Right to Development in ensuring the full and meaningful promotion and protection of human rights. Right to the enjoyment of human well being through development is fundamental and foundational in pursuing all aspects of human rights... Indonesia welcomes the recognition of the Right to Development in the Pact of the future adopted a month ago. Among other provisions, the Pact emphasizes the commitment to pursue human rights for all, including the Right to Development. In this regard, we are committed to support and promote the further implementation of the Pact, particularly through the work of all committees of the General Assembly.”

Brazil (1:26:53-1:29:05): “Development encompasses not only economic growth, but also advancement in the social, cultural, political, scientific and technological spheres. The Right to Development is not confined to material or economic progress, but represents a holistic enhancement of human well being. This right is fundamentally based on the indivisibility of human rights, and it states that all individuals and communities must have the opportunity to benefit from the development process. As emphasized in the report, climate change is not merely an environmental issue. It poses a significant human rights challenge. It affects the realization of civil, political, economic, social and cultural rights. The rising global temperatures disproportionately impact developing countries, particularly vulnerable communities, who often contribute the least to the problem and yet face the harshest consequences.”

EU: “Our human rights-based approach to development means that we have a strong focus on promoting efforts that reduce inequalities in accordance with the human rights principles of equality and nondiscrimination. This is in line with the commitment of the 2030 Agenda of ‘leaving no one behind’. The EU reiterates that promoting the enjoyment of all human rights, including the Right to Development is a precondition to achieve inclusive and sustainable development.”



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Contact the Editors: Barbara Adams & Julie Kim