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*Topic area A: 'The right to development:
Achieving good governance, economic
empowerment, social equality and
inclusion'.*



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Topic Area A: The right to development: Achieving good governance, economic empowerment, social equality and inclusion

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1. Welcoming Letter

Dear Delegates,

It is our utmost pleasure and privilege to welcome you in this year's edition of the Human Rights Council. We really hope and wish that this experience will shape your way of thinking and your perception for the structure of the world we live in. Relatively, we also ask for your enthusiasm and good will, since as your Chairpersons, we want to join you in this mesmerizing and unforgettable adventure. Try to enjoy Thessaloniki as much as you can, be participative in the sessions and grab the opportunity to **bring your Thesis to the world!**

Now, it is due time to summarize what is going to be discussed in our committee this year. The 1st Topic Area of our committee: *The right to development: Achieving good governance, economic empowerment social equality and inclusion* will try to provide answers to the challenges of our modern times, namely, corruption, poverty and societal marginalization, using the dynamic of the Right to Development. The 2nd Topic Area: *Terrorism and human rights: Weighing comprehensive response with full compliance to fundamental freedoms*, will introduce you to new challenges that have emerged the last 15 years, having as a starting point the dreadful attack of 9/11 in the United States of America. Since, both topics cover a wide scope of our mandate, we kindly ask you to prepare thoroughly and dare to participate actively, despite previous experience, if existed.

It is our responsibility to provide you with the appropriate means to facilitate your research, prior and during the conference. To that end, we will be here to assist you in every part of your research, so shall you do have any questions do not hesitate to contact us. Whereas, we expect from you to read carefully both Study Guides, since they constitute the primary source of the necessary information you will need and then cautiously reflect your country's policy on well-drafted position papers that will aid you to take part in the debates. Let it be noted, that without you and your passion, success is not guaranteed.

Enclosing, we would like to ensure you, that taking the decision to participate in the Human Rights Council this year, will be an experience of a lifetime for all of us, as you will surely not regret it!

We cannot wait to meet all of you in Thessaloniki!

With Regard,
Georgios Christos Kostaras
Georgia Giannakidou
Inesa Kaso

2. Introduction to the Committee

After the end of the Second World War in 1945, the international status quo was called upon to be confronted with multi-faceted historical defies. A consequence of the Second World War was the creation of United Nations which is one of the greatest humanity's endeavors. In 1948, the General Assembly adopted a Universal Declaration of Human Rights which serves as "a common standard of achievements for all peoples and all nations"¹ in purpose of respect of human rights and freedoms and their recognition by progressive national and international measures among the Member States and the whole world.

The United Nations Human Rights Council was created to monitor the state of human rights in the world and to ensure that all are protected. As it has to ensure that everyone lives free of suffering, discrimination and violence, it brings hope for a better future and promotes the perception that the world is a global village not just in theory but in reality.

The Human Rights Council is an intergovernmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them.² The fundamental aim of the UNHRC is to introduce an "open dialogue" between countries, peoples and individuals concerning all human right issues and situations all over the world. The UN General Assembly originated the UNHRC on 15 March 2006 by the UN Resolution 60/25. The composition of the Council of 47 United Nations Member States is elected by the UN General Assembly for three years terms and it huddles at the UN Office at Geneva.

3. Introduction to the Topic

The agenda of HRC discusses the Right to Development (RTD) and the way that its protection and advancement leads to the elimination of social and economic inequalities, exclusion and the combat of inadequate governance.

¹*Universal Declaration of Human Rights*. [Online]. 2005, 217A, opened for signature 10 December 1948, entered into force 10 December 1948. [Accessed 25 December 2017]. Available from <http://www.un.org/en/universal-declaration-human-rights/>

²Office of the United Nations High Commissioner for Human Rights. United Nations *Human Rights Council*. [Online]. 2017. [Accessed 11 December 2017]. Available from <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>

More precisely: “*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, in which all human rights and fundamental freedoms can be fully realized*”.³

In this context, development is perceived as a process that aims at securing and continuously improving prosperity. As a result, the right to development gives a new dimension to the definition of development, its linkage to human rights and fundamental freedoms. From the beginning, growth was counted as the growth of per capita real income, which was used as a measure or index of the well-being that represents people’s standard of living. However, this kind of measurement proves to be inaccurate and “basic needs” should have also be taken into account. The phrase “basic needs” refers to life expectancy, infant survival, adult access to education, adult vocational training, etc.⁴

The Right to Development contributes to the assurance of the appreciation of economic, social, political and cultural development and the improvement of prosperity.⁵ The development process, which is guaranteed by the Right, is a right based process that aims to ensure free, active and democratic participation for a fair and equitable distribution of profits from development. The human person is the epicenter of the development process which empowers people to take their own decisions. The process of development should respect all human rights. In particular, development should respect the rights of participation as well as promote social justice. But in order for that to be realized, states hold primary responsibility for the Right to Development to be protected and supported both at a national level, but also through appropriate international policies and international cooperation.

³ United Nations. *Declaration on the Right to Development Article 1(1), 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from: <http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

⁴ Karin Arts, Atabongawung Tamo. *The Right to Development in International Law: New Momentum Thirty Years Down the Line?*. (2016) 63: 221. Available from: <https://doi.org/10.1007/s40802-016-0066-x>

⁵ United Nations. *Declaration on the Right to Development Article 1(1), 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from: <http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

4. List of Abbreviations

ACP	African, Caribbean and Pacific countries
CPR	Civil and Political Rights
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CHR (UN)	Commission on Human Rights
CESCR (UN)	Committee on Economic, Social and Cultural Rights
DFID (UK)	Department for International Development
DRTD	Declaration on the Right to Development
ESCR	Economic, Social and Cultural Rights
EU	European Union
FCO (UK)	Foreign and Commonwealth Office
GA (UN)	General Assembly
IE (UN)	Independent Expert (on the Right to Development)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
NIEO	New International Economic Order
NAM	Non-Aligned Movement
NGO	Non-Governmental Organisation
MDGs	Millennium Development Goals
OHCHR	Office of the (UN) High Commissioner for Human Rights
OEWG	Open-Ended Working Group on the Right to Development
OAU	Organisation of African Unity (now African Union)
OECD	Organisation for Economic Co-operation and Development
RTD	The Right to Development
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNDRTD	United Nations Declaration on the Right to Development

UNESCO	United Nations Educational, Scientific and Cultural Organization
VDPA	Vienna Declaration and Programme of Action
WB	World Bank
WTO	World Trade Organization

5. Necessary definitions

At this point we will try to analyze the terms that constitute the understanding of the content of the right to development.

These basic terms are:

5.1. Development

Development is considered beyond economics, including social, cultural and political fields, aiming at sustainable development and improvement of prosperity. Development is not only reflected in economic terms such as GDP growth, exports, aggrandizement of inflows of money and capital and industrialization. The term is interpreted in a holistic approach as an inalienable human right that boost the entire population and all the individuals to participate, contribute and enjoy full sovereignty of all natural resources and of all social, cultural and political rights⁶.

