The right to development – why is this controversial, how to overcome differences, and how to make a meaningful contribution to the realisation of the SDGs?

Concept note

In 1986, UN Member States proclaimed the ‘Declaration on the Right to Development.’

The Declaration stated that everyone is ‘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.’ The Declaration also confirms that ‘States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development.’

The right to development (R2D) is not about charity, but enablement and empowerment. 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 organisations, transnational corporations, and civil society.

2016 marks the Declaration’s 30th anniversary. Yet today 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. Widening poverty gaps, food shortages, climate change, global financial crises, corruption and the misappropriation of public funds, armed conflicts, rising unemployment, and other pressing challenges represent a collective failure to realise the right to development. And that failure in turn, directly affects the realisation of a wide range of civil, political, economic, social and cultural rights.

So what has happened?

One answer is that instead of working together to find ways to collectively and cooperatively realise the right to development, States remain divided between, on the one side, proponents of the right, who assert its relevance (or even primacy) and, on the other, sceptics (and rejectionists), who relegate the right to secondary importance, or deny its existence entirely. “Unfortunately,” according to former High Commissioner Navi Pillay, “while generating plenty of academic interest and stimulating political theatre, that debate has done little to free the right to development from the conceptual mud and political quicksand in which it has been mired all these years.”
At the Human Rights Council, these divisions play out, *inter alia*, through regular voted resolutions on the right to development, and slow and divided work in the Intergovernmental Working Group on R2D.

In 2016, following the adoption of the Sustainable Development Goals (which explicitly recognise the right to development) and the Paris Agreement on climate change, a new opportunity exists to consign three decades of division over the right to development to history, and replace it with a common understanding among States as to what the right to development is, what it means, why it is important, and how it should be realised.

Indeed, the development of such a consensual understanding is vital to realising the SDGs, including SDG16 on peace, justice and strong institutions (which, like the right to development, emphasises procedural and participatory rights, access to information, equality and non-discrimination).

The third Friday Exchange policy dialogue will seek to contribute to such a realignment and to bridge-building between States, by creating a safe (informal) space for States to confront misconceptions, clarify and exchange views on national positions, bridge differences, and identify consensual outcomes; and by presenting an objective and balanced analysis of the parameters of the debate today, and discussing possible ways forward. This aims to help the international community to move beyond the many myths, distortions and misunderstandings that have plagued the right to development since its codification in 1986, and move towards concrete, practical outcomes that help realise the right to development together with all other rights, and in-so-doing help realise the SDGs.

In the opinion of the URG, the basis for such a common and consensus-based understanding is present. There is nothing dangerous or radical in the Declaration on R2D. Indeed, the Declaration’s founding premise: that each and every individual has the right “to participate in, contribute to, and enjoy economic, social, cultural and political development” (article 1), is something that every Government should be able to support. Likewise, the basic constituent elements of the right to development are difficult to fault:

- **People-centred development** - The Declaration identifies “the human person” as the central subject, participant and beneficiary of development.
- **Universality of Human Rights** - The Declaration specifically requires that development be carried out in a manner “in which all human rights and fundamental freedoms can be fully realized”.
• **Participation** - The Declaration calls for the “active, free and meaningful participation” of people in development.
• **Equity** - The Declaration underlines the need for “the fair distribution of the benefits” of development.
• **Non-discrimination** - The Declaration permits “no distinction as to race, sex, language or religion.”
• **Self-determination** - The Declaration integrates self-determination, including full sovereignty over natural resources, as a constituent element of the right to development.

Indeed, many of these elements are very similar to the targets contained in SDG16 and promoted by the 2030 development framework as key contributors to sustainable development that ‘leaves no one behind.’

Key questions for the Friday Exchange:

1. How to move beyond the myths and misunderstandings that continue to undermine the realisation of the right to development?
2. How can the global consensus on the SDGs serve as a commonly agreed point of departure to also create a common, consensus-based analytical framework for understanding the R2D? And can this in turn provide the basis for the identification of common actions to take forward the right, and thus to help realise the 2030 SDGs, especially SDG16?
3. How to create an inclusive space for all stakeholders to explain positions, present concerns, and overcome differences; with the end goal of helping the international human rights community speak with one voice and to make a meaningful contribution to the realisation of the SDGs?
4. Is it possible to use such inclusive discussions on R2D as a doorway to a wider discussion on how the UN human rights system can contribute to the realisation of the SDGs? For example, work is currently being done to align international human rights reporting systems (i.e. periodic reporting on the implementation of recommendations) and the development of human rights indictors, with relevant systems and indictors in the context of the 2030 SDGs.