



General Assembly

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Human Rights Council

Twenty-first session

Agenda item 3

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

Algeria*, Brazil*, Burkina Faso, China, Cuba, Djibouti, Guinea*, Iran (Islamic Republic of) (on behalf of the non-aligned movement), Mauritania, Pakistan* (on behalf of the Organization of the Islamic Cooperation), Serbia, Sri Lanka*, the former Yugoslav Republic of Macedonia*, Uruguay: draft resolution

21/... 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,

Reaffirming also Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Commission on Human Rights, Council and General Assembly resolutions on the right to development, the most recent being Council resolution 19/34 of 23 March 2012,

Recognizing the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,¹

Emphasizing the urgent need to make the right to development a reality for everyone,

Cognizant of the importance of engaging the United Nations system, including United Nations funds, programmes and specialized agencies, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, in discussions on the right to development,

* Non-Member State of the Human Rights Council.
¹ General Assembly resolution 65/1.

Recognizing that achieving the internationally agreed development goals, including the Millennium Development Goals, requires effective policy coherence and coordination,

Taking note of 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, encouraging 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, as well as 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,

Recalling that 2011 marked the twenty-fifth anniversary of the Declaration on the Right to Development,

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,

1. *Takes note* of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,² which provided information on the activities undertaken by the Office of the High Commissioner relating to the promotion and realization of the right to development in the period from December 2011 to June 2012;

2. *Requests* the Office of the High Commissioner to continue to submit to the Human Rights Council an annual report on its activities, including on inter-agency coordination within the United Nations system with regard to the promotion and realization of the right to development;

3. *Takes note* of the efforts under way in the framework of the Working Group on the Right to Development, with a view to completing the tasks entrusted to it by the Human Rights Council in its resolution 4/4, in fulfilment of the Working Group's mandate as established by the Commission on Human Rights in its resolution 1998/72 of 22 April 1998;

4. *Welcomes* the launching in the Working Group of the process of considering, revising and refining the draft right to development criteria and corresponding operational sub-criteria,³ with the first reading of the draft criteria;

5. *Takes note with appreciation* of the report of the Working Group on its thirteenth session;⁴

6. *Recalls* that the Working Group, at its thirteenth session, had before it two documents containing detailed views and comments on the draft criteria and operational sub-criteria,⁵ submitted by Governments, groups of Governments, regional groups and other relevant stakeholders, including United Nations agencies, funds and programmes and

² A/HRC/21/28.

³ See A/HRC/15/WG.2/TF/2/Add.2.

⁴ A/HRC/21/19.

⁵ A/HRC/WG.2/13/CRP.1 and 2.

institutions, as well as other relevant multilateral institutions and forums, in fulfilment of the conclusions and recommendations agreed at its twelfth session;

7. *Acknowledges* the need to have the contributions of experts and, in this context, re-emphasizes the importance of engaging further and inviting to the 14th session of the Working Group experts from with relevant United Nations agencies, funds and programmes and institutions, as well as with other multilateral institutions and forums, international organizations and other relevant stakeholders;

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8. *Also acknowledges* the need to further consider, revise and refine the draft criteria and corresponding operational sub-criteria mentioned in paragraph 4 above, as mandated by the Human Rights Council in its resolution 19/34;

9. *Decides:*

(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium 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) That the criteria and corresponding operational sub-criteria mentioned in paragraph 4 above, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

(c) That the Working Group shall take appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement;

(d) To endorse the recommendations of the Working Group as reflected in its report on its thirteenth session;⁶

(e) ~~To extend the meeting time of the Working Group from five to ten working days annually, starting with its fourteenth session, until the process of considering, revising and endorsing the draft right to development criteria and corresponding operational sub-criteria has been completed;~~ To convene a two-day informal intersessional intergovernmental meeting of the Working Group, with the participation of states, groups of states, and relevant United Nations agencies, funds and programmes and institutions, as well as other multilateral institutions and forums, and international organisations and other relevant stakeholders, with a view to improve the effectiveness of the Working Group at its 14th Session;

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(f) ~~To request the Office of the High Commissioner to organize, before the fourteenth session of the Working Group, a two-day expert workshop on the draft criteria and operational sub-criteria, with the participation of representatives of States, relevant United Nations agencies, funds and programmes, relevant international organizations, and other stakeholders, including academic experts representatives of civil society;~~

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(g) ~~To also request the office of the High Commissioner to prepare a summary of the proceedings of the workshop in the format of a conference room document, and to submit it to the Working Group at its fourteenth session;~~ To consider the extension of the meeting time of the Working Group, as appropriate;

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⁶ A/HRC/21/19, para. 47.

10. *Encourages* 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;

11. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations funds, programmes and specialized agencies, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to contribute further to the work of the Working Group and to cooperate with the High Commissioner in the fulfilment of her mandate with regard to the implementation of the right to development;

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