5.2. Human Person

The *human person* is the central subject, the participant and the beneficiary of development. The recognition of indivisibility and interdependence of all humans got foothold in the Declaration of the Right to Development.⁷ This right belongs to the category of rights that primarily concern individuals and, secondarily, states (individuals act as a policy makers and, with their actions, configure mindsets and policies- bottom up approach). Besides, states are not explicitly mentioned as a subject of Right to Development, however, there is a particular reference for states in the Declaration of Right to Development. Furthermore, complementary to individuals, groups and minorities are also identified as subjects.⁸

⁶ United Nations. *Declaration on the Right to Development Article 2(3), 1(1), 2(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from: <http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

⁷ United Nations. *Declaration on the Right to Development Preambular, paragraph II, Article 6(2), 9(11)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from: <http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

⁸ United Nations Human Rights Council. *Vienna Declaration and Programme of Action (VDPA): "While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights."* Para. 10. (25 June

5.3. Participation

As the human person is the center of the development process, this procedure should be free, participative and meaningful.⁹ As a key principle of governance, *participation* requires the operating action both of individuals and of civil society, in decision making processes affecting their lives. State institutions must take civil society into account both at national and at international level. Consequently, Declaration of Right to Development provides that the individuals, states and the international community formulate development policies.

5.4. Social Justice

The Declaration of the Right to Development requires that moving forward for development promotes social justice, meaning fair distribution of the benefits, equal opportunities for everyone and access to basic resources and services that goal to development.¹⁰ This way the eradication of social injustices has been achieved, which seems to be “a basic need” for the closer approach of well-being.¹¹

5.5. Self-Determination

The development implies the fully realisation of the Right of people to *self-determination*.¹² The adjective fully refers not only to the recognition of the equality of nations but also of the right of individuals, minorities and indigenous peoples to participate and enjoy the implementation and the benefits of a noticeable developmental policy.¹³

6. Historical Background

States have not always respected human rights in their development decisions and this has impaired development and contributed growing inequalities. The RTD was proposed for the very first time by Keba M'baye, a Senegalese jurist in 1972.

1993). [Online]. [Accessed 25 December 2017]. Available from:
<http://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf>

⁹ United Nations. *Declaration on the Right to Development Article 2(3), 1(1), 8(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:

<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

¹⁰ United Nations. *Declaration on the Right to Development Article 2(3)*. (4 December 1986).

[Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:

<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

¹¹ United Nations. *Declaration on the Right to Development Article 8(1)*. (4 December 1986).

[Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:

<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

¹² United Nations. *Declaration on the Right to Development Article 1(2)*. (4 December 1986).

[Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:

<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

¹³ Michele Radia, The Right to Development as a mechanism for Group Autonomy, *Washington Law Review*. [Online]. 1993, 30(7), pp.223-240. [Accessed 25 December 2017].

However, the concept of development was traced back in the international debate that took place in the 1960s and 1970s between the developing countries of the north during the decolonization era, when a number of colonies claimed and won their independence status and participated as independent members of the United Nations. These States have set up the “*Non- Aligned_ Movement*” (NAM) in order to promote a “*New International Economic Order*”¹⁴ (NIEO). Consisting of many governments with vastly different ideologies the NAM has been unified by its declared commitment to world peace and security. The First Non-Aligned Movement Summit Conference took place in Belgrade, in September 1961 and called the states to remain independent or neutral¹⁵. The NAM is recognized by the United Nations and it is consisting of 120 states. The purpose of the movement is to “*create an independent path in world politics that would not result in member States becoming pawns in the struggles between the major powers.*”¹⁶

Developing countries manage to succeed tremendous numerical majority in the General Assembly of United Nations and manage to pass the Declaration of the NIEO and the Chapter of Economic Rights and Duties of States¹⁷. It could be said that after the Cold War the international community accepted the universality of Human rights as well as their interdependence. Furthermore, according with Res 34/46 of the GA in 1979, RTD establishes as a human rights the equality of opportunity within individuals and nations.¹⁸ In 1977 the Human Rights Commission decided to pay special attention to consideration of the obstacles impeding the full realization of economic, social and cultural rights, particularly in developing countries, and recommends to the Economic and Political Council to prepare a study on the Right to development, while in 1978 UNESCO through the “*Declaration on Race and Racial Prejudice*”¹⁹ explicitly forbids the receipt of any measure which would restrict the Right to Development.

Meanwhile, the RTD was recognized in some regional, sub-regional and international organizations or legal documents. In 1981 African Union’s Charter on “Human and People’s Rights” gave legal recognition of the Right. According to Article 22, all peoples “*shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common*

¹⁴ <http://www.un-documents.net/s6r3201.htm>

¹⁵ Non-Aligned Movement [online] . [accessed 27 January 2018]. Available from: <http://www.nti.org/learn/treaties-and-regimes/non-aligned-movement-nam/> ,

¹⁶ Ibid

¹⁷ United Nation. 29/3281 Resolution: Charter of Economic Rights and Duties of States (12 December 1974) . [online] . [accessed 25 January 2018]
Available from: <http://www.un-documents.net/a29r3281.htm>

¹⁸ United Nations: Resolutions adopted by the General Assembly during its thirty- fourth session. *Alternative approaches and ways and means within the United Nations system for improvising the effective enjoyment of Human Rights and Fundamental Freedoms*. [Online]. 1979, A/RES/34/46. [Accessed 27 January 2017]. Available from: <http://www.un.org/documents/ga/res/34/a34res46.pdf>

¹⁹ United Nations Educational Scientific and Cultural Organisation. *Declaration on Race and Racial Prejudice*. [Online]. 27 November 1978. [Accessed 27 January 2017]. Available from: http://portal.unesco.org/en/ev.php-URL_ID=13161&URL_DO=DO_TOPIC&URL_SECTION=201.html

heritage of mankind” and all States “*shall have the duty, individually or collectively, to ensure the exercise of the right to development*”²⁰. ACP Group (nowadays consisting of 79 States in Africa, the Caribbean and the Pacific), and the EU through treaties have shaped a common ground for the understanding of the RTD. These two inter- regional instruments committed themselves in binding legal instruments to establish procedures and monitoring bodies for cooperation as far as it concerns developing policies and to invest resources in further exploitation of the Right.²¹

The international community came together 30 years ago to argue about the challenges affecting our world. Until then, development had been equated with economic growth only. In order to define development as an economic, social, cultural and political progress aimed the constant improvement and welfare of the entire population, the UNGA adopted in 1986 the declaration on the right to development. The UNDRTD proclaims that every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.²² Furthermore, RTD was also validated in many international fora and Conferences. The Vienna Declaration, held in 1993, incorporated references to the RTD and the UNDRTD. In a follow-up to the World Conference, in 1993 as well, the UNGA established the post of High Commissioner for Human Rights, with the task to “*promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose*” while 171 states anonymously adopted the Vienna Declaration²³. The Office of the High Commissioner created several bodies and inter-governmental Working Groups (Working Group 1993, United Nations Independent Expert on the RTD 1999-2004 and a high-level Task Force 2004-2010). In addition, back to September 2000 United Nations Millennium Summit, Heads of State and Government announced their commitment to contribute to “*make the RTD a reality for everyone and to free entire human race from want*”²⁴. Finally, on the International Conference on Finance for Development in 2002 the international community supported the development efforts of developing countries through international cooperation²⁵.

