

Solidarity Rights

Development: A Fundamental Human Right

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It is a melancholy thing to say, but even a preliminary survey of the birth and development of the international human rights system shows plainly that the right to development has been pushed to the margins, and that the machinery for giving it effect has been circumscribed by every available means, so as to preserve a world in which extreme poverty and obscene wealth pass for the ordinary run of things: a wretched arrangement that divides the world into zones of uneven growth and into gaps that widen ever further between peoples and countries.

A report by the World Institute for Development Economics Research of the United Nations University (2006) found that the wealthiest one per cent of the earth's population own 39.9 per cent of our planet's wealth. Documented statistics today show that less than one per cent own more than 44 per cent of global wealth, while Oxfam confirms that 80 individuals hold an amount of wealth equal to that held by three and a half billion human beings. And while this paper was being revised, it was reported that Elon Musk's fortune had reached one trillion dollars.

What is the use of going on parading catastrophic figures that have turned into mere numbers, stirring neither indignation nor protest in those who hear them, or of drawing yet more comparisons between the richest states and the poorest? The facts are not merely shocking; they cast doubt on whether there exist any shared human values capable of moving those who govern this world.

As the encyclopaedia Close Scrutiny of Human Rights records, it was Father Lebreton, a man who took a close interest in the condition of the Third World and advised the Colombian and Algerian governments, who first pressed the idea

of a right to development in the corridors of the United Nations from the early 1960s, and who proposed a development code, a Code de développement, resting on **the need to establish an ethics of development on which to found an international text recognizing the right of all peoples to development and the necessity of solidarity for the sake of development** .

In the early 1970s the Senegalese jurist Keba Mbaye argued for the right to development as a right belonging to human beings and to peoples alike. In 1977 the right to development reached the agenda of the United Nations Commission on Human Rights. In the same year Karel Vasak had put forward a draft new charter of solidarity rights, gathering under it what he called **the third generation of rights** :the right to peace, the right to development, the right to a sound environment and the right to the common heritage of mankind. In the 1980s Theo van Boven argued for a structural approach to human rights, resting on the need for human rights to engage with the structural factors bound up with them, such as the character of the national and international orders within which those rights find expression, and on examining how policies and strategies aimed at correcting the imbalance in existing structures might be brought into line with human rights standards. In 1986 I presented“ **A Multi-field Approach to Human Rights** ”at a seminar of the French section of Amnesty International. That approach starts from the premise that“ *the absence of the most basic human rights in most countries of the South **does not rest on a legal measure or a political decision alone** ;and although those two dimensions do play an important part in curbing political arbitrariness and social injustice, there is a set of societal, state-related and cultural factors which it is our duty to dissect and to take apart mechanism by mechanism ,so that we may open the way to conditions ripe for the advancement of fundamental freedoms and human rights*”.

The Declaration on the Right to Development (1977 to 1986) was debated, as Abdelaziz Nouaydi describes it“ ,**within a political framework that was at once all-encompassing and in flux** :at the opening of the discussions in

1977 the momentum behind the demand for a new international economic order was still present, before it began to recede from the early 1980s; meanwhile the socialist states were entering the start of the transition period, and from the early 1980s the preoccupation of the strongest among them, the Soviet Union, became its insistence on international peace, as the debate will show; while the capitalist states went on insisting on the primacy of civil and political rights, differing among themselves between the most orthodox, which separated human rights from the demands of development, such as the United States and the United Kingdom, and those readiest to reconcile the two, such as France and the Netherlands.” **Resolution 32/130 of 1977 has the merit of having endorsed support for a new universal approach to human rights within the United Nations, one that moves beyond the Western cast of its earliest texts, by affirming :the interdependence and indivisibility of all human rights; the need for a comprehensive view that takes account of the general setting of different societies; the link between human rights and the rights of peoples; the strengthening of human dignity in the process of social progress; and the treatment of the new international economic order as an essential element in the realization of human rights** .In the same year the Commission on Human Rights adopted a resolution recommending a study of“ **the international dimensions of the right to development as a human right** .”In 1981 the Commission set up a special working group on the right to development. The General Assembly adopted the Declaration on the Right to Development by a majority of 146 votes against the single vote of **the United States of America** with 8 states absent from the vote, among them Israel, the United Kingdom and Japan.

What accounts for the American singularity on the right to development?