²⁰ Organization of African Unity (OAU). *The African Charter on Human and Peoples’ Rights*. (27 June 1981). [Online]. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), Available at: <http://www.refworld.org/docid/3ae6b3630.html> [Accessed 25 December 2017].

²¹ Arts (1996), pp. 37–71, Holland (2002), Bartels (2005), Arts (2008), pp. 217–250. For a relatively recent overview of the state of affairs in EU-ACP relations see Advisory Council of International Affairs (2015).

²² United Nations. *Declaration on the Right to Development Article 1(1), 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from: <http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

²³ United Nation Vienna Declaration. [online] . [accessed 27 January 2018] . Available from: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

²⁴The Human Right to Development: Between Rhetoric and Reality [online] . [accessed 27 January 2018]. Available from: https://cdn1.sph.harvard.edu/wp-content/uploads/sites/580/2012/10/spm_the_human_right_development.pdf

²⁵ International Conference on Financing of Development. [online] . [accessed 27 January 2018]. Available from: <http://www.un.org/esa/ffd/ffdconf/>

7. Analysis of sub- topics of the Agenda Item

7.1. RTD as a human right

The DRTD included the RTD, which was proclaimed at the Vienna World Conference as a 3rd generation right. The third generation consists of Rights belonging to “peoples” and concerning development, peace, humanitarian assistance and common understanding and heritage. Subsequently the Right to Development, which is an inalienable human right, is the right to a particular process of development in which all human rights and fundamental freedoms can be fully and progressively realized. It is an umbrella right, a compound of social, economic and political rights. In that way, RTD was ratified as a part of the international human right legal framework.

The UN documentation, International World Conferences, Non-Governmental and other documentations, that have recognized, adopted and contributed to the shaping of the Right but also to the legal framework of it, as it is classified so far, is as follows:

UN Documents, including Reports, Resolutions and Treaties:

General Assembly Resolutions:

47/181, 2542 (XXIV), 3201 (S-VI), 3281 (XXIX). 34/46, 128/41, 2625 (XXV).

The Commission on Human Rights Resolutions:

4 (XXXIII)/1977, 5 (XXXV)/1979, 1989/45, 1993/22, 1996/15, 1998/72, 2004/49.

International Covenant on Civil and Political Rights, 1966.

International Covenant on Economic, Social and Cultural Rights, 1966.

The Nature of States Parties Obligations (Art 2, par.1): CESCR General Comment 3, E/1991/23, Annex III, 1990.

Reports of Working Groups and Task Force:

E/CN.4/1990/9/Rev.1, Report of the Global Consultation.

E/CN.4/1994/21, second Working Group, first session.

E/CN.4/1995/11, second Working Group, second session.

E/CN.4/1996/10, second Working Group, fourth session.

E/CN.4/1997/22, the Inter-governmental Group of Experts, first session.

E/CN.4/2001/26, the open ended Working Group, first and second sessions

E/CN.4/2002/28/Rev.1, the open ended Working Group, third session.

E/CN.4/2003/26, the open ended Working Group, fourth session.

Further Legal Framework

African Charter on Human and People’s Rights, 1981.

Vienna Declaration and Programme of Action, A/CONF.157/23, July 1993.

Report of the World Summit for Social Development, Copenhagen, March 1995.

World Education Forum, The Dakar Framework for Action, “Education for All: Meeting our Collective Commitments”, 2000.

G77 South Summit Havana Programme of Action, April 2000, reproduced in



E/CN.4/2002/WG.18/CRP.

Right to Development Report (Annexes) April 2002.

Brussels Declaration and Programme of Action for the Third United Nations Conference on Least Developed Countries, A/CONF.191/12 and 11, May 2001

Durban Declaration and Programme of Action, issued 2002.

Final outcome of the International Conference on Financing for Development, Monterrey, Consensus, A/AC.257/L.13, March 2002.

African Union, The New Partnership for Africa's Development, Abuja, October 2001.

DFID, Working in Partnership with the United Nations Office of the High Commissioner for Human Rights, October 1999.

DFID, A DFID Perspective on Tackling Corruption in Development, Governance Department, February 2000.

DFID, Burma Country Strategy Paper, July 2000.

DFID, Halving World Poverty by 2015: Economic Growth, Equity and Security, September 2000.

DFID, Poverty Elimination and the Empowerment of Women, September 2000.

DFID, Realising Human Rights for Poor People, October 2000.

DFID, Better Health for Poor People, November 2000.

DFID, Achieving Sustainability: Poverty Elimination and the Environment, October 2000.

DFID, Eliminating World Poverty: Making Globalisation Work for the Poor, White Paper on International Development, December 2000.

DFID, The Challenge of Universal Primary Education, January 2001.

DFID, Addressing the Water Crisis: Healthier and More Productive Lives for Poor People, March 2000.

DFID, Meeting the Challenge of Poverty in Urban Areas, April 2000.

DFID, Ministerial Round Table on Trade and Poverty in Least Developed Countries: Capturing Gains from Trade, London, March 2001.

DFID, Making Government Work for Poor People: Building State Capability, September 2001.

DFID, Eliminating Hunger: DFID Food Security Strategy and Priorities for Action – Consultation Document, February 2002.

DFID and HM Treasury, "The Case for Aid for the Poorest Countries", March 2002

European Union, Resolution of the Council and of the Member States meeting in the Council on Human Rights, Democracy and Development of 28 November 1991, Bull, EC, vol. 24, no. 1.

OECD Development Assistance Committee, Shaping the 21st Century: The Contribution of Development Co-operation, May 1996.

World Bank, Development and Human Rights: The Role of the World Bank, 1998.

World Bank, A Review of World Bank Participatory Poverty Assessments: Consultations with the Poor, Poverty Group, World Bank, September 1999.

World Bank, Can Africa Claim the 21st Century?, 2000.

World Bank, World Development Report 2000-01: Attacking Poverty, 2001.

The legal framework, aims to define common standards of achievement for all peoples of all nations. For every State that participates and accepts the International

Decisions, the Covenants, and the international treaties, an active member of the international community, is required to comply with these standards and rules. Compliance with these obligations is the assessment tool to measure the performance of governments. The international recognition of the Right also contributed to its consolidation in the current debate in various international fora, which is an imperative stride in consolidating the right not only on a theoretical level but also on international practice.