Successive American administrations have refused to work with others except at the domestic pace set by their own citizens and by the weighty economic and demographic lobbies within the country. Hence their lateness in condemning racial discrimination and in accepting certain civil rights, their

inability to this day to deal with the idea of economic and social rights, and their failure to enter seriously into any enrichment of cultural rights. Noam Chomsky reports the view of these rights taken by the American ambassador to the United Nations, Jeane Kirkpatrick“ :*a letter to Santa Claus. Neither nature, experience, nor probability informs these lists of ‘entitlements’, which are subject to no constraints except those of the mind and appetite of their authors* .¹”The same battle was waged by the American ambassador Morris Abram, who rejected the very phrase ‘right to development’ and insisted that everything connected with it is trivial to the point of doing harm at the level of individuals and of groups². The unyielding positions of successive American administrations on environmental protection conventions are well known.

The issuing of the Declaration was the first step at the global level towards acceptance of the right to development. And a declaration, in the language of the United Nations, means“ **a formal and solemn instrument, suitable for rare occasions when principles of great and lasting importance are being enunciated** .”And as our colleague Dr Mohammed Amine Al-Midani puts it“ :*a legal instrument in which fundamental principles of enduring value are proclaimed .A declaration carries no binding legal force; its value is moral*”.

Article 1 of the United Nations General Assembly Declaration on the Right to Development, of 4/2/1986, affirms the following:

.1“**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.**

.2**The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the**

.Cited in: Noam Chomsky, *Le Bouclier américain, Le Serpent à Plumes*, 2002, Paris, p. 32 ¹

.Ibid ²

relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.”

But in an age of advanced covenants, committed treaty bodies and binding mechanisms, can we really stop at a moral declaration?

The Declaration defined the development process as a comprehensive process with economic, social, cultural and political dimensions, aimed at the constant improvement of the well-being of the entire population and of all individuals, and through which human rights and fundamental freedoms may be realized .But how is this fine language to make its way off the page?

From 1990 the United Nations Development Programme (UNDP) began issuing an annual report on human development in the world, in an attempt to draw the lessons of earlier experience and to establish what had become of aid and of national, regional and global programmes. The first Human Development Report defined it thus :**it is a process of enlarging people’s choices by increasing human capabilities and human functionings. In it we may read a link between the various human rights and the concept of human development, which means that people should lead a long and healthy life, be endowed with knowledge, and have access to the resources needed for a decent standard of living.**

Under this Declaration, the right to development means the right of every human person, as the central subject of development, to take an active part in and to contribute to economic, social, cultural and political development in which all human rights can be respected, and to enjoy that development.

It may be said that the emergence of the new approaches to development has succeeded in moving beyond the concept of development as it was framed sixty years ago in the debates of economists and of the international development institutions. It is now agreed that the inherited, conventional

development model rests on assumptions that no longer hold :**steady economic growth, predictable geopolitical approaches, a rules-based order and the notion of ever-expanding public resources.**

The strength of this new concept flows from the fact that the person is an active agent in the development process and not merely an onlooker. Development programmes concern them; they have a view of those programmes and a right to take part in them. And just as anyone who plants and tends a crop has a claim to its fruits, it is only natural that they should have the right to enjoy their human rights in full within the development process.

Debate continued in the Commission on Human Rights after this Declaration, and bore fruit on 4 March 1993 in the Commission's adoption of **a resolution establishing a working group on the right to development** whose mandate covers:

- identifying the obstacles that impede the right to development and its realization,

- making recommendations on the ways and means directed at the realization by all states of the right to development. The **Vienna Conference called on the working group to formulate comprehensive and effective measures to clear away the obstacles standing before the realization and the embodiment of the right to development.**

In 1996 the Commission established a new group to draw up a strategy of action in the light of the previous group's consultations. It was followed by a further working group, for three years, in 1998. It may be said that United Nations bodies have begun to grow accustomed to“ **a rights-based concept of development, that is, a concept in which activities are not confined to being merely human needs but are a means for society to discharge its duty towards the fundamental rights of the individual: in the relationship between the individual and the state, the concept of rights attaches to the individual and the concept of responsibility to the state.**”

At the last session before the year 2000 the South African delegation argued for the proposals put forward by the non-aligned states, which they were seeking to have the working group adopt, while the European Union states insisted on treating those proposals as a working document like any other submitted to the group. The proposals of the non-aligned states include:

- Studying the question of drawing up **a convention on the right to development.**
- **Opposing the unilateral punitive measures taken by certain states.**
- Studying the effects of globalization on the right to development and the appropriate policy responses.
- International cooperation, in particular as it bears on the obligations of the developed states.
- The use of **human rights as a condition attached to loans, aid and trade, and the effect of this on the right to development.**
- The adverse effects on the right to development of financial crises in certain developed states.

An analysis of the foremost institutes and research centres working in defense of solidarity rights and sustainable development, which we may read at the very least in the statements of the Office of the High Commissioner for Human Rights and in United Nations documents and debates, points to a broad consensus that the following elements should form an integral part of the concept of development:

- (a) The realization of human potential in harmony with the community should be regarded as the fundamental objective of development;**
- (b) The human being should be regarded as the agent of the development process and not its object;**
- (c) Development requires the satisfaction of basic material and non-material needs;**
- (d) Respect for human rights is fundamental to the development process;**

- (e) The human being must be able to participate fully in shaping their own reality;**
- (f) Respect for the principles of equality and non-discrimination is essential;**
- (g) The attainment of a degree of individual and collective self-reliance must form an integral part of the process.**

Central questions nonetheless remain about the prevailing world economic order, and about whether the ambition of linking the present economic and financial system with the equitable distribution of wealth, on the one hand, and liberalism, development and human rights on the other, can in fact be realized. A wide gulf still separates the discourse of the states of the North from that of the states of the South where the economies of the poor countries are concerned. Take the question of restructuring and external debt: we note that the resolution condemning the catastrophic consequences of debt, issued by the Commission on Human Rights (1999/22), was voted for by 30 states, while 15 states, all of them from the North, stood against it, which is to say that it will remain a position recorded for history and binding on no one. The rich Western states still resort to a system of unilateral economic sanctions in their dealings with states they deem “rogue”, that is, they resort to collective impoverishment and starvation in order to deter whoever differs with them. And the system of loans that strangles the poor countries and impedes their financial independence still shackles most of the states on the periphery of the world system.

On another front, talk of the right to solidarity and to cooperation among peoples remains no more than an idealistic aspiration, finding no support whatever among the world’s economic and political decision-makers, who behave by the law of the jungle and for whom human rights are a preoccupation only in so far as they can be pressed into the battle of interests, control and influence. Hence the need to break free of the reductive reading of

human rights that shrinks them to political and civil rights, and to recast the programmes of intellectual and field work, locally and globally, by incorporating the new rights. When we say that all human beings bear a responsibility for development, individually and collectively, this means that the Northern human rights and civil society organizations in the rich countries must demand of their own countries the cancellation of the crushing debts that stand in the way of many development programmes in the countries of the South. And we should remember that the demand for a new international economic order based on sovereign equality, interdependence, mutual benefit and cooperation among all states, and on the realization of human rights, became part of the very substance of the International Bill of Human Rights once the Declaration on the Right to Development was adopted.

One of the essential tasks of global civil society is to break out of the logic of domination and of economic and social injustice, and to take an active part in giving effect to the right to development as a fundamental human right, from whose neglect the majority of the earth's inhabitants suffer, since it has been given ceremonial pride of place with no commitment and no serious action commensurate with its importance or with the bearing that the obstacles to it have on the human condition as a whole. It may be useful here to set out the obstacles to development as they appear in the encyclopaedia *Close Scrutiny of Human Rights*:

First: Poverty

Delay in treating poverty makes resisting it harder and costlier, and freedom from poverty will come only by tearing out its roots; this must therefore be set as a basic objective of development, to be pursued as a national goal and treated as one of the manifestations of economic backwardness that must be got rid of. Yet many of the world's states ignore the existence of poverty despite how widespread it is, and regard any acknowledgement of it as an accusation levelled at their governments; they consequently fail to carry out

adequate studies of the phenomenon and of the dynamics of its spread, which help to pass poverty on from one generation to the next. Poverty cannot be uprooted, nor individuals freed from it, without the combined efforts of governments, of civil societies and of the international community as well, to mount an assault on it, particularly since the world has more than enough resources to eradicate the worst forms of poverty on this planet root and branch.