Though the RTD has met the procedural requirements to become a new internationally recognized human right, the Declaration on the Right to Development is not a legally binding treaty. A review of other sources shows that the RTD is not legally binding under international law and that states other than parties to the African Charter on Human and Peoples' Rights cannot be held legally accountable for its implementation. This is not to deny the moral or political force the DRTD. The RTD is often interpreted as including a duty to provide international assistance, which would possibly be legally binding. This could have a considerable practical impact on development policy and practice. However, this obligation may be moral or political, but cannot be regarded as binding under international law. Finally, it can be shown that other instruments under international human rights law can be interpreted as giving rise to obligations on states equivalent, but not identical, to those that some derive from the DRTD.

7.1.1 Right holders:

According to the traditional Human Rights law approaches, individuals are the subjects and the beneficiaries of the Right, who promote, protect and accomplish the obligations that stem from the RTD. This approach totally fit in the RTD that promote people- centered development. In that way individuals but also “peoples” are the main right- bearers. The Working Group on RTD. States according with the DRTD are also right holders because they have the liability to formulate appropriate their national development policy and the obligation to international cooperation.

7.1.2 Duty holders:

The DRTD ensures that the primary duty- holder is the State. Each individual has the duty, in the realization of the RTD, to be an active member of the society and act collectively as a member of a community. The RTD provides advisory work as far as it concerns good governance that leads to the realization and implementation of the RTD. The Declaration also advices on the fulfillment of the RTD, especially on developing states, where the right has low levels of recognition and respect in practice.²⁶

7.2. Analyzing poverty eradication

²⁶ United Nations Report of the Working Group on the Right to Development. *Second Session* (5 September 1994). [Online]. E/CN.4/1994/21, pp. 9-10. [Accessed 25 December 2017. Available from:http://ap.ohchr.org/documents/dpage_e.aspx?s=103

Development is not just about GDP growth, export extension, capital inflows and rising growth. There is also the factor of human development which can be analyzed as enhancement of well-being. The right is aimed at constantly improving prosperity. It may, therefore, be the Right which contributes to poverty eradication if it is seen as an adjustment of welfare indicators with human rights standards. It is confirmed that vacant wages are spreading to some of the poorest countries in the world, while growth rates are stagnating in many of them. UN Committees on Human Rights and human rights experts recognized the need to improve prosperity and living standards through economic and social policies that promote development with equity, social justice and stability. According to this approach, development does not only include the increase of national income based on “trickle down approach”, but at state-national level, development must go hand by hand with respect for all states towards human rights and commitments for equal participation of developing countries in the world economy.

Poverty, under international human rights law, can be seen as violation of civil, political, economic, cultural, and social rights, which requires a legal commitment of each of the responsible actors and entitles the poor people as the right holders to pursue their rights. The RTD promotes social progress, recognizes the right of an adequate standard of living and actively supports the higher quality of life. In paragraph 12 of its resolution 2002/69 the Commission on Human Rights recognized that poverty eradication was one of the most important steps in order to make the right of development feasible²⁷. It also draws attention to the fact that poverty is a multidimensional problem that requires a large number of different interpretations. The RTD is a complicated aggregate of rights and this implies with the fact that if integrity of these rights implied is violated, the whole composite right to development is also violated. Efforts to eradicate poverty should be done by ensuring that development measurements will aim at improving the fulfilment of rights and access to services will have a critical and transformative impact, which in turn would foster structural improvements.²⁸ Poverty has at least two dimensions.²⁹ The first one is the popular participation at the national level, while the second one is the global consultations on development at the international level.

Article 1 paragraph 1 of Declaration of the right to development affirms that every human person is entitled to participate in, contribute to, and enjoy economic, social,

²⁷ United Nations Office of the High Commissioner of Human Rights. *The right to development, Commission on Human Rights resolution*. [Online]. 2002, E/CN.4/RES/2002/69. [Accessed 27 January 2017]. Available from: http://ap.ohchr.org/documents/alldocs.aspx?doc_id=4939

²⁸ OCHR. Realizing the Right to Development. [Online]. [Accessed 20 December 2017] . Available from: http://www.ohchr.org/Documents/Publications/RightDevelopmentInteractive_EN.pdf

²⁹ Hadiprayitno, Irene, Poverty, the Right to Development and International Human Rights Law (November 1, 2004). Civitatis Paper of the Month. Available from: <https://ssrn.com/abstract=669227> or <http://dx.doi.org/10.2139/ssrn.669227>

cultural and political development³⁰. This Declaration uses the term of popular participation that stated under article 8. Popular participation is a term of great importance in the revalidation of human rights. It is a means that contributes to justice decision-making, it creates the opportunity for people to get involved in the political, economic and social life of a nation. Not only political will, but also resources and capacities need to be ensured by the government in order to implement popular participation. Poverty itself is already a violation of the right to enjoy the process of development. Popular implementation can be a tool that can eliminate poverty on a national level. Poor people through this procedure can design their own development progress based on their own needs and prospects. States are the main actors and responsible for the realization of popular participation within the concept of the RTD and can be examined through three procedures: responsibility of the state to respect the individual, the responsibility of the state to protect by preventing other individuals or groups from violating the integrity or freedom of action and the responsibility of the state to fulfill that each person is being satisfied within their jurisdiction opportunities.³¹

The second dimension is being referred to the global consultation. The Charter of the United Nations recognized the obligation of international cooperation, by virtue of which the international community of States and multinational organizations are expected to cooperate with nation-States to enable them to fulfill the human rights of all individuals. On this idea, the Declaration of the Right to Development under article 3 paragraph 1 requires the States to “have the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development.”³² Meanwhile in paragraph 3 of the same article proclaims that the “*States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.*”³³ Moreover, the 1993 Vienna Declaration and Programme of Action, also called for cooperation as an obligation of all States. The implementation of the global consultation in order to eliminate poverty should commit on the basis of equity, empowerment and partnership. Poverty is a complex human condition characterized

³⁰ United Nations. *Declaration on the Right to Development Article 1(1), 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from: <http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

³¹ United Nations . *The Right to Development at a glance*. [Online]. 2010. [Accessed 27 January 2017]. Available from: United Nations. *Declaration on the Right to Development Article 1(1), 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from: <http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

³²United Nation Human Rights Council, *Declaration on the Right to Development*. [ONLINE]. 1986. [Accessed 25 December]. Available from: <http://www.un.org/documents/ga/res/41/a41r128.htm>

³³ United Nation Human Rights Council, *Declaration on the Right to Development*. [ONLINE]. 1986. [Accessed 25 December]. Available from: <http://www.un.org/documents/ga/res/41/a41r128.htm>

by sustained or chronic deprivation of the resources, capabilities, choices, security, and power necessary for the enjoyment of an adequate standard of living.³⁴

7.3. Good Governance and Inclusion

According to the official OHCHR website: “*the Declaration identifies obstacles to development, empowers individuals and peoples, calls for an enabling environment and good governance at both national and international levels, and enhances accountability of duty bearers - governments, donors and recipients, international organizations, transnational corporations, and civil society.*”³⁵ Although there is no commonly accepted definition on what good governance means, there is a high degree of consensus that good governance relates to political and institutional processes and outcomes serving the purposes of development.³⁶ To understand this particular term that is directly related to the Right we should bear in mind some key elements: Democratic institutions, national leadership and ownership of development process, anti-corruption and accountability mechanisms, environment induce growth and sustainable development of human.