So as not to remain in generalities, we set out some of the figures given by Mr Mohamed Faik at the end of the millennium on the true cost of overcoming existential problems bound up with the right to development:

“The total additional annual investment needed to make basic social services universally available in all the countries of the Third World has been put at 40 billion dollars. That is a sum representing 0.1% of world income, and to bring the picture closer still we find the following:

What is required annually for basic education in all the countries of the Third World is 6 billion dollars, whereas the cost of cosmetics in the United States alone is 8 billion dollars.

The estimated additional annual cost of universal water and sanitation for all the countries of the Third World is 7 billion dollars, whereas what is spent on ice cream in Europe alone is 11 billion dollars.

The additional cost required for reproductive health for all women is 12 billion dollars, at a time when what is spent on perfumes in Europe and the United States comes to 12 billion dollars.

What is required for basic health and nutrition is 13 billion dollars, while what is spent on pet food in Europe and the United States amounts to 105 billion dollars, on narcotics worldwide to 400 billion dollars, on military spending worldwide to 780 billion dollars and on cigarettes in Europe to 50 billion dollars (the figures are taken from the United Nations Human Development Report).”

Second: Corruption:

Corruption is “the abuse of public office for private gain”, and this definition covers the commission paid to smooth the conclusion of deals, and clientelism. There is also disguised or in-kind bribery, whether in the form of laying hands on public money or of securing senior posts for sons, in-laws and relatives in the civil service and in the public and private business sectors. Despite the consequences of these practices for developing societies, they have been reinforced by means that are dangerous and far-reaching, through the grand corruption bound up with major contracting deals, the arms trade, and the securing of commercial agencies for the large multinational international companies.

Third: Occupation and Blockade:

Occupation and settlement are among the greatest obstacles to development. A rapid review of the effect of Israeli occupation policy on the Palestinian people shows that the occupation authorities have frozen every genuine opportunity for development by obstructing projects that serve trade, such as the development of air and sea ports, roads and transport; they have also developed the policy of closure as a political instrument and used it as a means of collective punishment whenever acts of violence broke out, even where the Israelis were the ones who began them. And when Israel does permit movement for work, Palestinian workers meet with harsh treatment before they reach their places of employment, and face discrimination at work at the hands of the Israeli government.

As for the economic sanctions that constitute one of the means of punishing governments, in the most significant contemporary cases they are the clearest example of the strangling of peoples’ opportunities for development, particularly since the sanctions that have prevailed since the Second World War have rarely taken into account the question of development and their direct effects on vulnerable groups.

Fourth: The Absence of Democracy

If popular participation is a basic condition for sustainable development, then democracy is a basic condition for participation. In the Arab arena the question of participation, at both the macro and the micro level, faces numerous obstacles, some legal ,some political and some socio-cultural, and there is scarcely any difference in this between monarchical and republican systems. Taken together, these practices lead to the exclusion and marginalization of many social and political groups, women first among them.

And while it is acknowledged that civil associations play an important part in participation in the development process, these associations still face many difficulties as a result of the state's domination over them, in varying degrees, since the prevailing laws tend to give the administrative authority the right to refuse to register civil associations, to supervise their activity, to interfere in their affairs or dissolve them, and to define their fields of work and prohibit them in certain areas.

Fifth: The Marginalization of Women:

Among the obstacles to development is discrimination against women and their exclusion from full and genuine participation in development, whereby half of society is denied any part in it.

It is truly strange that, on the threshold of a new millennium, voices should be raised calling for women to be wrapped up and veiled and kept at home, for women not to mix with men in their surroundings, and to take up no work but what those voices believe suited to their nature.

It is no coincidence that the countries which deny women their rights are the most backward of all in the field of development.

Sixth: The Level of Education and Culture:

Education is the right with the greatest bearing on the realization of the remaining human rights: it is a right in itself and also the means of achieving

other rights, and it is the practical means by which marginalized groups break out of the confines of poverty and ignorance to contribute effectively to national life. Its effect reaches beyond the bounds of the present and the future, and it is therefore a guaranteed means of future investment by governments of the resources available to them, and of competing in the use of those resources within the framework of global economic competition.

The Legal Sources of the Right to Development

We may distinguish two kinds of such source: the international human rights instruments (first), and the resolutions of the various international organizations (second).

First: The International Human Rights Instruments

Among these instruments we find:

.1The International Covenant on Economic, Social and Cultural Rights (7)

Adopted by the United Nations General Assembly on 16/12/1966 and entered into force on 13/1/19967. Article 11, paragraph 1, provides as follows: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

.2The African Charter on Human and Peoples’ Rights

Adopted by the Organization of African Unity on 26/6/1981 and entered into force on 21/10/1986. Article 22, paragraph 1, provides as follows: “1. 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 heritage of mankind.”

.3The Arab Charter on Human Rights

Adopted by the Arab Summit on 23/5/2004 and not yet in force. Article 37 provides as follows: “The right to development is a fundamental human right.”

Second: Important Conferences and Resolutions

There is no doubt that the resistance blocking the adoption of an international covenant on the right to development is one of the most formidable obstacles confronting the human rights and civic movement. Yet it is necessary to point to a range of other developments: the convening of international conferences for sustainable development, regional commitments to cooperate in the fields of development, and the mounting public awareness of the importance of the right to development as one of the pillars of progress in the system for protecting human rights. The resolution taken in the Commission on Human Rights at the opening of the new century may serve as an example that we can move forward, if only a little, in spite of every obstacle; and because of its importance we set it before the reader

The right to development

Resolution 2000/5

Commission on Human Rights

Fifty–sixth session

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,**Recalling that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that**

the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

Noting that the World Conference on Human Rights reaffirmed **the right to development as a universal and inalienable right and an integral part of all fundamental human rights,**

Recognizing that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23) through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights,

Expressing its concern, more than fifty years after the adoption of the Universal Declaration of Human Rights, that the unacceptable situation of absolute poverty, hunger, disease, lack of adequate shelter, illiteracy and hopelessness remains the lot of over one billion people,

Emphasizing that the promotion, protection and realization of the right to development are an integral part of the promotion and protection of all human rights; Noting that the human person is the central subject of development and that development policy should therefore make the human being the main participant and beneficiary of development,

Stressing the importance of creating an economic, political, social, cultural and legal environment that will enable people to achieve social development,

Affirming the need to apply a gender perspective in the implementation of the right to development, inter alia by ensuring that women play an active role in the development process,

Emphasizing that the empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development,

Underlining the fact that realization of the right to development requires effective development policies at the national level, as well as equitable

economic relations and a favourable economic environment at the international level,

Welcoming in this regard the adoption by the General Assembly of the Agenda for Development, annexed to its resolution 51/240 of 20 June 1997, which declares that development is one of the main priorities of the United Nations and which aims at invigorating a renewed and strengthened partnership for development, based on the imperatives of mutual benefits and genuine interdependence, Noting with concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes, national development strategies and policies, and activities of international organizations, Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Underlining the important role of the United Nations High Commissioner for Human Rights in the promotion and protection of the right to development, as mandated in paragraph 4 (c) of General Assembly resolution 48/141 of 20 December 1993,

Recalling its resolution 1999/79 of 28 April 1999 and noting General Assembly resolution 54/175 of 17 December 1999,

Welcoming the report of the Intergovernmental Group of Experts (E/CN.4/1998/29), including the proposed strategy contained therein, and welcoming in particular the recommendation that a follow-up mechanism be established to ensure promotion and implementation of the Declaration on the Right to Development,

.1Reaffirms the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights, as well as the potential contribution its realization could make to the full enjoyment of human rights and fundamental freedoms;

.2Recognizes that the passage of more than 50 years since the adoption of the Universal Declaration of Human Rights demands that we strengthen efforts to place all human rights, and in this context the right to development in particular, at the top of the global agenda;

3. Reiterates that:

(a) The essence of the right to development is the principle that the human person is the central subject of development and that the right to life includes within it existence in human dignity with the minimum necessities of life;

)b(The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(c) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

4. Reaffirms that democracy, development and respect for human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing, and in this context affirms that:

(a) Development experiences of countries reflect differences with regard to both progress and setbacks, and that the development spectrum has a wide range, not only between countries but also within countries;

(b) A number of developing countries have experienced rapid economic growth in the recent past and have become dynamic partners in the international economy;

(c) At the same time, the gap between developed and developing countries remains unacceptably wide and developing countries continue to face difficulties in participating in the globalization process, and many risk being marginalized and effectively excluded from its benefits;

(d) Democracy, which is spreading everywhere, has raised development expectations everywhere, that their non-fulfilment risks rekindling non-democratic forces, and that structural reforms that do not take social realities into account could destabilize democratization processes;

(e) Effective popular participation is an essential component of successful and lasting development;

(f) Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social- and people-centred sustainable development;

(g) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened;