According the resolution 2000/64 of the former Commission on Human Rights the implementation of good governance should be based on transparency and accountability and on the creation of an enabling environment conducive to the enjoyment of all human rights at the national level.³⁷ Governance is broader than institutions and includes relations between state and people. It provides the mechanisms through which collaboration can be generated across sectors. It also addresses some of the fundamental obstacles to sustainable development including exclusion and inequality. The common elements between good governance, human rights and development can be organized around the following areas: democratic institutions, service delivery, rule of law and anti- corruption.³⁸

While connecting the meaning of good governance with that of anti-corruption, it is important to remind that no political, economic or social sector is free from the effect of the corruption both at developing countries and in developed ones. Corruption is extremely difficult as it is a hidden phenomenon in our societies. Both parties in exchange of power for privileges want to keep their transaction secret. That makes it

³⁴ Committee on Economic, Social and Cultural Rights, “Poverty and the International Covenant on Economic, Social and Cultural Rights” [E/C.12/2001/10] para.8.

³⁵ United Nation Human Rights Council, A right that addresses contemporary challenges. [ONLINE]. [Accessed 25 December]. Available from:
<http://www.un.org/en/events/righttodevelopment/background.shtml>

³⁶ United Nations Development Programme. *Human Development Reports*. [Online]. 2016. [Accessed 27 January 2017]. Available from: <http://hdr.undp.org/en/content/what-human-development>

³⁷ United Nations Office of the High Commissioner of Human Rights. *The role of governance in the promotion of Human Rights, Commission on Human Rights resolution*. [Online]. 2000, E/CN.4/RES/2000/64. [Accessed 27 January 2017]. Available from:
http://ap.ohchr.org/documents/alldocs.aspx?doc_id=4760

³⁸ Human rights, the right to development, global governance. [ONLINE]. 2013.[Accessed 24 December]. Available from:

<https://sustainabledevelopment.un.org/content/documents/5138poland3.pdf>

so difficult to establish how wide and deep corruption has penetrated our economy and social life. It undermines development, prosperity, democracy, justice, rule of law, environment, health, education. Without anti-corruption measures, development goals such as healthy governance and society cannot be achieved. While applying good governance the outcomes which may arise could be peaceful, stable and resilient societies where services are delivered and reflect the needs of communities, including the voices of the most vulnerable and marginalized. Accountability is a key theme running through and underpinning many aspects of governance both vertically, from government to people, and horizontally between parts of the state, such as the executive and the judiciary.

Sustainable development will require that public officials are accountable for actions taken in the public's name and with public resources.³⁹ The mechanisms and processes of governance are being supported by international normative frameworks which include human rights standards and principles compromising actions such as urging institutions. That kind of institutions are made to carry out gender responsive planning⁴⁰ and budgeting processes, or to adopt preventive policies, such as the establishment of anti-corruption bodies and enhanced transparency in the financing of election campaigns. Participation is both a right, and a means to more sustainable development. When communities are actively engaged in their own development processes, project outcomes will be better targeted to local needs and results will be more sustainable. Political participation, freedom of association, freedom of speech and freedom of the press, are also fundamental human rights and are widely seen as development objectives. The right of participation emphasizes the involvement of the beneficiaries at all levels: formation, implementation, monitoring and evaluation of development policies. Being a cardinal principle of good governance, participation requires the state institutions to take on board the people and their civil society organizations in the decision making process vis à vis development policies.

Beginning with national implementation, states should start by shaping policies that include development processes and programs. A safety valve should be instituted to hinder the violation of any rights and measures. Besides, according to the Declaration, the violation of any right would mean violation of the RTD itself. In addition, indicators of compliance and enforcement of the right appear to work inadequately. In the case of social and cultural rights, as the RTD, efforts should be made to combine the indicators to represent real numbers and their value should be positioned to be increased by the progressive implementation of the right.

³⁹Governance for Sustainable Development, Integrating Governance in the Post. [ONLINE]. 2014. [Accessed 24 December]. Available from: <http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Discussion-Paper--Governance-for-Sustainable-Development.pdf>

⁴⁰ Global norms and standards: Governance and national planning. [ONLINE]. [Accessed 24 December]. Available from: <http://www.unwomen.org/en/what-we-do/governance-and-national-planning/global-norms-and-standards>

It is, therefore, necessary to conceive an open dialogue between state actors and civil society, whereby control at all stages of the process is ensured and overall equality ensured through the transformation of the production structure in an initial stage in order to reduce the regional, personal or interpersonal disparities and inequities. The right is also linked to increased access to sources and more efficient use of existing resources through fiscal, monetary, trade and market mechanisms. As a key principle of governance, participation requires state institutions to take account of citizens and civil society organizations in decision making policy. Hence, the creation of a favorable framework and environment that encourages genuine participation in the process of development is indispensable.

However, there is also a collective dimension of RTD. The international cooperation connects the realization of collective RTD with the duty of cooperation among states and the promotion of economic stability.⁴¹ There, the international community has to offer foreign savings, investment incentives, technological tools, institutional support to facilitate the implementation and enforcement of the right. In addition, it could contribute to the creation of new international mechanism to meet the requirements of developing countries, which the application of the right directly affects. Besides, there is the commitment of the community to allocate 0.7 of its total GDP as foreign aid to countries where it is necessary⁴².

That kind of cooperation is implied in international and in multilateral level. Industrial and post-industrial countries are committed to transparent, non-discriminatory, fair and participatory processes in both decision-making and benefit-sharing. For their part, both the developed and the developing countries are committed to accepting the human rights framework and facilitating the realization of the Right, with a view to ensuring a just, mutually beneficial international economy. Following a proposal submitted to the reports of the Independent Expert on the RTD to the Human Rights Commission, supported the creation of the mechanism called "*Development compact*" which is a tool that aims to ensures the "*reciprocity of obligations*" between the contracting parties but also the obligation of the developing countries to implement the necessary development programs.⁴³

⁴¹ Arjun Sengupta. The human right to development. *Oxford Development Studies*. [Online].23 Jan 2007. [Accessed 13 January 2013]. Available from:file:///C:/Users/USER/Downloads/sengupta2004%20(3).pdf

⁴² http://www.ohchr.org/Documents/Publications/RightDevelopmentInteractive_EN.pdf

⁴³ Arjun Sengupta. The human right to development. *Oxford Development Studies*. [Online].23 Jan 2007. [Accessed 13 January 2013]. Available from:file:///C:/Users/USER/Downloads/sengupta2004%20(3).pdf

8. Discussion of the Topic

8.1. Political debate on RTD (Southern countries vs Northern countries)

After the adoption of the United Nations' Declaration on the Right to development few action concerning the right have been made, but apart from this fact, progress had been achieved. In order to tackle the issues, the Commission on Human rights established the Open-Ended Working Group on the Right to Development.⁴⁴ An ideological and political disagreement emerged during the debate that took place between the Northern and Southern states regarding the nature of RTD, different approaches to the implementation of the Declaration, such as the duty and the rights of RTD and the relationship between human rights and development.

Issue	Northern countries	Southern countries	Other views
Nature of the right	A “combination” right which encloses all rights	A new, separate right	Right to a process
Right holder	Only an individual right, not a collective right or right of states	Mostly a collective right and a right of states	Also, a right of peoples, minorities, native groups
Duty holder	States have the primary responsibility for the realization of the RTD	Duty of the international community to provide resources. Also need a conductible international environment	Participation by non-state actors at national and international levels

⁴⁴ United Nations Economic and Social Council, Commission on Human Rights (20 March 2001). [Online]. 2001, E/CN.4/2001/26. [Accessed 21 January 2017] . Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G01/119/40/PDF/G0111940.pdf?OpenElement>

National implementation of the right	Includes national good governance, e.g.: rule of law, no corruption, freedom of expression, free markets	Includes economic growth, resources transfers and elimination of other restraints at the international level	
International economic order	This should be debated in other fora. Progress made to date to respond to demands for modifications is emphasized	CHR should discuss: decision making processes at IFIs; debt relief; market access; intellectual property rights; technology transfers; etc [Note: it is not obvious how these processes relate to the CHR or to human rights obligations]	It is legitimate to discuss the human rights perspectives of development at the international level, but this should not be politicised
Relationship between human rights and development	Violation of rights cannot be justified in the name of development. Should not prioritise basic ESC rights (such as the right to food, health and primary education). For some, the suggested prioritizing of 3 rights can be useful for practical purposes	Some argue ESC rights should be prioritized over CP rights, and that development is a pre-requisite for the realization of some rights	Millennium Development Goals can be seen enclosing ESC rights

Rights-based approach to development	Some support a rights-based approach as an element of the RTD and propose the development of human rights indicators	Some see a rights-based approach as creating new conditionalities and are cautious on human rights indicators	
Commission of Human Rights mechanism	Need to first agree on the definition of the RTD. The independent Expert should concentrate on practical assessments. Working Group should have consensual discussions. Some reject 2001 and 2002 Working Group Conclusions	Need to look at the practical realization of the RTD and should not redefine the RTD. IE should assess impact of IFIs on development. Need to discuss permanent follow-up mechanism	
Development compact	Concern at duplication with other international mechanisms; too mechanistic; not a suitable role for DAC	Some endorse it, some fear it could be used as a form of conditionality, or may decrease available resources for HIPC/ PRSP	Compact approach used elsewhere. E.g. Global Compact and MoU Rwanda/ UK
Permanent follow up mechanism	Too early to discuss, opposed to a RTD, Convention, RTD in International Bill of Rights: or to monitoring of IFIs	Options: Convention; monitoring of IFIs; annual report on the RTD or on the implementation of existing international commitments	Role of national human rights institutions/ courts in monitoring the RTD at national level

8.2. International and non-Governmental organizations

Studying in detail the international organizations that have dealt with the topic at hand, it can be seen that little development has taken place to ensure RTD applicability. It is very common at the debate to prevail politicized aspects of the issue that usually prevents practical discussion and solutions.⁴⁶ Precisely, the EU has adopted and recognized Human Rights Policy Documents such as 1991 Resolution on human rights, 1995 Decision on democracy clauses, 2000 Cotonou agreement⁴⁷. The Union owns a development agenda, recognizes specific aid for human rights projects and includes in its status Declaration a Suspension clause that aid can withdraw when human rights violations.

The World Bank has contributed to the study of the Right by expressing its views in 1998 policy paper and accepting the dialogue on the matter with other international organizations and NGOs.⁴⁸ Representative to the United Nations in Geneva has made a number of conceptual contributions to the RTD debate and argues that poverty eradication is the most effective way to implement the RTD.⁴⁹ Furthermore, the contribution of The United Nations Development Programme with the cooperation of UNICEF, UNCTAD, UNESCO, UNFPA and other UN agencies, but also the collaboration with OHCHR (1998 MoU and 1999 HURIST) project is constructive.⁵⁰

Regarding the NGOs participation in the debate on the right, we could say that it is limited because of the ambiguity surrounding the nature of the right. Most organizations that contribute to the realization and implementation of the right and are trying to facilitate intergovernmental debates are faced with aspects of the right such as: right based approaches to development, the impact of globalization on development and Human Rights, transnational cooperation for sustainable development, minority Rights, self-determination etc. Few NGOs have taken a holistic approach to the issue.⁵¹

⁴⁵ Laure- Helene Piron. *The Right to Development: A Review of the Current State of the Debate*. 2002. [Accessed 10 June 2002]. Available from: <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/2317.pdf>

⁴⁶ United Nations Development Program. *Integrating Human Rights with Sustainable Human Development*. 1998 and United Nations Development Program, *Human Development Report: Human Rights and Development*, 2000.

⁴⁷ *The Cotonou Agreement and multiannual financial framework*, 23 June 2000. [Online]. 2000/483/EC. Available from <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:r12101&from=EN>

⁴⁸ Alfredo Sfeir-Younis, Special Representative to the United Nations and the World Trade Organization, the World Bank, “*Will the RTD Ever be Fully Implemented? Conditions and Realities facing Developed and Developing Countries*”, Statement to the Open-Ended Working Group on the RTD, February 2001.

⁴⁹ World Bank, *Development and Human Rights: The Role of the World Bank*, 1998.

⁵⁰ Laure- Helene Piron. *The Right to Development: A Review of the Current State of the Debate*. 2002. [Accessed 10 June 2002]. Available from: <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/2317.pdf>

⁵¹ Rights and Humanity “*An Emerging Consensus on the Right to Development: Some Current Initiatives Relevant to the Implementation of the RTD*”, September 2000.

Such examples are Oxfam, Save the Children, Europe-Third World Centre and American Association of Jurists with main issue the Rights-based approaches to development International economic order, Harvard School of Public Health (US) Centre for Development and Human Rights, Centre for Development alternatives.