.5 Urges all States to eliminate all obstacles to development at all levels, by pursuing the promotion and protection of economic, social, cultural, civil and political rights and by implementing comprehensive development programmes at the national level, integrating these rights into development activities, and by promoting effective international cooperation;

.6 Reaffirms that all human rights are universal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured;

.7 Affirms that international cooperation is acknowledged more than ever as a necessity deriving from recognized mutual interest, and therefore that such cooperation should be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfil their obligations to promote and protect all human rights;

.8 Welcomes the intention of the Secretary-General to give high priority to the right to development and urges all States to promote further the right to development as a vital element in a balanced human rights programme;

.9Also welcomes the high priority assigned by the United Nations High Commissioner for Human Rights to activities relating to the right to development and urges the Office of the High Commissioner to continue implementing Commission resolution 1998/72 of 22 April 1998;

.10Further welcomes the decision by the Economic and Social Council to authorize the establishment by the Commission of a follow-up mechanism, consisting of an open-ended Working Group on the Right to Development and an independent expert with a mandate to present to the Working Group at each of its sessions a study on the current state of progress in the implementation of the right to development, as provided in Commission resolution 1998/72;

.11Welcomes the unanimous confirmation of Mr. M.S. Dembri of Algeria as the Chairman of the Working Group on the Right to Development and encourages the Chairman to undertake informal consultations, at his discretion, with all the relevant role players and/or interested parties with a view to preparing for the convening of the first session of the Working Group no later than the end of September 2000;

.12Also welcomes the consensus reached between all parties on the need for the Working Group on the Right to Development to convene in two sessions, of five days each, before the fifty-seventh session of the Commission;

13. Invites the High Commissioner to submit a report to the Commission each year for the duration of the mechanism, to provide interim reports to the Working Group on the Right to Development and to make those reports available to the independent expert, in each case covering: (a) The activities of her Office relating to the implementation of the right to development as contained in her mandate; (b) The implementation of resolutions of the Commission and the General Assembly with regard to the right to development; (c) Inter-agency coordination within the United

Nations system for the implementation of relevant resolutions of the Commission in that regard;

.14Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session a comprehensive report on the implementation of the various provisions of the present resolution;

.15Urges the United Nations system to continue to support the implementation of the recent resolutions of the Commission on Human Rights regarding the right to development;

.16Calls upon the Secretary-General to ensure that the Working Group on the Right to Development and the independent expert receive all necessary assistance, in particular the staff and resources required to fulfil their mandates;

.17Calls upon the Working Group on the Right to Development to take note of the deliberations on the right to development during the fifty-sixth session of the Commission and any other issue relevant to the right to development;

.18Decides to continue consideration of this question, as a matter of priority, at its fifty-seventh session.

*United Nations document E/2000/23, adopted without a vote, 46th meeting, held on 13 April 2000.

The Sustainable Development Summit in New York: extracts from an assessment by our colleague Abdulnabi Alekry

After the close of the period of the eight Millennium Development Goals strategy, which ran from 2001 to 2015 and which laid bare deep flaws in the strategy and the faltering achievement of much of it, and after regional and specialized conferences and expert meetings had been held, the United Nations Summit on Sustainable Development for the period 2015 to 2030 convened in New York from 25 to 28 September 2015 ,in order to frame the

goals of the sustainable development strategy, **distilled into 17 goals, namely:**

1– no poverty, 2 – zero hunger, 3 – good health and well-being, 4 – quality education, 5 – gender equality, 6 – clean water and sanitation, 7 – affordable and clean energy, 8 – decent work and economic growth 9 , – industry, innovation and infrastructure, 10 – reduced inequalities, 11 – sustainable cities and communities, 12 – responsible consumption and production, 13 – climate action, 14 – life below water, 15 – life on land, 16 – peace, justice and strong institutions, 17 – partnerships for the goals.

There is no doubt that the thrust of the Sustainable Development Goals, or the Global Goals, draws on the Millennium Development Goals, as in items 1, 2, 3, 4, 5 and 17, together with new goals arrived at in the light of the experience of the Millennium Development Goals and of what national, regional and global experience had brought to light: namely the need not to settle for growth and its numerical indicators, as in the Millennium Development Goals, but to aim instead at sustainable development in all its integrated components, tracked through qualitative performance indicators. It is no longer of any use, for instance, to speak of the proportion of women in public posts; the question is what kind of posts. It is no longer of any use to speak of the proportion of students enrolled at every stage of education; the question is what the quality of that education is. It is no longer of any use to speak of the rate of employment of the labour force; the question is whether the work is decent and materially rewarding. And so with the rest of these measures.

It may be said that the best results for the Millennium Development Goals were achieved in the emerging countries, namely China, India, Brazil and, to some extent, Iran, along with some of the countries of Latin America and East Asia

and the oil-producing states of the Gulf Cooperation Council, thanks to their enormous oil revenues and their small populations.

It is clear that the right to development must encompass a broad and interconnected set of goals, and that it is difficult to move towards any progress on the right to development without securing civil peace and achieving justice, and without strong, democratic institutions of government that represent the popular will and are honest, credible and free of corruption and favouritism.

On that basis we may say that these goals cannot be achieved without genuine equality between men and women, gender equality that is real and not merely formal, and this will come about only under genuinely democratic systems rather than authoritarian ones. Nor can these goals be achieved except by securing a healthy environment and sound life in the seas and in the wild, at a time when the world is witnessing a grave deterioration of the global climate at the hands of polluting industries, polluted cities, polluted rivers, polluted seas and a polluted atmosphere. Hence goal 9 calls for the restructuring of industries so that they become clean and cease to consume natural resources, and goal 11 for the sustainability of cities and communities, at a time when cities are collapsing and communities disintegrating. And hunger cannot of course be eradicated, nor poverty reduced, except by achieving goal 8, decent work and economic growth; and that will not happen amid the economic failure of many states, the failure of the post-independence systems of government across the three continents of Africa, Asia and Latin America, and even in Europe, and the disorder of the world system, which has produced a flood of civil and regional wars, the latest chapters of which are the wars our Arab homeland is witnessing in Iraq, Syria, Libya and Yemen, and conflicts in more than one Arab country from the Atlantic to the Gulf.

How, then, are these ambitious goals to be achieved in a world battered by economic crises, by savage globalization, by the disruption of the global

climate, by a flood of forced migration, by civil wars, by proxy wars, and by military coups that have once again become a recurrent event?

With the exception of a handful of responsible leaders, above all the leaders of the Scandinavian countries and of Latin America, who disclosed bitter truths and put forward constructive proposals, the majority of leaders paraded their countries' illusory achievements in implementing the Millennium Development Goals and painted a rosy picture of the implementation of the Global Goals in their countries. Meanwhile civil society organizations were given no opportunity to address the summit, among them the Advisory Council on Development appointed by the Secretary-General, whose members include the Executive Secretary of the Arab Network, our friend Ziad Abdel Samad, and likewise the Advisory Council on Interfaith Dialogue and Combating Hatred, whose members include our friend Sheikh Maytham al-Salman of the Observatory, to cite these by way of example, not as an exhaustive list.

As for many countries, especially in Africa and Asia and of course the Arab lands, neither civil society organizations nor the business sector were involved in framing and implementing the policies for carrying out the Millennium Development Goals, nor in the preparatory work for framing the 17 Global Goals. The regional preparatory conference in Bahrain, about which I have written before, is a case in point: representatives chosen by the United Nations Development Programme, such as our friend Ziad Abdel Samad, were actually barred from taking part, and of course not one of the civil society organizations of the Mashreq states concerned was included in that conference.

“The contribution of development to the enjoyment of all human rights ”

(22/06/2017)

After the New York conference, and amid the systematic neglect of the question of the right to development in United Nations forums, China submitted

to the Human Rights Council the text of a resolution under the title “The contribution of development to the enjoyment of all human rights.”

On 22 June the United Nations Human Rights Council adopted the resolution proposed by China under the title “The contribution of development to the enjoyment of all human rights”. It acknowledges the shared aspiration of the international community to build a community of shared future for mankind, and affirms that development contributes significantly to the enjoyment of all human rights. The resolution calls upon all States to realize people-centred development, of the people and for the people, and calls upon all States to strengthen international cooperation and to do their utmost to promote sustainable development, in particular within the framework of implementing the 2030 Agenda for Sustainable Development, for the part it plays in advancing the universal enjoyment of human rights. The resolution welcomes further efforts to support development initiatives with a view to strengthening partnerships, achieving outcomes satisfactory to all, and common development. More than 70 States co-sponsored the resolution.