8.3. Creation of the Office of the United Nations High Commissioner for Human Rights (OHCHR)

The Right to Development is explicitly mentioned in the mandate of the Office of the United Nations High Commissioner for Human Rights which was established by the UN General Assembly on 20 December 1993 in order to provide a forum for identifying, highlighting and developing responses to today's human rights challenges, and acts as the principal focal point of human rights research, education, public information and advocacy within the United Nations. The Assembly decided that the High Commissioner for Human Rights is mandated to: *“to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose”*⁵². The OHCHR works with governments, national institutions, civil society, and regional and international organizations in order to strengthen the United Nations human rights program. It empowers people to realize their rights and assist governments in meeting their responsibilities to protect and respect these rights. As a department of the United Nations, the OHCHR is mandated to promote and protect all rights established in the Charter of the United Nations and in international human rights laws and treaties. This includes preventing human rights violations, promoting international cooperation to protect human rights, and attempting to integrate a human rights approach within all work carried out by United Nations agencies. Human rights are key to developing sustainable societies because only when people are protected by state law and free to exercise their rights can destructive cycles of poverty, discrimination and indignity come to an end. High Commissioner for Human Rights Navi Pillay has called on governments and all concerned to seize the opportunity of this anniversary to move beyond political debate and focus on practical steps to implement the Declaration.

The high-level task force on the implementation of the right, in order to assist it in fulfilling its mandate through bodies like the UN Development Group (in particular its ad hoc Working Group on the RTD and its sub-group on Common Indicators). It was established by the Commission on Human Rights, in its resolution 2004/7, and the Economic and Social Council, by its decision 2004/249, at the recommendation and within the framework of the intergovernmental Working Group on the Right to Development. The initially purpose of the task force was to develop practical tools, which would help to assess the social impact at sectors such as trade and

⁵² United Nations Human Rights Council. Eighteenth session : Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. (26 September 2011). [Online] Available from:

<http://www.ohchr.org/Documents/Issues/RtD/IntroductionRightDevelopment.ppt>

development. Thereafter, the task force by scrutinizing carefully the development criteria for the evaluation of global partnerships promoted cooperation for human rights at national, regional and international level⁵³.

9. Conclusion

The implementation of the Declaration is the subject of an ongoing debate. The year 2018 marks the Declaration's 32th anniversary. It attaches importance, for example, to the promotion of social progress and better standards of life and recognizes the right to non-discrimination, the right to participate in public affairs and the right to an adequate standard of living.⁵⁴ Yet many children, women and men – the very subjects of development – still live in dire need of the fulfilment of their entitlement to a life of dignity, freedom and equal opportunity and it is evident that minorities all over the world, particularly from developing countries, still suffer as a result of poverty stemming from violation of their right to development. This directly affects the realization of a wide range of civil, political, economic, social and cultural rights. The future of the RTD will depend on the extent to which governments are willing to address the political and practical obstacles to its implementation. The political obstacles appear in the tone and substance of the deliberations as well as the decisions of the Commission and the UNGA. The most important obstacle to implementing the RTD is the practical one, because of the lack of incentives to modify the formal policies of the international agencies and national governments and to incorporate meaningful approaches to this right in the practice of development. Efforts should be made to ensure greater consistency within the United Nations system so that human rights procedures (including the Right to Development mechanisms) and agencies developing policies on human rights, development and related-issues work together. This would enhance the contribution of the United Nations human rights system to mainstream development policy and practice. In order to revitalize the RTD and its implementation efforts.

10. Points to be addressed

- Who are the main recipients of the RTD?
- How development is interpreted through the connotation of the Right?
- Does the RTD help people to realize their human rights through development processes? In which way?
- How does the RTD spread from people to societies?

⁵³United Nations Human Rights Council. Fifteenth session : Consolidation of findings of the high-level task force on the implementation of the right to development (25 March 2010) [online] Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/125/55/PDF/G1012555.pdf?OpenElement>

⁵⁴ OHCHR. no date. Development is a human right. [Online]. [Accessed 19 December 2017]. Available from: <http://www.ohchr.org/EN/Issues/Development/Pages/Backgroundrtd.aspx>



- What is the difference between the RTD and the aggregate of all economic, social and cultural rights?
- Is the RTD an obstruction against developed countries?
- How does the globalization contribute to the realization and implementation of the Right? Which obstacle induces the economic and political competition?
- In which way the legal framework of the right should change and be implemented in order to insure new spheres of international activity?
- What kind of mechanisms, tools and practices could be extended for the recognition of the right?
- What is the role of the international NGO regarding the Right? How can they mediate between individuals and states by promoting its implementation?

11. Bibliography

Alfredo Sfeir-Younis, Special Representative to the United Nations and the World Trade Organization, the World Bank, “*Will the RTD Ever be Fully Implemented? Conditions and Realities facing Developed and Developing Countries*”, Statement to the Open-Ended Working Group on the RTD, February 2001.

Arjun Sengupta. The human right to development. *Oxford Development Studies*. [Online].23 Jan 2007. [Accessed 13 January 2013]. Available

from:file:///C:/Users/USER/Downloads/sengupta2004%20(3).pdf

Arjun Sengupta. The human right to development. *Oxford Development Studies*. [Online].23 Jan 2007. [Accessed 13 January 2013]. Available

from:file:///C:/Users/USER/Downloads/sengupta2004%20(3).pdf

Arts (1996), pp. 37–71, Holland (2002), Bartels (2005), Arts (2008), pp. 217–250. For a relatively recent overview of the state of affairs in EU-ACP relations see Advisory Council of International Affairs (2015).

Available from: <http://www.un-documents.net/a29r3281.htm>

Committee on Economic, Social and Cultural Rights, “Poverty and the International Covenant on Economic, Social and Cultural Rights” [E/C.12/2001/10] para.8.

Global norms and standards: Governance and national planning. [ONLINE]. [Accessed 24 December].

Available from: <http://www.unwomen.org/en/what-we-do/governance-and-national-planning/global-norms-and-standards>

Governance for Sustainable Development, Integrating Governance in the Post. [ONLINE]. 2014. [Accessed 24 December]. Available from:

<http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Discussion-Paper--Governance-for-Sustainable-Development.pdf>

<http://www.un-documents.net/s6r3201.htm>

Human rights, the right to development, global governance. [ONLINE]. 2013.[Accessed 24 December]. Available from:

<https://sustainabledevelopment.un.org/content/documents/5138poland3.pdf>

International Conference on Financing of Development. [online] . [accessed 27 January 2018].

Available from: <http://www.un.org/esa/ffd/ffdconf/>

Karin Arts, Atabongawung Tamo. *The Right to Development in International Law: New Momentum Thirty Years Down the Line?*. (2016) 63: 221. Available from:<https://doi.org/10.1007/s40802-016-0066-x>

Laure- Helene Piron. *The Right to Development: A Review of the Current State of the Debate*. 2002. [Accessed 10 June 2002]. Available from: <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/2317.pdf>

Laure- Helene Piron. *The Right to Development: A Review of the Current State of the Debate*. 2002. [Accessed 10 June 2002]. Available from: <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/2317.pdf>

Michele Radia, The Right to Development as a mechanism for Group Autonomy, *Washington Law Review*. [Online]. 1993, 30(7), pp.223-240. [Accessed 25 December 2017].