The Draft International Covenant on the Right to Development

For at least four decades, since the Declaration on the Right to Development was issued in 1986, the need has been plain to move beyond the mere issuing of a declaration carrying no binding legal force, towards an agreement or covenant legally binding on the states that ratify it... And how many times was the idea of a draft text held back by the Western capitalist states and Japan, until a formulation was reached which the committees concerned with the right to development put forward and which is set out in the annex to this lecture.

Yet three years after it was submitted, the points of disagreement remain wide and the resistance of the “rich” states continues, so as to prevent this charter

or covenant from being adopted. The points of disagreement may be set out as follows:

The proposed international covenant on the right to development is the subject of a deep geopolitical divide at the United Nations. On one side, the developing states (led by the Group of 77 and the Non-Aligned Movement, and with active support from China) are pressing for its final adoption. On the other, the Western states (the United States, the European Union and the United Kingdom) are strongly opposed or voice serious reservations.

The following are the five main points that stand in the way of reaching a global consensus on this text:

1. The legal nature of the text (binding or declaratory): the developing states demand that this text become a legally binding international treaty. They hold that the simple non-binding declaration issued in 1986 failed to reduce global inequalities, and that a legal mechanism is now needed to hold states to account. The Western states categorically refuse to give it the force of law. They argue that development is a political or economic objective or aspiration, and not a “human right” capable of codification in the way that the prohibition of torture or freedom of expression are.

2. The shifting of responsibility (international obligations versus national obligations): the states of the Global South insist on mandatory international cooperation (article 13 of the draft). On their reading, the rich states bear a legal responsibility to assist the developing states through technology transfer, reform of the global financial system, and direct financial assistance with no political price attached. The Western states hold that the text seeks to shift responsibility for national economic failures onto external parties. They maintain that the primary responsibility for development rests with each state, which

must establish good governance, combat corruption and apply the rule of law in order to attract investment.

3. The ordering of rights (collective versus individual): the states of the Global South promote a collective approach in which the right of “peoples and nations” to economic development is treated as a precondition. The argument, most often advanced by China, is that the individual cannot enjoy his rights while living in extreme poverty. The Western states fear that the notion of “collective rights” will be used as a pretext by authoritarian regimes to violate individual civil and political rights, freedom of the press, free elections and human rights, in the name of the requirements of economic growth or of state infrastructure projects.

4 Global economic governance and debt: the states of the Global South want provisions written into the text calling for comprehensive reform of the global financial architecture, including binding relief of sovereign debt and the strengthening of international tax justice .The Western states hold that the United Nations Human Rights Council has no competence to regulate the world economy, and that these questions must remain exclusively within the remit of specific institutions such as the International Monetary Fund, the World Bank and the World Trade Organization, where the principal decision-making authority lies.

.5The responsibility of multinational corporations: the states of the South support the draft provisions imposing direct obligations on multinational corporations, which are often headquartered in the North, to respect human rights and the right to development. The Western states prefer approaches based on voluntary participation, such as the United Nations Guiding Principles on Business and Human Rights, and oppose the creation of direct international legal obligations for private actors in a treaty of this kind.

There is no use lamenting what is past, or the state to which the condition of humanity, and of the Arabs in particular, has come, a deterioration so far gone that barbarity has returned ,embodied in the dictatorial regimes and in the *takfiri* movements, which are co-opted as soon as they accept the rules of the neo-liberal game and of the unipolar order.

It remains for the democratic political forces and for the community, social, trade union, human rights, environmental, gender and relief movements, among others, to hold fast to the 17 Sustainable Development Goals and to struggle for their achievement. The way in, directly, is to halt savage globalization and the carving up of the world, to halt civil wars and proxy wars, and to hold to account the despotic and corrupt regimes and, of course, the traders in war and arms and those who are corrupt: that is, to implement the decisions and goals of the United Nations and the genuine international conventions and treaties. At the same time, and although we know that under the present world order, and given the condition of most Third World systems of government, the Global Goals cannot be implemented, we must nevertheless track how far these goals are being implemented, and hold governments, parliaments, parties and state institutions to account on the basis of the adopted indicators and not of loose reporting.

There is a need for a global coalition of civil society organizations, of the states that defend solidarity rights, and of the business sector that holds to the role of local productive human power, of environmental protection and of peace: an alliance extending from the national arena out to the world, to accomplish the tasks set out above. Otherwise the failure of the Global Goals will repeat the failure of the Millennium Development Goals.

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