Non-Aligned Movement [online] . [accessed 27 January 2018]. Available from:

<http://www.nti.org/learn/treaties-and-regimes/non-aligned-movement-nam/> ,

OCHR. Realizing the Right to Development. [Online]. [Accessed 20 December 2017] . Available from:http://www.ohchr.org/Documents/Publications/RightDevelopmentInteractive_EN.pdf

Hadiprayitno, Irene, Poverty, the Right to Development and International Human Rights Law (November 1, 2004). Civitatis Paper of the Month. Available from: <https://ssrn.com/abstract=669227> or <http://dx.doi.org/10.2139/ssrn.669227>

Office of the United Nations High Commissioner for Human Rights. United Nations *Human Rights Council*. [Online]. 2017. [Accessed 11 December 2017]. Available from

<http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>

OHCHR. no date. Development is a human right. [Online]. [Accessed 19 December 2017]. Available from: <http://www.ohchr.org/EN/Issues/Development/Pages/Backgroundrtd.aspx>

Organization of African Unity (OAU). *The African Charter on Human and Peoples' Rights*. (27 June 1981). [Online]. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), Available at: <http://www.refworld.org/docid/3ae6b3630.html> [Accessed 25 December 2017].

Rights and Humanity "An Emerging Consensus on the Right to Development: Some Current Initiatives Relevant to the Implementation of the RTD", September 2000.

The Cotonou Agreement and multiannual financial framework, 23 June 2000. [Online]. 2000/483/EC. Available from <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:r12101&from=EN>

¹The Human Right to Development: Between Rhetoric and Reality [online] . [accessed 27 January 2018]. Available from: https://cdn1.sph.harvard.edu/wp-content/uploads/sites/580/2012/10/spm_the_human_right_development.pdf

United Nation Human Rights Council, *Declaration on the Right to Development*. [ONLINE]. 1986. [Accessed 25 December]. Available from: <http://www.un.org/documents/ga/res/41/a41r128.htm>

United Nation Human Rights Council, *Declaration on the Right to Development*. [ONLINE]. 1986. [Accessed 25 December]. Available from: <http://www.un.org/documents/ga/res/41/a41r128.htm>

United Nation Human Rights Council, A right that addresses contemporary challenges. [ONLINE]. [Accessed 25 December]. Available from: <http://www.un.org/en/events/righttodevelopment/background.shtml>

United Nation Vienna Declaration. [online] . [accessed 27 January 2018] . Available from: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

United Nation. 29/3281 Resolution: Charter of Economic Rights and Duties of States (12 December 1974) . [online] . [accessed 25 January 2018]

United Nations . *The Right to Development at a glance*. [Online]. 2010. [Accessed 27 January 2017]. Available from: United Nations. *Declaration on the Right to Development Article 1(1), 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from: <http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations Development Program. *Integrating Human Rights with Sustainable Human Development*. 1998 and United Nations Development Program, *Human Development Report: Human Rights and Development*, 2000.

United Nations Development Programme. *Human Development Reports*. [Online]. 2016. [Accessed 27 January 2017]. Available from: <http://hdr.undp.org/en/content/what-human-development>

United Nations Economic and Social Council, Commission on Human Rights (20 March 2001). [Online]. 2001, E/CN.4/2001/26. [Accessed 21 January 2017] . Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G01/119/40/PDF/G0111940.pdf?OpenElement>

United Nations Educational Scientific and Cultural Organisation. Declaration on Race and Racial Prejudice. [Online]. 27 November 1978. [Accessed 27 January 2017]. Available from: http://portal.unesco.org/en/ev.php-URL_ID=13161&URL_DO=DO_TOPIC&URL_SECTION=201.html

United Nations Human Rights Council. Eighteenth session : Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

United Nations Human Rights Council. Fifteenth session : Consolidation of findings of the high-level task force on the implementation of the right to development (25 March 2010) [online] Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/125/55/PDF/G1012555.pdf?OpenElement>

United Nations Human Rights Council. *Vienna Declaration and Programme of Action (VDPA)*: "While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights." Para. 10. (25 June 1993). [Online]. [Accessed 25 December 2017]. Available from: <http://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf>

United Nations Office of the High Commissioner of Human Rights. *The right to development, Commission on Human Rights resolution*. [Online]. 2002, E/CN.4/RES/2002/69. [Accessed 27 January 2017]. Available from: http://ap.ohchr.org/documents/alldocs.aspx?doc_id=4939

United Nations Office of the High Commissioner of Human Rights. *The role of governance in the promotion of Human Rights, Commission on Human Rights resolution*. [Online]. 2000,

E/CN.4/RES/2000/64. [Accessed 27 January 2017]. Available from:http://ap.ohchr.org/documents/alldocs.aspx?doc_id=4760

United Nations Report of the Working Group on the Right to Development. *Second Session* (5 September 1994). [Online]. E/CN.4/1994/21, pp. 9-10. [Accessed 25 December 2017. Available from:http://ap.ohchr.org/documents/dpage_e.aspx?s=103

United Nations Report of the Working Group on the Right to Development. *Second Session* (5 September 1994). [Online]. E/CN.4/1994/21, pp. 9-10. [Accessed 25 December 2017. Available from:http://ap.ohchr.org/documents/dpage_e.aspx?s=103

United Nations. *Declaration on the Right to Development Article 1(1), 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations. *Declaration on the Right to Development Article 1(1), 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations. *Declaration on the Right to Development Article 1(1), 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations. *Declaration on the Right to Development Article 1(1), 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations. *Declaration on the Right to Development Article 2(3), 1(1), 2(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations. *Declaration on the Right to Development Article 2(3), 1(1), 8(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations. *Declaration on the Right to Development Article 1(2)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations. *Declaration on the Right to Development Article 2(3)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations. *Declaration on the Right to Development Article 8(1)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from:<http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations. *Declaration on the Right to Development Preambular, paragraph II, Article 6(2), 9(11)*. (4 December 1986). [Online]. A/GA/RES/ 41/128. [Accessed 25 December 2017]. Available from: <http://www.ohchr.org/Documents/ProfessionalInterest/rtd.pdf>

United Nations: Resolutions adopted by the General Assembly during its thirty- fourth session. *Alternative approaches and ways and means within the United Nations system for improvising the effective enjoyment of Human Rights and Fundamental Freedoms*. [Online]. 1979, A/RES/34/46. [Accessed 27 January 2017]. Available from: <http://www.un.org/documents/ga/res/34/a34res46.pdf>

Universal Declaration of Human Rights. [Online]. 2005, 217A, opened for signature 10 December 1948, entered into force 10 December 1948. [Accessed 25 December 2017]. Available from <http://www.un.org/en/universal-declaration-human-rights/>

World Bank, Development and Human Rights: The Role of the World Bank, 1998.